

Mr David Tuxford
General Manager
Georges River Council
PO Box 205, Hurstville NSW 1481

13 May 2024

Subject: Complying development legislation

Dear Mr Tuxford

Thank you for Mr Latta's correspondence to the Hon Anoulack Chanthivong MP, Minister for Better Regulation and Fair Trading, regarding the role of private certifiers and complying development legislation. The Office of the Building Commissioner will respond separately to the concerns you have raised about private certifiers. As complying development legislation relates to the Planning and Public Spaces portfolio, your correspondence was referred to the Hon Paul Scully MP. The Minister asked me to respond on his behalf.

You have recommended that councils be authorised, via an amendment to legislation, to charge a development fee to assist in funding compliance services. The NSW Government is aware of this issue and is considering legislation amendments to address it.

Please note that in October 2021, the NSW Government made some changes in relation to compliance cost notices. These changes mean that:

- councils are able to collect \$750 for costs associated with a notice of intention to issue an order
- councils are able to collect the reasonable costs and expenses associated with an investigation, with the removal of the previous limit of a maximum of a \$1,000
- the administrative requirements have been simplified so that councils need only list the costs and expenses incurred.

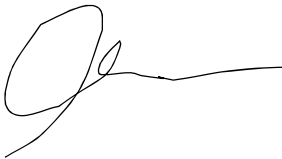
Further information about compliance cost notices is available at planning.nsw.gov.au/policy-and-legislation/exempt-and-complying-development-policy/compliance-levies.

You have also asked if drawings for complying development could be provided on the Planning Portal such that they could be accessed by neighbours. The Environmental Planning and Assessment Regulation 2021 (the Regulation) requires a council to publish CDCs and related plans and specifications on its website even if the CDC is issued by a private certifier.

While basic details about CDCs are published on the planning portal and are searchable by the public, the Regulation does not require the department to publish plans and specifications related to CDCs on the planning portal. To do so would require an amendment to the Regulation and a justification to invest in this planning portal capability. We welcome any further details you can provide about why access to CDC documentation via the Planning Portal is needed.

Should you have any questions, Dan Cutler, Director, Housing Supply and Codes, at the Department of Planning and Environment can be contacted on 02 9228 2004.

Yours sincerely

A handwritten signature in black ink, appearing to be "Tom Loomes", with a long horizontal stroke extending to the right.

Tom Loomes
Executive Director
Strategic Planning and Policy