

**Submission
No 33**

**INQUIRY INTO REGULATION OF BUILDING
STANDARDS, BUILDING QUALITY AND BUILDING
DISPUTES**

Organisation: Hornsby Shire Council

Date Received: 19 July 2019

19 July 2019

The Chairperson
NSW Government

Dear Sir / Madam

NSW Government Inquiry into the regulation of building standards, building quality and building disputes -
Submission

Thank you for the opportunity to provide input into NSW Government Inquiry into the regulation of building standards, building quality and building disputes.

Since the inception of the private building certification scheme in NSW, most councils are receiving hundreds of complaints every year identifying areas where private certifiers have failed to exercise their duties as a public official. One of the major concerns with the current certification scheme is that property owners and developers are permitted to choose who carries out the certification works, which does not instill public confidence that a rigorous assessment process has been undertaken throughout the certification process.

With the recent expansion of the State Government's new Medium Density Housing Code which will allow one and two-storey dual occupancies, manor houses (blocks of four flats) and terraces to be carried out under a fast track complying development approval by private certifiers without council input, it is even more critical that the NSW Government reinstates public confidence in the building certification process by removing the ability for developers to appoint their own certifiers.

Your inquiry may wish to consider the following:

- Ensure that certifiers who have been banned, be prohibited from being employees, consultants, directors or shareholders of entities providing such services.
- Apply more scrutiny when determining the competence of applicants seeking various categories of accreditation under the accreditation scheme adopted under the Building Professionals Act 2005.
- Deal more stringently with incompetent private accredited certifiers who assess, approve and certify development that does not comply with planning instruments and development regulations.
- Establish a process whereby the local council appoints the building certifier and the principal certifying authority (PCA) through an established local building certifier panel ensuring that there is no connection between the builder and the regulator.
- Ensure that all building practitioners are appropriately accredited and have professional indemnity insurance.

- Provide a comprehensive reference manual that the community, councils, building practitioners, government agencies and the like can reference to understand how the building construction industry works and is regulated. Rather than this information being contained in acts and regulations that are not readily accessible or easily understood.

Should you wish to discuss Council's submission or be provided with examples, please contact
Manager Regulatory Services on

Yours faithfully

Manager Regulatory Services

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