# Performance Benchmarking of Australian Business Regulation: *Planning, Zoning and Development Assessments*.

Submission to the productivity Commission By the Tasmanian Conservation Trust

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### *Submission Focus*

Moves to improve the efficiency and effectiveness of land and building approval systems should not result in a weakening of environmental controls, but a more effective delivery of these controls. The measures set out here show how this can be achieved.

# 1. Introduction

In making this submission, I would initially like to address the content of the issues paper prepared by the Commission. It is my view that the description given on the planning system in that paper, whilst theoretically correct, is overly simplistic, and if maintained would lead to assumptions and prescriptions which reduce the potential for improving the effectiveness and efficiency of land and building regulatory systems.

It is my view that a better appreciation of the nature of Australian land use planning systems is necessary. To do this a brief overview of the development of these systems is required.

# 2. The evolution of and and building regulation in Australia

To better understand the Australian Planning system[1] it is useful to look at its evolution in the late 19th Century and throughout the 20th Century.

## 2.1 Building and subdivision Control

Building control (essentially for health and safety reasons) was first introduced in the 1850s. Those controls had some planning elements - e.g. building setbacks for light and fire safety. With the introduction of the Torrens Title system in 1862, the transfer of land became easier and its was necessary to introduce some regulation to manage this process.

Simple subdivision controls were introduced during the 1870s and 1880s - mainly to manage the process and ensure that titles were legally transferred and to define what were known as 'building lots[2]'. This, in part, facilitated the urban land booms of the late 1880s and early 1890s (Cannon, 1966). With the recession of the 1890s and the massive failure of a number of large land development companies, Colonial Governments responded by introducing new requirements for land development. These mainly related to physical infrastructure and the need for legal access. They amounted to the first effective planning controls. They did not address wider issues of environmental impact, transport strategies, urban expansion, etc. Basic infrastructure provision (water, sewerage, stormwater, energy distribution) were still the preserve of the powerful engineering agencies within State and Local Government.

In the 1920s the design of urban development became an issue - basically from an idealist architectural perspective and the

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[1] I use the singular here as all State and local based systems are essentially the same despite widely varying terminology and administrative arrangements.

[2] It is worth noting that these building lot controls existed in some States until the 1990s - see for example the Tasmanian Local Government Act 1962.

concept of city beautiful[3] gained a foothold in urban planning circles. However, it was primarily a design issue and promoted by architects and social reformers. The design professions became the main protagonists for comprehensive city planning in Australia over the next 50 years - in most States planners were required to have design qualifications and where planning departments existed they were usually associated with architectural and design functions[4].

## 2.2 Land Use Planning

The first planning legislation was introduced in the 1940s and 50s. It was usually incorporated into Local Government Acts and defined as a function of local government. It primarily dealt with definition of crude land use zones and design and building criteria for particular developments - particularly housing. These zones were mostly an ex post facto mapping of existing land uses. Despite the rhetoric of the planning profession zoning was not (and still is not) a means for decision makers to balance a "diverse (and changing) range of community needs and preferences on factors such as transport, shopping facilities, housing options, education, recreation, waste disposal, heritage and the natural environment."

Following the second world war and the massive suburbanistion of Australia, it was not the planning profession and State and local planning agencies which managed this process. Its form and direction was determined by the major infrastructure providers (mainly main roads agencies), public housing agencies, land subdividers and large housing companies. All of this was aided by a financial system which provided benefits for home ownership and a reliance by State Governments on large scale infrastructure investments - particularly urban highway projects5.

Some State (notably Victoria and NSW) attempted to introduce large scale regional planning by defining growth areas and setting aside

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[3] This perspective reflected the emergence of the "City Beautiful" movement in Britain with its connotations of social engineering. It had its genesis in the planned housing associated with enlightened industrialists - e.g. at Bourneville and Port Sunlight. This movement also become the basis for the 'New Towns' initiatives of the 1950s to the 1980s in Britain - there were some examples in Australia - e.g. Colonel Light Gardens in Adelaide. It also had its resonance in the Whitlam Government's initiatives of the 1970's with planned new towns proposed in all sates except Tasmania.

