Ordinary Meeting of Council

26 June 2024

UNDER SEPARATE COVER ATTACHMENTS

ITEM 9.1

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

26 JUNE 2024

ITEM 9.1 DA.2023.0273 - DISCHARGE OF CONDITION 2 (T SHAPED SHEDS) - THE ALBION HOTEL - 119 WALLACE STREET BRAIDWOOD

ATTACHMENT 1 CONDITION REPORT 119 WALLACE STREET BRAIDWOOD

N. R. Wallace
BUILDING INSPECTIONS
Dip. M.P.M. (UTS)

CONDITION REPORT
9760

SUBJECT PROPERTY
119 WALLACE STREET BRAIDWOOD NSW 2622

INSPECTOR DETAILS

NAME	TELEPHONE	EMAIL	ADDRESS
[redacted]	[redacted]	[redacted]	[redacted]

INSPECTION DATE	REPORT DATE
6 May 2024	16 May 2024

CLIENT DETAILS

NAME	TELEPHONE	EMAIL	ADDRESS
[redacted]	[redacted]	[redacted]	[redacted]

A.B.N.43 003015 923
Mobile: 0419 285 443
Phone/Fax: 02 4447 4492
HIA MEMBER
Builders Lic. No. 36933
www.buildinginspecta.com.au
Email: wallcon@shoal.net.au
P.O. Box 1358 Nowra N.S.W. 2541

PURPOSE: **To carry out an inspection of sheds at the rear of a commercial property, provide a condition report in relation to instructions received.**

Front and rear of the sheds at rear of
119 Wallace Street Braidwood NSW

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1.0 PREAMBLE

1.1 I am a building consultant and my pertinent field of expertise and qualifications are briefly set out in my curriculum vitae, which is included in this report in section 2.0.

1.2 On 28 April 2024 I was instructed by [redacted] to carry out an inspection of the metal clad sheds at the property situated at 119 Wallace Street Braidwood NSW and to prepare a condition report as to their structural integrity.

1.3 I inspected the property on 6 May 2024. The property owner [redacted] was present at the time of the inspection.

1.4 At the time of the inspection the weather was fine and sunny, visibility was good.

1.5 During the inspection I had with me a Samsung mobile phone camera with which I took a number of photographs and some of which are referenced in this report. With exception of brightness and contrast the photographs have not been edited.

2.0 PERTINENT FIELD OF EXPERTISE IN WHICH OPINION IS GIVEN (QUALIFICATIONS & EXPERIENCE)
NEIL WALLACE

Qualifications:

- Trade Certificate in Carpentry and Joinery.
- Trade Certificate in Roof Plumbing.
- Post Trade Certificate in Building Foreman Clerk of Works (Honours).
- Post Trade Certificate in Building (Building Certificate).
- Graduate Diploma in the Masters of Project Management (UTS).
- Continuing Professional Development (CDP) through membership in industry associations, attending seminars, and updating data, Standards and Codes, and building processes.
- Licensed Builder, No. 36933.
- Licensed Roof Plumber.
- Accredited Certifier Course, BSAP & DIPNR (UTS).
- Asbestos Inspection, Audits and Removal. Accreditation CPCCBC 5014A.
- Asbestos Assessment, Identification and Reporting, Competent Person in accordance with SafeWork requirements. Accreditation CPCCBC 5014A.

Work experience:

- Employed in the building industry since 1968.
- Experience gained in domestic, commercial, industrial and high rise construction. Notable projects include:
- Gavin and Shallala housing estates, Campbelltown and Liverpool, sub-contract Carpenter, Foreman.
- Foreman/Supervisor V. A. Laarrakers Constructions Sutherland, housing and unit developments in Sutherland Shire, Building Foremen/Project Manager.
- High Court Building and National gallery in Canberra, sub-contract protective coatings, waterproofing and joint sealants.
- Restoration of buildings. Darling Harbour, sub-contract protective coatings, waterproofing and joint sealants.
- Former part time lecturer in Building Foreman Clerk of Works Post Trade Course at St. George College and Randwick College of TAFE (1985-1989).
- Former Area Manager with the Builders Licensing Board (BLB) and Building Services Corporation (BSC) (1985-1989) assessing building problems and complaints from consumers, preparing reports and giving evidence for Show Cause Disciplinary matters, matters were dealt with in Local and District Courts, Appeals Tribunals. Noteworthy matters include BSC v Demovich, BSC v King Pools.
- Expert witness in accordance with the Code of Conduct, for BLB and BSC, (1985-1989), Solicitors and Law firms, and Consumer Trader and Tenancy Tribunal. I have provided Expert Reports for in excess of 285 matters and given evidence in approximately half of those matters.
- Project Manager/Consultant on 38 medium density redevelopment building sites in the Sydney Metropolitan area carried out under the Federal Government Stimulus Program for Affordable and Adaptable Housing 2009-2011. Total value in excess $120,000,000.00 including remediation of asbestos contaminated sites.

