

in this issue

Page 1

Improving the NSW planning system

Page 3

Recent changes affecting certifiers and councils

Page 5

Recent disciplinary findings

Page 7

Practice advice and reminders

Page 11

News in brief

Page 12

New items on the BPB website

IMPROVING THE NSW PLANNING SYSTEM

Most accredited certifiers would be aware that the NSW Government recently released a discussion paper which contains more than 90 recommendations to improve the planning system, including:

- New targets to reduce the processing times of development applications and local plans;
- Allowing more small scale development, such as home renovations, to be approved within ten days if set standards are met;
- Tailoring development application assessment and local plan-making systems to the size and complexity of proposals;
- Increasing online planning information and support;
- Improved oversight of the building certification system; and
- Reducing the Minister's determination role for development proposals and increasing the use of assessment panels.

It also includes miscellaneous recommendations in areas such as strata management, paper subdivisions and dispute resolution.

Improving private certification

The key recommendations in the discussion paper relating to the certification system were:

- Minimise conflict of interest by limiting the certificates that can be issued to any one client by an accredited certifier; and strengthen the role of the Building Professionals Board (BPB) to allocate a certifier for large or complex projects.
- Broaden the accreditation system from individuals to include companies. Councils would also be required to obtain corporate accreditation. The Government would also investigate whether certain categories of building design professionals need to be accredited.
- Clarify responsibilities and sanctions. Councils' responsibility to enforce development consents, whether or not the principal certifying authority (PCA) is an accredited certifier, would be mandated. Respective responsibilities of councils and certifiers will be clarified. Councils' enforcement powers for unauthorised work would be increased.
- Stronger powers for the BPB to fine or suspend certifiers for unsatisfactory conduct.

A copy of the Discussion Paper is available at http://www.planning.nsw.gov.au/planning_reforms/p/improving_the_nsw_planning_system_discussion_paper.pdf

Submissions on the Discussion Paper closed on the 8 February 2008. An independent report on submissions received from the public exhibition was prepared and published in March 2008, is available at

http://www.planning.nsw.gov.au/planning_reforms/p/improving_the_nsw_planning_system_submissions_report.pdf



Exposure drafts of the Environmental Planning and Assessment Amendment Bill 2008 and Building Professionals Amendment Bill 2008, outlining the Government's proposed response to the discussion paper process, were introduced into parliament on 3 April 2008.

Proposed reforms

Conflict of interest

- Certifiers may face fines of up to \$33,000 if they earn greater than 20 per cent of total annual income from certification work from the same person or company;
- The NSW Government may also limit the number of certificates an individual employed certifier can issue for any one client, with a \$33,000 maximum fine to also apply;
- Accredited certifiers will be required to provide the BPB with annual reports setting out annual income and certificates issued. Certifiers can apply for an exemption from the income or certificate limit restriction rules, say where there is a certifier shortage;
- Corporate accreditation of certifier companies will be allowed. This will ensure that accredited certifier employees of certification companies can be held accountable for their actions.

Sanctions

- The maximum fine the BPB can issue against accredited certifiers will be increased from \$11,000 to \$110,000 and the BPB will be allowed to suspend or cancel a certifier's certificate of accreditation without having to go to the Administrative Decisions Tribunal.

Resolving unauthorised work issues

- Councils will be given new powers to require certifiers and builders to answer questions and provide information, and to issue on-the-spot fines and stopwork orders against landowners.
- Councils will be able to fund action that they need to take to address unauthorised building works through a 'performance bond' on the developer, as well as the ability to recover costs through a compliance cost notice similar to provisions in environment protection legislation.
- Certifiers acting as the PCA of a building site will also be given powers to direct a landowner to comply with a consent. All these above-mentioned provisions will provide abundant powers for both councils and certifiers to deal speedily with unauthorised works.

Other issues

- Council officers undertaking building certification work will for the first time be required to hold accreditation, which will allow the BPB to oversee the conduct of a council employed certifier. A council will be able to apply for exemptions;
- Designers of specified fire safety systems will need to gain accreditation by the BPB and will need to certify that their design complies with required standards.

Further information, including exposure drafts of both Bills is available at http://www.planning.nsw.gov.au/planning_reforms/index.asp.

RECENT CHANGES AFFECTING CERTIFIERS AND COUNCILS

Environmental Planning and Assessment Amendment (Compliance Certificates) Regulation 2008

The Environmental Planning and Assessment Amendment (Compliance Certificates) Regulation 2008, which commenced on 20 March 2008, will have the effect of limiting the range of circumstances in which a compliance certificate is required from an accredited fire safety engineer prior to the issue of a complying development certificate, construction certificate and occupation certificate.

Specifically, the requirement for a compliance certificate under Clauses 130, 144A and 153A of the Environmental Planning and Assessment Regulation will be limited to:

- A class 9a building that is proposed to have a total floor area of 2000m² or more; or
- A building (other than a class 9a building) that is proposed to have
 1. a fire compartment with a total floor area of more than 2000m²,
 2. a total floor area of more than 6000m²;

where an alternative solution is proposed to meet the following performance requirements of the BCA:

3. EP 2.1 (Smoke detection and alarm system), or
4. EP2.2 (Smoke management), or
5. DP4 (Number, location and dimensions of exits), or
6. DP5 (Fire isolated exits), or
7. EP1.4 (Fire suppression).

There will be a two year sunset clause on these provisions, after which the legislation will revert to the form as currently written (i.e. apply to all classes of buildings where an alternative fire safety solution is used).

The BPB will distribute a circular about the changes shortly.

Building Professionals Amendment (Inspections) Regulation 2008

The Building Professionals Regulation 2007 has been amended to clarify critical stage inspection requirements. This amended legislation also commenced on 20 March 2008.

Under the previous Regulation, the transitional provision enabling all existing accredited certifiers to carry out mandatory critical stage inspections was to lapse on 1 March 2008, meaning that only appropriately accredited certifiers (with a category of accreditation A1, A2 or A3) would have been able to carry out critical stage inspections. However, the Minister for Planning has approved the reinstatement of this transitional provision for a further 12 months (i.e. until 1 March 2009).

In addition to this change, an amendment was made affecting existing accredited certifiers (i.e. those persons who were accredited certifiers immediately prior to the commencement of the *Building Professionals Act 2005*).

Clause 5(2) of Schedule 4 of the Building Professionals Regulation 2007 permits all persons who were accredited when the BP Regulation came into force on 1 March 2007 to conduct critical stage inspections until 1 March 2008.

The Minister of Planning also approved the extension of this transitional provision for a further twelve months. Under the Regulation, Schedule 4 (5)(1) & (2) clause 2 has been amended to allow an existing accredited certifier to carry out inspections (including critical stage inspections) until 1 March 2009.

Accredited certifiers are reminded that the Code of Conduct requires you to always act within your area of competence, irrespective of the authorities conferred. As such, PCAs should still require certification from an appropriate accredited certifier where an aspect of the development is beyond their field of expertise (e.g. structural issues). Where the aspect is the subject of a critical stage inspection, both the PCA (or another accredited certifier building surveyor) and the relevant expert (e.g. engineer) should conduct the inspection (either separately or together).

Accredited certifiers are further reminded that the critical stage inspection is an opportunity to inspect the development as a whole and not just a particular aspect. As such, accredited certifiers undertaking critical stage inspections should be checking that the development meets development consent requirements and requirements such as sedimentation and that erosion control, and signage etc are maintained. Further guidance about critical stage inspections is currently being developed by the Board.

In summary the changes which commenced on 20 March 2008 are:

- Existing accredited certifiers (i.e. A1, A2, A3, B1, C1-C16 & D1 accredited certifiers that were accredited certifiers immediately prior to 1 March 2007) will be able to undertake mandatory inspections on behalf of the PCA for a further 11 months - i.e. until 1 March 2009.
- Applicants (new and existing accredited certifiers) can pay a fee to undertake the BPB Accreditation Exam prior to lodging their application for accreditation. NB. the application will need to be lodged within 6 months of passing the exam (for new applicants).
- Existing accredited certifiers who satisfy the core requirements for accreditation by successfully completing the UTS Certification Short Course can now apply at anytime until the end of the transition period to be assessed against the accreditation scheme (not within 6 months as per new applicants).
- The Association of Accredited Certifiers (AAC) Continuing Professional Development (CPD) program is now recognised under the BPB Accreditation Scheme. Meeting the requirements of the AAC's CPD program will now meet the specialist CPD requirements of the Scheme.

The Building Professionals Board will be releasing Practice Notes and/or information sheets shortly, as required. An updated version of the Accreditation Scheme is now available on the BPB website.



When undertaking inspections or site visits, certifiers should check that appropriate signage is placed in a position visible to the general public.

RECENT DISCIPLINARY FINDINGS

Disciplinary proceedings in the Administrative Decisions Tribunal (ADT)

In July 2007, the Board commenced disciplinary proceedings in the ADT against a former accredited certifier under the Building Surveyors and Allied Professions (BSAP) Accreditation Scheme, in respect of a complaint lodged by a council and another by a land owner.

In the proceedings before the Tribunal, it was alleged that the accredited certifier had:

1. Issued a construction certificate in respect of plans for the construction of some units above existing shops and that the building works depicted in those plans did not comply with the Building Code of Australia (BCA) as required by Condition 31 of the development consent in the following respects:
 - No allowance is made for access for people with disabilities to the Class 6 ground floor shops in accordance with Part D3.2 of the BCA.
 - No allowance is made for the provision of facilities for people with disabilities in accordance with Part F2.4 of the BCA.
2. Altered a copy of the final occupation certificate issued by another accredited certifier that was in the possession of a land owner by striking out the word "Final" and by writing in the word "Interim".

The Tribunal commented that the issue of the construction certificate in circumstances where it did not provide for disabled access and facilities was serious unsatisfactory professional conduct. The Tribunal commented that regardless of whether the document that was altered was an original or a copy the accredited certifier should not have altered it and that this also constituted unsatisfactory professional conduct.

The Tribunal found the accredited certifier guilty of unsatisfactory professional conduct and made the following orders:

1. That the accredited certifier be prevented from re-applying for accreditation for a period of two years.

Disciplinary proceedings by the Board

The following is an example of a series of audit investigations recently completed by the Board relating to an accredited certifier. The Board investigated the work and activities of an accredited certifier in relation to six developments. A summary of the notable findings is found below.

