

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS

The Secretary
Standing Committee on Public Accounts
GPO Box 1020
CANBERRA ACT 2601



**Inquiry into Auditor-General's Report No 2 of 2005:
Development Application & Approval Process**

On behalf of the ACT Chapter of the RAIA I present a submission on the above named Inquiry. The RAIA is pleased to have the opportunity to comment on the findings of this Report, as planning administration and the way in which it is delivered is one of the essential external relationships that impacts on the work of architects.

Members of the ACT Chapter spoke to officials from the ACT Auditor-General's Office when the report was being developed. A number of these matters are reflected in the Report findings and recommendations. As these matters, in the main, are not new, the ACT Chapter is looking for ways in which some resolution can be reached that would ideally result in a more streamlined and timely planning administration in the ACT. This will reduce the frustration experienced by RAIA members and others in the design, planning and building industries and it will lead to a more efficient industry and one that will have more opportunity for innovation and the promotion of a better built environment for the ACT community.

I would ask that you accept this late submission and consider the issues that we have raised including the findings of the RAIA Archicentre Development Assessment Report 2005. We would welcome the opportunity to meet with the Standing Committee on Public Accounts if the Members so wish.

Yours sincerely

Catherine Townsend FRAIA
ACT Chapter President
12 August 2005

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ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS ACT CHAPTER
Submission to the ACT Auditor-General's Office
Performance Audit Report
'Development Application and Approval Process'
August 2005

1. Executive Summary

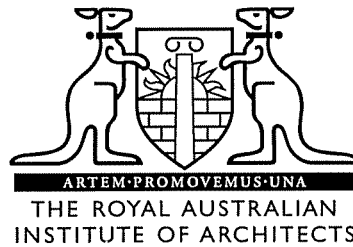
The RAIA ACT Chapter supports the principle of a fair, consistent and efficient development applications and approval process that would deliver high quality design and planning for safe, healthy and sustainable communities. Commitment to achieve this would be the result of all stakeholders working together with agreed legislation, guidelines and administrative procedures.

2. Background

The Royal Australian Institute of Architects (RAIA) is a national, independent, voluntary subscription-based member organisation with approximately 8,800 members, of which 6,070 are architect members. Members are bound by the Code of Conduct and Disciplinary Procedures.

The RAIA is a member of the Development Assessment Forum (DAF) a body established by the federal government that has been actively examining and developing new streamlined principles and procedures for the Development Applications and Approvals in all jurisdictions.

The RAIA has, as well as a national office in Canberra, offices with a Chapter (branch) structure in each state and territory. The ACT Chapter has an office located in Red Hill. The ACT Chapter has 335 members of which 171 are architect members. These members along with many graduate and student members would have regular interaction with the ACT Planning and Land Agency (ACTPLA) in matters relating to Development Applications and Approvals for projects that would range from additions to residential projects to complex commercial projects.



3. The RAI Archicentre Development Assessment Survey Report 2005

The RAI in conjunction with Archicentre has released its second membership survey, the RAI Archicentre Development Assessment Survey Report 2005, on planning and development processes in all jurisdictions.

A copy of this report is attached to this submission. It should be noted that Development Applications and Approvals processes are not working successfully in any jurisdiction, no matter which kind of legislative arrangement or whether it is administered by local or state government jurisdictions.

ACT members reported (admittedly only a small response) that the time taken to obtain final approval has increased in the past two years. This is confirmed by anecdotal reporting by the members. There would appear to be no difference for those instances that have been reported between modest, simple projects and more complex projects.

4. Planning System Reform Project and the Development Assessment Forum (DAF)

RAIA members of the ACT Chapter report continuing frustration in their dealings with the ACTPLA on matters relating to the Development Application and Approvals process. Some of these issues were raised with officials from the ACT Auditor-General's Office in July 2004 and these are set out in their report.

The ACT Chapter of the RAI has welcomed the Planning System Reform Project and has made a submission to the ACT government on these excellent and comprehensive planning reform Discussion Papers. The RAI is looking forward to further development of these issues including new legislation and new processes.

The RAI ACT Chapter is concerned, however, that ACTPLA has responded to some recommendations of this Performance Audit Report by referring to this Reform Project that will be another two years in implementation. In the intervening period RAI members will continue to work with ACTPLA often not within the best working relationships.



The RAIA is a member of the DAF that has produced the Report 'Road Map to a Model DA Process' that has set out 12 principles for efficient and fair approval processes. These were developed as result of extensive consultation and negotiation nationally. The guiding principles have been incorporated into the Planning System Reform Project Discussion Paper and Recommendations and will undoubtedly influence the final documents of the Planning System Reform Project. A copy of the Road Map report is attached to this submission.

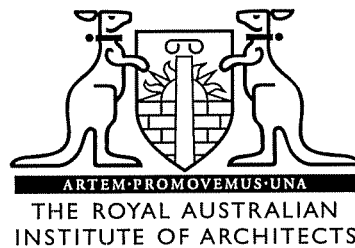
5. Recommendations of the Auditor General's Report

The RAIA has examined the ACT Auditor-General Office Performance Audit Report 'Development Application and Approval Process' (the Report) and the 22 Recommendations presented by the Auditor- General Office. The Report and these recommendations are generally supported by the RAIA ACT Chapter.

The RAIA would propose that these recommendations would be strengthened by the addition of some mechanisms to evaluate progress towards achieving the results that these recommendations are aiming towards. The Planning System Reform Project will obviously be one method but it will be completed in several years time due to the amount of work that is required to write legislation and the related administrative procedures. There are several recommendations that could be implemented that would not cut across the work that is done through the Planning System Reform Project.

In the Key Findings (p4 & 5) a number of matters are raised under the headings 'efficiency and timeliness' and 'consistency with guidelines and legislation' which point to the long running issue within the planning regime in the ACT ie lack of sufficient resources and the insufficient number of trained staff to undertake the tasks that they are required to undertake to deliver good planning for the ACT.

Despite times of great frustration experienced by members of the RAIA in working with ACTPLA, the members have recognised and acknowledged the difficult working conditions that are also experienced by the ACTPLA officers.



One element is undoubtedly the lack of availability of trained planners across Australia. Recent discussions initiated by the University of Canberra to set up a planning course within that institution are welcomed but this will be some years before locally trained planners are available.

Additional trained staff are not likely to be discovered easily, so it is essential that staff who are currently employed within ACTPLA are acknowledged and given opportunities to enhance their work and the services that they provide.

In the interim, a special allocation of funds should be made to ACTPLA for specific training for their staff to enhance the delivery of the current planning regime. This should include some review of current documents to ensure that there can be improved consistency in their interpretation. The improvements in efficiency will result in improved staff satisfaction and less burnt out, improved relationships with stakeholders and the delivery of more DAs with the required timelines. Better record keeping is likely to improve the receipts for the applications etc and this would repay the special funding allocation over time. The funding is required at the beginning of this planning delivery enhancement project so that it could be delivered as a separate project, not merely 'tacked on' the everyday workload.

It would also give proper recognition to the work of the planning approval staff so that their job satisfaction is enhanced. The cannibalising of this group for the 'special projects' has reduced their effectiveness and continuity for the delivery of the best service.

ACTPLA has experienced continuous changes in its processes for some years as various changes are developed and introduced. At times, it would appear that once a new procedure is in place it is then replaced with another changes procedure; often, it would appear, without informing or consulting with stakeholders or staff. This creates confusion for all.

ACTPLA has been slow to consult on a number of matters with requests coming without time to respond. In one instance the RAIA was requested in writing to respond with comments on a document (not provided with the request) on the same day as the request was received. Another date was negotiated. This exercise fails also to recognise the types of organisations that ACTPLA is dealing with.



The RAIA is a membership based volunteer organisation that requires time for expert committees to meet and for members to be consulted. This would be similar to many other organisations that ACTPLA would be dealing with.

One element of the internal education project proposed above would be some education of stakeholders and ACTPLA's customers. The RAIA has repeatedly requested that they be informed of changes to guidelines etc. This happens sporadically. The RAIA has offered to keep its members informed if they are sent such information. This may not cover all architects working in the ACT, but our membership is broad enough to give wide coverage.

In conclusion, planning is undergoing a period of great upheaval and change that will give results in the future. Now it is important that some processes are introduced that will give short term relief and enhanced efficiencies for this period.



