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26 February 2021

Department of Justice, Tasmania
Community Consultations
Consumer, Building and Occupational Services

By email to haveyoursay@justice.tas.gov.au

**Re: SUBMISSION
No Planning Approval Required Certificates,
Department of Justice Options Paper**

Insufficient time, notice or publicity has been afforded to the reading and analysis of this Options Paper.

The Options Paper backgrounds this proposal by reference to “cutting red tape” whereas this proposal in fact adds to red tape by establishing a system of:

- Recognition of Private Planning Consultants;
- Licensing such Private Planning Consultants;
- Require insurances, establishment of qualifications and records of experience, all of such to be monitored for all time;
- Increasing the burden and need for increased resources by adding to the role and daily duties of the Controller of Building and the Administrator of Occupational Licensing in the revocation, renewal, and refusal to renewal of licences conveyed to Private Planning Consultants, and public submissions in relation thereto, including appeal rights, adjudications, counselling and superintendence, not excluding overarching Court actions and hearings ;
- Development of Information Services, advertising, promoting and marketing of a Private Planning Consultancy system, notwithstanding face-to-face consultations and information sharing with members of the public.

or policy changes, but this information has not been provided or presented to the public.

The Premier’s Economic and Social Recovery Advisory Council (PESRAC) has not taken public submissions other than obscure on-line submissions (now closed) or held public hearings. It is limited to short-term and medium-term objectives, and the proposed NO PLANNING APPROVAL REQUIRED CERTIFICATES are for permanent long-term implementation without any review or ‘sunset clauses’.

In any event, the present outcome for PESRAC is only an Interim Report, that is not conclusive, and certainly the findings and suggestions neither properly endorsed by parliament, nor the community.

Repetition of terms such as ‘red tape’, ‘significant delays’, ‘resource constraints’, ‘unnecessary delay’, ‘potential regulatory blockages or roadblocks’, are not defined, and not established, but simply proclaimed as facts, but can be found littered

throughout the Options Paper. This approach is unassessed, unjustified and without evidence. The illustration of need is non-existent or substantiated and is baldly *deemed as gospel* to be as construed fact.

A thorough investigation to *Productivity Commission Standards* is justly warranted for the changes of process this Options Paper seek to address and impose.

The reliance on consultation with the Local Government Association of Tasmania (LGAT) is unreliable because delegates to that forum do not adequately or democratically represent Local Government bodies in Tasmania or the ratepayers and residents they purport to represent.

The ‘Benefits’ and ‘Considerations’ approach adopted in the Options Paper, is neither adequate’ complete or equitable. The strength of one versus the other displays a clear bias to Benefits for the proposal and virtually grossly overlooks the cost imposts on the consumer, the proponents seeking to make a Development Application to a Local Planning Authority.

References are made to purported consultation by references to ‘relevant stakeholders’ such as Councils, Building Surveyors, Builders, and Planning Consultants, HOWEVER, within our limited time and resource constraints, we have not been able to find a Council Planner, private Building Surveyor, Builder or Architect or private Planner.....that was even aware of the Options Paper, let alone had been consulted as a stakeholder.

There is no need or justification for the creation of a ‘privatised’ certification model, because any applicant is able at present to make a formal submission to a Planning Authority for an exemption from the requirements of a planning scheme effecting a ‘No Permit’ required outcome, thereby assisting a Council in some degree to perceived administrative load. This proposal for ‘No Permit Required’ certification by Private Planning Consultants will not replace the free service provided by Planning Authorities who will still be free to query and if necessary, contest such certification if lodged with them.

The situation experienced by the Building and Construction industry with the impost of the provision of Fire Risk Assessments by private consultants and the significant costs incurred by proponents for a Development Approval. FRA’s have been imposed when a better remedy would have been for a more thorough examination of fire hazard areas and zoning adjustments made accordingly with the production of new Planning Schemes, setting aside areas that were assessed as being low or negligible hazard risk.

Allowing the Planning Institute to assess and certify the “qualifications” of a Planning Consultant to undertake certifications is extraordinarily inappropriate and unreliably hazardous. Professional membership organisations have no such role and with other like professions there are Statutory Registration Boards who examine, certify, regulate and certify professional competence, and in planning it ought not be any different.

The Options Paper erroneously assumes that Planning Permits address just *building* matters and proposals for *building or demolition projects* whereas permit are required

just concerning Change of Use of land or a place, where no building or construction works are involved.

In conclusion, it is our Association's view, that this proposal for change has negligible benefit to the industry or the community, and government's resources would derive far more benefit by assisting in the resourcing of Local Governmental Statutory Planning Authorities, if they are indeed under-resourced and struggling to acquit their duties in certifying that certain applications are 'exempt' from the requirements of their Planning Scheme or classified as 'No Permit Required' in a timely manner.

Accordingly, we support Option 3, no change.

Yours faithfully,



President

For and on behalf of

TASMANIAN RATEPAYERS ASSOCIATION INC.