- The certifier failed to endorse a complying development certificate (CDC) application's date of receipt.
- The certifier did not nominate the accreditation body or provide a signed statement accepting their appointment as PCA.
- The certifier issued a CDC for a single storey dwelling adjoining a property identified as a heritage site in council's Development Control Plan (DCP). As the subject property was adjoining a heritage site, an application for a CDC could not be considered.
- The certifier issued a CDC for a single storey dwelling having a building setback of 6 metres contrary to the DCP requirement for the front setback of a minimum of 8 metres.
- The certifier provided misleading instructions regarding compliance certificates, critical stage inspections and the issue of the occupation certificate.
- The certifier issued a construction certificate for a dual occupancy in breach of clause 146 of the EP&A Regulation in that there was no evidence of compliance with a particular condition of consent.
- The certifier issued a construction certificate which included a statement "Consent granted subject to conditions described below". Conditions are only able to be attached to a construction certificate if they are of a kind referred

to in clause 187 or 188 of the EP&A Regulation. These conditions were not of that kind and were misleading in that they required the applicant to obtain compliance certificates, from the council, for critical stage inspections.

- The certifier issued a construction certificate for the construction of a single storey dwelling, swimming pool and front gate posts contrary to a condition of consent requiring the submission of details pertaining to engineering plans and specifications to be provided prior to issue of a construction certificate.
- The certifier issued the construction certificate that did not indicate whether the application was 'Approved' or 'Refused'.
- The attachment to construction certificate was titled "Notice issued under section 86 of the Environmental Planning and Assessment Act". Section 86 relates to complying development.
- The incorrect development application number was referenced on the certificate.

Decisions

In relation to each of the six developments, the Board was satisfied based on the material facts in relation to the each of the above matters that the certifier was guilty of unsatisfactory professional conduct as defined by s.109R of the EP&A Act in that they engaged in conduct:

- Occurring in connection with the exercise of an accredited certifier's functions as a certifying authority that fell short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonably competent accredited certifier; and
- by which they contravened the EP&A Act.

The Board determined that the accredited certifier be reprimanded and fined a total of \$4500 as follows:

Development 1	The accredited certifier was reprimanded and issued with a \$500 fine.
Development 2	The accredited certifier was reprimanded and issued with a \$1000 fine.
Development 3	The accredited certifier was reprimanded and issued with a \$500 fine.
Development 4	The accredited certifier was reprimanded.
Development 5	The accredited certifier reprimanded and issued with a \$500 fine.
Development 6	The accredited certifier was reprimanded and issued with a \$2000 fine.

The Board keeps a register of disciplinary action taken against accredited certifiers under section 40 of the Building Professionals Act 2005.

The register contains details of all known disciplinary actions taken by authorised accreditation bodies and the Administrative Decisions Tribunal. It does not include details of complaints which were dismissed by those bodies.

The register includes the following information:

- the certifier's name and accreditation number,
- the disciplinary action taken against that certifier,
- the body which took the disciplinary action
- the date of the disciplinary action, and
- the date from which the disciplinary action operates.

The Disciplinary Register is available to view at <http://www.bpb.nsw.gov.au/certifiers/disciplinary.shtml>.

PRACTICE ADVICE AND REMINDERS

High-front guttering

A number of recent articles have appeared in the NSW media concerning the installation of certain high front gutters, especially in domestic construction. Issues have been raised in relation to water penetration in certain homes which have been fitted with high front gutters.

High front gutters have been in use since the 1990s. The BCA, including certain referenced Australian Standards, contains requirements for the construction and installation of high front gutters.

It is a requirement under the EP&A Act and Regulation that all building work be carried out in accordance with the BCA. In this regard, accredited certifiers, councils and building practitioners are reminded of the following relevant provisions in the BCA and specific standards referenced by the BCA, relevant to stormwater drainage.

Volume One of the BCA provides for Damp and Weatherproofing in Part F1, namely:

- Performance Requirements FP1.2 and FP 1.3; and
- Deemed to Satisfy Provisions F1.1, which requires stormwater drainage to comply with AS /NZS 3500.3 (2003), "Stormwater drainage".

Volume Two of the BCA provides for gutters and downpipes in Part 3.5.2, namely:

- Compliance with Performance Requirement P2.2.1, which can be met by complying with:
 - the Acceptable construction manuals AS /NZS 3500.3; or AS/NZS 3500.5, (2000) "Domestic Installations"; or
 - the Acceptable construction practice described in Clause 3.5.2.1 "Application", particularly subclause (b); and Clause 3.5.2.4 "Installation of Gutters", particularly subclause (d).

The referenced edition of AS/ NZS 3500.3 (2003) includes:

- the requirements for Roof Drainage Systems – in Section 3, "Design" and in Section 4, "Installation", and
- examples of acceptable overflow measures for eaves gutters, which are contained within Appendix G.

The referenced edition of AS/ NZS 3500.5 (2000) includes requirements for Stormwater drainage in Section 5.

The Department of Planning issued a Circular, BS 08-001 *High front gutters*, on 10 April 2008 to raise awareness of regulatory provisions applying to the design and installation of gutters.

Accredited certifiers who issue construction certificates and occupation certificates for developments should be aware of these requirements and take appropriate steps to satisfy themselves that these requirements have been met. If you have any enquiries in relation to this matter, please contact the Building Systems Unit of the Department of Planning on telephone number (02) 9228 6529.

A Circular outlining the requirements for the installation of eaves gutters, in particular high-front-gutters, within the NSW Plumbing and Drainage Code of Practice has also been released and is available on the Department of Water and Energy's website: <http://www.deus.nsw.gov.au/water/Plumbing.asp>.

Occupation certificates

Enquiries have recently been made to the Board in relation to whether a PCA is obliged to issue an occupation certificate for a new building if twelve (12) months have expired since the building was first occupied or used.

Section 109M(1) of the EP&A Act states that:

- (1) A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 109H) unless an occupation certificate has been issued in relation to the building or part.

Section 109M(2)(b) states that

- (2) This section does not apply to:

- (b) the occupation or use of a new building at any time after the expiration of 12 months after the date on which the building was first occupied or used, or

The Department of Planning Circular PS 05-001 *Occupation Certificates and conditions of development consent* issued 22 April 2005 provided the following advice in relation to this issue:

Occupation certificates are not required for buildings which are exempt development or development which does not require development consent, the occupation or use of a new building after 12 months from the date on which the building was first occupied or used, and buildings erected by or on behalf of the Crown or a person prescribed by the EP&A Regulation to be the Crown.

Whilst nothing prevents a person from continuing to occupy a building without an occupation certificate in the above circumstances, a person who appointed the PCA for a development may still make application to the PCA for an occupation certificate after the expiry of the period mentioned in section 109M(2)(b).

An application for an occupation certificate made in accordance with the requirements of clause 149 of the EP&A Regulation should be determined by the PCA. Clause 151 outlines the procedure for determining an application for an occupation certificate and specifically requires the determination of the application to indicate whether the application was approved or refused. If the application has been determined by refusal, reasons for refusal must be provided to the applicant.

Certifying authorities being satisfied as to certain matters

It has come to the Board's attention through the complaint investigation process that there is some confusion about the operation of s.109O of the EP&A Act and cl.161 of the EP&A Regulation.

Section 109O of the EP&A Act operates in conjunction with clause 161 of the EP&A Regulation to enable a certifying authority to be satisfied as to certain matters in particular circumstances for the purpose of issuing a Part 4A certificate or complying development certificate.

Section 109O of the EP&A Act and cl.161 of the EP&A Regulation do not allow an accredited certifier or a principal certifying authority to approve a construction certificate which is inconsistent with the development consent and/or allow an accredited certifier or a principal certifying authority to approve changes to the development during the course of construction which are outside the scope of the development consent and approved construction certificate or complying development certificate.

The particular circumstances occur where there is a requirement of a condition of a development consent that a "council" or a "consent authority" is to be satisfied as to a matter that is listed in cl.161 of the EP&A Regulation is taken to have been complied with if a certifying authority is satisfied as to that matter. In other words, where a development consent condition requires that a "consent authority" or "council" is to be satisfied as to a specified matter in relation to plans and/or specifications, provided that matter is listed in cl.161 of the EP&A Regulation and/or that matter relates to the external finish of the building, the certifying authority may read the words "certifying authority" where the words "council" or "consent authority" appears.

The following development consent condition is an example of a situation where s.109O of the EP&A Act & cl.161 of the EP&A Regulation operates to allow the certifying authority to be satisfied as to the details of the external finishes of the building:

Details documenting the external finishes of the building are to be to the satisfaction of the council prior to the issue of a construction certificate.

Where works are not in agreement with the development consent and construction certificate, s.109O of the EP&A Act and cl.161 of the EP&A Regulation do not operate to allow the approval of any occupation certificate application in relation to a development. Any proposed variation to the development consent and/or the construction certificate may require a s.96 modification application to be lodged with council or the consent authority for their consideration prior to the determination of any related Part 4A certificate application.

Accredited certifiers are advised to discuss any proposed changes or variations to development consents with the approval body and or the consent authority prior to determining any related Part 4A certificate or complying development certificate application.

Principal Certifying Authority (PCA) registration details with councils

Councils and accredited certifiers are reminded that the PCA for a development must be an individual, not the company or group that the PCA is associated with. A company name is not sufficient to identify the PCA for a development.

Section 81A and 86 of the EP&A Act requires that the PCA notify council of their appointment within 2 days of their appointment. Although the PCA's notification may contain a company logo and details, the name of the PCA should be clear. Clause 103 of the EP&A Regulation requires that the notification of appointment of PCA includes a statement signed by the accredited certifier to the effect that he or she consents to being appointed as PCA. Provision of a signed statement ensures that there is no confusion as to who is actually appointed as PCA.

This will ensure that council is then able to provide correct PCA details on receipt of any enquiry about a development.

Construction certificates and complying development certificates

The Office of Fair Trading has recently advised the Board of a number of complaints the Office has received involving situations where the accredited certifier has issued construction certificates and complying development certificates to a builder where the land owner is the applicant for the certificate. The owners then find it difficult to retrieve documentation from the builder and are not aware of the specific requirements of the certificates.

Accredited certifiers are reminded that documentation, including construction certificates and complying development certificates should be given to the applicant. The builder can obtain copies, as required, from the applicant directly. The builder should only be provided with such documentation directly if they are also the land owner or with the approval of the land owner.



Portable toilet facilities are normally required to be provided at, or in vicinity of a work site in accordance with the *Industry Code of Practice: Amenities for Construction Work* prepared by the Workcover Authority of NSW

Renewal of accreditation

Accredited certifiers are reminded that they must lodge their application for renewal of accreditation before their accreditation lapses. Under the *Building Professionals Act 2005*, the Board has no discretion to consider a late application even where the application is lodged one day after the accreditation has lapsed. Where accreditation lapses because the application has been lodged after the expiration date, the individual ceases to be accredited and must submit a new application for accreditation, involving assessment e.g. against the full requirements of the scheme. In this situation, whilst the application is being considered, the individual is not able to practice as an accredited certifier.

