The NSW Chapter of the Australian Institute of Architects developed its 2019 NSW election platform in consultation with member representatives and key allied professional bodies. This was presented to all major parties for reply. Our stated positions and recommendations are published here along with the responses we received.
1 Ensuring design quality in densification

To retain its status as a global city, Sydney – the engine room for Australia’s economy – must compete among the world’s best on measures of liveability, productivity and sustainability. With a growing population, the continued economic and social health of NSW requires intensification – not only expansion through greenfield development. With increasing housing density, the capacity of amenity and design quality is integral to ‘doing density well’. The Institute considers the following are requisite in current conditions to ensure intensification both occurs and occurs successfully:

- Establish a talent pool of City Architects at director level made available to all LGAs via GANSW and the Greater Sydney Commission
- Support implementation of the requirements set by SEPP 65, the apartment design guidelines and the medium density design guidelines within local government
- Mandate design review panels (DRP) in LGAs for projects meeting critical thresholds, with 40% of NSW councils to have an endorsed DRP by March 2020
- Undertake a public education campaign for the medium density housing code and design guide specifically including, more generally, the benefits of density done well.

What will your party do to facilitate increasing housing density and see that it is done well – with good infrastructure and services, good design and community buy-in?

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<td>The Greens will create neighbourhoods that meet the needs of local communities by making ecologically sustainable development the primary objective of the planning system, with a focus on meeting the challenges of climate change both in what we build and what we protect. We will be changing the law so that no part of the state can be targeted for more intense development until firm and funded commitments are made for quality public transport, green open space, schools, hospitals and community facilities.</td>
<td>A NSW Labor government will introduce the registration of engineers which will improve the design and building process and weed out incompetent or unqualified professionals. Further review into licencing schemes, such as those of architects or building designers would be the responsibility of the new building authority.</td>
<td>The Liberals and Nationals government are committed to improving design quality across the spectrum of different types of development. SEPP 65 has lifted the quality of apartment design. SEPP 65 is supported by the ADG, a detailed guidance document which provides tools for improving the design of residential apartment development. We have also elevated the importance of the office of the Government Architect, and have given the office a strategic role across government to provide independent, strategic advice and advocate for better design. This role has been seen through the delivery of Better Placed – an integrated design policy for the built environment in NSW.</td>
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|
2 Delivering well designed diverse and affordable housing

The provision of affordable and diverse housing across all communities in NSW is essential to ensuring citizens’ wellbeing, and the wellbeing of their communities – the manifold economic benefits are amply evidenced. Good design is critical to delivering affordable and diverse housing that improves liveability, fosters healthier communities, produces broad economic benefits and reduces operational and maintenance costs.

Actions that government can take include: incentivising build-to-rent housing and reforming planning and other policies that currently limit diversity (of building types and of financing/ownership models). Without reform people are forced into less than appropriate housing, are subject to housing stress, and cannot properly provide a living environment for their families. To ensure consumers know they are getting what they were promised, the Institute strongly recommends mandating architects ‘close the loop’ on completion of medium density projects, with certification from the original architect being required as part of defect inspections, final certification and release of funds.

What initiatives will you take to deliver affordable and diverse housing in established areas that are close to employment and transport etc? How will you ensure good design in this housing?

