
**MM2/24 - 23 HALIFAX STREET, LACHLAN'S LINE -
Mayor, Councillor Sarkis Yedelian OAM****File Number: CLM/24/1/1/8 - BP24/29**

BACKGROUND:

Ryde Council became aware through the media on 17th January 2024, that a Building Work Rectification Order had been issued on 15 January 2024 by the Building Commission NSW in relation to an apartment complex situated at 23 Halifax Street, Lachlan's Line, Macquarie Park.

The Commission inspected the property on 4 August 2023, which resulted in a draft of the Order being issued in October 2023. The draft Order was issued to Greenland and to other interested parties, including Council. Importantly, the draft Order stated that it was the responsibility of the developer to respond to the Commission's concerns regarding the defects.

The Commission is required to notify Council of its intention to issue the Order as it is an owner of facilities within the building and the local Council in which the property is located. It is important to note the Council does not have any liability for the defects as it is not the principal certifier for the development. Council received the Order as a default with the assumption it is the certifier for the buildings impacted.

It should be noted that, in accordance with the natural justice requirements of the Residential Apartment Building (Compliance and Enforcement Powers) Act 2020 (RAB Act), the Commission could not issue the Order until such time that it considered any submissions from the Developer with respect to the draft Order. Council was not privy to the submission, nor are we responsible for the enforcement of the Order.

The Commission, after receiving submissions from the Developer, issued the final Order on the Developer under section 33 of the Residential Apartment Building (Compliance and Enforcement Powers) Act 2020 (RAB Act).

Council received no further contact from the Commission until 15 January 2024 when it was informed that the Order had been served on the Developer.

The Order details the nature of the rectification works and the timeframes in which those works need to be completed.

Council understands that the Commission has publicly stated that there is no danger to the occupiers of the development as a result of the defects.

Council is seeking its own advice as to the implications of the Order with respect to its facilities in the building.

Council, dated 23 January 2024, submitted on 23 January 2024.

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The NSW State Government created the Commission to ensure residential apartment development complies with the minimum construction standards as stipulated in the National Construction Code/Building Code of Australia – Volume 1.

Council is not the appropriate regulatory authority for the regulatory process, as only the Commission has the authority to issue the Order.

The Council fully supports the Commission issuing the Order.

It is a criminal offence under the RAB Act if a person fails to comply with a rectification order.

RECOMMENDATION:

1) That Council note:

- a) There have been five buildings issued with Work Rectification Orders: 23 Halifax Street, Lachlan's Line, 3 Smith Street, Ryde, 13 - 15 Porter Street, Ryde, 2 - 6 Junction Street, Ryde and 20 Nancarrow Street, Ryde.
- b) These orders have caused stress to owners, residents and the community as a whole and reduce confidence in the building industry to deliver high rise buildings to required construction standards.

2) That Council publish on its website:

- a) The impact of the defects on local facilities being the auditorium, childcare centre, retail area and surrounding public domain areas.
- b) Where residents can find adequate support and resources to support their right to a safe home.

3) That the Mayor write to the State Government asking that it put in place legislation for stronger building reform.

4) That Council provide impacted residents with helpful information in the form of notices and a staff contact for any queries.

5) That Council seek further clarification as to whether there are any impacts on its facilities (i.e. the auditorium, childcare centre, retail area and surrounding public domain areas) that are contained within or adjoining the development.

MM2/24 (continued)

- 6) That Council write to the State Minister for Planning, raising concern with regard to the planned 8000 apartments in Macquarie Park to be created in a short period of time which could lead to similar risks for the community.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

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Mayor, Councillor