Where an application is lodged before the accreditation lapses, but has not been determined, the accredited certifier can continue to practice until the determination has been made.

Accredited certifiers should familiarise themselves with their accreditation details including their renewal date, the categories for which they are accredited, and their registered contact details, on the Board's website.

Continuing Professional Development

The Board has recently confirmed that it will not approve re-accreditation if CPD requirements as prescribed by Schedule 5 of the Accreditation Scheme have not been fulfilled. An Information Sheet is available about CPD requirements under the Accreditation Scheme on the Board's website - Info Sheet 7 - *Continuing professional development*.

Glass balustrade requirements under AS 1288

The Board would like to remind accredited certifiers that glass balustrades need to comply with *Australian Standard 1288 – 2006 Glass in Buildings-Selection and Installation*.

The previous standard, known as AS1288 - 1994 contained only two paragraphs on balustrades. The standard has been revised due to an increase in use of glass in balustrades within the building industry and the increased number of accidents occurring involving balustrades.

The current standard '*AS1288 – 2006 Glass in Buildings-Selection and Installation*' introduces an entire section which covers the design and the selection of glass for a variety of balustrade types and their applications.

This standard was originally published on 16 January 2006 and has been adopted in the Building Code of Australia 2006 (BCA) as of the 1 May 2006 and referenced in Specification C2.5 of the BCA.

Accredited certifiers are advised when undertaking assessments and inspections of buildings incorporating glass balustrades to ensure that the glass balustrades have been designed and/or constructed in accordance with the current *AS1288 - 2006 Glass in Buildings-Selection and Installation*.

NEWS IN BRIEF

University of Technology of Sydney (UTS) Certification Short Course

Under the Accreditation Scheme, all applicants seeking accreditation must demonstrate that they meet the core performance criteria and specialist performance criteria under the scheme. There are 3 ways applicants can meet the core performance criteria:

- Successful completion of the UTS Certification Short Course, or
- Passing the BPB Accreditation Exam, or
- Applying to the Board for an alternative to the BPB Accreditation Exam.

All course offerings of the UTS Certification Short Course in 2008 are now full.

Where an individual needs to undertake the course this year, UTS will attempt to accommodate them subject to whether you are an existing accredited certifier or a new applicant taking into account the renewal date of your accreditation.

Persons wishing to be considered against the scheme in 2008, and who have not already registered for the UTS Certification Short Course, will need to undertake the BPB Accreditation Exam. An Information Sheet on the Accreditation Exam is available on the Board's website.

The Accreditation Exam will be held in Parramatta on the following dates:

29 April 2008 18 June 2008 20 August 2008 30 September 2008 19 November 2008

Previously, all applicants to be assessed against the accreditation scheme had to successfully complete this course within 6 months prior to lodging an application. Now, only new applicants for accreditation must successfully complete the UTS Certification Short Course within 6 months prior to lodging an application. All other existing accredited certifiers are able to complete the UTS course at any time prior to applying to be assessed against the accreditation scheme as long as they have completed their CPD requirements.

Australasian Building Certification Forum

Staff from the Board recently attended the two-day Australasian Building Certification Forum (ABCF) with representatives of bodies responsible for the accreditation of building professionals in all Australian States, the Northern Territory and New Zealand. The ABCF provides a valuable opportunity for regulators to meet and discuss contemporary and emerging issues relating to building certification.

During the meeting a number of important issues were discussed including: the shortage of building surveyors and building surveying qualifications; the inconsistency of accreditation/licensing across jurisdictions; and the Commonwealth Organisation of Australian Governments (COAG) agenda as it relates to certification and its' implications (i.e. transportability of licensing and the establishment of a national register). The ABCF will be meeting again in September 2008 when the individual jurisdictions will report back about the progress made against the identified issues.

Advice from the Long Service Payments Corporation

The Long Service Payments Corporation administers the Building and Construction Industry Long Service Payments Act 1986 (B&CILSPA) which provides long service benefits to building and construction workers within NSW.

The scheme is funded by a levy on the cost of all building and construction work performed in NSW that has a value of \$25,000 or more. Certifying authorities would be aware that the levy rate increased to 0.35% of the value of building and construction works costing \$25,000 or more from 1 January 2006.

All applications for a construction certificate or complying development certificate lodged with the certifying authority after 1 January 2006 are subject to the new levy rate.

Applications made to a certifying authority before 1 January 2006 were subject to the old levy rate. However, the transitional period for this arrangement ceased on 1 January 2008. All levies are now to be paid at the 0.35% rate, whether or not the application was made prior to 1 January 2006, unless written advice is provided by the Corporation regarding the levy due for that specific application. This will include Partial Exemptions of the Levy, Instalment Plans and determinations made by the Corporation.

Where the client believes the old 0.2% rate should apply, they will be required to lodge such request direct to the Corporation, for consideration. Should you wish to discuss any aspects of the new policy please contact the Corporation's levy staff on (02) 8281 6203.

NEW ITEMS ON THE BPB WEBSITE

Information brochures

The Building Professionals Board recently published two information brochures to provide consumers with greater information about how the NSW certification system works:

Certifying building and subdivision work - This information brochure informs consumers of the general approvals process involved when building or subdividing and is available at [http://www.bpb.nsw.gov.au/p/Certifying to building and Subdivision Work Jan 08.pdf](http://www.bpb.nsw.gov.au/p/Certifying%20to%20building%20and%20Subdivision%20Work%20Jan%2008.pdf)

Choosing a certifying authority - This information brochure provides consumers with the information necessary to enable them to confidently choose a certifying authority. The brochure outlines the services that certifying authorities provide to the consumer, options for the selection of certifying authorities, how to appoint a certifier and other important information and is available at [http://www.bpb.nsw.gov.au/p/Choosing a Certifying Authority Jan 08.pdf](http://www.bpb.nsw.gov.au/p/Choosing%20a%20Certifying%20Authority%20Jan%2008.pdf).

Annual Report 2006/07

The Building Professionals Board has published an annual report for the 2006/07 financial year which is included within the Department of Planning Annual Report.

The Building Professional's Board annual report 2006/07 is available at [www.bpb.nsw.gov.au/p/Building Professionals_Report_2007.pdf](http://www.bpb.nsw.gov.au/p/Building_Professionals_Report_2007.pdf)

The reporting of legislative compliance requirements for the Board is included in the full Department of Planning Annual Report in the Appendices is available at www.planning.nsw.gov.au/corporate_publications/pdf/DoP_Appendices_2007_.pdf

in this issue

Page 1

Planning Reform
Legislation Passes
Parliament

Page 2

Recent Changes Affecting
Certifiers and Councils

Page 3

Data on Certificates
Issued by Councils and
Accredited Certifiers

Page 4

Practice Advice and
Reminders

Page 7

Accreditation Updates

Page 9

News in Brief

Planning reform legislation passes Parliament

On 25 June 2008, the *Environmental Planning and Assessment Amendment Act 2008*, *Building Professionals Amendment Act 2008* and *Strata Management Legislation Amendment Act 2008* received assent. The passing of the Acts followed a lengthy consultation process, including the release of draft exposure Bills.

The amended Acts are available at www.legislation.nsw.gov.au. Associated documents are available at http://www.planning.nsw.gov.au/planning_reforms/index.asp:

- Planning reform Bill Guide
- Media release
- The Minister's statements outlining the Government's policy intentions in regard to certification, complying development, concurrences and referrals, joint regional planning panels and planning arbitrators.

Draft codes released

On 8 May 2008, the NSW Government released two codes and a community guide for public comment.

- NSW Housing Code – Community Guide
- NSW Housing Code, which outlines a simplification to the State's development approval system for housing and related residential developments.
- NSW Commercial Building Code, which outlines a simplification to the State's development approval system for some forms of commercial and industrial development and related ancillary developments.

The draft codes are available at www.planning.nsw.gov.au/planning_reforms/index.asp.

Commencement of the reforms

Some of the provisions of the Amendments Acts commenced on 1 August 2008. These relate to matters that do not require any supporting regulations to commence. A circular on these provisions is available at www.bpb.nsw.gov.au. A media release is available at www.planning.nsw.gov.au/mediareplan/fs20080801_739.html.

Further changes have been gazetted to commence on 1 September 2008. A circular on these provisions is available at www.planning.nsw.gov.au/planningsystem/practicenotes.asp



RECENT CHANGES AFFECTING CERTIFIERS AND COUNCILS

Transitional arrangements for exempt and complying development

The Department of Planning released a practice note, PN 08-003 *Transitional arrangements for exempt and complying development*, on 5 August 2008 to provide guidance to councils on exempt and complying development controls in new principal local environmental plans (LEPs) with reference to the State development codes.

The practice note provides guidance to enable councils to avoid expending resources unnecessarily in drafting the exempt and complying schedules during the rollout of the codes. The practice note also outlines the approach the Department requires councils to take with respect to exempt and complying schedules.

The Practice Note is available at:

http://www.planning.nsw.gov.au/planningsystem/pdf/pn08_003_exempt_complying_devt.pdf

Building Code of Australia 2008 amendment

The Department of Planning released a circular, BS 08-002 *Building Code of Australia 2008 amendment*, on 13 May 2008 to advise practitioners of certain changes to the Building Code of Australia and other BCA matters.

The Circular is available at:

http://www.planning.nsw.gov.au/planningsystem/pdf/brans/bs08_002_bca08_amendment.pdf

DISCIPLINARY PROCEEDINGS

Usually, a summary of recent disciplinary proceedings by the Board and the Administrative Decisions Tribunal (ADT) would appear in the BPBulletin after current news items. During the recent continuing professional development (CPD) sessions, the utility of the summaries were discussed by some participants. Participants noted that, while the actual decision documents could be quite long (especially with respect to ADT decisions) the summaries in the BPBulletin were so brief that a lot of important information and practice advice was being missed. As a result of the feedback, the BPB will now be publishing a separate newsletter dealing specifically with disciplinary decisions. This newsletter will provide more detail on each of the decisions and will be published as required.

Initially, the newsletter will be distributed to the same mailing list as the BPBulletin. If you would like to be removed from, or added to, the list please email the Board bpb@bpb.nsw.gov.au.

The BPB would like to thank the participants who made this suggestion and encourages accredited certifiers to contact the BPB with further suggestions to improve the distribution of information.

