

Nestor Tsambos

From: Peter Dunphy <peter.dunphy@finance.nsw.gov.au>
Sent: Monday, 17 June 2019 7:31 PM
To: Marcus Ray; Luke Walton
Subject: Fwd: Mascot Towers Update 17 Jun 2019
Attachments: image004.jpg; ATT00001.htm; image003.jpg; ATT00002.htm; Mascot Towers Update; ATT00003.htm

Marcus and Luke

FYI

Best Regards

Peter Dunphy
 Executive Director
 NSW Fair Trading - Specialist Services
 Ph: 0412 051 359

Begin forwarded message:

From: Peter Dunphy <peter.dunphy@finance.nsw.gov.au>
Date: 17 June 2019 at 6:26:33 pm AEST
To: Catherine Ellis <Catherine.Ellis@finance.nsw.gov.au>, "Gavin Melvin(contact)" <Gavin.Melvin@minister.nsw.gov.au>, Glenn King <Glenn.King@finance.nsw.gov.au>, John Tansey <john.tansey@finance.nsw.gov.au>, Katie Morgan <katie.morgan@finance.nsw.gov.au>, Matthew Whitton <matthew.whitton@finance.nsw.gov.au>, "Media (FIN)" <Media@finance.nsw.gov.au>, "Michael Hansen (contact)" <Michael.Hansen@minister.nsw.gov.au>, Peter Dunphy <peter.dunphy@finance.nsw.gov.au>, Rebecca Lang <Rebecca.Lang@finance.nsw.gov.au>, Rose Webb <rose.webb@finance.nsw.gov.au>, Suzanne Crowle <suzanne.crowle@finance.nsw.gov.au>, Tony Williams <Tony.Williams@safework.nsw.gov.au>, Valerie Griswold <valerie.griswold@finance.nsw.gov.au>, RML FTSS <RMLFTSS@finance.nsw.gov.au>
Subject: Mascot Towers Update 17 Jun 2019

Hi all

This update will be sent up as a formal Min Brief in the morning – but to ensure a quick dispatch, I provide the following update.

Communications

Website: 1,008 views of the Mascot Towers news page (from 15th June) and 25 searches on mascot related search terms.

Hotline: 122 customers called the Mascot Towers hotline, and of those 89 people were connected to an agent. Note - a number of these had come through on the wrong queue (eg. enquiry related to motor vehicles) and they were transferred to the correct queue. 9 calls directly related to Mascot Towers. 33 callers abandoned after entering the hotline, 8 of which were early abandoners (within the first 5 seconds).

Strata Manager

All 132 apartments remain evacuated

Of 9 Retail premises: 3 have been forced to close (Wallabies Thai, IGA Express, Espresso on Church Café), 1 is vacant, 5 are operating (Harley's Hair, Sugar Baby Café, Oportos, Curry Craze and Diner Express).

The Strata Manager has appointed a media manager and first press release went out today.

Concerns that pets may still be in the building – SM has put out a request to all residents to advise of any remaining pets and NSW Police will assist with removal of pets.

Residents of 'green zone' units have been able to start accessing units to retrieve personal items.

An Owners Corporation Meeting will be held at 7pm on Thursday 20 Jun 2019 – the issue of a special levy will be raised and the Engineer will provide a detailed brief. Fair Trading will be in attendance.

A Residents Forum will be held at 7pm on Thursday 20 Jun 2019 – it is expected there will be significant media interest. Fair Trading will be in attendance to answer tenancy and strata questions.

The Strata Committee expects that the evacuation period or a partial evacuation is likely to go beyond 5-7 days.

Attached is the Strata Managers daily update.

Insurance

The insurer has rejected the claim for accommodation advising that claim for building defects, subsidence or impacts for other sites are not covered and the causes are not yet determined. The owners corporation are getting legal advice.

Bayside Council

Church St road closure remains in place.

Council will be issuing an order on the adjacent Peak Tower development (yet to be occupied) directing the owner to cease pumping of ground water from the basement.

Council are still tracking down original plans for Mascot Towers to assist the engineers in determining route causes.

Local Emergency Management Committee – for Botany Bay LGA

The next meeting is at 2pm on Thursday 20 Jun 2019. Fair Trading is attending.

Emergency Services have handed the site back to the Owners Corporation on the understanding it is unsafe to occupy.

Best Regards

Peter Dunphy

Executive Director

NSW Fair Trading – Specialist Services

Department of Customer Service | Better Regulation Division
p 02 9895 0087 | m 0412 051 359
e peter.dunphy@finance.nsw.gov.au | www.fairtrading.nsw.gov.au
Macquarie Tower, Level 9, 10 Valentine Ave, Parramatta NSW 2150

This email message and any attached files is confidential and intended solely for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this email in error, delete all copies and notify the sender.

This email is subject to copyright. No part of it should be reproduced, published, communicated or adapted without the copyright owner's written consent. No employee or agent is authorised to conclude any binding agreement on behalf of the Department of Finance, Services and Innovation (DFSI) by email without express written confirmation.

The views or opinions presented in this email are solely those of the author and do not necessarily represent those of the DFSI. DFSI accepts no liability for any loss or damage arising from the use of this email and the recipient should check this email and any attached files for the presence of viruses.

Emma Heagney

From: Peter Dunphy <peter.dunphy@finance.nsw.gov.au>
Sent: Wednesday, 19 June 2019 6:12 AM
To: Marcus Ray
Subject: FW: Mascot Towers Update.

Hi Marcus

FYI

Best Regards

Peter Dunphy
Executive Director
NSW Fair Trading – Specialist Services

Department of Customer Service | Better Regulation Division
p 02 9895 0087 | m 0412 051 359
e peter.dunphy@finance.nsw.gov.au | www.fairtrading.nsw.gov.au
Macquarie Tower, Level 9, 10 Valentine Ave, Parramatta NSW 2150



Download the new FuelCheck app

This email message and any attached files is confidential and intended solely for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this email in error, delete all copies and notify the sender.

This email is subject to copyright. No part of it should be reproduced, published, communicated or adapted without the copyright owner's written consent. No employee or agent is authorised to conclude any binding agreement on behalf of the Department of Finance, Services and Innovation (DFSI) by email without express written confirmation.

From: Peter Dunphy
Sent: Tuesday, 18 June 2019 7:30 PM
To: Catherine Ellis <Catherine.Ellis@finance.nsw.gov.au>; Gavin Melvin(contact) <Gavin.Melvin@minister.nsw.gov.au>; Glenn King <Glenn.King@finance.nsw.gov.au>; John Tansey

<john.tansey@finance.nsw.gov.au>; Katie Morgan <katie.morgan@finance.nsw.gov.au>; Matthew Whitton <matthew.whitton@finance.nsw.gov.au>; Media (FIN) <Media@finance.nsw.gov.au>; Michael Hansen (contact) <Michael.Hansen@minister.nsw.gov.au>; Peter Dunphy <peter.dunphy@finance.nsw.gov.au>; Rebecca Lang <Rebecca.Lang@finance.nsw.gov.au>; Rose Webb <rose.webb@finance.nsw.gov.au>; Suzanne Crowle <suzanne.crowle@finance.nsw.gov.au>; Tony Williams <Tony.Williams@safework.nsw.gov.au>; Valerie Griswold <valerie.griswold@finance.nsw.gov.au>; Janet Bailey <janet.bailey@finance.nsw.gov.au>
Subject: Mascot Towers Update.

Hi all

Website and Hotline

Web Pages viewed today	386
Web Pages viewed to date	1,394
Searches for 'Mascot' today	3
Searches for 'Mascot' to date	28
Calls related directly to Mascot Towers today*	5
Calls related directly to Mascot Towers to date	14

*103 calls to the hotline, 54 were answered and 49 abandoned.

Of the 54 calls, 26 were transferred to another queue (assumed to be not related to Mascot Towers).

14 matters have been recorded on the spreadsheet.

Enquiries related to the following matters:

- in temporary accommodation, had questions about getting compensation and options for termination
- Requesting date to access
- termination, compensation and release of bond
- tenant being locked out and asking for compensation, and asking terminations and collection of goods
- landlord want to know whether he should terminate or pay for their accommodation.
- landlord living overseas asking if she is required to provide alternate accommodation
- costs for accommodation as insurance for building not giving money to owner and LL insurance not providing money to LL for tenant
- Grant from Tenants Union want to know if the tenant want their belongings how could they get it. How do they get in touch with the Strata Manager and who is the Strata Manager.
- friend has been locked out wanting her personal documents
- general enquiry in regards to alternate accommodation
- enquiring as to whether there is Govt assistance for accommodation
- gave information on S109 gave bond information and non lodgement and potential rent reduction
- meeting questions.

