

Submission
No 163

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

Name: Mr Paul Schimke
Date Received: 13 August 2019

Partially
Confidential

From:

Sent: Tuesday, 13 August 2019 9:49 AM

To: Public Accountability <Public.Accountability@parliament.nsw.gov.au>

Cc:

Subject: Request to make submission into enquiry regarding dishonesty of Council Certifiers, BIGCORP/iCare and the Department of Fair Trading during defects rectification processes at Kendall Inlet, Cabarita NSW

Dear Mme and Monsieurs,

Please forgive my tardiness in contacting this vital NSW Government committee, having recently recovered from major surgery.

I have been a senior construction project manager in Australia and held many important roles for over 50 years. My experience is quite similar to the new Building Commissioner David Chandler.

It is my intent to present information to the committee in relation to serious defective building works, incompetent and absent Council oversight and certification at Kendal Inlet.

Concord Council, now City of Canada Bay were the development and building consent, approvals and certifying authorities at our community 43 townhouses and some 24 apartments.

Within months of purchases and occupation a majority of the residential construction and infrastructure was found defective and not fit for purpose.

Concurrently HHH our Home Owners warranty insurer went into liquidation and without cover.

Fortunately the NSW Government advertised and offered a 'rescue package' naming it BIGCORP, and I contacted the Dept of Fair Trading and sought contact.

BIGCORP which I now believe was part of iCare the NSW Government's own insurers did not respond even though I contacted their senior manager

Despite being advised by BIGCORP, and Dept of Fair Trading's several ministers that Multiplex had assured them our concerns were being rectified, this was not so.

Despite my past engagement as senior project manager with Multiplex Constructions, we were all denied any fairness or proper assistance as the Dept of Fair Trading's 'expert building consultant' who denied most of our concerns for over 6 years.

I was forced to make unsuccessful FOI applications to CCBC and Multiplex' architect who I was advised has been wound up.

I also was forced to expend over \$150k engaging lawyers Crisp & Associates, Andreonnes, Colin Biggers & Paisley and senior counsel Franco Corsaro to prosecute my case and rectification in the Supreme Court . I was forced to accept an inadequate 'Calderbank' settlement to end the 6 years of misery and stress.

I received no assistance at all from NSW Government, BIGCORP, its 'expert' consultant or my local State Members D'Amore and Sidoti.

I was forced to expend over \$220k in total including repairing waterproofing, drainage, tiling, bathrooms, kitchens, roofs, ceilings, external works and all services including electrical, plumbing, drainage and MATV.

The purpose of my own personal case as well as those of many of the 73 community residential owners is to highlight the dishonesty of all the following:

- Developer Dulux
- Builder's Betona and Stuart Bros
- Council and its mayor, general manager and planner
- Architect
- BIGCORP
- Dept of Fair Trading and Ministers
- Local State members

Yours sincerely
Paul Schimke