



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM
Mr Jeremy Hanson MLA (Chair), Mr Michael Pettersson MLA (Deputy Chair),
Ms Suzanne Orr MLA, Mr Mark Parton MLA

Submission Cover Sheet

Inquiry into Building Quality in the ACT

Submission Number: 016

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Our Ref:



Strata | Canberra

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The Committee Secretary,
Standing Committee on
Economic Development and
Tourism,
Legislative Assembly for the
ACT
GPO Box 1020
Canberra ACT 2601

RE: [REDACTED] – Inquiry into building quality in the ACT submission

To whom it may concern,

We represent the Owners Corporation of [REDACTED], located at [REDACTED]. We have been instructed to write on behalf of the Owners Corporation and provide a submission in relation to the inquiry into building quality in the ACT.

Please refer to the points below:

- [REDACTED] is a 45 unit residential apartment building with basement car parking, located at [REDACTED]
- The builder was [REDACTED] who were then deregistered on 2 October 2013; the developer was [REDACTED] who were then deregistered on 17 February 2014.
- The certificate of occupancy for the building was issued on 7 September 2012 and the Units Plan registered on 26 October 2012
- Since registration of the building (26 October 2012) a great number of defects arising from poor building quality have arisen at this site. These defects include major common area faults as well as unit specific defects resulting in water ingress and substantial issues within units.
- Appended to this submission (pdf. Appendix A_Reports) are a number of reports from Northrop consulting engineers identifying the common area defects:
 - o Extensive leaking to building and basement areas
 - o No waterproofing membrane installed to basement topping slabs/podium floor
 - o Rusting to steel supporting beams as result of water ingress to basement
 - o Poor installation quality of stairwell windows allowing water ingress to common stairwells
 - o Poor drainage mechanisms on unit balconies



- Major cracking to basement retaining wall
- Poor installation of stair treads (glue) resulting in falling treads and ongoing safety risk
- The Owners Corporation has had very little opportunity for recourse via the builder/developer due to their deregistration as noted above
- The Owners Corporation have attempted to make claims against the approved Fidelity Fund (ref: 09/0031) with the Master Builders Association Fidelity Fund which have been denied.
- The Owners Corporation is in the process of exploring legal action against the Master Builders Fidelity Fund.
- Appended to this submission are the following documents:
 - Appendix A – Expert reports
 - Appendix B – Building commencement notice, Building Approval & Certificate of Occupancy

The Owners Corporation believes that the above points provide relevant information in relation to the inquiry, specifically in relation to enforcing the Statutory warranties implied in the Building Act 2004. This raises question as to the checking of Build Quality Requirements, Certification, and dispute mechanisms where a builder/developer has been deregistered.

The Owners Corporation appreciates the time taken to consider this submission and hopes that measures are put in place to protect homeowners and Owners Corporations from deficient building quality/practices in the ACT. It is hoped that measures and assistance can be put in place to assist homeowners and Owners Corporations currently dealing with effects of poor building practices in the ACT.

Please feel free to contact our office should you require any further information.

Yours faithfully,



Pascal Deschanel on behalf of [REDACTED]

Division Manager

Pascal.Deschanel@civium.com.au

6 July 2018



ACT
Government

Environment and
Sustainable Development

Building Act 2004, S151

Building Commencement Notice

Project ID: [REDACTED]

PART A - PROJECT DETAILS

Unit	Block	Section	District (Suburb)	Division	Jurisdiction
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Australian Capital Territory

Certifier's Details

Full Name	Address	License Number	Expiry Date
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Building approval issue date: 29/09/2011

Building Commencement Notice Required for:

Class of Occupancy	Nature of Work	Project Item Description	Other Description	Type Of Construction	Area (m2)	Cost of Works (\$)
2	New Medium Density	FLAT/UNIT/APARTMENT	Unit Development	A	3692.12	5856440.74
10a	Other	DA EXEMPT-SEE DESCRIPTION	Balconies to units	NA	647.54	395776.45

PART B - BUILDERS DETAILS

License holder's name:

License number:

License Expiry Date:

Business Address:

Phone Number:

If the builder is a company or partnership provide details of the nominee who will supervise the building work

Nominee's name:

License number:

License Expiry Date:

PART C - CERTIFIER'S DECLARATION

Issue date of commencement notice: 30/09/2011

Name of Certifier Issuing Notice:

Declaration:

This commencement notice is issued in accordance with the Building Act 2004, to the licensed builder stated above authorising the commencement of the stated building work. The issue of this commencement notice indicates that I am satisfied that the builders license authorises the work in the building approval. Where applicable for residential building work, I have been provided with a residential building insurance policy or fidelity certificate.

PLEASE NOTE:

A copy of the application for this commencement notice, this notice and where applicable the residential building insurance policy or fidelity certificate, must be given to the construction occupations registrar within one (1) week of the issue date.

This building commencement notice will end if-

- (a) for residential building work- the work is no longer insured; or
- (b) the building approval for the work ends

Privacy Notice: The personal information on this form is being collected to enable processing of your application and to enable auditing and compliance of builders and certifiers by the Government appointed auditor. The information that you provide may be disclosed to the Australian Bureau of Statistics, ACT Revenue Office and the Taxation Office. The information may also be accessed by other government agencies and commercial organisations interested in building information.