DEVELOPMENT ASSESSMENT SURVEY REPORT 2005

Report no: 2

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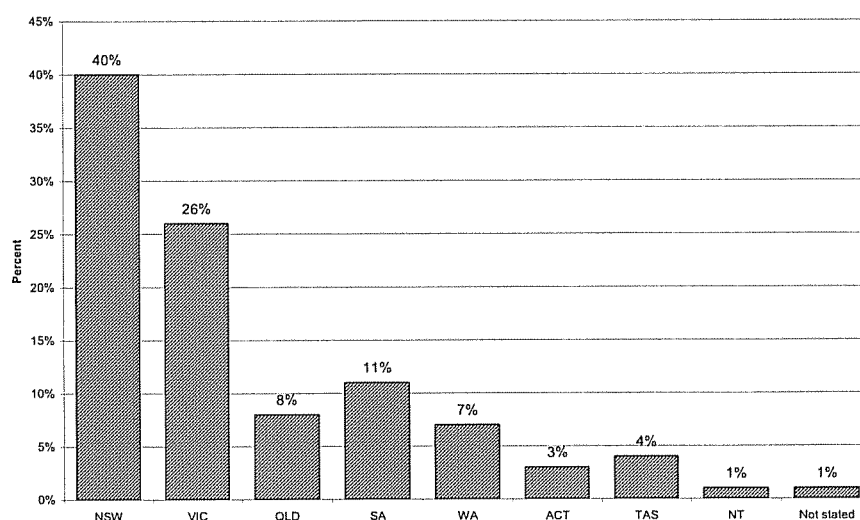
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1. SURVEY METHODOLOGY

This survey formed part of a longitudinal study commenced in 2003. The survey form was distributed to 2026 architects across Australia in early April 2005. This formed the same sample group that was surveyed for the first edition of the survey in 2003. Completed surveys were received from 318 respondents, representing a response rate of 15.7%. Responses closed on 29 April 2005. A percentage breakdown of responses by state and territory is illustrated in Chart 1. Results contained in this report also include data tabulated as part of RAIA and Archicentre's survey conducted in 2003, in which the data for the 2000 results were reported.

Chart 1: State & Territory responses



Note: Instances in tables and charts in this report that do not tally to 100% are a result of rounding. All results are based on nominal values, and no seasonal adjustment methodology has been used.

Throughout this report the term 'development assessment' or 'DA' is used. Across Australia, alternate terms are employed to refer to and describe planning systems and procedures. In order to use a single, common term 'development assessment' or 'DA' was chosen.

2. RESULTS OF 2005 SURVEY

The results of the 2005 survey confirm the results generated by the 2003 survey, that the development assessment process across Australia operates inefficiently and generates additional costs (both time and monetary) for architects, other building designers and consultants, building developers and constructors, and finally for the building owner, operator and user.

While Architects indicated that there had been some minor improvements in development assessment processes, the improvements made have not been of a sufficient level to offset increases in time delays and rising compliance costs arising from proceeding through the many systemic problems encountered in working through many DA processes managed by local governments. The systemic constraints identified by architects concern development assessment policy, assessment processes and procedures, and the resulting pressures placed on overworked, under-resourced planners working in local government. A full examination of these issues is contained in section 3 of this report.

The great majority of respondents to the survey identified development assessment policy and processes as being the key areas that need immediate reform. While also identifying difficulties faced during DA consultation and negotiation processes with local government planners, the majority of respondents recognised the difficulties that planners faced, particularly in being under resourced, overworked and having to meet the ‘supervisory demands’ of local government councilors and other related policy makers.

The key finding drawn from the 2005 edition of the survey is that the recommendations and reforms as suggested by RAIA and Archicentre in 2003 (see section 3 of this report for details) are long overdue for implementation.

The RAIA and Archicentre on behalf of the architectural profession implores state and territory planning ministers to fully consider and introduce into planning statute and policy the recommendations contained in section 3 and the proposed ‘leading practice model’ as developed by the Development Assessment Forum (DAF) to overcome a convoluted, inefficient, under resourced planning and development system that imposes time inefficiencies and inflationary costs and systemic constraints on the building and construction sector. (see immediately below)

In conjunction with the recommendations made in this report, the RAIA endorses the complementary leading practice model as developed by the DAF¹ and commends the model to government. The model offers:

- Ten leading practices that a development assessment system should exhibit. These practices articulate ways in which a system can demonstrate that it is efficient and fit for purpose.
- Six ‘tracks’ that apply the ten leading practices to a range of assessment processes. The tracks are designed to ensure that, at the time it is made, an application is streamed into the most appropriate assessment pathway.

Table 1: DAF, Ten Leading Practices

1 Effective policy development	Elected representatives should be responsible for the development of planning policies. This should be achieved through effective consultation with the community, professional officers and relevant experts.
2 Objective rules and tests	Development assessment requirements and criteria should be written as objective rules and tests that are clearly linked to stated policy intentions. Where such rules and tests are not possible, specific policy objectives and decision guidelines should be provided.
3 Built-in improvement mechanisms	Each jurisdiction should systematically and actively review its policies and objective rules and tests to ensure that they remain relevant, effective, efficiently administered, and consistent across the jurisdiction.
4 Track-based assessment	Development applications should be streamed into an assessment ‘track’ that corresponds with the level of assessment required to make an appropriately informed decision. The criteria and content for each track is standard. Adoption of any track is optional in any jurisdiction, but it should remain consistent with the model if used.

¹ See www.daf.gov.au

5 A single point of assessment	Only one body should assess an application, using consistent policy and objective rules and tests. Referrals should be limited only to those agencies with a statutory role relevant to the application. Referral should be for advice only. A referral authority should only be able to give direction where this avoids the need for a separate approval process. Referral agencies should specify their requirements in advance and comply with clear response times.
6 Notification	Where assessment involves evaluating a proposal against competing policy objectives, opportunities for third-party involvement may be provided.
7 Private sector involvement	Private sector experts should have a role in development assessment, particularly in: • Undertaking pre-lodgement certification of applications to improve the quality of applications. • Providing expert advice to applicants and decision makers. • Certifying compliance where the objective rules and tests are clear and essentially technical. • Making decisions under delegation.
8 Professional determination for most applications	Most development applications should be assessed and determined by professional staff or private sector experts. For those that are not, either: Option A – Local government may delegate DA determination power while retaining the ability to call-in any application for determination by council. Option B – An expert panel determines the application. Ministers may have call-in powers for applications of state or territory significance provided criteria are documented and known in advance.
9 Applicant appeals	An applicant should be able to seek a review of a discretionary decision. A review of a decision should only be against the same policies and objective rules and tests as the first assessment.
10 Third-party appeals	Opportunities for third-party appeals should not be provided where applications are wholly assessed against objective rules and tests. Opportunities for third-party appeals may be provided in limited other cases. Where provided a review of a decision should only be against the same policies and objective rules and tests as the first assessment.

The six development assessment tracks are illustrated in the following chart.

Chart 2: DAF: Six Development Assessment Tracks

TRACKS					
Trivial	Prohibited	Self Assess	Code Assess	Merit Assess	Impact Assess
Development that has low impact beyond the site and raises no policy implications and therefore does not require an application or assessment.	Development that can not proceed because of specific restrictions in the statutory plan.	Development that can be assessed against a standard quantitative criteria without the need for professional assistance and can always proceed if the criteria are met.	Development that can be assessed against standard criteria and can always proceed if the criteria are met.	Development that may have off-site impact and policy implications.	Development that may have a significant impact on the social, environmental or economic attributes of a locality.
It may need to meet criteria specified in the statutory plan.	No consent can be given.	A standard consent will issue.	The criteria may be complex or performance-based and may require professional advice to demonstrate compliance.	It is likely to be measured against performance criteria and policy objectives therefore requires professional assessment.	Assessment requires the submission of an impact evaluation in a prescribed manner.
No consent is required.			Expert assessment will be required.	Assessment may benefit from advice and comment from other parties.	A technically competent reviewer assesses the submitted impact assessment.
			A standard consent will issue.	A conditional consent will issue.	A conditional consent will issue.
PROPOSITOR TESTS AGAINST REGULATORY REQUIREMENTS	PROPOSITOR TESTS AGAINST REGULATORY REQUIREMENTS	PROPOSITOR PREPARES APPLICATION IN ACCORDANCE WITH PRESET CRITERIA INCLUDING ASSESSMENT AGAINST CRITERIA	PROPOSITOR PREPARES APPLICATION IN ACCORDANCE WITH CODE REQUIREMENTS	PROPOSITOR PREPARES APPLICATION IN ACCORDANCE WITH RELEVANT POLICY AND STATUTORY PLAN REQUIREMENTS	PROPOSITOR PREPARES APPLICATION IN ACCORDANCE WITH RELEVANT POLICY AND STATUTORY PLAN REQUIREMENTS
NO APPLICATION NEEDED	NO APPLICATION NEEDED	CONSENT AUTHORITY OR CERTIFIER CHECKS ASSESSMENT	APPLICATION ASSESSED BY CONSENT AUTHORITY OR CERTIFIER AGAINST CODE REQUIREMENTS	PUBLIC NOTICE MAY BE NEEDED	PROPOSITOR PREPARES IMPACT ASSESSMENT IN PRESCRIBED MANNER
NO ASSESSMENT NEEDED	NO ASSESSMENT NEEDED				
NO CONSENT NEEDED	NO CONSENT CAN BE GIVEN				
PROPOSAL CAN PROCEED PROVIDED IT CONTINUES TO COMPLY WITH REQUIREMENTS	PROPOSAL CANNOT PROCEED	IF OK CONSENT AUTHORITY OR CERTIFIER ISSUES STANDARD CONSENT	IF OK CONSENT AUTHORITY OR CERTIFIER ISSUES STANDARD CONSENT	APPLICATION ASSESSED BY CONSENT AUTHORITY	PUBLIC NOTICE
				IF OK CONSENT AUTHORITY ISSUES CONDITIONAL CONSENT	APPLICATION AND IMPACT ASSESSED BY EXPERT REVIEWER AND/OR CONSENT AUTHORITY
					IF OK CONSENT AUTHORITY ISSUES CONDITIONAL CONSENT

Each track will be consistent with the ten leading practices and provide a process of assessment that is relevant to the project's complexity and impact on the built and natural environments. The track in which an application is to be assessed must be clear before an application is submitted.

