

**Submission
No 161**

**INQUIRY INTO REGULATION OF BUILDING
STANDARDS, BUILDING QUALITY AND BUILDING
DISPUTES**

Name: Mr John Bush

Date Received: 28 July 2019

We seek to present to the Parliamentary Committee case examples of how the system fails the Environmental Planning and Assessment Act 1979 using Compliance Policy and guidelines, Planning Panel Consents and Council Conditions of Consent.

The case examples are representative of normal practice at Sydney City, North Sydney, Waverley Council and Georges River Council.

We understand the Parliamentary Inquiry Committee will focus on the role of private certification in protecting building standards, the adequacy of consumer protections for owners of new buildings, limitations on insurance and compensation schemes.

Due to the inordinate failure of the system the Committee must widen the terms of reference scope to investigate Council's tacit approval of incompetence, corruption, policies and practices which must include justification of FSR rorting achieved by mandatory design competitions and competitive design competitions

The enormity of the stated issues arising for the Committee regarding new buildings is dwarfed in number, costs and devastation inflicted on single building residents, small developments, duplexes and neighbours of single dwellings.

"We want to see the public's submissions on this because some politicians think it's just Mascot and Opal Towers, but there are hundreds of thousands of these across the state," Mr Shoebridge told AAP on Thursday.

"This is a chance for people to speak directly to politicians and set out the scale of the problem."

Devastation and subsequent consequences are being forced onto home owners arising from incompetent and at times corrupted Council accepted /endorsed practices of Certification and the Planning Panel Assessment System. Council compliance is as simple as "suitably qualified person writing a letter and submitting a few photos."

At this stage Council's non -compliance issues become the responsibility of the aggrieved to litigate.

Council's Development Application Conditions of Consent and Compliance Policies are intentionally written / composed to obviate or deny any risk to Council either financially or legally. (see attached Sydney City Council & North Sydney Council policies and response letters) The Risk Management Protocols adopted by Council's such as Sydney City's and North Sydney's Compliance Policy and guidelines (attached) specifically preclude financially the ability of home owners to seek justice, rectification or compensation. The only avenue available to the aggrieved is to litigate against the Certifier, Builder, Developer or Council. Litigation is beyond the reach of most NSW residents to afford a series of consultant reports and legal representation to the Land & Environment Court or the Supreme Court.

Expense aside Building Industry Consultants including Planners, Engineers, Fire Consultants and the like will not willingly be engaged to combat Council's, Certifiers due or developers to being labelled as an adversary to the building industry.

Litigation is beyond the financial means, expertise and emotional ability of the unfortunate NSW public who find themselves to be victims of Council's Compliance Policy and guidelines

Submissions: Terms of Reference:

The Terms of Reference must be widened to include the instructed directives of Council CEO's, their legalese, Adopted in camera reports justifying Council's deliberate actions to delay, repudiate, deny, contradict, gainsay and assume no responsibility when confronted with issues of compliance, certification and Conditions of Consent attached to DA's.

The ongoing pecuniary relationships between appointed Council Planning Panel Members, Development Applicants and Certifiers has reached a crisis point denoting real and actual conflicts of interest approving DA's regarding that influence future employment and their peers. It may be stated that Certifiers are following the example set by Council and Planning Panels. We respectfully request the Committee seek expert legal opinion to evaluate Council's Compliance Policies, Council compliance practices, lack thereof and the resulting compounding detrimental consequences to NSW home owners.