2.0 Qualifications and Experience continued.

Self employed as an Accredited Building Consultant since 1989, includes inspection of properties and detailed reports for, purchasers, Owner Builder Warranty insurance, detection of problems and defects, problem solving, and compliance with standards and codes. Fact finding, reporting and assessing condition of properties. Asbestos Audits. Asbestos Identification. Asbestos Clearance inspections and issue of certificates. Occupational Health and Safety as well as Work Health and Safety inspections.

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3.0 PROBITY – CODE OF CONDUCT

3.1 This report is prepared in accordance with the evidence requirements set out in the case of *Makita (Australia) Pty Ltd v Sprowles (2001) NSWCA 305 (14 September 2001)*which stated at Paragraph 85, in short if evidence is tendered as expert opinion evidence is to be admissible,

- It must be agreed or demonstrated that there is a field of 'specialised knowledge';
- There must be an identified aspect of that field in which the witness demonstrates that by reason of specialised training, study or experience, the witness has become an expert: the opinion proffered must be 'wholly or substantially based on the witnesses expert knowledge';
- As far as the opinion is based on facts 'observed' by the expert. They must be identified and admissibly proved by the expert, and so far as the opinion is based on 'assumed' or 'accepted' facts, they must be identified and proven in some other way;
- It must be established that the facts on which the opinion is based form a proper foundation for it;
- And the opinion of an expert requires demonstration or examination of the scientific or other intellectual basis of the conclusions reached: that is, the experts evidence must explain how the field of 'specialised knowledge' in which the witness is expert by reason of ' training, study or experience', and on which the opinion is 'wholly or substantially based', applies to the facts assumed or observed so as to produce the opinion propounded.

3.2 I believe that the matters on which I provide my opinion are within my level of expertise and if not I make comments and recommendations regarding those matters.

3.3 I am unaware of any actual or perceived conflict of interest that may undermine my reporting function or independence in this matter of factual information.

3.4 My inspection and report are only of areas listed in section 6.0, it is not all encompassing, and I reserve the right to make further comments or amendments as and if required.

3.5 I have made all enquiries which I believe are desirable and appropriate <u>at this time</u>, and no matter of significance or relevance, to the best of my knowledge, has been withheld.

3.6 I have had no past or present social or professional association with [redacted].

3.7 Reports of this nature are necessarily limited to recording visual and/or photographic observations of the general appearance of the building and other structures, materials and finishes and expressing a professional opinion based on those observations, and incorporating an analysis of any likely mechanisms contributing to what has been observed.

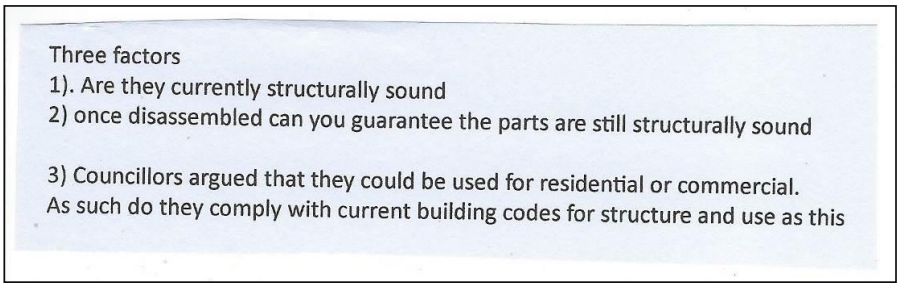
3.8 This report is based on my opinions only.

