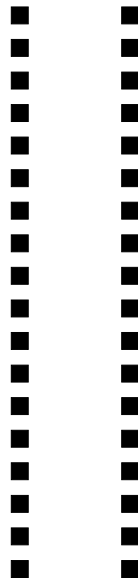


Leading Practice Model of Development Assessment Processes

FINAL REPORT
to the
Development Assessment Forum



**The DAF Model of
Development Assessment:
Leveraging the Long-Term**

VOLUME 2



Centre for Developing Cities
University of Canberra
Canberra ACT 2601

August 2003

CONTENTS

Application		page
3.1 Collecting and analysing contextual data		
3.1.01	Initiate the preparation of the application	Application initiation 4
3.1.02	Analyse site and context	Site and context 5
3.1.03	Analyse the market for the project	Market analysis 6
3.1.04	Analyse issues and their management	Issues analysis 7
3.2 Collecting and analysing regulatory information		
3.2.01	Access the decision support system	DSS loaded 8
3.2.02	Identify assessment criteria, assessors and processes	Criteria and assessors 9
3.2.03	Analyse project categorisation	Category analysis 10
3.2.04	Analyse assessment criteria	Criteria analysis 11
3.2.05	Analyse application and assessment decision paths	Decision path analysis 12
3.2.06	Analyse consultation requirements	Consultation analysis 13
3.2.07	Develop application and communication strategies	Application communication 14
3.3 Designing and writing the project application		
3.3.01	Finalise application	Application finalised 15
3.3.02	Agreement to apply by landlord	Landlord's agreement 16
3.3.03	Agreement to apply by owners' joint body	Owners' body agreement 17
3.3.04	Acknowledgment by owner	Owner's acknowledgment 18
3.3.05	Submit application	Application submission 19
3.3.06	Pay fees	Fees paid 20
3.4 Researching and writing the impact statement		
3.4.01	Research the impact of the project	Impact researched 21
3.4.02	Write impact statement	Impact statement written 22
3.4.03	Submit impact statement	Impact statement submitted 23
3.5 Citizens responding to the proposed project		
3.5.01	Analyse project application	Application analysed 24
3.5.02	Prepare response to the project	Application response 25
3.5.03	Communicate response to the project	Response communicated 26
3.6 Applicant and/or citizen responding to assessment		
3.6.01	Analyse decision or determination	Decision analysed 27
3.6.02	Prepare response to decision or determination	Decision response 28
3.6.03	Communicate response to decision or determination	Decision response conveyed 29
Assessment		
4.1 During the preparation of the project application		
4.1.01	Provide details of assessment criteria and processes	Information provision 30
4.1.02	Provide advice and interpretation on request	Advice provision 31
4.1.03	Apply the decision support system to the project	DSS applied 32
4.2 Receiving the application/impact statement		
4.2.01	Establish validity	Validity 33
4.2.02	Receive and receipt fees	Fees received 34
4.2.03	Acknowledge application/statement	Application acknowledged 35
4.3 Organising and assembling inputs to assessment		
4.3.01	Categorise project and assign to track	Categorisation 36
4.3.02	Set levels and guidelines for impact statement	IS levels and guidelines 37
4.3.03	Refer to assessors and advice authorities	Advice authorities 38
4.3.04	Advise applicant	Applicant advised 39
4.3.05	Track and report progress	Progress tracked 40
4.4 Analysing and evaluating the project application		
4.4.01	Receive, analyse and report on citizen submissions	Application submissions 41
4.4.02	Assess project against criteria	Assessment 42
4.4.03	Make impact assessment	Impact assessment 43
4.4.04	Write report including recommended determination	Report written 44
4.4.05	Write composite report & recommended determination	Composite report written 45
4.4.06	Make recommendation	Recommendation 46
4.4.07	Make public the report and recommendation	Disclosure 47
4.4.08	Change the assessment authority	Authority substitution 48
4.5 Determining the project application		
4.5.01	Make internal determination	Internal determination 49
4.5.02	Hold independent expert hearing	Hearing 50
4.5.03	Make independent expert determination	Independent determination 51
4.5.04	Exercise jurisdictional call-in	Call-in 52
4.5.05	Make jurisdictional determination	Jurisdiction determination 53
4.5.06	Communicate decision or determination	Determination communicated 54

Review

5.1 Clarification of determination			
5.1.01	Correct administrative errors in the determination	Error correction	55
5.1.02	Provide advice and interpretation on the determination	Post-decision advice	56
5.1.03	Mediate between parties	Post-decision mediation	57
5.2 First level merit review of decision/determination			
5.2.01	Reconsider decision on request	Reconsideration	58
5.2.02	Conduct review within assessment authority	Internal review	59
5.2.03	Conduct independent review for assessment authority	Local independent review	60
5.3 Higher level merit review of decision/determination			
5.3.01	Conduct state level review by documents	State review - documents	61
5.3.02	Conduct state level review by conference	State review - conference	62
5.3.03	Conduct state level review by hearing	State review - hearing	63
5.4 Legal review of actions and decisions			
5.4.01	Conduct legal review	Judicial review	64

Consultation

6.1 Letting people know about a proposed project			
6.1.01	Issue a notice of a project	Notice	65
6.1.02	Notify those likely to be materially affected	Notification	66
6.1.03	Advertise the project	Advertisement	67
6.2 Discussing a proposed project			
6.2.01	Inform local citizens' committee	Local committee	68
6.2.02	Hold a public meeting	Public meeting	69
6.2.03	Conduct pre-determination mediation	Pre-decision mediation	70

Enforcement

7.1 Detecting damage and contraventions			
7.1.01	Inspect and report on development and operations	Inspections	71
7.1.02	Audit private certifiers	Private certificate audits	72
7.2 Taking corrective action			
7.2.01	Serve a penalty notice	Penalty notice	73
7.2.02	Serve an order to carry out or stop an activity	Order	74
7.2.03	Seek an injunction	Injunction	75
7.2.04	Seek civil enforcement	Civil enforcement	76
7.2.05	Prosecute an offence	Prosecution	77
7.2.06	Make a legal appeal to a higher court	Legal appeal	78

Evaluation

8.1 Monitoring system performance			
8.1.01	Maintain records	Records	79
8.1.02	Monitor and report performance	Reporting	80
8.2 Evaluating and improving system performance			
8.2.01	Report lessons to other decision makers	Feedback	81
8.2.02	Undertake research	Research	82
8.2.03	Carry out review	Periodic review	83

Application initiation

3.1.01 Initiate the preparation of the application

Process

Once the project and the site have been approved by the proponent a decision is made to commit resources to application processes and to establish lines of authority for research and design, and for negotiation with the assessment authorities and citizens as appropriate.

Objective

To formally commit to the task of preparing, testing and submitting a valid proposal to gain approval through the development assessment system.

Principles

- 1 The better the proponent understands development assessment the more effective and efficient the application processes.
- 2 The proponent's application manager requires authority, resources and skills appropriate to the scale/impact of the project.

Tests

Effectiveness: Contingencies and risks anticipated; authority and resources available when required.
Transparency: Relevant information goes to all needing to know.
Efficiency: Consistency with the proponent's existing organisational arrangements.

Performance, skills and research

1 Managing application processes requires advanced knowledge and skills for which information, education, training and professional development need to be expanded and used to a greater degree by industry.

When digital...

Access to the decision support system will make the requirements and risks of application processes transparent.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: Initiating the preparation of the application triggers the proponent's monitoring and evaluation processes.

Resource: Industry bodies and state/territory agencies produce guides for project proponents, such as Australian Business, Making the NSW planning system work for you. [1999], Australian Business Ltd: Sydney and Western Australia. Department of Environmental Protection, Environmental impact assessment: how to make a submission. 1995, Perth, WA: Department of Environmental Protection.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

Site and context

3.1.02 Analyse site and context

Process

- 1 The project proponent (a) analyses the site's legal, physical and economic condition, (b) identifies the past and present ecological characteristics of the site, (c) analyses the immediate and wider context of the site and (d) prepares any statement of significance for the Aboriginal, historic and natural heritage of the place.
 - 2 The project proponent uses the findings to maximise the value of the project while maximising positive impacts and minimising negative impacts for a given project.
-

Objective

To understand the opportunities and constraints of the place, the ways these shape the project's impacts, their value to the neighbours and others affected by the project, and their contribution to sustainable development.

Principles

- 1 Each site is different and must be analysed and modified with skill.
- 2 Impacts are both positive and negative, and depend on both the design of the project and the resources of the surroundings.

Tests

Effectiveness: All relevant aspects of the site and context are known when the application is submitted.

Transparency: Data and sources are listed.

Efficiency: No more than the necessary and sufficient information is collected.

Performance, skills and research

Necessary skills may include urban and resource planning; landscape, urban and architectural design; regional, economic, social and cultural analysis; engineering; ecology; and commitment to the Burra and Australian Natural Heritage charters.

When digital...

Increasingly large amounts of relevant data are available in land information systems and from research into development. Digital processes will relate this information to each site.

Project: n/a

Criteria: A primary objective of the criteria is to encourage development which relates to, reinforces and builds on the values of the site and the neighbourhood/district/region.

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: Local knowledge may have much to contribute to the analysis.

Evaluation: Post-completion evaluation of the project confirms and/or disproves the results of the analysis.

Resource:

Does this process apply to track?					
Exempt No	Prohibited No	Self Context	Code Context	Merit Yes	Impact Yes

Market analysis

3.1.03 Analyse the market for the project

Process

- 1 The project proponent identifies products, markets, timing, costs and returns, so as to maximise the value of the completed project for a given level of risk.
- 2 The project proponent may engage with the community to achieve these aims - see also 6.2.01 Local committee and 6.2.02 Public meeting.
- 3 The project proponent may draw on these findings during application design, during 3.2.07 Application communication, and during negotiations over costs and developer contributions (see 3.2.03 Criteria analysis).

Objective

To predict the risks, costs and market value of several possible variants of the completed project.

Principles

- 1 Investment in development is fixed in space, taking from and giving to its surroundings: the value of the completed project needs to be carefully estimated.
- 2 Economic appraisal continues through the design and assessment processes.

Tests

Effectiveness: Values (and/or sales) match predictions.

Transparency: Data and sources are listed.

Efficiency: No more than the necessary and sufficient market analysis is carried out.

Performance, skills and research

This process overlaps 3.1.04 Issues analysis and depending on the project may require skills in market research, spatial analysis and land economics, and knowledge of similar projects.

When digital...

Land information systems, and tomorrow's digital development assessment, will help identify similar products and markets for comparison (for example, recently completed projects for which sales information may be available.)

Project: n/a

Criteria: Criteria place limits around the possible products and their markets, and more or less deliberately guide proponents to both.

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: Local knowledge is generally essential for market analysis.

Evaluation: Post-completion evaluation of the project confirms and/or disproves the results of the analysis of the market for the project.

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	Context	Context	Yes	Yes

Issues analysis

3.1.04 Analyse issues and their management

Process

- 1 The project proponent draws on the findings of 3.1.02 Site and context and 3.1.03 Market analysis to identify matters likely to affect stakeholders positively and negatively, to understand their points of view and to anticipate the information and communication processes which may best address their concerns.
- 2 The project proponent may engage with the community to achieve these aims - see also 6.2.01 Local committee and 6.2.02 Public meeting.

Objective

To (a) identify the benefits of the project and (b) predict the issues over which there may be dispute so that data, arguments and communication processes can be used to reach agreement or settlement effectively and efficiently.

Principles

Since development materially affects stakeholders in many ways, alters the value of assets in the surroundings and raises issues of policy and principle, debate and attempts to influence the opinions of decision makers are both likely and desirable.

Tests

Effectiveness: Issues and disputes anticipated; data and arguments well targeted and timely.

Transparency: The data and arguments are accurate, complete, honest and public.

Efficiency: Only necessary and sufficient information is collected.

Performance, skills and research

This process overlaps 3.1.03 Market analysis and requires both technical skills and a level of detachment that allows multiple perspectives to be understood and appreciated.

