



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

(Reference: Auditor-General's Report No 2 of 2005: development application and approval process)

Members:

MR R MULCAHY (The Chair)
DR D FOSKEY (The Deputy Chair)
MS K MACDONALD

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 1 SEPTEMBER 2005

Secretary to the committee:
Ms A Cullen (Ph: 6205 0136)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

The committee met at 2.06 pm.

THE CHAIR: I will formally commence proceedings. I welcome committee members and witnesses today. I am required first of all to formally brief you on these arrangements. You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means that you are protected from certain legal action, such as being sued for defamation, for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

The public hearing today relates to the committee's inquiry into Auditor-General's report No 2 of 2005, development application and approval process. I would like to formally welcome Mr Corbell, the Minister for Planning, and officials. Minister, would you care to make an opening statement in relation to the report and its inquiry.

SIMON CORBELL was called.

Mr Corbell: Thank you, Mr Chairman; I would like to make an opening statement. Firstly, I would like to acknowledge the opportunity to be here today and indicate to the committee that Mr Savery, as chief planning executive, and his officers are here to assist the committee in your inquiry. I will leave matters of administration of development assessment to the planning authority because that is their statutory responsibility under legislation. I would just like to give some comment to the committee on issues to do with the policy settings that the government currently has and my general views in terms of oversight of the planning portfolio. The government acknowledges and welcomes the performance audit report of the Auditor-General and we welcome the opportunity to discuss it further today. In its submission to the committee the authority has provided a detailed response to the findings relating to the Auditor-General's report. I think there are some points worth making with regard to that report.

First of all, the report clearly confirms the need for planning system reform. I am sure the committee is aware that the government has announced a major reform agenda for development assessment and also for other key elements of the administration of development assessment and land use planning here in the ACT. That includes reform of the operations of the territory plan, reform of the administration of the leasehold system and reform of environmental impact assessment processes, as well as reform of development assessment itself, which is obviously the scope of your inquiry today.

That project commenced well over 12 months ago and was first announced by the government in the budget prior to the last election. We have supplemented that program since that time through more recent budgets. I would now like to give the committee a bit of an update on where we are at with the reform process. Members would be aware that a directions paper and four technical papers on planning system reform were released in May this year. They propose a comprehensive set of reforms in the four areas I have just outlined: development assessment, territory plan administration, environmental impact assessment and leasehold administration.

There has been an eight-week period of public consultation that ended at the end of July

this year. The authority has also comprehensively briefed representatives of business organisations, industry organisations, environmental organisations and community organisations, and has met with community councils across Canberra. Members of the community as individuals have also been encouraged to learn more about the reforms and what they mean, and to give their feedback and comment on them.

The authority is currently considering all of the submissions made through the very wide-ranging, open and significant public consultation period. They will be giving me a report, as the next step, along with recommended future directions for cabinet to consider later this year. That will lead to the subsequent release of the consultation report, the government's preferred directions and the release of the exposure draft of a new land act in February or March next year. That said, both the government and Mr Savery, as the chief planning executive—and I am sure I can speak on his behalf in this matter—are very conscious that there are a number of short-term changes that also need to be made. So we are not simply waiting for the more significant reform process that we have embarked upon to come to fruition; we are also making a series of short-term changes. Mr Savery will be able to outline those to you and I will provide you with some documentation on that when I finish my comments.

Turning to some of the key findings the Auditor-General has outlined in her report, a couple of issues are worth mentioning. Firstly, it is worth noting that the authority meets statutory time frames for the majority of its decisions. For example, the auditor's report indicated that, in 2003-04, 88 per cent of all single residential development applications and 70 per cent of all other development applications were completed within the statutory time frames. The report also recognised that 100 per cent of single residential DAs examined by audit were determined in the appropriate time frame. The audit went on to say that many single residential DAs exceeded 100 working days, but the data used by the audit in this regard shows that less than one per cent of all single residential DAs, or 36 out of a total of 4,576, exceeded 100 working days.

The authority has advised the auditor, in its response to the Auditor-General's report, that there are several reasons for these long time frames, including applicants themselves not responding to requests for further information, sensitive local issues affecting new house proposals in established suburbs and there have been some errors in data entry. In relation to fairness, I think it is worth noting that the Auditor-General acknowledged that there were a very small number of appeals to the AAT, showing that a majority of applicants felt that the decisions of the authority were fair and did not warrant major objections to the decisions. Furthermore, the majority of appeals that went to the AAT were found in favour of the ACT Planning and Land Authority. The Auditor-General concluded that the majority of the authority's decisions are fair and that they can withstand independent scrutiny.