Strata Manager

All 132 apartments remain evacuated

Of 9 Retail premises: 3 have been forced to close (Wallabies Thai, IGA Express, Espresso on Church Café), 1 is vacant, 5 are operating (Harley's Hair, Sugar Baby Café, Oportos, Curry Craze and Diner Express).

A website has been established at www.mascottowersinformation.com.au

An Owners Corporation Meeting will be held at 7pm on Thursday 20 Jun 2019 – the issue of a special levy will be raised and the Engineer will provide a detailed brief. Fair Trading will be in attendance.

A Residents Forum will be held at 7pm on Thursday 20 Jun 2019 – it is expected there will be significant media interest. Fair Trading will be in attendance to answer tenancy and strata questions.

Attached is the Strata Managers daily update.

Insurance

The insurer has rejected the claim for accommodation advising that claim for building defects, subsidence or impacts for other sites are not covered and the causes are not yet determined. The owners corporation are getting legal advice.

Bayside Council

Church St road closure remains in place.

Local Emergency Management Committee – for Botany Bay LGA

The next meeting is at 2pm on Thursday 20 Jun 2019. Fair Trading is attending.

Best Regards

Peter Dunphy
Executive Director
NSW Fair Trading – Specialist Services

Department of Customer Service | Better Regulation Division
p 02 9895 0087 | m 0412 051 359
e peter.dunphy@finance.nsw.gov.au | www.fairtrading.nsw.gov.au
Macquarie Tower, Level 9, 10 Valentine Ave, Parramatta NSW 2150



This email message and any attached files is confidential and intended solely for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this email in error, delete all copies and notify the sender.

This email is subject to copyright. No part of it should be reproduced, published, communicated or adapted without the copyright owner's written consent. No employee or agent is authorised to conclude any binding agreement on behalf of the Department of Finance, Services and Innovation (DFSIS) by email without express written confirmation.

From: Mascot Towers <mascottowers@bmaus.com.au>
Sent: Monday, 17 June 2019 6:14 PM
To: Peter Dunphy
Subject: Mascot Towers Update

[View this email in your browser](#)

Mascot Towers Update - 17/06/19

Dear Owner / Occupant,

We would like to provide an update on the current status of Mascot Towers.

CURRENT STATUS

The building has been secured to ensure safety of all individuals and protect any belongings that have remained onsite. Monitoring of the structural integrity of the building continues. At present the building remains partly evacuated. Areas including the car park and recreational areas are non-accessible. Some retail shops however are permitted to trade.

PETS

If you have a domestic animal in your apartment that was not evacuated at the time of evacuation, please contact either the building manager at assist@bmaus.com.au or Mascot Police on (02) 8338 7399 immediately.

OWNERS MEETING

A meeting for the owners has been scheduled for 7.00pm Thursday, 20 June 2019. The meeting location is at the Holiday Inn Sydney Airport, Corner of O'Riordan Street &, Bourke Rd, Mascot NSW 2020. A meeting notice will be sent to all owners via email. If you are an owner and have not registered an email address with Strata Choice please complete this web form – www.stratachoice.com.au/enotice. If you are unsure if you are registered or do

not receive the agenda for this meeting by 9.00am Tuesday, 18 June 2019, please complete and lodge your email address using the same web form - www.stratachoice.com.au/enotice. A panel of experts will be attending the meeting to present and be available for questions from owners, which will include:

- Mascot Towers - Appointed Engineer
- Building Manager
- Strata Manager
- Strata Committee Members
- Building Construction Lawyers
- Representatives from NSW Government Department of Fair Trading
- Insurance Broker

RESIDENTS (TENANTS) MEETING

A meeting for the tenants of the building is scheduled for 7.00pm Thursday, 20 June 2019. The meeting location is at the Stamford Plaza Sydney Airport, Corner O'Riordan St &, Robey St, Mascot NSW 2020. The notification of meeting is attached. NSW Government – Fair Trading's representatives will be in attendance to assist with tenant rights under the Residential Tenancies Act.

Important: Please note that there are two separate meetings for each relevant party. An owners meeting of the Owners Corporation of Strata Plan 80877 and a residents meeting for tenants of Mascot Towers. Please ensure that your attendance is for the correct meeting.

MEDIA RELEASE

The Strata Committee has engaged the services of a media liaison officer to manage and handle enquires from the media. Mascot Towers will establish a web-based information link to keep owners and residents fully informed of engineering and related evaluations of the building itself. We also call upon the NSW Premier, seeking assistance for owners and residents who do not have insurance cover to meet the needs of temporary accommodation. You can view the media release [here](#).

ACCESS TO THE BUILDING – PARTLY ACCESSIBLE ZONE

The following apartments are able to be accessed to obtain some of your personal belongings. A booking system has been setup via emailing the building manager at assist@bmaus.com.au. This applies to the following apartments 5, 6, 7, 8, 9, 10, 11, 12, 24, 25, 26, 27, 28, 29, 30, 31, 43, 44, 45, 46, 47, 48, 49, 50, 62, 63, 64, 65, 66, 67, 68, 69, 81, 82, 83, 84, 85, 86, 89, 90, 91, 92, 93, 97, 98, 99, 102, 103, 104, 105, 106, 107, 113, 114, 115, 116, 117, 118, 124, 125, 126, 127, 128, 129. You may access for a short period of time to collect personal effects only with escort by the building manager. To book an appointment please email the building manager at assist@bmaus.com.au (bookings will only be accepted and confirmed via this email address). Appointments may now be made, and all requests will be confirmed via email. Please book now to make an appointment.

After consultation with the Engineer and Chairperson, the access plan to allow certain apartments access to remove belongings has been modified which will now allow two persons to attend in the company of a trained manager and security guard.

ACCESS TO THE BUILDING – NON-ACCESSIBLE ZONE

If your unit is not listed above, you are not able to access your unit at any time. All access to the car parking area and recreational facilities is not permitted. Please note the roadway on Church Avenue has been closed off by Bayside Council and is non-accessible.

ALTERNATIVE ACCOMMODATION & INSURANCE COVERAGE FOR TEMPORARY ACCOMMODATION

As previously advised, the claim on the building's insurance policy for temporary accommodation was declined. Further advice on this matter is being sought and further information will follow at the owners meeting. Tenants should contact their agent / landlord for further advice. Further information about tenant rights may be found in the NSW Government - Fair Trading fact sheet, which is [available here](#).

FINANCIAL HARDSHIP

If you are impacted by financial hardship, The Salvation Army Moneycare Western Sydney Financial Counselling Service may be able to assist, please contact them on 9633 5011.

COUNSELLING SERVICES

Fair Trading has counselling services available, please refer to the NSW Government - Fair Trading fact sheet, which is [available here](#).

OTHER RESOURCES

- NSW Government - Fair Trading hotline - 13 32 20
- NSW Government - Fair Trading fact sheet, which is [available here](#)
- Building Manager contact details - 0400 366 243
- Media Release – available [here](#).



Copyright © 2019 Mascot Towers, All rights reserved.

You are receiving this email because you opted in via our website.

Our mailing address is:

Mascot Towers
1-5 Bourke Street
Mascot, Nsw 2020
Australia

[Add us to your address book](#)

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).

James Dagger

From: Andrew Parkinson
Sent: Friday, 25 January 2019 6:52 AM
To: 'mark.hoffman@unsw.edu.au'; ^{Section 14 Clause 3(a) and Clause} @gmail.com'; Steven Blaney; Carolyn McNally; Marcus Ray; Mike Young (DPE-DASP); James Hebron; Alison Frame; Anthea Sargeant; Benjamin Harrison
Cc: DPE CSE Media Unit Mailbox
Subject: Opal Media Clips Friday 25 January 2019

Morning all – just two stories today – as expected the **SMH, AFR and Australian** are all running the story about ECOVE pulling out of the running for the Sirius development.

The Australian also has a story following up on the news that the NSW Govt (through SOPA) could be liable as developed for the Opal site. The paper says the Government could be liable for major defects in four other apartment complexes in Sydney Olympic Park, as well as other apartment developments including Green Square (owned by Landcom). Minister Kean is quoted in the article saying any Government agency will meet its liabilities.

