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Sent: Wednesday, 3 March 2021 3:48 PM

To: Have Your Say <HaveYourSay@justice.tas.gov.au>
[REDACTED]

Subject: HPE CM: Kingborough Council feedback on the proposal to privatise NPR certificates

Hello Department of Justice,

I apologise for my late submission in response to this public consultation, I understand if you choose not to have regard to our comments. However, I shall provide them all the same.

We have a number of concerns regarding this proposal as outlined below:

- The biggest concern is the risk to the private industry taking on the task of NPR certificates when they may not have all of the relevant data. An examples is flood mapping data that may not appear on a statutory map but may trigger the need for a permit.
- What happens with respect to enforcement when incorrect advice is given. The scenario may be that a house is under construction that needed a permit, but a private consultant gave an NPR certificate. Enforcement notices can be given to the landowner or the person that undertook the offence (ie the builder). The paper suggests some sort of indemnity to the owner, but that breach of the planning scheme is still present and under the current legislation there is not ability to take enforcement against them. This is not a fair scenario for either the owner or the builder. Resolution by way of the owner suing the private consultant will be very long and expensive.
- There are not going to be cost savings where an applicant has to pay the private consultant to do the NPR assessment (and pay them to do so) and then they find out it is not NPR, then they have to pay the full fee to Council even after paying for the NPR assessment. Currently Council's do that assessment and only charge one or the other.
- What is the cost that private consultants will charge, it is unlikely to be less than Council's. As an example Kingborough is \$143. Private consultants will require increased insurance for instances of errors – is it really worth the risk and cost to them?
- What is the estimated time that private consultants will do it in? Was it quantified how long Council's are taking, is it really justified to undertake the project?
- Will the private consultants be required to register their certificate with Council for record keeping (similar to the Building Act? If so, how is this a time saver for local government and would there be an administration fee for that? Additional fee is an additional cost.
- Already it is difficult to undertake training or gain CPD points, is there really going to be enough for them to keep their certification? On that point we welcome more training opportunities.
- There is a risk in scheme interpretation of what is considered a permit trigger or not – how is this tested and resolved? It is not fair that a property owner is caught up in this at a point of enforcement.

Regards

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