

Development (Private Certification) Amendment Bill

Last Thursday (18 October 2012), Minister Rau introduced the Development (Private Certification) Amendment Bill ("the Bill") into Parliament. The Bill intends to enable private certifiers to issue Development Plan consent for development applications to which the Residential Code applies.

It is proposed that currently-registered private certifiers will expand the services they provide to include assessments for Development Plan consent, rather than a separate class of new private certifiers being created. Therefore, in areas of the State to which the Residential Code applies, it is proposed that private certifiers will be able to both assess development applications and grant, both Building Rules consent and Development Plan consent. However, the Government is not requiring, as part of the Bill, that changes, other than of a minor nature, be made to the qualifications, registration process, insurance requirements, code of practice obligations, or auditing arrangements currently required for private certifiers.

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The Bill proposes the following amendments to the Development Act 1993:

- to remove the prohibition from private certifiers granting Development Plan consent in section 89(3);
- to insert a new section (section 56C) which will provide for the auditing of planning decisions of private certifiers and councils in a similar manner to the current system established in section 56B;
- to introduce provision for new regulations into the Development Regulations 2008 to enable private certification of Development

Plan consent for applications to which the Residential Code applies (i.e. private certification of Development Plan consent will include new dwellings, dwelling additions as well as carports, verandahs, garages etc.); and

- to make consequential amendments to sections 35 and 93.

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In his second reading speech to the Parliament, Minister Rau identified the slump in new housing construction as one of the reasons behind the introduction of the Bill. Mr Rau stated that the Government considers the Bill will make the development process more streamlined and approvals cheaper for applicants. This, he believes, will lead to an increase in new housing construction. To this end, it is the Government's intention to have the Bill passed by both Houses of Parliament before the end of the year and to have private certifiers begin granting Development Plan consents early in the New Year.

We will keep you updated on the progress of the Bill (and any proposed amendments to it) as it moves through both Houses of Parliament in the coming weeks.

If you have any questions please contact Joanna Osborne or Victoria Shute on 8113 7106, 8113 7104 or j Osborne@kellyjones.com.au, vshute@kellyjones.com.au