



...leading planning reform

Development industry,  
professions and  
governments working  
together to

**lead, reform**  
**and harmonise**

Australia's development  
assessment systems

# Road Map to a Model DA Process Engaging with Stakeholders

**Important Disclaimer:** The views expressed in this document do not necessarily represent the views of DAF members.

DAF was created to identify leading edge approaches to development assessment in Australia.

To achieve this, DAF plans to recommend a model DA process that will cut red tape, and deliver:

- a quality built environment acceptable to the community;
- less cost and greater efficiency of approvals process;
- stronger investment; and,
- more jobs.

DAF's consultants have researched existing Australian and international development assessment systems and devised a new approach. It's now time to **test their model with key stakeholders** before undertaking a full cost-benefit analysis.

DAF will then provide its **final recommendations** to the nation's planning and local government Ministers in July 2004.

## WHAT'S WRONG WITH THE CURRENT SYSTEM?

Australia's development systems were designed for a different era.

These days, Australians expect more of their built environment and of the development systems that determine the impact of new projects.

Our economic needs are more diverse and environmental issues are more prominent. In addition, the built environment plays a crucial role in delivering community benefits such as health, education, security, leisure and entertainment.

There is plenty of research that shows our current approach to assessing new developments is confusing, slow and wasteful.

There are also strong arguments for taking a more consistent approach across the country.



We need quicker, more efficient development assessment processes that deliver world class economic, social and environmental outcomes. Such an approach needs to deliver a system that the community trusts.

## A NEW APPROACH – IN BRIEF

Clarity lies at the heart of the proposed model system.

The aim is to translate development and planning policies into clear rules for assessing individual development proposals.

There are three key elements to the DAF consultant's Model DA approach.

<b>Leading Practice Principles</b>	The principles describe the key features of a better approach, in terms of both process and outcome.
<b>Leading Practices</b>	The practices explain the fundamental operating features of the model system.
<b>Leading Practice Logic</b>	The logic details the ladder of decision making steps relevant to different types of projects.

## Leading Practice Principles

There are twelve leading practice principles that are the basis of the proposed model system. They indicate that a development assessment system should:

- focus on achieving **high quality sustainable outcomes**;
- encourage **innovation and variety** in development;
- **integrate all legislation**, policies and assessments applying to a given site;
- encourage appropriate **performance based** approach to regulation;
- promote **transparency and accountability** in administration;
- promote a **cost effective** system;
- promote a model that is **streamlined, simple and accessible**;
- employ **standard definitions and terminology**;
- incorporate **performance measurement and evaluation**;
- promote **continuous improvement**;
- promote **sharing of leading practice information**; and,
- provide **clear information** about system operation.

## Leading Practices

There are nine leading practices.

### *One: Separation of Roles*

#### Goals:

- transparency and equity;
- minimise conflicts of interest; and,
- match skills and responsibilities.

#### Proposals:

It is recommended that elected politicians take responsibility for the development of planning policies and that independent bodies (such as panels, which may include elected

politicians) be responsible for assessing applications against these policies.

### *Two: Technically Excellent Assessment Criteria*

#### Goals:

- engage the community in clear policy development; and,
- convert policies into explicit rules and assessment criteria.

#### Proposals:

The community values and policy objectives set by governments should be codified as **objective tests and rules**.

It is important to engage with the community early in the policy making process.

Once developed, these rules are **the criteria by which development applications are assessed**.

### *Three: A Single Point of Assessment*

#### Goals:

- limit referrals to those agencies with a statutory role;
- increase policy consistency; and,
- a whole of government approach.

#### Proposals:

Decisions on development applications, based on technically excellent criteria are best integrated by a **single entity**.

Relevant government agencies, with a defined statutory role, will also provide their advice; however, this advice must conform to their own technically excellent assessment criteria.

#### *Four: Independent and Expert Assessment*

##### **Goals:**

- match project complexity to assessment skills;
- separate policy making from assessment;
- increase transparency; and,
- cut red tape.

##### **Proposals:**

It is proposed that panels be established at local or regional level to assess projects not determined by professional staff, and to review staff decisions.

It is anticipated Ministers may wish to retain call-in powers based on criteria prescribed by statute.

#### *Five: Appeals as a Second Assessment*

##### **Goals:**

- reduce legal complexity and cost;
- maintain the integrity of an approach based on technically excellent criteria; and,
- ensure equity.

##### **Proposals:**

Discretionary decisions should be reviewable.