[4] This design bias is still strong in Australian planning with most commentators seeing planning as managing the design and appearance of cities. The underlying belief is that good design can produce good planning outcomes. This belief is still strong today with most local planning schemes having fundamental focus on design outcomes.

[5] State Governments financed large "Transportation" studies for major urban areas which used mathematical models (based on the gravity model of classical physics) to determine land use patterns, travel demands and required road infrastructure. Many major urban road projects identified through these studies are still being promoted and constructed today.

"Green Belts". These were almost without exception failures[6]. The real land use decision making powers rested with local government and catering for land development was a means to increase rate revenue and status within the local government hierarchy.

Local elected representatives were frequently swayed by influential community members in their land use decision making - it was a role that the jealously guarded and planning was (and still is) regarded with considerable suspicion. Fringe urban Councils competed with older developed areas by offering lower rates and reduced infrastructure requirements. In south east Queensland for example, local Councils south of the border have only been too keen to accommodate overspill from the Gold Coast conurbation. The recent experience of Melbourne with the State Government's inability to set a definitive boundary for urban growth further underlines the weakness of regional planning.

No State Government has been able to introduce regional plans with a statutory base as has happened, for example, in the UK and New Zealand. This means that despite the resources spent and the rhetoric generated regional planning exercises have had little or no impact on the form and direction of urban growth - the experience of South East Queensland is salutory in this regard.

### 2.3 Environmental and other planning

Matters such as environmental impacts of urban development and growth, the long term consequences of having car dependent transport systems, the destruction of inner city housing to build urban freeways, the long term costs of not providing sufficient community and social infrastructure - particularly in outer suburbs - were simply not on the radar. At the same time Australia has become locked into a land development and building system which is geared to producing house lots and single dwellings on the fringes of existing development. This is the cheapest way of providing new housing.[7]

These were matters that were not dealt with by local government who were the primary decision makers in the land use and development fields.

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[6] See McLoughlin 1992 for an overview of the successive attempts to manage Melbourne's growth.

[7] There is considerable argument as to the relative costs of fringe development and redevelopment of existing areas - however, given existing financial and taxation structures, home ownership is a significant wealth generator for individual Australians and changing the tenure or development arrangements would be a massive political undertaking - the sensible but ill-fated tenure reforms of the 1970s (Else-Mitchell) provide an indication of how difficult this is.

## 2.4 A fragmented and inefficient system

As a result of this evolution land use planning in Australia is fragmented, inefficient and in large part ineffective in delivering on its stated aims[8]. The fragmented, uncoordinated and partial nature of planning has been recognised from time to time. For example, Queensland established the Co-Ordinator General's Office in the 1970s to co-ordinate action across State Government agencies. However, this agency was primarily an engineering agency with road, rail, electricity generation and water supply being the main targets for co-ordination. Regional planning exercises were undertaken (e.g. SEQ 2001 and Innisfail to Mossman Regional Planning Strategy (1996)), but these had little or no impact on the direction and form of urban growth.

In response to these weaknesses, all States introduced comprehensive planning legislation in the 1980s and 1990s. Resources were provided to establish State Planning Agencies, but these were mostly creatures of their past. Despite the rhetoric of the legislation, the creation of these agencies did little to reduce the fragmentation and inefficiencies of the planning system. Both State and local governments were (and still are) organised along functional lines, rather than having a spatial focus[9]. Many State agencies still have exemptions from planning approval and local planning systems have been increasingly over ridden on an ad hoc basis. Attempts to introduce State wide codes have proven less than successful.

A further complication has become evident in recent years. With increasing community concern over a number of issues relating to land and building development, additional burdens have been placed on the planning 'system'. These matters include heritage, ecological sustainability, natural resource management, vegetation management, bushfire management, flooding, coastal development, threatened species, wilderness, wetlands, community transport, community facilities, etc. These matters are predominantly environmental and environmental concerns are frequently blamed for making the planning system more complicated, inefficient and costly.

