

24 July 2019

Building Stronger Foundations Consultation
Regulatory Policy, Better Regulation Division
Department of Finance, Services and Innovation
2-24 Rawson Place
Haymarket NSW 2000

Dear Sir/Madam

SUBJECT Discussion Paper – Building Stronger Foundations

Thank you for the opportunity to provide comments in relation to the Discussion Paper. Due to the time constraints associated with the exhibition period and its Meeting schedule, the elected Council has not had an opportunity to formally consider the Discussion Paper prior to closing of the exhibition period.

However the elected Council has previously acknowledged that there is a need for building regulation and certification reform. The following comments represent Blue Mountains City Council's submission in response to the Discussion Paper. The focus of this submission is on building certification.

There is significant merit in introducing building designers into NSW legislation. It will provide greater oversight and coordination of the roles of all practitioners involved in the building industry and enhance compliance with the BCA. However, building certification is a regulatory and public interest function. Given the inherent conflicts and probity issues associated with certification, particularly private certification, it is imperative that a statutory body be charged with the responsibility for administering and managing the system in order to maintain public confidence.

Having appropriately qualified persons prepare and certify the design and installation of complex buildings will better protect the safety of occupants of those buildings. The options under consideration are generally supported subject to:

- the qualifications and training programs that provide those professionals with the specialty knowledge and skills commensurate with that relevant to the level of accreditation under the Accreditation Scheme;
- professionals having the relevant practical experience commensurate with that relevant to the level of accreditation under the Scheme; and
- appropriate conflict of interest provisions.

In relation to what extent should changes to plans be submitted to the regulator, it is considered that the existing legislation is unclear and open to interpretation. The current regulations require that the design and construction of a building is 'not inconsistent' with the development consent. Any declaration of variations would need to address this legislative issue.

It is difficult to comment on the role of the Building Commissioner given the lack of specific detail in the discussion paper. The role of the Building Commissioner acting as the consolidated regulator for building in NSW and the local councils and private certifiers who will retain their existing powers and functions needs further clarification.

Requiring builders to declare that buildings are constructed in accordance with the approved plans and specifications is also supported. At the same time however it is considered that the existing regulations should be expanded for class 2 to 9 buildings to require that critical stage inspections should also be carried out prior to the placement of any footings, prior to pouring any in-situ reinforced concrete building element and prior to covering of the framework for any floor, wall, roof or other building element.

Yours faithfully

Alex Williams
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