3.9 I am a licensed Builder and a qualified and licensed Roof Plumber. I have over 35 years experience as a licensed builder, building trade experience prior to becoming a licensed builder, and over 30 years experience in carrying out building inspections. I therefore believe that I have sufficient specialised knowledge to proffer my opinions in this matter. Refer to my pertinent field of expertise (qualifications and experience) at section 2.0 herein.

4.0 INTRODUCTION AND INSTRUCTIONS

4.1 **4.1.1.** My instructions from [redacted] were made verbally and then formalised in an email.

4.1.2. The instructions were to inspect the property and prepare a condition report with the emphasis on:


Three factors
1). Are they currently structurally sound
2) once disassembled can you guarantee the parts are still structurally sound

3) Councillors argued that they could be used for residential or commercial.
As such do they comply with current building codes for structure and use as this

4.2 I provide details of matters of fact which I will support with photographs and/or technical and mandatory requirements from Codes and Standards, and other documents which will be able to be cross referenced by the reader.

4.3 In items where I make assumptions I explain and qualify my opinions, and the reasons for which I make those conclusions.

4.4 **Methodology:**
4.4.1. To assist with the inspection and report I used a number of devices and instruments to record information including a Samsung mobile phone camera, and a digital measuring device.

4.5 **Format of this report:**
4.5.1. I will make comment regarding the instructions.

4.6 **Description of property and topography:**
The structures inspected are single level sheds situated at the rear of a commercial property. I will refer to the sheds as ‘East Wing’ and ‘West Wing’. Refer to photographs 1 – 4.

The sheds in my opinion are Class 10a Buildings and Structures as defined in National Construction Code 2022 (**NCC**) in both Volume 1 and Volume 2. The next closest classification in the NCC would be Class 7b. Refer to figures A and B.

A6G11 Class 10 buildings and structures

[2019: A6.10]

(1) A Class 10 building is a non-habitable building or structure.

(2) Class 10 includes the following sub-classifications:

(a) Class 10a is a non-habitable building including a *private garage*, carport, shed or the like.

(b) Class 10b is a structure that is a fence, mast, antenna, retaining wall or free-standing wall or *swimming pool* or the like.

(c) Class 10c is a *private bushfire shelter*.

Explanatory Information

Class 10a buildings are non-habitable buildings. See Explanatory Figure A6G11 for an indication of some Class 10 building configurations.

Class 10b structures are non-habitable structures. There is no requirement for Class 10 buildings to be appurtenant to a building of any other Class, for example, a small shed standing on its own on an allotment and a toilet block in a park.

A habitable 'outbuilding' which is appurtenant to another building is generally part of that building. Again, habitable 'outbuildings' cannot be classified as Class 10 buildings.

Typical outbuilding classifications include the following:

- A sleepout on the same allotment as a Class 1 building is part of the Class 1 building.
- A detached entertainment room on the same allotment as a Class 1 building, perhaps associated with a *swimming pool*, is part of the Class 1 building.
- A small toolshed, used for trade-related hobbies for non-commercial purposes or home repairs, on the same allotment as a Class 1 building, would be classified as a Class 10 building.

Provisions relating to Class 10c structures are only intended to address *private bushfire shelters* associated with a single Class 1a dwelling. These provisions are contained in Volume Two of the NCC.

Some States or Territories may exempt some Class 10 buildings or structures (often on the basis of height or size) from the need to have a building permit. Queries on this matter should be referred to the State or Territory body responsible for regulatory matters.

