



C & B GROUP

- Project Management
- Planning
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Dept of Transport and Regional Service

Development Assessment Workshops

For DTRS and the Development Assessment Forum

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EXECUTIVE SUMMARY

- Fifteen workshops have been held across Australia, including all capital cities and seven regional centres.
- While the numbers of attendees at the workshops varied, the cross section of disciplines and employment sectors was sufficiently broad to provide good representation of those involved in the development Assessment systems.
- There is generally strong support for the Principles of Leading Practice in Development Assessment as espoused in the draft paper.
- There is even stronger support for the national approach to definitions as espoused in the "Definitions" paper prepared for DAF by John Mant.
- There is overall strong support for DAF to continue its work to achieve national harmonisation in Development Assessment.
- The workshops have raised the potential for a range of future work projects by DAF, and these suggestions need to be considered, prioritised, and resourced as appropriate by DAF (see Chapters 5 and 6).
- Given the support for the DAF initiatives, further work should now be undertaken to provide a finer level of detail for the broad principles and elements of leading practice in Development Assessment in the DAF paper.
- Workshop attendees rated training, review of the appeals systems, and electronic systems among their higher priorities.
- DAF should take comfort in the strong support of their work undertaken to date, and the encouragement from workshop participants to continue that work.

1.0 INTRODUCTION

1.1 BACKGROUND

This report is prepared for a consultancy project for the Commonwealth Department of Transport and Regional Services (DTRS) and the national Development Assessment Forum (DAF). The project is entitled:

"Conduct and Report on a Series of Workshops Relating to Development Assessment".

DAF has previously commissioned a number of reports that it has accepted for the purposes of broader consultation. This project sought that broader consultation. These various reports have been reproduced in electronic format on the CD-ROM included in the workshop package (see later) and some were distributed in hard copy to all attendees. The dedicated web site (see later) also contains electronic versions of these reports.

As I understand it, the Commonwealth and DAF are seeking feedback from a broader cross section of participants in the development assessment field as to the merits or otherwise of the reports prepared to date, before considering what future work needs to be undertaken with respect to the wider agenda of reform of development assessment systems.

1.2 SCOPE OF PROJECT

In summary, the consultancy required preparation for, the conduct of, and reporting on the outcomes of, a series of workshops around Australia to discuss, debate and seek comment on work recently undertaken for DTRS and DAF. The brief for the project is attached as ***Attachment 1***.

The workshops were held over a 3 week period during March 2000 and covered all capital cities as well as selected regional centres. The workshop itinerary is attached as ***Attachment 2***. It is worth noting that workshops scheduled for Dubbo and Albury were cancelled, and a workshop scheduled for Mt Gambier was re-scheduled to Ballarat but then cancelled due to lack of attendance.

Fourteen (14) workshops were proposed, including all capital cities and a number of regional centres. A subsequent workshop was planned for a Sydney CBD location, given the low attendance at the Parramatta venue.

The project required communication by way of newsletters and flyers to promote the workshops and to provide feedback to participants at the end of the project. In the event, the pre-workshop publicity was limited, primarily due to the tight time frame for the workshops. It is now suggested that the post-workshop communication be expanded to include feedback as well as wider promotion of the DAF work and the reform agenda itself.

The project required the preparation of a report with findings from the workshops, and for that report to be presented to DAF with recommendations for further actions.

This report then, presents the outcomes of the consultation. In the main, the report presents comments made at or following the workshops and, as such, presents people's perceptions about issues in development assessment. The summary and recommendations (sections 5 and 6 of the report), however, are my own comments based on my appreciation of the workshop outcomes.

2.0 OTHER LOGISTICS ISSUES

2.1 WEB SITE

In addition to the workshops themselves, an Internet web site (www.daf.gov.au) was developed to enable access to the relevant documents and to allow comment from those people who were unable to attend any of the workshops. The web site included electronic versions of the various background reports, links to a range of web sites operated by DAF members (state planning agencies, industry bodies, local government associations, and professional organisations), and electronic feedback provisions.

Some logistic issues were encountered in establishing the web site – not in developing the site, but in gaining approval to use the name. As an interim measure, the site was used as www.daf.cbgroup.com.au given the time taken to gain approval to use a “.gov.au” site.

It is expected (hoped) that DAF will continue to maintain this web site after this project to allow ready transfer of leading practice information, and to continue to provide the links to other relevant sites.

2.2 VENUES AND ATTENDANCES

To determine the best venues for the workshops, relevant DAF members were contacted at the beginning of the project to seek their views. Given that the brief and our response to it allowed for a maximum of fifteen workshops and all capital cities were to be covered, seven regional centres were then available to help ensure appropriate and representative coverage of the nation.

As it turned out, narrowing it down to only seven was no easy task. For example, the Queensland LGAQ preferred three regional locations, New South Wales representatives sought three around Sydney as well as others in regional NSW, and Victoria sought two or three - all in addition to the capital cities. Clearly these numbers were not able to be achieved. Compromises were made and the final locations were chosen and agreed to by the Project Manager in NOLG. These compromises sought to avoid state boundaries (eg: Mt Gambier for southern SA and western Vic, Albury for southern NSW and northern Vic) while still seeking to involve regional Australia. Unfortunately, numbers in most regional centres were extremely low, with the result that three workshops were cancelled or relocated because of low or nil attendance. In some of those instances, people who did attend were briefly interviewed for their comments.

There may well be criticism of the actual locations chosen in the end, and the poor attendances at some of these regional centres may give some weight to such criticism. However, given the low numbers of attendees generally, it is far from certain that other venues would have attracted greater numbers.

All DAF members were asked to provide names or contact lists for invitations and these lists were readily provided. C&B Group then forwarded invitations by e-mail or fax to those lists. In some cases, DAF members themselves undertook the distribution to their constituents.

The project was formally commenced upon signing of the relevant contracts, which occurred on or about the 19th January 2000. The Brief required the workshops to be completed by late March so that the draft report could be prepared by 29th March. This meant that the workshops would need to start no later than the 3rd March, leaving only a few weeks to organise the invitation lists, the workshop programme, the workshop packs and the web site.

The first workshop was held in Brisbane on 3rd March and workshops followed daily from then on. This meant that relatively short notice was available for at least the first few workshops, which also may have had some effect on attendance numbers.

In all, 150 people attended workshops as per the following table of registrations.

Venue		Date	Registrations	Actual
Brisbane	Qld	3/3	16	10
Coffs Harbour	NSW	6/3	4	4
Parramatta	NSW	7/3	15	8
Dubbo (cancelled)	NSW	8/3	1	Nil
Canberra	ACT	9/3	27	25
Albury / Wodonga	NSW/Vic	10/3	2	2
Adelaide	SA	13/3	15	10
Mt Gambier	SA / Vic	14/3	1	Nil
Ballarat	Vic	14/3	4	1
Melbourne	Vic	15/3	12	8
Launceston	Tas	16/3	12	16
Hobart	Tas	17/3	14	19
Cairns	Qld	20/3	11	7
Darwin	NT	21/3	12	12
Perth	WA	23/3	27	24
Sydney CBD	NSW	5/4	10	4
TOTAL			183	150

As above, attendance numbers in some of the centres were extremely low. The reasons for this are unclear, but suggestions were that other state and national seminars were being held about the same times (GST, BCA and Greenhouse), short notice, and a perceived lack of applicability at the local level. In the event, however, a good cross section of disciplines and employment sectors was achieved including state and local government officers, industry and professional representatives (see attendance list **Attachment 6**). Those who did attend provided useful discussion and debate on the issues raised.

3.0 WORKSHOP PROGRAM AND CONTENT

3.1 PROGRAM

The workshop program was kept consistent throughout all workshops. A copy of the agenda is attached as **Attachment 3**. The workshops all ran about the full 3 hours, although the time spent in discussion on specific issues obviously varied from centre to centre.

