

Submission on Reforming Building Laws in NSW

DECEMBER 2022

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.



OVERVIEW OF THE LOCAL GOVERNMENT SECTOR



Local government in NSW employs more than **55,000 people**



Local government in NSW looks after more than **\$136 billion of community assets**



Local government in NSW spends more than **\$1.9 billion each year on caring for the environment, including recycling and waste management, stormwater management and preserving and protecting native flora and fauna**



NSW has 450 council-run libraries that attract more than **34.8 million visits each year**



Local government in NSW is responsible for about **90% of the state's roads and bridges**



NSW councils manage an estimated **3.5 million tonnes of waste each year**



NSW councils own and manage more than **600 museums, galleries, theatres and art centres**

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OPENING

As the peak body for local government in NSW, representing NSW general purpose councils and related entities, Local Government NSW (LGNSW) welcomes the opportunity to provide comment to the NSW Department of Customer Service (the Department) on proposed changes to building regulation currently open for consultation to improve issues across the building industry.

LGNSW has welcomed the Construct NSW building reform agenda driven by the NSW Building Commissioner which has made considerable progress since 2019. This current phase of reforms is an important next step in the Construct NSW program to address decades-long issues with accountability and liability in the building and construction sector.

LGNSW consulted with councils to help inform the content of this submission. For detailed technical comments on the proposed provisions the Department should refer to individual council submissions.

This submission was endorsed by the LGNSW Board in February 2023.

BACKGROUND

The Department's consultation, which closes on 25 November 2022, includes three draft Bills and accompanying Regulatory Impact Statements. The documents are:

- **Draft Building Bill 2022**
- Regulatory Impact Statement - Building Bill 2022 Part 1 Who can do the work
- Regulatory Impact Statement – Building Bill 2022 Part 2 What work can be regulated
- Regulatory Impact Statement – Building Bill 2022 Part 3 Building compliant homes

- **Draft Building Compliance and Enforcement Bill 2022**
- Regulatory Impact Statement – Building Compliance and Enforcement Bill

- **Draft Building and Construction Legislation Amendment Bill 2022**
- Draft Building and Construction Legislation Amendment Regulation 2022
- Regulatory Impact Statement - Building and Construction Legislation Amendment Bill and Regulation 2022

LGNSW ADVOCACY PRIORITY

NSW councils have consistently argued for development and implementation of a regulatory framework to ensure the building and certification system delivers well-built, safe and compliant buildings. Construct NSW is delivering much needed reforms, nevertheless councils remain concerned about their ability to fund compliance and about the scope and performance of the private certification system in NSW. At the 2022 LGNSW Annual Conference councils resolved¹ that LGNSW:

- Calls on the NSW State Government to review and bring forward the proposed legislation that allows the imposition of a compliance levy on Complying Development Certificate applications, and
- Requests the NSW Government to take steps towards abolishing or substantially reforming the private certification system so that:
 1. compliance powers are returned to councils for developments up to \$50 million
 2. a transition period be determined to allow councils to plan, fund and deliver this responsibility
 3. pending the above, clear mechanisms be established for reporting poor performance to the Private Certification Board for disciplinary action.

¹ [LGNSW Annual Conference 2022 Resolutions](#)

GENERAL COMMENTS

The proposed reforms support seven topic areas of change:

1. Making home building fairer and easier

Key proposed changes include:

- enhanced consumer protections for building contracts, changing the statutory warranty requirements for home building and requiring building disputes to come to Fair Trading for resolution
- extending building laws to cover modular and pre-fabricated buildings
- requiring new defects identified at a final building inspection for a strata property to be rectified before the bond is released and formalising the framework for strata building work inspections
- introducing a new Homeowners Notice document to help residential owner occupiers understand their payment obligations to builders.

Comment:

LGNSW is generally supportive of the range of measures proposed to enhance consumer protection. The strengthened provisions requiring new defects in strata buildings to be rectified before the bond is released are important measures in the continued process of restoring consumer confidence and delivering safe construction work across all building classes.

2. Supplying and using safer building products

These changes are intended to improve quality, safety and transparency by making manufacturers and suppliers more accountable for the building products they design, produce or supply. Additionally, designers, architects, engineers and builders will be responsible for the building products they specify and install.