Project ID: [REDACTED]

PART A - PROJECT DETAILS

Unit	Block	Section	Division (Suburb)	District	Jurisdiction
					Australian Capital Territory

PART B - WORKS REQUIRING BUILDING APPROVAL

Item of building work to which this Building Approval relates:

Class of Occupancy	Nature of Work	Project Item Description	Other Description	Type Of Construction	Storeys	Area (m2)	Cost of Works (\$)
2	New Medium Density	FLAT/UNIT/APARTMENT	Unit Development	A	3	3692.12	5856440.74
10a	Other	DA EXEMPT-SEE DESCRIPTION	Balconies to units	NA	3	647.54	395776.45

Work relates to the following Development Application(s):

Development Application ID	Description
[REDACTED]	Merit -
[REDACTED]	Merit -
[REDACTED]	Merit -

PART C - CERTIFIERS DECLARATION

I declare that in issuing this building approval under section 28 of the Building Act 2004:

- I am satisfied on reasonable grounds that the plans meet each applicable approval requirement under section 29 and is not prevented from being issued under section 30 or section 30A
- I have supplied all documents as required under 3.3 Building Act 2004
- I have prepared a notice (building approval certificate) certifying what approval requirements apply to the application and why the building approval is not prevented from being issued; and
- I have given the building approval certificate to the applicant.

In performing services as a certifier in relation to the work detailed in this application I am not in breach of my entitlement to act as a certifier in accordance with the Building Act 2004.

Full Name	Address	License Number	Expiry Date
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Date Issued : 29/09/2011

NOTES

This application must also be accompanied by a Statement of Compliance from each relevant utility provider (for water, sewerage, electricity and stormwater) which confirms that the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features comply with utility standards, access provisions and asset clearance zones.

Note 1: If there is no stormwater easement or Territory owned stormwater pipes located within the property boundary, a "Statement of Compliance" for stormwater from TAMS (Asset Acceptance) is not required to be obtained.

Note 2: Where there is conflict between planning and utility requirements, the utility requirements take precedence over other codified or merit provisions.

Utilities – Demolition Only

This application must be accompanied by a Statement of Endorsement for utilities (including water, sewerage, electricity and stormwater) stating that:

- all network infrastructure on or immediately adjacent to the site has been identified on the plan
- all potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified
- all required network disconnections have been identified and the disconnection works comply with utility requirements
- all works associated with the demolition comply with and are in accordance with utility asset access and protection requirements

Note: The documentation provided to the utility provider for endorsement must be consistent with the documentation that forms part of a development approval or the documentation verified as exempt from requiring development approval by a licensed certifier.

Asbestos Advice

If documents accompanying building approval do not include an asbestos assessment report as per the Building Act 2004, the building approval must have an Asbestos Advice attached as per the Act

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ACT
Government

Environment and
Sustainable Development

Certificate of Occupancy and Use

Certificate No.: [REDACTED]

Planning and Land Authority

ABN 46 346 672 655
8 Darling Street Mitchell
GPO Box 1908 ACT 2601
www.actpla.act.gov.au

This Certificate is issued in accordance with Section 69 (2) of the Building Act 2004.

The building work listed on this certificate has been completed substantially in accordance with the prescribed requirements and is considered fit for occupation and use.

Unit	Block	Section	Division (Suburb)	District	Jurisdiction
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Australian Capital Territory

Plans
[REDACTED]

Building Works

Class of Occupancy	Nature of Work	Project Item Description	Other Description	Type Of Const.	Unit	BCN ID	Builder
2	New Medium Density	FLAT/UNIT/APARTMENT	Unit Development	A		[REDACTED]	[REDACTED]
10a	Other	DA EXEMPT-SEE DESCRIPTION	Balconies to units	NA		[REDACTED]	[REDACTED]

Comments

Important Note:

This building work incorporates an alternative solution to the Building Code of Australia (BCA). Refer to the approval documentation for further information.

1. Statutory warranties and statutory warranty insurance or a statutory warranty fidelity certificate apply in relation to some or all of the building work.
2. The issue of this certificate in respect of a building or a portion of a building does not affect the liability of a person or other entity to comply with the provisions of an ACT law, including the Building Act 2004, relating to the building or portion of the building.

Issued by: Natalie Pooley

Issued on: 07/09/2012

Delegate of the ACT Construction
Occupations Registrar.



ACT
Government
Environment and
Sustainable Development

Building Act 2004, S151

Application for Certificate of Occupancy and Use

Project ID: [REDACTED]

If this application is incomplete or documentation is inadequate this application may not be accepted for lodgement and the certificate of occupancy and use may not be issued.

WARNING TO OWNERS
It is recommended that owners seek appropriate advice to determine whether the building work and other contract requirements have been completed satisfactorily before signing this form. This form should not be signed before the completion of building work.

PROJECT DETAILS

Unit	Block	Section	Division (Suburb)	District	Jurisdiction
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Australian Capital Territory

Description of Works

Class of Occupancy	Nature of Work	Project Item Description	Other Description	Type Of Const.	Unit	BCN ID	Builder
2	New Medium Density	FLAT/UNIT/APARTMENT	Unit Development	A		[REDACTED]	[REDACTED]
10a	Other	DA EXEMPT-SEE DESCRIPTION	Balconies to units	NA		[REDACTED]	[REDACTED]

OWNER/LESSEE DETAILS

Name	Address	Email Address
[REDACTED]	[REDACTED]	[REDACTED]

DECLARATION BY OWNER

I am/we are:

- the owner(s) of the above described land
- the agent authorised by the owner(s) to apply for a Certificate of Occupancy and Use on their behalf, and I have attached a letter of authority

I am/we are satisfied that the building work and related requirements have been completed and hereby apply for a Certificate of Occupancy and Use in respect of the above described work to be issued and (select one option only):

- sent by post to the owner(s) address
- sent by post to the agent's address; or
- held for collection from the Mitchell Customer Service Centre

This form should not be signed before the completion of building work.

Signature/s of Owners -- all owners must sign if agent has not been appointed

Name	Signature	Date
		
		

Once complete, you should return this form to your certifier to lodge or return to the Customer Service Centre, 8 Darling Street, Mitchell ACT 2911.

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