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# DAF Workshop Series 2000

## Suggested Implementation Strategy

**Commonwealth Department of  
Transport and Regional Services**

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### **BRISBANE**

Suite 17C, Level 2, Central Brunswick, Cnr Brunswick and Martin Streets  
Fortitude Valley Queensland 4006  
PO Box 611, New Farm Queensland 4005

Telephone: (07) 3852 5455 Facsimilie: (07) 3852 5477  
E-mail Address: [brisbane@cbgroup.com.au](mailto:brisbane@cbgroup.com.au)



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Director

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Date

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# **DAF WORKSHOP SERIES 2000**

## **SUGGESTED IMPLEMENTATION STRATEGY**

### **1. INTRODUCTION**

This strategy has been derived from observations from recent DAF Workshop series commissioned by DAF and the Commonwealth Department of Transport and Regional Services. The workshops were undertaken over a three-week period in March and April 2000, and were the subject of a separate report to DAF in April 2000.

As a follow-on to that project, DAF sought a separate report identifying the consultant's recommended Implementation Strategy - hence this report. This report however represents the views of the consultant and not the DAF or the DAF Working Group. It is now a matter for DAF to determine its acceptance or otherwise of this strategy, and to determine the source of and availability of the resources needed to achieve this strategy or any modified version thereof.

### **2. PRIORITY ACTIONS**

The workshop report identified some recommended priorities for action to progress the concept of "harmonisation" of development assessment systems across the nation. The following priorities have been drawn from my observations throughout the workshop program, and should be considered by DAF as priorities for implementation.

## **PRIORITIES**

- 1)** Develop and implement a national training program dealing with:
  - the writing of, use by applicants of, and assessment of applications under performance based development codes;
  - the writing of, and use by applicants and assessment officers of, a place-based approach to planning, including the preparation of statements of desired outcomes for places, precincts or other geographic areas.
- 2)** Continue the work towards a national set of definitions for the operational aspects of planning and development assessment including, but not limited to the following:
  - building height;
  - storey;
  - gross floor area;
  - natural ground level;
  - plot ratio;
  - dwelling or house;
  - other operational terms (as opposed to land use terms).
- 3)** Undertake a review of appeals systems across all states and territories to determine if elements of a national leading practice system can be developed.
- 4)** Undertake a research project to develop a national set of principles for delegation of decision making in development assessment.
- 5)** Research into the nexus or otherwise between the level of assessment and the type of assessor - eg: can all code assessment be undertaken by appropriately qualified private certifiers?
- 6)** Develop a consistent set of specifications for software for electronic lodgment and exchange of development documents and tracking of development applications.
- 7)** Establish some national standards for performance measurement and benchmarking of planning schemes and development assessment systems.
- 8)** Investigate opportunities to set standard application fees and a national standard application form.

- 9) Investigate opportunities for national standardisation of some engineering standards eg: carparking spaces and driveway crossovers.

### **3. IMPLEMENTATION**

#### **3.1 Training Program**

It was clear from my involvement in the workshop program that training was a top priority for participants. While, as in my earlier report, there was strong support for the concepts of:

- performance based approach to codes and planning schemes generally;
- the place based approach to planning,

there was equally strong support for more training in these areas. While most participants recognised the benefits of each, at least in certain localities, there was the overwhelming view that they were not being used to their best effect at present. The training suggested was for all players in the development assessment system - authors of codes and planning schemes, applicants and their advisers, and assessors of those applications.

The training program then, should be targeted at:

- those who draft planning provisions to ensure they are legible, transparent and unambiguous, and provide a level of both certainty and flexibility;
- those who have to prepare applications under such systems to ensure they understand what is required of an application, and what the limits on flexibility might be; and
- those who decide applications under these systems - assessors as well as elected representatives.

Such a training program will necessarily be a not-insignificant task. It can build on the good work done in recent years including the AMCORD projects and the joint Commonwealth / RAPI project entitled "Training Manual for Performance

Based Residential Codes". There are no doubt other relevant resource documents prepared by commonwealth and some state governments and various local government associations and industry that would also prove useful in putting together a training program as suggested.

