

Certifiers gain power in shifts to planning law

Catharine Munro
Urban Affairs Editor

THE role of the controversial private certifier will be dramatically expanded under changes proposed by the NSW Planning Minister to planning laws, which will enable so-called "mum and dad" renovators to avoid submitting plans to council.

However, a discussion paper released by the minister, Frank Sartor, predicts the potential for conflicts of interest.

Certifiers will be empowered to approve the construction of single-dwelling houses that fit inside a pre-determined envelope on a plot of land, as well as alterations and additions in more built-up parts of the state.

A panel of experts will develop a list of categories that will no longer go before council next year.

Mr Sartor's discussion paper acknowledges private certifiers,

introduced by the former Labor planning minister Craig Knowles almost 10 years ago, have a "mixed" relationship with councils. "In general, there is a perception, or lack of faith that certifiers ... will provide an independent assessment when they are being paid by the developer," it says.

A recommendation by the Administrative Appeals Tribunal warned against certifiers who depended too much on one client for their work. "There is also the potential for perceptions of conflicts of interest to arise as the number of complying development certificates increase."

Mr Sartor was a loud critic of private certifiers when he was lord mayor of Sydney in the late 1990s.

Councils proposed that they take control of appointing private certifiers, providing a list to owners and developers so that a conflict of interest did not arise.

RENOVATIONS THAT WILL NOT NEED A D.A.

- ▶ Solar panels, except for heritage buildings and in special circumstances.
- ▶ Single dwellings in residential areas within an approved "envelope".
- ▶ Alterations and additions in residential areas.
- ▶ Pools and metal fences in bushfire-prone areas.
- ▶ Internal alterations to houses in an environmentally sensitive area.

Experts panel to develop full code with Department of Planning.

But the Department of Planning sees the increased role of certifiers as fundamental to the latest raft of changes to planning laws, which will enable council staff to get on with the more important work of shaping general rules governing development.

Mr Sartor stopped short of handing councils the appointment of certifiers, demanding that the landowner, rather than the developer, pay the certifier.

Beefing up the monitoring and policing of certifiers is also proposed in the discussion paper "to act as a deterrent to illegal works".

Among the powers to be given to the certifiers' watchdog, the Building Professional Board, would be an ability to suspend a certifier's accreditation or fine them up to \$11,000.

Under the Government's proposed changes, the board would no longer have to refer more

serious complaints to the Administrative Decisions Tribunal, and it would also accredit certifiers.

Certifiers would be limited in the number of times they could work for the same developer in any one year to avoid cosy relationships developing.

The president of the Shires Association of NSW, Bruce Miller, said increasing their powers was irresponsible. "We'll be looking at this recommendation closely to ensure the system is improved," he said.

"The paper advocates extending the role of private certifiers, even though councils receive endless complaints about the failures of the system."

But property developers' lobbyists welcomed the changes. The Urban Taskforce executive director, Aaron Gadiel, said: "The rigmarole that ordinary home builders and renovators are currently forced to go through is unnecessary."