Comment:

LGNSW welcomes the strengthening of regulatory provisions that will impose responsibility on all participants in the building product supply chain to ensure building products are compliant and fit for purpose. The significant issues arising from the use of combustible aluminium cladding highlights the need for improved regulation of the supply and installation of building materials. The inappropriate use of this material on buildings across NSW has put people at risk and remediation has added significantly to local government's enforcement responsibilities and required the establishment of complex rectification programs, leading to significant costs for state government, councils and consumers.

3. Regulating pre-fabricated and manufactured homes

New building regulations are being proposed for pre-fabricated and manufactured homes. This is intended to provide better protection for homeowners and improve building quality.

Comment:

LGNSW supports the proposal to regulate the construction of pre-fabricated and manufactured homes to provide better protection for home owners. These dwellings are an important source of affordable, long-term housing for households in many communities. Extending the building laws to cover modular and pre-fabricated buildings is important given the expanding use of new technology and continued innovation. LGNSW is aware of trials of 3D printing being used for dwelling construction². It is important that the proposed measures capture potential new forms of building such as this without undermining the efficiencies they can offer.

The regulation of manufactured homes is a complex area as it intersects with the planning system and, as noted in the Regulatory Impact Statement³, is regulated under both planning and local government legislation. Consolidation of regulation could simplify a complex array of overlaying requirements, while the new inclusion of regulating pre-fabricated and manufactured homes might provide a welcome opportunity to resolve some longstanding issues with defining where regulatory responsibilities rest.

The RIS discusses proposed amendments to definitions for “movable dwelling” and proposes to separate manufactured homes from caravans. Councils have approval, inspection and regulatory powers for camping and caravan parks under the *Local Government Act 1993* and Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, in addition to regulating the land use planning provisions relevant to manufactured and relocatable homes. Many councils have seen the complexities of these regulations escalate in recent years with the growth of this type of accommodation in response to the housing crisis, temporary accommodation for those left homeless by floods and bushfires, and broadening of agritourism proposals by the NSW Government. Councils will be concerned to ensure that any definition changes do not unintentionally create greater confusion and complexity.

Consultation with councils and the Department of Planning and Environment will be critical prior to any changes being made to definitions, to ensure that they do not have unintended impacts on planning provisions and compliance under the planning system.

² <https://www.jdsupra.com/legalnews/not-your-average-desktop-printer-how-3d-3943618/>

³ Regulatory Impact Statement - Building Bill 2022 Part 2, p 36-37

4. Strengthening building compliance and enforcement

The regulatory requirements for the building and construction industry are spread across different laws with the enforcement powers available to the regulator set out in each of the different Acts. A single Building Compliance and Enforcement Act is being proposed to ensure the effective oversight of all building work in NSW.

Comment:

LGNSW has advocated for stronger regulation and resourcing for building compliance and enforcement. Bringing the building and enforcement powers together into a single Act will raise awareness of the framework for industry players and help facilitate effective oversight.

The Building and Construction Legislation Amendment Bill 2022 (Schedule 7) proposes to strengthen the role of certifiers in responding to serious defects by allowing certifiers to issue a Written Direction Notice for a “serious defect”. This is intended to impose more responsibility on the certifier to resolve the defect at an earlier stage during the construction process and reduce the reliance on the building regulator to rectify building defects towards the end of construction.⁴ The Regulatory Impact Statement correctly identifies that the expansion of certifier powers and scope of work would involve additional costs which would be passed on to development.

The need to identify and resolve non-compliant work and potentially serious defects at the earliest possible stage of construction is supported in principle. However, the proposed expansion of the role and powers of certifiers appears to be introducing responsibility for workmanship of tradespeople (akin to site management) which changes the role of the certifier and establishes a risk profile that, in the case of council certifiers, may not be compatible with councils’ general role. This could have the unintended consequence of dissuading some certifiers from staying in the profession. Many councils already face challenges to attract and retain suitably qualified and skilled certifiers and would be concerned that any further decline in overall certifier numbers will exacerbate current shortages.

LGNSW requests that local government is consulted to determine how this will work in practice and to understand the cost and resource impacts for councils.

5. Licensing commercial and home building work

Changes to simplify the licensing system, improving the supervision of work and the quality of owner-builder work are proposed. This includes licensing certain commercial trade work for the first time.

