
From: Ryan Cole
Sent: Monday, 29 July 2019 1:34 PM
To: Building Confidence Response
Subject: Submission - "Building Stronger Foundations" dated June 2019

Categories: Blue Category

To whom it may concern,

Please be advised that on 22 July 2019, Georges River Council resolved to make a formal submission to the *Building Stronger Foundations* discussion paper dated June 2019.

The key points detailed within the Council resolution NM050-19 are outlined as follows:

- a) That Council acknowledge the release of the NSW Government discussion paper entitled "*Building Stronger Foundations*" dated June 2019 (*'the discussion paper'*) and note the following:
 - i. The discussion paper has been prepared in response to the Shergold Weir Building Confidence Report and recognises the following building regulations reforms:
 - A requirement for all buildings to be designed and constructed in full compliance with the National Construction Code (Building Code of Australia).
 - All Building Practitioners and Building Designers are to be registered to ensure that they have appropriate skills and insurance.
 - Introduction of a new industry-wide duty of care enabling home owners to seek compensation if a Building Practitioner has been negligent; and
 - Appointment of a Building Commissioner to regulate all aspects of the NSW Building Industry including having powers to investigate and take disciplinary action.
 - ii. The general focus of the discussion paper is to consult with industry and community stakeholders on the potential and subsequent implementation of reforms associated with the safety of buildings through regulation, certification and enforcement.
- b) Council raises further matters for consideration and inclusion in any regulatory changes as follows:
 - i. A requirement for all buildings are to be designed and constructed in full compliance with the National Construction Code (Building Code of Australia);
 - ii. The introduction of stronger provisions and restrictions with regard to 'Alternative Solutions' with relevant peer review systems to the NCC Deemed to Satisfy Provisions;
 - iii. All Building Practitioners and Building Designers are to be registered to ensure that they have appropriate skills and insurance with ongoing accreditation reviews and training;
 - iv. Introduce a new industry-wide duty of care enabling home owners to seek compensation if a Building Practitioner has been negligent;
 - v. Appointment of a Building Commissioner to regulate all aspects of the NSW Building Industry including having powers to investigate and take disciplinary action;
 - vi. Establishing a further body or division of the Building Professional's Board (BPB) that directly administers the appointment of Private Certifiers to all projects depending on work load and classifications. Alternatively the Government investigates returning full responsibility for carrying

out building inspections and issue of approval certificates to local government and dispense with the system of private certification;

- vii. Require professional consultants, builders, owners, developers, contractors and tradespersons who provide any form of certificate of compliance with any legislation to be personally and directly responsible for any matter or works that they certify. Furthermore that they be liable/responsible for any defects on all buildings for up to 10 years. Liability should be registered against the responsible person's licence/accreditation number and the company's;
- viii. Investigate the establishment of a Defects Liability Bond System for every building, whereby the builder, owner or developer submits a Defects Liability Bond to a Government Body, which could range from 2% - 5% of the cost of construction. This Bond is to be paid prior to the issue of the construction certificate and held for a period of 10 years. Bond funds not claimed are to be consolidated into a reserve and used to rectify building defects;
- ix. Investigate legislation to prevent "shell companies" being created and closed for specific developments. Provisions should include pre-conditions on the creation of development/construction companies to ensure adequate capital/insurance exists (commensurate to the scale of development) to cover costs associated with potential rectification works from the commencement of construction through to the defect/liability period; and
- x. Investigate the possibility of establishing a NSW government interest free loan fund administered by the NSW government for buildings that suffer from excessive defects (that will cost more than the Defects Liability Bond to rectify) that was originally submitted by the builder, owner or developer for those buildings.

Please do not hesitate to contact the undersigned should you require any further information.

Regards,



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