All participants were provided with a "Workshop Pack" (**Attachment 4**) containing a CD-Rom, workbook, summaries of relevant reports, feedback sheet and itinerary for all workshops. The feedback sheets were collected at the end of each workshop, as were the workbooks where registrants had used them (although many did not).

3.2 CONTENT

All workshops commenced with an outline of the background to the DAF work, starting with the "Time for Business" report of 1996. This was followed with a discussion of the two primary papers, the draft "*Principles of Leading Practice in Development Assessment*" and the "*Definitions*" paper. Overhead transparencies were used at each workshop and a copy of those overheads is attached as **Attachment 5**.

As a general rule, the first half of each workshop was spent discussing the draft "principles" paper, while the second half was spent discussing the "definitions" paper and other opportunities for improvement in DA processes. The discussion around "other opportunities" varied considerably, with some of the workshops raising some unique and valuable suggestions. Those that I consider as the more relevant to this project are reproduced later in this report.

4.0 WORKSHOP OUTCOMES

Importantly, there was widespread support for the reform process and, in general, for the principles being espoused in the various reports. Not surprisingly, perhaps, agreement was not achieved on all of these issues. In saying so, however, scope to improve certain areas of the "Principles" report was identified and some of these have been included in section 5 and in the recommendations in Section 6 of this report.

4.1 PRINCIPLES OF LEADING PRACTICE

The discussion worked through the paper's main points. The results of the discussions are set out below in the order in which they appear in the paper.

4.1.1 Elements of DA Systems

Given that most of the elements are broad brushed, in some cases almost motherhood type statements, it is difficult to argue with them as elements of a leading practice system.

The most frequent comments related to the encouragement of "*appropriate performance based approach to regulation*". While it was agreed that the performance-based approach had much to offer, there was widespread agreement that it had not yet proven itself as the better way to go in all circumstances. Rather, there was strong support for:

- retention of prescriptive approach in appropriate cases;
- more training in the preparation of performance-based regulation (for regulators);
- more training in the assessment of applications made under a performance-based regulation (for assessors);
- more training in the use of performance-based regulation (for applicants and consultants);
- training for elected representatives in the value of, and outcomes able to be achieved under, a performance-based approach.

Additionally, there were comments from a number of the workshops that a performance-based approach lacked the certainty that developers and the community were after. This is, in my own opinion, more of a problem with the drafting and interpretation of performance-based codes than the principles underlying them.

Clearly though, the acceptance of a performance-based approach still has some way to go. Some areas had tried it but with limited success (or worse), while others saw it as desirable but needed community and political support to implement it. Others suggested that it required a higher level of assessment than does a prescriptive approach, with arguably no greater quality of outcome.

Most of the participants commented on the need for more training on this approach, and saw this as a role for the Commonwealth in conjunction with the states and territories.

Other comments related to:

- "*cost effective*" – for whom, was the question. It was accepted that it needed to be cost effective for all participants in the DA process, and this should be made clear in the paper;
- "*standard definitions and terminology*" – unanimous support (see later);
- "*performance measurement and evaluation*" – agreed, and was starting to happen in most jurisdictions.

4.1.2 Components of the Process

There was widespread acceptance of the seven steps in the process outlined in the paper, from pre-application through to enforcement and compliance. Comments were made as to whether an additional stage should be included relating to negotiation about the proposal and modification of it where necessary – presumably after notification but before, or as part of, the assessment. In all other respects the stages were accepted, although it was explained to participants that this was the "bones" of the process and the real tests would come when details of each stage (the "flesh") were added.

Pre-Application

There was discussion at most workshops about whether to, and if so how to, formalise the pre-application stage. Most agreed that it should not be formalised in legislation, although the option for individual councils or other assessors to provide a higher level of service and charge a fee for it was considered appropriate.

It is worth noting that some local governments in Queensland, Tasmania and New South Wales currently do charge a fee and, in return, provide senior officers and recorded minutes of these meetings, although any outcomes of these meetings are not legally binding. Most of these local governments then provide a reduced application fee (or a credit) because pre-application has occurred.

It was acknowledged also that applicants need to understand that these pre-application meetings are not intended to provide an answer, but to provide guidance and information (as per the paper) as to how an application should be prepared, what issues needed to be specifically addressed, and who should be consulted.

Lodgement

Many participants commented on the generally poor quality of applications lodged. Most state legislation sets a low minimum standard, and it was often difficult to convince applicants to spend a bit more time and money to prepare a more thorough application. The suggestion was made that local governments should be allowed to set a higher bar if they wanted, but this was not allowed in some current systems.

The issue of application fees was raised at most workshops and the disparity between even adjoining local governments with respect to fees for the same application was commonly noted. The WA and other examples of setting a single state-wide schedule of fees and charges were considered meritorious by industry representatives in particular.

Notification/Consultation

Many comments were made about how and when consultation and notification occurred. It was generally agreed that applicants ought to be able to know in advance whether an application need to be referred to referral agencies and/or the public for input, and this was not always the case at present.

It was acknowledged that this stage included public notification as well as referral agency notification. A number of comments also indicated that public notification did not always achieve a real understanding by the public of the proposals at hand. Better consultation techniques were needed and the differences between "notification" and "consultation" were noted.

Assessment

It was generally agreed that opportunities for negotiation about issues raised during the notification stage, or as part of the assessment itself, ought to be included.

It was also agreed that, even in an integrated system, the assessment should be undertaken by those with the appropriate skills to do so. That is, local governments may not be the best to assess specialised environmental or transport issues (for example).

The time taken in assessment was, not surprisingly, a common issue amongst industry representatives. The Albury City Council example of providing a "Customer Service Agreement" (see **Attachment 7**) for every application and

including a guaranteed approval time and refund of fees if not met, was exemplary and suggested as an approach for all local governments.

Decision Making

It was widely agreed that decision making ought to be delegated to the lowest practical level. Differences in attitude between and within the states and territories were noted, and clearly there are currently some considerable inconsistencies. It was suggested that this is a matter for local governments in particular, as it is the local politicians who often are reluctant to let go of even the simplest decision making. It was acknowledged, however, that this was relevant to all levels of government and required the development of good policy in the first place, and a level of mutual trust and respect between politicians and officers.

The need to establish some guidelines for delegation was commonly raised. This is a potential area of future work for DAF, building on the work done by many local governments as part of the Local Approvals Review Programme (LARP) some years ago. It was noted that South Australia had developed model delegation guidelines as part of the LARP process and the introduction of its new legislation in 1994, and that this work may be relevant for other states.

Appeals

Not surprisingly perhaps, this area generated considerable discussion. Whether applicants should be able to appeal against all decisions, and whether and when third parties had appeal rights were commonly discussed. Importantly also, the nature of the appeal body was important.

A number of participants suggested that this issue should be the subject of national reform in its own right, given the vast differences in approach between the states and territories.

Of particular interest was the Tasmanian example where the legislation fixes a maximum time limit (90 days) in which any appeals must be determined. It was unanimously considered to be desirable to set a maximum time limit to avoid long, drawn out decisions. No other jurisdiction is known to have a time limit for the decision by its appellate body, although the fact that Tasmania has a tribunal (as opposed to a Court in some other states) may have helped achieve this.

The whole appeals issue – tribunal versus court, time frames, who can appeal and how, Alternative Dispute Resolution (ADR), etc – was considered to be a topic for future work for the DAF.

Enforcement and Compliance

Comments were made that time spent in assessment and decision making was often futile if it was not followed through with compliance checking and enforcement procedures. It was also generally agreed that this area of the process was under-resourced and given a low priority in most jurisdictions at present. An example was explained from Brisbane City Council (Qld) where a recent random audit showed a low level of compliance with conditions imposed at development approval stage.

4.1.3 Categories of Assessment

While the terminology may have been foreign to some jurisdictions, the basic components could be identified.

There was some discussion, particularly in NSW, about the relevance of the “exempt” category, and whether it was needed at all, although this was probably a reflection of that state’s current system.