DATA ON CERTIFICATES ISSUED BY COUNCILS AND ACCREDITED CERTIFIERS

The NSW *Local Development Performance Monitoring: 2006/07* report, released in February 2008 by the Department of Planning, provides comprehensive statistics about the processing of development applications and complying development certificates, including the number of Part 4A certificates issued by councils and accredited certifiers. It has been compiled by the NSW Department of Planning.

The report can be found at:

http://www.planning.nsw.gov.au/planningsystem/pdf/local_performance_monitoring_2008.pdf

Data from the reports indicates that accredited certifiers issued approximately 37,000 certificates per year from 2003/04 to 2005/06, representing about 24% of all construction, occupation, complying development, subdivision and strata certificates issued. Data on the number of compliance certificates is not collected.

The tables below compare the number and proportion of certificates (excluding compliance certificates) issued by councils and accredited certifiers from 2003/04 to 2005/06. The tables also show that accredited certifiers issued:

- between 21% and 31% of all construction certificates in those years
- between 42% and 37% of all complying development certificates, and
- between 24% and 30% of all occupation certificates.

Table 1: Construction certificates issued 2003/04 to 2006/07

	Accredited certifiers	Councils
2003-2004	21500 (22%)	77412 (78%)
2004-2005	18557 (21%)	68697 (79%)
2005-2006	18718 (26%)	54181 (74%)
2006-2007	20673 (31%)	45234 (69%)

Table 2: Complying development certificates issued 2003/04 to 2006/07

	Accredited certifiers	Councils
2003-2004	6267 (42 %)	8562 (58%)
2004-2005	5964 (45 %)	7313 (55%)
2005-2006	6058 (48 %)	6640 (52%)
2006-2007	4159 (37%*)	6632 (59%)

*407 CDCs were not categorised by councils as being issued by either council or accredited certifiers

Table 3: Occupation certificates issued 2003/04 to 2006/07

	Accredited certifiers	Councils
2003-2004	8729 (24%)	27109 (76%)
2004-2005	11959 (27%)	32081 (73%)
2005-2006	12448 (30%)	29609 (70%)
2006-2007	13045 (30%)	30410 (70%)

PRACTICE ADVICE AND REMINDERS

When can complying development be carried out?

Complying development can only be carried out on land identified in an environmental planning instrument including council Local Environmental Plans (LEPs) and development control plans (DCPs). Complying development is usually not permitted on bushfire prone land, on flood prone land, or on other environmentally sensitive land. The Board receives a number of complaints year concerning accredited certifiers who have issued complying development certificates (CDCs) where the LEP or DCP does not allow complying development to occur, mainly it would seem due to lack of sufficient care being taken in the assessment process.

Section 84A(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) allows a person to carry out complying development only if they have been issued with a CDC and the development is carried out in accordance with that certificate and in accordance with any provisions of the relevant planning instrument that applies.

Where the relevant planning instrument makes it clear that complying development is not permitted, it is the Board's view that the land owner cannot carry out the development by relying only upon the terms of a CDC that has been issued. In other words, an applicant cannot carry out the development as complying development if the planning instrument prohibits it even where a CDC has been issued.

Steps Council can take in relation to non-complying development

Once a council becomes aware that a CDC has been issued for development that is not complying development under its LEP or DCP, Council is encouraged to advise the land owner and the accredited certifier (who issued the CDC) in writing that the CDC does not comply with Council's complying development requirements and that the land owner cannot carry out the development without a development consent being issued by the council.

If the building/subdivision work has not commenced, Council should also advise the land owner that a development consent and construction certificate must be issued before the work can commence.

If the building work has already commenced or has been completed, the council should consider whether it will issue a notice under section 121H of the EP&A Act. Depending upon the work that has been carried out, the council may also wish to consider accepting a development application for the use of the completed works and/or a building certificate application under section 149A of the EP&A Act.

Where the accredited certifier has not publicly notified the granting of the CDC in accordance with section 101 of the EP&A Act and clause 137 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the validity of the certificate could be challenged in the Land and Environment Court (in *Gosford City Council v Beville*, LEC 11 February 2003, a CDC was declared void and subsequent demolition orders made).

Whether or not the CDC has been publicly notified, if work has commenced the council may be able to bring proceedings against the person with the benefit of the development consent under section 123 of the EP&A Act for breach of section 84A(1) of the Act.

Steps Council can take in relation to the accredited certifier

Council can also consider bringing proceedings against the accredited certifier under section 123 of the EP&A Act for breach of the Act in issuing a CDC for development that is not complying development.

Council can lodge a complaint with the Board in relation to the conduct of the certifier. To lodge a complaint about the conduct of an accredited certifier, please contact the Board directly on 02 9895 5950 to discuss the matter. The Board's website www.bpb.nsw.gov.au also provides information about making a complaint to the Board.

The Board does not have power to request the land owner or the builder to rectify any building works approved by a CDC which do not comply with the complying development requirements for that local government area. The Board's powers relate only to disciplining the certifier where they have been found guilty of unsatisfactory professional conduct or professional misconduct.

Failure to take action – unauthorised occupation of a building

At a recent meeting, the Board's Disciplinary Committee considered a complaint lodged about the work and activities of an accredited certifier in his capacity as the principal certifying authority (PCA) for a development. The allegations claimed, amongst other things, that the building was occupied prior to the issue of an occupation certificate.

It was clear that the PCA had withheld the occupation certificate because of non-compliance issues with the building. It was also clear that the PCA was aware that the building was being occupied/used. The PCA had taken no apparent action to address the unauthorised use of the building.

The Disciplinary Committee recommended to the Board that the lack of timely and appropriate action by the certifier constituted unsatisfactory professional conduct because his actions fell short of the standard of diligence that is expected of a reasonably competent accredited certifier. The Board agreed with that recommendation and found the certifier guilty of unsatisfactory professional conduct.

Accredited certifiers have discretion in how they make various decisions under the EP&A Act. In situations similar to that described above, a certifier could issue a notice of intention to issue an order, or could take other positive steps to negotiate a resolution to the problem. Failure to initiate any action to address the problem will likely be viewed as unsatisfactory professional conduct and result in a disciplinary finding.

Old development applications for residential flat buildings

The Board's attention has been drawn to a recent inquiry in which an occupation certificate for a residential flat building was not accompanied by a Design Verification statement in accordance with State Environmental Planning Policy (SEPP) No 65.

Clauses 143A and 154A of the EP&A Regulation introduced a requirement for a design verification from a qualified designer to be obtained for a "residential flat development" as defined by SEPP 65 before a construction certificate and then an occupation certificate can be issued for the development.

These requirements apply to any development application (DA) for residential flat development made **on or after 1 December 2003**.

As a result, councils and accredited certifiers are reminded to check the date that the development application was made when asked to issue a construction certificate or an occupation certificate in relation to development consent for a residential flat development.

Please note that SEPP 65 has recently been amended. A circular on the amendment is available at <http://www.planning.nsw.gov.au/planningsystem/practicenotes.asp>.

Template for PCA sign

What are the requirements for PCA signs?

Accredited certifiers and councils are reminded of their obligation under clause 227A of the EP&A Regulation to ensure a sign is erected on a site, setting out information about the PCA, before work commences on a development for which they are the principal certifying authority. The information that must be included on the sign is the name, address and telephone number of the PCA. The sign must be placed in a prominent position, be rigid and durable and must be maintained at all times while the work is being carried out.

Clause 227A also places a requirement on the principal contractor for the work to erect a sign containing the telephone number on which they can be contacted at any time.

Clauses 98A and 136B of the EP&A Regulation also make it a condition of all development consents and complying development certificates that involve any building work, subdivision work or demolition work that a sign is erected. Those clauses require the sign to contain the name, address and telephone number of the PCA, the name and telephone number of the principal contractor and stating that unauthorised entry to the work site is prohibited.

The BPB included advice in Issue 4 to remind certifying authorities about these requirements. Despite the requirement of the EP&A Regulation and previous reminder, the BPB often encounters development sites for which no PCA sign is evident.

At every development site the PCA must ensure that a sign has been erected and conforms with the requirements of clause 227A. When the certification reforms to the EP&A Act and Regulation commence, it is expected that failure to erect and maintain a sign will be subject to on-the-spot fines (penalty infringement notice).

The requirement for on-site signs in the EP&A Regulation is intended to ensure members of the community are able to contact the relevant certifying authority and the principal contractor where issues arise on the site or inquiries about the development need to be made. Members of the public must be able to contact the principal contractor outside hours. In addition, the PCA is usually the first port of call when matters arise in relation to the construction work and PCAs must make themselves available to answer inquiries, deal with complaints and the like.

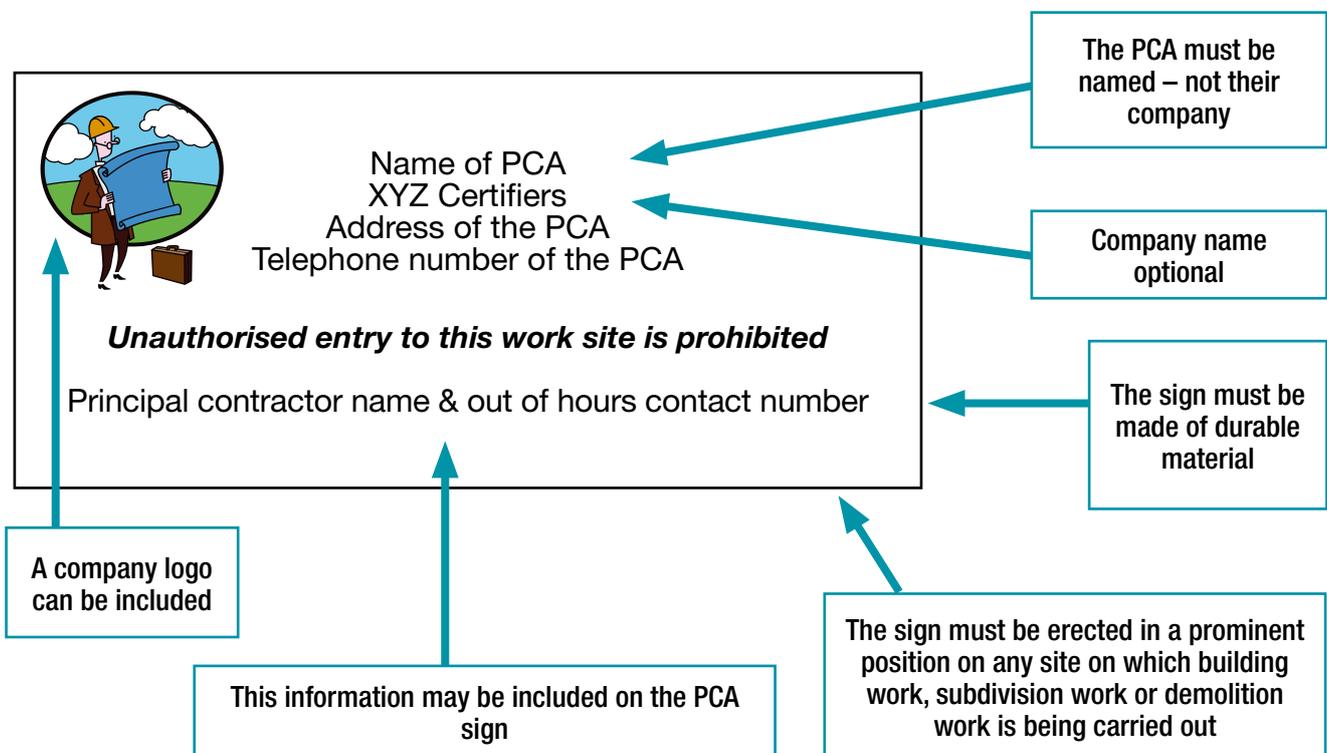
How can the PCA comply with the requirements?