Figure A6G11 (explanatory): Examples of Class 10 buildings and structures

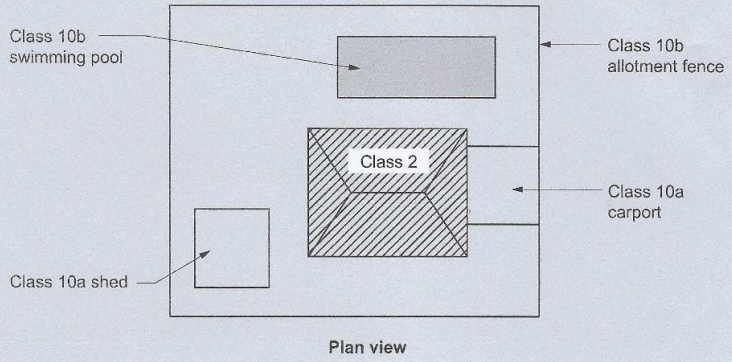


Figure A
Excerpt from NCC Volume 2, describing class 10a structure

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A6G8 Class 7 buildings

[2019: A6.7]

(1) A Class 7 building is a storage-type building.

(2) Class 7 includes the following sub-classifications:

(a) Class 7a — a *carpark*.

(b) Class 7b — a building that is used for storage, or display of goods or produce for sale by wholesale.

Explanatory Information

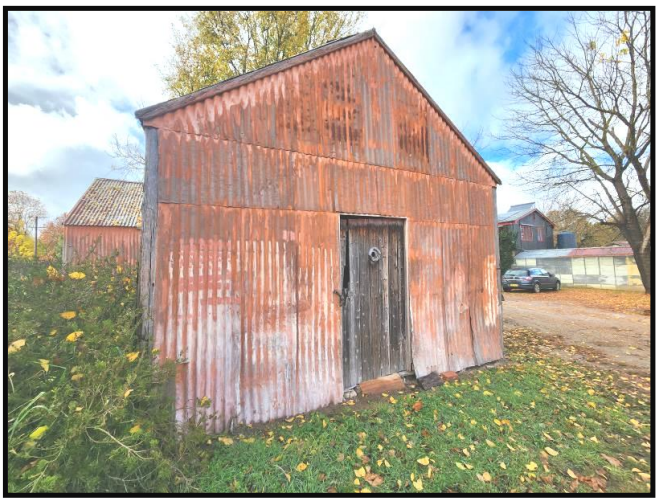
There are three basic types of Class 7 building. The first is a *carpark* as defined in the NCC. The second is a building used for storage, often referred to as a 'warehouse'. The third is a building used for the display of goods or produce for sale by wholesale. 'Wholesale' means sale to people in the trades or in the business of 'on-selling' goods and services to another party (including the public).

Figure B
Excerpt from NCC Volume 2, describing class 7b structure

Photograph 1
Shows the front or North sides of the East Wing (left hand side) and the West Wing (right hand side)

Photograph 2
Shows the rear or South sides of the West Wing (left hand side) and the East Wing (right hand side)

Photograph 3
Shows the East and South sides of the East Wing



Photograph 4
Shows the West wall of the West Wing

5.0 REFERENCED DOCUMENTS RELIED ON FOR THIS REPORT

5.1 I have read the following documents which may be referenced in this report.

- National Construction Code – (NCC)
- Australian Standard AS 1684
- Australian Standard AS 3600
- Photographs provided to me by the Applicant

Some of these documents will be referred to herein.

6.0 OBSERVATIONS

In this section I will refer to items in the instructions from [redacted], using the same numeric itemisation.

6.1 1.0 Are they structurally sound.

During my inspection I formed the opinion that the sheds are not structurally sound.

Some of my observations which resulted in me forming my opinion were as follows:

A. Roof framing. The roof framing is a major structural component.

i. I observed that the roof framing to the east wing are sagging.
ii. There is evidence of wood decay.
iii. The roof battens are undersize for their spans between rafters.
iv. Some roof battens are split
v. The roof frame bracing is not continuous to the top wall framing plates
vi. I formed the opinion that the roof framing is not structurally sound and does not meet present day NCC and Australian standards.
vii. There are no collar ties or scissor rafters installed above the ceiling line.

Refer to photographs 5 – 8.

B. Wall framing. The wall framing is a major structural component

i. The bottom wall framing plates are in direct contact with the ground/soil
ii. The timber studs are excessively spaced and do not comply with AS 1684.
iii. The timber posts are in direct contact with the ground/soil.
iv. There is wood decay and termite damage to some posts, namely at the north west and south west corners of the West Wing
v. The post at the south west corner of the West Wing is in two pieces
vi. There are no noggings between the wall studs
vii. The top wall framing plates and the studs have been excessively notched
viii. There is no termite protection to the posts and bottom wall framing plates
ix. The wall framing at the eastern side of the East Wing has been damaged by heave from a tree adjacent
x. I formed the opinion that the roof framing is not structurally sound and does not meet present day NCC and Australian standards

Refer to photographs 9 – 18.