There was also some discussion at other workshops about the need to differentiate between self-assessable and code-assessable – why not merge these two and require at least a simple application for the self-assessable to ensure that councils were at least aware of the development. This view was not unanimously supported, however, as the need to make an application simply because the Council wanted to have some form of register, was questioned.

There was some discussion about whether code assessable meant that, in theory at least, that type of application was capable of being privately certified. It was agreed that codes were not yet sufficiently sophisticated to allow this, although the theoretical potential was there.

Some jurisdictions were confused about impact-assessable and where this fitted into the system, but this seemed to be more a reflection of their current systems than the proposal in the “principles” paper. It seems that some further clarification may still be needed about this category.

Perhaps not surprisingly, there was some discussion about the role of a “prohibited” category and whether it actually meant prohibited. To make it such

that an application could not even be brought forward was likely to be politically acceptable – if not desirable – but might be seen to deny the “innovation” included in the preliminary elements of the system (see sec 3. of the paper). Other options were to include an “undesirable” category (as implied in Qld’s *Integrated Planning Act*) whereby an application could be lodged but there was a presumption towards refusal. This placed the onus on the applicant to justify an approval despite that presumption.

Generally, however, the five categories were acceptable and understood. Some discussion occurred at a number of workshops about the relationship between the categories and the assessor of each. For example, self-assessable implied assessment by the applicant/occupier, while code assessment implied that a suitably qualified person could be capable of the assessment, while impact assessment implied that the regulating agency (usually a local government) would have to undertake the assessment.

The relevance or otherwise of this nexus was considered worth pursuing in future work on this project.

4.1.4 The Nature of Decisions

As with the appeals issues discussed above, the relationship between the type of decision and the existence or otherwise of an appeal against that decision, and the type of appeal, was the subject of considerable variance between workshops.

The bases for whether and how a “merit appeal” was offered were not generally accepted. Again, this is more likely a reflection of existing systems than the proposals themselves. The relevance of this part of the paper was questioned and, if it remains, probably needs more clarification.

4.1.5 Relationship to Strategic Planning

Here again there was strong support for the concept that development controls should exist only as one of a number of tools to achieve some form of strategic vision or objectives. Indeed, the question was asked at one forum as to why we had or needed development control at all. The answer was just that – to help achieve some elements of a strategic vision.

Given this, it was similarly strongly supported that the linkages between the controls and the objectives needed to be made clear. One forum used a local example where the control was followed by a statement explaining why the

control was being imposed – ie the objective it intended to achieve – and this approach was considered to be valuable.

The issue of “place-based” planning drew considerable discussion. While it was being tried in many localities, there was some level of reluctance in some areas to abandoning the traditional land use zoning approach. It was explained that the two could live together, but the place/precinct concept saw the controls (whatever they might be) grouped together for that locality.

It was generally held that place-based planning offered considerable advantages and ought to be pursued for new and redeveloping areas, but may not be necessary or appropriate for established areas where there was little expectation of change. It also seemed that most states and territories were heading towards the place-based approach in some form or other, so that the concept was not at all foreign, there was just some reluctance to embrace it in totality.

The principle of grouping development controls on a place basis and relating the statement of desired outcomes for that place back to the strategic objectives was accepted. In saying so, it was acknowledged that planners were still not particularly good at writing “statements of desired outcomes” that were:

- easily understood by lay people and elected representatives;
- unambiguous;
- more than mere motherhood statements; and
- legally defensible.

The “art” or “science” of writing statements of desired outcomes is an area where additional training and guidelines would be of value, and this may be an area for future DAF work.

4.1.6 Integrated DA Systems

There was some confusion about the meaning of this part of the paper. The workshops talked about both levels of integration – vertical (as in the paper) and horizontal (as with referrals and concurrence powers – see below).

There was little question or argument about the need for integration in a vertical sense as the paper offers. While the layered approval option did not exist in all current systems, there was no real reason to suggest it could not or should not. The Queensland IPA system of “preliminary approval” was seen as a good example of this approach.

While there was some (albeit minor) confusion about what this part of the paper was getting at, the principles of integration were widely accepted.

4.1.7 Concurrence and Referrals

This topic evoked considerable discussion with some jurisdictions noting that, as worthwhile as it might be, it was unlikely to be achieved in the way the paper promotes it. Other jurisdictions (Qld, Vic and NSW) had already progressed some way towards this goal and did not see it as a problem.

A common comment was that it needed a high degree of political will to achieve, given the "silo" nature of government referral departments.

The concept of seeking to have referral agencies prepare codes for assessment was welcomed although, again, the fact that many of these agencies were not used to being part of the development system meant that there were likely to be some cultural issues to overcome.

The objective of minimising referrals was welcomed, as was the concept of delegation to the lowest practical level, although again the thought of some agencies delegating their powers to, say, a local government was considered difficult to achieve. Similarly the idea of simultaneous referral rather than sequential, was strongly endorsed, although some thought that this would add to the time taken for overall assessment.

The concept of a one-stop-shop was considered worthwhile but some reservations were expressed about where that shop should be – local or state government. In essence, it is irrelevant to some extent, given that it is the user of the system who is advantaged by the one-stop approach.

Electronic exchange was seen as critical in achieving improvements to the referrals systems, and it was noted that most states and territories were advancing in this direction – albeit to varying degrees. The more centralised states were at an advantage in this respect and it was noted that WA, Vic, SA and Tas were leading the way, while Queensland was arguably well behind.

An issue that did arise was the need for and desirability of achieving a nation-wide standard for the software (or at least the specifications of it) for electronic exchange. At present it seemed that all jurisdictions were heading towards the same goal but without any regard for cross-border issues of compatibility.

4.1.8 Data Access and LIS

As with electronic exchange, the issues about data access and LIS were agreed with and encouraged, but cross-border compatibility was an issue. In some states, even intra state compatibility was an issue, as government agencies and local governments all developed their own packages to suit their own needs, apparently oblivious to the fact that there may be other users of their data. If not a common system, there was strong support for a common set of specifications for software and the need to ensure that systems could at least talk to and be read by each other.

The advantages of having the full range of land information data available on one system at one place were unanimously accepted and seen as an admirable goal for all jurisdictions.

4.2 DEFINITIONS

4.2.1 Operational Definitions

This area provided the strongest level of support across all employment sectors. That is, there was strong support from industry as well as local and state governments. While the question was asked at one venue as to why we need definitions at all, it was generally agreed that a national standard set of definitions relating to (at least) the operational aspects of development control ought to be achieved. Indeed, one forum suggested that a national standard set of operational definitions was not only important, it was essential.

It was also common ground that, where the Building Code of Australia (BCA) had already defined a term, that definition ought to be adopted for all aspects of development control – building, planning and engineering works – at least as a starting point. Concern was expressed at a number of workshops that the DAF / John Mant paper had not discussed the BCA as at least a starting point.

It was acknowledged that too many agencies and councils confused these operational definitions with policy, and that this was the only real basis for different definitions of the terms. If the operational term could be kept at just that – operational – the policy that was developed using the term could still vary if need be, but all parties would understand what was meant by the term.

It was also noted that the need for this consistency was not so much at a national level (although there were good examples given as to why this should be the case also) but especially at the regional level. It was at this level where the greatest benefits could be achieved for the greatest number of users – builders and consultants who operated across local government boundaries. If national consistency was achieved and resulted in local and regional consistency, the end justified the means.

It was noted also that some states – Vic, Tas NT and WA – had already achieved a level of consistency within their own state, but even then there was still some discrepancy between planning schemes and the BCA – for no apparent reason. There was clearly a role for DAF and the Planning Officials to achieve national consistency in development definitions – not just planning and not just building.

4.2.2 Land Use Definitions

There was some support for standardising land use definitions as Victoria has done and Tasmania is proposing, but there was equally concern that this area was more difficult at the national level and these definitions were often a reflection of policy, so that standardisation was less practical.