When digital...

Land information systems, and tomorrow's digital development assessment, capture data related to previous projects including citizen submissions and the decisions and reasons of the assessment authorities.

Project: n/a

Criteria: The project may call into question the effect and objectives of the criteria leading to calls for a change in the criteria.

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: Local and expert knowledge may be a significant component of the analysis of the environmental values of the place.

Evaluation: Post-completion evaluation of the project measures the degree to which issues were anticipated and the way they were managed.

Resource: The most up to date and comprehensive resource for community engagement is at www.iplan.nsw.gov.au/engagement.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	Context	Context	Yes	Yes

DSS loaded

3.2.01 Access the decision support system

Process

In digital development assessment, accessing and downloading the statutory document/decision support system links the project proponent's computers to criteria, information sources, assessment processes and communication systems operating in the computers of the assessment authority and other agencies.

Objective

To employ in the preparation of the application the same decision support system which will be used by the assessors in assessing the application.

Principles

In digital development assessment, publication of criteria on CDs and websites, electronic lodgement, exhibition of proposals and assessments, lodging submissions, tracking and advice are incorporated in a single spatial decision support system.

Tests

Effectiveness: Digital development assessment can deliver a quantum leap in effectiveness.

Transparency: Digital development assessment makes information accessible.

Efficiency: Digital development assessment reduces routine administrative tasks.

Performance, skills and research

Digital development assessment links the computers of project proponents, assessors, administrative agencies, stakeholders and citizens; for proponents, access to these resources makes possible major improvements in the design of the application.

When digital...

Researching, designing and developing digital development assessment must be a collaborative activity involving all stakeholders and all jurisdictions.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: The downloaded decision support system is the system used by assessors to evaluate the project; see 4.1.03 DSS applied.

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: The downloaded decision support system assists the project proponent in implementing their internal monitoring and evaluation processes.

Resource: Digital development assessment requires new applications of geographic/land information systems integrated with administrative processes. The ACT, Ipswich Council and Penrith Council - amongst many others - are making innovative use of GIS technology and web interfaces; both the latter have received Australian local government awards.

Does this process apply to track?						
Exempt	Prohibited	Self	Code	Merit	Impact	
No	Yes	Yes	Yes	Yes	Yes	

Criteria and assessors

3.2.02 Identify assessment criteria, assessors and processes

Process

The project proponent accesses relevant policy, regulatory and explanatory documents and websites, makes contact with assessors in the assessment authority and in any other agency likely to be involved in the assessment of the project, and documents the assessors and the precise assessment criteria and processes to be applied to the project.

Objective

To access information about development assessment, seek advice, establish a relationship and/or negotiate an agreement.

Principles

The project proponent needs to know (a) the assessment authority's objectives and (b) the strategic environment of development assessment for the project.

Tests

Effectiveness: All relevant criteria are known at the time of submitting the application.

Transparency: The same information is available to all proponents and citizens.

Efficiency: Access to the information is easy and inexpensive.

Performance, skills and research

This process is performed by experts and is suitable for certification/private sector involvement.

When digital...

With digital development assessment the decision support system gives access to complete assessment information and past transactions, related to each and all land parcels.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: This initiates 4.1.02 Advice provision and 4.1.03 DSS applied.

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: Information sought or needed by project proponents should be monitored by 8.1.01 Records, reported by 8.1.02 Reporting and researched by 8.2.02 Research as an indicator of (a) inadequacies of assessment information and (b) emerging issues and strategic directions.

Resource: Many guides and information brochures are produced by all levels of government and by other stakeholders - necessary measures at least until digital development assessment provides access to complete information and past transactions, related to each and all land parcels.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
Yes	Yes	Yes	Yes	Yes	Yes

Category analysis

3.2.03 Analyse project categorisation

Process

The project proponent analyses the criteria which determine the assessment category of the project and thus the track to be followed through the processes: for projects on the margin between categories there is a choice between simpler processes or a more ambitious project.

Objective

To understand how the assessment categories impinge on the options for implementing the project.

Principles

The category determines the criteria applicable to the project.

Tests

Effectiveness: The implications of the categories are known and understood.

Transparency: This information is readily and publicly available.

Efficiency: Only the necessary and sufficient information is consulted.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
Yes	Yes	Yes	Yes	Yes	Yes

Criteria analysis

3.2.04 Analyse assessment criteria

Process

The project proponent analyses the criteria by which the project is to be assessed, so as to take advantage of the most favourable provisions and to understand potential trade-offs and negotiated compromises.

Objective

To understand how the criteria impinge on the options for implementing the project and to estimate the costs of approval and development, including developer contributions.

Principles

The most advantageous form of the project is the best combination of elements which are permitted by the criteria.

Tests

Effectiveness: The assessment criteria are known and understood.

Transparency: This information is readily and publicly available.

Efficiency: Only the necessary and sufficient information is consulted.

Performance, skills and research

n/a

When digital...

With digital development assessment the decision support system gives access to complete information and past transactions, related to each and all land parcels.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: Many guides and information brochures are produced by all levels of government and by other stakeholders - necessary measures at least until digital development assessment provides access to complete information and past transactions, related to each and all land parcels.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Yes	Yes	Yes	Yes

Decision path analysis

3.2.05 Analyse application and assessment decision paths

Process

The project proponent analyses the path to be taken in preparing a valid and successful application, to guide the allocation of resources, to maximise the effectiveness of those resources and to identify decision points.

Objective

To understand the impact on the options for implementing the project of the decision paths which must be followed by the project proponent and the assessment and advice authorities.

Principles

The decisions made by different assessors at different stages in the process may influence the possible or likely determination of the project.

Tests

Effectiveness: The decision paths are known and understood.

Transparency: This information is readily and publicly available.

Efficiency: Only the necessary and sufficient information is consulted.

Performance, skills and research

Skills may be in-house or outsourced; opportunity for certification/private sector involvement.

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Yes	Yes

Consultation analysis

3.2.06 Analyse consultation requirements

Process

- 1 The project proponent analyses the expectations and statutory requirements for consultation.
- 2 Where the requirements involve 6.1.01 Notice, 6.1.02 Notification, 6.1.03 Advertisement and/or 6.2.01 Local committee the project proponent may use constructive community engagement for market and issues research and for marketing.

Objective

To understand the impact on the options for implementing the project of any different consultation processes which may need to be followed.

Principles

Criteria require specific consultation processes for different categories of project and different stages of assessment.

Tests

- Effectiveness: Consultation requirements are anticipated.
- Transparency: Consultation requirements are readily and publicly available.
- Efficiency: Consultation requirements are met using no more than the essential time and/or resources.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: links

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Yes	Yes

Application communication

3.2.07 Develop application and communication strategies

Process

Based on analyses the project proponent develops flexible strategies for (a) completing and presenting the application and (b) communicating with stakeholders and citizens -- in ways which best convey the project's compliance with criteria, its consistency with policy and its contribution to the neighbourhood/district/region.

Objective

To plan the design and presentation of the application for effective and efficient communication with stakeholders and effective and efficient assessment.

Principles

- 1 The project proponent is responsible for informing stakeholders about the project.
- 2 The timing and manner of presenting the application and communicating with stakeholders may influence the project's possible or likely assessment.

Tests

Effectiveness: The strategies produce the desired results.

Transparency: The strategies are known to the project proponent's application team.

Efficiency: The desired results are achieved using no more than the intended time and/or resources.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Yes	Yes

Application finalised

3.3.01 Finalise application

Process

Through its internal decision making processes, the project proponent (a) considers the design of the project (to meet business objectives within the context of public policies and criteria) and the conclusions from analyses; (b) decides on the specific development proposals or options to be included in the application; and (c) approves the application for submission to the assessment authority.

Objective

To understand all of the issues and options for the content and style of the application, to decide the best approach and to formally approve the application for submission to the assessment authority.

Principles

The project proponent's choice of the final form for the application is based on comprehensive strategic information about options and strategies.

Tests

Effectiveness: Implications for application content are fully reported to the project proponent's decision makers.

Transparency: Relevant information goes to all needing to know.

Efficiency: Only necessary and sufficient information is reported.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Context	Context	Yes	Yes	Yes

Landlord's agreement

3.3.02 Agreement to apply by landlord

Process

The landowner receives, assesses and determines development proposals (a) before execution if the development is exempt or otherwise (b) before submission of the application to the assessment authority.

Objective

To ensure that development carried out by tenants has beneficial impacts on the whole complex.

Principles

The value of the complex depends on the contribution of each lease to the whole.

Tests

Effectiveness: The landowner's approval obviates some or all development assessment.

Transparency: The interposed approval process is well understood from the beginning.

Efficiency: There is minimal duplication of approval processes.

Performance, skills and research

If the owner of an estate or complex has development assessment processes with the effectiveness, transparency and efficiency of the assessment authority the latter should delegate or otherwise respect the outcome; duplication should be avoided.

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: Both parties - owner and proponent - ensure that their rights and expectations are readily enforceable.

Consultation: n/a

Evaluation: n/a

Resource: Certain forms of public-owner assessment processes, but not all, have been integrated in South Australia and Queensland.

Does this process apply to track?					
Exempt Context	Prohibited Context	Self Context	Code Context	Merit Context	Impact Context

Owners' body agreement

3.3.03 Agreement to apply by owners' joint body

Process

The joint body receives, assesses and determines development proposals before (a) execution if the development is exempt or otherwise (b) submission to the assessment authority.

Objective

To ensure that development carried out by individual owners has beneficial impacts on the whole complex.

Principles

The value of the complex depends on the contribution of each unit to the whole and requires an internal approval process.

Tests

Effectiveness: Changes to individual properties in the complex benefit all.

Transparency: The interposed approval process is well understood from the beginning.

Efficiency: There is minimal duplication between internal and external assessment.

Performance, skills and research

If an 'intermediate assessment authority' has development assessment processes with the effectiveness, transparency and efficiency of the assessment authority the latter should delegate or otherwise respect the outcome; duplication should be avoided.

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
Context	Context	Context	Context	Context	Context

Owner's acknowledgment

3.3.04 Acknowledgment by owner

Process

The owner certifies that the application is being submitted with the owner's knowledge.

Objective

To demonstrate to the assessment authority that the application is being submitted with the owner's knowledge.

Principles

While markets might benefit from a third party testing development potential of a site, any approvals run with the land and are available to any purchaser, so must be obtained with the knowledge of the current owner.

Tests

Effectiveness: The owner is informed of the application.

Transparency: The owner understands that decisions of the assessment authority run with the land.

Efficiency: The owner is readily identified and is in a position to certify the application.

Performance, skills and research

When digital...

Electronic signatures or other forms of identification of the owner will be part of the submission process.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: The presence of the owner's acknowledgment is required for 4.2.01 Validity.

Review: n/a

Enforcement: Both parties - owner and applicant - ensure that their rights and expectations are readily enforceable.

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

Application submission

3.3.05 Submit application

Process

The project proponent (a) completes a form which identifies the applicant, the site, the owner and the nature of the project, (b) attaches maps, plans, drawings and/or statements and reports describing the project in the required detail and (c) delivers or submits it to the assessment authority or its agent.

Objective

To conclude the initial application processes.

Principles

The submission of the application 'opens the account', 'starts the clock' and initiates the assessment processes; management passes from the project proponent to the assessor.

Tests

Effectiveness: Formalities are completed correctly and assessment processes begin.

Transparency: Information about the application and its submission is publicly available.

Efficiency: Submission can be made in many ways (by hand, on line...).

Performance, skills and research

The Development Assessment Forum is developing protocols and standards for the contents and format of an electronic application form supporting data interchange between all assessors.

When digital...

1 Electronic ID and verification supports digital submissions.

2 Lodgement, tracking and reporting are going digital. Achieving real digital development assessment requires collaborative R&D involving all stakeholders and all jurisdictions.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: The concurrent process is 4.2.01 Validity.