C. Floor frames. The floor framing is a major structural component

i. The floor frames are in direct contact with the ground/soil
ii. There is no termite protection to the floor framing
iii. There is no minimal space between the floor framing and the ground/soil
iv. There is no sub-floor ventilation

Refer to photographs 19 - 22

D. Roof cladding

i. The roofing is not installed in continuous lengths from the ridge line to the gutter edges
ii. There is severe corrosion to the roof sheets and roof fasteners
iii. Some roof sheets are loose
iv. Some roof sheets are holed
v. The timber fascia have suffered from wood decay

Refer to photographs 23 and 24

E. Guttering

i. The eaves gutter at the western side of the East Wing is exposed on the inside of the West Wing. This gutter can overflow into internal areas of the west wing. There is no protection at each end of the gutter to protect from the enter of vermin and rodents.
ii. There are no gutters to the eastern side of the East Wing, and at the north and south sides of the West Wing

Refer to photographs 25 and 26

F. Wall cladding (corrugated metal)

i. The wall cladding is corroded in places
ii. The wall cladding is holed in places with sharp edges. Water enters where the wall cladding is holed
iii. Sections of the wall cladding are in contact with the ground/soil which is an entry point for termites, and is in contact with moisture which results in corrosion
iv. The wall cladding at the eastern side of the East Wing has been damaged by heave from a tree adjacent

Refer to photographs 27 - 32

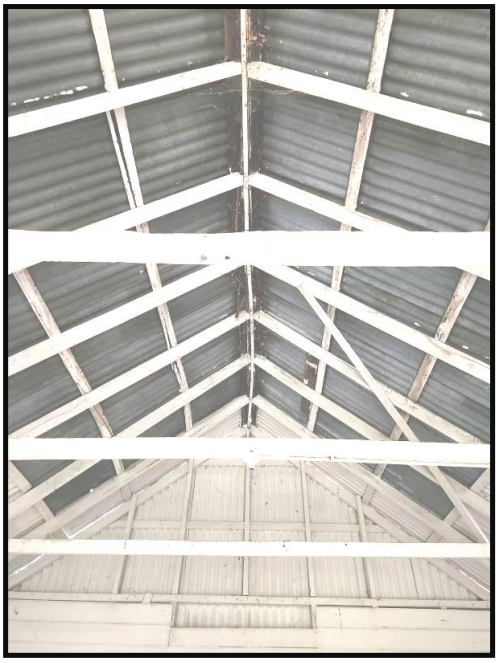
G. Doors

i. All doors have deteriorated with varying degree of wood decay and splitting of timbers
ii. The door jambs/frames are in contact with the ground
iii. The doors allow water to enter into internal areas

Refer to photograph 33

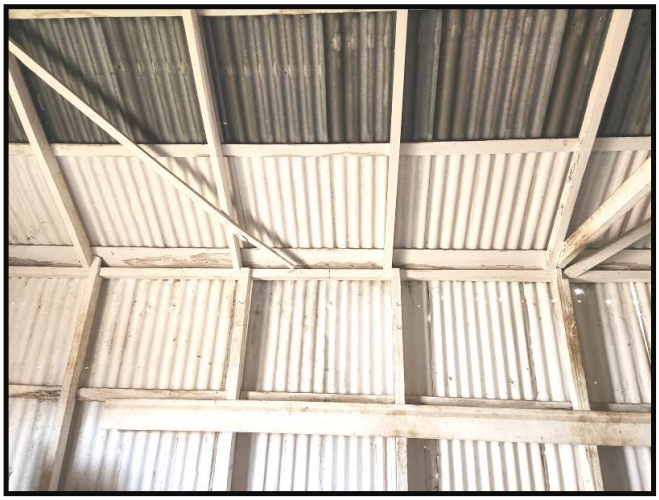
H. Fire protection.