This is true. However, they are not to blame. These matters must now be considered when planning decisions are made or zoning plans prepared, but because they are at "the end of the queue" they are blamed for causing the delays and costs. It is the way the have been incorporated into planning systems that is the problem.

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[8] For example all State now have planning legislation which promises to deliver sustainable development. The current planning arrangements simply can't do this.

[9] The Resource Assessment Commission's Costal Inquiry (1993) highlights this difficulty with respect to planning and management of Australia's coastlines.

## 2.5 Emergence of 'other' regulatory systems

In response to the lack of coverage of existing planning instruments, new approval systems have evolved to deal with individual issues. Most larger Councils now have separate environmental management or natural resource management departments. These departments are given the functional task of dealing with environmental issues and frequently develop and operate their own decision making criteria[10]. These have merely added layers of complication to already complicated and inefficient systems. Where an application for planning approval requires consideration of these matters it often involves a referral to the another Council department or State agency for their concurrence. This practice is widely used in all States and has become major burden on applicants for development approval[11]. There can even be requirements for Commonwealth approval under the EPBC Act.

Often these new functions are added without consideration of their impact or how best to integrate them with the existing planning system. Despite attempts to achieve integration progress has remained slow and patchy. The Queensland IDA system was explicitly designed to provide an integrated one stop shop for development approvals but referrals are still widely used and there are still many separate agencies giving approvals.

In Tasmania and NSW the use of State Policies was supposed to over come this problem. State Policies in Tasmania (as set out in the State Policies and Projects Act 1993) were supposed to be implemented through the locally based land use planning system under the Land Use Planning and Approvals Act. Policies were to be developed and criteria specified within 5 years of the act coming into force. Those criteria were then to be incorporated into local planning schemes. Only three State policies were finalised (Coastal, Protection of Agricultural and Water Quality Management). No criteria were finalised (in the case of agricultural land resistance to state wide controls on the subdivision of agricultural land led to its demise). Two local planning instruments (out of 39 across the State) have developed criteria for coastal development and agricultural land. The remainder are largely silent. Decisions regarding these matters are made outside the development control system. It has lead to extensive delays, frustrations, inefficiencies and extra cost burdens on applicants.

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[10] See for example Tasque, 1992.

[11] The costs and delays associated with referral and concurrence were highlighted in a report for the federal Government in 1993. However, the situation has changed little since then.

## 2.6 The consequences of multiple regulatory systems

With these separate systems and disparate implementation procedures, inconsistency has become commonplace in the operation of the planning system. The wide variety of criteria and interpretations of policy that apply to similar developments is characteristic of the NSW system. For example, the adjoining councils of Liverpool and Bankstown in NSW have widely varying development criteria and complying development provisions in their Development Control plans.

Finally, planning systems throughout Australia have been slow to take up reform opportunities and adopt new technologies. Four attempts by the Federal Government to bring about reform and produce efficiencies have produced little positive benefit despite the expenditure of tens of millions of dollars[12]. State Governments have also introduced extensive reform programs and some modest gains have been achieved, but most of the inherent inefficiencies and built in costs remain.

Despite $30million being made available to the States and local government under the Housing Affordability Fund to "roll out electronic development assessment (eDA) processes"[13], there has been little or no change or improvement in electronic application and assessment. For example, as of June 2010, (the end date for the project), no new processes had been implemented in Tasmania and in NSW the tenders to develop and electronic housing code (e-Code) had not been let. There has been widespread resistance to and disinterest among local government and the development industry.

There is ample evidence that planning systems are inefficient, cause significant costs to applicants and the economy, are costly to operate. Without some basis for performance comparison there is little hope of achieving significant improvements. This necessarily brief overview goes some way to explaining the source of these inefficiencies.