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: In South Australia, ACT (and some states and councils) survey plans for land division, etc, are submitted and processed electronically. Most development applications in Singapore are submitted and processed electronically, using a single set of software applications; Hong Kong, however, skips this stage until assessment is fully digital.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

Fees paid

3.3.06 Pay fees

Process

The project proponent delivers a cheque with the application, or submits account details and transfer authority with a digital application form.

Objective

To pay to the assessment authority the fees for submitting an application.

Principles

Fees scales are related to project value. They are justified (a) on the basis of meeting in part the assessor's costs and (b) (tacitly) on the basis of ability to pay and keeping the fee for small projects low; fees also deter frivolous applications.

Tests

Effectiveness: Formalities are completed correctly and assessment processes begin.

Transparency: The project costs on which the fees are based are accurate and honest.

Efficiency: Fees can be paid in many ways (by hand, on line...).

Performance, skills and research

Even if fees are calculated following categorisation and/or assignment to different assessment tracks, they are estimated and paid with the application, and later adjusted if necessary.

When digital...

Electronic funds transfer, and distribution of the funds to multiple accounts, will be a routine component of digital development assessment.

Project: n/a

Criteria: Fee scales are one component of the criteria, a single schedule applying throughout a state/territory with regional differences built in.

Application: n/a

Assessment: The concurrent process is 4.2.02 Fees received. Fees may depend on the category of the project and the assessment track, and may change if these parameters change.

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: At Penrith, for example, electronic payment of fees requires prior registration.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

Impact researched

3.4.01 Research the impact of the project

Process

In accordance with any instructions issued by the assessment authority at 4.3.02 IS levels and guidelines, carry out studies (a) to describe the existing situation which will be subject to the effects of the project and (b) to estimate those effects and predict their impact.

Objective

To estimate the impacts of any positive or negative effects (arising from or mitigated by the planning, design, construction or operation of the project) on urban and regional amenity and on environmental, social and economic values.

Principles

- 1 Criteria may prescribe (a) maximum levels of impact only ascertained by studying the actual site and the specific project or (b) tests which can only be applied case by case.
- 2 The assessment authority needs this information to assess the project.

Tests

Effectiveness: The resulting impact statement is credible and reliable.

Transparency: The sources of evidence and information are stated.

Efficiency: Only impacts relevant to the criteria are investigated.

Performance, skills and research

Researching the impact of the project requires highly specialised skills possibly including expertise in urban design and heritage and the environmental, social and economic sciences.

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: The impact statement is prepared in accordance with guidelines issued by 4.3.02 IS levels and guidelines.

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?						
Exempt	Prohibited	Self	Code	Merit	Impact	
No	No	No	No	No	Yes	

Impact statement written

3.4.02 Write impact statement

Process

In accordance with any instructions issued by the assessment authority at 4.3.02 IS levels and guidelines, one or more independent experts report on the findings of research to predict the impact of the project.

Objective

To summarise predictions of the impact of the project and to present the evidence for those predictions.

Principles

The credibility of the impact statement is a function of the credibility of the author and the author's independence from the project proponent.

Tests

Effectiveness: The response captures and explains all relevant impacts.

Transparency: All evidence and information sources are listed.

Efficiency: Necessary and sufficient information is included.

Performance, skills and research

Interpreting the results of research into impact and relating impact to criteria requires highly specialised skills possibly including expertise in urban design and heritage and the environmental, social and economic sciences.

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: To estimate the impacts of any positive or negative effects (arising from or mitigated by the planning, design, construction or operation of the project) on urban and regional amenity and on environmental, social and economic values.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	No	Yes

Impact statement submitted

3.4.03 Submit impact statement

Process

The project proponent submits an impact statement to the assessment authority.

Objective

To enable the assessment authority to assess the impact statement.

Principles

The assessment authority assesses the quality and credibility of the impact statement and on that basis assesses the impact of the project.

Tests

Effectiveness: The assessor completes the assessment of impact.

Transparency: Information on the statement and its submission is publicly available.

Efficiency: The impact statement can be assessed at the time it is submitted.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: This leads to 4.4.03 Impact assessment.

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	No	Yes

Application analysis

3.5.01 Analyse project application

Process

Citizens and other stakeholders analyse the proposed project to understand its effects on matters they value.

Objective

To estimate the effects (arising from the planning, design, construction or operation of the project) on urban and regional amenity and on environmental, social and economic matters of value to the those responding to the project.

Principles

- 1 All projects have positive and negative effects beyond the site.
- 2 Independent analysis of effects assists the assessment of the project.
- 3 Significant resources are required to analyse the effects of a proposed project and to prepare a response.

Tests

Effectiveness: All effects that matter are predicted.

Transparency: Accurate information is available to enable the project's effects to be predicted.

Efficiency: Necessary and sufficient information is readily available.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: This process may follow 6.1.01 Notice, 6.1.02 Notification and 6.1.03 Advertisement.

Evaluation: n/a

Resource: n/a

Does this process apply to track?						
Exempt	Prohibited	Self	Code	Merit	Impact	
No	No	No	No	Context	Context	

Application response

3.5.02 Prepare response to the project

Process

Citizens and other stakeholders prepare a submission to the assessment authority on the effects of the proposed project on matters of value.

Objective

To present information to the assessment authority to enable the project to be accurately assessed against criteria addressing its effects on urban and regional amenity and on environmental, social and economic values.

Principles

- 1 All projects have positive and negative effects beyond the site.
- 2 Independent analysis of effects assists the assessment of the project.
- 3 Significant resources are required to analyse the effects of a proposed project and to prepare a response.

Tests

Effectiveness: The response captures and explains all relevant effects.

Transparency: All evidence and information sources are listed.

Efficiency: Necessary and sufficient information is included.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?						
Exempt No	Prohibited No	Self No	Code No	Merit Context	Impact Context	

Response communicated

3.5.03 Communicate response to the project

Process

A submission describing the effects of the proposed project on matters of value is submitted to the assessment authority for consideration during the assessment of the project.

Objective

To ensure that in the assessment of a proposed project takes full account of its effects on matters of value.

Principles

- 1 All projects have positive and negative effects beyond the site.
- 2 Independent analysis of effects assists the assessment of the project.

Tests

Effectiveness: All relevant predicted effects are considered in assessing a project.

Transparency: The submission is readily available to all stakeholders and made public.

Efficiency: The submission is made at the right time on the decision path.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: The submission is considered by the assessor at 4.4.01 Application submissions.

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: Matters submitted by citizens as being crucial to the assessment of projects are possible indicators of policy gaps, deficiencies in criteria, and emerging issues.

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Context	Context

Decision analysed

3.6.01 Analyse decision or determination

Process

The project proponent and citizens examine a decision or determination of the assessment authority and analyse its implications.

Objective

To understand the decision or determination and its implications.

Principles

- 1 Decisions fix the way a project is assessed and determinations fix its positive and negative effects.
- 2 Independent analysis of decisions contributes to better decision making.
- 3 Significant resources may be required to contest a decision.

Tests

Effectiveness: Relevant implications of the decision are accurately described.

Transparency: Accurate information is available to understand the implications of the decision.

Efficiency: Necessary and sufficient information is readily available.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: This process follows a decision or determination which is reviewable.

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Context	Context

Decision response

3.6.02 Prepare response to decision or determination

Process

Citizens and other stakeholders prepare a case that the decision/determination of the assessment authority (a) misunderstood or ignored facts, (b) overlooked, failed to apply or misinterpreted criteria and/or wrongly estimated or interpreted the effects of the project.

Objective

To prepare a case for varying or overturning a decision or determination.

Principles

- 1 Decisions/determinations with significant effects on others are reviewable.
- 2 Stakeholders contesting a decision/determination contribute to better decision making.
- 3 Significant resources may be required to contest a decision/determination.

Tests

Effectiveness: The arguments in the response are persuasive.

Transparency: All arguments and counter arguments are readily available and public.

Efficiency: Necessary and sufficient information is presented to persuade a decision maker.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Context	Context

Decision response conveyed

3.6.03 Communicate response to decision or determination

Process

A submission arguing a case for the variation or reversal of a decision or determination is submitted to those carrying out a reconsideration or review.

Objective

To persuade a decision maker to vary or overturn a decision or determination.

Principles

- 1 Decisions/determinations with significant effects on others are reviewable.
- 2 Stakeholders contesting a decision/determination contribute to better decision making.
- 3 Significant resources may be required to contest a decision/determination.

Tests

Effectiveness: The case against the decision is upheld.

Transparency: All arguments and counter arguments are readily available and public.

Efficiency: No more than the necessary and sufficient information is presented to make the argument.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: This leads to one or more of the processes 5.2.01 Reconsideration, 5.2.02 Internal review, 5.2.03 Local independent review, 5.3.01 State review - documents, 5.3.02 State review - conference and 5.3.03 State review - hearing.

Enforcement: n/a

Consultation: n/a

Evaluation: Matters submitted by citizens in response to decisions are possible indicators of policy gaps, deficiencies in criteria, and emerging issues.

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Context	Context

Information provision

4.1.01 Provide details of assessment criteria and processes

Process

- 1 The assessment and advice authorities invite - and in projects with greater potential impacts, require - proponents to participate in formal consultations where assessors provide information and advice, answer questions, and create an agreed record of issues and responses.
- 2 The assessor and proponent agree on a precise, succinct, technical description of the project.
- 3 The assessment authority starts the record of the project if it has not already been started by 4.1.02 Advice provision.

Objective

To convey comprehensive information to the project proponent - strategies, policies, criteria, development assessment processes - and to assist in their interpretation through information on the assessment history of the site and surroundings.

Principles

- 1 Pre-submission discussions and negotiations can improve the quality of both applications and assessment.
- 2 Development assessment is a communication process between proponent and policy maker.

Tests

Effectiveness: The application accords with policies, criteria and administrative requirements.

Transparency: All information provided is publicly available and recorded.

Efficiency: Necessary and sufficient information is conveyed and understood.

Performance, skills and research

Information and advice is given in ways which maintain a clear separation of roles between proponent, assessor, policy maker and decision maker; probity is ensured by having more than one official involved and by good record keeping.

When digital...

With digital development assessment the decision support system gives access to complete information and past transactions, related to each land parcel.

Criteria: n/a

Application: From the project proponent's viewpoint this is an assessment process during the preparation of the application; for the assessor this is 'pre-DA', 'pre-lodgement' or 'pre-application'.

Assessment: n/a

Review: This process is repeated to clarify decisions and their implementation, see 5.1.02 Post-decision advice.

Enforcement: The incidence of a form of insider trading and the exercise of influence are reduced through protocols, codes of conduct and rules enforced by the courts.

Consultation: n/a

Evaluation: Information-giving processes generate feedback from project proponents and assessors concerning the content and clarity of the criteria and the effectiveness of the process itself.

Resource: Many councils and agencies have formal mechanisms for consultation during the preparation of the application, such as staff panels, focus meetings and the ACT high quality sustainable design process; see for instance Landcom NSW, Best practice in development assessment for local government: report for Landcom by the Faculty of the Built Environment University of New South Wales. 2003: Sydney.

Does this process apply to track?					
Exempt Context	Prohibited Yes	Self Yes	Code Yes	Merit Yes	Impact Yes

Advice provision

4.1.02 Provide advice and interpretation on request

Process

- 1 Promptly on request, the assessment authority and all others involved in assessment processes provide information and advice, answer questions and record the issues raised in this way and the responses.
- 2 The assessment authority starts the record of the project if it has not already been started by 4.1.01 Information provision.

Objective

To provide development assessment information, interpretation and advice about criteria and assessment processes as required by the project proponent to design and complete the application, and as required by citizens to respond to the project.

Principles

- 1 Development assessment is a communication process between proponent, policy maker and citizens.
- 2 Requests for information from proponents and citizens allows assessors to explain/promote/test development assessment criteria and processes.

Tests

Effectiveness: The application accords with policies, criteria and administrative requirements.

Transparency: All information provided is publicly available and recorded.

Efficiency: Necessary and sufficient information is conveyed and understood.