2.1 PLANNING ASSESSMENT IN AUSTRALIA

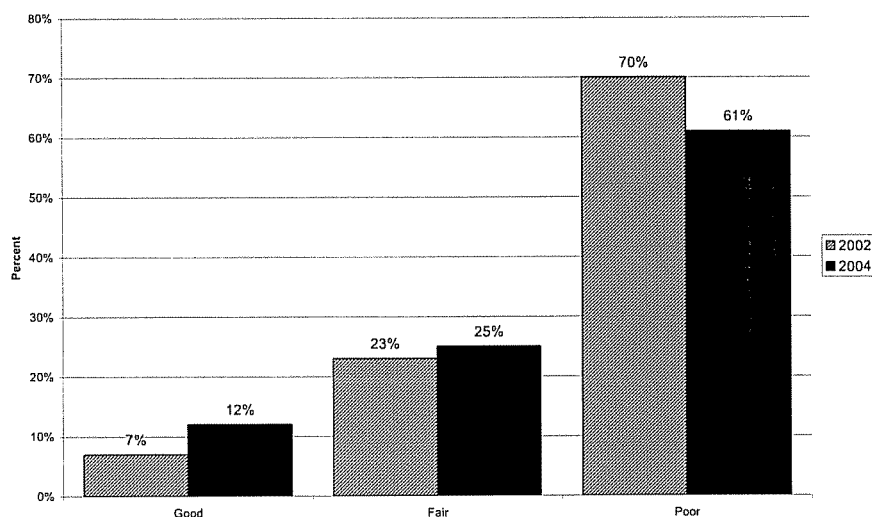
In 2005, architects were asked two questions,

1. to rate the performance of the development assessment process/system in their state or territory in 2004 (on a 5 point scale of 'Very Good' to 'Very Poor'); and,
2. to compare the performance of the development assessment process/system in their state or territory in 2004 in direct comparison to the system's performance in 2003 (on a 5 point scale of 'Much Better' to 'Much Worse').

2.1.1 Performance of the DA system in 2004

When considered on a national basis, for 2004, 61% of architects responding indicated that the development assessment and planning system was performing poorly, with only 37% of architects indicating that the system was performing at or above 'fair'. A slight improvement was recorded in the number of architects that responded that the development assessment and planning system was performing at a 'fair' to 'good' standard. Chart 2 compares results for 2004 and 2002.

Chart 3: National performance rating: 2002 & 2004



Note: The responses to this question were consolidated into 'Good' (comprising 'Very good' and 'Good' response categories), 'Fair' was retained, and the responses for 'Poor' and 'Very Poor' were combined.

Table 2 records the assessment of performance by state and territory. Across the majority of states and territories, architects surveyed continued to rate the performance of the development assessment and planning system (as it operates in their state/territory) as performing poorly. Overwhelmingly, architects in the largest states, New South Wales, Victoria and Queensland continued to rate the development assessment and planning system as performing poorly. South Australia recorded the best result with 50% of architects rating the performance 'fair' to 'good'.

Table 2: DA system performance assessments*

State / Territory	2002	2004	2002	2004	2002	2004
	<i>Good</i>		<i>Fair</i>		<i>Poor</i>	
NSW	4%	9%	16%	27%	78%	63%
VIC	1%	9%	7%	24%	92%	66%
QLD	10%	8%	23%	33%	67%	68%
SA	10%	17%	23%	33%	67%	50%
WA	4%	27%	26%	9%	69%	64%
ACT ^{##}	0%	20%	0%	20%	0%	40%
TAS	14%	17%	43%	17%	43%	67%

Note: The responses to this question were consolidated into 'Good' (comprising 'Very good' and 'Good' response categories), 'Fair' was retained, and the responses for 'Poor' and 'Very Poor' were combined.

** Insufficient responses were received from the Northern Territory to calculate a significant response.*

Owing to the small sample size, no results were able to be tabulated for 2002, and approximately 20% of respondents from the ACT did not record a response to this question in 2005.

2.1.2 Performance of DA system in 2004 compared to 2003

In 2005, the survey examined architects' ratings of the performance of the development assessment and planning system in 2004, in direct comparison to the development assessment and planning system in 2003. Table 2 records the performance ratings. Across the country, 49% of architects rated the performance development assessment and planning system as having deteriorated in 2004, with only 10% responding that they experienced an improvement. Architects in New South Wales overwhelmingly responded that they experienced no change. Architects in Queensland and Tasmania were the most pessimistic recording overwhelmingly that the performance of development assessment and planning system had significantly deteriorated in 2004.

Comment from survey respondent:
 "Some councils seem to be improving assessment periods, however the ever increasing levels of resolution and consultant input required for DA assessment are making the planning process an unbearable commitment at the inception of a project."

Table 3: Performance of DA system in 2004 over 2003

State / Territory	<i>Better</i>	<i>Same</i>	<i>Worse</i>
NATIONAL RESULT	10%	40%	49%
NSW	10%	78%	11%
VIC	12%	44%	41%
QLD	0%	25%	75%
SA	11%	56%	33%
WA	9%	27%	64%
ACT ^{##}	0%	60%	20%
TAS	0%	17%	83%

Note: For responses to the second question, responses for 'Much better' and 'Better' were combined, and responses for 'Worse' and 'Much worse' were combined.

** Insufficient responses were received from the Northern Territory to calculate a significant response.*

Owing to the small sample size, no results were able to be tabulated for 2002, and approximately 20% of respondents from the ACT did not record a response to this question in 2005.

Case Study:

Submission to the survey from an Architect in South Australia

“We tend to liaise with council planners from the outset of the design phase through to the lodgment of planning consent documents to determine the nuances of the DP and the documentation / information required. Even after this process two to three requests for additional information may be received. Their approach is piece-meal, with each request putting ‘the brakes’ on an application and delaying assessment. Requests incur additional costs for the property owners in the form of additional fees when consultants are required to revisit issues or sites to gather additional pieces of information, and holding costs when assessments are delayed. When following up progress or responding to requests for additional information, we were told documents or information was ‘not received’ (when we well know it was sent) and assessment has been suspended until the information is received. For example, on one prominent project an existing site drawing by a licensed surveyor was resent on two separate occasions. Of late, council staff are reluctant to offer preliminary comment and in one particular local government area, it is policy not to offer preliminary comment. When dealing with landmark sites, environmentally sensitive sites or in areas of historical significance, such dialogues assist in facilitating a smoother, less vexed and time consuming process.

In respect of staffing, there appears to be a shortage of qualified planners. Councils are short staffed and are poaching each others’ staff. In recent times, in some applications, the questions asked by the new staff suggest they have been handed an inadequate file and/or they have not been briefed. It falls to the architect to revisit issues and brief the new planner. Each time a new planner is introduced approval delays are experienced. As a product of the shortage, junior planners are promoted quickly or expected to act beyond their capacity. In one particular instance (where the owners were the applicants) a ‘building rules’ approval was delayed 3 months because a junior planner failed to notice the change in drawing orientation between the approved ‘provisional planning consent’ and the ‘provisional building rules’ sets of drawings (certified by a private certifier). Each set of drawings indicated a north point, significant landmarks (the numerous trees, the roadway etc) yet the drawings were misread. The planner assumed the building design had been substantially modified, put it in the too hard basket, sat on it for a while and then informed the building owner (by letter without a letterhead) that provisional building rules could not be given.

The owners and the planner entered into dialogue. One of the owners is a lawyer, threats were exchanged etc once we were alerted by one of the frustrated clients (not the lawyer) asking why the drawings were different and was the certifier doing his job well? A polite 10 minute phone call from our office to the junior planner resolved the problem. The approval was on the owners’ doorstep within two days. The owners’ belligerent attitude is somewhat to blame, yet the event should have never occurred.”