There were mixed feelings about the Victorian approach of “nesting” land use definitions, although the predominant view was that it was worth considering as a starting point for all states.

4.3 OTHER OPPORTUNITIES FOR IMPROVEMENT

Importantly, the workshops provided a diverse range of other issues whereby DA systems could be improved. Some of these could well be opportunities for DAF to pursue, and these are summarised below:

- Standardise development application fees (as in WA and some other states);
- Standardise engineering specifications such as carparking space, driveway crossover;
- Standardise software specifications for development application tracking and LIS;
- Seek harmonisation in appeal bodies and appeal time frames;
- Need for a national DA systems benchmarking approach;
- Need for higher level assessment for “major” projects, provided the guidelines for any such “call-in” are made clear;
- National standard application form;

- Need to balance shorter time frames with maintenance of quality of decisions;
- That a representative of the surveying profession be appointed to DAF;
- Need for training at high school level and for elected representatives in civics or political processes as they relate to DA;
- Education of professionals and all other parties to the DA system needs to be ongoing (*see earlier comments about training for performance based approach*);
- Need to ensure we're not talking about just planning, but all aspects of development (including building, subdivision, engineering works);
- Need to ensure a level of commitment to the process of reform and the outcomes of this project – not clear at present.

Obviously, these comments reflect a range of issues. Of importance though is that there are a number of themes coming through.

The need for ongoing education and training can not, in my observation, be under-estimated. If concepts such as performance based codes, place based planning, and integrated referrals are to be achieved, this training is essential and needs to be coordinated at the national level.

The fact that some states have been able to achieve standard fees, standard definitions, finite appeal times, integrated referrals, and model planning schemes demonstrates that these things can be achieved.

None of the states has achieved all of these things, which are all, arguably, elements of leading practice. This workshop project and the DAF process itself are ideal forums to exchange how these elements were achieved, issues that arose, and solutions to impediments.

5.0 SUMMARY

5.1 GENERAL

The project has been exceptionally enlightening for me as convenor. Not only have I gained a personal knowledge of the details of systems in other states and their opinions about ways in which their systems could be improved, I trust that I have been able to carry messages from other states about what is being done in the way of reform.

The fact that there were low registration numbers needs to be analysed. There was admittedly short notice – especially for the first few workshops – but the various professional and government bodies undertook a wide dissemination of the forum details and there was no charge to attend. (In hindsight, this may have been a contributing factor to the high number of people who registered but did not attend- there was no financial incentive to actually turn up once they had registered.)

I learnt as I travelled that there were a number of other seminars and forums being conducted for local government and industry around the same time, and many otherwise-participants may have been simply workshopped-out. In regional areas in particular, there may have been a feeling of irrelevance or low priority to this topic, given other matters on their plates.

It may also be simply that the topic is thought to be too “lofty” for officers and practitioners to consider it as being especially relevant to their day to day work. Most likely though, they have so much else on their plates that they could not give this project the priority it deserves.

5.2 LEVEL OF SUPPORT / AGREEMENT

Having said this, however, there was generally strong support for the principles being espoused in the draft Principles paper, and even stronger support for the standardisation of operational definitions.

Comments made on the feedback sheets at each workshop (which have been provided to NOLG) should give DAF the comfort that they are on the right track and there is a general view in the wider government and industry sectors that the principles of reform are appropriate and necessary.

The same feedback sheets and comments at the workshops suggest that the work of DAF must continue and that there must be a level of commitment to the reform process from state and territory governments – officials and Ministers.

In summary, there is generally very strong support for the principles being espoused. There is still much work to be done in putting the flesh on the bones of these principles, and it is here that the variances between the states and territories are likely to really emerge.

5.3 SCOPE TO IMPROVE PAPERS

The workshops highlighted some areas where clarification or improvement to the draft papers was warranted. These include:

- clarification of the performance based approach, given the (somewhat surprising) variations in peoples understanding of the term;
- clarification of the term “cost effective” in the elements of the system – cost effective for whom?;
- whether negotiation about, and modification of, an application needed to be included as a separate stage of the process, or whether it could be included in the existing seven stages;
- clarification as to the intent (and extent) of pre-application meetings and what should be expected of them;
- clarification of the differences between exempt and self-assessable, and between code-assessable and self-assessable;
- clarification of the role in the Principles paper of the “nature of decisions” section; and
- clarification about the integration of approvals section.

Most of these will require merely some clarification in the text of the papers, while some others (eg: the nature of decisions) may require more detailed explanation given that many participants had trouble with the concepts as they were expressed in the paper.

As noted earlier, many of the principles were readily accepted, but the detail that needed to follow to flesh out those principles was likely to draw considerably more discussion and debate.

5.4 OPPORTUNITIES FOR FUTURE DAF WORK

The workshops highlighted a number of areas where future work ought to be undertaken under the DAF national umbrella. These need to be considered by DAF, accepted or otherwise, and then prioritised as appropriate and the necessary resources made available.

The issues raised (not necessarily in order of priority) are:

- more and targeted training on the preparation of, and use of performance based codes for development control. Target groups should include planners and others involved in drafting the codes, developers and consultants involved in preparing applications, local government assessment officers, elected representatives, and the public at large;
- setting an appropriate minimum standard for the quality of information provided at the time of lodgement of applications;
- improved consultation techniques for development applications;
- preparation of guidelines for delegation, and dissemination thereof to local governments, including elected representatives;
- review and reform of appeal systems with a view to equity, access, timeliness and consistency;
- the nexus between the level of assessment and the type of assessor (eg: can all code assessment be undertaken by appropriately qualified private certifiers?);
- writing statements of desired future outcomes that can be properly interpreted as part of place-based planning;
- seeking consistent software specifications for electronic exchange lodgement and exchange of documents to ensure compatibility;
- continue the work on achieving a national set of definitions dealing with operational aspects of development as distinct from land use aspects;

- investigate opportunities for national standardisation of some engineering standards eg: carparking spaces, and driveway crossovers;
- investigate opportunities to set standard application fees and a standard application form;
- establish some national standards for performance measurement and benchmarking of planning schemes and development assessment systems.

6.0 RECOMMENDATIONS

Given the above issues for discussion by DAF for future work, I have made a number of recommendations for consideration by DAF and its subordinate bodies. These are based on my own observations from the workshops. As with the suggestions for future work, these will need to be considered by DAF, accepted, rejected or amended, and then prioritised as considered appropriate.

- **That DAF notes the generally high levels of support for the principles of leading practice in development assessment as espoused in the draft paper;**
- **That DAF notes the very high and almost unanimous support for adoption of a national set of definitions dealing with the operational and administrative aspects of development control;**
- **That DAF notes and takes appropriate actions regarding the widely held view of workshop participants that further training is needed in the areas of:**
 - **Performance based codes**
 - **Place based approach to planning**
 - **Statements of desired future outcomes**
- **That DAF undertakes a review of appeals systems across the states and territories to determine if elements of a national “leading practice” system can be developed;**
- **That DAF considers the suggestions for other future work as in Section 5 above, and develops an action plan with priorities, resources and time frames for that work.**