Performance, skills and research

Advice is given in ways which maintain separate roles of proponent, assessor, policy maker and decision maker; probity requires more than one official to be involved, and good record keeping.

This is a critical point for evaluation: see Evaluation.

When digital...

With digital development assessment the decision support system gives access to complete information and past transactions, related to each and all land parcels.

Project: n/a

Criteria: n/a

Application: This process is in response to the proponent's need to identify the assessors and the criteria applicable to the project: see 3.2.02 Criteria and assessors.

Assessment: n/a

Review: This process is repeated to clarify decisions and their implementation, see 5.1.02 Post-decision advice.

Enforcement: n/a

Consultation: There is a presumption that all development assessment information is in the public domain with the minimum kept confidential; assessment authorities recognise and resource their commitment to making the information available on request.

Evaluation: Information sought or needed by project proponents should be monitored by 8.1.01 Records, reported by 8.1.02 Reporting and researched by 8.2.02 Research as an indicator of (a) inadequacies of assessment information and (b) emerging issues and strategic directions.

Resource: Many guides and information brochures are produced by all levels of government and by other stakeholders - necessary measures at least until digital development assessment provides access to complete information and past transactions, related to each and all land parcels.

Does this process apply to track?					
Exempt Context	Prohibited Yes	Self Yes	Code Yes	Merit Yes	Impact Yes

DSS applied

4.1.03 Apply the decision support system to the project

Process

When an application is submitted, or prior to that time when a project proponent, owner or citizen makes contact with the assessment authority, or when in other ways the assessor is aware of the proposed project, the initial record is made against the site, bringing together land information, strategic and development assessment information, and records of past transactions.

Objective

To 'open the account' for the project at the first opportunity, to ensure that all subsequent transactions are recorded, and are related to the site and other entities such as the owner and the proponent.

Principles

The decision support system, with integrated, spatially-referenced information about land, policies, processes and decisions, is a powerful tool for digital development assessment and therefore for better policy and process and greater transparency.

Tests

Effectiveness: Digital development assessment delivers a quantum leap in effectiveness.

Transparency: Digital development assessment helps make information accessible.

Efficiency: Digital development assessment reduces routine administrative tasks.

Performance, skills and research

Digital development assessment links the computers of project proponents, assessors, administrative agencies, stakeholders and citizens; assessors, freed from routine checking, focus on skilled assessment of performance and quality.

When digital...

Researching, designing and developing digital development assessment must be a collaborative activity involving all stakeholders and all jurisdictions.

Project: n/a

Criteria: n/a

Application: The project proponent accesses the decision support system by 3.2.01 DSS loaded.

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: Evaluation processes are integrated with development assessment processes through the decision support system.

Resource: Digital development assessment requires new applications of geographic/land information systems integrated with administrative processes. ACT and Ipswich Council and Penrith Council - amongst many others - are making innovative use of GIS technology and web interfaces; both the latter have received Australian local government awards.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Context	Context	Yes	Yes	Yes

Validity

4.2.01 Establish validity

Process

The assessment authority checks the application against the essential attributes of a valid application - such as required contact details, owner's acknowledgment, specified plans, payment of fees - and an immediate decision is made as to whether it is valid; if it is not it is rejected and the proponent is given reasons for its rejection and requested to collect the application.

Objective

To establish the validity of the submitted application.

Principles

Clear and transparent rules, readily verified, specify the form and content of a valid application.

Tests

Effectiveness: Only valid applications are accepted.

Transparency: Reasons for rejection are given.

Efficiency: The decision on validity is made immediately at the time of submission.

Performance, skills and research

Electronic lodgement processes can automatically check for validity requirements and not allow an invalid application to load.

When digital...

The decision support system will only permit valid applications to be submitted - if information is inadequate or absent the application will not upload.

Project: n/a

Criteria: n/a

Application: One of the tests of validity is met by 3.3.04 Owner's acknowledgement.

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

Fees received

4.2.02 Receive and receipt fees

Process

The assessment authority (a) calculates the fee and verifies that the correct amount has been paid; (b) receives and banks a cheque delivered with the application and issues a receipt, or records a funds transfer made with a digital application form; (c) advises the assessor that the fee has been paid; (d) advises the assessor if the cheque is not cleared.

Objective

To collect the fee for submitting an application.

Principles

If development assessment is seen purely as a service to proponents, proponents should pay all of the costs; if development assessment is seen as a protection to citizens, taxpayers should at least partially subsidise the costs.

Tests

Effectiveness: Assessment processes begin.

Transparency: The calculation of the fees is based on a clear and easily understood scales and formulae.

Efficiency: Repetitive fees handled in with minimal resources.

Performance, skills and research

Research is needed to determine an efficient allocation of costs between proponents and taxpayers.

When digital...

Electronic funds transfer, and distribution of the funds to multiple accounts, will be a routine component of digital development assessment.

Project: n/a

Criteria: Fee scales are one component of the criteria, a single schedule applying throughout a state/territory with regional differences built in.

Application: Fees are paid by 3.3.06 Fees paid; they may depend on the category of the project and the assessment track.

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

Application acknowledged

4.2.03 Acknowledge application/statement

Process

- 1 As soon as possible the assessor advises the project proponent of the acceptance of the application/impact statement and includes information on (a) the processes which will follow, (b) the time to be taken and (c) ways to access ongoing information and advice.
- 2 The information may be provided at the time of submission, and in the case of simple code assessed projects may include the determination.
- 2 This information is publicly available.

Objective

To provide the project proponent and citizens with a formal acknowledgement of receipt of a valid application and/or impact statement and information regarding the subsequent processes and timeline.

Principles

The assessment authority keeps the project proponent informed of the processes and the time expected to be taken.

Tests

Effectiveness: The proponent is fully informed as to process, times and contacts.

Transparency: The acknowledgement of the application is made public.

Efficiency: Signals the commencement of assessment processes.

Performance, skills and research

Under digital development control the acknowledgment and advice is automated and instant.

When digital...

This is standard information generated automatically by the decision support system and communicated to the proponent, the web and subscribers.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: Penrith's web based process provides contact details (email address) for the assessor assigned to the project.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

Categorisation

4.3.01 Categorise project and assign to track

Process

- 1 The assessor (a) checks any categorisation by the project proponent and decides the category of the project and (b) checks any criteria identified by the project proponent and specifies authorities, assessors, criteria and processes for assessment.
- 2 The assessor confirms the project description (see 4.1.01 Information provision) or writes a precise, succinct, technical description of the project.
- 3 If required by the criteria the assessor ensures the carrying out of 6.1.01 Notice, 6.1.02 Notification and 6.1.03 Advertisement.

Objective

On the basis of simple tests, to (a) determine if the project is exempt or prohibited and, if not, to (b) categorise the project for self assessment, code assessment, merit assessment or impact assessment.

Principles

Tests applied by the project proponent and the assessor provide an initial categorisation of the project, assign it to a track, identify assessors and criteria, and allow assessment to commence.

Tests

Effectiveness: The project is correctly categorised; criteria and processes are correctly identified.

Transparency: The tests and findings are publicly available.

Efficiency: The tests can be applied reliably from the materials in the application.

Performance, skills and research

Although categorising the project and identifying criteria is a simple and objective decision - delivering the same findings irrespective of the assessor - this process requires experience, good judgement and authority.

When digital...

Digital development assessment and the decision support system allow these specifications to be largely determined by the contents of the application and responses of the proponent, and thus known to the latter before the application is submitted.

Project: The formulation of the project is based on assumptions about its category and about the applicable assessors, criteria and processes; the formal categorisation of the project tests those assumptions.

Criteria: The categories, assessors, criteria and processes are stipulated in the criteria.

Application: The application is designed for a specific category of assessment.

Assessment: n/a

Review: The project proponent can request the categorisation be reconsidered, see 5.2.01 Reconsideration.

Enforcement: n/a

Consultation: The category determines the subsequent consultation processes.

Evaluation: The effectiveness and efficiency of this process is regularly evaluated.

Resource: Assignment to a level of assessment is a characteristic of the WA environmental impact assessment process; see for instance Western Australia. Environmental Protection Authority, A guide to environmental impact assessment in Western Australia. 1993, Perth, WA: Environmental Protection Authority.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

IS levels and guidelines

4.3.02 Set levels and guidelines for impact statement

Process

1 Having categorised the project for impact assessment by 4.3.01 Categorisation the assessor prepares and delivers to the proponent guidelines specifying the level of assessment and the issues, scope, content, standards and/or methodologies for preparing a statement on specific impacts of the project.

2 According to the level of assessment the assessor ensures the level and guidelines are made known by 6.1.01 Notice, 6.1.02 Notification or 6.1.03 Advertisement.

Objective

To provide the proponent with instructions as to the issues, scope, content, standards and/or methodologies to be addressed and applied in preparing a statement estimating the predicted impacts of the project.

Principles

Impact assessment applies where criteria establish goals or limits for social, economic, environmental, design and amenity outcomes, and performance must be estimated from studies and research into the specific circumstances of the project.

Tests

Effectiveness: The impacts are significant and are able to be optimised.

Transparency: The grounds and guidelines for the statement are publicly available.

Efficiency: No more than the necessary and sufficient data is demanded.

Performance, skills and research

1 Specialised technical expertise, usually located in specialist agencies, is required to write the guidelines.

2 Research and review is required to improve the identification of the issues for which impact statements are required.

When digital...

Increasingly large amounts of relevant social, economic and environmental data are available in land information systems and from research into development. Digital processes will make this information available and relate it to every land parcel.

Project: n/a

Criteria: The levels of impact assessment are stipulated in the criteria. The goals or limits for outcomes are stipulated in the criteria.

Application: The application is designed for a specific level of impact assessment.

Assessment: Relevant impacts, while likely to be significant, cannot be estimated from available standards, past cases or materials in the application.

Review: The project proponent can request that the guidelines be reconsidered, see 5.2.01 Reconsideration. The project proponent can request a review of the level of impact assessment assigned to the project; see 5.3.02 State review - documents.

Enforcement: n/a

Consultation: Levels of assessment involve different applications of the processes 6.1.01 Notice, 6.1.02 Notification and 6.1.03 Advertisement.

Evaluation: Impact statements provide proponents with a formal opportunity to evaluate the relevant assessment processes.

Resource: In WA statutory documents (planning schemes) are assessed as proposals. In NSW development assessment and environmental impact assessment is provided for in the one Act, and administered by the one department; see www.planning.nsw.gov.au.

Does this process apply to track?

Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	No	Yes

Advice authorities

4.3.03 Refer to assessors and advice authorities

Process

- 1 The assessor refers the application to assessors inside the assessment authority and in any advice authorities so all are kept fully informed of the assessment process.
 - 2 Assessors in advice authorities may carry out processes 4.4.01 Application submissions, 4.4.02 Assessment, 4.4.03 Impact assessment and 4.4.04 Report written.
 - 3 The reports of advice authorities are consolidated by 4.4.05 Composite report written.
-

Objective

To activate a network linking assessors in the assessment authority and any advice authorities and facilitating the sharing of relevant information between them.

Principles

Assessors inside and outside the assessment authority must collaborate, coordinate their work and be fully informed of the assessment process.

Tests

Effectiveness: The work of assessors inside and outside the assessment authority is coordinated and consolidated in one determination.

Transparency: Assessors are fully informed.

Efficiency: Only necessary and sufficient information is exchanged.

Performance, skills and research

n/a

When digital...

Automated channels of communication linking all assessors are established when the decision support system is started.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: There is one assessment authority making one determination incorporating the advice of the advice authorities.

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: Councils and agencies involved in assessment are now exchanging applications and reports by email..

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	Context	Yes	Yes

Applicant advised

4.3.04 Advise applicant

Process

The assessor sends information to the project proponent identifying the project's category; the authorities, assessors, criteria and processes involved in assessment; and the level for impact assessment (if any).

Objective

To fully inform the project proponent of the assessment processes.

