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Further contact: Richard Connors

15 February 2016

The Hon Victor Dominello, M.P.
Minister for Better Regulation and Innovation
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Dominello

Review of Building Professionals Act 2005

I refer to the *Independent Review of the Building Professionals Act*, which I understand concluded with submission of the final report to the NSW Government on 31 October 2015. I understand this report is currently under consideration by the Government and only the Draft Report is publicly available.

The purpose of my letter is to convey to you the significant and long-held concerns with building regulation and certification of the Local Government sector and to emphasise that critical need for changes to establish a robust system that will improve the quality and safety of buildings. LGNSW therefore welcomed this timely and wide-ranging review when the (then) Assistant Minister for Planning (now the Minister for Planning), the Hon. Rob Stokes, appointed Mr Michael Lambert in late 2014 to 'conduct a broad review to examine certification and its application in the wider building industry'. During the review process, our organisation and many councils participated in various stakeholder meetings and workshops, and we made two written submissions (June 2015 and October 2015). For your reference, I have attached a copy of our October submission and refer you to sections 2 and 3 in particular.

LGNSW has been disappointed at the lack of any meaningful action by successive State Governments following numerous reviews of the building regulation system that date back more than a decade. The importance of committing much needed resources and urgent attention to tighten regulation and enforcement of builders and certifiers, and to move towards a best practice system overall, cannot be over-stated. This is becoming increasingly urgent, particularly given that the NSW Department of Planning and Environment is currently considering extending the scope of complying development assessment to include medium density, which has potentially higher-risk impacts on neighbouring properties and local communities than detached dwellings. If adopted, this would see increasing numbers of building approvals for these developments being made by private certifiers. In the absence of a strong, reliable regulatory framework the potential consequences include increased risk to public safety and costs to end users/occupiers.

LGNSW and councils are firmly of the view that good planning outcomes, building safety and consumer satisfaction will be compromised if the issues with building regulation and

certification are not addressed. This is not just a Local Government perspective, but is a concern that is shared among many peak bodies in the building industry.

You may be aware that IPART has referenced the draft building report extensively in its recently released *Draft Report on the Review of Reporting and Compliance Burdens on Local Government*. IPART's draft report endorses many of the recommendations of this important building review. LGNSW also supports these recommendations. The NSW Government's 2013 Planning White Paper (*A New Planning System for NSW*) also recognised the inadequacies in the building regulation system, and proposed a raft of changes to rebuild public confidence in the quality and safety of buildings and provide better direction and support to the NSW building sector.

LGNSW is therefore hopeful that this latest comprehensive building report currently under consideration by the NSW Government will lead to some much-needed and permanent improvements.

LGNSW looks forward to having further input to progress improvements in the entire building regulation system in conjunction with councils, key State agencies and peak industry bodies. Should your staff have any questions about our submission, please contact Richard Connors by phone 9242 4073 or email richard.connors@lgnsw.org.au in the first instance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Rhoades', written in a cursive style.

Cr Keith Rhoades AFSM
President