Thanks Andrew

[Opal Tower developer abandons Sirius bid](#)

The developer of Opal Tower has pulled out of the running to redevelop the site of the Sirius public housing block in The Rocks. - *SMH* by Jacob Saulwick, Sarah Keoghan, p12

[Opal Tower developer withdraws from Sirius bid](#) - *Financial Review* by Su-Lin Tan, p33

NSW in the gun for apartment defect liabilities

<https://app.meltwater.com/mwTransition?url=https%3A%2F%2Fwww.theaustralian.com.au%2Fnational-affairs%2Fstate-politics%2Fnsw-in-the-gun-for-apartment-defect-liabilities%2Fnews-story%2F14102a852851a6b8457479190901d40c&urlCategories=newsLtd&analytics=false&transitionToken=eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzUxMiJ9.eyJkb3N0bmFtZSI6Ind3dy50aGVhdXN0cmFsaWFuLmNvbS5hdSJ9.1vY3spCFUUYGhEDyLIBXg29p-26pmzXzwzE2oZZbe-c6TeCw918owAs9OyVpNyuNC5HcZKjScGkzQdfI9fLuVQ>

Opal Tower developer abandons Sirius bid

Jacob Saulwick
Sarah Keoghan

The developer of Opal Tower has pulled out of the running to redevelop the site of the Sirius public housing block in The Rocks.

The withdrawal follows publication of an open letter from advocates for the Sirius building urging the state government not to sell the site to the developer, Ecove.

"The government is evaluating proposals for the Sirius site and has shortlisted a number of proponents," a Property NSW spokesman said yesterday.

"Ecove was previously a minority member of one of the shortlisted consortia, but has withdrawn from the process."

The statement came after Sydney lord mayor Clover Moore, Member for Sydney Alex Greenwich and Greens MP Jamie Parker signed a letter from advocacy group Save Our Sirius that requested the government not sell a well-built building to a company responsible for one with significant structural defects.

"At a time of escalating homelessness, eroded housing affordability especially in the inner city, and a social housing waiting list of 60,000 families, the Sirius is publicly owned, empty and fit for purpose to house people who are homeless, key workers and social housing tenants," the letter said.

The bid that included Ecove had been considered one of the favourites to win the tender, which the government had said should have been awarded last year.

Opal Tower developer withdraws from Sirius bid

Su-Lin Tan

The developer of Opal Tower, Ecove, has withdrawn from the bid process to redevelop the controversial Sirius public housing site at The Rocks in Sydney.

Earlier this month, *The Australian Financial Review* revealed Ecove's bid with development partner Aoyuan had been shortlisted alongside Sydney eastern suburbs developer RDA Property Group, led by former fashion identity Danny Avidan, and JD Capital, a private developer believed to be linked to one of Vietnam's wealthiest families.

Ecove only has a minority interest in its alliance with Aoyuan.

Aoyuan remains on the shortlist and will vie for the chance to build apartments at the site, tipped to be sold for about \$120 million to \$150 million.

"Ecove was previously a minority member of one of the shortlisted consortia, but has withdrawn from the process," a Property NSW spokesman

REUTERS



said. "The evaluation process is ongoing and yet to be finalised and remains commercial in confidence."

The winning consortium was due to be announced in early December but the announcement has been delayed.

Sirius, a former public housing property, has been embroiled in controversy since plans to sell the 3647 sq m historic site were announced. The sale

not to sell the site to Ecove, which developed Opal Tower, the defective tower in Sydney Olympic Park. Opal's builder Icon and engineer WSP are, however, responsible for reparation works at the 36-storey, 392-unit tower after hob beams failed on several floors on Christmas eve.

Last Tuesday, the NSW government said Opal was structurally sound in

Ecove has bailed out of Sirius, the public housing site at The Rocks, Sydney.

will allow its future owner to demolish the 1970s Brutalist building sitting onsite.

Local politicians have been agitating the NSW government

spite of the rectification work required. Sixty residents have since moved back into the Opal Tower and this week it was lit for the first time since residents were evacuated on Christmas eve.

The decision to return to the tower lies in the hands of residents of the builder Icon. Icon, in turn, told residents some units were safe to move in.

Other residents in the 392-apartment tower, who are yet to return, have been staying at private accommodation or hotels paid for by Icon.

It is understood Icon has committed to paying for hotels until at least Saturday.

Residents who have not moved back are waiting for clearance from the body corporate's engineer Cardno.

Engineer WSP has sent its rectification works to both Cardno and Rincovitch, Icon's third-party engineer, for approval, as recommended by the NSW government.

State in the gun for defect projects

EXCLUSIVE

SAM BUCKINGHAM-JONES

The NSW government could be liable for any major defects in at least four major apartment projects in Sydney Olympic Park as well as a flagship tower in the city's \$8 billion Green Square project under its own laws that define the "developer" as the legal owner of the land.

Following revelations the government may foot some of the bill to fix the damaged Opal Tower in Olympic Park, it can be revealed that four other developments are in the same situation.

Opal Tower cracked over eight seconds on Christmas Eve, prompting the evacuation of more than 300 people from the 392-apartment, 36-storey building and several investigations by teams of engineers.

Earlier this month, *The Australian* revealed a "loophole" with the NSW Home Building Act arising from recent court decisions that the owner of land that is developed into a high-rise residential block is liable — along with the builder — for defects that arise.

Under NSW statutory warranties, the owners corporation of an apartment block can sue the developer and builder within two years for minor defects and six years for major defects.

Sydney Olympic Park Authority, a NSW government entity, was the legal landowner in the case of Opal Tower and Ecove, the developer, never owned the land. Sydney Olympic Park Authority has confirmed it had a similar Project Delivery Agreement with four other of its projects: Australia Towers, Jewel, The Pavilions and Bennelong.

Those four developments comprise hundreds of millions of dollars and hundreds of apartments, and were finished in the past five years. Australia Towers, also developed by Ecove, is four buildings, more than 820 apartments, home to thousands of people and cost hundreds of millions of dollars.

Jewel, developed by Payce and Japanese homebuilder Sekisui House, has 250 apartments and was finished in 2016. The Pavilions is a 422-apartment development by Mirvac. Bennelong is a \$116 million development with 294 units by developer Austino.

"SOPA is a party to a number of project delivery agreements (PDA) in relation to new residential property at Sydney Olympic Park," a spokesman for SOPA said. "Under the terms of each PDA, the developer assumes all risks in relation to the project, whereas SOPA only retains certain obligations in relation to title until settlement occurs on the relevant property."

The NSW government's property developer, Landcom, likewise said it retained ownership of the land at Green Square, in Sydney's inner east, which was developed by Mirvac into the OVO building, a 224-apartment, 28-storey tower.

There is no suggestion any of these buildings has a major defect, only that if one were to appear, the NSW government could be liable along with the registered builder.

NSW Better Regulation Minister Matt Kean said the NSW government used statutory warranties to protect homeowners.

"The application of these warranties in particular circumstances can be legally complex, and the NSW government is considering whether any changes are required to give homeowners even better protection," he said. "Any NSW government agency will meet any of its legal obligations to homeowners."

Andrew Parkinson

Director Media & Social

Communication and Stakeholder Engagement

320 Pitt St | Sydney NSW 2000

M: 0404 615 596 | Media Unit: 02 9274 6128

E: andrew.parkinson@planning.nsw.gov.au



Subscribe to our [newsletter](#)

James Dagger

From: Andrew Parkinson
Sent: Monday, 25 February 2019 10:35 AM
To: 'mark.hoffman@unsw.edu.au'; 'J Section 14 Clause 3(a) andSection@gmail.com'; Steven Blaney; Carolyn McNally; Marcus Ray; Mike Young (DPE-DASP); James Hebron; Alison Frame; Anthea Sargeant; Benjamin Harrison
Cc: DPE CSE Media Unit Mailbox
Subject: Opal Report Weekend Coverage 22-24 February 2019
Attachments: 054W2701.PDF

Hi there – please find below a quick wrap on media from the press conference on Friday – including coverage over the weekend.

I've also included a media release issued by the Opposition on Saturday regarding what it says is conflicting advice on reoccupation – the media release did not get any traction.