Principles

The project proponent is entitled to know what decisions have been made in categorising the project, in identifying authorities, assessors, criteria and processes, and in setting levels of assessment for projects in impact assessment.

Tests

Effectiveness: Project proponent and assessor have the same understanding of assessment issues and processes.

Transparency: The information is readily available and public.

Efficiency: No more than necessary and sufficient information is conveyed.

Performance, skills and research

n/a

When digital...

Automated channels of communication and messages are established when the decision support system is started by the project proponent and the assessment authority.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: Councils are now going on line with routine communication between project proponent and assessor by email.

Does this process apply to track?						
Exempt	Prohibited	Self	Code	Merit	Impact	
No	Yes	No	Yes	Yes	Yes	

Progress tracked

4.3.05 Track and report progress

Process

The assessor tracks the progress of each application and reports to stakeholders on the status of applications and the outcome of each process.

Objective

To make information available to all internal and external stakeholders on an application's progress in assessment.

Principles

The effectiveness, transparency and efficiency of development assessment relies on management information systems which make the processes visible.

Tests

Effectiveness: Progress is known.

Transparency: Internal and external stakeholders have access to information on the status of applications.

Efficiency: Routine processes generate the above information.

Performance, skills and research

n/a

When digital...

The tracking of all processes and decisions is built into the decision support system.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: This process collects data needed for monitoring and evaluation.

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

Application submissions

4.4.01 Receive, analyse and report on citizen submissions

Process

- 1 The assessor systematically analyses all submissions, privileging none above others, except in finding the essential relevant contribution of each.
- 2 These findings are collated into a readable report and together with the submissions in full made available to guide the further assessment of the project.
- 3 The report is made publicly available as part of the assessment report (see 4.4.04 Report written and 4.4.05 Composite report written).

Objective

To sift, summarise and organise submissions arising from 3.5.03 Response communicated and 3.6.03 Decision response conveyed, to ensure that all contributions to the assessment of the project are understood and appreciated.

Principles

Impact assessment is part policy application, part policy making; submissions relevant to the latter, in particular, need to be understood beyond the specific context of the project to which they are a response.

Tests

Effectiveness: The report captures the relevant and essential information in each submission.

Transparency: The report is accessible in all senses.

Efficiency: Only necessary and sufficient information is included in the report.

Performance, skills and research

The ability of affected people, groups, experts and citizens to contribute to assessment processes is greatly increased if policies and criteria are well understood and the likely or preliminary assessment of assessment authority is already known.

When digital...

Submissions are better focused when digital development assessment and the decision support system allow proponent and citizen to anticipate the likely outcome of assessment, since the project is systematically and openly compared to the criteria.

Project: n/a

Criteria: The processes for citizen submissions are stipulated in the criteria.

Application: The submissions arise from 3.5.03 Response communicated and 3.6.03 Decision response conveyed.

Assessment: n/a

Review: A merit review body is likely to take into account the degree of community engagement and the outcomes from it.

Enforcement: n/a

Consultation: This is a critical step in maintaining the integrity of community engagement.

Evaluation: The outcomes of community engagement formally feed into evaluation processes.

Resource: The most up to date and comprehensive resource for community engagement is at www.iplan.nsw.gov.au/engagement.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Context	Context

Assessment

4.4.02 Assess project against criteria

Process

- 1 Each criterion is taken in turn and applied to the project (to establish degrees of compliance, compliability with modifications, and non-compliance), initially independent of other considerations.
- 2 Each element of the project is assessed against the relevant criteria, initially independent of other considerations.
- 3 If significant considerations other than criteria are relevant they are noted separately.

Objective

To make an assessment of the project against the criteria, independent of other considerations, and to organise the findings in a form which can be readily understood by stakeholders and others interested.

Principles

Assessment is true to, and confined to, the criteria.

Tests

Effectiveness: The findings from assessment are complete and comprehensible.

Transparency: The detailed analysis is publicly available.

Efficiency: Only matters addressed by the criteria are assessed.

Performance, skills and research

Criteria intended to reflect local policies, to produce sustainable development and to deliver quality design can only be applied by skilled, experienced practitioners able to work with the proponent to optimise the outcomes.

When digital...

Digital development assessment and the decision support system enables both project proponent and assessor to establish the direct nexus between the project and the criteria, and to direct resources to value-adding rather than routine activities.

Project: n/a

Criteria: The assessment process depends on - and the model assumes - criteria skilfully constructed to regulate the incidence of the impacts of the project, as precisely and directly as possible. Digital development assessment will provide more rigour.

Application: n/a

Assessment: n/a

Review: During a review the assessor may be asked to explain the methodology and findings of the assessment.

Enforcement: n/a

Consultation: Citizen contributions to assessment provides additional facts, understandings and interpretations but does not change the criteria against which the project is assessed.

Evaluation: Findings related to the application and assessment processes and information relevant to the effectiveness of the criteria are captured for monitoring and evaluating the development assessment system.

Resource: [being further developed]

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

Impact assessment

4.4.03 Make impact assessment

Process

- 1 The impact statement is assessed against the guidelines and any other relevant evidence and used to assess the separate impacts of the proposed project against the criteria; where the impact is unacceptable any measures to achieve an acceptable impact are identified.
- 2 The combined impacts of the proposed project are assessed against the criteria and the findings are summarised.
- 3 Depending on the level of assessment (see 4.3.02 IS levels and guidelines) the impact assessment is made known by 6.1.01 Notice, 6.1.02 Notification or 6.1.03 Advertisement.

Objective

To evaluate the quality and credibility of the impact statement and to use it to predict the impacts of the proposed project.

Principles

Assessment is true to, and confined to, the criteria.

Tests

Effectiveness: The findings from impact assessment are complete and comprehensible.

Transparency: The detailed analysis is publicly available.

Efficiency: Only matters addressed by the criteria are assessed.

Performance, skills and research

n/a

When digital...

The findings from impact statements and assessments are stored in spatial land information systems making the data readily available for subsequent

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?

Exempt
No

Prohibited
No

Self
No

Code
No

Merit
No

Impact
Yes

Report written

4.4.04 Write report including recommended determination

Process

1 Each advice authority and the assessment authority brings together in a report relevant (but no other) information including findings from assessments and findings from submissions together with the evidence and the reasoning which supports a clear and comprehensive draft recommendation including, if a determination is recommended, the full terms of that determination.

2 The report incorporates the report from 4.4.01 Application submissions.

Objective

To provide assessment information incorporated into a recommendation to enable a decision maker to make a determination.

Principles

1 The assessor's report is seen to be separate from and independent of the assessments of advice authorities.

2 The facts of the proposed project, its assessment against criteria, and the recommended outcome are the basis for a determination.

Tests

Effectiveness: Information and evidence is accurate and readily understood.

Transparency: The report is readily available and public.

Efficiency: Only necessary and sufficient information is included in the report and recommendation.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	Yes	Yes	Yes

Composite report written

4.4.05 Write composite report and recommended determination

Process

- 1 The assessment authority brings together in a report relevant (but no other) information including advice from advice authorities and findings from citizens' submissions together with the evidence and the reasoning which supports a clear and comprehensive draft recommendation including, if a determination is recommended, the full terms of that determination.
- 2 The report incorporates the report from 4.4.01 Application submissions.

Objective

- 1 To provide information incorporated into a recommendation which integrates assessment information from all sources, to enable a decision maker to make a determination.
- 2 To explain any trade-offs between contradictory assessment considerations.

Principles

- 1 The composite report integrates all reports without obscuring their differences.
- 2 The facts of the proposed project, its assessment by all assessors against all criteria, and the recommended outcome are the basis for a determination.

Tests

Effectiveness: Information and evidence is accurate and readily understood.

Transparency: The report is readily available and public.

Efficiency: Only necessary and sufficient information is included in the report and recommendation.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?

Exempt
No

Prohibited
No

Self
No

Code
No

Merit
Context

Impact
Context

Recommendation

4.4.06 Make recommendation

Process

- 1 The findings of the assessment are formally adopted as a recommendation to the decision maker including, if a determination is recommended, the full terms of that determination.
- 2 The recommendation is made by a skilled professional publicly identified; depending on the criteria and/or the category of the project; this may be the assessor or another professional providing a 'second pair of eyes'.

Objective

To state the results of the assessment and the recommended determination clearly and comprehensively.

Principles

- 1 There is an explicit nexus between the project, the criteria and the terms of the recommended determination.
- 2 There should be the minimum level of intervention (and minimal valid and enforceable conditions) consistent with the previous principle.

Tests

Effectiveness: Adoption by decision maker and reviewer.
Transparency: Evidence clearly and explicitly presented.
Efficiency: Succinctness; imposition of relevant conditions only.

Performance, skills and research

n/a

When digital...

A digital decision support system will enable both applicant and assessor to establish the direct nexus between the proposal, the criteria and the determination.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: The recommendation is not reviewable but is a relevant consideration if the determination is reviewed.

Enforcement: n/a

Consultation: The recommendation is published prior to the hearing by the decision maker; see 4.4.07 Disclosure.

Evaluation: Review bodies formally comment on the quality of all assessment processes which led to the decision being reviewed: see 8.1.02 Reporting.

Resource: n/a

Does this process apply to track?						
Exempt	Prohibited	Self	Code	Merit	Impact	
No	No	No	Yes	Yes	Yes	Yes

Disclosure

4.4.07 Make public the report and recommendation

Process

Agendas and reports (see 4.4.04 Report written, 4.4.05 Composite report written and 4.4.01 Application submissions) are made public at the time they are delivered to the decision maker, for consultation in libraries (possibly on-line), for purchase at cost as a set of papers, and for downloading from the Internet.

Objective

To make the results of the assessment and the recommendation available to all interested parties, prior to hearing and determination.

Principles

Assessment is an administrative activity interpreting private rights and public policy on behalf of all members of the public.

Tests

Effectiveness: Communication channels are readily available to all interests.

Transparency: All relevant documents are fully disclosed.

Efficiency: Builds a body of knowledge to be drawn on by others.

Performance, skills and research

n/a

When digital...

Messages are automatically emailed to applicants, to others who have registered an interest in the application, to subscribers and to the media.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: Full disclosure of the report and recommendation encourages early and ongoing consultation.

Evaluation: Review bodies formally comment on the quality of all assessment processes which led to the decision being reviewed; see 8.1.02 Reporting.

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	Context	Yes	Yes

Authority substitution

4.4.08 Change the assessment authority

Process

The senior level of the government of the jurisdiction, or the project proponent after delays or other triggers have been reached, initiates the redirection of the application to an alternative assessment authority for assessment and determination.

Objective

In response to a deemed refusal or deemed approval, or as a result of 4.5.04 Call-in, to direct the application to a assessment authority to be assessed and determined.

Principles

- 1 Delays in determining a project trigger the possibility of a change of assessment authority.
- 2 The senior level of the government of the jurisdiction retains the power to intervene to ensure that an application is assessed and determined.

Tests

Effectiveness: The project is assessed and determined.

Transparency: An explanation of the circumstances of the substitution are publicly available.

Efficiency: : Prior proceedings are concluded without waste or duplication.

Performance, skills and research

n/a

When digital...

The tracking of all processes and decisions is built into the decision support system.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a: Prior proceedings are concluded without waste or duplication.

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	Context	Context	Context

Internal determination

4.5.01 Make internal determination

Process

- 1 One or more assessors hears an explanation of the assessment and recommendation from the assessor and/or the person making the recommendation, and formulates a written determination with reasons; records are kept and made public.
- 2 The determination is made by a skilled professional publicly identified; depending on the criteria and/or the category of the project this may be the assessor, or the person making the recommendation, or a third person.
- 3 Where the criteria result in an unintended or undesirable outcome the statement of the reasons includes recommendations for changes to assessment criteria, processes and/or policy.

Objective

To deliver a decision on the application which responds to all the assessment criteria, complies with policy, imposes only relevant and enforceable conditions and intervenes to the minimum extent consistent with the other objectives.

