

## Summary of Disciplinary Action

Accredited certifier	Disciplinary action no.	Property address	Details of disciplinary matter	Disciplinary action	Date of decision
Paul <b>FITZGERALD</b>  BPB No.0119	360	116 Bay Road, Waverton	<p>Mr Fitzgerald issued a construction certificate when the plans forming part of the construction certificate were inconsistent with the development consent.</p> <p>Mr Fitzgerald failed to ensure that building works proceeded in accordance with construction certificate and development consent.</p> <p>Mr Fitzgerald issued a construction certificate and nominated an incorrect classification under the <i>Building Code of Australia</i>. This had significant adverse impact on the requirements for fire separation and protection of openings in the building.</p>	<p>Mr Fitzgerald is:</p> <ul style="list-style-type: none"> <li>• Reprimanded;</li> <li>• Fined \$25,000;</li> <li>• Mr Fitzgerald's certificate of accreditation is cancelled;</li> <li>• Mr Fitzgerald cannot re-apply for accreditation for a period of (5) five years from 8 May 2013.</li> </ul> <p>The decision on penalty is an aggregation of determinations of three complaints investigations in relation to four developments as specified.</p>	<p>15 March 2013 (Building Professionals Board)</p> <p>and</p> <p>8 May 2014 (NSW Civil &amp; Administrative Tribunal)</p>
		<p>40 Kingsland Road, Bexley</p> <p>42 Kingsland Road, Bexley</p>	<p>Mr Fitzgerald issued complying development certificates for two buildings that contained a basement each and required excavations to a depth greater than 1.0 m, contrary to the requirements of <i>Exempt and Complying Development Codes (SEPP) 2008</i>.</p>		

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		565 Military Road, Mosman	<p>Mr Fitzgerald issued a complying development certificate on the basis of a deficient application. The application did not contain specifications or plans describing or depicting the building work.</p> <p>Mr Fitzgerald issued a final occupation certificate when the building was not suitable for occupation or use in accordance with its classification under the <i>Building Code of Australia</i>:</p> <ul style="list-style-type: none"> <li>• Mr Fitzgerald failed to ensure the integrity of the fire protective ceiling covering separating the two levels of the subject building was addressed.</li> <li>• Mr Fitzgerald failed to ensure the structural adequacy of the building was appropriately addressed.</li> </ul>		