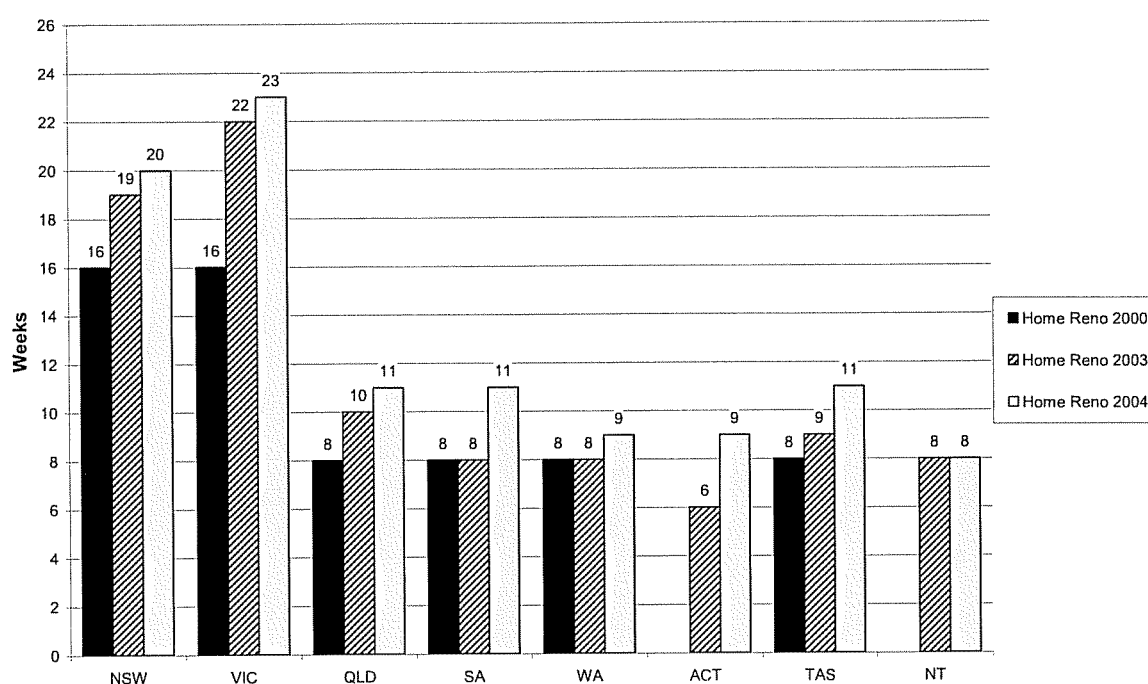
2.2 TIME DELAYS

Architects were asked to review the time it took to go through the development assessment and planning system process for a range of typical project types from home renovations to large commercial projects. The results for 2005 are compared to results for 2003 and 2000.

2.2.1 Home Renovations

With the exception of the Northern Territory, the time that it typically required for the development assessment and planning system to run its course concerning home renovations continued to climb, from 2000. In 2004, approvals in New South Wales typically required an average of 20 weeks, and in Victoria the average time was 23 weeks.

Chart 4: Home renovations - time delays



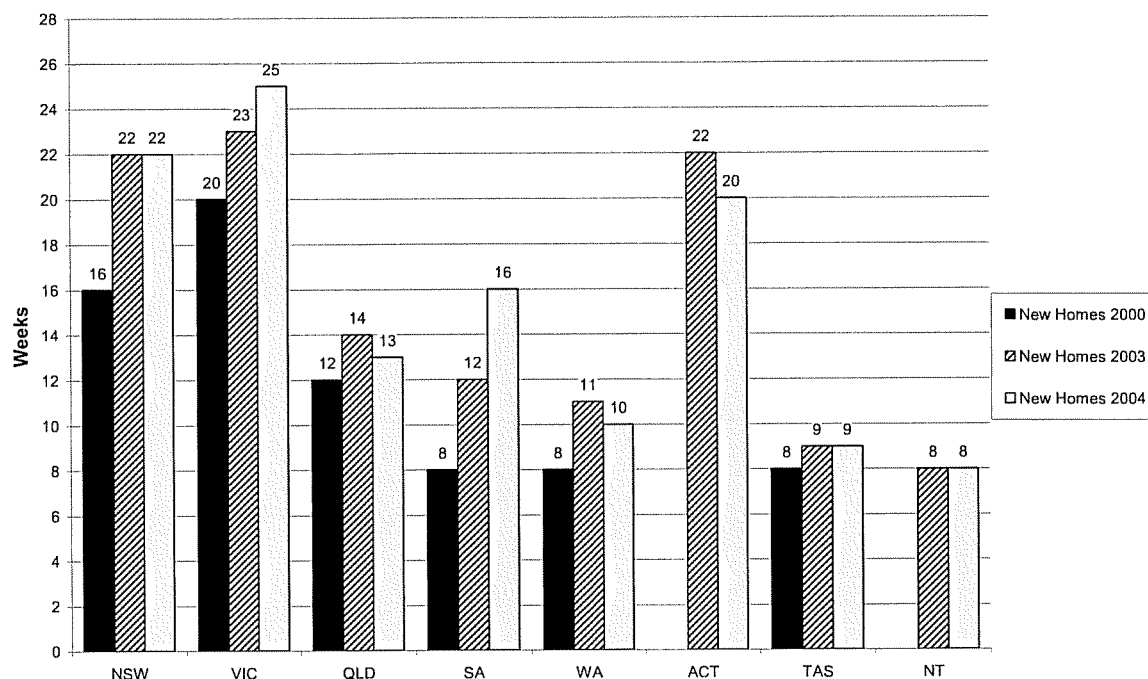
2.2.2 New Homes

The survey asked respondents to nominate the average time taken for development assessment and planning system approvals to be processed for new homes. Approval times increased in 2004 in two states (Victoria, and South Australia), with falls in Queensland, Western Australia and the ACT. The Northern Territory and New South Wales remained unchanged.

Comment from survey respondent:

"NSW planning system has become grid locked as a result of poor consistency of planning regulations between differing local council areas, the inability of elected local government representatives to make decisions based on long term strategic issues rather than local vested interest group pressures and the inability of the State Government Planning agencies to show some leadership and make some hard decisions about stripping planning powers from various anti-development local councils. Despite a lot of rhetoric from government about planning reforms NSW is still plagued by a plethora of inconsistent and sometimes contradictory planning regulations and legislation which together with the obstructionist attitude of some Councils and State planning bodies has made the development and planning approvals process in NSW an almost unworkable minefield."

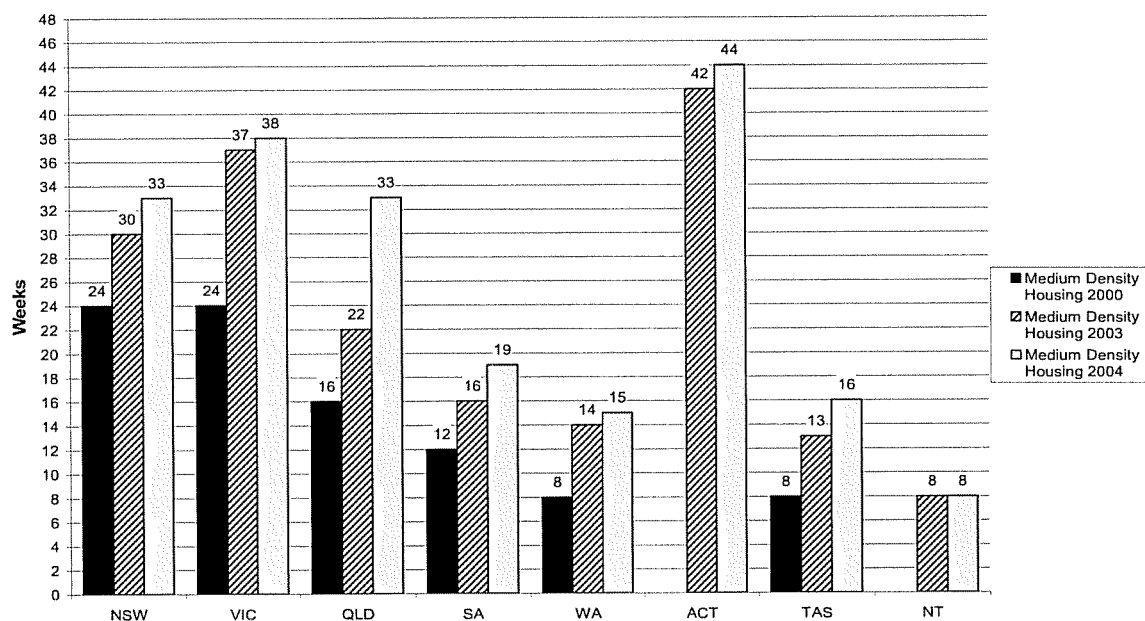
Chart 5: New homes - time delay



2.2.3 Medium Density Housing

The survey asked respondents to nominate the average time taken for development assessment to be processed for medium density housing such as units and apartment developments. Increases were recorded across all states and territories with the exception of the Northern Territory. The ACT was listed by architects as the poorest performing state/territory in this building category. Of further note, a substantial rise was recorded between 2003 and 2004 of the time it required to process a development assessment and planning approval in Queensland.