The PCA sign should be visible from the street and should be protected from inclement weather, such as by laminating. The sign should be of a quality that will allow it to endure for the expected duration of the development.

While there is no requirement in the EP&A Act for a PCA sign to be professionally designed or even typed, PCAs must ensure the sign is legible, clear and uses font of a size to ensure it can be clearly seen by a person standing outside the site.

While clause 227A indicates that more than one sign containing the required information is not required, the BPB is aware of at least one certifier who makes it a practise to erect a number of signs where the size of the development site is significant, to ensure members of the public can access the information.

While clause 227A sets out the requirements for PCAs to meet, the BPB recommends that the PCA place all information on the PCA sign to satisfy the requirements of both of clauses 227A and 98A/136B. The following template is an example of a design certifying authorities can use to include the relevant information on the one sign so as to satisfy each of clauses 227A and 98A/136B.



ACCREDITATION UPDATES

Submitting incomplete applications for accreditation

The BPB has received a number of applications for accreditation and the renewal of accreditation that do not include all of the information and attachments that must be provided. Common problems include not submitting one or more of Forms 2-7 that must accompany the application for accreditation.

Accredited certifiers are reminded that under the *Building Professionals Act 2005* (BP Act), an application for accreditation and renewal of accreditation must be made in the form approved by the Board and be accompanied by such documents and information as the Board requires to determine the application.

The documents that must be included with an application are set out on the Board's website at <http://www.bpb.nsw.gov.au/certifiers/applyingforacredit.shtml>. If an applicant is unsure as to which documents must be submitted, they should refer to *Applying for accreditation: a guide*, available also at <http://www.bpb.nsw.gov.au/certifiers/applyingforacredit.shtml>.

Please ensure you have completed each relevant section of the application form, have signed each page of the form and have completed and attached each relevant additional document **before you submit** the application to the Board. There is a checklist at the end of the form to help you ensure you have included everything that is required.

Any application that does not include the required documents will be taken not to satisfy the requirements of the BP Act and will be returned to the applicant.

Missing insurance details for renewal of accreditation applications

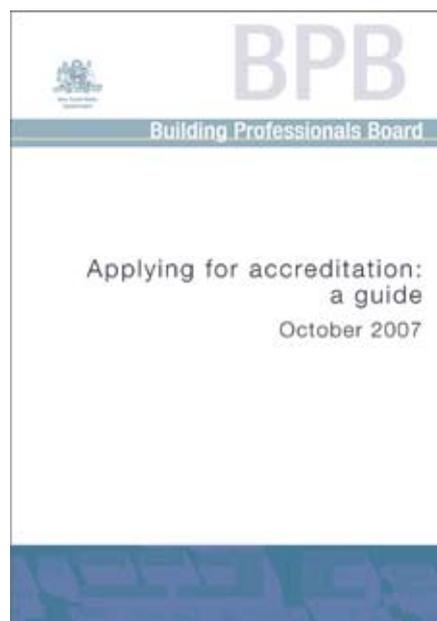
The Board has also been experiencing difficulties with insurance information provided with applications for renewal of accreditation. Common problems relate to certificates of currency that do not provide the following:

- the retroactive date,
- whether the limit of indemnity is inclusive or exclusive of relevant expenses (expenses of the insured certifier in investigating or defending a claim),
- the number of accredited certifiers in the company / partnership (relevant to the limit of indemnity), and
- information to show the certifier is covered by indemnity insurance for the whole of the period during which he or she has been accredited certifier.

The matters insurance contracts must cover are set out in clauses 9-16 of the Building Professionals Regulation 2007 (BP Regulation) and are summarised in Info sheet 9 *Insurance required by accredited certifiers*, available at www.bpb.nsw.gov.au/p/insurance_9.pdf.

Accredited certifiers are encouraged to advise their insurers / brokers about the requirements for insurance under the BP Act and Regulation and ask them to include all required details on the certificate of currency.

Certifiers are also reminded that it is an offence under the BP Act for an accredited certifier to exercise the functions of a certifying authority unless covered by professional indemnity insurance as required by the BP Regulation. A breach of the Act can also result in a finding of unsatisfactory professional conduct or professional misconduct following a complaint or audit investigation.



Accreditation exam

Applicants who are to be assessed against the requirements of the accreditation scheme, and who have not already registered for the UTS Certification Short Course or do not wish to undertake the short course, will need to undertake the BPB Accreditation Exam.

An Information Sheet on the Accreditation Exam is available at www.bpb.nsw.gov.au.

The remaining offerings of the Accreditation Exam for 2008 (held in Parramatta) are:

- 30 September 2008
- 19 November 2008

Previously, all applicants to be assessed against the accreditation scheme had to successfully complete the short course within 6 months prior to lodging an application. Now, only new applicants for accreditation must successfully complete the short course or pass the exam within 6 months prior to lodging an application. All existing accredited certifiers are able to complete the short course or pass the exam at any time prior to applying to be assessed against the accreditation scheme as long as they have completed their CPD requirements.

Update on CPD

The Australian Institute of Building Surveyors, NSW Chapter (AIBS) recently organised the 2008 Accredited Certifiers: Professional Practice CPD activity focusing on risk management. The activity addressed issues that all accredited certifiers face in conducting certification work from three different perspectives – legal, practitioner's and insurance. Each session generated robust discussion and questioning focusing on the issues that accredited certifiers face every day. Feedback received from these sessions is also being considered in relation to the planning reforms that are currently being finalised.

The BPB would like to thank AIBS for organising the CPD on their behalf.

The 2nd CPD activity for 2008 on Legislative Requirements will be held later in the year. Certifiers will be advised of those arrangements as soon as possible.



The 2008 Accredited Certifiers: Professional Practice CPD team - Bill Burns, AIBS; Steve Watson, Presenter - Practitioner; Jacinta Reid, Presenter - Legal; Daniel Johnson, Presenter - Insurance

NEWS IN BRIEF

Meetings with training/education providers

The BPB recently met with representatives from the Local Government Training Institute (a Division of Hunter Councils Inc - LGTI) and the University of Western Sydney (UWS) to discuss the training needs of building surveyors and fire safety engineers and the qualifications currently being offered.

The LGTI has recently commenced offering a Diploma in Local Government (Environmental Health and Building Assessment) and is in discussions with the BPB to have the course listed in Schedule 3 of the Accreditation Scheme and recognised as meeting all the speciality requirements for an accredited certifier – building surveying grade 3 (A3). The LGTI are tailoring the delivery of the package through assessments and activities to guarantee that graduates meet each of the specialty skill and knowledge criteria for A3. This will streamline the application process for graduates of this course who wish to apply to become an A3 accredited certifier.

At the meeting with UWS, a range of issues were discussed including the future of the building surveying units and the fire engineering qualifications. The BPB continues to work with the UWS with the aim of aligning their courses with the speciality requirements of the accreditation scheme.

As the BPB finalises arrangements with training/education providers for courses to be recognised under the scheme, stakeholders will be notified.

Demolition work

Effective 2 May 2008, demolition work is no longer regulated under the *Home Building Act 1989* in NSW. This means that demolition work is no longer licensed by the Office of Fair Trading.

To undertake demolition work in NSW, however, it is generally necessary to hold a licence and/or permit issued by WorkCover. For more information, refer to the WorkCover website (www.workcover.nsw.gov.au) or call WorkCover on 13 10 50.



Demolition work being carried out recently to make way for a competition winning office building in the Parramatta CBD

Home Building Act review

The *Home Building Act 1989* is currently being re-written by the Office of Fair Trading. Work will continue throughout 2008 and it is anticipated that a leaflet will be prepared for public consultation. Please refer to the Office of Fair Trading website for details (www.fairtrading.nsw.gov.au).

Fair Trading has held consultation meetings with a range of stakeholders including industry, consumer groups, insurers and relevant Government agencies. The aim of these consultations was to gather input on the issues that will need to be addressed as part of the re-write of the Act. Analysis of these issues is now underway and a draft exposure bill will be prepared and released for public consultation in the second half of 2008.

If you would like to be kept informed about the timing of the consultation and how you can have your say on these important reforms, go to the Register to have your say page on the Fair Trading website (www.fairtrading.nsw.gov.au).

Fair Trading expect that changes to the law will be considered by Parliament in 2009.

Expressions of interest – list of qualified trainers

From time-to-time, the BPB is approached by training providers to recommend appropriately qualified accredited certifiers who would be suitable to teach or mark assignments for different courses. While the BPB is unable to recommend individuals, it will establish a list of interested accredited certifiers to supply to training providers.

If you would like your name to be added to this list, please contact the BPB by providing your full contact details and area of expertise – you should also give explicit permission for the BPB to provide this information to training providers on request. Please email your information to bpb@bpb.nsw.gov.au.

Note, your inclusion on this list does not guarantee teaching opportunities and the training provider, not the BPB, will be responsible for ensuring your suitability.

Expressions of interest and nominations for the Board and expert witnesses

The NSW Department of Planning recently sought expressions of interest (EOI) and nominations for membership on the Building Professionals Board. The EOI period has now closed and submissions are being considered. The Department of Planning would like to thank those who have expressed interest; the Board membership will be reported once finalised.

