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THE INDEPENDENT
VOICE OF STRATA
OWNERS

NSW Fair Trading Class 2 Buildings



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NSW Fair Trading – Class 2 Buildings

1. Class 2 Building Complaints
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Complaint Form – Class 2 Buildings

 Building / Construction Details ○

Tell us about the nature of your defect and how it impacts on your building – max 2000 characters (required)

Building Address (required)

Name of Local Government (Council) area (required)

Do you know the Development Application (DA) Number?

Yes No

Is your complaint in relation to:

Initial build

Staged Build

Rectification

What parts of the building are affected by the defect? (required)

Fire Safety systems (active or passive)

Waterproofing

Structural issues such as load bearing; foundations; footings; floors, walls or roof


Building enclosure such as external cladding and facade


Services (acoustic; mechanical; electrical; plumbing or lifts)


Was an Occupation Certificate (OC) Issued? (required)

Please Attach:
Proof of lodgement on behalf of the Owners Corporation; Occupation Certificate or Interim Occupation Certificate. Correspondence, photos, reports, and other supporting evidence etc, should be attached (Maximum size of combined attachment is 10MB). (If the documents you want to supply are too large to attach, other options will be provided to you when a Fair Trading officer contacts you to talk about your complaint).

Attach File

 Trader/ Contractor Details ○

 Your Details ○

 Help

Resolving Building Defects – Class 2 Buildings

Where a matter cannot be resolved with the builder or developer, a complaint may be lodged with NSW Fair Trading. The matter needs to fit the following criteria:

1. Building is a class 2 residential building;
2. Issue relates to a serious defect;



4. The Owners Corporation or Strata Manager has raised the defect with the builder/developer without resolution;
5. The builder/developer is still solvent and trading;

Resolving Building Defects – Class 2 Buildings

The age of the building (from date of occupation) is to be 10 years or less;

0-2 years

- Buildings built under a construction contracted dated after 1 January 2018 should have a building bond lodged. This bond covers defect rectification

2-6 years

- Buildings less than 6 years old carry a statutory builders warranty and a defect warranty claim is to be submitted with the builder

6-10 years

- If the defect was found and claimed within the statutory warranty period but the issue remains unresolved Fair Trading can assess under the RAB Act

Building & Construction Compliance



Building & Construction Compliance

Matter is escalated to BCC



An Inspector will further assess the matter and will liaise with the Owners Corporation. The assessment may include requesting further documents from the Developer and/or Owners Corporation.

Inspection



If further assessment deems there is a need for inspection, the Inspector will arrange for an on-site inspection to identify any defects or non-compliances

Following this a report is issued to the Developer and they are given a Red Amber Green rating of the defect.

Building Work Rectification Order



Based on the outcome of the inspection, an order may be issued.

Once an order has been issued, Fair Trading will monitor the remediation of works and will lift the order once it has been complied with.

An Order issued to a Developer under the RAB Act is listed on Fair Trading's website until it has been revoked by Fair Trading.

Compliance Outcomes – Class 2 Buildings

- Since commencement of the RAB Act, Fair Trading have inspected 22 “Legacy” buildings
- As a result 7 of these inspections has resulted in Orders being served on the Developers
- Issues identified include:
 - Waterproofing – Construction of bathroom floors, adhesions of tiles;
 - Construction of rooftop floors and planter boxers;
 - Installation of balustrades;
 - External cladding