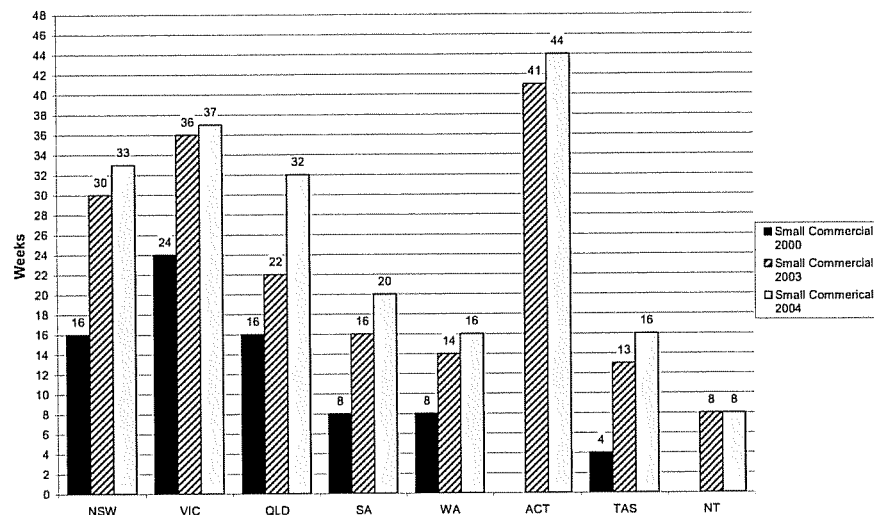
Chart 6: Medium density - time delay



2.2.4 Small Commercial

The survey asked respondents to nominate the average time taken for development assessment to be processed for small commercial developments. Increased time delays were experienced in all states and territories in 2004, with the exception of the Northern Territory which remained unchanged. Compared to 2003, Queensland recorded the largest average increase, with Victoria recording only a minor increase of 1 additional week.

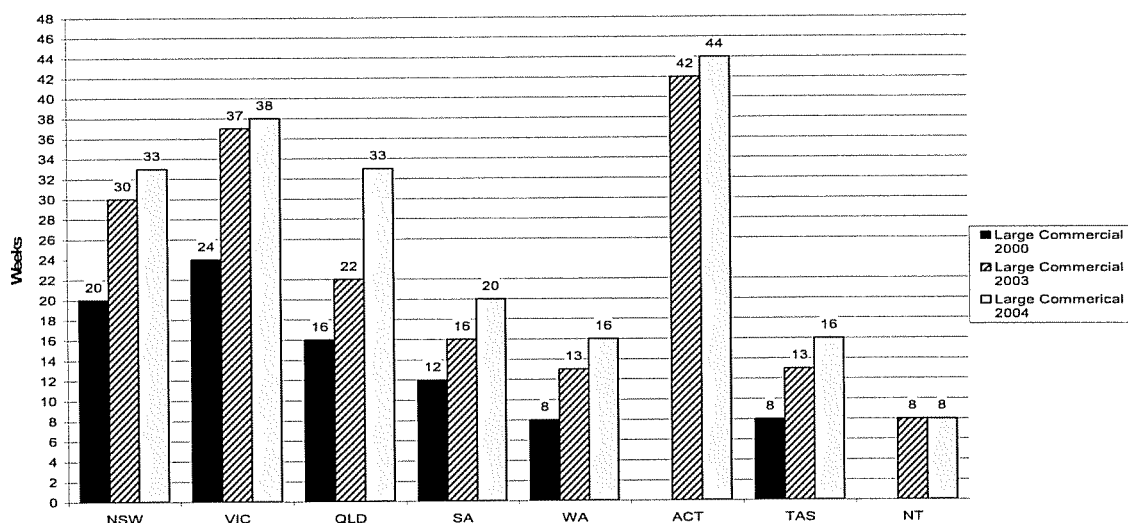
Chart 7: Small commercial - time delay



2.2.5 Large Commercial

Respondents to the survey indicated that time delays for large commercial projects closely mirrored the time delays experienced for DA processing of small commercial projects. All states and territories with the exception of the Northern Territory experienced increases in the amount of time taken to process a DA. In comparison to 2003, Queensland recorded the largest increase in time-delays, with Victoria recording the smallest annual increase.

Chart 8: Large commercial time delay



3. POLICY, PROCESS & PEOPLE – REFORMS

The last (and first) occasion that RAIA and Archicentre undertook a similar survey was in 2003. The findings of the survey were collated under three broad headings: *policy*, *process* and *people*. In general terms, the issues, problems and inefficiencies of the development assessment /planning process identified by architects in 2003, continue to exist in 2005. The issues and problems identified by architects in 2003 are repeated immediately below.

Policy

- Heritage issues triggering lengthy planning processes.
- Planning consent staff and councillors ruling on areas that they are unqualified in such as building, construction and architectural aesthetics. .
- Reports of unreasonable demands made on applicants for irrelevant or unnecessary material, especially for what are commonly accepted as technically simple jobs.
- The lack of uniformity of regulations and planning laws across municipalities.

Process

- Examples of some councillors and planning consent staff not being fully conversant with their own guidelines.
- Examples of under resourced council planning departments.
- Examples of unhelpful staff, refusing to give pre application advice.
- Indications of inexperienced planning consent staff having carriage of major planning assessment activities.
- Lack of consistency of advice between council staff, councillors and others.
- Some councils regularly misplacing documents.
- Some planning consent staff not answering or returning calls.
- The use of delaying tactics to create extra time for processing the enormous volume of applications. This results in extra unnecessary work and costs to the applicants.
- Widespread examples of high turnover of planning compliance staff.

People

- Reporting of regular planning disputes between councillors and planning consent staff.
- Reports of some councillors overturning the advice received from their planning consent staff to cater for local political considerations.

A full list of the key concerns, issues and problems identified by architects in the 2005 survey is contained in section 4 of this report. In summary, the major planning and development assessment constraints and structural issues remain in 2005 as first highlighted in 2003. In overall terms, the 2005 survey identified an increased level of frustration experienced by architects as to the inherent constraints in the planning processes operating across Australia.

In 2003, as a result of the first Development Assessment Survey, RAIA and Archicentre developed a set of core recommendations grouped under the headings of *policy* and *process*. The key finding drawn from the 2005 edition of the survey is that the recommendations and reforms as suggested by RAIA and Archicentre in 2003 are long overdue for implementation. The RAIA and Archicentre on behalf of the architectural profession implores state and territory planning ministers to fully consider and introduce into planning statute and policy the recommendations contained below, in order to overcome a convoluted, inefficient, under resourced planning and development system that imposes time inefficiencies and inflationary costs and systemic constraints on the building and construction sector.

Policy reforms

1. State government agencies responsible for local planning need to establish common procedural guidelines for all local governments to follow.
2. Local government councillors should be involved in establishing local policies, but once established compliance or otherwise should be determined by an assessment panel comprised of council staff professionals and external assessors, not by the councillors themselves.
The Royal Australian Institute of Architects would be prepared to nominate independent architect assessors to participate on the assessment panel.
3. State governments should establish “planning zones” which may relate to specific interest points such as heritage, landscape etc. These zones should not be confined by local government boundaries.
4. Leading on from recommendation 3, a local government assessment panel should be able to assess an application even for applications that span across planning zones or boundaries.
5. Aesthetic judgments should not be considered in the planning assessment.
6. Heritage and landscape overlays and other similar planning constraints should not trigger the need for planning approval for home renovations and new homes, they should form part of the building approval process.

Process reforms

7. All local government development control plans, guidelines, overlays etc. should be available on the internet.
8. All local governments should move towards an electronic lodgment system whereby applications can be lodged and advertised on the internet and objections received electronically. This will considerably free up council officers’ time.
9. The local government planning assessment report on an application should be completed before public advertising and should form part of the advertising package.
10. Councils should “stream” applications so that for example all commercial applications go to one planning consent officer, all medium density housing to another etc.
11. As an interim measure (before objective 1 is achieved) seminars should be organised for local councillors on how to understand the planning process and how to responsibly assess applications.
12. Specialist reports such as heritage compliance, landscape overlays, energy audits, should not be required at lodgment but should be provided if necessary prior to issue of approval or as a condition of approval.
13. External independent consultant planners or architects should be able to certify that application documents meet guidelines.
14. The advertising process should be reviewed so that it is less adversarial in nature. For example, terms such as ‘object’ and ‘materially effect’ should be replaced with ‘comment on’.
15. Following planning approval by local council or appeals body, endorsed plans should be certified by private independent planning consultants.

4. POLICY, PROCESS & PEOPLE – SELECT RESPONDENTS COMMENTS

The following comments are a selection of quotations taken directly from architect's written responses to the survey. They have only been edited for grammar, spelling and syntax, and have been selected as they present particular issues and operational problems.