There are no special requirements if the area is designated as BAL-Low.
If the structures are designated as BAL-12.5 or higher, the sub-floor supports, the floors, the external walls, the external doors and the roofs do not comply with any of the BAL ratings



Photograph 5
Decay and sagging to the ridge at the East Wing
Roof battens split
Roof framing is a major structural component

Photograph 6
Roof battens are 25mm thick & the span between rafters are approximately 920mm.
Roof framing is a major structural component



Photograph 7
Roof battens are 25mm thick & the span between rafters are approximately 920mm.
Bracing does not extend to the top wall framing plate
Roof framing is a major structural component

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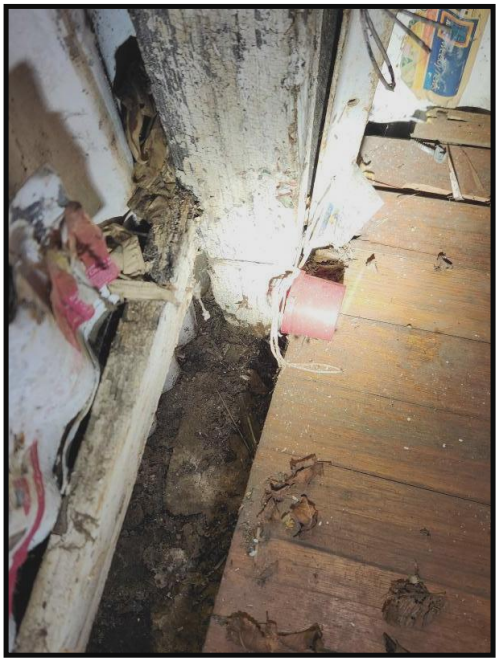
Photograph 8
Roof battens are 25mm thick & the span between rafters are approximately 920mm.
Bracing does not extend to the top wall framing plate
Roof framing is a major structural component



Photograph 9
Bottom plate & post in direct contact with the ground
Wall framing is a major structural component

Photograph 10
No noggings between wall framing studs. The studs are excessively spaced.
Wall framing is a major structural component

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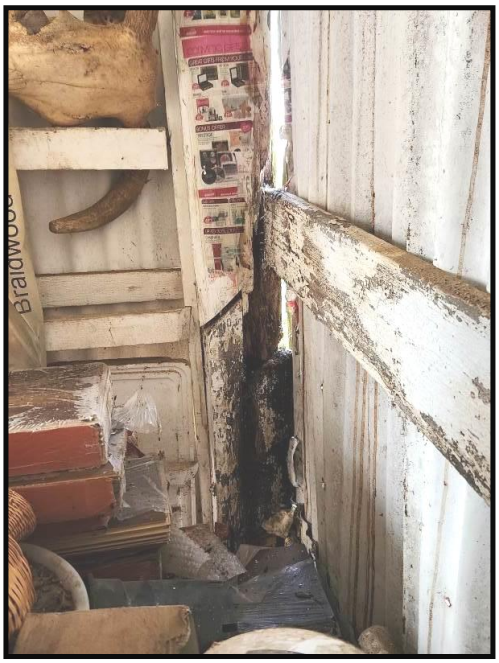
Photograph 11
Excessive notching at studs
Wall framing is a major structural component

Photograph 12
Excessive notching at wall stud
Wall framing is a major structural component

Photograph 13
Wood decay at wall batten

Photograph 14
Termite damage to timber post at south west corner of the West Wing. This post is in two pieces.
Wall framing is a major structural component



Photograph 15
Wood decay to post at north west corner of the West Wing.
Wall framing is a major structural component

