
From: nott tim
Sent: Monday, 22 July 2019 11:13 PM
To: Building Confidence Response
Subject: Building Stronger Foundations consultation - feedback

To whome it may concern,

Firstly I would like to encourage the statement that the community "deserve avenue of recourse in the event of defect during a buildig lifetime" as a basis for my comments. I note the comment about the "partnership with the building industry and NSW community". Considering that the community have less resources and are making comments using there time as a free resource and without the backing of varied expertise and the building insudtry comments are part of their paid work it seems clear that there will be a bias towards building industry submissions and thus to counter this bias the community representations should be given more wieght. If reforms proposed by the review of Building professions Act 2005 and the UK building regulations highlighted that "broadscale regulatory and cultural change to achieve real reform" is required, the current focus on industry input being "vital" without a focus on the outcomes lived by owners will limit real positive outcomes for the communittee who the building industry are there to serve when building the properties. Surley the outcomes for living in the buildings without congoing unreasonable costs would be a consideration above the building industry profits as the focus would not be directly on profit and actually on safety and value for the communittee.

During the year to respond to the BC report there have been alot of buildings approved, started and completed. It is dissaponting that there seems to be a lack of impedous to finalise the required changes to the industry when the danger of property owners large unforeseen cost increases was obvious to many who worked in the industry. It is grossly unfair when families and investors are making life changing decisions based on incomplete and data that is biased. Part of this is that the name and shame register is unknown by most of the NSW community. Surely this should be advertised in both sales and real estate agents properties to new and potential purchasers of properties to ensure this system adds value and is not just a cover up. With builders and developers spending vast efforts to enure the reality of the building qualities are not advertised to the community at large, this lack of support is another amplifier of the injustice.

Building declarations should be indipendantly verified as self assessment and regulation by the builders and others in the process is flawed with payments and ongoing work relying on all involved ensuring the building is signed off even if not up to standard. To clarify, when the people checking and signing of the work rely on more work from the same developers and everyone knows who the people involved are then there is a high potential for undue influence. It is clear, this influence is deeply rooted in the industry and issues will continue to arise until this situation is resolved.

The building insurance period is very short for a large building where issues may not arise for many years being covered up and difficult to ascertain until the responsibility has passed onto the community. Fulfilling hte requirements can be covered up or not found until many years later, far beyond the insurance period required. If on purpose or not, the costs of not doing the job right the first time are far outweighed by the repair costs. AAalso, the larger the buiding the larger the time period required when currently it is the other way around.

It is no suprise to me having worked in the building industry from 2009 till 2018 that there are ongoing issues, spiralling costs and that there is "dimished public confidence' directly from the reality of poor workmanship and substandard work being exposed despite all efforts of the building industry to cover this reality up. I have personally witnessed substandard workmanship on a very high proportion of the over 100 sites I have entered during this time. This included the Mascot towers now evacuated. Reactions of government over the years is more and more licensing without any positive outcomes in the quality of buildings. This has had negative outcomes as the high number of people subverting the system has encouraged workers who manage to slip this situation to be encouraged with higher profits. The external regulation was seemingly non existant. The builders or owners have all the power and use the financial bullying tactics to enure that anyone who complains about the safety would not have any future contracts and work. Continueing to get away with this has led to a culture of people not saying anything as they knew there work flow would stop if they spoke out. Bullying tactics are rife and are very effective. Doing the right thing was discouraged through financial gain being favoured by those who cut corners to save money. I personally witnessed many times when the buildings including highrise buildings main structures were substandard but covered up before any sales teams came through. The designers, certifiers and engineers all are paid and controled by the owners and will not bite the hand that feeds them. Clearly regualtion has failed. This is compounded by poorly trained and under skilled staff being used to cut costs further and shift blame if required to aviod fulfilling responsibilities as any court cases take so long the insurance period is over before they comen to any resolution and the costs are far to high for the general public. Towers up to 40 stories high have been built too fast and with one story a week built on some sites, the concrete has not enough time to dry and cure properly before being fully braced. These were all signed off and approved benefiting the owners who do the wrong thing and the outcome is a substandard building that will have ongoing structural and movement issues. These issues are significant as gas pipes, electrical wiring and other services have a fine tolerance before failure. The owners/developers then use pressure and legal avenues to ensure they are out of the defect time period before these substandard issues are fully highlighted. The larger the building, generally the longer the time it takes to find

all the faults and the builders insurance should reflect this. With most home loans taken out to 30 years, the longevity of the building should reflect this reality by being able to not have significant or ongoing issues in this time period. If the current building standards will not enable a building to last more than 20 years good service the standards should be changed. All the controls I have seen should enable a building to last longer than this if built properly/ This also compounds the stress on the insurance industry as the issues cost a lot more to fix after the build than during and insurance costs will skyrocket beyond affordability further increasing costs of housing above current high levels. The community eventually pay a high price for the small profit increase of builders and developers. Real estate agents have been covering up concrete not set fully even when the building is finished by painting over the peeling paint before sales and rent to gain sales further compounding the issue.

The water proofing is one of the worst of all issues I have seen and designs in building should produce livable areas not requiring ongoing repair. The cost is born by families and other unit purchasers. Designs for emergency fire escapes is poorly designed and all to ensure the increased short term profit. This is not just limited to cities and units with rural towns often not having even the minimum requirements for fire mitigation being implemented due to poor council and certifiers not being regulated. Councils, certifiers and the state government have dropped the ball on this area and lives will be lost when the fire seasons come calling. The cost to the community is very high and will be born by the less fortunate and lower socioeconomic community members, people who are least likely to be able to survive without health impacts and recover. The management of these two issues is nothing short of a disgrace.

A potential solution is to firstly ensure all levels of assessment including councils, certifiers, designers, engineers and all working in the building quality control do their job properly and up to the current standard. The next is to ensure this checking is done by groups who are not paid for by the builders/developers or owners. The independancy of this checking is required to ensure staff have no incentive to approve development without appropriate assessment. Making examples by prosecution of the larger companies or directors would show the government is serious and reinstate some community confidence. Focusing on the smaller people such as individual designers and engineers for prosecution will make the issues worse as the people in charge already are arrogant and believe they are above reproach.

Secondly, the current situation were anyone awaiting development approval can ask and obtain information about the actual individuals making the assessments including council staff, certifiers and governmental staff should be banned and outed as a clear breach of proper process. If there is any breach of protocol and bias, the regulator is the appropriate group to make these inquiries. Anyone else clearly has a potential bias and should be excluded from the assessment process.

Finally and not least, the development industry and anyone waiting on development approval should not be allowed to make contributions to any political party while there is a development approval pending. If serious about dealing with the issues at the root cause of breaches in process and standards, all financial contributions should be banned from developers to any political party or anyone in the decision making process for at least a year before any development approval process has been begun or been decided. Even if there is no impact, the current thinking is there is and development approval requestors act as if they will gain approval due to this, and in the past history has shown they do gain approval. Community confidence would also be improved if this was instigated.

Thankyou for your time
Timothy Nott