Chris Schomburgk **7th April 2000**
Manager, Brisbane
C&B Consulting Group

Attachment 1

Project Brief

Attachment 2

Workshop Itinerary

State	Location	Venue	Date	Time
QLD	Brisbane	Albert Room II The Sebel of Brisbane Corner Albert & Charlotte Streets, Brisbane	3 rd March	1.30pm-4.30pm
NSW	Coffs Harbour	The Rainbow Room Coffs Ex-Services Club Vernon Street, Coffs Harbour	6 th March	1.30pm-4.30pm
NSW	Parramatta	Parramatta Heritage Centre 346 Church Street Parramatta	7 th March	1.30pm-4.30pm
NSW	Dubbo	Ashwood Country Club Motel Reception & Conference Centre Corner Newell Highway & East Streets, Dubbo	8 th March	9.30am-12.30pm
ACT	Canberra	Ground Floor Conference Room South Building, Dame Pattie Menzies House 16 Challis Street, Dickson	9 th March	9.30am-12.30pm
VIC/NSW	Albury/Wodonga	The Wodonga Reception & Conference Centre 71 Monks Mitchell Drive, Wodonga	10 th March	9.30am-12.30pm
SA	Adelaide	James Alexandra Room Grosvenor Vista Hotel 125 North Terrace, Adelaide	13 th March	9.30am-12.30pm
SA/VIC	Mt Gambier	Function Room Commodore Motel Corner Penola Road & Jubilee Highway, Mt Gambier	14 th March	9.30am - 12.30pm
VIC	Ballarat	The Hotham Room Sovereign Hill Lodge Maggie Street, Ballarat	14 th March	1.30pm - 4.30pm
VIC	Melbourne	Room 1 Level 11 Nauru House 80 Collins Street, Melbourne	15 th March	9.30am-12.30pm
TAS	Launceston	The Conference Room Prospect Offices Depart Primary Industries Water & Environment Westbury Road, Prospect	16 th March	9.30am-12.30pm
TAS	Hobart	6 th Floor Conference Room Lands Building 134 Macquarie Street, Hobart	17 th March	9.30am-12.30pm
QLD	Cairns	Marina Room Radisson Plaza Hotel Pier Point Road, Cairns	20 th March	9.30am-12.30pm
NT	Darwin	Nemarluk Room Mirambeena Tourist Resort 64 Cavenagh Street, Darwin	21 st March	9.30am-12.30pm
WA	Perth	Pyrenees Restaurant Room Sebel of Perth Pier Street, Perth	23 rd March	9.30am-12.30pm

Attachment 3

Agenda

DEVELOPMENT ASSESSMENT WORKSHOP

TOWARDS IMPROVED DEVELOPMENT ASSESSMENT AGENDA

- 9:30am **INTRODUCTION** *Chris Schomburgk*
- Outcome:
All participants know each other and what part of the process each person represents.
- 9:35am **BACKGROUND** *Chris Schomburgk*
- Outcome:
Participants understand the background to DAF, the work that has been done to date, what the parties to DAF might be expecting, and the role of the commonwealth.
- 10:00am **PRINCIPLES** *All*
participants
- Outcome:
Participants have discussed and debated the Principles of DA, using the DAF paper as a guide, formed a view as to how relevant the principles are, formed agreement on this or some other set of principles, and recommended ways to progress those principles.
- 11:00am --- BREAK ---
- 11:15am **DEFINITIONS** *All*
participants
- Outcome:
Participants have discussed and debated the advantages of common definitions for a range of DA processes – land uses and administrative – using the DAF Definitions paper as a guide.
- 11:45am **OTHER OPPORTUNITIES** *All participants*
- Outcome:
Participants have discussed other opportunities to improve the DA processes, and have agreed on ways to progress those opportunities.
- 12:15pm **SUMMARY** *Chris Schomburgk*
- Outcome:
The discussion and debate have achieved a level of consensus about the issues raised, and how to progress those issues. The potential future roles of DAF, its members and the commonwealth have been agreed by the participants.
- 12:30pm **CLOSE**

DEVELOPMENT ASSESSMENT WORKSHOP

TOWARDS IMPROVED DEVELOPMENT ASSESSMENT AGENDA

- 1:30pm **INTRODUCTION** *Chris Schomburgk*
- Outcome:
All participants know each other and what part of the process each person represents.
- 1:35pm **BACKGROUND** *Chris Schomburgk*
- Outcome:
Participants understand the background to DAF, the work that has been done to date, what the parties to DAF might be expecting, and the role of the commonwealth.
- 2:00pm **PRINCIPLES** *All*
participants
- Outcome:
Participants have discussed and debated the Principles of DA, using the DAF paper as a guide, formed a view as to how relevant the principles are, formed agreement on this or some other set of principles, and recommended ways to progress those principles.
- 3.00pm --- BREAK ---
- 3:15pm **DEFINITIONS** *All*
participants
- Outcome:
Participants have discussed and debated the advantages of common definitions for a range of DA processes – land uses and administrative – using the DAF Definitions paper as a guide.
- 3:45pm **OTHER OPPORTUNITIES** *All participants*
- Outcome:
Participants have discussed other opportunities to improve the DA processes, and have agreed on ways to progress those opportunities.
- 4:15pm **SUMMARY** *Chris Schomburgk*
- Outcome:
The discussion and debate have achieved a level of consensus about the issues raised, and how to progress those issues. The potential future roles of DAF, its members and the commonwealth have been agreed by the participants.
- 4:30pm **CLOSE**

Attachment 4

Workshop Pack

DEVELOPMENT ASSESSMENT WORKSHOPS

"Towards Improved Development Assessment Practices"

ABOUT THE PROJECT

This project is a combined initiative of the commonwealth government state and territory governments, local government, industry and the relevant professions. It is aimed at reaching agreement across Australia on ways to improve the processes in gaining development approvals, with a view to achieving less red tape but without sacrificing the quality of the decision making.

In 1998, leaders of state and territory governments, the Commonwealth government, local governments from across Australia, development industry and relevant professions met in Adelaide to discuss ways to improve and harmonise development assessment systems.

This meeting formed the national **Development Assessment Forum** (DAF), the membership of which is set out below.

With the support of the Commonwealth government's National Office of Local Government, DAF has prepared reports dealing with a range of issues affecting development assessment.

DAF has now commissioned C&B Group (Mr Chris Schomburgk) to meet with key stakeholders to discuss and debate the findings of these reports. A national series of workshops will raise the issues researched to date, see if there is agreement on the matters raised, and identify opportunities to improve the various development assessment systems around Australia.

PREVIOUS WORK

Improvement of development assessment systems was recognised as essential back in 1996. The Bell report entitled "**Time for Business**" identified a number of important areas where red tape needed to be cut. The Prime Minister's response report in 1997 was entitled "**More Time for Business**" and recommended action on a number of issues. In 1997, however, industry groups and relevant professional bodies got together to prepare their own recommendations and action plan entitled "**Unfinished Business**". It was this report that prompted the somewhat historic meeting in Adelaide in June 1998 and the formation of DAF.

DAF commissioned research reports on the "Principles of Leading Practice in Development Assessment" and "Definitions" which looked at the potential for a common set of land use and administrative definitions. DAF also produced a "charter" for its operation. Copies of these documents are available from NOLG and on the DAF web site www.daf.gov.au

This workshop series will allow all participants to review and comment on these reports and to help identify a way forward for tangible reform.

DEVELOPMENT ASSESSMENT FORUM

Membership

as at February 2000

State and Territory Governments

State	Name	Position
Queensland	Mr Stan Wypych	General Manager, Planning Services Dept Communication and Information, Local Government and Planning and Sport
South Australia	Mr Mark Henesey- Smith	Executive Director, Planning SA Dept Transport, Urban Planning and Arts
ACT	Mr Lincoln Hawkins	Executive Director, Planning and Land Management Dept Urban Services
Victoria	Ms Rosemary Cousin	Director, Planning Systems and Legislation Dept Infrastructure
New South Wales	Ms Sue Holliday	Director General Dept Urban Affairs and Planning
New South Wales	Mr Garry Fielding	Executive Director, Planning and Building Systems Dept Urban Affairs and Planning
Western Australia	Mr Gary Prattley	Chief Executive Officer Ministry for Planning
Tasmania	Mr John Pretty	Manager Planning and Scientific Services Dept Primary Industries Water and Environment
Northern Territory	Dr Lesley Cameron	Director, Development Assessment Services Dept Lands Planning and Environment

Local Government

State	Name	Association
Queensland	Steve Greenwood	LGAQ
South Australia	Chris Russell	LGASA
ACT	Wendy Michaels	ALGA
Victoria	David Rae	MAV
New South Wales	Diane Marder	LG&SA NSW
Western Australia	Alison Hailes	WAMA
Tasmania	Evan Boardman	LGAT
Northern Territory	Director	LGANT