The Issues Paper rightly identifies the fact that development control is managed under a suite of legislation and not just planning acts. However, the extent, coverage and operational requirements of the additional acts and regulations is not sufficiently specified. In addition, the manner in which those acts are implemented and interpreted by the different agencies varies greatly, even within States. For example, in NSW many local governments believe State Planning Policies (SPPs) have

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[12] Local Approvals Reform Program (1993-96), Development Assessment Forum (1996-2010), Regulation Reduction Incentive Fund (2003 -06) and Housing Affordability Fund (2008-10)

[13] Housing Affordability Fund eDA project, 2008.

statutory force, when this is not the case. Similarly, there is a widely held view in the community that local Environmental Plans are statutory instruments, and there are frequent calls for Councils to use them to stop particular developments.

All of the matters referred to above affect business costs. Most organisations associated with land and building industries constantly point this out[14]. Research carried out as a precursor to the LARP program and for the Department of Industry Trade and Commerce in 1989 estimated that regulation added $1billion to the cost of development across Australia. As the regulatory burden has increased, so would those costs have increased15.

That research also showed that many of the costs were associated wth poor quality and inadequate responses to regulatory requirements by industry. For example the LARP research identified that almost half of the additional costs and delays to land and building approvals were caused by inadequate information and poor quality submissions. It is reported that nationally over 60% of all submission for development approval are delayed through requests for further information[16].

The term land and building development industry is a misnomer. It is a highly fragmented "industry" with different players seeking to realise returns from a diverse range of activities from conversion.

## 2.7 Summary

In summary, what exists is a fragmented and inefficient regulatory system which is constantly having new requirements added to it, and a land and building development sector that is unable to adequately interact with that system.

The terms of reference address three matters:

- "preventing 'gaming' of appeal processes
- maintaining adequate supplies of land suitable for a range of activities
- removing any unnecessary protections for existing businesses from new and innovative competitors".
- They refer to the intent "to benchmark DAs for these aspects as well as the compliance costs they impose".

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[14] For example, in June 2010, the MBA in Victoria issued a press release that inefficiencies in the planning and building approvals systems added $35 000 to each residential development.

[15] it should be noted that the research also identified delays and costs associated with inadequate or poorly documented applications as being an important component of those costs. This in part is a reflection of the difficulty users have with dealing with approval systems.

[16] Background papers to Housing Affordability Fund, 2008

The supporting documentation in the TOR is based on a number of assumptions that derive from a simplistic theoretical position. As briefly outlined above, many of the regulatory instruments were introduced to address market failures - e.g.

- the failure of builders to provide safe living and working conditions led to the introduction of building and fire regulations as early as the 1850s,
- the spectacular market crash of the 1890s which fueled by the rampant land speculation between 1862 and the late 1880s led to the introduction of basic land division controls,
- zoning schemes were introduced in the 1940s in response to some of the serious externalities associated with uncontrolled use of land - where hazardous and noxious industries were located in residential areas, and
- more recently environmental controls were introduced in the 1980s and 1990s to ensure that land development did not result in environmental degradation.

It is not the case that these controls were introduced at the one time into a set of economic activities that exhibited any of the characteristics described in the TOR. Land development and building industries had operated within a market system but almost universally without reference to society wide economic, social or environmental costs. The hydra like growth of regulatory systems has had some success in ensuring building safety and small scale suburban amenity, but beyond these scales there is little evidence that the wider social costs have been reined in.[17] This is not surprising given the fragmented and ineffective nature of the regulatory "system".

There has also been an ongoing failure to recognise this which is well exemplified by the statement in the TOR that "The agencies responsible for DAs play an integral part in delivering the planning and zoning system to businesses and communities." DAs are delivered predominantly by local government, zoning schemes are developed by LG and approved by State Government and independent quasi legal bodies. Planning systems are developed and implemented at the State level (these systems cover much wider issues than those covered by DAs - e.g. major land releases, development of major transport links or the allocation of land for environmental protection).

