

Building Regulation and Certification Position Statement

Policy Principles

This Position Statement relates to the following Policy Principles of LGNSW:

(5) Local government planning prioritises community quality of life.

Background

Successive NSW Governments have continued to extend the types of development that qualify as exempt and complying development. A new pathway for development approval, called 'complying development', was introduced under the State Environmental Planning Policy (Exempt and Complying Codes) 2008. This is referred to as the 'Codes SEPP'. Complying development is a combined planning and construction approval for development that can be determined through a fast track assessment (tick the box) by a council or private accredited certifier. This avoids the need for a Development Application. A series of state wide codes have been established progressively under the umbrella of the Codes SEPP. These enable a council or private certifier to approve development without the need for development consent from council.

An expectation has emerged that the state wide codes can be expanded to higher risk, higher impact and higher density forms of development, such as medium density development.

Our Position

LGNSW advocates for:

- Tighter and more effective regulation of private certifiers – new regulatory arrangements must be strong, proactively enforced and subject to regular and rigorous audit.
- The State Government to take priority action to address the many issues identified in the independent review of the *Building Professionals Act 2005 (BP Act) 2015*.
- A single regulatory body responsible for building regulation and certification that is independent, well-resourced, effective and accountable.
- Extensive consultation with local government on any proposed changes to strengthen building regulation.
- Complying development to be limited to low risk or low impact development, with clearly defined parameters. Any application for large scale or blanket medium density development should be subject to the development application (DA) process.
- Councils and communities to be able to have a say in determining important location and design considerations for medium density residential and other complex types of development - these should be subject to a robust DA assessment process.

LGNSW opposes the adoption of complying codes for medium density development that will sideline councils' local planning controls.

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