Commonwealth Government

Cathy Parsons	NOLG, Dept Transport and Regional Services
Nerida Taylor	NOLG, Dept Transport and Regional Services

Industry Bodies

Industry Body	Representative	Position
Housing Industry Association	David Hodge	Assistant Director, Planning and Environment
Urban Development Institute of Australia	Patricia Gilchrist	Executive Director
Property Council of Australia	Tanya Stoianoff	Manager Policy
Master Builders Association	Wilhelm Harnisch	Deputy National Executive Director
Aust Council of Building Design Professions	Heather Howes	Executive Officer

Professional Bodies

Professional Body	Representative	Position
Royal Aust Planning Institute	Barbara Norman	National President
Royal Aust Planning Institute	Neil Head	Executive Officer
Engineers Institute of Australia	Leanne Hardwicke	Senior Policy Analyst
Royal Aust Institute of Architects	Michael Peck	Chief Executive
Building Designers Assoc'n of Australia	Barrie Wright	Chief Executive Officer

OVERVIEW

Over the last ten years, Australia has been subject to a regulatory reform agenda promoted by State and Federal Governments. The Small Business Deregulation Task Force was established in 1996 as part of this reform process. It was created to advise Government on ways to reduce the compliance and paperwork burden affecting small business in a number of areas, including the building and residential development sector.

The Taskforce presented its report, *Time for Business : Key Findings and Recommendations*, on 1 November 1996. The Prime Minister responded to this report in his *More Time for Business* statement in March 1997.

As a result of concern about the slow pace of reform in development approval processes across all jurisdictions, relevant industry and professional groups got together to produce a draft submission entitled "*Unfinished Business – Prospects for an Inter-Governmental Agreement on Development Assessment*". This submission highlighted the reform occurring within each State and Territory. It also recommended a national strategy for harmonising reform programmes and best practice systems for development assessment.

The submission was forwarded to all state and territory planning officials. Subsequently, a joint meeting between industry, the professions and all tiers of government was convened in June 1998. The Development Assessment Forum (the DAF) was conceived at this meeting.

DAF's charter includes encouraging "harmonisation" between state and local development assessment systems, including identifying and promoting better practice examples.

DAF has commissioned a number of reports that form a starting point for its reform programme. These include:

- **States of Play** - a comparison of planning systems in Australian States and Territories. The report describes the legislative and administrative structure of the different State and Territory planning systems;
- **Concept and Scoping Paper** which provides a comprehensive framework for the evaluation of development assessment processes. It also includes leading practice case studies, and an analysis of concurrence and referral issues;
- **Principles of Leading Practice in Development Assessment** – a draft for discussion purposes;
- **Definitions** paper with recommendations on a better practice set of definitions, primarily concerned with measurement.

The **Principles of Leading Practice in Development Assessment** and **Definitions** papers have been received for discussion purposes by DAF, but have not been evaluated by the full range of stakeholders. The intent of this project is to undertake broad-based consultation on these two position papers with all relevant stakeholders.

Time for Business

Report of the Small Business Deregulation Task Force
November, 1996 (Commonwealth of Australia)

'Time for Business' ("*the Bell report*") was prepared by the Small Business Deregulation Task Force to advise Government on ways to reduce the compliance and paperwork burden on small business in the near and longer term.

This report reflects the major concerns of the small business community on a range of issues including the building and residential and development sector.

One of the key findings of the report indicated that '*the small business community is frustrated and overwhelmed by the complexity, and cost of dealing with government regulation and paperwork*'. It outlined that substantial change in the culture of government needed to occur, particularly to remove '*unnecessary regulation and improve the quality of administration*'. It further indicated that the lack of coordination across the three levels of government, as well as across different government agencies is a key problem. The Task Force proposed a number of strategies to make it easier to deal with all levels of government and to streamline development regulation. Amongst other things, they proposed:

- Local Government work with States and Territories to change its approval process to reduce duplication of building and development regulation; and
- The three levels of government develop a reform strategy for referral and concurrence in the building and development industry.

The recommendations of the Deregulation Task Force included in Chapter 6 of this report '*Streamlining Government Processes and Regulations*' presented 11 key recommendations relating to the building and development sector. Of these Recommendation 27 and 29 are particularly relevant:

Recommendation 27

That private certification of building approvals, including inspections during constructions and issuing of certificates of occupancy, be introduced in all States and Territories by 1 January 1998.

Recommendation 29

That the three spheres of government develop a reform strategy for referral and concurrence procedures in the building and development industry by 1 July 1997. The strategy should include a system for resolving problems between government agencies and ensuring the delegation of decision making to the lowest level practicable taking into account the scale of development.

From these key recommendations, the Deregulation Task Force presented the '*Way Forward*' and the next steps to reform. Included in these steps were the need for a Government response to this report and the need for several of the important strategies of the report to be implemented urgently. The Bell report is an important catalyst for the ongoing reform agenda and has particular implications for the building and development industries.

More Time for Business

Statement by the Prime Minister, the Hon John Howard MP
24 March, 1997 (Commonwealth of Australia 1997)

"More Time for Business" is the Government's formal response to the Bell Report. It outlines the Government's position on the key recommendations of the report and develops strategies and implementation procedures.

More Time for Business confirmed the Government's commitment to reducing the burden of paperwork and red tape on small business and acknowledged the benefits of doing so in terms of economic growth and job creation. The report also recognised the complexity and cost of dealing with government and the need for simplification of the existing processes and systems.

The report indicates that the culture of regulation making has to change, to a new approach which *'tests the need for regulation, assesses alternative, carefully considers compliance costs and reviews and monitors outcomes'*

In response to the Recommendations of the Bell Report, the Government agreed with, at least in part, all of the recommendations as they related to the building development sector, and specified the following in relation to Recommendations 27 and 29:

Recommendation 27 (private certification and building approvals)

This recommendation was agreed in principle, although it was recognised that the legislative responsibility for reform resides with the States and Territories. It was recommended that the Australian Building Codes Board (ABCB) facilitate the adoption of provisions which will allow for the introduction of private certification and achieve other efficiencies in the building regulation system.

Recommendation 29 (regulatory system)

The principles of this reform were agreed with. The response indicated that a Working Committee comprising representatives from the Commonwealth, States and Territories and the Australian Local Government Association had prepared a paper considering options to overcome problems in relation to concurrence. The response also recognised that this is but one step to achieving long-term reform. An independent evaluation of the Local Approvals Review Programme (LARP) was also being undertaken.

The Government included an implementation strategy and timetable for each of the Task Force recommendations to which it has agreed. A national regulatory reform workshop was recommended, in addition to the then-current reviews.

The DAF meeting in Adelaide in June 1998 effectively replaced that workshop. The ongoing support of DAF is part of the Commonwealth's implementation of this report.

Unfinished Business – Exposure Draft

Prospects for an Intergovernmental Agreement on Development Assessment

Joint Industry Submission to Planning Housing and Local Government Ministers

Prepared by : Australian Council for the Building Design Professions, Housing Industry Association, the Institution of Engineers Australia, Master Builders Australia, Property Council of Australia, Real Estate Institute of Australia, Royal Australian Institute of Architects, Urban Development Institute of Australia

Unfinished Business was prepared by in response to 'Time for Business' and 'More Time for Business' reports and industry concerns about the slow pace of reform in the building and development sectors.

Unfinished Business states that the challenge is to establish 'some consistency between the different development assessment procedures'. It proposes 'a regulatory framework for development assessment in Australia that is consistent from one jurisdiction to another'.