| THE GREENS | A NSW Labor government will: 1. Conduct a full audit of government-owned land and create the Affordable Housing Land Register (AHLR). This full audit of government land will identify holdings that could be developed for affordable housing 2. Deliver a 25% affordable housing mandate on government-owned land. Labor will work with stakeholders to ensure that land owned by the government, which is fast-tracked for development, will have a 25% mandate of affordable housing within our first term in government. We will end the practice of selling government-owned land to the highest bidder without obtaining the maximum social utility 3. Implement a 15% affordable housing mandate on privately developed land. Labor will work with stakeholders to introduce a mandate of 15% of new dwellings or floor space on privately developed land within our first term of government. 15% of dwellings designated as affordable housing will be available for rental or sale to low- and moderate-income households within our first term in government 4. Support federal Labor’s proposed reforms to negative gearing and halving capital gains tax discounts. 5. Raise the foreign investor stamp duty surcharge from 4% to 7% 6. Double the land tax surcharge from 0.75% to 1.5% 7. Tax properties that have been left vacant for more than six months. | THE LIBERAL / NATIONALS | The NSW Liberals & Nationals government is currently delivering the biggest social housing building program in the country. The NSW government is building 23,500 new and replacement social and affordable housing dwellings over the next 10 years. Each home is internally designed and built to silver-level standard under the liveable housing design guidelines to ensure they are easily adaptable for residents with disabilities and those with limited mobility. Early in 2018, five additional councils were included in SEPP 70, to allow these councils to prepare affordable housing contribution schemes. In recognition of the statewide need for affordable housing, the government exhibited a proposal to expand SEPP 70 to all NSW local government areas in December 2018. The Greater Sydney region plan, prepared by the Greater Sydney Commission and released in March 2018, includes affordable rental housing targets generally in the range of 5% to 10% of new residential floor space, subject to viability. The NSW Liberals & Nationals government and the commission are now investigating mechanisms to deliver the affordable rental housing targets. |
| The Greens support urban consolidation which delivers high quality housing close to public transport, increases the scope for providing public services and makes communities more liveable and sustainable. However, local communities must be given meaningful opportunities to engage in the decision-making process. We will invest in more social housing that guarantees affordability by charging rent as a proportion of income. We will reform the social housing system towards that of countries like Sweden, Denmark and the Netherlands, where social housing serves households with a range of incomes and needs. We will encourage good design in terms of energy efficiency and amenity by enforcing a ‘zero carbon ready’ building code, as recommended by the Australian Sustainable Built Environment Council and ClimateWorks Australia. We support firm affordable housing targets of 30% for new developments across Greater Sydney to reduce the growing geographical divide in the city. | | |
3 Ensuring effective building and construction

What action will you take to ensure adequate and economically sustainable building and construction regulations as well as effective enforcement of the standards they set?

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| The Greens will abolish the private certification system and will return to a system of publicly paid and publicly accountable building certifiers, employed by local councils with oversight by a statewide professional body. | NSW Labor has taken an informed and methodical approach to ensuring building and construction regulation is improved. A NSW Labor government will introduce a standalone building act to strengthen regulations, improve consumer protections and transparency around people’s rights, and raise professional standards. NSW Labor will also establish a NSW building authority to bring together and build on existing resources to ensure increased oversight and accountability of every person in the construction chain. These two key changes stem from the Independent Review of the Building Professionals Act 2005, conducted by Michael Lambert.

1. Introduce a chain of responsibility for everyone in the building process, including for building products, to permit product recalls, banning the use of non-conforming products, and empowering building inspections or audits.

2. Reform certification to ensure certifiers undertake their regulatory function without fear or favour, as well as ensuring that certifiers have the support they need to continue to play their crucial role in building, that the professionalism of certifiers is strengthened, and that the supply of certifiers into the system is improved.

3. Develop protocols (in consultation with local government) governing the relationship between certifiers and councils, setting out roles and responsibilities for compliance and enforcement, supported by an information strategy for building regulation.

4. Establish a taskforce to crack down on the incidence of phoenix companies which allow dodgy builders and developers to hide behind shell companies.

5. Review the efficacy and impacts of the strata building defects scheme. | The government is committed to achieving strong building and construction regulation in NSW. On 10 February 2019, the NSW government announced its response to the Shergold Weir Report and a package of reforms to improve the building and construction industry. The NSW government has committed to implementing the vast majority of the Shergold Weir Report’s recommendations.

The NSW government will also introduce reforms to ensure that building practitioners owe a duty of care to owners’ corporations and subsequent titleholders of residential developments, as well as unsophisticated construction clients who are small businesses.

The architecture profession strives to continually improve practice and to produce buildings that serve the community functionally, environmentally and aesthetically, providing sustainable value for money. Without effective enforcement of appropriate compliance requirements in building and construction, quality design cannot reliably be delivered. Concerningly, ineffective controls mean diminished safety, quality and value more broadly both for consumer and developer clients and for consumers who occupy or otherwise use built spaces.
4  Leading by example: making government a good client

Good clients are integral to the delivery of great built outcomes for the community and institutional users. They recognise the importance of accounting for social value and social cost along with broader economic effects in assessing business cases; they select appropriate procurement methods; they clearly understand their terms and conditions and ensure that these are fair and conducive to optimal economic and beneficial outcomes that deliver great value for the community.