Thanks Andrew

Opal Tower report (TV on Friday PM)

- An independent report into Opal Tower found that builders and designers are at fault for problems caused by the building's gaping cracks. {4.33pm - [Channel 9 Sydney](#); 4.37pm - [Channel Seven Sydney](#); 5.11pm - [Channel Ten News Sydney](#); 6.11pm - [Channel 9 Sydney](#); 6.32pm - [Channel Seven Sydney](#); 6.55pm - [SBS TV Sydney](#); 7.11pm - [ABC TV Sydney](#)}
- Minister **Kean**: "We encourage the residents to get independent legal advice. We already got statutory defects, bond schemes in place, and statutory warranty system in place, that means that the builder or the developer or the person responsible for the defect will have to put the bill for rectification." {4.33pm - [Channel 9 Sydney](#)}
- Opal Tower Resident **Eslander**: "No one can prepare for what has occurred here."
- Professor **Hoffman**: "As constructed, the design of a number of key elements were not compliant with the National Construction Code."
- Minister **Kean**: "Clearly, there are issues with the design and construction of this building. It's totally unacceptable."
- Opposition's **Daley**: "We'll adopt them to make sure that it's built right the first time." {5.11pm - [Channel Ten News Sydney](#)}
- Minister **Kean**: "I'm not going to accept cowboys and shonks operating in NSW doing work and doing it negligently." {6.11pm - [Channel 9 Sydney](#)}
- Professor **Hoffman**: "...with a high likelihood that damage would occur."
- Minister **Kean**: "That means, we can rub out any dodgy practitioners in the industry." {6.32pm - [Channel Seven Sydney](#)}
- Minister **Kean**: "These are major defects that we're talking about and that means that the designer, the builders and the developers would have to foot the bill for the ratifications."
- Minister **Kean**: "I'm not going to accept cowboys and shonks operating in NSW doing work and doing it negligently." {7.11pm - [ABC TV Sydney](#)}

Faults spark calls for reform

Megan Gorrey
State politics

The NSW government's independent report into the Opal Tower debacle has urged a new database of registered engineers and the creation of a "building structure review board" to improve the design and construction of high-rise developments.

The newly built Opal Tower at Sydney Olympic Park in the city's west was evacuated on Christmas Eve after gaping cracks found in the building sparked fears it would collapse.

Fallout from the damaged tower underscored concerns about new apartment buildings scattered across Sydney, as the city's rising population continues to drive a high-density development boom.

A final report by the engineering experts engaged by the government identified structural design and construction failings that breached national building standards and caused the cracking.

The report, released today, found that the building was "over-



all structurally sound". But the authors said crucial beams at numerous sites throughout the tower were "under-designed" and "susceptible to failure by shear compression and bursting".

Changes made after the initial design for the project meant some joints between the hob beams and panels inside the building had been only partially grouted.

That had significantly increased the amount of stress in the beams on levels four, 10, 16 and 26 of the tower, the report said.

It said the visible cracking to a concrete panel and floor slab on level 10 of the building was probably a consequence of a nearby faulty beam.

Significant rectification works were needed to make sure the

building complied with the National Construction Code, the report's authors said.

The building defects prompted the engineering experts Mark Hoffman, John Carter and Stephen Foster to call for qualified structural engineers to check the building's final design and construction proposals "before major rectification works begin and before the building is deemed safe for residents". They said they agreed with the plan for rectification works "in principle".

The report authors recommended the creation of a government-registered engineers database and independent third-party checks of critical elements of the design during the construction of high-rise buildings.

"We also recommend the creation of a new Building Structure Review Board to establish and publish the facts relating to major structural damage of buildings arising from structural design and construction, to investigate their causes and to recommend regulatory changes as needed," the three

report authors said in a statement.

Earlier this month, the state government said a "building commissioner" would be responsible for auditing people who work in the industry, as part of its long-awaited response to a major review of regulation of the building and construction sector.

A spokesman for Planning Minister Anthony Roberts would not be drawn on whether the government would act on the bulk of the report's recommendations.

Meanwhile, many tower residents remain in temporary accommodation. Residents from 392 apartments were evacuated, with 171 units later deemed safe to live in. However, a spokeswoman for building company Icon said only 133 units had been re-occupied.

Bryan Tan and his family have lived in hotels and serviced apartments since they were evacuated from the building two months ago.

"To be honest, it's been a bit frustrating living somewhere that's smaller than our apartment, but it could be a lot worse," Mr Tan said. "It is what it is."

\$1 million a week to Opal residents

THE builder of the troubled Opal Tower has forked out almost \$1 million a week in reimbursing displaced residents.

Icon had spent \$7,300,685 in reimbursing residents for food, accommodation and living expenses since December.

More than 220 units are still deemed uninhabitable due to ongoing rectification

work after cracks appeared in the 36-storey tower at Sydney Olympic Park on Christmas Eve, sparking the evacuation of about 300 residents.

An independent expert report commissioned by the state government, to be released today, found a number of design and construction issues "including noncompli-

ance with national codes and standards" caused the damage to the tower. Professors Mark Hoffman, John Carter and Stephen Foster said some "hob beams" and panel assemblies were "under-designed" according to the National Construction Code and Australian Standard, which left them "susceptible to failure".

Inferior support beams led to cracking of Opal

ELIAS VISONTAY

Engineers investigating western Sydney's Opal Tower have found key horizontal support beams built to an inferior, non-compliant strength were the chief cause among a slew of other deficiencies that triggered major cracking and two evacuations of the troubled building.

Handing down their final report after almost two months of the multi-party investigation, engineers engaged by the government also slammed structural engineers who provided the detailed technical design for the building's construction of the project for lacking transparency and accountability.

'We consider the building is overall structurally sound'

ENGINEERS' REPORT

Another significant error of

and construction issues, including noncompliance with national codes and standards were responsible for the observed damage at Opal Tower," the report said.

"We found some of the hob beams and panel assemblies were under-designed according to the National Construction Code and Australian Standards, leaving the beams prone to failure.

"We consider the building is overall structurally sound and the localised damage to the building can be rectified."

The report also made several key recommendations to the high-rise development industry "focused on improving the system of independent review and monitoring" of designs provided to builders by engineering firms.

Recommendations include the creation of a government-run database of registered engineers, an online database of the certification documents of all buildings in the state, and a building structure review board to establish and publish facts about historical damage to buildings caused by design flaws to help shape future building codes.

the tower was the decision to only partially grout — a process to seal and fill the space between surfaces — between the support beams and panels, which raised the stress the already non-compliant support beams were forced to carry and resulted in the most visible damage at the site.

The 36-floor building at Sydney Olympic Park gained national attention when 300 residents were evacuated on Christmas Eve and again less than a week later after creaking noises were heard and cracks appeared.

Professors Mark Hoffman, John Carter and Stephen Foster, the engineers engaged by the state government to carry out an independent investigation, said the failures and damage at Opal Tower was a “rare occurrence”.

“A number of structural design

NSW Minister for Better Regulation Matt Kean said the government was accepting the “vast majority” of the recommendations including the registered engineers database.

It is not clear which recommendations will be ignored by the government.

The professors also reviewed separate investigations conducted by Rincovitch Partners, hired by the tower’s builders Icon, design engineering firm WSP, hired by Icon, and Cardno, hired by the body corporate.

Photos included in the report showed cracking on floor panels and other locations throughout the building, which occurred after the initial failure of a precast concrete wall panel on Level 10.

Residents began returning to their homes in mid-January.

Opal unit is no rough diamond

JONATHAN CHANCELLOR

ONE hopeful seller is trying to sell their apartment in the notorious Opal Tower — but unsurprisingly people don’t seem to think it is a cacking investment.

Sy Realty Sydney agent Joe Wang told The Saturday Telegraph “our clients asked us to

test the market”. And Mr Wang, who has been selling at Sydney Olympic Park for three years, admitted the timing was “challenging”.

He declined to suggest a likely selling price, although he hoped the final report of the state government on the building’s cracking, may trigger a more positive sentiment.

The 81sq/m unit with an enclosed balcony and study cost \$757,000 in 2014.

There were nine apartments for sale before the cracks started to appear and residents were evacuated on Christmas Eve.

“We expect more apartments will come up for lease than for sale,” Mr Wang said.

Andrew Parkinson

Director Media & Social

Communication and Stakeholder Engagement

320 Pitt St | Sydney NSW 2000

M: 0404 615 596 | Media Unit: 02 9274 6128

E: andrew.parkinson@planning.nsw.gov.au



Planning &
Environment



Subscribe to our [newsletter](#)

Tania Mihailuk MP

Shadow Minister for Family and Community Services

Shadow Minister for Housing

Saturday 23 February 2019

OPAL TOWER REPORT SAYS ONE THING, BUILDER SAYS ANOTHER WHILE GOVERNMENT IS SILENT

Residents have been moved back into the Opal Tower despite yesterday's expert review recommending against this.

Shadow Minister for Planning, Tania Mihailuk, is calling for an immediate explanation from the Berejiklian Government.

"We have people reportedly living in a building that a Government report says isn't ready to be reoccupied. What on earth is going on here? And where is the Berejiklian Government on this?"

Yesterday's Opal Tower Investigation Final Report said the following:

The viability of residents re-entering the building extends beyond the structural issues considered and hence beyond the scope of this investigation. Nevertheless, we would recommend that items 9-11 listed above be completed prior to re-occupation. (page 2)

Items 9-11 make various safety and remediation recommendations which the report says are yet to be completed.

