



16 August 2022

Dear Stakeholder

**RE: Notification to Stakeholders on Staged Development Changes**

The Department of Customer Service is progressing two regulatory amendments relating to staged developments. These changes are focused on ensuring that the NSW building and planning regulatory framework supports the ongoing obligation on the NSW construction industry to design and construct compliant, resilient and fit for purpose buildings for people to live in and occupy.

The proposed changes, which will be circulated for targeted consultation, will:

1. amend the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 to change the current requirement for the issue of construction certificates to allow a development to “lock in” the version of the *Building Code of Australia* that applies to a development at the time of the application for the construction certificate which includes the ground floor or podium of the building, whichever is higher, and
2. make permanent the staged lodgement of declared designs under the *Design and Building Practitioners Act 2020* where the application complies with updated requirements under the [Practice standard for registered certifiers](#) and the [Regulated Design Guidance Material](#).

These changes have been approved by the new Minister for Small Business and Fair Trading, the Hon Victor Dominello MP, and will be progressed through Regulation. We are prioritising the development of these regulations to enable sufficient time to consult before the intended commencement of the changes in Q4 2022.

If you would like further information on the process, or to discuss the proposed amendments, please contact Angus Abadee, Director Building and Construction Policy at [angus.abadee@customerservice.nsw.gov.au](mailto:angus.abadee@customerservice.nsw.gov.au)

Yours sincerely



John Tansey PSM  
**Executive Director  
Policy and  
Strategy**



David Chandler OAM  
NSW Building Commissioner