Government should provide a leading example of a good client. To this end we strongly advise mandatory participation in state review panels for government projects and more design-led planning focused on the delivery of high quality outcomes; rather than relying only on planning approvals, delivery timeframes or risk mitigation that do not address users’ real needs.

How would you make government a better client for design and construction projects?

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<td>The Greens support government being a best practice client in terms of building design sustainability and local contexts. We support stringent five-star green ratings or equivalent for public buildings and a government wide commitment to low and zero carbon buildings.</td>
<td>A NSW Labor government is determined that the planning and construction process bring about the best outcome for the users – which are our people. We are committed to putting people first. If it works for the people then it will work for everyone. That is why social impacts and opportunities will be at the heart of our government and procurement. There are a number of changes that will be made to the procurement policies of NSW and there will also be a number of interpretations of existing procurement policies that will be more clearly spelt out, with a view to longer term, social outcomes.</td>
<td>The NSW Liberals and Nationals government is committed to continuing to drive reform across government in the development, procurement and delivery of infrastructure and building projects as we deliver our $89.7 billion infrastructure pipeline over the next four years. In 2018, the NSW Liberals and Nationals government released the NSW government construction action plan: a 10-point commitment to the construction sector. The action plan recognises that the government can only achieve its infrastructure objectives in partnership with the private sector and takes a longer term view about the need to drive quality, innovation and cost effectiveness.</td>
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‘Good design in the built environment is achieved when buildings, urban areas and development precincts are functionally attuned to the needs of users and visitors; are economically and environmentally sustainable, minimising energy use; provide enjoyable and comfortable environment; and create places that enable people to work, recreate and relax in uplifting, encouraging and – where appropriate – exciting surroundings.’

– NSW Chapter, Australian Institute of Architects
5 Empowering the Government Architect NSW

In addition to being best placed to provide strategic advice regarding design and process to public authorities, the Government Architect NSW (GANSW) can play a critically effective role in guiding and equipping government agencies to become better clients who achieve superior outcomes and long-term benefits for their stakeholders and the community at large.

The Institute commends GANSW for its achievements in refocusing its role, driving the inclusion of a new ‘design object’ in the EPA Act and developing the Better Placed design policy to support this. Positioning GANSW, through legislation or policy, to increase its participation and influence within agencies is essential for making government a better client that obtains high value outcomes as custodian of the public interest. To this end, the Institute advocates strongly for the GANSW to be located within the Premier and Cabinet cluster, as per the Greater Sydney Commission.

Would you increase the standing of the Government Architect, and where would you locate it within the structure of government?

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<td>The Government Architect is essential to provide sector wide leadership and best possible architectural outcomes for public buildings in NSW. We support increasing funding for the office and statutory independence with close agency links with both planning and Premier and Cabinet.</td>
<td>NSW Labor has committed to establishing a NSW building authority. One of the aims of the authority will be to bring together all professionals in the building and construction sector. The building authority will be tasked with dealing with structural and regulatory matters related to the building and construction industry, including making recommendations on AMR and internal government processes.</td>
<td>The work of Government Architect NSW will continue to play a significant role in the evolution of a more strategic-focused planning system in NSW and has already delivered a number of nationally significant, future-focused, expert publications. In 2017, GANSW released Better Placed, an integrated design policy for the built environment of NSW. Better Placed sets out objectives to enhance design quality and raise expectations and standards. These objectives are used by state and local governments, architects, designers, developers, planners, engineers, builders, industry groups and local communities and businesses to create better built environments. In collaboration with key stakeholders, GANSW is developing design guides, manuals, and case studies to describe the objectives in more detail according to scale, type and conditions.</td>
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6 Establishing automatic mutual recognition (AMR) for architects

Australian architects are already accredited under a national procedure adopted by all states, yet legacy red tape means that architects need to be separately registered in each state that they wish to work in as architects (the name ‘architect’ being protected by legislation).

A national automatic mutual recognition (AMR) scheme is required to improve mobility and productivity for the Australian architectural profession and to reduce administrative burdens and costs for architects. This will have positive flow-on effects for consumers of architectural services, removing an inhibition on trade between states. However, its introduction needs to be managed carefully and with attention to the variation that exists between state/territory architects acts’ requirements for maintaining registration.