Principles

- 1 The determination is true to, and confined to, the criteria.
- 2 There should be the minimum level of intervention (with minimal valid and enforceable conditions) consistent with principle 1.
- 3 The determination is made on behalf of the public.

Tests

Effectiveness: The determination is widely seen to be objective and balanced.

Transparency: The determination and reasons are succinct and easy to understand.

Efficiency: Minimum use of resources consistent with the other tests.

Performance, skills and research

When digital...

Fully digital applications created against digital assessment criteria clearly and explicitly identify matters for determination by the decision maker.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: The applicant can request the decision maker to reconsider any aspect of the determination; see 6.08 Reconsideration.

Enforcement: The determination is the primary basis for any subsequent enforcement proceedings.

Consultation: The determination is the primary form of communication from the decision maker to all interested people.

Evaluation: The determination is a primary form of monitoring and evaluation of the assessment criteria and processes: the statement of reasons includes any recommendations for changes to assessment criteria, processes and/or policy.

Resource: Most councils across Australia delegate the majority (in many cases, nearly all) applications to staff. Lake Macquarie Council, NSW, delegates 100% of applications to staff.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

Hearing

4.5.02 Hold independent expert hearing

Process

- 1 One or more decision makers are presented in public with the results of the assessment and the reasons for the recommendation, by the assessor and/or the person making the recommendation; with responses and arguments for the proposal, by the applicant; and with submissions by any interested people.
- 2 At the conclusion of the hearing the decision maker(s) may reserve a decision, to be made by 4.5.03 Independent determination.

Objective

To objectively present the proposal, any submissions, the results of the assessment and the recommendation to the decision maker to inform a determination.

Principles

- 1 There are cases where transparency and legitimacy are best served by the evidence and reasoning for an assessment being heard and argued by all parties.
- 2 In complex cases a balance of evidence is best achieved by public inquiry.

Tests

Effectiveness: High levels of perceived independence, rationality and consistency.

Transparency: Proceedings are inclusive and easy to understand.

Efficiency: Processes avoid ongoing disputes and appeals.

Performance, skills and research

n/a

When digital...

Fully digital applications created against digital assessment criteria allow implications and effects to be clearly presented to the decision maker and all participants.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: The hearing allows all parties to understand the evidence on which the determination is based and to reinterpret or supplement the evidence for a review of the determination.

Enforcement: Evidence presented at a hearing may be relevant to any subsequent enforcement proceedings.

Consultation: The public presentation of arguments by assessors, applicants and by any interested people encourages early and ongoing consultation.

Evaluation: Review bodies formally comment on the quality of all assessment processes which led to the decision being reviewed.

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Yes	Yes

Independent determination

4.5.03 Make independent expert determination

Process

- 1 If there is no hearing the decision maker still hears in public an explanation of the assessment and recommendation from the assessor and/or the person making the recommendation, and formulates a written determination with reasons.
- 2 Where the criteria result in an unintended or undesirable outcome the statement of the reasons includes recommendations for changes to assessment criteria, processes and/or policy.

Objective

To deliver a decision on the application which responds to all the assessment criteria, complies with policy, imposes only relevant and enforceable conditions and intervenes to the minimum extent consistent with the other objectives.

Principles

- 1 The determination is true to, and confined to, the criteria.
- 2 There should be the minimum level of intervention (with minimal valid and enforceable conditions) consistent with principle 1.
- 3 The determination is made on behalf of the public.

Tests

Effectiveness: The determination is widely seen to be objective and balanced.

Transparency: The determination and reasons are succinct and easy to understand.

Efficiency: The determination and reasons are published quickly and widely.

Performance, skills and research

Requires expertise in process, subject matter and industry practice; outcomes should be development quality improvements, and system improvements.

Monitoring of reviews of these determinations (number and type of appeals, time and cost, etc.)

When digital...

Fully digital applications created against digital assessment criteria clearly and explicitly identify matters for determination by the decision maker.

Project: n/a

Criteria: When the assessment of a project finds that the criteria are deficient in some way and need to be changed, the new criteria should apply to new projects, not retrospectively to the current project.

Application: n/a

Assessment: n/a

Review: The applicant can request the decision maker to reconsider any aspect of the determination; see 6.08 Reconsideration.

Enforcement: The determination is enforceable in court and should be framed in clear terms which a court can enforce.

Consultation: The determination is the primary communication from decision maker to citizens and should be written with this in mind.

Evaluation: The determination is a primary form of monitoring and evaluation of the assessment criteria and processes: the statement of reasons includes any recommendations for changes to assessment criteria, processes and/or policy.

Resource: In SA determinations are made either by staff under delegation (4.5.01 Internal determination) or by panels; in some councils panels comprise councillors, in others most members are independent and/or expert.

Does this process apply to track?

Exempt
No

Prohibited
No

Self
No

Code
No

Merit
Context

Impact
Context

Call-in

4.5.04 Exercise jurisdictional call-in

Process

1 The senior level of government in the jurisdiction (Council, Minister, agency) takes an explicit decision to intervene in a specific case on the grounds of wider public interest or importance and acting by 4.5.05 Jurisdiction determination, or directing the assessment to an independent expert assessment authority by 4.4.08 Authority substitution.
2 The criteria giving call-in powers require specific reasons to be given and made public.

Objective

To call in the assessment of a project, which is to transfer the assessment of the project from the normal assessment authority to a different, more senior, assessment authority.

Principles

The norm for development assessment is assessment by staff and determination by staff and independent experts, provided that the political and executive arms of government can intervene to determine an application or change the assessment authority.

Tests

Effectiveness: The assessment and determination of the project passes to another authority.
Transparency: Specific reasons are given for the decision to intervene.
Efficiency: Prior proceedings are concluded without waste or duplication.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?

Exempt
No

Prohibited
No

Self
No

Code
No

Merit
No

Impact
No

Jurisdiction determination

4.5.05 Make jurisdictional determination

Process

- 1 The senior level of government in the jurisdiction (Council, Minister, agency) formulates a written determination with reasons.
- 2 Where the criteria result in an unintended or undesirable outcome the statement of the reasons includes recommendations for changes to assessment criteria, processes and/or policy.

Objective

To deliver a decision on the application which responds to all the assessment criteria, complies with policy, imposes only relevant and enforceable conditions and intervenes to the minimum extent consistent with the other objectives.

Principles

- 1 The determination is true to, and confined to, the criteria.
- 2 There should be the minimum level of intervention (with minimal valid and enforceable conditions) consistent with principle 1.
- 3 The determination is made on behalf of the public.

Tests

Effectiveness: The determination is widely seen to be objective and balanced.

Transparency: The determination and reasons are succinct and easy to understand.

Efficiency: The determination and reasons are published quickly and widely.

Performance, skills and research

Time, cost and rate of appeals compared with other methods of determination.

When digital...

Fully digital applications created against digital assessment criteria clearly and explicitly identify matters for determination by the decision maker.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: The applicant can request the decision maker to reconsider any aspect of the determination; see 5.2.01 Reconsideration.

Enforcement: The determination is the primary basis for any subsequent enforcement proceedings.

Consultation: The determination is the primary form of communication from the decision maker to all interested people.

Evaluation: The determination is a primary form of monitoring and evaluation of the assessment criteria and processes: the statement of reasons includes any recommendations for changes to assessment criteria, processes and/or policy.

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	No	No

Determination communicated

4.5.06 Communicate decision or determination

Process

The decision maker conveys the decision or determination and the reasons to the proponent and makes the materials publicly available.

Objective

To inform stakeholders of the decision or determination and the reasons for reaching it.

Principles

Information on the decision maker's decision or determination and reasons is a crucial form of communication between the assessment authority and the community.

Tests

Effectiveness: Stakeholders understand the decision maker's determination and reasons.

Transparency: The information is available and public.

Efficiency: Only the necessary and sufficient information is included.

Performance, skills and research

n/a

When digital...

Messages are automatically emailed to applicants, to others who have registered an interest in the application, to subscribers and to the media.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	Yes	Context	Yes	Yes	Yes

Error correction

5.1.01 Correct administrative errors in the determination

Process

The original decision maker re-issues the decision or determination with the error corrected and with an explanation of the corrections.

Objective

To accurately convey the decision or determination of the decision maker.

Principles

Inadvertent or inconsequential errors should be corrected administratively.

Tests

Effectiveness: Errors are corrected.

Transparency: Information on the nature and causes of the errors is publicly available.

Efficiency: Simple corrective action can be taken as soon as errors are detected.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt No	Prohibited Context	Self Context	Code Context	Merit Context	Impact Context

Post-decision advice

5.1.02 Provide advice and interpretation on the determination

Process

Promptly on request, the assessment authority and all others involved in assessment processes provide information and advice, answer questions and record the issues raised in this way and the responses.

Objective

To provide development assessment information, interpretation and advice as required by the project proponent to meet conditions and to proceed with the project, and as required by citizens to understand the final form of the project.

Principles

1 Development assessment is a communication process between proponent, policy maker and citizens.
2 Requests for information from proponents and citizens allow assessors to explain/promote/test development assessment criteria and processes.

Tests

Effectiveness: The project accords with the determination.

Transparency: All information provided is publicly available and recorded.

Efficiency: Necessary and sufficient information is conveyed and understood.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: This process is in response to the proponent's or citizen's need to identify the conditions and subsequent processes applicable to the project: see 3.6.01 Decision analysed.

Assessment: This process is similar in purpose and performance to 4.1.02 Advice provision.

Review: n/a

Enforcement: n/a

Consultation: There is a presumption that all development assessment information is in the public domain with the minimum kept confidential; assessment authorities recognise and resource their commitment to making the information available on request.

Evaluation: Responses to requests for information are valuable opportunities for feedback on issues and ideas as well as on matters which are inadequately expressed or explained.

Resource: n/a

Does this process apply to track?						
Exempt	Prohibited	Self	Code	Merit	Impact	
No	Yes	Context	Yes	Yes	Yes	

Post-decision mediation

5.1.03 Mediate between parties

Process

Using trained staff or contractors the assessment authority provides a mediation process not to conciliate or arbitrate but to assist the parties to reach an understanding of each other's position and, if they wish, make voluntary agreements.

Objective

To enable the project proponent, the assessment authority and/or citizens to gain a clear understanding of (a) the project as applied for, (b) the project as approved and (c) how it will be implemented.

Principles

Tests

Effectiveness: The parties understand each other's position.
Transparency: Parties have equal access to information and procedures.
Efficiency: The mediation is timely and skilful.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: Does not require legislation to implement

Does this process apply to track?					
Exempt No	Prohibited No	Self No	Code Context	Merit Context	Impact Context

Reconsideration

5.2.01 Reconsider decision on request

Process

At the proponent's request, within 21 days of the decision, the decision maker receives new information, reconsiders the decision in the light of that information, and confirms or varies the decision, with reasons formally recorded.

Objective

To enable new information to be taken into account quickly in cases where discretionary administrative decisions are of a minor nature and do not allocate rights or resources.

Principles

A simple process for reconsideration encourages a style of decision making which is expeditious, based on information in front of the assessor, and accountable.

Tests

Effectiveness: The decision is made again: expeditiously, on information in front of the assessor.

Transparency: The reasons for both first and reconsidered decisions are publicly available.

Efficiency: More complex review processes are avoided.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt No	Prohibited Context	Self Context	Code Context	Merit Context	Impact Context

Internal review

5.2.02 Conduct review within assessment authority

Process

At the proponent's request, within 21 days of the decision, the assessment authority refers the application, report and recommendation to a person senior to the original decision maker, or to a staff group chaired by a person senior to the original decision maker, to make the decision again, by 4.5.01 Internal determination.

Objective

To enable the application, report and recommendation to be considered by a second decision maker.

Principles

While assessment is true to, and confined to, the criteria - delivering the same findings irrespective of the assessor - a second assessment can improve the understanding and interpretation of the criteria and facts of the case.

Tests

Effectiveness: The decision is made again, true to the criteria and on the facts available.

Transparency: The reasons for both first and second determinations are publicly available.

