

SUBMISSION

WHITE PAPER A NEW PLANNING SYSTEM FOR NSW

Part 8: Building Regulation and Certification

Concern: The increase use of accredited private certifiers to approve development in a local government area where they have no affiliation.

Background

One of the key changes proposed for building regulations and certification is the strengthening of controls on certifiers through stronger disciplinary guidelines and auditing. However, the role of a principal certifying authority, which was safeguard for compliancy, will, under the white paper proposal, go to a building certifier (accredited private certifier or council). The building certifier's powers will extend to: issuing the construction approval, inspect the work and issue the relevant occupation/completion certificate at the end of the work or issue work certificates and relevant subdivision certificate at the end of the work. *The building certifier will also assess proposed alternative solutions that may differ from the development consent.*

The potential for alternative solutions by accredited private certifier's that live and maintain their business outside the local government area could impact negatively on local communities. For instance, nowhere in the White Paper does it state where an accredited private certifier must reside to approve development. Hence, accredited private certifiers regardless of where they are located can be employed by a developer to oversee a construction, that is, the certifier could live in Sydney and be appointed to approve a development on the South Coast. The problem with this scenario is the notion of development consent and the local environment.

On page 87 (White Paper) under the heading '**Certainty through conditions of development consent**', paragraph 2 states "**consistent development consent conditions across the state will enable better compliance ...**". Unfortunately, this implies a 'one size fits all' model for development consent, which may not encompass the uniqueness of local environments such as Shoalhaven's coastal and rural villages. This idea favours the scenario of private certifiers being appointed regardless of where they are located but does not support 'best practice' for local areas that require a complete understanding of the local environment, community expectations and neighbourhoods.

The question is how urban development consent will be consistent with a coastal village development consent that necessitates specific requirements for storm water management, coastal erosion and foreshore protection measures. If a certifier only has to follow a set of conditions that apply to all developments, specific requirements for a unique location could

be neglected resulting in a poor development that has environmental consequences. However, if a certifier has an understanding of the local environment and neighbourhood, specific development consent requirements could be built into the development before approval granted.

*For this reason **the White Paper should stipulate that an accredited private certifier must reside or maintain his/her business in the local government area where they are appointed to approve development. If there is no accredited private certifier in the local government area, the local council defaults as the building certifier.***