Accordingly, it is our view that another attempt to 'reform' the planning 'system' to improve economic efficiency and improve

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[17] Even in the regulation of building the failure of the Building Regulations to ensure minimum standards of protection from hazard risk was a major issue in the recent Victorian Bushfires Royal Commission.

productivity would be doomed to failure unless the nature of the system and its evolution is better understood. Equally, attempts to lessen or reduce regulatory controls in key areas would be politically untenable. However,there are significant opportunities to improve both efficiency and effectiveness.

# 3. Improving productivity

## 3.1 Separating policy and Process

Improving the operational efficiency and effectiveness of regulatory systems can occur at two levels.

Firstly, the practices procedures and approaches used in assessing and approving developments, rezonings or land releases can be made more efficient and effective. Fundamental to this is the separation of 'policy' and 'process'. As the LARP program[18] and a number of other investigations have shown, the process of applying for and gaining an approval is essentially the same throughout Australia. On the other hand the range and type of policies that have to be delivered through those processes is extensive.

Regulatory processes can be designed to deliver virtually any policy, requirements or set of standards using the same basic approach. The administration and operation of these systems is a separate task in itself. Unfortunately, in practice, they have become hopelessly entangled with with policy development and implementation. This is because each new task taken on by Governments (building, subdivision control, zoning environmental management, etc. etc.) spawns a new regulatory system. Most jurisdictions have separate processes for different policy sets. Co-ordination between and within regulatory systems is almost impossible resulting in the need for multiple approvals, referral and concurrence between systems and little or no opportunity to improve productivity.

Unlike many commentators, we do not believe that it is necessary to "streamline" the regulation of land and building development by removing policy areas such as environmental performance or protection of natural areas. Indeed, and effective regulatory system should be able to deliver positive outcomes in these areas as well as health and safety.

By separating policy from process it is possible to focus on the key operational and management elements of a regulatory system[19]:

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[18] Local Approvals review Program - a National review and reform program for local approvals undertaken by the Office of Local Government Canberra

[19] These steps are set out in more detail in the Local Approvals Review Program manual (LARP), 1993.

| Steps in the process | Content |
|---|---|
| Application | Preparation and submission of an application for approval |
| Assessment | Assessment of the application against predetermined standards (e.g. BCA, planning criteria) |
| Approval | Decision by an approval authority to allow or refuse an application |
| Implementation | Undertaking of the development in accordance with the decision. |
| Monitoring | Monitoring and review of individual decisions to ensure compliance and review and updating of system. |

These elements can be identified in all land and building regulatory systems throughout Australia. By recognising this significant steps can be taken to improve their operational efficiency. Some of these options are dealt with briefly below.

### 3.2 Application

At the application stage, applicants need to have information made available that tells them

a) what is required for a successful application, and
b) how to prepare and submit an application.

**Requirements and standards**

This information is difficult to find for almost all forms of development whether it be for a simple building or development application through to a major land use change to facilitate a major residential development at the urban fringe or a large tourism development at the edge of a National Park or a development affected by the Commonwealth EPBC Act. To make matters worse the interpretation of the same requirements can vary over time and from jurisdiction to jurisdiction. It is almost universally necessary to directly consult with those responsible for the information in order to find out what may or may not apply and what it might mean.

All relevant information should be readily and publicly available and accessible. Most States have moved down the road of making spatial data sets available electronically. However, they are not easy to access and use (most use GIS and require expertise and knowledge to interpret - particularly for natural values information). For locally generated data

the situation is even worse. Planning codes, additional requirements and local policies are generally only available in generic form (a property will be identified as being subject to several different criteria sets and the requirements of those sets available only in the format and wording of the original document - understanding an interpreting this is a time consuming and difficult task).

**Proposals**

The development of common formats for information on a State wide basis e.g. the NSW Exempt and Complying Development Code for single dwellings, or the siting provisions in Part 4 of the Victorian Building Regulations.

- ✓ Availability and delivery of all relevant information on a property basis
- ✓ A single "portal" for all relevant information - this would ideally be available at State level
- ✓ Integration of planning documents into a single set of requirements with a property focus - it should be possible to find out all of the matters affecting a property at a single point.
- ✓ Use of plain English and interpretive material
- ✓ Better use of technology to store and deliver information
- ✓ Better specification and documentation of requirements to reduce the extent of interpretation and remove duplication and overlap
- ✓ Clear statements of what is required (plans, documents, reports, etc.) with an application.