However, some residents moved back into the building nearly two weeks ago, after the builder told residents that certain units were safe for reoccupation.

James Dagger

From: Andrew Parkinson
Sent: Monday, 28 January 2019 8:42 AM
To: 'mark.hoffman@unsw.edu.au'; ^{Section 14 Clause 3(a) and Clause} @gmail.com'; Steven Blaney; Carolyn McNally; Marcus Ray; Mike Young (DPE-DASP); James Hebron; Alison Frame; Anthea Sargeant; Benjamin Harrison
Cc: DPE CSE Media Unit Mailbox
Subject: Opal Tower Media Clips 28 January 2019

Morning everyone,

Just one story today, syndicated by AAP and covered in the Telegraph and the SMH, and in the Guardian and Australian online. The story says ICON will cease food and accommodation payments to 74 unit residents from today after Cardno signed off on reoccupation of these apartments.

Regards, Andrew

[Opal locals forced to move back](#)

They still do not know what caused the cracking, but the residents of 74 apartments in the troubled Opal Tower will be forced to move back in after the builder announced it would no longer pay their food and accommodation expenses. - *Telegraph by Danielle Le Messurier, p12*

[Opal Tower builder to stop paying for expenses](#) - *SMH by Josh Dye, p13*

Some Opal Tower residents refuse to return home as builder stops paying allowance

<https://www.theguardian.com/australia-news/2019/jan/27/more-opal-tower-residents-to-return-home-as-builder-stops-paying-allowance> - GUARDIAN AUSTRALIA

Opal Tower builder stops paying

<https://app.meltwater.com/mwTransition?url=https%3A%2F%2Fwww.theaustralian.com.au%2Fnews%2Fnation%2Fopal-tower-builder-stops-paying%2Fnews-story%2Fa17e4472a757c51ec5aba30ce1d24618&urlCategories=newsLtd&analytics=false&transitionToken=eyJ0eXAiOiJKV1QiLCJhbGciOiJIUzUxMiJ9.eyJkb3N0bmFtZSI6Imd3dy50aGVhdXN0cmFsaWFuLmNvbS5hdSJ9.1vY3pCFUUYGhEDyLIBXg29p-26pmzXzwzE2oZZbe-c6TeCw918owAs9OyVpNyuNC5HcZKjScGkzQdfi9fLuVQ> THE AUSTRALIAN

Opal locals forced to move back

Builder cuts off bed and board

DANIELLE LE MESSURIER

THEY still do not know what caused the cracking, but the residents of 74 apartments in the troubled Opal Tower will be forced to move back in after the builder announced it would no longer pay their food and accommodation expenses.

It comes despite nervous residents waiting for a NSW government-commissioned report into the cause of the defect, with up to 137 apartments still affected by remediation work.

In a letter to residents, builder Icon said people in apartments approved by body corporate-appointed engineering firm Cardno would not be reimbursed for living expenses past breakfast yesterday. It also confirmed about 65 per cent of apartments in the Sydney Olympic Park tower, or 255 out of 392, were ready for reoccupation.

Some residents have been loath to move back until two government-appointed professors of engineering hand down their final report in late February or early March.

In an interim report released earlier this month, the professors recom-

mended all residents delay moving back until further investigations are carried out by independent engineers.

An Icon spokeswoman yesterday said the builder had relied on independent advice "at every stage".

"That's been the role of Rincovitch (engineering consultants appointed by Icon), and moreover the role of Cardno on behalf the body corporate," she said.

"Three engineering firms — WSP, Cardno and Rincovitch — signed off that these apartments are safe to reoccupy. We're continuing to co-operate with all of the engineers including the government engineers."

Residents who cannot return to the building

will continue to receive food and accommodation reimbursement until at least Wednesday. However, Opposition Leader Michael Daley called on Premier Gladys Berejiklian to step in. The NSW government still owns 11 apartments in the tower through the Sydney Olympic Park Authority.

"(Residents) are still telling me they're afraid — they don't want to go into that building, they feel unsafe in their own homes," Mr Daley said. "Has that independent engineer done the work yet? I don't know."

Ms Berejiklian said the government's priority was ensuring residents had certainty. "We want people to know where they stand," she said. "If they're told their homes are safe, well, that's good news."

Design engineering firm WSP said it had a reoccupation schedule for units "physically remote from repairs/strengthening works or propping" and safe to reoccupy. It said the tower was "structurally sound overall".

Opal Tower was first evacuated on Christmas Eve, when residents heard bangs and saw cracks appear on



Opal Tower builder to stop paying for expenses

More residents are expected to start moving back into their apartments in Sydney's damaged Opal Tower in coming days after the builder stopped paying for temporary accommodation and food.

Icon announced it won't pay food or accommodation beyond yesterday's breakfast for residents of 74 apartments after the body corporate's engineers Cardno declared those units safe to occupy.

"It is important to note that the we are continuing to work with all the engineers to ensure all queries are thoroughly addressed and that the extent of apartments with actual remedial works is minimal," Icon said in a letter to residents.

"Approximately 65 per cent of

the apartments are ready to be re-occupied now."

Other residents will be able to stay in hotel accommodation until at least Wednesday.

Design engineer WSP on Thursday said it had established a re-occupation schedule for apartments that are "physically remote" from repairs, strengthening works or propping.

It said stabilisation works had been undertaken on three walls in the building across 12 levels.

But it maintains the building is structurally sound overall – a verdict also made by the government's independent engineering experts.

AAP, with Josh Dye

Andrew Parkinson

Director Media & Social

Communication and Stakeholder Engagement

320 Pitt St | Sydney NSW 2000

M: 0404 615 596 | Media Unit: 02 9274 6128

E: andrew.parkinson@planning.nsw.gov.au



Subscribe to our [newsletter](#)

James Dagger

From: Andrew Parkinson
Sent: Tuesday, 29 January 2019 6:38 AM
To: 'mark.hoffman@unsw.edu.au'; 'J Section 14 Clause 3(a) and Claus@gmail.com'; Steven Blaney; Carolyn McNally; Marcus Ray; Mike Young (DPE-DASP); James Hebron; Alison Frame; Anthea Sargeant; Benjamin Harrison
Cc: DPE CSE Media Unit Mailbox
Subject: Opal Tower media clips 29 January 2019

Good morning everyone, just one story today - the Telegraph has been told by 'a source close to the Opal Tower investigation' that ICON faces a complicated approvals process to get remediation underway. We provided a response to questions yesterday.

Thanks Andrew

Approvals to delay troubled tower repairs

DANIELLE LE MESSURIER

WORK to fix apartments at the Opal Tower could be stalled for months in the latest blow to beleaguered residents.

The Daily Telegraph can reveal that builder Icon must secure a chain of approvals before work can begin because new plans for the internal commu-

nal gardens — where cracks first appeared on level 10 — differ from the original design of the Olympic Park building.

It's understood Icon will need to get approval from owners of every apartment where remediation and rectification works are occurring as well as the body corporate. Three areas require rectification and

strengthening works on levels 4 and 10 — where engineers reported finding "major damage" — and level 16.

It comes as residents from 74 apartments will likely be forced back into the so-called "construction site" this week after Icon announced it would no longer pay for food and accommodation expenses for resi-

dents of units it deemed safe.

A source close to the Opal Tower investigation said the complicated approvals process could significantly delay much-needed remediation work.

A Department of Planning and Environment spokesman said there was "no requirement" for it to approve remedial works at this stage.

Andrew Parkinson

Director Media & Social

Communication and Stakeholder Engagement

320 Pitt St | Sydney NSW 2000

M: 0404 615 596 | Media Unit: 02 9274 6128

E: andrew.parkinson@planning.nsw.gov.au



Subscribe to our [newsletter](#)

James Dagger

From: Andrew Parkinson
Sent: Thursday, 24 January 2019 5:25 PM
To: 'mark.hoffman@unsw.edu.au'; 'J Section 14 Clause 3(a) and Clause@gmail.com'; Steven Blaney; Carolyn McNally; Marcus Ray; Mike Young (DPE-DASP); James Hebron; Alison Frame; Anthea Sargeant; Benjamin Harrison
Cc: DPE CSE Media Unit Mailbox
Subject: RE: Opal Media Clips Thursday 24 January 2019

Hi everyone – breaking news that I am sure we'll see more of in the morning.

START

Opal Tower developer Ecove has withdrawn from Sirius project
Updated 24 Jan 2019 — 5:02 PM,

The developer of Opal Tower Ecove has withdrawn from the bid process to redevelop the controversial Sirius public housing site at The Rocks.

