



HOUSING INDUSTRY ASSOCIATION



Submission to the
Department of Justice
Consumer Building and Occupational Services

Consultation on Private Planning Consultant – No Planning Approval certificates

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ABOUT THE HOUSING INDUSTRY ASSOCIATION

The Housing Industry Association (HIA) is Australia's only national industry association representing the interests of the residential building industry, including new home builders, renovators, trade contractors, land developers, related building professionals, and suppliers and manufacturers of building products.

As the voice of the residential building industry, HIA represents a membership of 60,000 across Australia. HIA members are involved in land development, detached home building, home renovations, low & medium-density housing, high-rise apartment buildings and building product manufacturing.

HIA members comprise a diverse mix of companies including residential volume builders, small to medium builders and renovators, residential developers, trade contractors, building product manufacturers and suppliers and allied building professionals that support the industry.

HIA members construct over 85 per cent of the nation's new building stock.

The residential building industry is one of Australia's most dynamic, innovative and efficient service industries and is a key driver of the Australian economy. The residential building industry has a wide reach into manufacturing, supply, and retail sectors.

Contributing over \$100 billion per annum and accounting for 5.8 per cent of Gross Domestic Product, the residential building industry employs over one million people, representing tens of thousands of small businesses and over 200,000 sub-contractors reliant on the industry for their livelihood.

HIA exists to service the businesses it represents, lobby for the best possible business environment for the building industry and to encourage a responsible and quality driven, affordable residential building development industry. HIA's mission is to:

"promote policies and provide services which enhance our members' business practices, products and profitability, consistent with the highest standards of professional and commercial conduct."

HIA develops and advocates policy on behalf of members to further advance new home building and renovating, enabling members to provide affordable and appropriate housing to the growing Australian population. New policy is generated through a grassroots process that starts with local and regional committees before progressing to the National Policy Congress by which time it has passed through almost 1,000 sets of hands.

Policy development is supported by an ongoing process of collecting and analysing data, forecasting, and providing industry data and insights for members, the general public and on a contract basis.

The Association operates offices in 22 centres around the nation providing a wide range of advocacy, business support services and products for members, including legal, technical, planning, workplace health and safety and business compliance advice, along with training services, contracts and stationary, industry awards for excellence, and member only discounts on goods and services.



1. INTRODUCTION

Thank you for the opportunity to comment on the *No Planning Approval Required Certificates Options Paper* (the 'Options Paper').

HIA corresponded with the Premier in October last year on the need for the Tasmanian Government to bring forward immediate reforms to the planning system to support productivity, investment and jobs during COVID-19 and beyond. As a starting point HIA sought government support to cut red tape and fast-track approval processes for projects where there is a negligible level of risk such as 'no permit required' scenarios. To assist government to achieve this we provided a proposal, HIA's *Single Dwelling Fast Track Housing Approval Process*.

HIA notes that the objective, and certain elements of HIA's proposal, were the subject of the Red Tape Co-ordinator's Development Regulatory Reform Project and more recently Recommendation 26 of the *Premier's Economic and Social Recovery Advisory Council Interim Report July 2020*.

Accordingly, HIA is pleased that this matter has progressed and an Options Paper has been released to further explore the opportunity to facilitate any potential change. We continue to hold the general view that private planning be permissible for approval of low risk works, especially where no permit is required.

2. HIA'S RESPONSE TO THE OPTIONS PAPER

Consistent with HIA's previous advocacy we would fervently support **Option 1** – Amend the *Director's Determination - Certificates by Qualified Persons for an assessable item* to include certificates of No Planning Approval issued by Private Planning Consultants.

However, we submit that other building professionals (who require minimum qualifications and carry PI) such as architects and engineers, be added to the list of qualified persons able to issue these certificates, thereby increasing the resource pool and addressing any capacity concerns. It is certainly within their realm of expertise to deal with no permit required matters which they are required to consider in providing their professional services.

2.1 THE CASE FOR OPTION 1

Introducing this measure will allow for efficient and timely confirmation that no planning approval is required resulting in faster building commencements. In addition, it will provide relief to councils from human resource and administrative burden, so they can focus on more complex planning matters and deliver more certainty for builders, building surveyors and their clients. These factors alone outweigh any adverse considerations.

At this time we see no justification for licensing for such simple planning matters where there is consumer protection in the form of professional indemnity insurance and a requirement to hold minimum qualifications (and where the risk is minimal). Licensing would require more regulatory intervention and would significantly delay the implementation of this much needed improvement to the planning process. While HIA does not anticipate any failures there is always the option to introduce a licensing framework if issues arise in the future.

In terms of any perception that private planning consultants can undertake the duties of a local council planning authority, this can easily be mitigated by providing relevant information and education on the

roles of planning service providers. Over time this will become less of an issue as it will form part of industry practice.

2.2 OTHER CONSIDERATIONS

While HIA appreciates the specific nature of the consultation we would urge the government to give future consideration to the following:

- Expanding the role of the private planning consultant (building professional) to other low risk approvals if Option 1 and 2 is adopted and these changes prove successful; and
- Implementing private plumbing certification for low risk work.

Delays in final plumbing approval are preventing simple housing projects from progressing or being handed over and occupied. There is a need to consider the whole of house approval process as there is no point in fixing the front end aspects only to experience impediments and delays at the project end.

3. CONCLUSION

With the residential building industry being seen as integral in leading the economic recovery, now is an ideal time for the Tasmanian Government to address its regulatory environment to ensure that it supports economic growth, reduces red-tape, and enables the delivery of affordable housing. One of the key areas for government is simplification and streamlining of the planning system with the proposal outlined in Option 1 paving the way for this much needed reform.