Efficiency: More complex review processes are avoided.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Context	Context

Local independent review

5.2.03 Conduct independent review for assessment authority

Process

At the proponent's request, within 21 days of the decision, the assessment authority refers the application, report, recommendation, decision, reasons and any submissions to an independent expert or to an independent board, to conduct a hearing by 4.5.02 Hearing, and to make the decision again, by 4.5.03 Independent determination.

Objective

To enable the application, report, recommendation, decision and reasons to be considered by a second decision maker.

Principles

While assessment is true to, and confined to, the criteria - delivering the same findings irrespective of the assessor - a second assessment can improve the understanding and interpretation of the criteria and facts of the case.

Tests

Effectiveness: The decision is made again, true to the criteria and on the facts available.
Transparency: The reasons for both first and second determinations are publicly available.
Efficiency: State level review processes are avoided.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt No	Prohibited No	Self No	Code No	Merit Context	Impact Context

State review - documents

5.3.01 Conduct state level review by documents

Process

The State/Territory assessor (a) reviews the order or application, report, recommendation, determination and reasons, (b) considers written submissions from the parties, (c) determines the matter and (d) gives reasons.

Objective

To enable (a) an application, report, recommendation, decision and reasons or (b) an enforcement notice to be considered by a second decision maker not associated with the assessment authority.

Principles

While assessment is true to, and confined to, the criteria - delivering the same findings irrespective of the assessor - a second assessment can improve the understanding and interpretation of the criteria and facts of the case.

Tests

Effectiveness: The decision is made again, true to the criteria and on the facts available.
Transparency: The reasons for both first and second determinations are publicly available.
Efficiency: More complex review processes are avoided.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Context	Context

State review - conference

5.3.02 Conduct state level review by conference

Process

The State/Territory assessor (a) reviews the order or application, report, recommendation, determination and reasons, (b) considers written submissions from the parties, (c) convenes a conference of the parties, (d) determines the matter and (e) gives reasons.

Objective

To enable (a) an application, report, recommendation, decision and reasons and (b) an enforcement notice to be considered by a second decision maker not associated with the assessment authority.

Principles

While assessment is true to, and confined to, the criteria - delivering the same findings irrespective of the assessor - a second assessment can improve the understanding and interpretation of the criteria and facts of the case.

Tests

Effectiveness: The decision is made again, true to the criteria and on the facts available.
Transparency: The reasons for both first and second determinations are publicly available.
Efficiency: More complex review processes are avoided.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Context	Context

State review - hearing

5.3.03 Conduct state level review by hearing

Process

The State/Territory assessor (a) reviews the order or the application, report, recommendation, determination and reasons, (b) considers written submissions from the parties, (c) conducts a hearing to elicit relevant facts and interpretations, (d) determines the matter and (e) gives reasons.

Objective

To enable (a) an application, report, recommendation, decision and reasons and (b) an enforcement notice to be considered by a second decision maker not associated with the assessment authority.

Principles

While assessment is true to, and confined to, the criteria - delivering the same findings irrespective of the assessor - a second assessment can improve the understanding and interpretation of the criteria and facts of the case.

Tests

Effectiveness: The decision is made again, true to the criteria and on the facts available.
Transparency: The reasons for both first and second determinations are publicly available.
Efficiency: The parties agree on the specific matters in dispute.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Context	Context

Judicial review

5.4.01 Conduct legal review

Process

A court hears and rules on suits concerning the legality of the assessment authority's actions and decisions, and/or rules on questions of law which arise in merit review processes.

Objective

To maintain the integrity and legitimacy of development assessment, to ensure due process and to uphold the law.

Principles

Assessment and advice authorities are bound by their Acts and regulations, by other administrative laws and by rules of natural justice, all of which can be enforced.

Tests

Effectiveness: The law is upheld.

Transparency: The review is undertaken by a court.

Efficiency: The parties agree on the specific matters in dispute.

Performance, skills and research

n/a

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt No	Prohibited Context	Self Context	Code Context	Merit Context	Impact Context

Notice

6.1.01 Issue a notice of a project

Process

- 1 Notices about a project, criteria and assessment processes (or the sources of this information) are prepared, distributed and/or displayed so that those likely to be affected by the project are most likely to see them.
- 2 Depending on the criteria and level of assessment, notices may also be about impact guidelines and assessment.
- 3 Depending on the criteria and circumstances, the actions are carried out by the proponent, the assessment authority or others.

Objective

To convey information about changes taking place in the vicinity or district to those who should be informed.

Principles

A locally distributed or displayed notice is likely to be seen by those likely to experience localised impacts from the project.

Tests

Effectiveness: Those materially affected by the project see the notice.

Transparency: The notice has all necessary and sufficient information.

Efficiency: Necessary and sufficient notices distributed.

Performance, skills and research

The ability of affected people, groups, experts and citizens to contribute to assessment processes is greatly increased if policies and criteria are well understood and the assessment authority's likely or preliminary assessment is already known.

When digital...

n/a

Project: n/a

Criteria: Exhibition and notification conditions and procedures are stipulated in the criteria.

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: For projects which are not notified, a notice is a mechanism for letting those interested in the vicinity or district to know of changes taking place.

Evaluation: n/a

Resource: In assessment processes, consultation should wherever possible include people who are in a position to speak for wider and long-term interests.

In assessment processes, consultation can improve the quality of information based on local knowledge and of technical information used in impact assessment.

All forms of consultation are opportunities for evaluating strategies, criteria and assessment processes, and should generate formal feedback on these matters.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	Context	Yes	Yes

Notification

6.1.02 Notify those likely to be materially affected

Process

- 1 The proponent, the assessment authority and/or others identify a group of stakeholders selected by proximity to the project site, proximity to areas affected by the project and/or likelihood of being affected in other ways.
- 2 The proponent, the assessment authority and/or others send a notification to this group informing them of the project, criteria and assessment processes (or sources of this information) including, depending on the criteria and level of assessment, impact guidelines and assessment.

Objective

To provide an opportunity to those likely to be materially affected by a project to contribute to any relevant application or assessment processes.

Principles

Classes of citizens can be identified by address, activity, affiliation or some other factor and directly notified of changes which may significantly affect them.

Tests

Effectiveness: High proportions of relevant people are aware of the project and processes.

Transparency: Information on the project, criteria and processes is comprehensive and accessible.

Efficiency: Dissemination and access is cost effective.

Performance, skills and research

n/a

When digital...

Under digital development assessment the decision support system will prompt and assist the user to identify the effects of the project and to map areas of impact.

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	Context	Context	Yes	Yes

Advertisement

6.1.03 Advertise the project

Process

The proponent, the assessment authority and/or others place an advertisement on one or more websites and in one or more newspapers to advise those interested how to obtain information about a proposed project, criteria and assessment processes (including, depending on the criteria and level of assessment, impact guidelines and assessment).

Objective

To provide an opportunity to those likely to be materially affected by a project to contribute to any relevant application or assessment processes.

Principles

- 1 Where significant changes are taking place an advertisement is fully public, not confined to a locality or group.
- 2 Regular and predictable advertisements in the same places can be monitored by those interested in changes in the district.

Tests

Effectiveness: Stakeholders can readily inspect and respond to the impact assessment.

Transparency: The impact assessment is available and public.

Efficiency: Exhibiting/accessing the impact statement is cost effective for assessor and stakeholder.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Yes	Yes

Local committee

6.2.01 Inform local citizens' committee

Process

- 1 Information about the project is delivered and/or presented to one or more local citizens' committees for discussion.
 - 2 Information from the committee is conveyed to the assessor.
-

Objective

- 1 To enable the proponent, the assessment authority and others to describe and discuss strategies, criteria, the project and the assessment process.
- 2 To improve the information available to all parties.

Principles

Information presented to citizens' committees is fully public and can be monitored by those interested in changes in the district.

Tests

Effectiveness: The proposals, the criteria and the assessment processes are understood and discussed.
Transparency: The local citizen's committee operates only in public.
Efficiency: The information is timely, accurate and relevant.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	Context	Yes	Yes

Public meeting

6.2.02 Hold a public meeting

Process

- 1 The project proponent, the assessment authority or others hold a public meeting to discuss the proposed project.
 - 2 Information is conveyed to the assessor.
-

Objective

- 1 To enable the proponent, the assessment authority and others to describe and discuss strategies, criteria, the project and the assessment process.
- 2 To improve the information available to all parties.

Principles

Some issues warrant an opportunity for all those interested in changes in the district to hear directly about proposals, to hear what others say, and to contribute to the public discussion of the issues.

Tests

Effectiveness: The proposals, the criteria and the assessment processes are understood and discussed.
Transparency: The meeting was fairly publicised.
Efficiency: The information provided to the meeting is timely, accurate and relevant.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	No	No

Pre-decision mediation

6.2.03 Conduct pre-determination mediation

Process

Using trained staff or contractors the assessment authority provides a mediation process not to conciliate or arbitrate but to assist the parties (which includes an expert who can speak for long term interests) to reach an understanding of each other's position and, if they wish, make voluntary agreements.

Objective

To enable the project proponent, the assessment authority and/or citizens to gain a clear understanding of strategies, criteria, the proposed project and the assessment process.

Principles

Explanations and dialogue allows projects and impacts to be fully understood and explained, and may allow agreement on modifications to the project.

Tests

Effectiveness: Differences are narrowed and understood on all sides, if not resolved.

Transparency: All necessary and sufficient information is on the table.

Efficiency: The matters in dispute are identified and clarified without delay.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	No	No	Context	Context

Inspections

7.1.01 Inspect and report on development and operations

Process

- 1 The assessment or other authority or a citizen observes and reports on possible damage to the environment or other detrimental activity.
- 2 The assessment or other authority or a citizen observes and reports on possible contraventions of standards, rules, conditions of development approval and terms of a licence - or reasons why the development is exempt.

Objective

- 1 To ensure that activities detrimental to amenity and the environment are stopped, penalised and deterred.
- 2 To ensure that amenity and the environment are protected and repaired.
- 3 To ensure that development assessment determinations are upheld.

Principles

- 1 All stakeholders are entitled to respond to undesirable or illegal outcomes.
- 2 The assessment authority has an obligation to monitor outcomes and ensure compliance.
- 3 Only negative impacts (not trivial contraventions) call for enforcement.

Tests

- Effectiveness: Most cases of damage and infringement are detected.
Transparency: Authorities act in public while protecting the privacy of those reporting damage or infringements.
Efficiency: Only sufficient resources are used to detect most cases.
-

Performance, skills and research

Councils tend not to go looking for trouble but as with environmental and resource regulators there is a responsibility to monitor compliance; specially trained and empowered officers are required for the task.

When digital...

n/a

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: Reports of infringements can lead to 7.2.01 Penalty notice, 7.2.02 Order, 7.2.03 Injunction and 7.2.05 Prosecution.
Citizens can act by 7.2.04 Civil enforcement.

Consultation: n/a

Evaluation: Inspections should be integrated with surveys, research and environmental monitoring and reporting.

Resource: ** when individuals raise these matters they are effectively doing it in lieu of the council therefore privately

Does this process apply to track?					
Exempt Context	Prohibited Yes	Self Yes	Code Yes	Merit Yes	Impact Yes

Private certificate audits

7.1.02 Audit private certifiers

Process

The assessment authority audits the performance of certifiers and others exercising assessment and determination powers.

Objective

To ensure that private certifiers are making assessments comparable to those of the assessment authority's assessors.

Principles

Outsourcing and contestability of development assessment is only feasible if the outcomes are comparable to those of internal assessment.

Tests

Effectiveness: The decisions of private certifiers are comparable to those of assessors.

Transparency: The terms, procedures and outcomes of audits are publicly available.

Efficiency: Only necessary and sufficient audits are done to be effective.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
No	No	Context	Yes	Context	Context

Penalty notice

7.2.01 Serve a penalty notice

Process

- 1 The assessment or other authority serves a penalty notice (an 'on-the-spot fine') for a minor contravention of an Act, plan, standard or licence, or for development contrary to a condition of approval; the recipient either pays the penalty or elects to have the matter heard in court.
 - 2 A penalty notice may be preceded, accompanied or followed by 7.2.02 Order.
-

Objective

To stop, deter and penalise an activity which contravenes an Act, plan, standard, licence or condition of approval.

