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To: Building Confidence Response
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Categories: Green Category

Please consider the following points:

1. Separation of planning role from building code compliance role:
 - a. Give the post-DA planning role back to Council. What I mean by this is to create 2 construction phase approval processes – one would be the CC / inspections / OC performed by the building surveyor who only certifies compliance with the BCA. The other one would be the “planning and DA enforcement role” which can only be done by the Council (or relevant consent authority). The Council would be responsible for all of the following:
 - i. Consistency with the DA approved plans – all changes would need to go through Council, who would decide whether they are consistent or required a modification to the consent.
 - ii. Works outside the property boundary i.e. Roads Act approvals, s.68 approvals, etc. These are always Council responsibility but making this part of the “construction phase planning approval” would force Councils to improve how these additional approvals work.
 - iii. Food premises compliance. They become the ongoing food authority, so keep this with the Council.
 - iv. Non-compliance with development consent – complaints. Council have the ability to fine builders & owners so give this responsibility back to the entity that can issue fines.
 - v. Enforcing / checking DA conditions at the appropriate time.
 - b. Prior to occupation, the owner will need an occupation certificate from the certifier, and a “satisfactory completion” certificate from the Council.
 - c. This system would allow building surveyors to focus on what they should be focusing on (fire safety, life safety, amenity, etc) rather than spending lots of time on dispute resolution and trying to work out DA conditions. The knowledge of the relevant planner who can spend many months and sometimes years on the same development, gets carried through to the completion of the works.
 - d. The obligations under the EP&A Act & Reg have forced the average building surveyor to be a jack of all trades and master of none, and this has contributed to the dilution of core skills in my opinion.
2. Make it illegal for any other contractual processes to be dependent on the issue of an occupation certificate:
 - a. There is immense pressure on certifiers to issue occupation certificates because it is the occupation certificate that is the catalyst for all the financial transactions that take place at the completion of the works. Settlement, final progress payments, property sales, etc – if it was illegal to do this, the pressure would be taken off the OC process. There would be other processes that could take the place such as quantity surveyors confirming practical completion or something like that.
 - b. 10-15 years ago this issue wasn't too bad. We have noticed this get worse and worse and these days it seems like just about every institution rides off the back of the issue of the occupation certificate.
3. Get rid of complying development or at least make it so simple that anyone could do it:
 - a. You only need to look at the BPB complaints register to see what a disaster complying development has been – it's a minefield and a trap for young & old players alike.
 - b. We see reports from qualified town planning consultants that are not correct. If these guys are getting it wrong, what hope do building surveyors have?
 - c. Complying development is another area where the building surveyor is required to make decisions outside their area of expertise.

Regards,

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