

1 August 2022

The Hon Victor Dominello MP  
Minister for Customer Service and Digital Government  
GPO Box 5341  
SYDNEY NSW 2001

Via email: [office@dominello.minister.nsw.gov.au](mailto:office@dominello.minister.nsw.gov.au)

Dear Minister

**RE: Staged approvals and the National Construction Code (NCC)**

We are writing to seek an update on the potential reform to the *Environmental Planning and Assessment Regulation* (the Regulation) as it relates to National Construction Code (NCC) compliance for staged approvals.

For some time now, a number of industry bodies, including the Association of Australian Certifiers, the Property Council of Australia, Urban Development Institute of Australia – NSW and Urban Taskforce Australia have been working with the Department of Customer Service to address this issue, which arose following the Department's release of [Guidance Material](#) on the matter.

The Guidance Material contradicted long-standing and best practice common law principles and approaches to managing policy changes throughout the life of a construction project, namely avoiding retrospectivity, and is inconsistent in its application to Crown projects and non-Crown projects.

Therefore, an amendment to the Regulation is urgently needed to clarify that the best practice approach to NCC compliance for staged approvals used in other Australian jurisdictions can continue in NSW.

This would restore certainty and confidence to the NSW construction industry and to homeowners and occupiers across the state.

With NCC 2022 due to commence this year, the current regulatory situation exposes businesses, including many small businesses in the industry, and many developments to significant uncertainty and unnecessary commercial risk. This is now a matter of great urgency for the construction industry and broader community.

We understand that a draft amendment to the Regulation is being considered by Government and we would greatly appreciate an update on this situation and the ability to comment on any draft proposal.

If you would like to discuss further, please do not hesitate to contact Jill Brookfield on 0431 082 259.

We look forward to hearing from you or your office.

Yours sincerely



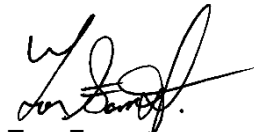
Jill Brookfield  
Chief Executive Officer  
Association of  
Australian Certifiers



Luke Achterstraat  
NSW Executive  
Director  
Property Council of  
Australia



Steve Mann  
Chief Executive Officer  
Urban Development  
Institute of Australia -  
NSW



Tom Forrest  
Chief Executive Officer  
Urban Taskforce  
Australia

CC

The Hon Anthony Roberts MP  
The Hon Dominic Perrottet MP