4.1 Policy

State / Territory	Response/Comment
NSW	Over legislated and too many committees. Under qualified answers. Over value neighbour's requirements.
WA	Building officers will deal with heritage guidelines in a subjective way, and appear to look for reasons to reject architects design, as opposed to project homes.
NSW	NSW planning system has become grid locked as a result of poor consistency of planning regulations between differing local council areas, the inability of elected local government representatives to make decisions based on long term strategic issues rather than local vested interest group pressures and the inability of the State Government Planning agencies to show some leadership and make some hard decisions about stripping planning powers from various anti-development local Councils. Despite a lot of rhetoric from government about planning reforms NSW is still plagued by a plethora of inconsistent and sometimes contradictory planning regulations and legislation which together with the obstructionist attitude of some Councils and State planning bodies has made the development and planning approvals process in NSW an almost unworkable minefield.
VIC	Although there is a Victorian state planning policy (ResCode), councils vary in their planning requirements. One council for example is overly stringent especially on private open space requirements for medium density houses (well over the state requirement). There should be a set range where councils can differ.
VIC	Major delays are in the lack of response from councils. They always seem to have excuse. Individual planners no longer will make decisions so they make recommendations and report to a further level for approval. This process is too long and arduous. Clients get angry, and we have to 'take the kicks'. VCAT shouldn't be the option to solve council delays.
VIC	There is often too much politics involved in assessing planning applications. Councils are too concerned about residents' views and often forgets the applicant is a rate payer and voter too!
NSW	Depends on the council. Some are reliable and others are cautious about what is acceptable. DCP's and LEP's are ignored or used if an application is 'disliked'. Some councils are very vague.
NSW	Councils call for information that has no bearing on the project e.g. full site survey plus efficiency properties for a job that just entailed rendering walls and replacing windows in a block of home units. Councils now want excessive information to slow up the application preparation time to buy them time in the approval stage.
VIC	Inner suburban multi-unit work is a big problem area due to aggressive resident group responses that generate political rather than planning based outcomes.

NSW	There is a shortage of planners nationwide, hence one council will headhunt staff from another, leaving assessments half finished. Objectors are more vocal as property values rise, hence more DA's are called to council meetings and site inspections, delaying the process. Land and Environment court is more accessible so more cases are tying up council staff in documentation, delaying regular DA's.
TAS	There is often no permanent staff to retain 'corporate memory' or 'history'. Many instances of bad record keeping, and sometimes lost documents.
NSW	New 'regulations' are extremely prohibitive of creativity. The architect's role has been reduced by authorities to that of 'council's drafting service' funded by clients who are becoming increasingly bewildered. A new culture of 'build it without council approval and if you're caught we'll cross that bridge later' seems to be emerging in Sydney due to the public hearing horror stories from builders, architects and the media.
VIC	Planners govern their activity and decisions that reflect the political requirements of council. If council is in favour of a development with no community reaction, the planners will 'lie down and have their tummy rubbed', and they will actively work out ways to get around planning guidelines. If council is not in favour with the community reaction, every minor planning requirement becomes a major issue.
NSW	'Our council' instituted a 'fast track' system for smaller and or simpler projects which is working very well. However, more complex projects still take too long. However the council has trouble retaining staff and dealing with someone new all the time slows things down.
VIC	Local councils reacting against increased density policies (2030) forcing applications to VCAT.
NSW	Planning guidelines being applied by junior staff as absolute requirements. NSW state government concurrence (SEPP 71) very slow in arriving. The requirement that DA submissions must now contain high levels of technical detail is not in line with original concept of DA's.

4.2 Process

State / Territory	Response/Comment
NSW	Incredible amount of information usually provided at DA and CC stages required at the pre-DA submission.
SA	Very slow. Difficult to get advice from planners. Planners often get moved around. Councillors seem to meddle in planning process.
NSW	Amount of information required at DA stage is excessive, and so labour intensive for councils.
NSW	Initial 'preliminary assessment advice' received is usually extremely negative. Excessively lengthy 're-negotiations' with council are extremely difficult.
WA	Changes have enabled councils to allow for more 'delegated authority', handled by staff rather than always proceeding through committees and for council. However, staff are lean in numbers / inappropriately qualified / inexperienced. This coupled with building boom has created delays.

QLD	The process is a mine field which has no definite rules and is subject to authorities' whim. The system was supposed to reduce red tape - the reality is the reverse.
VIC	Council / council planners took 5 months to approve a second driveway on compassionate grounds for a disabled client.
SA	Their still appears to be a lack of any sense of urgency regarding the fact that all time delays cost money.
NSW	Councils sometimes / often adopt poorly resolved DCP's which can have unintended planning and design consequences on some sites. Many planning officers in councils are unskilled, lacking a broad view of the process and are unable to assess on merit. They tend to fall back on poorly written numerical controls and standards. Local government politics and lobbying by ignorant objectors can also often distort the process to the detriment or worthy applicants.
TAS	Discretions have become the norm, rather than the exception.
SA	Council staff over committed and hard to contact. Extent of time and cost investment prior to any certainty of approval is too significant. Interaction between DA and council advice and decisions results in unacceptable uncertainty.
QLD	Pre-lodgment advice continues to be unreliable and now barely forthcoming. System is apparently overworked and understaffed. Assessment officers do not know how to make judgments on performance criteria – hence ignore non standard solutions.
VIC	We usually find planning assessments are difficult with little accommodation of anything outside the typical building approval standards and new building envelope considered reasonably by Council. Basically, if it's not within the C2 amendment height and setback requirements we 'hit a brick wall' with no real reason given for any rejection, regardless of the circumstances we present. Just an unqualified rejection. This makes our work difficult, particularly when working with alterations to existing houses which are constructed beyond the current limits. It just forces us to make unsympathetic changes to existing building forms and style.
NSW	Councils are disorganised with heavy staff turnovers. Applications often sit in a file on a shelf for weeks before any action is taken. Councils do not appear to have a system for fast-tracking simple projects. A \$50,000 alteration and addition is in a queue along with the \$500,000 and \$5,000,000 projects.
ACT	Requirements for public consultation, the planning authority's indecisiveness and the role of particular environment ACT and other statutory authority's for which there are no time limits on their deliberations, thereby hold up Development Applications indefinitely.
NSW	Approval of variations to an approved DA take as long as a DA. If inexperienced staff make mistakes in assessment then there is no way to rectify the subsequent conditions without going through a prolonged variation procedure. We have to deal with inexperienced junior staff who don't know the rules and who are scared of making decisions.
NSW	There is a greater degree of objectivity becoming apparent; however at the same time, there is greater degree of bureaucracy occurring. When information is not evident, then it is requested. However, recent experience with one Sydney local council involved assessing officers making their own interpretations from inadequate information provided, without any substantiated professional or scientific data supporting same, nor being requested of the lodging applicant!
NSW	Some council have decided to address the issues faced with backlogs and are seeking to deal with minor matters in a proactive manner. Meanwhile, any positives gained by more efficient councils have been cancelled out by the planning documents maintained by other councils that exhibit anything between the extremes of either unsuitably vague 'guidelines' or dictatorial 'thou shalt not' controls.

	Further, the onerous requirements for minor renovations in some councils are nothing short of ridiculous, particularly considering the money clients are forking out on requisite 'qualified' consultants that in other councils would not be required until CC stage. And of course there's always the poorly trained and/or inexperienced planning staff in every Council one has to explain the principles of design and drafting to.
SA	There is a high rotation of planning staff, leading to a lack of continuity in processing applications and poor local knowledge. Staff also lack experience and have difficulty processing anything that requires them to apply the planning rules in a lateral way. It is also necessary to contact the planners on a regular basis to ensure that they are processing your application and not leaving it at the bottom of the pile. In my opinion, most of these problems stem from an insufficient number of planners, the frustrations of working in the statutory planning field (i.e. council interference, dealing with dissatisfied applicants etc) and inadequacies in the education of planners.
NSW	We experienced a conflict of interest situation when a neighbour was also a councillor. In this case councillor requested the DA for council meeting even before an assessing report is prepared by planning officer. The DA system urgently needs to be reviewed.
VIC	Residential development proposal confirmed with control. A planning submission was prepared and lodged objectives took 8 months approval afterward councillor was approached concurrently. A more complex residential proposal was submitted (without our professional identification) with same council it took only 8 weeks to be approved (including negotiations with objectors).
NSW	Approval times are taking longer. Planning involvements are getting vague and more 'subjective'. Council elections have generally increased the number of anti-development councillors. Overall documentation requirements for DA's continue to increase.
NSW	During 2004, the duration of the DA process did not reduce. Council staff understanding of DCP's did not improve. Political pressures on staff increased to point where staff would advise total compliance with DCP and or no consent – which is ridiculous as the principle of the approval system is merit based determination. Not all applicants treated equally by staff - not a level playing field.
SA	It takes longer to obtain the approval even with private certification. There seems to be no understanding of the whole procedure by council staff – just their own responsibility area e.g. sewerage can take weeks to get an option on whether some works need to be carried out. There is no guidance given of the options if any, which result in wasted time.
NSW	Eighteen months for a DA to be processed through one particular council, which required multiple design changes and 'fiddling at the edges'. This is after extensive pre-DA consultation. Multiple staff changes occurred in the same council, requiring it to engage an external planning consultant. No continuity! New issues raised every 2 months. Final approval almost identical to pre DA sketches.
SA	Development assessment panels need to be changed with a more balanced professional individuals with some empathy with the design/aesthetic and well as functional merits of individual projects. Planners and layperson should never sit as jurors/judges on development architectural projects – let us have more architects, interior designers, landscape architects builders, accountants, doctors etc!
SA	Some councils seem to be improving assessment periods, however the ever increasing levels of resolution and consultant input required for DA assessment are making the planning process an unbearable commitment at the inception of a project.
NSW	Far too much detail required and too much expense. Some expert reports are required even when it is obvious there is no issue in that area which causes undue expense and time delay in preparing a DA. Rather than requiring evidence of the ability to comply with

