

Office of the General Manager

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12 October 2023

The Hon. Anoulack Chanthivong MP
Minister for Better Regulation and Fair Trading
GPO Box 5341
SYDNEY NSW 2001

Dear Minister

Action on Private Certifiers

The role of private certifiers, the level of construction activity and the impact on the Georges River community has been an issue for many years and the Council has been advocating for change to the current legislation to create a comprehensive and robust system to ensure the issues raised by the community are addressed. The focus of change should include:

- accountable certification processes; and
- a complaints framework that guarantees action and resolution for concerned residents.

Over the last couple of years, Council has written to a number of State Government Ministers requesting change to the legislation, but our requests for change have not been addressed.

Private certifiers are responsible for issuing over 90% of all complying development certificates and construction certificates in the Georges River Council area. They are managing a significant portion of development in the LGA.

An area of great concern to our community is the use of private certifiers in the approval of complying development certificates and construction certificates and the subsequent management of the construction for development such as dwelling houses, dual occupancies and secondary dwellings.

The key issues and complaints we are hearing from the community are:

- Residents do not know a development is occurring next door or in the street until the day the building works start;
- Development does not comply with the legislation and the relevant policies - e.g. stormwater and trees;
- The development site and construction process is not managed properly - with concerns relating to construction hours;
- The building does not comply with the approved plans and poor construction practices; and
- The Council does not step in to address and resolve their complaint.

The legislation states that when a private certifier is the Principal Certifying Authority (PCA) for a development they are responsible for conducting inspections and ensuring building and construction complies with the approvals. As the private certifier is the independent regulatory, Council has limited jurisdiction over the site.

The Private Certification system lacks community support and continues to be poorly understood by the community which is exacerbated by Private Certifiers who fail to engage adequately with neighbours to discuss their concerns. The system places significant resourcing pressures on Council's to educate/mediate and resolve concerns raised.

In response to these concerns Council resolved on 25 September 2023 the following:

"That the General Manager write to the NSW State Government in regard to Private Certifiers and in relation to:

- (a) Ensuring that there is greater response to certifiers who do not act properly by the Department of Fair Trading.*
- (b) Determine if allocating certifiers from a list as opposed to developers aligning with certifiers.*
- (c) Councils be authorised, via an amendment to legislation, to charge a development fee to assist in funding the compliance services.*
- (d) Providing access to drawings to neighbours on the Planning Portal."*

I request that you address each of these recommendations in order to provide a more robust and transparent process for the community.



I would look forward to the opportunity to discuss these actions with you. I can be contacted on 9330 6256.

Yours sincerely,



Andrew Latta
Acting General Manager