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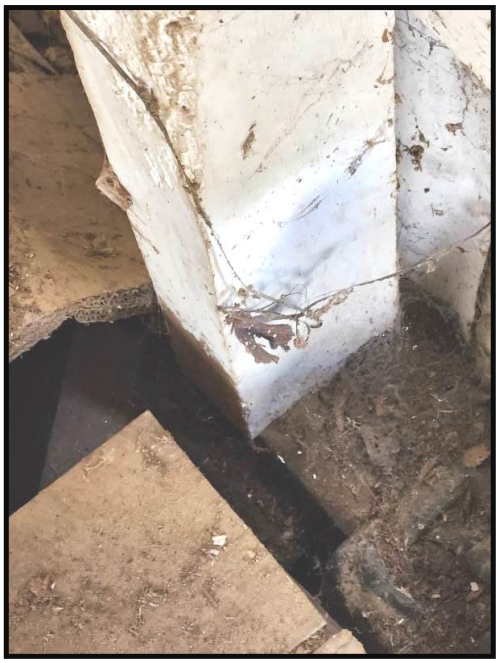
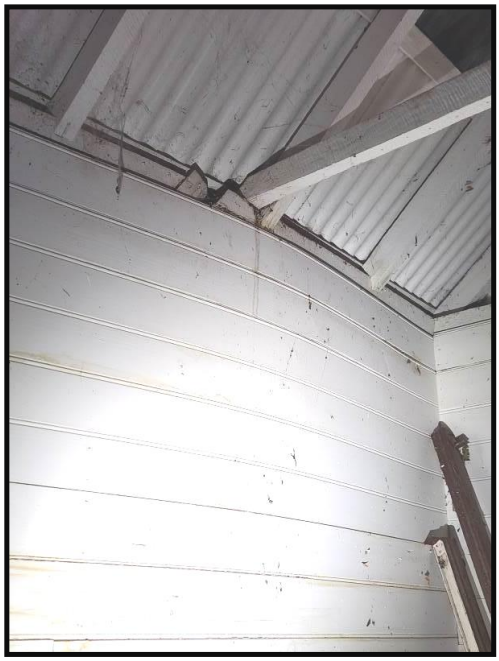


Photograph 16
Wood decay to bottom plate at north east corner of the West Wing
Wall framing is a major structural component

Photograph 17
Damage & wood decay at south east corner of the East Wing, due to heave from tree



Photograph 18
Bowed wall at south east side of East Wing, due to heave from tree
Wall framing is a major structural component

Photograph 19
Timber floor to East Wing
Floor framing below the flooring is a major structural component

Photograph 20
Timber floor to East Wing
Floor framing below the flooring is a major structural component

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Photograph 21
Timber floor framing in contact with the ground/soil & no sub-floor ventilation to West Wing, Note wood decay.
Floor framing is a major structural component

Photograph 22
Timber floor framing in contact with the ground/soil & no sub-floor ventilation to West Wing, Note wood decay.
Floor framing is a major structural component

Photograph 23
Roofing to West Wing corroded, holed and not in continuous lengths

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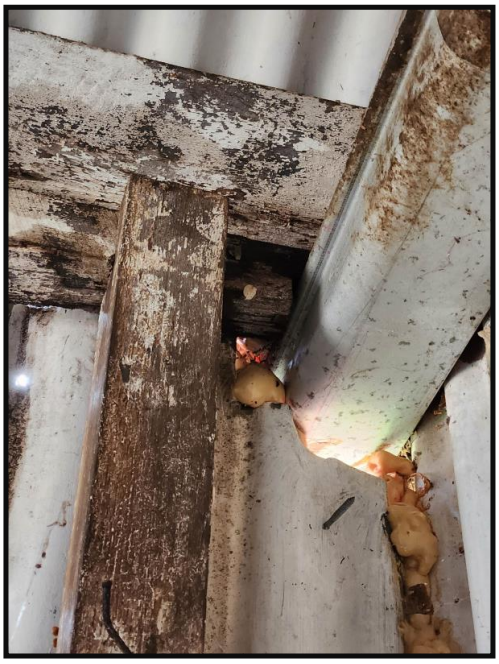
Photograph 24
Decay to fascia, indicative throughout

Photograph 25
Eave gutter to the East Wing, finished inside the West Wing



Photograph 26
Opening at north wall of the West Wing where the eaves gutter from the East Wing penetrates. Allows water entry, and access for vermin & rodents.

Photograph 27
Holes in wall cladding allows water entry

Photograph 28
Holes in wall cladding allows water entry

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Photograph 29
Holes & corrosion in wall cladding allows water entry

Photograph 30
Holes & corrosion in wall cladding allows water entry. No cladding at corner

Photograph 31
Holes & corrosion in wall cladding allows water entry. No cladding at corner

Photograph 32
Holes & corrosion in wall cladding allows water entry. Heave from tree at south east corner of the East Wing.