	technical specifications (e.g. stormwater) we have been requested to provide full details, hence further consultants and cost and time delay prior to having a consent.
WA	Have recently had a local government shire before the state tribunal because we lodged a 'deemed refused' appeal when they had taken too long to approve the DA. They then refused to proceed with the approval progress unless the 'appeal' was withdrawn even although their town planning scheme stated that they could approve at any time even if an 'appeal' was lodged.
WA	Quality of staff dealing with approvals. Lack of experience. Focus on protecting their position rather than make decisions. Poor delegation from elected members to employees.
NSW	Some councils have improved, others are getting worse. Many have not come to grips with BASIX at all and this is further slowing them down. Many councils seem to be relying on some kind of building industry 'slowing' in order to cope with their caseloads; a most unfortunate and short sighted scenario.

4.3 People

State / Territory	Response/Comment
SA	Lack of planning staff and passing on to another staff member when holidays taken or staff resignations occur.
NSW	Planners are overloaded with work e.g. not enough planners. Inconsistent information requests from council staff. This results in abortive work, costing clients lots of money. Too much information is required for DA submission, costing client lots of money.
VIC	We often experience delays for minor items or points of clarification that seem to be designed to take the load off the planning staff and create undue delays. Some projects that would have in the past gained approval as conforming schemes, now seem to be required to go to advertising, 'just in case' someone might have an objection. More prescriptive requirements that do not allow the architect to exercise the normal design process and a reluctance to accept innovative solutions to design problems. This leads to VCAT appeals and more delay.
VIC	Slow response for responsible authorities' planning officers, coupled with uncooperative councillors vote who against planning officer recommendations therefore VCAT is where decisions are made.
NSW	Difficulty getting face to face meetings with planners. Changing staff presented discontinuity in the process.
NSW	Several cases of delays in approvals caused by inexperienced planners not being able to assess an application within the required time frame. Requests for additional information often already provided or not relevant to particular application.
NSW	It varies – 2 weeks for a DA with Sydney city council (small fit out) to 20 months for a small suburban house in one instance. The process needs an overhaul or councils need more staff.
SA	Slow processing of applications, unreliable feedback, change of planners / no continuity if another planner takes over, development assessment panels ignoring planners recommendations, etc.
TAS	High staff (planner) turn over, and then job share or part time. Not accessible or no continuity. Consultant planner that works 1 day per week and changes often. Councils do not care.

VIC	Very poor levels of customer service, 2-3 weeks just for receipt of application advice. Most planning staff 'stressed' and overworked, all decisions are referred.
VIC	Life cycle of planners is too short.
SA	In regional areas a lack of staff makes sourcing accurate information difficult.
WA	The lack of experienced staff means that assessment is more often made by unqualified staff at the counter. For example my client took a submission to the council and a clerk refused to accept it as there were no structural engineer's drawings - there were none needed! The same application is now rejected (after 3 months) due to the supervising officers 'understanding' of the local heritage guidelines.
VIC	Most assessors are only part-time and consequently, communication is limited. Not enough staff to handle the applications.
NSW	No noticeable difference in expertise of council planning staff. Too many junior staff not being able to understand key issues. High turnover of council staff also added to delays in approvals through allocation of new planner mid assessment process.
QLD	The brain drain through councils is continuing. More work has to be done by less inexperienced staff. Large turn over of staff. No continuity.
SA	High levels of retirements of planners, new planners young, inexperienced, not confident of offering advice, slower, etc
QLD	Assessment teams seem overloaded and there is a large 'churn' factor with town planning staff. Often the assessment officer is inexperienced and unable to make a decision on simple matters and needs to refer back to team leader. This wastes time and is frustrating for architects and their clients.
VIC	Issue of trees and reports and review by council has really crowded the issue. Opinion is too subjective. Also officers do not make decisions; they write a report seemingly for other superiors up the line.
QLD	There is a lack of qualified staff. The assessment process is random and can be varied by interpretation of the assessor.
TAS	The process varies according to availability of 'experienced' planners. There has been a considerable amount of movement in the number of professionals engaged by councils and relocation to higher paid positions / locations.
VIC	The inability of statutory bodies to retain staff and employ enough staff helps to frustrate an inadequate system.
NSW	The time taken to assess an application is totally unacceptable – can take council up to 12 weeks to look at an application and they give you 14 days to respond with amendments – inexperienced staff assessing large project – staff turnover at council's not unusual to have 3 – 4 different planners on each project.
NSW	Staff at councils are overworked and most councils we deal with are suffering approximately 50% staff losses creating unrealistic workloads.
NSW	Staff reluctant to make decisions for fear of criticism from councillors and or senior staff. No assessment undertaken until after receipt of objections resulting in a loss of 4 – 6 weeks. Staff complaining of excessive work loads. Staff taking study and or holiday leave delaying assessments. Staff leaving, resulting in processing re-starting from scratch. Reluctance of councils to delegate decision making to staff.
QLD	Inexperienced staff at council trying to deal with new town plan and a boom in work.

5. SUMMARY OF STATE 'DA' POLICIES & PROCEDURES

The planning process is about what you can build where and building approval tells you how you can build these structures. One of the problems being experienced at the moment is that the planning process is encroaching on areas that belong in the building approvals process. A complicating factor is that the terminology for the building and planning processes is different in each state. The following is a state by state summary of the basic terms and statutory processes.

5.1 New South Wales

In New South Wales, all developments first require a *Development Application (DA)*, which councils assess with regard to Local Environment Planning Policy (LEPP) and Development Control Plans.

At this stage, councils also require other reports such as *Energy Ratings, Heritage, Waste Management and Environmental Impact* (this varies from council to council). Once a DA is approved, a *Construction Certificate (CC)* is sought. This details all design and construction including landscaping aspects of the development.

5.2 Victoria

ResCode is the universal planning umbrella in Victoria for all housing ranging from additions & alterations, new houses or multi-unit development. Regardless of what form the development takes, a *"site analysis"* is a *mandatory starting point*. This sets the building and/or site in context with the neighbouring environment. A design response should be based on this document.

For a single house, the simplest statutory path involves a *Building Permit* process, where 14 ResCode criteria must be met by the design strategy in order to achieve an "as of right" building permit.

A site with a small site area, or one covered by a heritage overlay, will require a *Planning Permit* process to precede a Building Permit process. Some 20 ResCode criteria, including Neighbourhood Character need to be addressed in a Planning Permit process.

Multi-unit housing, including dual occupancy developments, must take on the two pronged system outlined above. Some 32 criteria form part of the consideration in a design strategy and associated statement.

5.3 South Australia

Development Approval is required, and this is made up of Planning Approval and Building Rules Consent. *Planning Approval* is compliance with the *South Australian Development Plan (SADP)*, and deals with such issues as the number and type of houses for a given site, open space, setbacks and in some cases roof pitches and materials.

This can be done at the same time as the Building Rules Consent or after the detailed design stage of an architect's work, particularly if it does not comply with the SADP. For example, if a building has a flat roof rather than a preferred pitched roof for a particular street, a presentation to Council can be made, and even an appeal in court if desired.

Building Rules Consent is compliance with the Building Code of Australia or South Australian Housing Code. This process ensures the building is built to current codes – i.e. wet area details are correct, termite proofing has taken place and the like. This can be carried out by a private certifier (or building surveyor) or by the local council. This stage is usually arranged while the job is out to tender or as a part of Contract Documentation.

5.4 Western Australia

Western Australia has a two pronged system of statutory approval for housing development involving **Planning Permit** and **Building License Approval** processes. Depending on whether the designed solution conforms with “Deemed to Satisfy” provisions of the “**R Codes**” (**Residential Planning Code of Western Australia**), the planning process may be procedural.

Building License Approval follows on after the Planning process has been satisfied. This deals with compliance with the Building Code of Australia.

5.5 Queensland

Queensland has a two tiered regulatory process for housing development. Where Planning Approval is required, this will precede a Building Approval process. For single houses, a **Planning process** is triggered by a number of circumstances including small sites (generally less than 450m²), demolition works, alteration works (generally for buildings constructed prior to 1946), houses in rural or residential environmental protection areas and houses in areas allocated for non-residential uses. In areas where these triggers are not set off – e.g. newer areas, a **Building Approval** process only is required. This deals with compliance with the Building Code of Australia.