How do you propose to establish AMR in NSW and facilitate a national scheme supported by national consistency in insurance, continuing professional development (CPD), and practice registration requirements?

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<td>The Greens support truly national recognition. We are happy to work with the profession to help promote support for this.</td>
<td>See Labor’s response for question 5.</td>
<td>The NSW government is committed to making NSW the easiest state to start and run a business. In August 2018, the NSW government announced its support for expanding the automatic mutual recognition (AMR) of licences to architects. NSW is seeking reciprocal support from other jurisdictions to develop and implement the necessary arrangements to expand AMR.</td>
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7 Respecting our cultural heritage

Our built environment is a significant aspect of our cultural heritage and national life and warrants considered, respectful protection. The Heritage Council is the state’s most qualified arbiter in this domain and both its expertise and its independence as a government agency must be appropriately observed by government in order to ensure this protection on behalf of the community. It has been concerning to the Institute to see recent examples of government disregarding the advice of the Heritage Council – notable cases being the decision not to confer heritage listing upon Sirius and the decision to use the sails of the Sydney Opera House for advertising a horse race. As custodian of many richly valuable heritage assets belonging to the people of NSW, the government must take firm action to prevent degradation of these assets and, further, must advocate for the value of their protection and invest in appropriate conservation.

Additionally, to help ensure the Heritage Council membership’s expert calibre is upheld, we strongly recommend that the Australian Institute of Architects be allocated an ex-officio position on the Council.

What do you consider is the correct relationship to exist between the Heritage Council and government? How would you realise this? What action will you take to protect the public’s heritage assets from degradation and to ensure their public benefit is preserved?
LABOR

NSW Labor has a plan to protect and celebrate the state’s heritage. A NSW Labor Government will create the first Heritage Strategy for NSW, deliver specific laws to protect Aboriginal cultural heritage, close loopholes in heritage laws and ensure a transparent heritage listing decision-making process. Labor’s five-point plan to protect and celebrate our state’s heritage, will:

1. Create the first NSW Heritage Strategy
The strategy will detail initiatives to protect and celebrate the state’s heritage over the next ten years. Preparation for it will include a NSW Heritage Summit as well as a review of:
   - The Heritage Act 1977 (NSW)
   - Management of the NSW Government’s heritage assets
   - Interaction between planning laws, planning policies and the Heritage Act
   - Funding and support for heritage conservation and maintenance.

The NSW Heritage Summit will be held in the lead-up to the General Assembly of the International Council on Monuments and Sites, which will be held in Sydney in 2020. The Summit will provide a road-map for legislative reform and policies for better coordination among agencies which deal with heritage matters.

2. Deliver an Aboriginal cultural heritage act to protect and promote Aboriginal cultural heritage
   - NSW is the only state in Australia without standalone legislation to protect Aboriginal cultural heritage, but the Liberals and Nationals have never introduced a bill to Parliament.
   - Aboriginal cultural heritage requires dedicated legislation, and Labor will deliver it.

3. Stop heritage ministers ignoring the Heritage Council’s recommendations for heritage listings
   - Currently, the minister alone can decide whether an item is listed, rejected or reviewed by the Independent Planning Commission (IPC).
   - Labor will take immediate rejection off the table; if the minister doesn’t accept the recommendation it will go to the IPC for review. This review process will give the community a chance to have their say and provide greater transparency in the decision making process.

4. End the misuse of financial hardship provisions by government
   - In 2016, the Liberals and Nationals misused this provision to refuse to list the government-owned Sirius building. The claim that heritage listing the building would cause undue financial hardship for the government was rejected by the Land and Environment Court.
   - Labor will amend the Heritage Act to remove any doubt that financial hardship provisions are only to apply to individual property owners not the state government.