The Exposure Draft develops a framework for the reform process, in addition to establishing key principles for a national regulatory system. Key steps in the establishment of a 'harmonised' system include:

- § Intergovernment agreements on development assessment to be adopted by the Council of Australian Governments (COAG);
- § That the COAG agreement establish a harmonised, best practice framework for development assessment;
- § That COAG establish a statutory board of management to oversee the development and implementation of a national framework for development assessment and to produce model legislation and template planning instruments; and
- § That this board be given twelve months to provide COAG with a plan for establishment of a harmonised Australian development assessment framework within the subsequent five years.

The report describes the significant benefits to the whole community of a system which is cost efficient and timely and provides more certainty for both business and the community.

The industry groups propose that the next steps in the process of national reform involves Australia's Planning Housing and Local Government Ministers participating in a national regulatory reform workshop. The aim would be to reach consensus on a regulatory framework and preparing integovernmental agreement on development assessment for adoption by COAG.

Unfinished Business was the catalyst for the meeting of all parties in Adelaide in June 1998, which saw the formation of the national Development Assessment Forum (DAF). While DAF has not adopted *Unfinished Business*, it has commenced work on several of the initiatives that have evolved from the report.

Development Assessment Forum Feedback Sheet

The national Development Assessment Forum (DAF) workshops provided industry leaders with the opportunity to discuss and debate the work done to date in the DA system and opportunities to improve the system across Australia.

GENERAL

Do you consider there would be benefits in "harmonising" the DA systems across Australia?

Yes No

Comments: _____

Do you think the principles/issues could be of benefit to your state/territory system?

Yes No

Comments: _____

PRINCIPLES

Having reviewed the Principles of DA, do you agree or disagree with the principles presented?

Agree Disagree

Comments: _____

Do you find the principles to be relevant to your state/territory?

Yes No

Comments: _____

Do you have any comment or suggestions in regard to the DA principles?

DEFINITIONS

The DAF workshops brought about suggestions that the adoption of common definitions for DA processes could prove advantageous. Do you agree with this comment, and/or do you have any further comments or suggestions on this discussion?

Yes No

Comments: _____

OPPORTUNITIES FOR IMPROVEMENT

Do you consider that the types of definitions listed in the "Definitions" paper would be of value to your state/territory?

Yes No

Comments: _____

Can you make any further suggestions or comments in regards to opportunities for improving DA processes?

For more information, see the DAF website at:

www.daf.gov.au

Please return this feedback sheet by fax, e-mail or post to:

C&B Group

PO Box 611, New Farm QLD 4005

Phone: (07) 3852 5455

Fax: (07) 3852 5477

E-mail: brisbane@cbgroup.com.au

▼ **If you require more room to make further comments, please attach any further sheets to this page.**

Attachment 5

Workshop Overheads

BACKGROUND to DAF

Time for Business

- Red Tape Reduction Task Force 1996

More Time for Business

- Prime Minister's Response 1997

Unfinished Business

- Industry proposal 1998

States of Play

- States and territories planning systems review 1998

WHAT IS DAF?

Members from:

- All planning officials
- Local government associations
- Commonwealth government (NOLG)
- Property Council of Australia
- Housing Industry Association
- Urban Development Institute
- R.A. Institute of Architects
- Engineers Institute of Australia
- Building Designers Assoc'n
- Aust Council of Building Design Professions
- Master Builders Australia
- RAPI

Formed in June 1998 in response to Unfinished Business report

Meets 3-4 times year, in addition to Planning Officials meetings

Secretariat with NOLG

PRINCIPLES of LEADING PRACTICE

- Elements of DA Systems
- Characteristics & Components
 - Elements of the Process
 - Categories of Assessment
 - Nature of Decisions
- Relationship to Strategic Planning
- Integrated Systems
- Concurrence and Referrals
- Access to Data / LIS
- Definitions
- Government Developments
- Continuous Improvement

ELEMENTS of the SYSTEM

- Quality, sustainable outcomes
- Cost effective
- Performance based approach
- Encourages standard definitions and terms
- Encourages innovation & variety
- Streamlined, simple, accessible
- Integrates all relevant policies
- Transparency and accountability
- Clear information about system
- Performance measurement and evaluation
- Promotes continuous improvement
- Sharing of leading practice

Components of DA System

- Pre-Application
- Lodgement
- Notification / Consultation
- Assessment
- Decision making
- Appeals
- Enforcement / compliance

Categories of Assessment

- Exempt
- Self-assessable
- Code assessment
- Impact assessment
- Prohibited / undesirable

Nature of Decisions

- If assessed against a development standard, no merit appeal is required
- If assessed against performance criteria and discretion is needed, a merit appeal provision should exist
- If decision requires changing criteria, the decision is legislative
- Delegation to lowest practical level

Strategic Planning

- Development controls must be developed in context of strategic plans
- Linkages and distinctions between the two must be clear
- Development controls must contain only relevant information
- Where controls are place-based, statement of desired outcomes must come from strategic plan

Other Characteristics

- Integration of levels of approval
- Concurrence and Referrals
 - Agencies to develop codes etc
 - Minimise referrals
 - One stop shop
 - Delegation
 - Electronic exchange
 - Simultaneous referrals & assessment
- Access to data
- LIS

DEFINITIONS

DAF has agreed on the benefits of standard definitions for development controls affecting the design, siting and operation of development.

The task now is to seek agreement on what those definitions should be.

Victoria has a standard set of definitions for all its local governments. Most other states don't.

Definitions can be either land uses or administrative / operational. Too often, the distinction is blurred.

Land use definitions are less likely to control impacts than operational regulations. However, landowners are more likely to want the certainty that land use definitions can offer.

DEFINITIONS

Operational

- Building Height
- Gross Floor Area
- Frontage
- Plot Ratio
- Ground Level
- Storey
- Dwelling
- Others?

Land Uses

- Suggestions ?

**OTHER
OPPORTUNITIES
FOR
IMPROVEMENT**

Attachment 6

Workshop Attendees

Venue	First name	Surname	Company
Parramatta	Paul	Carrick	Building Designers Association
Parramatta	Kerry	Bedford	DUAL
Parramatta	Steve	Kennedy	Kennedy Assoc Architects
Parramatta	Alison	Rose	Architect
Parramatta	Anne	Colville	Architect
Parramatta	Wayne	Gersbach	HIA
Parramatta	Tanya	Stoianoff	Property Council of Australia
Parramatta	Ken	Morrison	Property Council of Australia
Parramatta	Warwick	McInness	MTM Funds Management
Parramatta	Rodney	Yannakis	Rodney Albert Yannakis & Associates
Perth	Sheryl	Chaffer	Sheryl Chaffer & Associates
Perth	Neil	Snook	Peppermint Council
Perth	Assheton	Craven	Fugro Survey Pty Ltd
Perth	Peter	Goff	Mitchell Goff & Associates
Perth	Ray	Stokes	Ministry for Planning
Perth	Barbara	Pedersen	Egis Consulting Australia
Perth	Bruce	Keay	SKM
Perth	Pauline	Holdaway	The Planning Group
Perth	Karen	Taylor	The Planning Group
Perth	Sally	Peters	The Planning Group
Perth	Verity	Allan	HIA
Perth	John	Kotula	BSD Consultants
Perth	Ken	Adam	K A Adam & Associates
Perth	Ross	Paterson	Egis Consulting Australia
Perth	Randy	Kraus	Egis Consulting Australia
Perth	Ian	MacRae	Ministry for Planning
Perth	Gary	Prattley	Ministry for Planning
Perth	Jim	Davies	Jim Davies & Associates
Perth	Stuart	Lester	Lester Group Limited
Perth	Brett	Wilkins	Hawaiian Investments
Perth	Andrew	Graham	Sullivans Real Estate
Perth	Paul	McQueen	Phillips Fox
Perth	Sam	Barbaro	Phillips Fox
Perth	Patrick	Dick	Department of Transport
Perth	Allison	Hailes	Western Australia Municipal Association
Perth	James	Thorogood	Ministry of Housing
Brisbane	Kevin	Beattie	Project Services
Brisbane	Kim	Briese	Project Services
Brisbane	Wendy	Chadwick	Brisbane City Council
Brisbane	Ross	Edmonds	Redland Shire Council
Brisbane	Colin	McMahon	Maroochy Shire Council
Brisbane	Shaun	Matthews	DCILGP
Brisbane	Steve	Greenwood	LGAQ