Photograph 33
Door at west side of the West Wing in dilapidated condition

6.2 2.0 Once disassembled can you guarantee the parts are still structural sound.

During my inspection I formed the opinion that the majority of the parts or materials cannot be reused as they are either damaged or not fit for purpose.

This includes the following:

A. Roof framing. The roof framing is a major structural component.

1) The ends of the rafters have been excessively notched and cannot be used as the notching exceeds the maximum allowed in AS 1684.
2) There are damaged timbers that cannot be reused.
3) The roof battens are undersize for the span of the rafters and cannot be reused.

B. Wall framing. The wall framing is a major structural component

1) The bottom wall plates have varying degree of decay and cannot be reused.
2) Some posts have suffered from termite damage and wood decay and these timbers cannot be reused.
3) The top wall framing plates have been excessively notched and cannot be used as the notching exceeds the maximum allowed in AS 1684.
4) There are also damaged timbers caused by heave from a tree that cannot be reused.

C. Floor frames. The floor framing is a major structural component

1) There are some floor framing that is damaged by wood decay. There may be other timbers that are damaged but at this stage are not visible.
2) If the timber flooring is to be reused it will need to be suspended a minimum of 400mm above the ground, on piers, with ant capping and sub-floor ventilation. This will be required to comply with the NCC and AS 1684. This will then result in longer wall cladding to be installed.

D. Roof cladding

1) All roofing needs to be in continuous lengths to comply with the NCC and AS2500
2) All corroded roof sheets will need replacing

E. Guttering

1) The eaves gutter on the western side of the East Wing will need to be replaced with a box gutter and concealed from the inside of the West Wing to comply with the NCC and AS 3500.
2) The remainder of the western side gutter of the East Wing where not inside the West Wing can be reused.
3) The wall cladding and roofing, as well as framing will need to be modified to accommodate the box gutter.

F. Wall cladding

1) Most of the wall cladding cannot be reused due to corrosion and extensive holes.
2) Cladding with holes allows water entry and therefore does not comply with the NCC
3) The edges of the metal where holed is sharp and cannot be reused unless made safe of O H & S compliance
4) Some cladding has been damaged by heave from a tree

G. Doors

1) The doors allow water to enter into inner parts of the structures and this does not comply with the NCC and therefore these doors cannot be reused unless substantial modifications are carried out.
2) The door jambs and frames have varying degree of decay and cannot be reused.

6.3 **3.0 Councillors argued that they could be used for residential or commercial. As such do they comply with current building codes for structure and use as this.**

During my inspection and for reasons that I have stated in 6.1 and 6.2 above I am of the opinion that there will be substantial work required if the sheds classifications were changed from 10a class to either of the following
Class 1, residential dwelling
Class 2, two or more residential dwellings
Class 3 a, Boarding house, back packer accommodation etc
Class 3 b, Residential part of hotel or motel
Class 5, Office used for professional services
Class 6, Building used for the sale of goods by retail or supply of services.

The work required will include but not limited to the list below.
After replacement of all corrugated roof and corrugated wall sheeting referred to in section 6.2 above, replacement of corner posts, installation of additional wall studs, installation of noggings between wall studs, replacement of roof battens, replacement of damaged timbers including the roof ridge this additional work will be necessary to ensure both structural integrity and compliance with the NCC and Australian Standards.

- Installation of windows
- Replacement of doors and frames
- Installation of gutters and downpipes
- Installation of kitchen, bathroom, laundry facility if Class 1, 2, 3a, 3b.
- Installation of toilet and washing facilities
- Installation of insulation and condensation barriers
- Installation of electrical upgrade
- Installation of fire and/or smoke alarms
- Installation of fire services
- Any and all other work to ensure compliance with the present NCC Volume 1 or Volume 2 requirements
- Compliance with any BAL rating

6.4 Opinion as to the condition of the sheds

It is my opinion that the sheds are not structurally sound and cannot be upgraded whether it be as they stand, or if they are to be disassembled and then relocated using the current materials.

16 May 2024