The Building Professionals Board recently also sought expressions of interest for expert witnesses and consultants. The EOI period has now closed and submissions are being considered.

in this issue

Page 1

New Board appointments

Page 2

Certification reforms

Page 5

Further upcoming changes

Page 6

News in brief

This issue is a special edition, designed to update accredited certifiers, councils and others of recent and upcoming legislative change and related developments and to indicate how to find out further information.

NEW BOARD APPOINTMENTS

The former Minister for Planning appointed a new Board on 3 September 2008. The Board's appointment coincides with the commencement of a number of certification reforms and expanded Board powers.

The Board's new President is Sue Holliday, a former Director-General of Planning NSW and former National President of the Planning Institute of Australia.

The other new members bring a range of skills to assist with the Board's revised functions and include:

- Graham Huxley (Deputy President) – Chair of the Australian Building Codes Board, former President of the Housing Industry Association (NSW) and founder of Huxley Homes;
- Geoffrey Douglass (continuing member) – an experienced building surveyor currently employed at Newcastle City Council;
- Margaret Hole – property law specialist and member of the Administrative Decisions Tribunal and Board of Surveying and Spatial Information;
- Alison McCabe – a town planner with extensive experience in local government;
- Tone Wheeler – award-winning architect specialising in environmental architecture and sustainable design;
- Michael Whelan – Acting Commissioner to the Land and Environment Court and qualified mediator and land surveyor; and
- Michael Wynn-Jones – building regulation and fire safety expert.

The Board wishes to acknowledge the work accomplished by the previous Board in dealing with the challenges of establishing new processes and in directing many of the recent certification reforms in conjunction with the former Minister. This work has set a clear direction for the new Board to continue.



CERTIFICATION REFORMS

The *Environment Planning and Assessment Amendment Act 2008* and the *Building Professionals Amendment Act 2008* (the Amendment Acts) received assent on 25 June 2008. Together with other matters, the Amendment Acts introduce significant changes to the planning and certification system in NSW.

The provisions in the Amendment Acts are being commenced in stages over a period of 12 months as necessary regulations, guidelines and changes to the Board's accreditation scheme are prepared.

Stages of commencement

1 August 2008	Miscellaneous changes to the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) and <i>Building Professionals Act 2005</i> (BP Act) (see summary below)
1 September 2008	Miscellaneous changes (see summary below) and associated savings and transitional regulations
3 November 2008	Accredited bodies incorporate (see summary below) Other miscellaneous changes
Early 2009	Further changes <ul style="list-style-type: none">• Council accreditation (see below)• Balance of the changes – expected to commence the first half of 2009 following further consultation

Miscellaneous changes to the EP&A Act and BP Act

As reported in Issue 13, some changes, where supporting regulations were not needed, commenced on **1 August 2008**. A Circular outlines these provisions: www.planning.nsw.gov.au/planningsystem/practicenotes.asp

Matters that commenced on 1 August 2008 included:

- Evidence being required of payment of long service levy
- Clarification of when building or subdivision actions can be commenced
- Removal of the need to notify the Board of missed critical stage inspections
- Increased disciplinary powers for the Board
- Improved processes for disciplinary matters

Further changes, which required minor savings and transitional provisions, commenced on **1 September 2008**. A Circular outlines these provisions: www.planning.nsw.gov.au/planningsystem/practicenotes.asp

Matters that commenced on 1 September 2008 included:

- Requiring the appointment of two principal certifying authorities (PCAs) for development involving both building and subdivision works
- Additional investigation powers for councils and PCAs
- Changes to applications for construction, occupation, subdivision and strata certificates
- Increased fees for building certificates (in relation to unauthorised work)

Accredited bodies corporate

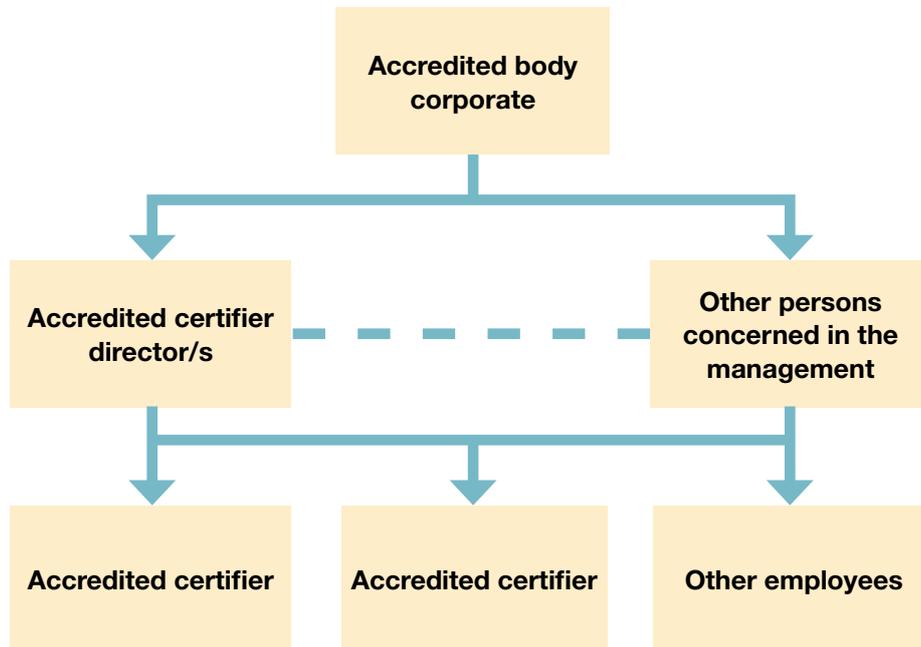
On 3 November 2008, section 5A of the BP Act and the Building Professionals Amendment (Accredited Bodies Corporate) Regulation 2008 commenced to allow the Board to issue certificates of accreditation for two classes of accreditation as an accredited certifier:

- corporate accreditation, and
- individual accreditation.

A certificate of corporate accreditation can be issued to a body corporate upon application to the Board from 3 November 2008. The relevant form is available at www.bpb.nsw.gov.au.

An accredited body corporate is a type of accredited certifier, and can therefore be appointed as a certifying authority or principal certifying authority (PCA). Certification work that is to be carried out by the body corporate must be allocated to accredited certifiers employed by the body corporate who are accredited in the relevant category of accreditation.

The typical structure of an accredited body corporate is illustrated below:



Accredited bodies corporate must comply with rules in addition to those that apply to individual accredited certifiers. These rules include responsibilities for accredited certifiers who are appointed as accredited certifier directors of the body corporate and insurance requirements for the body corporate.

The process for the accreditation of bodies corporate is summarised as follows:

Minimum requirement	3 accredited certifier employees, including one appointed as an accredited certifier director
Accreditation fee (application and annual renewal)	\$1500
Information required upon application	<ul style="list-style-type: none"> • Fit and proper person declaration(s) from persons concerned in the management of the body corporate • Organisational structure of the body corporate
Prescribed condition of accreditation	All accredited certifier directors to undertake training relating to the responsibilities of accredited certifier directors

The Department of Planning has issued a Circular (PS-08-011) outlining the accredited body corporate provisions, available at <http://www.planning.nsw.gov.au/planningsystem/circularspracticenotesguides.asp>

Information sheets are also available on the Board's website www.bpb.nsw.gov.au on the following topics:

- The accreditation of bodies corporate,
- The responsibilities of bodies corporate once accredited, and
- The responsibilities of employees of accredited bodies corporate.

Other miscellaneous changes

Together with the introduction of accredited bodies corporate, on 3 November 2008 miscellaneous changes to the EP&A Act and Regulation and BP Act also commenced. These changes relate to:

- Notice of commencement of work to the PCA
- Notice requirements for a change of PCA
- Form of certificates issued by a certifying authority
- Form of records of critical stage inspections
- The fee for a building certificate
- Investigation of councils as certifying authorities
- Action that may be taken against a council following an investigation
- Investigation of accredited certifiers

The Department of Planning has issued a Circular (PS-08-010) outlining the changes, available at <http://www.planning.nsw.gov.au/planningsystem/circularspracticenotesguides.asp>

Amendments to the accreditation scheme – qualifications

The Accreditation Scheme was recently amended to include recognition of certain additional “post graduate qualifications” (as defined in the *Higher Education Act 2001*) in building surveying as specialty qualifications in Schedule 3 of the Scheme for the following categories of accreditation:

- A1 Accredited certifier-building surveying grade 1
- A2 Accredited certifier-building surveying grade 2
- A3 Accredited certifier-building surveying grade 3

Fire safety mandatory compliance certificate changes

From 1 March 2008 the Environmental Planning and Assessment Regulation 2000 required certifying authorities to obtain a compliance certificate from a C10 accredited certifier (“fire safety engineer”) in respect of alternative solutions for fire safety measures under the Building Code of Australia (BCA) before issuing complying development, construction or occupation certificates.

Amendments to the regulation that commenced on 14 November 2008 provide that certifying authorities may rely on a written report, as an alternative or in addition to a compliance certificate, from an accredited fire safety engineer as a form of suitable evidence.

Certifying authorities now have the option of obtaining written reports from fire safety engineers which include a statement either that the proposed alternative solution complies with the performance requirements of the BCA (as a precursor to the issue of complying development certificates or construction certificates) or that the building work has been completed and is consistent with the alternative solution (as a precursor to the issue of occupation certificates).

These provisions apply to any complying development certificate, construction certificate or occupation certificate issued after the commencement of the amendments.

The amendments also provide that fire safety engineers may prepare such written reports even where they have prepared the alternative solution.

The Building Professionals Regulation 2007 (BP Regulation) has also been amended to require fire safety engineers to retain a copy of any such report that they make in a secure place.

FURTHER UPCOMING CHANGES

Accreditation of council building certifiers

Amendments to the BP Act to enable the accreditation of council building certifiers received assent on 25 June 2008. These provisions will commence when changes are made to the BP Regulation and the accreditation scheme made under the BP Act (the scheme).

Proposals on exhibition

The Board will place the proposed changes to the BP Regulation and the scheme, as well as draft assessment guidelines, on exhibition from 17 November 2008 until 27 February 2009. In summary, the changes propose:

- three new categories of accreditation for council building surveyors – B1, B2 and B3 (which are equivalent to existing categories A1, A2 and A3),
- limiting council officers to carrying out certification work on behalf of the relevant council in the relevant local government area,
- the criteria for accreditation (experience and qualification requirements) for council officers,
- the assessment process against the criteria (including the council's role), and
- how councils can seek exemptions from the Board from having to provide certification services.

The exhibition documents will be available at www.bpb.nsw.gov.au from 17 November.