**Procedures**

As well as the information required to be supplied with an application, the procedures of preparing and submitting applications vary widely from jurisdiction to jurisdiction and from approval type to approval type. Even within a single jurisdiction procedures can vary for different development types and simple matters such as application forms can be different[20]. These forms collect the same basic information and only vary in respect of information relating to the particular issue.

Regulatory systems have been slow to take advantage of Information Technology. There are several simple changes that

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[20] For example, in Tasmania the 29 Local Councils all have their own development application forms, different procedures for rezonings, separate and different forms for building approvals and another set of forms and procedures for environmental approvals.

could dramatically improve the quality of applications and reduce application and processing times.

**Proposals**

- ✓ Use of "true" electronic forms linked to databases that can collect, store and retrieve information - current moves to use pdf "smartforms" as promoted by DAF are inadequate,
- ✓ Collection and storage of data on a property basis rather than functional basis. This would mean that such matters as property identification, ownership, existing uses and developments, development and use history, environmental values, property characteristics and overlay information would be available for applications of any type,
- ✓ Removal impediments to improved use of technology - e.g. allowing of electronic signatures, providing capacity to upload and submit of plans and documents in electronic formats,
- ✓ Clear specification of application procedures and requirements and adoption of common procedures across jurisdictions - for example the procedures for EBC referrals differ from State to State and the procedures for application under the Commonwealth Act are different from procedures at State level,
- ✓ Adoption of common fee and contribution structures,
- ✓ Capacity to submit applications on line and communicate with approval authorities electronically, and
- ✓ Wider use of self assessment procedures - the BASIX system in NSW in which applicants can assess their development against predetermined criteria and incorporate energy and water savings methods into their design provides and good model.

These, and we would suggest, many other minor reforms could significantly improve the ability of applicants to prepare and submit applications. Most of the suggestions outlined above are already widely used in the private sector - particularly banking - and apply in number of State activities - e.g. vehicle licensing, electronic commerce. The techniques exist and the costs involved in making these reforms are relatively low.

From a productivity view point the potential to reduce delays, confusion and application costs is significant[21]. By having better quality information universally available the capacity to open up the market in the approvals process and allow more extensive participation by the private sector will be enhanced - this has already been the case for building and some planning applications in NSW and Victoria[22]. Once requirements and procedures are clearly specified there is no reason why assessment and approval should remain the preserve of the pubic sector[23].

The extent to which these reforms can enhance productivity in matters such as rezonings, major land conversion projects, projects with high levels of environmental impact is less clear. However, making information and requirements more available will at ;east make it easier for intending developers to undertake feasibility assessments as they will know what hurdles they will face in undertaking their development.

## 3.3 Assessment

The assessment phase of the approvals process is frequently the focus of reform efforts. Streamlining approvals, removing red tape, etc., are often the catch phrases for reducing assessment times. It is the area into which considerable effort and resources have been poured over the last two decades, but the improvements in assessment and approval times have been mediocre at best.

**Integrated assessment**

It is our view that this lack of success results in part from a failure to understand the nature of land and building regulatory systems and how they have evolved. As outlined briefly above there are many small regulatory processes generally operating on functional lines (zoning, planning, building, health, infrastructure, environment, heritage, plumbing, and so on). These processes are separated on a technical/professional basis with further division of labour between the different levels of Government. As each system and layers of responsibility is encountered the time cost and

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[21] Current estimates indicate that costs savings of the order of $3-5000 can be achieved in the preparation and submission of applications for single dwellings by using standard codes (e.g. the NSW Complying Development Code or the requirements of Part 4 of the Victorian Building Regulations with an electronic application and assessment system.

[22] This shift has been slowed by resistance from Local Government and some professions to opening up of the process.