⁴ Regulatory Impact Statement –Building and Construction Legislation Amendment Bill and Regulation, p.78

Comment:

These provisions are supported. While the focus of strengthening building regulation to date has been on multi-storey residential (Class 2) buildings, councils have remained concerned for many years about the poor quality of work they are seeing in Class 1a and 1b buildings. The local government sector will therefore welcome any measures to lift standards in this building class and improve outcomes for consumers.

For the expanded licensing regime to be effective, the NSW Government must dedicate sufficient resources within government to process those licences efficiently and to ensure a proactive and rigorous compliance regime which includes measures such as auditing and education/awareness programs.

6. Upskilling the building and construction industry

Consideration is being given to streamlining the Continuing Professional Development (CPD) system, introducing training as an alternative to disciplinary action and expanding skills assessments for certifiers and other practitioners.

Comment:

LGNSW supports the upskilling of the building and construction industry, including certifiers and in particular the proposed approach to having more flexible pathways for CPD. Council certifiers, like private registered certifiers, are required to satisfy annual professional accreditation training under the CPD scheme. While these requirements are a necessary part of certifier registration, by their nature they impose an additional commitment from council officers over and above their day-to-day operational obligations and come at a cost to councils and their ratepayers to maintain these in-house skills⁵. LGNSW therefore supports improvements to optimise CPD by refocusing the CPD framework from one that imposes a quantitative amount of CPD on practitioners, to one that seeks to achieve value-add through maintaining or updating specific important skillsets.

The proposal in Schedule 6 of the Building and Construction Legislation Amendment Bill 2022 for a *competency recognition*⁶ is acknowledged as potentially of benefit to certifiers in regional councils who may not have met the qualification requirements currently set but hold the appropriate skills, knowledge and experience. It is questionable however, whether having this more flexible pathway would make a meaningful difference to overcoming the difficulties with the current dire shortages being experienced in regional areas. Further consideration of a system for NSW to provide cadetship programs to build sector capacity in areas of critical sector skill shortages and to recognise inter-state practitioners, particularly in regional areas, could help to address this issue.

⁵ Regulatory Impact Statement - Building and Construction Legislation Amendment Bill 2022, p 50-51

⁶ Regulatory Impact Statement - Building and Construction Legislation Amendment Bill 2022, p 47

Councils in regional border areas could, in particular, also benefit from being able to access inter-state certifiers to enable sharing limited resources. Recognition of inter-state practitioners should be achievable given skills and standards are largely based on the National Construction Code.

7. Securing prompt and fair payment for building work

Consideration is being given to changing the Construction Industry Security of Payment Act 1999 and the Building and Construction Industry Security of Payment Regulation 2020. The proposed changes will help builders and tradespeople get paid more quickly and fairly for their work and reduce the time and cost of having payment disputes reviewed.

Comment:

While not directly relevant to local government, the sector recognises the importance of fair and timely payments for builders and tradespeople.

01



Recommendation: That the Department of Customer Service consults with councils and the Department of Planning and Environment prior to making any changes affecting definitions of manufactured homes that could inadvertently affect councils' planning and compliance responsibilities under local government and planning laws.

02



Recommendation: That the Department of Customer Service specifically consults local government to determine how the proposed expansion of the role and powers of certifiers would work in practice and to consider the cost and resource impacts for councils.

ADDITIONAL OUTSTANDING MATTERS

While the local government sector has welcomed the work of the NSW Building Commissioner and the team at the NSW Department of Customer Service to properly regulate and reform the poor building practices of the past, from local government's perspective, there are a number of matters that remain to be addressed. While LGNSW has raised these matters in previous submissions to proposed building reforms, they are reiterated here as they are a significant concern for the sector.

Cost and resource impacts for councils

The local government sector has been pleased to see the NSW Government commit much-needed resources after decades of neglect to properly audit and enforce building activities in the Class 2 construction sector. The Government's levy on Class 2 buildings, introduced in 2021, provides a source of funding for the state government to support its compliance work.

However, a key and ongoing concern of LGNSW is the continued absence of any funding mechanisms to support the expanded compliance and enforcement role for local government. Councils are under unprecedented financial pressures due to a range of factors and face mounting expectations in performing their regulatory, building, development and certification duties.