Ecove's bid with development partner Aoyuan has been shortlisted alongside Sydney eastern suburbs developer RDA Property Group, led by former fashion identity Danny Avidan, and JD Capital, a private developer said to be linked to one of Vietnam's wealthiest families.

Ecove only has a minority interest in its alliance with Aoyuan.

Aoyuan remains on the shortlist and will vie for the chance to build apartments at the site, tipped to be sold for about \$120 million to \$150 million.

"The Government is evaluating proposals for the Sirius site and has shortlisted a number of proponents," a Property NSW spokesman said.

"Ecove was previously a minority member of one of the shortlisted consortia, but has withdrawn from the process."

"The evaluation process is ongoing and yet to be finalised and remains commercial in confidence."

The announcement on which developer had been chosen was due to be announced about a month ago. It is understood the NSW government will make an announcement at the end of January.

END

Andrew Parkinson
Director Media & Social
0404615596

Media Unit: 02 9274 6128

From: Andrew Parkinson
Sent: Thursday, 24 January 2019 7:10 AM
To: 'mark.hoffman@unsw.edu.au' <mark.hoffman@unsw.edu.au>; 'J Section 14 Clause 3(a) and Clause@gmail.com' <Johncarter126@gmail.com>; Steven Blaney <Steven.Blaney@planning.nsw.gov.au>; Carolyn McNally

<Carolyn.McNally@planning.nsw.gov.au>; Marcus Ray <Marcus.Ray@planning.nsw.gov.au>; Mike Young (DPE-DASP) <Mike.Young@planning.nsw.gov.au>; James Hebron <james.hebron@planning.nsw.gov.au>; Alison Frame <Alison.Frame@planning.nsw.gov.au>; Anthea Sargeant <Anthea.Sargeant@planning.nsw.gov.au>; Benjamin Harrison <Benjamin.Harrison@planning.nsw.gov.au>

Cc: DPE CSE Media Unit Mailbox <mediaunit@planning.nsw.gov.au>

Subject: Opal Media Clips Thursday 24 January 2019

Morning all – couple of stories running today.

The **SMH and Australian** are both running the story about Opal developer ECOVE being in the running to win the tender to redevelop the iconic Sirius building at The Rocks. An open letter from Sydney stakeholders including the Lord Mayor says “such a sale would be a grave mistake and would provoke distrust in government processes.” The story is also running on 2GB this morning.

The **Australian** is running a story on the call by the Association of Accredited Certifiers for reforms to the construction sector, saying “the construction sector lacks accountability and fundamental checks and balances”.

Clips on both stories below – have a great day,
Thanks Andrew

[Opal developer? You can't be Sirius](#)

The state government is being urged to block the sale of the prime harbourside Sirius public housing building to the developers behind the cracked Opal Tower in Olympic Park. - *SMH by Jacob Saulwick, Sarah Keoghan, p1, 2*

- [Bid to block Sirius sale to Ecove](#) - *Australian by Lisa Allen, p6*
- [Watchdog seeks urgent construction reforms](#) - *Australian by Sam Buckingham-Jones, p6*

Opal developer? You can't be Sirius

Jacob Saulwick
Sarah Keoghan

The state government is being urged to block the sale of the prime harbourside Sirius public housing building to the developers behind the cracked Opal Tower in Olympic Park.

Responding to widespread speculation that developer Ecove is well placed to win the tender to redevelop the Sirius site at The Rocks, a clutch of local politicians and advocates for the building



The Sirius building at The Rocks.

have written an open letter to Premier Gladys Berejiklian arguing that a sale to Ecove would be a “grave mistake”.

Ecove's pitch, submitted with development partner Aoyuan, was one of the final shortlisted tenders along with the bid by RDA Property Group, owned by fashion identity Danny Avidan.

It is understood that RDA's tender involves keeping but upgrading significant elements of the brutalist-style structure, built in the 1970s to house displaced public housing tenants.

This aspect of RDA's bid might be unlikely to win favour with the
Continued Page 2

Opal developer? You cannot be Sirius

From Page 1

decision-makers, Finance Minister Victor Dominello and Treasurer Dominic Perrottet.

Mr Perrottet has made no secret of his distaste for a building he has described as “sexy as the carpark at my local supermarket”.

“The demise of the concrete eyesore and the promise of a new, less brutal building on the site – required to fit in with the aesthetic of The Rocks – will be met with cheers, not jeers,” Mr Perrottet wrote in the *Herald* in 2016.

The award of the tender is overdue. Last year the government said the sale was expected to be finalised by the end of 2018.

In their open letter, lord mayor Clover Moore, the member for Sydney Alex Greenwich, inner Sydney Greens MP Jamie Parker and advocacy group Save Our Sirius ask Ms Berejiklian not to sell the “structurally sound” building “particularly to a developer who will demolish it”.

“We understand the sale of the Sirius building is imminent and there are rumours that the Opal Towers developer Ecove is the government’s preferred buyer,” the letter says.

“Such a sale would be a grave mistake and would provoke distrust in government processes and objectives. It can be argued that Sirius was built at a time when

buildings were better regulated and had government oversight so that they were built well. Sirius has withstood successive governments’ neglect to remain fit-for-purpose for social housing tenants’ needs.”

Neither Ecove nor RDA would comment on its tender.

Ecove came to prominence when cracks in a 10th-floor precast concrete panel on Christmas Eve triggered the evacuation of residents from 392 apartments in its newly completed Opal Tower.

Sirius has been unoccupied for the past year. A spokesman for Property NSW said: “The evaluation process is ongoing and yet to be finalised.”

Bid to block Sirius sale to Ecove

LISA ALLEN

Sydney councillors and NSW MPs are lobbying the NSW Premier to stop the appointment of the developer of the troubled Opal Tower from winning the lucrative rights to redevelop the Sirius building in the historic Rocks.

The Save Our Sirius lobby group was last night backed by the Lord Mayor of Sydney, Clover Moore, the member for Sydney, Alex Greenwich, and the member for Balmain, Jamie Parker, to petition Premier Gladys Berejiklian to stop Ecove’s appointment.

“We understand the sale of the Sirius building is imminent and there are rumours the Opal Tower developer, Ecove, is the government’s preferred buyer,” states the Save Our Sirius petition to the Premier, obtained by *The Australian* last night.

“Such a sale would be a grave mistake and would provoke distrust in the government processes and objectives.”

The \$150 million-plus battle for one of Sydney’s high-profile – and often polarising – apartment complexes is down to just a few bidders who have expressed interest in acquiring the rights to



Opal Tower at Sydney Olympic Park

the 79-unit apartment tower designed in the “Brutalist” style.

Apart from Ecove, which is bidding with China’s Aoyuan, two other developers are in the running to redevelop the Sirius tower. They include eastern suburbs property developer and former rag trader Danny Avidan and a Vietnamese group known as JD Capital. Mr Avidan declined to comment to *The Australian* last night.

“Sydney was rocked when Ecove’s Opal Tower disaster



Sirius in the Rocks, which will be redeveloped

forced residents from their homes over Christmas, prompting widespread reports of defects in apartment buildings across the state,” the petition says. “It is of great concern that the government could consider letting a developer associated with reports of significant defects, demolish and replace this socially and culturally significant heritage icon.”

Ecove declined to comment last night.

PROPERTY P23-24

Watchdog seeks urgent construction reforms

EXCLUSIVE

SAM BUCKINGHAM-JONES

The peak body representing certifiers in NSW has launched a campaign in the lead-up to the state election calling for “common-sense” reforms to the construction sector, including a comprehensive licensing scheme, mandatory insurance and a dedicated building portfolio.

The Association of Accredited Certifiers has called on the next state government to commit to eight “vital” reforms of the construction industry and to make the sweeping changes within the first 100 days of government after the election on March 23.

AAC chief executive Jill Brookfield said the Opal Tower debacle in Sydney’s Olympic Park showed how dire the situation had become. On Christmas Eve, more than 300 people were evacuated when cracks appeared in the 392-apartment, 36-storey building.

“For too long, governments in NSW have failed to act to ensure robustness and accountability in the construction industry in NSW,” Ms Brookfield said.

“Under current regulations,

there is no requirement for structural or services engineers to undertake inspections of structural or services elements in buildings. Currently, the construction sector lacks accountability and fundamental checks and balances. This must change to restore owners’ and residents’ confidence.”

Under the AAC’s eight-point plan, all professionals involved in the design, installation and approvals process would be accredited and insured; all key players who are not accredited would be licensed and required to regularly prove their competency.

