

## **Kingston and Barton Residents Group (KBRG) Inc.**

### **Annual General Meeting 26 November 2019 Eastlake Football Club**

#### **Public Meeting 7.00pm – 8.10pm**

The meeting was attended by 24 'current' members, 17 'new' members and 27 others including the two speakers. Some 'current' members and all 'new' members paid at the door. Rachel Stephen-Smith MLA attended but no other local MLAs, despite them all being invited.

Rebecca Scouller chaired this part of the meeting and introduced two speakers: Catherine Townsend, ACT Government Architect and Chair of the National Capital Design Review Panel and John Grant, a resident of the Kingston Place apartments which has major building quality problems.

Ms Townsend spoke from her experience as both a practising architect and as an advisor to government. She mentioned her personal concerns about the decline in design standards and building quality in Canberra and spoke of the panel's efforts to promote change in the behaviour of the building industry and encourage change from rules-based to outcomes-based decisions. The Design Review panel comprises independent professionals with a range of expertise required to consider design issues relevant to the national capital. Catherine spoke about the use of ten design principles that are used in decision-making by the Panel, available on the National Capital Authority and EPSDD websites. These principles are important in encouraging more objective responses by the panel to project proponents on design issues. She noted that projects can be refused by the panel and that recent legislation requires proponents to demonstrate their response to panel advice. Decision-makers who approve projects (ie NCA and ACT government) must also take account of panel advice.

Audience questions included the effect of Foreshore planning on 'old' Kingston, recent design 'failures' and ability to be involved in rectification orders. Catherine mentioned (without identifying the site) a proposed project between the Foreshore and old Kingston which will be of interest to residents and expressed a personal view that existing planning controls are outdated. There are 'scoping' difficulties that limit panel involvement in rectification issues but she expressed personal concerns about poor quality supervision of projects and supported the retention of Clerk of Works roles. She was disappointed that (then interim) panel had no legislative basis and it's concerns were not heeded about the anachronous and inappropriate French Empire design for major hotel in Manuka. She stressed that the panel is not the decision-maker and that recent reforms have strengthened requirements to respond to their advice.

Mr Grant provided his view of buildings problems affecting Kingston Place which comprises 120 apartments in a main block and 85 in two adjoining blocks. These were promoted as A class buildings and he relied on a certificate of residency by a building certifier when he purchased. Defects became apparent in a few years and owners tried to work with the builder, without success. John and other members of the Body Corporate engaged experts and peer-reviewed their advice. Reports showed rectification of building defects was essential. In 2016 they lodged a request for rectification order with Access Canberra, with no success, then went to the Supreme Court. By this time severe cracking, concrete spalling, water leaks leading to flooding and other problems occurred. Further building inspections revealed that essential structural requirements, such as dowels to connect slabs shown in construction plans, were missing. After 3 years of alleged regulatory failure by Access Canberra, the Registrar served a rectification order on 27 August 2019 and some 48 props were installed to address potentially catastrophic risks of punching shear. Further legal action continues. John believes the root cause of problems is lack of compliance action by ACT government and was concerned that the ACT government fought residents' actions in court.

Audience questions included the financial status of building companies (the builder is a major company with projects recently approved by ACT government) and psychological support for owners and residents (not provided). Rachel Stephen-Smith MLA expressed her personal sympathy to John and briefly discussed bills currently before the Legislative Assembly to establish direct liability and to licence developers and acknowledged inefficiencies in planning rules.

Three resolutions were passed by the meeting: [Peter –please check that this is the correct version of text?]

- a) Acknowledges and supports the ACT Government initiatives to change building and construction laws to improve building quality, noting that these changes represent a starting point, many of which remain to be passed into law, and there is more to be done especially increasing regulatory oversight and action.
- b) Urges the ACT Government to consider the role of the Registrar in issuing the Certificate of Occupancy and Use when it has little direct oversight of the construction process for individual buildings.
- c) Suggests that the ACT Government should provide support for those affected by these defects.

## **2019 Annual General Meeting 8.15 -8.50 pm**

**Apologies:** Stephen Blackburn, Sarah Wasson, P Wasson, Ken and Sally Begg, Auriol and Erich Weigold, France Meyer, Rupert Summerson, Kevin Thomson and Kelly O'Hara.

Endorsement of the 2018 AGM Minutes: Motion proposed by Nick Swain, seconded by Peter Moore. The meeting voted to accept the report.

### **President's Report:**

Copies of the report were provided. Rebecca Scouller identified the Kingston Arts Precinct as a major focus of resident concern and discussed the four principles developed from members' input (briefly there are: need prioritise arts focus, respect heritage, ensure high quality landscape, well-designed access). Her report thanked the KBRG committee and highlighted continuing engagement with Kingston Traders; formation of Fyshwick Traders and collaboration on waste facility objections; ongoing tree sub-committee actions and liaison with ANU professionals and Tree Protection Unit; heritage grant for fashion parade in conjunction with Forrest Fire Museum. With an ACT election due in 2020 KBRG will seek greater transparency on planning decisions particularly regarding Kingston Arts Precinct, review of Tree Protection and investment in Telopea Park. Stephen Mills publicly acknowledged the support of KBRG in raising issues about large-scale aged care development proposals at St Nicolas in Gosse St.

Endorsement of 2019 President's report: Proposed by Nancy Waites, seconded by Gary Kent. The meeting voted to accept the report.

### **Treasurer's Report:**

Treasurer Richard Johnston thanked Liz Swain who acted in this role since 2018. Copies of the audited financial report were provided and the final balance was \$ 5,040.45. Main costs continue to be venue hire, printing and distribution of notice of AGM, covered by communications grant from the Inner South Canberra Community Council (ISCCC) with heritage grants contributing to the positive balance. The meeting voted to accept the report.

### **Election of the KBRG Committee for 2019:**

Heather Leedman began the election calling for nominations for President. There being only one nominee, Ms Scouller was duly elected and she then carried on the remained of the election.

Prior to the meeting single nominations had been received for the following committee positions: President (Rebecca Scouller), Vice President (Nick Swain), Secretary (Janet Hughes) and Treasurer (Richard Johnston); Ordinary Committee Members Peter Moore, Kathie Potts and Bobby van Duren.

All nominations were accepted by vote of members at the meeting.

*Minutes prepared by Janet Hughes, Secretary KBRG.*