5. Protect heritage sites, including to:
   - Save Willow Grove and St George’s Terrace in Parramatta (and ensure they’re not demolished or sold off to property developers)
   - List the Sirius building on the State Heritage Register
   - Protect the North Parramatta precinct (including the Parramatta Female Factory historic precinct) and fast-track World Heritage listing
   - Keep the Powerhouse Museum in Ultimo and assist with its state heritage listing
   - Retain the historic Windsor Bridge
   - Support the Camden community to nominate the town centre for state heritage listing
   - Contribute $350,000 to upgrade the iconic Bondi Pavilion
   - Support the community to nominate Haberfield for state heritage listing
   - Work with the Heritage Council to clear the backlog of state heritage nominations.

GREENS

The Greens NSW will work to ensure heritage laws and practices in NSW reflect our international commitments, including: the United Nations declaration on the rights of indigenous peoples; the ICOMOS Burra Charter for buildings, precincts, places or landscapes; the national standards for Australian museums and galleries for objects; the UNESCO convention for the safeguarding of intangible cultural heritage for practices; The UN convention on biological diversity; and the UN world heritage convention and its associated guidelines. We believe the Heritage Council should be an independent statutory body with the final say on the protection of all state heritage items.

LIBERAL / NATIONALS

The NSW government continues to respect our cultural heritage and use the expertise and advice of the Heritage Council as well as fund programs such as the NSW heritage grants program that helps communities recognise, value and care for their heritage, provides funding to improve identification and protection of the state’s heritage and assist owners conserve heritage items and to promote and celebrate NSW heritage.

LABOR
8 Promoting Australian architects for public projects

Architecture is a global profession and the Institute supports architects working internationally. Many of our members have been very successful in exporting architectural services overseas and the Institute looks for continued support from government of architects earning export income. However, in regard to publicly funded projects for our important civic buildings, public open spaces and community infrastructure, Australian government agencies should match international practice. A majority of countries undertaking shortlisted design competition processes for their public projects actively mandate local architectural content.

The Australian Institute of Architects endorses the following via its buying local policy:
- Recognition that the Australian architectural profession provides innovative design leadership both locally and internationally
- Support for the retention of a strong Australian architectural skills base
- Recognition in government procurement of the role of good design in maximising economic benefits and creating a rich legacy of civic buildings and urban spaces
- Fair and open procurement practices that neither favour overseas architects over Australian architects nor disadvantage local firms
- A majority of Australian architects to be included in shortlisted design competitions for publicly funded projects (where Australian architects are defined as having a majority of Australian partners or directors)
- Strong government support for the promotion and export of Australian architectural services overseas.

Do you support the Institute’s ‘buy local’ policy? If so, what steps would you take to ensure that it is implemented during your term?

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<td>We do. The Greens do not ascribe to the view that the best design for iconic Australian buildings is necessarily achieved by an international design competition. We support the concept of Australian architects designing Australian buildings and responding to our unique cultural and environmental challenges and influences. We support a government-wide policy requiring the NSW agencies to work with the profession in Australia to continue to foster our local built identity.</td>
<td>A NSW Labor government will create a new act that will require local jobs and content to be written into all government procurement documents ensuring that the local economy is at the heart of major projects. Additionally the act will empower a minister to declare any project valued at more than $50 million ‘jobs significant’ – the trigger for the 50% local content mandate to kick in. But NSW Labor isn’t just going to rely on projects over $50 million to drive opportunity for local content and local jobs. As noted in our response to question 4, the fundamentals of the procurement process will be changed to align more specifically with our agenda to put the people of NSW first. Whether you’re an architect, a winemaker, a concreter or a steel manufacturer, NSW will approach procurement as an opportunity to put the people of NSW to work.</td>
<td>The NSW government has supported local architecture firms on many infrastructure and building projects and recognises the expertise and skill of Australian architects. The Liberals and Nationals government also recognises the capability of local suppliers and their contribution to the NSW economy and job creation. The government has an ongoing commitment to investing in high quality architecture and design and local content. The government has introduced a range of measures to support local businesses and make government procurement more accessible. For example, government agencies are required to seek at least one quote from a small or medium enterprise (SME) supplier for engagements valued up to $1 million. This includes any architectural services sourced through the scheme.</td>
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9 Improving public procurement practices

In their understandable efforts to seek value for money professional engagement, public authorities including state and local government from time to time embark on procurement approaches that are commercially inappropriate, economically unsustainable, exploit small business, produce disadvantageous outcomes for the authority and its stakeholders and seek to benefit from work done by tenderers without fair remuneration.