### ***Scope of Work Involved***

The training program should comprise the following elements:

- a desktop review of all relevant resource documents prepared in recent times;
- preparation of a training manual (or set of manuals) for the targeted audiences of:
  - authors of planning provisions;
  - applicants and their consultants
  - assessors;
  - elected representatives.
- a national workshop program to promote the training manual/s;
- targeted and ongoing training (using the manuals) by state and territory government agencies, local government associations and industry bodies.
- establishment and maintenance of a web site for interaction by users of the training, questions and answers, exchange of experiences, etc.

### **3.2 Definitions**

The work undertaken on this topic for DAF by John Mant has proven valuable, at least in stimulating debate on the issue of a national set of definitions for operational terms used in development assessment. The overwhelming view from workshop participants was that this was a piece of work that was readily achievable and would give DAF some "runs on the board" in reasonably quick time.

Given that the Building Code of Australia (BCA) has already achieved a set of national definitions for some of the terms commonly used in development assessment, these could be used at least as a starting point for this project. The

work involved in determining a national set of definitions for planning was, then, seen as being reasonably concise.

### ***Scope of Work Involved***

This "definitions" project is seen as reasonably self-contained and needs only build on the work done by John Mant, the BCA, and any others. It should comprise:

- a review of the terms intended to be included in this national set of definitions;
- a desktop review of the work done to date by Mant, the BCA, and others;
- a comparative matrix of definitions used for the agreed terms around the nation;
- preparation of a model set of definitions;
- promotion of the model through workshops, literature, internet, etc by the commonwealth and all state and territory governments, local government associations, and industry bodies.

### **3.3 Review Of Appeals Systems**

There was strong support from the majority of workshops for the appeals systems to be improved – regardless of which state or territory the workshop was held. There has been some work done over the past few years by way of comparative matrices of appeals systems, and there are obviously quite divergent approaches across the country.

Given this, it is in practical terms unlikely that a common system will be achieved, and there may be good arguments as to why a common system should not ever be achieved.

Nevertheless, there was such a strong reaction to this issue at the workshops that some further work is warranted. That work should seek to determine if there are fundamental principles of an appeals system that can be adopted

nationally – that is, are there some “leading practice” elements of an appeals system that could span state and territory boundaries? This work is not expected to be extensive in volume. It would comprise predominantly a desktop review of existing systems and drawing from that (if possible) a set of principles to which each jurisdiction could have regard in any future reviews.

### ***Scope of Work Involved***

- desktop review of existing appeals systems in all states and territories, including an update of all existing work (“States of Play” and others).
- derivation of a set of leading practice principles for appeals systems.
- promotion of those principles through state and territory government departments, the legal profession and industry bodies.

### **3.4 Delegation**

While many local governments (eg: Brisbane City Council) have already achieved a high level of delegation of decision making in development assessment to appropriate officers, many have not. Disappointingly, a few have actually regressed to an unacceptably low level of delegation. The Local Approvals Review Process (LARP) in the early 1990’s advanced, among other matters, the concept of the need for delegation to the lowest practical level, but sadly, the impetus provided by LARP seems to have subsided.

We were advised that South Australia (through the LGA) has derived a set of principles for delegation of development assessment decisions and this may well be an appropriate starting point for a nation-wide set of principles.

### ***Scope of Work Involved***

- review of existing delegation powers for development assessment decisions across all states and territories.
- review of all existing guidelines for delegation, including the SA example.
- preparation of a set of nationally applicable guidelines for delegation by local government and state/territory agencies.

- promotion of these guidelines by way of a “manual”, the Internet and targeted workshops, ideally run and coordinated by local government and municipal associations to ensure credibility.

### **3.5 Assessment vs Assessor**

As above, there was considerable discussion at many of the workshops about the nexus between the type of assessment and the type (qualifications of) assessor. It was generally held that “code assessable” applications were or should be capable of assessment by any appropriately qualified person – not just a local or state government officer. Building works was the most common example where most states and territories either had or were moving towards private certifiers for these works, once the sole domain of local governments. Given an accurate, unambiguous and transparent code, there was no reason why other technical works could not be similarly assessed.

#### ***Scope of Work Involved***

- review the approach being taken by all states and territories towards private certification of building and other code assessment works.
- develop a set of guidelines / principles for private decision-making (certification) of code assessable development by appropriately qualified persons.
- determine what, if any, regulatory bodies need to be established to monitor, accredit and regulate these private certifiers.
- promote the guidelines through workshops, electronic media and publications by local and state governments and industry bodies.

