



Submission

No Planning Approval Required Certificates  
Options Paper

(TAS)

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### **Who we are**

The Australian Institute of Building Surveyors (AIBS) is recognised nationally and internationally as the peak professional body representing building surveying practitioners in Australia.

### **Our Mission**

AIBS is committed to ensuring a safer Australia through continuous improvement and development of the profession of Building Surveying. The overarching objective of the Institute can best be summarised as follows:

*To achieve the highest standard of professionalism through Professional Development, such as education pathways and training, and Advocacy in representing the profession and establishing standards.*

**Australian Institute of Building Surveyors – Submission Principal Contacts**



## **Preparation**

This submission has been prepared in response to the *No Planning Approval Required Certificates* options paper released for public comment 18 January 2021.

## **Overview**

AIBS supports the government's intent around mitigating the economic and social impacts of the COVID-19 pandemic and notes that the options paper is aimed at contributing to this agenda. Facilitation of timely assessment and approval of development proposals will support a more efficient industry, reducing the costs of development to consumers and thereby supporting economic recovery.

Options One and Two are likely to attract additional liability potential to the building surveying role over and above the status quo situation of Option Three, which, if chosen, will not remove any barrier that exists to timely assessment of development proposals.

AIBS therefore recommends that a legislative change is made that requires the provision of certificates verifying that no planning approval is required can only be issued by persons holding an appropriate license to do so, and that where so issued, a building surveyor is entitled to rely on the certificate as though it has been issued by a planning authority.

## **In Detail**

Currently, to be confident that a proposal will not require a planning assessment, a request can be made with the planning authority within the relevant local Council, who, for no fee, will make an assessment and advise accordingly. That advice can be relied upon by all concerned, with the Planning Authority having full responsibility for the accuracy of their advice.

Our understanding is that in most instances, such advice is available without undue delay. The need for change is therefore not understood. However, in the absence of data that would allow comment on this point, AIBS notes that, of the suggested options, Option Two is preferred over Option One, although AIBS is not able to provide support for either option One or Two.

Options One and Two differ only to the extent that they require a building surveyor to turn their minds to the qualifications and other particulars of any certificates provided pursuant to the Director's Determination – Certificates by Qualified Persons for an assessable item.

The very fact that the building surveyor has to consider the merits of any aspect of a certificate provided creates a reasonable expectation that the building surveyor should have a degree of responsibility for the information provided by that means. This would be a retrograde step from the current situation as additional liability could accrue to the building surveyor than is currently the case.

Option Three retains the existing potential or actual barriers to timely application assessment and authorisation of construction to commence without any implications for the liability potential of building surveyors.

Option Two requires private planning consultants to become licensed so that their suitability as a person fit to provide a certificate of no planning approval required can more readily be established. In this Option, a building surveyor will still need to make a judgement about other aspects of the certificate in order that the acceptance of the certificate can be taken to have occurred in good faith.

AIBS is therefore also unable to support Option Two, as it does not absolve the building surveyor of all responsibility in reliance on such a certificate as is available within the current arrangements.

**In closing**

AIBS is committed to working with government, industry and key stakeholders to continually improve the building regulatory system throughout Australia.

Please contact us for any clarification or further information that may assist.