Brisbane	Simon	Coxen	UDIA
Brisbane	Andrew	Davis	Blake Dawson Waldron
Brisbane	Ain	Kuru	Building Codes of Australia
Cairns	Bruce	Jennison	Wet Tropics Management Authority
Cairns	Peter	Robinson	Property and Resource Planning
Cairns	Murray	Broad	Johnstone Shire Council
Cairns	Brad	Sully	Cairns City Council
Cairns	Jenny	Elphinstone	Cairns City Council
Cairns	Graham	Clegg	Environmental Resouces Management
Cairns	Ron	Baldwin	BDAQ
Cairns	Max	Boudan	Mareeba Shire Council
Cairns	Brian	Millard	Mareeba Shire Council
Cairns	Julie	Coleman	Brazier Motti
Cairns	Matthew	Messina	Flanagan Consulting Group
Cairns	David	Gribble	Flanagan Consulting Group
Adelaide	Greg	Vincent	Hassell Pty Ltd
Adelaide	Chris	Russell	LGA of SA
Adelaide	Andrew	Allan	University of South Australia
Adelaide	Rita	Giannantonio	Tea Tree Gully Council
Adelaide	Bill	Adams	Building Designers Associates
Adelaide	Neil	Jackson	
Adelaide	Brenton	Gardner	HIA
Adelaide	Ron	Hansen	AV Jennings
Adelaide	Justin	Bayard	HIA
Ballarat	Ron	Mildren	Moorabool Shire Council
Mt Gambier	Rod	Storan	District Council of Grant
Albury/Wodonga	Leah	Smith	Department of Infrastructure
Albury/Wodonga	Bruce	Standish	Albury City Council
Dubbo	Tom	Playford	DUAP
Canberra	Alan	Morschel	Planning & Land Management
Canberra	Angharad	Dean	The Planning Team
Canberra	Chris	Murray	HIA
Canberra	Chris	Thomson	HIA
Canberra	Darryl	Dinnen	
Canberra	David	Epstein	David Epstein & Associates
Canberra	David	Snell	Planning & Land Management
Canberra	David	Wright	National Capital Authority
Canberra	Dennis	Wylks	Leith Bartlett
Canberra	Dorte	Ekelund	Planning & Land Management
Canberra	Doug	Davidson	Planning & Land Management
Canberra	Elizabeth	Fowler	Planning & Land Management
Canberra	Garrick	Calnan	Planning & Land Management
Canberra	Glen	Dowse	TT Architecture
Canberra	Graham	Humphries	RAIA
Canberra	John	Easthope	Australian Institute of Landscape Architects
Canberra	Lincoln	Hawkins	Planning & Land Management

Canberra	Louise	Pearson	Mitchell/Guirgola & Thorpe Architects
Canberra	Mahinda	Nandagopan	
Canberra	Neil	Head	RAPI
Canberra	Peter	Edwards	Planning & Land Management
Canberra	Rodney	Nichols	Office of the Commissioner for Land & Planning
Canberra	Stephen	Johnson	Department of Urban Services
Canberra	Stuart	Sankey	Officer of the Commissioner for Land & Planning
Canberra	Ric	Butt	Strine Homes
Melbourne	Rosemary	Cousin	Department of Infrastructure
Melbourne	John	Barker	Architecture
Melbourne	Andrew	Olszewski	Monash University
Melbourne	Karen	Bayly	City of Melbourne
Melbourne	Josephine	Lee	City of Melbourne
Melbourne	Jon	Hickman	Central Equity
Melbourne	Heather	Howes	Australian Council of Building Design Professions
Melbourne	Jim	Kitchenside	DOTRS
Melbourne	David	Hodge	HIA
Melbourne	William	Orr	William Orr & Associates
Melbourne	Robert	McLaughlan	Building Design Association
Melbourne	Maureen	Jackson	Hassell
Launceston	John	Pretty	Department of Primary Industries, Water & Environment
Launceston	Richard	Jamieson	Meander Valley Council
Launceston	Paul	Mickin	Launceston City Council
Launceston	Paul	Westaway	Launceston City Council
Launceston	Clive	Bridges	Dorset City Council
Launceston	Doug	Strohfeld	Georgetown City Council
Launceston	Mark	Westaway	Launceston City Council
Launceston	Brett	Bacon	West Tamar
Launceston	David	Leung	Launceston City Council
Hobart	John	Pretty	Department of Primary Industries, Water & Environment
Hobart	Mark	Bresnehan	Glenorchy City Council
Hobart	Sarah	Poortenaar	Department of State Development
Hobart	Bob	Graham	RJ Graham & Associates
Hobart	Peter	Curtis	Hobart City Council
Hobart	Neil	Noye	Hobart City Council
Hobart	Mitchell	Clark	Derwent Valley Council
Hobart	Elizabeth	Benz	Glenorchy City Council
Hobart	David	Gudde	Central Highlands Council
Hobart	Lia	Morris	HIA
Hobart	Melissa	Stevenson	Huon Valley Council
Hobart	Sophie	King	Kingborough Council
Hobart	Jacquie	Blowfield	Clarence City Council
Hobart	John	Hayes	DPIWE
Hobart	Jason	Miller	DPIWE
Darwin	Mike	Butcher	Palmeston Town Council
Darwin	Ian	Izod	Ian Izod & Associates

Darwin	June	D'Rozario	June D'Rozario & Associates
Darwin	Ann	Stephens	NT Planning Scheme
Darwin	Bob	Karaszewych	Dept of Lands, Planning and Environment
Darwin	Nick	Kearns	Connell Wagner
Darwin	Kim	Leslie	Darwin City Council
Darwin	Barry	Sharples	Tennant Creek Town Council
Coffs Harbour	Malcolm	Imrie	DUAP
Coffs Harbour	Keith	Knight	Keith Eric Knight Design Studios
Coffs Harbour	Peter	Davie	Peter Davie Architecture
Coffs Harbour	Trevor	Jamieson	Jamison Architects
Sydney	Tony	Rossi	Peddle Thorp Walker
Sydney	John	Elvy	John Elvy Pty Ltd
Sydney	Warrick	McInnes	MCM Funds Management
Sydney	Ken	Morrison	Property Council of Australia
Sydney	Tanya	Stoianoff	Property Council of Australia

Attachment 7

Albury City Council Guarantee

Customer Service Guarantee

The Albury City Council City Planning & Development Department Guarantees approval times for all Construction & Development Applications

So strong is the department's commitment to this guarantee that if it fails to honour any part of it (and all conditions have been met by the applicant) the applicant can expect to be refunded a portion of the service fee.

The guaranteed approval times are as follows...

Service	Guaranteed Approval Time	Refund (% of fee)
Complying Development Certificates		
- Minor Residential	3 Working Days	30%
- New Houses	5 Working Days	10%
- Other	7 Working Days	10%
Construction Certificates - Major	15 Days	10%
Construction Certificates - Minor	5 Working Days	10%
Development Consents		
- Major	21 Days	10%
- Minor Residential	15 Days	
Plumbing and Drainage Approvals	2 Working Days	40%
Building Certificate	5 Working Days	10% Per Day
Planning Certificate	3 Working Days	10% Per Day

Terms & Conditions

The Guaranteed Approval Times are dependent on the following criteria...

- A complete set of information including all specifications and full plans must be submitted with your application.
- The Development Application is not referred to external authorities.
- The Development Application is not referred to Council as a result of public submissions.
- A Building Certificate will be issued for and from the date that access to the premises is obtained.
- The application complies with relevant legislation, Council Requirements and Policies at that time.

Please note: If Plans are submitted incomplete in any way or referrals need to be made, a delay in the processing of your request may be experienced.