### **3.6 Software Specifications**

It was widely agreed that local governments and state agencies were not making the most efficient use of resources in this area. Most were effectively “re-inventing the wheel” when it came to software specifications for development assessment tracking, electronic lodgment and electronic exchange of documents.

Importantly, to ensure that all systems could talk with each other, the specifications - if not the software itself - needed to be consistent - locally, regionally and nationally. The advantages of this inter-operability were seen as many, including the ability for applicants to call up and rely upon the same data that the council and state agency officers rely upon in their assessment.

### ***Scope of Work Involved***

- review of existing software and specifications being used in electronic tracking, exchange and lodgment for development applications.
- derive a national standard specification - or at least criteria for specifications - for software for electronic tracking, exchange and lodgment for development applications.
- promote this specification through publication and Internet by state agencies, local government associations and industry bodies.

### **3.7 Performance Measurement And Benchmarking**

As with the issue of software above, many councils and, to a lesser extent perhaps, state agencies, are undertaking or considering the issue of measuring their performance. Often this includes (as one of a number of tools) benchmarking against like councils or agencies. Again, most of these bodies are re-inventing the wheel when it comes to the specifications and performance criteria for this exercise. Again, this seems an inefficient use of resources and potentially denies the ease of direct comparison that many local governments seek.

The workshops found general agreement that, for ease of comparison as well as efficiency, a standardised set of performance criteria ought to be able to be determined for this exercise. In that way, comparisons between like organisations would be much more meaningful than they might otherwise be.

It was also acknowledged that some work had been done on this issue for the Planning Officials Group at a state and territory level and that this work should provide a valuable starting point for this broader project.

### ***Scope of Work Involved***

- desktop review of Planning Officials Group work
- enhancement where necessary to widen the scope to include performance measurement of local government in development assessment
- derivation of a nationally applicable set of performance criteria

### **3.8 Application Fees**

Considerable concern was expressed by industry representatives at most of the workshops at the disparity of application fees in some states (not in the territories that have standardised fees. While some states had adopted a state wide fee schedule (NSW, Vic, SA and others), some had not (notably Queensland) and this was considered to be a significant shortcoming. In short, the cost of an application for a dwelling house in Cairns should not be significantly different from the same type of application in Hobart or even Brisbane (for examples). Given that some states had achieved this consistency, there was not considered to be any valid reason why the other states could not.

Allied to this was the need for a national application form. While most states and territories had a state / territory wide standard form, the question was legitimately asked why this could not become a national standard, especially given that the base information require din all application forms was essentially the same.

### ***Scope of Work Involved***

- review fees and charges for a sample of typical or common development applications.
- review application forms in all states and territories
- determine a reasonable fee for the various types of application and the various types of assessment.

- determine if a national application form can be achieved and, if so, prepare a model form for dissemination to all local governments, state agencies and industry.
- promote the concept of a standardised fee schedule (at least within each state and territory) to all local governments.

### **3.9 Engineering Standards**

While arguably of lesser importance than many of the issues raised above, the disparity in many of the common engineering standards was a concern again to industry representatives. Importantly also, there seemed no logical reason for this disparity, especially when national standards existed for many of the elements eg: carparking bay sizes and driveway crossover widths.

#### ***Scope of Work Involved***

- review the scope of engineering issues for which national standards currently exist or could exist.
- promote the adoption of recognised national standards to all local governments.

## **4. SUMMARY**

This report recommends that a range of issues raised at the workshops around Australia be prioritised and actioned. I have suggested the priorities as I perceived them from the workshops and I have suggested an implementation and scope of works for each of the actions.

DAF now needs to consider these priorities and determine if they are accepted or need to be modified. Once the prioritised actions are agreed, the implementation of those actions needs to be considered. These will include a resource requirement, much of which is likely to lie outside of DAF's direct capacity. How these resources are found is a matter for DAF as a whole. My own view is that it seems appropriate for joint funding between the three levels of government and industry, given the potential benefits to all parties from the outcomes of these actions.

I trust that these priorities and actions meet with DAF's approval and I look forward to the outcomes of your deliberations. As always, if I can provide any additional information or clarification, please feel free to contact me directly.

**CHRIS SCHOMBURGK**

Manager, C&B Group Brisbane

13<sup>th</sup> June 2000