These difficulties are compounded by:

- The absence of sufficient financial means and lack of control over councils' ability to raise revenue;
- The challenges around attracting and retaining staff and the shortages and availability of skilled and trained professionals, especially in remote regional locations; and
- the considerable variation in councils' structures, circumstances and resources across the state, with the consequence that for matters such as fire safety regulation the approaches and capabilities of councils will vary greatly. (This was acknowledged in the NSW Government's *Industry report on reforms to improve fire safety in completed buildings*⁷).

The reforms need to be accompanied by mechanisms to enable local government to properly and fairly recover the costs of its compliance and enforcement obligations that are required to

⁷ <https://www.nsw.gov.au/building-commissioner/building-and-construction-resources/research-on-fire-safety-reforms#toc-download-the-report>

support the NSW Government's objectives to reform the building industry and deliver more housing.

Recent reforms propose to expand the NSW Government compliance levy to Classes 3 and 9c buildings, to recover the future cost of the regulatory oversight of the industry⁸. With similar regulatory responsibilities, local government fully understands and appreciates the costs and resources associated with compliance and enforcement. However, while the NSW Government now has its own levy on developers to support the oversight of its compliance work, similar provisions have not been afforded to local government.

The scope of local government's enforcement responsibilities is being continually broadened with no commensurate financing mechanisms to support it. Councils need a mechanism to enable them to properly and fairly recover the costs of their compliance activities, in the same way that the NSW Government has justified the introduction of its compliance levy. The proposed building reforms provide an opportunity to address this disparity, by introducing a provision that would allow councils to charge a compliance levy. This would assist councils to fund and resource compliance with development consents, construction certificates and complying development certificates.

This is a matter of significant concern to the local government sector, particularly in light of councils' current severe fiscal constraints. LGNSW and councils have made representations to NSW Government Ministers and departments on this issue, but the matter remains to be addressed. This was reflected at the 2022 Annual Local Government Conference in October when councils resolved to call on the NSW Government to review and bring forward the proposed legislation that allows the imposition of a compliance levy on Complying Development Certificate applications⁹.

Building information certificates

LGNSW is concerned that the suite of building reforms fails to address the ongoing and mounting issues with Building Information Certificates (BICs) raised consistently by councils. Requests for BICs are on the rise and becoming increasingly problematic for councils¹⁰. The purpose of many of these certificates is to indicate that no orders will be issued by a council relating to existing works. But councils are receiving increasing numbers of these applications from developers, builders and owners to seek to 'regularise' unauthorised building work. An application for a BIC in these circumstances absolves the Registered Certifier of their

⁸ <https://www.haveyoursay.nsw.gov.au/more-compliant-and-fire-safe-buildings>

⁹ https://www.lgnsw.org.au/common/Uploaded%20files/Annual%20Conference%20documents/2022/Resolutions_2022_Conference.pdf

¹⁰ Historically, the use of BICs was related to buyers and sellers of property seeking clarification from councils that the property in question contained no unauthorised works that warranted the issue of any Orders. Councils have seen a dramatic decline in these types of BIC applications from approximately 50 to 60 % of all BIC applications in past years to now representing only 10 to 15 % of applications.

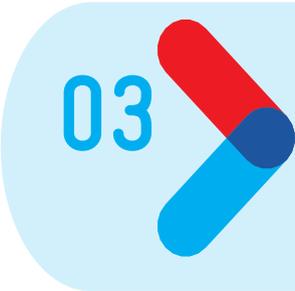
responsibility, adds to council workloads and often places councils in a precarious position. The use of a BIC in this way is effectively placing an expectation on councils to provide tacit endorsement for works that may not comply with prescribed laws, shifting liability to council from those responsible for the works. Further, the inability for councils to be able to charge fees to cover the time and resources spent in issuing BICs is contributing to councils' existing financial sustainability concerns. This is compounded by the inability to charge the additional fee if the works are over two years old or if there is a new owner – a number of BICs fall under these criteria and do not recoup the time and resources invested in the application.

It is also not uncommon for the particular unauthorised works to involve fire safety measures, which have, in effect, bypassed the usual prescribed building certification and/or inspection processes. If for example a BIC application relates to a Class 2 building and involves the need for revised building plans, fire engineering, structural engineering reports etc., the BIC process sits outside the design compliance declaration process under the DPB Act.