Tendering practices can sometimes turn into ‘competitions’ that seek from architects an inordinate effort to prepare designs for projects without good engagement with user groups, the affected community or funders. This precludes their access to performance information critical to the success of a project. It also imposes an economic drag on business as firms do work that will have no economic benefit but rather adds to their business costs.

No other profession is asked to perform substantive work for no consideration as part of a tender to a public authority. The Institute, along with the government’s own experts, can provide good practice guidance to public authorities to tender in an economically sustainable manner that delivers, through properly elicited competition, the benefits clients seek.

What steps will you take to ensure that the procurement of architectural services is both fair to architects, particularly those operating in small businesses, and productive of economically sustainable results that achieve community benefits through properly advised early design processes?

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<td>See 8 and 5 above. We remain committed to good design and a quality design panel on all major NSW architectural projects.</td>
<td>See Labor’s response for question 8.</td>
<td>The NSW government recently released the Construction Action Plan. As part of the plan, the government recognises that bid costs can be high, and there can be an economic burden on business to prepare designs for projects through the tendering stage without remuneration. One of the commitments in the ten point plan is focused on reducing the cost of bidding, where appropriate. The recently released bid cost contributions policy sets out arrangements the government has adopted to determine if it will make a financial contribution to partially offset the cost of bidding for construction and infrastructure projects in NSW. It applies to projects over $100 million, and allows the government to consider contributing up to 50% of expected bid costs.</td>
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10 Simplifying planning approvals

The NSW state planning system is characterised by a complexity of oversight committees, jurisdictional overlap, special zonings, and special status overlays for projects. Simplification should be based on simple conformity to zoning, and accelerated approval should be granted to projects endorsed by registered architects and chartered engineers.

How will you simplify the planning controls to promote efficiency, quality and clarity?

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| NSW planning is an unholy mess with innumerable planning authorities, incoherent planning laws, destructive spot rezonings and the loss of public confidence. We support establishing a royal commission into the NSW planning system to force the NSW parliament to finally fix this mess. | A NSW Labor government will ensure that all major infrastructure projects valued at $1 billion or more are the subject of public planning inquiries to minimise disruption to local communities and to ensure full transparency.  
NSW Labor will reform the building industry by:  
• Introducing a single piece of legislation, a standalone building act to strengthen regulations, improve consumer protections and transparency around people’s rights as well as raise professional standards  
• Establishing a single agency, the NSW building authority, reporting to a single minister to increase and streamline accountability of every person in the construction chain  
• Introducing a chain of responsibility for everyone in the building process including for building products to permit product recalls, banning the use of non-conforming products and empowering building inspections or audits  
• Preventing developers from being able to choose their own certifier to eradicate potential conflict of interest that has arisen between certifiers who are overdependent on developers whose work they are signing off on  
• Introducing a registration scheme for engineers. |
Recent reforms to the Environmental Planning and Assessment Act 1979 (EP&A Act) aimed to ensure a simpler, faster planning system while also building industry and community confidence in planning decisions and outcomes. The updates create a system that is easier to understand, navigate and use, with better information and intuitive online processes.

DPE has implemented the SEPP review program which is designed to reduce red tape, including reducing the number of SEPPs and updates to LEPs. The review will simplify, modernise and update policies and ensure they are located at the most appropriate level in the planning system. At the commencement of the review, there were 66 SEPPs. 16 SEPPs were initially repealed under stage 1 of the review. Stage 2 is currently underway and will produce fewer, more modern and simplified SEPPs, once complete.

**Complying development codes**

DPE is continuously monitoring the requirements for complying development to ensure it is effectively reducing red tape, costs and delays for low impact development and responds to community expectations.

Since 2017, the government has delivered four housing codes which are written in plain English, with explanatory diagrams to make it easier to obtain approval to build or renovate one and two storey houses. These codes tailor and simplify complying development controls to increase the take up of complying development and make it easier, faster and cheaper for home owners.

**Faster housing approvals**

The DPE has developed a series of guides to improve the development application process. For example, The DA best practice guide promotes a number of principles for councils to adopt to improve determination times and the *Your guide to the development application process* was released in May 2018 to help inexperienced and one-time applicants understand the development assessment process for housing DAs.