Principles

A penalty notice applies to an activity or development which needs to be (a) stopped but not reversed and (b) penalised by imposing a fine, both to deter the activity and to maintain the legitimacy and fairness of the system.

Tests

Effectiveness: Infringements are penalised and deterrence maintained.

Transparency: Enforcement actions are audited and open to public scrutiny.

Efficiency: Procedures are as simple as possible consistent with effectiveness and transparency.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: The serving of a penalty notice, while not appealable, can be heard in a local court if the recipient so elects.

Enforcement: 1 A penalty notice may or may not be accompanied or followed by 7.2.02 Order.

2 If the recipient elects to appear in court the process continues as 7.2.05 Prosecution.

3 Failure to pay the penalty is an offence which leads to 7.2.05 Prosecution.

Consultation: n/a

Evaluation: The number and type of penalty notices are indicators of compliance, legitimacy and emerging issues.

Resource: n/a

strict liability: one defence, that of reasonable mistake of fact

absolute liability: an offence for which there is no defence

Does this process apply to track?					
Exempt Context	Prohibited Context	Self Context	Code Context	Merit Context	Impact Context

Order

7.2.02 Serve an order to carry out or stop an activity

Process

- 1 The assessment or other authority serves an order to make changes to a development, to rectify damage or to cease an activity.
- 2 An order may be preceded, accompanied or followed by 7.2.01 Penalty notice.

Objective

To stop or prevent an activity which contravenes an Act, plan, standard, licence or condition of approval.

Principles

- 1 Orders apply to activities which need to be stopped and reversed whether or not a penalty is imposed.
- 2 An order may or may not be accompanied or followed by a penalty notice, a fine imposed by a court and a prosecution.

Tests

Effectiveness: Specific activities are stopped, reversed and/or carried out.

Transparency: Enforcement actions are audited and open to public scrutiny.

Efficiency: Procedures are as simple as possible consistent with effectiveness and transparency.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: An order can be appealed to a court by 7.2.06 Legal appeal.

Enforcement: 1 An order may or may not be accompanied by 7.2.01 Penalty notice.

2 Failure to comply with the order is an offence which leads to 7.2.05 Prosecution.

Consultation: n/a

Evaluation: The number and type of orders are indicators of compliance, legitimacy and emerging issues.

Resource: n/a

Does this process apply to track?					
Exempt Context	Prohibited Context	Self Context	Code Context	Merit Context	Impact Context

Injunction

7.2.03 Seek an injunction

Process

The assessment or other authority or a citizen seeks an injunction to stop or prevent (a) a contravention of an Act or plan or (b) development contrary to a condition of approval.

Objective

- 1 To stop or prevent an activity which may be unauthorised and/or damaging.
- 2 To allow the appropriate forum to determine the outcome of the matter before it is irreversible.

Principles

Stakeholders can have matters resolved without pre-emptive action by one of the parties.

Tests

Effectiveness: An injunction is served which stops or prevents the activity.

Transparency: The evidence, defence and reasons are publicly available.

Efficiency: Damage is prevented without extended cost or delay before a resolution.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: Those seeking an injunction must be a (potential) party to a dispute.

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt Context	Prohibited Context	Self Context	Code Context	Merit Context	Impact Context

Civil enforcement

7.2.04 Seek civil enforcement

Process

The assessment or other authority or a citizen seeks civil enforcement by a court of a common law obligation, an Act or plan or a condition of approval.

Objective

- 1 To invoke the power of a court to require a person to comply with the law.
- 2 To have penalties applied and to recover damages from a person who failed to meet a common law obligation, an Act or plan or a condition of approval.

Principles

Those with standing can initiate proceedings for the law to be enforced, penalties to be imposed and damages to be awarded.

Tests

Effectiveness: The law is upheld.

Transparency: The proceedings are in a court.

Efficiency: The parties agree on the specific matters in dispute.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt Context	Prohibited Context	Self Context	Code Context	Merit Context	Impact Context

Prosecution

7.2.05 Prosecute an offence

Process

The assessment or other authority commences proceedings in a court to prosecute the contravention of an Act or plan or development contrary to a condition of approval.

Objective

To bring before a court a person accused of contravening an Act or plan or a condition of approval, so that penalties can be applied.

Principles

The effectiveness, transparency and efficiency of development assessment requires illegal acts to be brought to court.

Tests

Effectiveness: The law is upheld.

Transparency: The proceedings are in a court.

Efficiency: The parties agree on the specific matters in dispute.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt Context	Prohibited Context	Self Context	Code Context	Merit Context	Impact Context

Legal appeal

7.2.06 Make a legal appeal to a higher court

Process

- 1 The assessment or other authority appeals to a higher court against a decision or penalty imposed by a lower court.
- 2 A person convicted of an offence appeals against the conviction or the sentence.

Objective

To have a legal matter heard again in court, so that the earlier judgment can be overturned or varied.

Principles

Certain aspects of the proceedings and decisions of lower courts are reviewable by higher courts.

Tests

Effectiveness: The law is upheld.

Transparency: The proceedings are in a court.

Efficiency: The parties agree on the specific matters in dispute.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: n/a

Does this process apply to track?					
Exempt Context	Prohibited Context	Self Context	Code Context	Merit Context	Impact Context

Records

8.1.01 Maintain records

Process

All stakeholders establish and continuously improve systems for collecting, storing and retrieving data generated in administering development assessment processes, and make it available in convenient formats for 8.1.02 Reporting, 8.2.02 Research and 8.2.03 Periodic review.

Objective

To keep comprehensive and reliable records relevant to analysing performance.

Principles

- 1 Data is best kept in forms appropriate to its subsequent use.
- 2 When the future use of data is unclear, data should be kept in any case.

Tests

Effectiveness: Relevant data is available when needed for system improvement.

Transparency: Subject only to explicit limits for privacy and commercial confidence, data is publicly available.

Efficiency: Processes automatically store data.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: This process is formally triggered by 4.1.02 Advice provision, 4.2.01 Validity, 4.2.02 Fees received, 4.2.03 Application acknowledged, 4.3.01 Categorisation, 4.4.01 Application submissions, 4.3.05 Progress tracked, 4.4.08 Authority substitution, 4.5.01 Internal determination, 4.5.02 Hearing, 4.5.03 Independent determination, 4.5.04 Call-in, 4.5.05 Jurisdiction determination.

Review: n/a

Enforcement: This process is formally triggered by 7.1.01 Inspections, 7.1.02 Private certificate audits, 7.2.01 Penalty notice, 7.2.02 Order, 7.2.03 Injunction, 7.2.04 Civil enforcement, 7.2.05 Prosecution, 7.2.06 Legal appeal.

Consultation: This process is formally triggered by 6.2.02 Public meeting, 6.2.03 Pre-decision mediation.

Evaluation: n/a

Resource:

Does this process apply to track?						
Exempt	Prohibited	Self	Code	Merit	Impact	
Yes	Yes	Yes	Yes	Yes	Yes	

Reporting

8.1.02 Monitor and report performance

Process

All stakeholders collect, analyse and present data which enables performance to be compared over time and between processes and stakeholders.

Objective

To assess performance over time and between processes and stakeholders.

Principles

Monitoring requires a small number of meaningful measures which relate directly to performance.

Tests

Effectiveness: Measures directly relate to processes that matter.

Transparency: Methodology and evidence is publicly documented.

Efficiency: Minimum use of resources consistent with the other tests.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource: Authorities report to state agencies to allow statistics to be consolidated and compared.

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
Yes	Yes	Yes	Yes	Yes	Yes

Feedback

8.2.01 Report lessons to other decision makers

Process

At designated points in the process, assessors and others administering development assessment formally report to decision makers with responsibilities for system design and performance.

Objective

To maintain continuous improvement by deriving lessons from the operation of development assessment and communicating those lessons to those with responsibilities for system design and performance.

Principles

There are critical points in development assessment where evaluations are incidentally made of criteria, policy and processes and lessons are learned; this process is triggered so that any lessons are passed on to those able to apply them.

Tests

Effectiveness: Lessons are passed on to those able to apply them.

Transparency: Reports are publicly available.

Efficiency: Reporting is a simple and routine component of designated processes.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: This process is formally triggered by 3.2.01 DSS loaded, 3.4.0i Criteria and assessors.

Assessment: This process is formally triggered by 4.1.01 Information provision, 4.1.02 Advice provision, 4.1.03 DSS applied, 4.3.01 Categorisation, 4.4.01 Application submissions, 4.3.05 Progress tracked, 4.4.08 Authority substitution, 4.4.04 Report written, 4.4.05 Composite report written, 4.5.01 Internal determination, 4.5.02 Hearing, 4.5.03 Independent determination, 4.5.04 Call-in, 4.5.05 Jurisdiction determination.

Review: This process is formally triggered by every Review process.

Enforcement: This process is formally triggered by every Enforcement process.

Consultation: This process is formally triggered by 6.2.02 Public meeting and 6.2.03 Pre-decision mediation.

Evaluation: n/a

Resource: RMA has requirement to monitor, research and evaluate; to keep records and act etc35(5); SoE reports, management plans, corporate plans; suitability and effectiveness of policy statements and plans; five year review (continuous improvement).

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
Yes	Yes	Yes	Yes	Yes	Yes

Research

8.2.02 Undertake research

Process

Stakeholders carry out ongoing research to collect evidence on the effectiveness, transparency and efficiency of development assessment processes.

Objective

To gather evidence needed for system improvement.

Principles

Research is perceived to be expensive because it has longer horizons than those of system operations or policy making; it needs to be strategically targeted at the key points where findings can lead to system improvement.

Tests

Effectiveness: New knowledge and understandings are gained.

Transparency: The methods and results of the research are publicly available.

Efficiency: The information sources are available, relevant and accurate.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: Research data is available from 3.3.02 Landlord's agreement, 3.3.03 Owners' body agreement, 3.3.04 Owner's acknowledgment, 3.4.01 Impact researched, 3.4.02 Impact statement written, 3.5.01 Application analysis, 3.5.02 Application response, 3.6.01 Decision analysed, 3.6.02 Decision response.

Assessment: Research data is available from 4.1.02 Advice provision, 4.1.03 DSS applied, 4.3.01 Categorisation, 4.4.01 Application submissions, 4.3.05 Progress tracked, 4.4.08 Authority substitution, 4.4.04 Report written, 4.4.05 Composite report written, 4.5.01 Internal determination, 4.5.02 Hearing, 4.5.03 Independent determination, 4.5.04 Call-in, 4.5.05 Jurisdiction determination.

Review: n/a

Enforcement: Research data is available from every Enforcement process.

Consultation: Research data is available from 6.1.01 Notice, 6.1.02 Notification, 6.1.03 Advertisement.

Evaluation: n/a

Resource:

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
Yes	Yes	Yes	Yes	Yes	Yes

Periodic review

8.2.03 Carry out review

Process

Stakeholders carry out periodic reviews of development assessment processes.

Objective

To enable data, evidence and advice to be brought together in a comprehensive review of whole systems.

Principles

This process brings together and integrates data, findings and lessons from the four other Evaluation processes 8.1.01 Records, 8.1.02 Reporting, 8.2.01 Feedback, 8.2.02 Research.

Tests

Effectiveness: The lessons from experience are learned and applied.

Transparency: The methods and results of the review are publicly available.

Efficiency: Information is reliable, available and relevant.

Performance, skills and research

n/a

When digital...

Project: n/a

Criteria: n/a

Application: n/a

Assessment: n/a

Review: n/a

Enforcement: n/a

Consultation: n/a

Evaluation: n/a

Resource:

Does this process apply to track?					
Exempt	Prohibited	Self	Code	Merit	Impact
Yes	Yes	Yes	Yes	Yes	Yes