

# LG Alert

## *Development (Private Certification) Amendment Act 2012*

Following our previous LG Alerts regarding the changes to private certification in South Australia, we are now able to confirm that the *Development (Private Certification) Amendment Bill* was passed into law last week (Thursday, 29 November) without any amendments.

Together with PIA, we consider this change to the planning regime in South Australia to be a seminal issue for the profession. It is a unique legislative change not mirrored in any interstate jurisdictions. Therefore we consider it important to share this latest development with you.

The *Development (Private Certification) Amendment Act 2012* will amend the *Development Act 1993* ("the Act") in the ways outlined in our LG Alert of 23 October 2012 <http://www.kellyjones.com.au/publications.html>.

We understand that the Government's intention is that these changes will come into operation in March 2013.

Furthermore, we understand that while the *Development (Private Certification) Amendment Act 2012* passed without any amendments, the Government does intend to make changes to the *Development (Private Certification) Amendment Regulations* to provide both Councils and the public with greater access to application documents. These changes will include:

- that private certifiers will be required to provide a Council with relevant application documents and/or correspondence, upon request, at a time before Development Plan consent is granted;

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- that private certifiers will be required to provide a Council a copy of their file, together with a certificate of Development Plan consent;

- that both Councils and private certifiers will be required to maintain registers of development applications (including, in the case of Councils, copies of notifications from private certifiers), and Councils will be further required to make their registers available for public inspection; and
- granting members of the public the right to inspect documents relating to development applications for building work, free of charge, unless providing such access would jeopardise the security of the building.

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The Government has also foreshadowed, at a later time, further amending the *Development Regulations 2008* to require Councils to publish their registers of applications online.

We will continue to keep you updated on the commencement of the *Development (Private Certification) Amendment Act 2012* and of the proposed changes to the *Development (Private Certification) Amendment Regulations*.

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