Information sessions

During the exhibition period, the Board will be holding free information sessions across NSW to explain the proposals. The sessions are for council staff only.

The information sessions will be split into two sessions, a morning and afternoon session. The morning session is aimed at informing council building surveyors who are likely to become accredited about the process for accreditation, including assessment of their experience by their employing council. The afternoon session will be aimed at those persons within council who are likely to be undertaking an assessment of council building surveyors to be accredited. These persons may be team leaders, managers, directors and/or human resource representatives.

For details of the sessions, or to register for a session, go to www.bpbevents.info.

Making a submission

Submissions on the proposed changes to the BP Regulation and the scheme are welcome and can be made **until 27 February 2009**.

Submissions need to be in writing and addressed to:

The Director
Building Professionals Board
PO Box 3720
PARRAMATTA NSW 2124
or DX22 PARRAMATTA
Or email policy@bpb.nsw.gov.au

Some enforcement powers

It is expected that some new enforcement powers for councils and new inspection requirements for certifying authorities will be gazetted before the end of the year. The changes will include:

- Introducing a stop work order in section 121B (order No. 19) of the EP&A Act,
- Enabling councils and the Board to issue additional penalty infringement notices (on-the-spot fines),
- A new inspection requirement prior to issuing a complying development certificate, strata certificate, and a construction certificate where works affect existing buildings, and
- New critical stage inspections for swimming pools and footings for class 2-9 buildings under the BCA.

Balance of the changes

The balance of the planning reform changes that relate to certification are anticipated to commence in the first half of 2009. Some matters require further consultation with stakeholders before they can be finalised. Certifying authorities, the development industry, consumers and other stakeholders will be updated as developments occur.

NEWS IN BRIEF

New BPB website

The BPB recently launched a new-look website. The website, still at www.bpb.nsw.gov.au, has an improved and fresh look and is easier to navigate and find information. The new website specifically caters for different types of visitors to the site, with pages dedicated to information for consumers and information for certifiers.

One key change is the additional information available to certifiers regarding the accreditation scheme, with specific pages dealing with continuing professional development (CPD), the core performance criteria and events and news.

The design of the new website is consistent with the State Government's website style and allows the Board to be more responsive to changes as they occur.

Comments on the new website are welcomed and can be directed to bpb@bpb.nsw.gov.au.

CPD update

Under the accreditation scheme made under the Act, accredited certifiers are required each year to undertake two CPD activities specified by the Board – one on professional practice and the other on legislative requirements.

The **first activity for 2008**, *Professional Practice CPD 2008: Risk Management*, has recently been delivered and all accredited certifiers who registered to do the course by correspondence are currently finalising their participation.

Accredited certifiers were recently notified that the **second activity for 2008**, on legislative requirements, has been delayed due to the raft of legislative changes that have been, and continue to be, made as part of the wider planning reforms. Given this situation, the Board has decided that accredited certifiers will undertake this activity for this year via distance education during November and December 2008. The course will cover the recent legislative changes that relate to certification and accreditation.

The Board will shortly send details to all accredited certifiers indicating how to register to receive the material for the course.

Accredited certifiers will be expected to read the course material, complete a set of worksheets and return them to the BPB in order to fulfil the requirements of the activity and receive their certificate of successful completion.

Accreditation exam dates for 2009

The accreditation exam, provided as an alternative to the UTS short course to address the core performance requirements of the accreditation scheme, will be held in Parramatta during 2009 on the following dates:

- 11 February 2009
- 25 March 2009
- 6 May 2009
- 17 June 2009
- 29 July 2009
- 9 September 2009
- 21 October 2009
- 2 December 2009

To register to undertake the exam, please call the Board on 02 9895 5950.

If you are located in a regional area or interstate and would like to undertake the exam closer to your location, please contact the Board to discuss your options.

Applying for an exemption under section 71 of the BP Act

Section 66(1)(d) of the BP Act states that an accredited certifier must not issue a Part 4A or complying development certificate in relation to any aspect of a development if they are “associated with the council” of an area in which the development is to be carried out.

Section 71 of the Act provides for the Board to grant exemptions to an accredited certifier from the requirements of section 66(1)(d).

The Board now requires any accredited certifier who wishes to apply for an exemption under section 71 to use the approved form, which is available at www.bpb.nsw.gov.au.

in this issue

Page 1

Exhibition of proposals to accredit council building certifiers

Page 3

More certification reforms

Page 4

Current continuing professional development (CPD) course

Page 5

Practice advice and reminders

Page 8

News in brief

Page 9

Acknowledgement

Page 9

Best wishes of the season

EXHIBITION OF PROPOSALS TO ACCREDIT COUNCIL BUILDING CERTIFIERS

The BPB is currently exhibiting legislative changes to introduce the accreditation of those who carry out the certification of building work on behalf of councils in NSW.

The proposals are contained in the following documents

- Proposed Amendments to the Building Professionals Regulation 2007 – Accreditation of council building certifiers
- Draft Amendment of the Accreditation Scheme (Accreditation of council building certifiers) 2008
- Accreditation of council building certifiers: draft assessment guidelines

How to make a submission

Comments on the proposals are welcome and can be made until **27 February 2009** to:

The Director
Building Professionals Board
PO Box 3720,
Parramatta NSW 2124

or DX 22 Parramatta

or email policy@bpb.nsw.gov.au

Information sessions

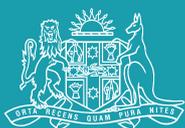
The BPB recently held 16 information sessions across the state for council officers who are likely to seek accreditation with the Board and for their supervisors, managers and human resource representatives to explain the proposals. We extend our thanks to the 700 persons who attended the sessions and provided feedback to Board staff.

A summary of the comments and concerns raised by attendees at the sessions is available at www.bpb.nsw.gov.au/page/events-and-news/. You are welcome to use the summary to prepare your written submissions on the proposals.

Recent survey of council officers

The Board also recently circulated a survey to council officers who are likely to seek accreditation. The objective of the survey is to obtain information on the qualifications, experience, training needs and preferences of council building surveyors and the anticipated time officers will remain in local government.

This information will assist the Board to assess whether the accreditation process will adequately address the needs of the full range of experienced and qualified people who undertake building certification work on behalf of councils.



Thank you to all council officers who have responded to the survey. We are keen to obtain as many responses as possible. If you are intending to complete the survey, would you kindly do so and forward it **by 23 January 2009** to:

Policy Unit
Building Professionals Board
PO Box 3720,
Parramatta NSW 2124

or DX 22 Parramatta

or email councilsurvey@bpb.nsw.gov.au

How to find out more

The BPB has released two information sheets to explain the proposals – available at www.bpb.nsw.gov.au.

The summary of comments and concerns raised during the information sessions is also available at www.bpb.nsw.gov.au.



Photos from recent information sessions with council officers

MORE CERTIFICATION REFORMS

New enforcement powers and inspection requirements

New changes to the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Building Professionals Act 2005* and regulations made under those Acts are expected to be gazetted in mid-January 2009 and to commence in March 2009.

These changes will introduce a stop work order for councils, a range of new penalty infringement notices that councils, the Board and other authorities can issue, new mandatory critical stage inspections for swimming pools and footings for certain buildings, and new inspections before complying development certificates and certain construction certificates can be issued.

Changes to the strata schemes legislation were gazetted on 12 December 2008 to require certifying authorities to carry out inspections of the relevant building before a strata certificate can be issued. The matters to be inspected are set out in the Strata Schemes (Freehold Development) Amendment Regulation 2008 and Strata Schemes (Leasehold Development) Amendment Regulation 2008, available www.advertising.nswp.commerce.nsw.gov.au/Gazette/. These changes are also due to commence in March 2009.

The Board will issue further information on these new changes early in the New Year.

Further new enforcement powers

Additional changes to the enforcement powers for councils and accredited certifiers will be gazetted early in 2009.

New Housing Code for NSW

On 12 December 2008, the NSW Government, as part of the ongoing planning reforms, released the first stage of the NSW Housing Code.

The code outlines how residential developments, including detached single and double storey dwellings, home extensions and other ancillary development can proceed on lots of greater than 450m² as complying development with council or accredited certifier approval. It also outlines how 41 types of minor developments around the home can proceed as exempt development.

The code **will commence operation on 27 February 2009**.

An Information Pack is available containing:

- SEPP - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- Guide to complying development for detached housing
- Facts Sheets
- NSW Housing Code Forum DVD (which includes presentations from the NSW Housing Code Forum held in Sydney on 12 December 2008 as well as all the above documents)

Further information about the NSW Housing Code will be updated on the Department's website at http://www.planning.nsw.gov.au/planning_reforms/housing_code.asp over time as part of an education and training program to provide planning and building professionals, councils and the public with the information they need to understand and implement the code.

The Department will be offering comprehensive training prior to commencement of the NSW Housing Code. Workshops will be held in Sydney metropolitan locations and regional centres from late January through February 2009. Separate workshops will be offered to:

- Accredited certifiers (including council certifiers) and housing industry practitioners
- Council planning and customer service staff
- Community

The Workshop program is being finalised now and more details will be provided in January 2009.

If you have any questions, or require copies of the Information Pack, please call the Department of Planning's Information Centre on Freecall 1300 305 695 or 02 9228 6333 or visit www.planning.nsw.gov.au/planning_reforms.

To receive regular updates about the code, subscribe to enews@planning.nsw.gov.au.

CURRENT CONTINUING PROFESSIONAL DEVELOPMENT (CPD) COURSE

The BPB recently notified all accredited certifiers of the requirement to undertake the *Accredited Certifiers: Legislative Requirements* CPD course for 2008. The course requires certifiers to read a booklet of information about recent legislative changes and answer three worksheets so the Board can assess their understanding of the changes.

If you are not an accredited certifier but would like to undertake the course, you are welcome to do so. On successful completion, you will receive a certificate of completion.

To register for the course, visit the Board's homepage at www.bpb.nsw.gov.au and enter your chosen username and password. A resulting email will be sent to you to indicate how you can pay for the course and obtain the course materials.

The Board has extended the date for completion of the course until 6 February 2009. Please ensure your completed worksheets are forwarded by this date to:

The Director
Building Professionals Board
PO Box 3720
Parramatta NSW 2124

or email cpd@bpb.nsw.gov.au

Further information on the course is available at www.bpb.nsw.gov.au.

The Board's Information sheet No. 7 *Continuing professional development*, Revised March 2007, explains the Board's CPD program.

PRACTICE ADVICE AND REMINDERS

Endorsement of construction certificate plans and specifications

The Board recently received an inquiry as to whether the plans and specifications approved by a construction certificate should contain a reference to the relevant construction certificate.