BICs are not an appropriate mechanism for authorising non-compliant building work and must not become a proxy to circumvent the construction certificate (CC) or complying development certificate (CDC) processes or the DBP Act and its regulations and new legislation proposed as part of these reforms. A concern of local government is that without resolution, the increasing complexities and number of BICs will perpetuate poor practice and undermine the current reforms to building industry practices. The current proposals to expand declared designs to Class 3 and 9c buildings will only compound this issue.

LGNSW has been advocating for a commitment from the NSW Government to review the BIC framework to reduce the misuse of these certificates for 'approving' unauthorised works. LGNSW also seeks the introduction of a fee structure that provides for full-cost recovery by councils when issuing these certificates.

The Department of Planning and Environment has advised¹¹ that it plans to reinsert a fee for a BIC under the Environmental Planning and Assessment Regulation 2021. Councils should retain the ability to set fees under the Local Government Act 1993 to allow for full cost recovery of providing BICs.



03

Recommendation: That the NSW Government work with LGNSW and councils to consider mechanisms that could be introduced to help offset the cost to local government of its expanding compliance and enforcement responsibilities to support the State government's building and planning reforms.

¹¹<https://www.planningportal.nsw.gov.au/sites/default/files/documents/2022/Building%20Information%20Certificate%20Practice%20Note%20-%20Final%20Draft%20-%20Updated%20%28004%29.pdf>

04



Recommendation: That the NSW Government commit to reviewing the framework and provisions for Building Information Certificates to:

- reduce their misuse and ensure alignment with other building legislation; and
- establish a fee structure that provides for full-cost recovery by councils in issuing these certificates.

Asbestos

Background

In Australia, the use of asbestos in buildings was phased out by 1990, and in 2003 the importation and use of all forms of asbestos was banned in Australia. While banned in Australia, asbestos continues to be used in building products overseas that are sometimes unknowingly imported to Australia, prolonging the threat of asbestos within the community. The continued illegal importation of asbestos was investigated as part of the [senate inquiry into Non-conforming building products](#). Research undertaken by the Asbestos Safety and Eradication Agency estimates that [6.4 million tonnes of asbestos](#) are still in the built environment around Australia, and vast amounts of asbestos will continue to remain in the built environment for decades to come.

What the NSW Government is doing to address asbestos

The NSW Asbestos Coordination Committee (NACC) was formed in 2020 to address asbestos issues in NSW. The role of the NSW Asbestos Coordination Committee (NACC) is to bring together different government agencies, and to involve industry and the community to deliver solutions. The purpose of the NACC is to drive a strategic and coordinated approach to asbestos management in NSW to protect human health and the environment. The NACC seeks to identify and address issues that fall between the gaps because they require a multi-agency response across local, state and Commonwealth Governments.

The building industry is a key player in the management of asbestos, and the reforms to the building industry including the proposed Building Bill 2022 are an opportunity to raise asbestos awareness across the building sector to achieve better safety outcomes.

The *Home Building Act* already references premises affected by loose fill asbestos insulation (Part 8, Division 1A) and LGNSW supports the inclusion/retention of these provisions in the

Building Bill 2022¹². There is an opportunity in the draft Building Bill 2022 and Building Compliance Enforcement Bill 2022 to include additional separate provisions that draw attention to other Acts that have separate requirements for asbestos, namely the *Work Health and Safety Act 2011*, *Protection of the Environment Operations Act 1997*, *Contaminated Land Management Act 1997* and *Environmental Planning and Assessment Act 1979*.

LGNSW proposes that additional provisions in the Building Bill 2022 and the Draft Building Compliance Enforcement Bill 2022 be included to ensure these bills compel building work to comply with existing requirements under all the relevant Acts¹³ and that failure to comply with legislated asbestos requirements be specifically listed as grounds for disciplinary action. This would include provisions for in-situ asbestos, as well as procurement and use of imported products that contain asbestos.

Key asbestos issues for the building industry

Social research conducted by the NSW Environment Protection Authority (the EPA) has found that if asbestos is a surprise discovery during building work, unsafe behaviour is more likely. That is, knowledge of where asbestos is before work starts is a driver of safer and legal disposal. Those who generate the waste (such as home renovators, tradespeople and developers) also need to be supported in understanding the role they can and should play in making sure that asbestos waste is appropriately disposed of.