23 It is estimated that over 60% of building and development approvals in NSW could be handled through either private certifiers or Councils acting as certifiers - NSW Department of Planning, 2008.

time involved steadily mounts. Also, the complicated and diverse nature of the "process" makes it difficult to move away from the arcane "craft based" approach where experts in each area of interest have the task of applying their own processes, criteria or standards. Thus, environmental experts always deal with environmental issues, planners with planning issues, etc.

This issues was researched in some detail in the 1990s and proposals put forward for reform.[24] That research clearly shows that separation of policy and process is critical to reform. Expertise is critical in the development and specification of policies and more detailed standards and criteria. Use of those standards in integrated approval systems does not require in depth knowledge provided they are clearly and accurately specified.

As an example of this, the small Tasmanian East Coast Council of Break O'Day developed an integrated planning instrument that incorporated all relevant criteria from a range of perspectives[25] - including, siting, environmental, infrastructure, health, design, residential amenity, traffic, coastal management, vegetation management, waste disposal. The criteria in each of these areas was specified as a "deemed to comply" solution and a related "performance criteria"[26]. Criteria were derived from a number of sources - State Policies, national guidelines, State and local codes of practice, etc. In effect the planning scheme became a set of rules that would allow all relevant issues applying to a property to be applied at the one time and at the one place. The role of experts was not to administer their own isolated approval system, but to provide exert advice and interpretation where required.

As an example of its operation, the Break O'Day Scheme incorporated the requirements of the State Coastal Policy. That policy, developed in 1993, was couched in general terms and it was not feasible to use as a set of criteria. The State Government had not taken the next step to derive useable criteria for planning schemes and left. This meant that separate interpretations and ways of dealing with applications under the policy emerged. Break O'Day sought expert advice in deriving specific criteria which were vetted and approved by

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[24] See for example, TASQUE, 1993 and Graham and Pitts, 1996.

[25] Break O'Day Planning Scheme, 1996

[26] Performance criteria required applicants to demonstrate that their development proposal could "perform" against predetermined decision guidelines.

the State Government and included these in their planning scheme. This allowed applicants to identify "up front" the matters to be addressed and Council staff to assess applications against those criteria. A single decision which included the coastal criteria along with all other criteria could be made.

**Referrals and Concurrence**

This approach can also significantly reduce the extent of outside referrals. These occur when an application is referred either to another section of an approval authority or to another level of Government for their concurrence. It is widely recognised as a major source of delay, added cost, and reduced productivity. The costs and underlying problems with this approach were identified in 1994[27].

Despite efforts to reduce the level of referrals across all States, it still remains a major cause of reduced productivity. The use of integrated planning instruments as outlined above is critical to reducing referrals. Other measures include:

- ✓ better specification of criteria by responsible agencies - e.g. through development and use of Codes of Practice by State agencies,
- ✓ use of development assessment groups within approval authorities[28],
- ✓ making better use of information technology in the assessment process - e.g. by providing electronic access to all plans and reports within an organisation to allow parallel assessment, and for obtaining external advice and input,
- ✓ providing centralised administration of the assessment and approval process rather than allowing each functional area to have its own practices and procedures, and
- ✓ training of professional and administrative staff in the operation of integrated approval systems.

## 4. Final Comment

From the point of view of an organisation like the Tasmanian Conservation Trust the use of integrated assessment and approval

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[27] Graham and Byers, 1994

[28] A development assessment group is a device to bring a number of professional/technical people together to consider applications on a joint basis - their use is widespread in local government, but there is potential to extend their coverage.

systems is critical. It is the means by which consideration of environmental issues can be placed on an equal footing with other issues. They are not issues to be placed at the end of a long line of considerations, but matters that are central to land and development decision making if the goals and objectives of Federal, State and Local Government and International Treaties (e.g. the International Convention on Biodiversity) are to be achieved.

Moves to improve the efficiency and effectiveness of land and building approval systems should not result in a weakening of environmental controls, but a more effective delivery of these controls. The measures set out here show how this can be achieved.

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