5.6 ACT

The ACT has a particularly regulated approach to building development. Aside from minor additions to the rear of houses, a two stage development process is required.

The first stage involves making an application for a **Development Application (DA)**. This occurs by making an application through the vehicle of a “**High Quality Sustainable Development**” (**HQSD**) to the **Australian Capital Territory Planning & Land Authority (actpla)**.

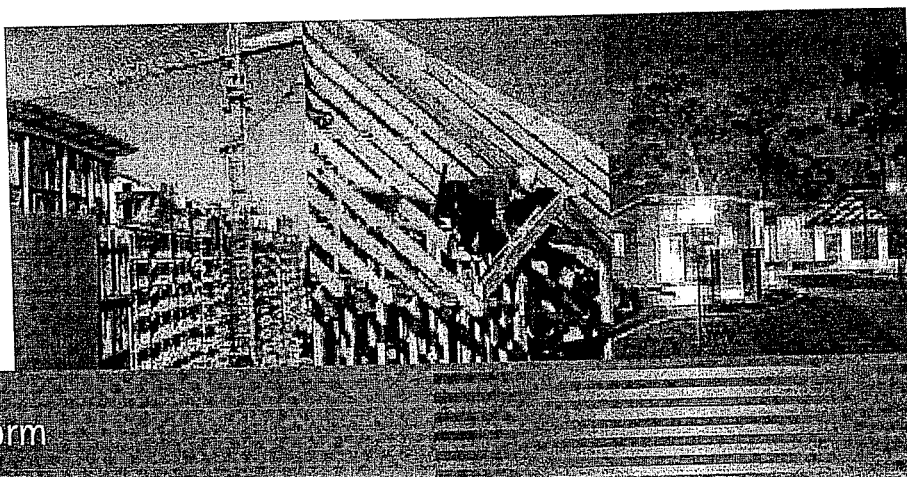
Land survey drawings, site analysis, streetscape consideration and neighbour consultation forms should accompany the submission of a Design Response Report that may then require advertising. Once the DA process has been successfully completed, a “**Building Approval**” process is required. Private certification of building and structural elements takes place in an application to “ACTPLA”. A building permit is issued once “Home Warranty Insurance” is in place.

5.7 Tasmania

In Tasmania applicants lodge a “**Development Application**” with the local government. This is assessed against the “**local planning scheme**” and the authority has 42 days in which to assess the application after which it may issue or refuse to issue a Town Planning Permit. Objectors may lodge an appeal with the “**Land Appeals Tribunal**”. Having received a “**Town Planning Permit**” the applicant may make an application for a “**building permit**” with the council building surveyor or a private certifier and will be issued with a “**building certificate**”.

DEVELOPMENT ASSESSMENT FORUM NEWS

February 2004



...leading planning reform

Road Map to a Model DA Process Engaging with Stakeholders

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

Development industry,
professions and
governments working
together to

lead, reform
and harmonise
Australia's development
assessment systems

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

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

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

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

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

WHAT'S WRONG WITH THE CURRENT SYSTEM?

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

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

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

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

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



Australian Government

Department of Transport and Regional Services

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

A NEW APPROACH – IN BRIEF

Clarity lies at the heart of the proposed model system.

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

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

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

Leading Practice Principles

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

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

Leading Practices

There are nine leading practices.

One: Separation of Roles

Goals:

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

Proposals:

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

politicians) be responsible for assessing applications against these policies.

Two: Technically Excellent Assessment Criteria

Goals:

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

Proposals:

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

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

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

Three: A Single Point of Assessment

Goals:

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

Proposals:

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

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

Four: Independent and Expert Assessment

Goals:

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

Proposals:

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

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

Five: Appeals as a Second Assessment

Goals:

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

Proposals:

Discretionary decisions should be reviewable.

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

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

Six: Defined Third Party Involvement

Goals:

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

Proposals:

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

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

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

Seven: Private Sector Involvement

Goals:

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

Proposals:

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

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

Eight: Stream Assessment into Tracks

Goals:

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

Proposals:

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

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

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

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

Nine: Built-in Improvement Mechanisms

Goals:

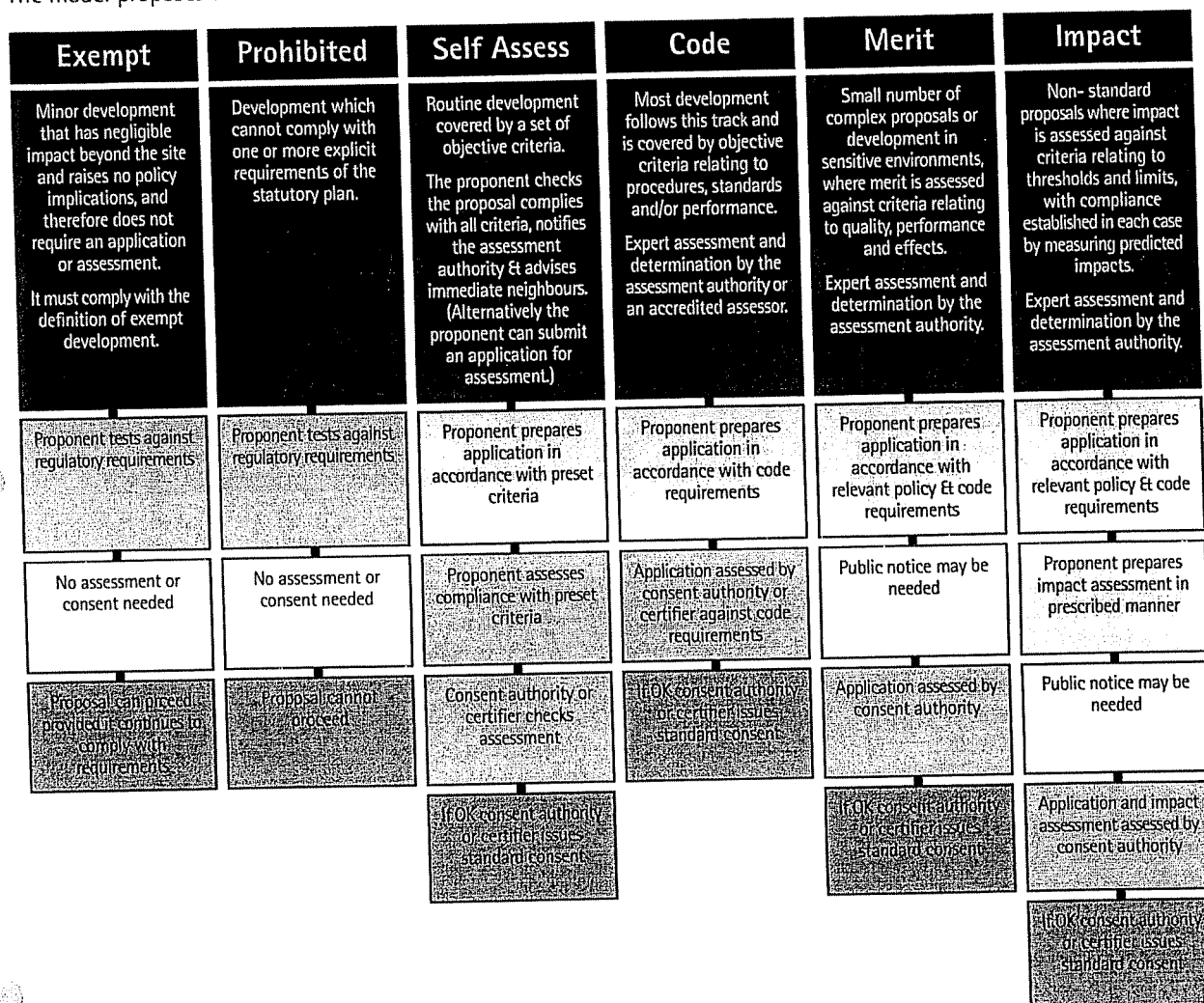
- continuous improvement of the development assessment process;
- greater strategic thinking by stakeholders; and,
- real world practice to help inform policy.

Proposals:

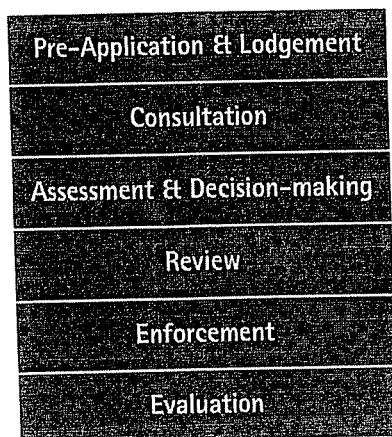
Formal feedback loops with the development assessment are proposed. This approach would **incorporate lessons learned by key stakeholders** into overall planning policy, technical assessment criteria and the operation of the development assessment system.

Leading Practice Logic

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



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



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

**DEVELOPMENT
ASSESSMENT
FORUM**

Where to from Here?

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

If you are interested in participating please send an email to LucyJenkin@dotars.gov.au to REGISTER YOUR INTEREST.

For further information please contact:

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