In a merit appeal, **applications should be assessed against exactly the same criteria** by a more senior independent expert body.

It is proposed that each state and territory establish an independent expert commission to assess projects called in by the relevant Minister and to review appealed local panel decisions.

#### *Six: Defined Third Party Involvement*

##### **Goals:**

- ensure political policy making remains independent of administrative assessment of applications;
- greater certainty; and,
- fewer delays.

##### **Proposals:**

Under the proposed model, a development assessment is made against technical criteria that enshrine policy developed after community consultation.

Unless an error in administration occurs, **third parties are encouraged to advocate change to the policy driven criteria.**

Appropriate checks and balances will need to be included to ensure appropriate governance of the assessment process.

#### *Seven: Private Sector Involvement*

##### **Goals:**

- provide flexibility and free up staff; and,
- speed up approvals.

##### **Proposals:**

In specified circumstances it is recommended that private sector experts provide advice that attests to compliance with technically excellent criteria.

In other cases, the advice of private sector experts would be considered by the assessing authority (whether government officer, panel or commission).

#### *Eight: Stream Assessment into Tracks*

##### **Goals:**

- matching project complexity and impact to decision-making processes;
- reducing assessments backlogs; and,
- better use of resources.

##### **Proposals:**

Early in the development assessment cycle, **a project application should be streamed into a specific assessment track.**

Each track comprises a specific set of decision-making steps relevant to the project's complexity and impact on the built and natural environments.

The scope and nature of these tracks is a policy issue to be decided by governments.

The track to be used for each assessment will need to be clear from the outset.

#### *Nine: Built-in Improvement Mechanisms*

##### **Goals:**

- continuous improvement of the development assessment process;
- greater strategic thinking by stakeholders; and,
- real world practice to help inform policy.

##### **Proposals:**

Formal feedback loops with the development assessment are proposed. This approach would **incorporate lessons learned by key stakeholders** into overall planning policy, technical assessment criteria and the operation of the development assessment system.

# Leading Practice Logic

The model proposes six assessment tracks based on project complexity and impact. These are:

Exempt	Prohibited	Self Assess	Code	Merit	Impact
Minor development that has negligible impact beyond the site and raises no policy implications, and therefore does not require an application or assessment. It must comply with the definition of exempt development.	Development which cannot comply with one or more explicit requirements of the statutory plan.	Routine development covered by a set of objective criteria. The proponent checks the proposal complies with all criteria, notifies the assessment authority & advises immediate neighbours. (Alternatively the proponent can submit an application for assessment.)	Most development follows this track and is covered by objective criteria relating to procedures, standards and/or performance. Expert assessment and determination by the assessment authority or an accredited assessor.	Small number of complex proposals or development in sensitive environments, where merit is assessed against criteria relating to quality, performance and effects. Expert assessment and determination by the assessment authority.	Non- standard proposals where impact is assessed against criteria relating to thresholds and limits, with compliance established in each case by measuring predicted impacts. Expert assessment and determination by the assessment authority.
Proponent tests against regulatory requirements	Proponent tests against regulatory requirements	Proponent prepares application in accordance with preset criteria	Proponent prepares application in accordance with code requirements	Proponent prepares application in accordance with relevant policy & code requirements	Proponent prepares application in accordance with relevant policy & code requirements
No assessment or consent needed	No assessment or consent needed	Proponent assesses compliance with preset criteria	Application assessed by consent authority or certifier against code requirements	Public notice may be needed	Proponent prepares impact assessment in prescribed manner
Proposal can proceed provided it continues to comply with requirements	Proposal cannot proceed	Consent authority or certifier checks assessment	If OK consent authority or certifier issues standard consent	Application assessed by consent authority	Public notice may be needed
		If OK consent authority or certifier issues standard consent		If OK consent authority or certifier issues standard consent	Application and impact assessment assessed by consent authority
					If OK consent authority or certifier issues standard consent

Once a track is agreed, the project application follows the following assessment cycle:

Pre-Application & Lodgement
Consultation
Assessment & Decision-making
Review
Enforcement
Evaluation

Within each of these basic assessment processes is a ladder of decision making steps. In the simple tracks, there are few steps, in the more complex tracks there are many. DAF's consultants have worked out each of these steps for all assessment tracks in great detail.



## Where to from Here?

DAF is about to commence an exhaustive consultation process based on this model.

If you are interested in participating please send an email to [Lucy.Jenkin@dotars.gov.au](mailto:Lucy.Jenkin@dotars.gov.au) to **REGISTER YOUR INTEREST**.

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