Building regulation and control is so complex and important, the AAC has argued, they should be the focus of a dedicated government minister.

Another part of the AAC plan involves making each party accountable for its work.

“All parties involved in the building product supply chain need to be accountable for the products they prescribe, specify, purchase and use,” the AAC said.

Ms Brookfield said she would write to all political stakeholders in NSW seeking support for the AAC proposal and written confirmation they would seek to implement the reforms as soon as possible.

Andrew Parkinson

Director Media & Social Media

Communication and Stakeholder Engagement

320 Pitt St | Sydney NSW 2000

M: 0404 615 596 | Media Unit: 02 9274 6128

E: andrew.parkinson@planning.nsw.gov.au



Subscribe to our [newsletter](#)

James Dagger

From: Mark Hoffman <Mark.Hoffman@unsw.edu.au>
Sent: Sunday, 10 February 2019 1:09 PM
To: Andrew Parkinson; 'J' Section 14 Clause 3(a) and Clause 3(b)@gmail.com'; Steven Blaney; Carolyn McNally; Marcus Ray; Mike Young (DPE-DASP); James Hebron; Alison Frame; Anthea Sargeant; Benjamin Harrison
Cc: DPE CSE Media Unit Mailbox
Subject: RE: OPAL media on Building Ministers' Forum proposals - exclusive

Thanks Andrew.

Professor Mark Hoffman FTSE FIEAust
Dean, UNSW Engineering

UNSW SYDNEY
NSW 2052 AUSTRALIA
T: +61 (0)2 9385 4970
E: mark.hoffman@unsw.edu.au
W: engineering.unsw.edu.au
FB: [facebook.com/unswfacultyofengineering](https://www.facebook.com/unswfacultyofengineering)

CRICOS Provider no. 00098G

From: Andrew Parkinson <Andrew.Parkinson@planning.nsw.gov.au>
Sent: Sunday, 10 February 2019 5:04 AM
To: Mark Hoffman <Mark.Hoffman@unsw.edu.au>; 'J' Section 14 Clause 3(a) and Clause 3(b)@gmail.com' <Johncarter126@gmail.com>; Steven Blaney <Steven.Blaney@planning.nsw.gov.au>; Carolyn McNally <Carolyn.McNally@planning.nsw.gov.au>; Marcus Ray <Marcus.Ray@planning.nsw.gov.au>; Mike Young (DPE-DASP) <Mike.Young@planning.nsw.gov.au>; James Hebron <james.hebron@planning.nsw.gov.au>; Alison Frame <Alison.Frame@planning.nsw.gov.au>; Anthea Sargeant <Anthea.Sargeant@planning.nsw.gov.au>; Benjamin Harrison <Benjamin.Harrison@planning.nsw.gov.au>
Cc: DPE CSE Media Unit Mailbox <mediaunit@planning.nsw.gov.au>
Subject: RE: OPAL media on Building Ministers' Forum proposals - exclusive

Hi all – a quick follow up to let you know Minister Kean held a press conference today and announced reforms in line with the Shergold and Weir report – see announcement attached.

Thanks Andrew

Andrew Parkinson
Director Media & Social
0404615596

Media Unit: 02 9274 6128

From: Andrew Parkinson
Sent: Sunday, 10 February 2019 7:23 AM
To: 'mark.hoffman@unsw.edu.au' <mark.hoffman@unsw.edu.au>; 'J' Section 14 Clause 3(a) and Clause 3(b)@gmail.com' <Johncarter126@gmail.com>; Steven Blaney <Steven.Blaney@planning.nsw.gov.au>; Carolyn McNally <Carolyn.McNally@planning.nsw.gov.au>; Marcus Ray <Marcus.Ray@planning.nsw.gov.au>; Mike Young (DPE-DASP) <Mike.Young@planning.nsw.gov.au>; James Hebron <james.hebron@planning.nsw.gov.au>; Alison Frame <Alison.Frame@planning.nsw.gov.au>; Anthea Sargeant <Anthea.Sargeant@planning.nsw.gov.au>; Benjamin Harrison

<Benjamin.Harrison@planning.nsw.gov.au>

Cc: DPE CSE Media Unit Mailbox <mediaunit@planning.nsw.gov.au>

Subject: OPAL media on Building Ministers' Forum proposals - exclusive

Hi all – this is running front page today in the Sunday Telegraph. It appears to be an exclusive from Minister Kean’s office / DFSI. I’m checking in with them for lines.

The article says “... Minister Matt Kean is understood to have told the meeting that noncompliance during building of the Opal Tower was apparently to blame for its structural defects.”

I’ve included the full article and a Sunday Tele editorial below.

Thanks Andrew

EXCLUSIVE Crackdown on 'Wild West' building industry

OPAL'S LAW

- » Powerful new high-rise czar
- » Engineers forced to register
- » All workers liable for flaws



LINDA SILMALIS

THE design of every new tower block will need to be approved by a specially appointed building commissioner, every worker involved in the construction will have to be accredited, and developers will need to get the green light at every stage.

In one of the biggest overhauls of the building sector in NSW following the Opal Tower scandal, every person in the construction chain, from the draftsman to the engineer and builder, will need to be registered before working on

CONTINUED PAGE 7



New laws to cast a broad safety net

FROM PAGE 1

commercial or residential high-rises. Making alterations during construction, known as "building improvisation", will also be banned with any structural changes to be recorded by the commissioner.

Other changes include requiring designers, including draftspeople and engineers, to declare they have designed a building that complies with the Building Code of Australia, making it easier for owners to seek legal redress.

The Building Commissioner's office will also have powers to send inspectors to conduct random compliance audits and legislation will be clarified to remove any doubt that builders owe a duty of care to homeowners and owners'

corporations.

The proposed laws were unveiled at a building ministers' forum in Hobart on Friday as the state government moves to restore public trust in the industry after the new Opal building at Sydney Olympic Park had to be evacuated when one of its concrete panels cracked.

State Better Regulation Minister Matt Kean is understood to have told the meeting that noncompliance during building of the Opal Tower was apparently to blame for its structural defects.

Construction and infrastructure general manager for employers' body the Australian Industry Group, Lindsay Le Compte, who was at the forum, said the changes might increase "good" red tape and costs, but would restore confidence in the sector.

"The engineer, for example, should be coming back before the concrete is poured to ensure their component has been carried out so that it complies," he said.

"The certifier should be on site to check each stage against the plans," he said. "Each person will have legal responsibility for their part.

"The changes will place significant onus on people to do their job properly."

The changes follow the release last year of the damning Shergold Weir report warning of "significant" problems in the building industry, including poor design documentation, "weak" oversight and improvisation by builders who were often left to their own devices.

Commissioned by the forum, the report declared the compliance and enforcement systems needed to be changed "as a matter of priority" after declaring them "inadequate".

The government is expected to adopt almost all 24 recommendations in the report, which is aimed only at high rise buildings.

Engineers Australia chief executive officer Peter McIntyre said it had been lobbying for a mandatory registration scheme for years to "weed out" unscrupulous operators.

EDITORIAL

The right framework saves lives

LONG before the cracks began appearing in the Opal Tower, the NSW government was being lobbied by a group of engineers concerned about cowboys in the industry — so-called professionals working in construction with little experience or training.

In what now appears to be a staggering oversight, engineers, along with other trades such as drafting, have never been required to be registered before working on a building site.

So concerned that this historical anomaly may gradually ruin the integrity of the profession, Engineers Australia began calling for a mandatory registration scheme. Anyone wanting to practise as an engineer would need to sign up to a charter of ongoing professional development and a code of ethics.

To work in a particular sector — for example, designing multi-residential apartments — one would require at least five years' experience to be recognised as an expert in the field.

According to those in the industry, this would stop the practice of engineers who had only ever "worked on pontoons" to take on a job building a 30-storey tower despite having no experience on high rise structures. Yes, this has apparently been happening, according to those in the industry.

But with the scheme only voluntary, engineers struck off for not meeting the relevant requirements are still able to disappear into the shadows before taking on jobs with developers willing to hire them. This, the state government promises, will stop.

While the NSW government deserves a pat on the back for moving to fix this anomaly, it's unfortunate its actions only came as a result of a series of building disasters. The Grenfell Tower fire. The Melbourne building fires. The Opal Tower collapse. Not to mention the scathing Shergold-Weir report released early last year, which found serious deficiencies in oversight and regulation in the construction sector, together with questions over the integrity of the private certification system. In a nutshell, the public have been sitting ducks.

Since the disasters, there have been anecdotes of private certifiers approving buildings via images on their mobile phones, major design changes being made on the spot by improvising builders and unregistered tradespeople working on projects despite little or no experience.

