

# Certificates of 'No Planning Approval Required'

Issued under the *Building Act 2016*

From 1 January 2022 changes made to two determinations came into effect. These changes facilitate the provision of a new certificate which may be issued by a person licensed as a Planning Consultant under the *Occupational Licensing Act 2005*, and relied upon under the *Building Act 2016*.

## Background

During 2020 the Tasmanian Government introduced a range of regulatory reforms to tighten the permit and approvals processes within local government and for other network utility operators.

In addition to legislative changes, some non-legislative reforms were identified to streamline permit and approval processes. One such non-legislative change was for 'No Planning Approval Required' certificates.

This reform was proposed in the Premier's Economic and Social Recovery Advisory Council (PESRAC) Interim Report of July 2020. The Interim Report provided an overview of the economic and social impacts of COVID-19 and outlined the Council's recommendations concerning the recovery journey and immediate priorities.

## What has changed?

Following a two-stage consultation process during 2021, changes have been made to two determinations to facilitate certificates of 'no planning approval required' (NPAR).

The certificates of NPAR provide an optional pathway to demonstrate to a building surveyor that the proposed building work does not require consent from the council as planning authority, as the work is exempt or 'no permit required'.

These changes now mean that a building surveyor may rely, under section 321 of the *Building Act 2016*, on a certificate issued by a person licensed as a planning consultant under the *Occupational Licensing Act 2005*.

Reliance on a certificate of no planning approval required issued by a planning

consultant satisfies an obligation on the building surveyor to take into account other permits and consents required, as set out at sections 98(1)(e) and 132(1)(c) of the *Building Act 2016*.

The certificate issued by a planning consultant must be in the approved form, which is the Certificate of Qualified Person – Assessable Item ([Form 55](#)).

The purpose of NPAR certificates is solely for the benefit of the processes set out in the *Building Act 2016* and does not remove any obligation or duty on any person under the *Land Use Planning and Approvals Act 1993*.

## **Building Services Work Determination**

The [Occupational Licensing \(Building Services Work\) Determination](#) is the document which, under the *Occupational Licensing Act 2005*, establishes the requirements for the licensing of building services providers.

This includes the minimum qualifications, experience and insurance that each prospective licence holder must attain prior to being granted a licence.

This Determination has been amended to include a new class of building services provider: a Planning Consultant.

## **Certificates by Qualified Persons Determination**

The [Director's Determination – Certificates by Qualified Persons for an Assessable Item](#) is the document which sets out the required expertise and qualifications of people who may provide a certificate for an assessable item under section 321 of the *Building Act 2016*.

This Determination has been amended to include a NPAR certificate type, issued by a planning consultant who is licensed as a building services provider.

# **Frequently Asked Questions**

Below are some of the frequently asked questions relating to certificates for NPAR.

### **Q. Isn't this change increasing cost and red tape for homeowners and developers?**

A. These amendments do not provide for any mandatory obligation on homeowners or developers. The certificate of NPAR is an optional alternative pathway that may provide a more timely assessment and certification that the work doesn't require approval from the council as planning authority.

Owners may still seek this service from the relevant council if they would rather do so.

### **Q. Can councils continue to provide this service?**

A. Yes. Councils may continue to provide this service without any change to current arrangements.

### **Q. Will the council need to hold a licence to issue a statement confirming NPAR for the building surveyor to rely on?**

A. No, the council as planning authority continues to perform its functions unchanged. This includes the provision of advice relating to proposed development which does not require planning approval.

### **Q. What happens if the licensed planning consultant gets it wrong?**

A. If a planning consultant provides a NPAR certificate which wrongly states that the work does not require planning consent, the relevant council, as planning authority, is to carry out enforcement activities as is normally the case.

**Q. Can the NPAR certificates only be provided for residential building work?**

A. No, a NPAR certificate can be issued in respect of any proposed work that is assessed and does not require planning approval. This may include for minor commercial building work.

**Contact**

If you have questions regarding this info sheet or the NPAR certificates process, contact Consumer, Building and Occupational Services on the details provided below.

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