The senate committee into non-conforming building products has stated that “in order to stop asbestos containing building materials at the contractual stipulation stage, asbestos awareness programs need to be provided across the supply chain (including for example to architects and designers) and not limited to building and construction industry workers”.

Outcomes framework for asbestos in NSW

The ultimate goal is to eliminate asbestos-related disease. This is long-term and visionary, but it is an important reminder of what the NACC is working towards for the NSW community.

The NACC has set ambitious and long-term goals for the management of asbestos and described a path to achieve them. NSW Government agencies, local councils, industry and other stakeholders have all contributed to the design of these goals, and already work to deliver the outcomes described in Figure 1.

¹² Chapter 7 - Miscellaneous - Part 1 - Premises affected by loose-fill asbestos insulation (Home Building Act Part 8, Div 1A)

¹³ *Work Health and Safety Act 2011*; *Protection of the Environment Operations Act 1997*; *Contaminated Land Management Act 1997*; and *Environmental Planning and Assessment Act 1979*.

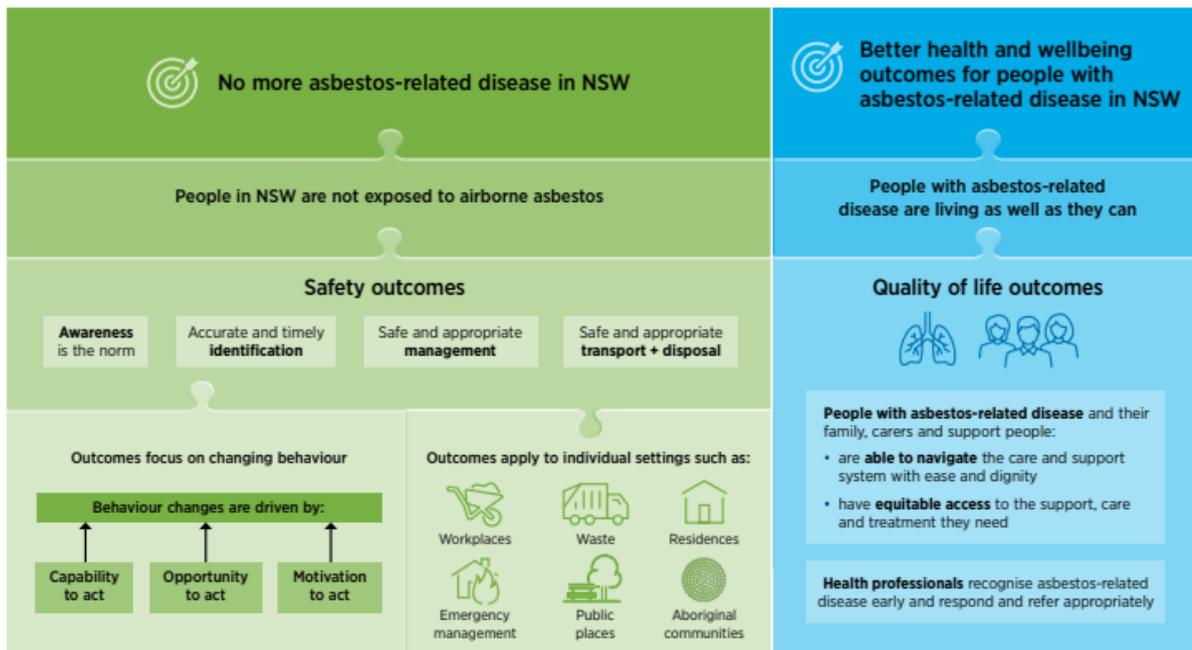


Figure 1: Outcomes Framework for Asbestos in NSW

Loose-fill Asbestos Insulation Register

The NSW Government is required under the *Home Building Act 1989* to maintain a register of residential properties that contain loose-fill asbestos insulation - the Loose-fill Asbestos Insulation Register. The public release of a property’s address enables emergency services, tradespeople, councils and the broader community to know whether a particular property is affected. Whilst there is a continued prevalence of houses with loose-fill asbestos insulation it is essential that a register continues to be in operation.