Given what we know now, the state government planning bureaucrats must be lying awake at night in the hope there won't be more Opal Towers on the horizon. Along with mandatory registration for everyone working in the construction chain, the government will also be requiring sign off at each key stage of a building development, while empowering a building commissioner to approve plans, stage audits and throw the book at those who breach the law.

The reforms are long overdue, but as Engineers Australia chief executive officer Peter McIntyre also notes, announcing changes is still a long way from execution. To restore public confidence, the government needs to move quickly. A time frame for the proposed legislation should be drafted, and released before the state election.

As the Grenfell Tower fire demonstrated, not getting the building design and construction right leads to much more than cracks in walls.

The consequences can be fatal.

“The public have been sitting ducks”

Andrew Parkinson
Director Media & Social
Communication and Stakeholder Engagement
320 Pitt St | Sydney NSW 2000
M: 0404 615 596 | Media Unit: 02 9274 6128
E: andrew.parkinson@planning.nsw.gov.au

MDPE19/312

Correspondent: Mr James Griffin MP, Member for Manly

Subject: IM19/1344 : Opal Tower structural review

Signatory: The Hon Anthony Roberts MP, Minister for Planning

	Name	Approved
Director, Building Policy	Stephen Durnford	18/02/2019
Executive Director, Resource Policy and Reform Implementation	Luke Walton	18/02/2019
Deputy Secretary, Policy & Strategy	Alison Frame	18/02/2019



Anthony Roberts MP
Minister for Planning, Minister for Housing, Special Minister of State

MDPE19/312

Mr James Griffin MP
Member for Manly
Shop 2, 2 Wentworth Street
MANLY NSW 2095

Dear  Mr Griffin,

Thank you for writing on behalf of ^{Section 14 Clause 3(a) and Clause 3(b)} , a resident of Manly who has raised with you some observations in response to findings of the Interim Report on the Opal Tower.

Please thank ^{Section 14 Clause 3(a) and Clause 3(b)} for his timely observations and commentary which are informed by his long-standing industry experience as a structural engineer and consultant.

Professors Hoffman, Carter and Foster are continuing their work to finalise their investigations. I have already committed to making their final report public once it has been received and to acting on its recommendations.

I can also advise that the NSW Government has recently announced a package of reforms to improve building regulation and industry standards. These reforms will, among other things, ensure that practitioners have the appropriate qualifications and experience, and that buildings are compliant with the requirements of the Building Code of Australia.

This package of measures will enhance building safety and complement existing reforms that are being delivered through the updated *Environmental Planning and Assessment Act 1979* and the strengthening of certifier regulation through the *Building and Development Certifiers Act 2018*.

Yours sincerely,



Anthony Roberts MP
Minister for Planning
Minister for Housing
Special Minister of State

26 FEB 2019



JAMES GRIFFIN MP
MEMBER FOR MANLY



The Hon. Anthony Roberts MP
Minister for Planning, Minister for Housing and Special Minister of State
GPO Box 5341
SYDNEY NSW 2001

Dear Minister ~~Roberts~~ *Anthony,*

I am writing to make a representation on behalf of Section 14 Clause **Section 14 Clause 3(a) and Clause 3(b)**
Manly, regarding the Opal Tower government review.

I have enclosed a copy of Section 14 Clause 3(a) and Cla correspondence, your consideration of his
insight and experience would be greatly appreciated.

Yours sincerely

James Griffin MP
Member for Manly



James Griffin MP
Member for Manly

Postal
Shop 2, 2 Wentworth Street
Manly NSW 2095

Contact
Phone 9976 2773
Fax 9976 2993

Email
manly@parliament.nsw.gov.au

Website
www.jamesgriffinmp.com

Daniel Rubenach

From: Section 14 Clause 3(a) and Clause 3(b)
Sent: Thursday, 10 January 2019 3:18 PM
To: Daniel Rubenach
Subject: FW: O P A L BUILDING STRUCTURAL REVIEW from Section 14 Clause 3(a) and Cla

For forwarding to the Office of the Minister for Planning re the OPAL Building Structural Review

Dear James

Section 14 Clause 3(a) and Clause 3(b)

RE OPAL Building Structural Review

When I became aware of **Precast Panels** being integrated with the structure using conventional poured concrete slabs AND Columns, I realised this was an incompatible situation leading to '**Differential Shortening**' between insitu columns. These are then subject to shrinkage , elastic and creep shortening. Versus **pre-shrunk precast concrete** with a very large plan area hardly subject to vertical compression shortening resulting in potential concrete "Cracking" issues.

These issues are made worse by a number of variables occurring within the large open Atriums such as:

- 1== Differential shortening as described above.
- 2==very large sumps and down Pipes at corners and bottoms of Atriums (due to Driving rain) piercing through thickened slab enhancing potential cracks.
- 3==Rotation and twisting of slab connection due to precast panels attracting slab loads above.
- 4==Extra loads applied to column -slab connection- from stiff precast panels when Wind loads are applied to the structure overturning as the service core only takes 25 % of the wind load ! and possibly some other factors.

I assume that the Precast Panels are somehow connected to the insitu floor slabs for stability leading to the above problems.

Kind Regards

Section 14 Clause 3(a) and Clause 3(b)

James Dagger

From: Andrew Parkinson
Sent: Monday, 11 February 2019 12:50 PM
To: 'mark.hoffman@unsw.edu.au'; [Section 14 Clause 3\(a\) and Clause 3\(b\)](#) Steven Blaney; Carolyn McNally; Marcus Ray; Mike Young (DPE-DASP); James Hebron; Alison Frame; Anthea Sargeant; Benjamin Harrison
Cc: DPE CSE Media Unit Mailbox
Subject: Property Council on building reforms, reference to Opal Report
Attachments: 042W2000.PDF

Hi there – please find attached a response from the Property Council of Australia to the reforms announced by Minister Kean yesterday. Please note the release includes this expectation:

“No doubt the release of the final report into the Opal Tower will also influence the final design of these reforms and will provide an important insight into where the problems occurred in the construction process in that instance.”

Thanks Andrew

Andrew Parkinson

Director Media & Social

Communication and Stakeholder Engagement

320 Pitt St | Sydney NSW 2000

M: 0404 615 596 | Media Unit: 02 9274 6128

E: andrew.parkinson@planning.nsw.gov.au



Subscribe to our [newsletter](#)

11 February 2019

MEDIA RELEASE

Clear, considered reforms critical for a strong building industry

Building reforms announced by Minister for innovation and Better Regulation Matt Kean on Sunday include sensible changes to the construction process and demonstrate a clear and considered plan for reforms to the industry, according to the Property Council of Australia.

The reforms, that include the appointment of a Building Commissioner who will act as the consolidated building regulator in NSW, also come as the Building Ministers Forum that met on Friday last week agreed to adopt the recommendations outlined in the Shergold Weir report that was finalised in February 2018.

The NSW Government will support the majority of recommendations outlined in the Shergold Weir Report.

Property Council NSW Executive Director Jane Fitzgerald said today that the reforms that have been announced seem measured and rightly draw from the recommendations in the Shergold Weir Report.

“These reforms demonstrate a considered response from the Government and on first impression, will introduce sensible changes that will instill community confidence in the industry and will ensure good outcomes for our built environment,” Ms Fitzgerald said today.

“Any reforms that are well designed within the context of existing regulation and legislation and respond directly to identified problems in the construction process should be implemented, the Property Council supports a nationally consistent and holistic implementation of the Shergold Weir Report recommendations.

“Reforms like those that empower a Building Commissioner’s office to inspect buildings and conduct a random compliance audit are welcome and provide an additional level of assurance to the construction process.

“The role of the Building Commissioner must be clarified; it would be a mistake to have a Building Commissioner acting as a ‘second approver’ and doubling up on giving the tick to the design plans of a building. This would require a huge resourcing commitment, will further slow an already snail like planning process and not address the real issue – that being the process of construction rather than the final approval of design.”

Other reforms outlined by Minister Kean include the mandatory registration of workers involved in a supply chain before working on a site and banning the making of alterations during construction, known as building improvisation.

“The important thing is to ensure that we get the right outcomes from these reforms – that solutions are introduced that strengthen the industry and still foster investment, new growth and local jobs,” Ms Fitzgerald said.

“No doubt the release of the final report into the Opal Tower will also influence the final design of these reforms and will provide an important insight into where the problems occurred in the construction process in that instance.

“The Property Council will form a taskforce to examine the full detail of these reforms and contribute to ensuring we get the right outcomes from this process.”

Media: [Section 14 Clause 3\(a\) and Clause 3\(b\)](#)