



Summary of Disciplinary Action

Accredited certifier	Disciplinary action no.	Property addresses	Details of disciplinary matter	Disciplinary action	Date of decision
Stanly SPYROU BPB No. 1977	429	<p>A. Investigation No. I2/14 (39-41 Pacific Parade, Dee Why, 79 Frenchs Forest Road, Frenchs Forest, 607-611 Pittwater Road and 6-8 Moorilla Street, Dee Why, 2-4 Gumnut Close, Kellyville, 272-276 Railway Terrace, Guildford).</p> <p>B. Investigation No. I4/14 (38-40 Albert Road, Strathfield).</p> <p>C. Complaint No. 129/15 (23-25 North Rocks Road, North Rocks).</p> <p>D. Complaint No. 102/14 (55-57 Underwood Road, Homebush).</p> <p>E. Complaint No. 137/15 (7 Tiree Avenue, Hunters Hill).</p> <p>F. Complaint No. 37/14 (39-41 Pacific Parade, Dee Why).</p> <p>G. Complaint No. 73/14 (1-9 Allengrove Crescent, North Ryde).</p>	Contravened and/or failed to have appropriate regard to statutory requirements, Code of Conduct and/or term or condition of his certificate of accreditation relating to assessment and determination of applications for construction certificates, complying development certificates and occupation certificates, relating to Building Code of Australia (including alternative solutions), statutory fire safety measures, referral of certain plans and specifications to Fire and Rescue NSW, complying development standards, development consent conditions and/or other relevant matters, including actions as the principal certifying authority.	<p>Pursuant to s 59 of the <i>Civil and Administrative Tribunal Act 2013</i> and s 63 of the <i>Administrative Decisions Review Act 1997</i>, the decision of the Respondent [the Board], dated 30 June 2016, is varied and, in place of that decision, the Tribunal [NCAT] makes the following decision:</p> <p>a. The Applicant [Mr Stanly Spyrou] is reprimanded;</p> <p>b. The Applicant is fined the sum of \$30,000, with such amount to be paid to the Board as follows:</p> <ol style="list-style-type: none"> \$10,000 is to be paid on or before 15 June 2017; \$10,000 is to be paid on or before 13 July 2017; \$10,000 is to be paid on or before 10 August 2017. <p>c. The Applicant's certificate of accreditation is subject to the following condition:</p> <ol style="list-style-type: none"> For 18 month period between 1 July 2016 and 1 January 2018, Mr Spyrou may only carry out certification work in relation to: <ul style="list-style-type: none"> Class 1 and 10 buildings; and Class 2 to 9 building with a maximum rise in storeys of three and a maximum floor area of 2000sqm; and Class 2 to 9 buildings with a maximum rise in storeys of four, in the case of a building that comprises only a single storey of class 7a carpark located at the ground floor level or basement level and with three storeys of class 2 above, and with a maximum floor area of 2000sqm; and This restriction shall not apply to any development for which Mr Spyrou had been appointed PCA before 1st July 2016. 	<p>30 June 2016</p> <p>[NCAT Order issued 23 May 2017]</p>



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		<p>H. Complaint No. 30/15 (25 Gal Crescent, Moorebank).</p> <p>I. Complaint No. 74/15 (118 Morshead Drive, Hurstville).</p> <p>J. Complaint No. 51/15 (4 Magdalene Terrace, Wolli Creek).</p> <p>K. Complaint No. 107/15 (Lots 90/91 Spurway Drive, Baulkham Hills).</p> <p>L. Complaint No. 84/15 (33-49 Euston Road, Alexandria).</p>		<p>ii. For the period between 1 July 2016 to 1 July 2018, Mr Spyrou is to provide the Board with a list of projects for which he has issued complying development certificates every three months from 1 July 2016.</p> <p>d. The Applicant's certificate of accreditation is subject to the following conditions for the 36 month period, between 1 July 2016 to 1 July 2019:</p> <p>i. Prior to issuing a complying development certificate or a construction certificate in relation to a building that involves or proposes a 'performance solution' (as defined in clause A1.1 of the Building Code of Australia, Volume 1), Mr Spyrou must obtain a peer review report from another accredited certifier, who did not prepare the performance solution, that specifies in writing that the 'performance solution' complies with the relevant performance requirements of the Building Code of Australia. Where the alternative solution is for a 'fire safety requirement' (as defined by clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>), the peer review report must be provided by a category C10 Accredited Certifier – fire safety engineering compliance, who did not prepare the report. In all other cases the report must be provided by an accredited certifier who holds a certificate of accreditation in category A1 Accredited certifier – building surveying grade 1.</p> <p>Prior to issuing an interim or final occupation certificate for a building that involves a performance solution for a fire safety requirement, Mr Spyrou must obtain a written report from a C10 Accredited Certifier - fire safety engineering compliance stating that the recommendations of the performance solution authorised by the complying development certificate or construction certificate have been implemented.</p> <p>ii. Before determining any application for a complying development certificate Mr Spyrou must obtain and consider a written report from a Town Planner which assesses whether the application complies with the relevant environmental planning instrument. That Town</p>	



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				<p>Planner must be one who is acceptable and agreed to by the Board. Mr Spyrou must not determine any application for a complying development certificate before he has obtained, in writing, the Board's acceptance and agreement to the Town Planner.</p> <p>iii. In the event that Mr Spyrou issues a complying development certificate which is not supported by the assessment report of the Town Planner, Mr Spyrou must provide the Board with the reason for doing so within 2 days of issuing the complying development certificate.</p> <p>Tribunal notes that the conditions otherwise attaching to the Applicant's current accreditation will remain in force.</p>	