05

Recommendation:
 LGNSW supports the inclusion/retention of provisions in the Draft Building Bill relating to premises affected by loose-fill asbestos insulation and recommends the inclusion of additional separate provisions that draw attention to asbestos requirements under all relevant Acts.

06



Recommendation:

LGNSW recommends including additional separate provisions in the Draft Building Bill 2022 and the Draft Building Compliance Enforcement Bill 2022 to ensure that:

- These bills compel building work to comply with all relevant existing Acts; and
- Failure to comply with legislated asbestos requirements be specifically listed as grounds for disciplinary action. This would include provisions for in-situ asbestos, as well as procurement and use of imported products that contain asbestos.

07



Recommendation: Training and Education – LGNSW proposes the development and implementation of compulsory asbestos awareness CPD's for those covered by the Draft Building Bill 2022 and Draft Building Compliance and Enforcement Bill 2022. This would include training for in-situ asbestos, as well as training on avoiding procurement and use of imported products that contain asbestos.

CONCLUSION

LGNSW supports the NSW Government’s continued commitment to address longstanding failures in building regulation and significantly improve the performance of the building and construction sector and outcomes for consumers. It is pleasing to see the government turn its attention to improving performance and outcomes for other building classes, and that the reforms include some changes that might begin to improve Class 1 building work.

The success of these reforms hinges on having in place a robust compliance system which is enforced by a well-resourced regulator to provide oversight and enforce licence conditions. It will also need a comprehensive and sustained industry and customer education and awareness program, particularly for practitioners working in the Class 1 building sector.

Councils are being expected to undertake additional regulatory activities to support the requirements and implementation of building reforms, in addition to continued expansion of various government legislation and planning policies. Any changes in the remit of the state’s building regulation should not add further to councils’ compliance responsibilities without commensurate funding mechanisms being put in place to support expanded work and the consideration of the impacts on existing certifier shortages.

Local government has a keen interest to see the new regulatory framework continue to deliver well-built, safe and compliant buildings that protect the public interest and rebuild trust. It is important that close consultation with local government is maintained so that the issues of particular concern to local government, particularly those relating to cost recovery of councils’ compliance activities and the misuse of building information certificates, can be addressed.

For further information in relation to this submission, please contact Jane Partridge, Strategy Manager, Planning on 02 9242 4093 or jane.partridge@lgnsw.org.au.

SUMMARY OF RECOMMENDATIONS

Recommendation 1

That the Department of Customer Service consults with councils and the Department of Planning and Environment prior to making any changes affecting definitions of manufactured homes that could inadvertently affect councils' planning and compliance responsibilities under local government and planning laws.

Recommendation 2

That the Department of Customer Service specifically consults local government to determine how the proposed expansion of the role and powers of certifiers would work in practice and to consider the cost and resource impacts for councils.

Recommendation 3

That the NSW Government work with LGNSW and councils to consider mechanisms that could be introduced to help offset the cost to local government of its expanding compliance and enforcement responsibilities to support the State government's building and planning reforms.

Recommendation 4

That the NSW Government commit to reviewing the framework and provisions for Building Information Certificates to:

- reduce their misuse and ensure alignment with other building legislation; and
- establish a fee structure that provides for full-cost recovery by councils in issuing these certificates.

Recommendation 5

LGNSW supports the inclusion/retention of provisions in the Draft Building Bill relating to premises affected by loose-fill asbestos insulation and recommends the inclusion of additional separate provisions that draw attention to asbestos requirements under all relevant Acts.

Recommendation 6

LGNSW recommends including additional separate provisions in the Draft Building Bill 2022 and the Draft Building Compliance Enforcement Bill 2022 to ensure that:

- These bills compel building work to comply with all relevant existing Acts; and
- Failure to comply with legislated asbestos requirements be specifically listed as grounds for disciplinary action. This would include provisions for in-situ asbestos, as well as procurement and use of imported products that contain asbestos.

Recommendation 7

Training and Education – LGNSW proposes the development and implementation of compulsory asbestos awareness CPD's for those covered by the Draft Building Bill 2022 and Draft Building Compliance and Enforcement Bill 2022. This would include training for in-situ asbestos, as well as training on avoiding procurement and use of imported products that contain asbestos.