The concern is that unmarked construction certificate documents, which make no reference to the associated construction certificate, could create a circumstance that any document could be claimed as the endorsed documents.

Clause 142(3) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies:

In this Part, a reference to the issuing of a construction certificate includes a reference to the endorsement of the construction certificate on any relevant plans and specifications, as referred to in section 109C(1)(b) of the Act.

The BPB considers that this clause requires any plans and specifications that form part of an approved construction certificate to be marked with the following, or words to this effect:

"I certify that work completed in accordance with these plans and specifications will comply with the regulations referred to in section 81A(5) of the Environmental Planning and Assessment Act 1979.

It is good practice to include the reference number and date of determination of the associated construction certificate on all plans and specifications accompanying the certificate. In addition, the name and signature of the person giving the certificate must now also be included on the construction certificate (clause 147(1) of the EP&A Regulation) and should be included on the accompanying plans and specifications.

The person with the benefit of the development consent

The person who has benefit of the development consent or a complying development certificate (CDC) is normally the land owner, or someone who has been assigned the benefit of the development consent by the land owner.

Under section 109E(1) of the EP&A Act, a person who is eligible to appoint the principal certifying authority (PCA) is the person who has the benefit of the development consent or the CDC.

A development consent runs with the land, not with a particular individual. If a parcel of land is sold and a development consent had been issued in relation to the land, the new owner of the land will have the benefit of the consent and can act on it. As a result, it is the land owner, from time to time, who should be considered to be the person with the benefit of the development consent and who can therefore appoint the PCA.

These changes are intended to ensure the land owner is aware, at all times, about the activities that are occurring on their land and to give them control over any applications that are made in respect of the land.

Who can apply for construction, occupation, subdivision and strata certificates

Changes made to the EP&A Regulation, the *Strata Schemes (Freehold Development) Act 1973* and the *Strata Schemes (Leasehold Development) Act 1986* that commenced on 1 September 2008 have clarified who can apply for these types of certificates. The legislation was previously silent on the matter.

The changes mean that only a person who is eligible to appoint a PCA for a development may make an application for a construction certificate or occupation certificate (clauses 139(1A) and 149(2B) of the EP&A Regulation, respectively). Section 109E(1) of the EP&A Act sets out who is eligible to appoint a PCA for development (see above).

Further, only the land owner or person with the land owner's written consent may make an application for a subdivision certificate under the EP&A Act (clause 157(2A) of the EP&A Regulation).

Similarly, under the *Strata Schemes (Freehold Development) Act 1973* and *Strata Schemes (Leasehold Development) Act 1986*, an application for a strata certificate may only be made by the owner of the land to which the application relates, or by a person with consent in writing of the owner of the land (sections 36A and 65A respectively).

These new application requirements now align with the existing requirement as to who can apply for a CDC (section 84A(2) of the EP&A Act).

Fees for building certificates

From 1 September 2008, the application fee for a building certificate under section 149B of the EP&A Act has, in certain circumstances, been changed to allow councils to charge an additional fee for the certificate.

The new additional fee can be charged under clause 260(3A) of the EP&A Regulation where the applicant for the certificate is the person who erected the building or on whose behalf the building was erected and where any of the following circumstances apply:

- a development consent, CDC or construction certificate was required for the erection of the building and no such consent or certificate was obtained,
- a penalty notice has been issued for an offence under section 76A(1) of the EP&A Act in relation to the erection of the building and the person to whom the notice was issued has paid the relevant penalty (or if the person has not paid the penalty, or has not elected to have the matter dealt with by a court, and relevant enforcement action has been taken),
- certain orders under section 121B of the EP&A Act have been given and not revoked on appeal in relation to the building,
- a person has been found guilty of an offence under the EP&A Act in relation to the erection of the building, or
- the court has made a finding that the building was erected in contravention of the EP&A Act.

The amount of the additional fee is to be calculated in accordance with clause 260(3B) of the EP&A Regulation. The additional fee is the total of the following amounts:

- the amount of the maximum fee that would apply if the application were for development consent or a CDC authorising the erection or alteration of any part of the building that has been erected or altered in contravention of the EP&A Act in the last 24 months, and
- the amount of the maximum fee that would apply if the application were an application to the council for a construction certificate relating to the erection or alteration of any part of the building to which the application relates that has been erected or altered in contravention of the EP&A Act in the last 24 months.

The additional fee may be imposed only where the relevant building work has been completed within the previous 24 months, the applicant for the certificate was responsible for the work and the work was not authorised to be carried out under the EP&A Act.

Under clause 5 of Schedule 7 of the EP&A Regulation, the additional fee may not be charged for an application for a building certificate that was made before 1 September 2008.

The changes to the fees that can be charged for building certificates are designed to ensure that the work councils undertake to consider and approve the application for the certificate is sufficiently covered by the fees. Further, the fees now better encourage applicants to obtain a construction certificate at the relevant time as the issue of a building certificate was never intended to be an authorisation for building work illegally undertaken.

A further change to clause 260 commenced on 3 November 2008. That change makes it clear that the additional fee may only be charged in relation to a building where the applicant for the certificate or the person on whose behalf the application is made is the person who erected the building or on whose behalf the building was unlawfully erected. As a result, councils cannot charge the additional fee in relation to an application for a building certificate made by a later owner of the building or a purchaser under a contract for the sale of the relevant property.

Further information on the issuing of building certificates is set out in Practice Note “When can a building certificate be issued?”, *Guiding Development: better outcomes*, Department of Planning, August 2001, available at www.bpb.nsw.gov.au.

Appointment of more than one PCA

From 1 September 2008, for a development consent that approves both building work and subdivision work, the EP&A Act requires a **separate** appointment of PCAs for the relevant building work and for the relevant subdivision work. That is:

- one PCA must be appointed for the building work and another PCA for the subdivision work, or
- the same PCA can be appointed for both the building work and the subdivision work.

The appointments must be made by the person with the benefit of the development consent. This is usually the land owner.

There needs to be an individual and clear appointment of PCAs for each of the building work and the subdivision work and the extent of these appointments must be clear in the notices of appointment of the PCA.

This amendment is intended to allow separate PCAs to be involved in the approval of the different aspects of construction work for complex development that involves both building and subdivision work without having to lodge and pay for multiple development applications.

Certifying authorities must still be mindful that only one PCA may be appointed in relation to all of the building work approved by a development consent.

Note: In most council areas, only the council can be the PCA for subdivision work as a result of the operation of sections 109D and 109E(2) of the EP&A Act.

NEWS IN BRIEF

Swimming Pools Regulation 2008

The Swimming Pools Regulation 2008 **commenced on 1 September 2008**, replacing the Swimming Pools Regulation 1998.

The Regulation was developed following a detailed consultation process, including the opportunity for councils and other stakeholders to comment on a Regulatory Impact Statement.

The new requirements apply to new pools only. Existing pools are not required to comply unless there are significant alterations to the child resistant barrier.

The major change to the Regulation is to prescribe AS1926.1-2007, Australian Standard *Swimming Pool Safety Part 1: Safety barriers for swimming pools*, as the standard for all child resistant barriers surrounding swimming pools. The Standard includes:

- requirements for non-climbable zones,
- adjusted mesh size for fences,
- retaining walls that form part of a barrier, and
- requirements for balconies that project into the pool area.

Where the wall of a building is proposed as part of a barrier, there are new requirements for child safety doors, including self-closing and latching devices, and windows and a prohibition on pet doors.

For a copy of the new regulation, visit www.legislation.nsw.gov.au. For any inquiries about the regulation, please contact the Department of Local Government on 02 4428 4100 or visit www.dlg.nsw.gov.au.

BCA 2009 information seminars

The Department of Planning recently issued a circular to advise councils, accredited certifiers, relevant government agencies and industry groups of upcoming seminars on the Building Code of Australia (BCA) 2009.

The circular is available at <http://www.planning.nsw.gov.au/planningsystem/brans.asp>

Accreditation exam dates

The accreditation exam, provided as an alternative to the UTS Certification Short Course to address the core performance criteria of the accreditation scheme, will be held in Parramatta during 2009 on the following dates:

- 11 February 2009
- 25 March 2009
- 6 May 2009
- 17 June 2009
- 29 July 2009
- 9 September 2009
- 21 October 2009
- 2 December 2009

To register to undertake the exam, please call the Board on 02 9895 5950. If you are located in a regional area or interstate and would like to undertake the exam closer to your location, please contact the Board to discuss your options.

ACKNOWLEDGEMENT

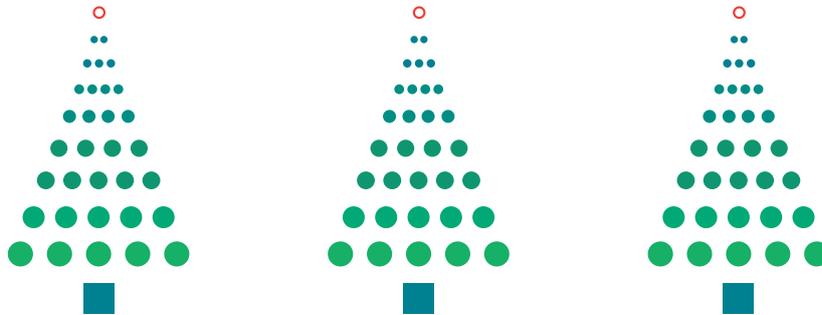
The Building Professionals Board extends its thanks to the members of the Board's Disciplinary and Accreditation Committees for their hard work and professionalism over the past year.

The committees provide ongoing specialist advice relating to the Board's consideration of complaints and audit investigation outcomes, and applications for accreditation. Members of the committees draw on their experience in certification, building surveying, various engineering disciplines, land surveying and planning and the Board could not discharge its functions appropriately without relying upon this expertise.

BEST WISHES OF THE SEASON

The BPB extends its thanks to all stakeholders for their continued contribution to its work and activities. Best wishes to you and your families as you enjoy a peaceful festive season.

In accordance with State Government Guidelines, the BPB will be closed from 12pm Christmas Eve until 9am 8 January 2009. We apologise for any inconvenience caused during this period.



Subscribing to the BPBulletin

To receive future issues of the BPBulletin, please email: bpb@bpb.nsw.gov.au

Contacting the BPB

The Building Professionals Board is located at:
Level 3, Macquarie Tower
10 Valentine Avenue
Parramatta NSW 2150

PO Box 3720, Parramatta NSW 2124
Tel: (02) 9895 5950
Fax: (02) 9895 5949

Important note

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