

Public Forum Question and Response

Subject: Environmental Planning and Assessment Amendment (Quality of Construction) Act and Private Certifiers

Question From: Vincent De Luca

Meeting Date: 27 April 2004

Question:

I note the objects of the original Bill were to amend the Environmental Planning and Assessment Act to deal with functions of certifying authorities, investigations of certifying authorities, improper influence with respect to the conduct of certifying authorities, matters relating to principal contractors, construction certificates, occupation certificates, conditions of development consents and complying development certificates, and other matters. Could Council please advise:

a) Whether it made any submission to the State Government on the Environmental Planning and Assessment Amendment (Quality of Construction) Bill?

Answer: The Administrator advised that Council has had a number of meetings with the department to discuss the Bill. As per the recommendation of the Council Meeting of 16 December 2003, Council supplied the Department with comments developed by Council's Internal Ombudsman, endorsed by the Administrator.

b) Does Council believe that this legislation will address some of the problems experienced in Warringah with defective construction work and private certifiers? If not, will Council be making a submission to the Minister raising any concerns and need for further amendment?

Answer:

The Administrator advised that it is Council's belief that the Bill will assist in achieving better construction outcomes and improve management of the development process. He expressed concern over fundamental flaws in the current arrangement and outlined possible improvements; Council will monitor the effectiveness of the new Bill and if considered appropriate will raise any concerns or make submissions to the Minister.

c) What is the status of Council's legal action against a Private Certifier in Warringah?

Answer: The Administrator advised that the Courts have considered this matter and the decision reserved; as such no comment can be made.