Thirdly, the auditor raised the issue of consistency with guidelines and legislation. The authority and the government agree that the legislation governing the DA assessment process is complex. That is the main reason that we embarked upon this major review of development assessment processes and indeed other processes to do with land use planning and leasehold administration here in the ACT. Finally, it is also worth noting that the auditor found in her report that the authority is doing significant work to improve sustainability in the building and development industry in the ACT. The auditor recognised that the ACT Planning and Land Authority is one of the few government

agencies which is showing significant leadership on the issue of improving sustainability in terms of built form and indeed other areas of sustainability here in the ACT.

The final comment I would like to make is that the issues of complexity of development approval processes are not just issues for the ACT; these are also issues right around the country. It was recognised by the development assessment forum, which is a joint state, territory, commonwealth and industry body set up look at improving development assessment in Australia, that this is not a unique issue for any one jurisdiction. Indeed in the foreword to the most recent report on development assessment from the chair of that forum, who is also national executive director of the Property Council of Australia, Mr Peter Verwer acknowledged that, “There is general agreement that existing development assessment processes in Australia could be substantially improved.” He went on to say, “Many jurisdictions are already actively working towards this goal.”

The most recent meeting of local government and planning ministers—the ministerial council meeting established under COAG—endorsed the development assessment forum’s leading practice model as a model which all jurisdictions should build on when reforming development assessment. I was very pleased that that ministerial council acknowledged that the ACT is the first and only jurisdiction to announce that it will adopt most of the new development assessment forum model in its new planning legislation. So the ACT, in my view, is showing considerable leadership in choosing to adopt a nationally recognised best practice model in its reform process.

Mr Chairman, just for your information, I would like to provide the committee with a copy of a paper that outlines some of the short-term measures the planning authority has already announced to improve development assessment processes in the planning authority prior to the more extensive work that is already underway as part of the system reform project. With that, I am sure that Mr Savery and his officers—and obviously I am too—are happy to answer any questions you have.

THE CHAIR: Thanks, minister. I might lead off with a couple of areas of interest. If I could take your attention to recommendation 10—this may be something you want to refer to Mr Savery—I am curious to know about the practice of asking applicants to apply for an extension. You indicated that in some cases this is because people have not furnished adequate material, and I understand that that would be the logical course of action. I wonder if you, Mr Savery, or one of the other officials can indicate how often this has occurred and what proportion of applications are therefore not recorded as overdue because the applicant has acceded to a request to apply for an extension of time. Is that information you can help us with?

NEIL SAVERY was called.

Mr Savery: Neil Savery, Chief Planning Executive, ACTPLA. Perhaps I could just take the first part of that and maybe ask Richard Johnston to comment on the details. First of all, the ACT is one of the few jurisdictions that do not have the ability to “stop the clock” as we call it. In most other jurisdictions planning authorities, which are typically local government, have the ability to ask an applicant to provide or furnish further information. They have the ability to stop the time frame for processing the application. In the ACT the Planning and Land Authority has to ask the applicant to agree to the clock stopping, which means it is more of a negotiated position. Of course an applicant

can decline to do that, which means the authority has to continue to process the application. I think that is an important distinction to make. It is also not a frequent occurrence. On most of the occasions where the authority seeks further information it is part of a continuous process as opposed to formally seeking an extension of time. I can hand over to Mr Richard Johnston.

RICHARD JOHNSTON was called.

Mr Johnston: Richard Johnston. I am currently Director of Leasing and Building Services in the authority. We looked at the number of extensions of time over the previous financial year, which is the one the Auditor-General was looking at—2003-04. There were virtually no extensions of time on single residential—the figure is .04 per cent. For other more complex DAs the figure is 12.7 per cent of total applications and extensions of time. That reflects the greater complexity. Quite often there is a negotiation that goes on that generates an agreement to extend the time.

THE CHAIR: Perhaps you could expand a little bit for the benefit of the committee. When you say “the complexity” is that because you need more time to consider them or is there some other consideration?

Mr Johnston: Particularly where there are objectors’ concerns that come in during the assessment process through the public notification process, there is often a negotiation to try to accommodate what we certainly would regard as legitimate concerns of objectors as part of the process. That is when quite often the applicant has to go away, perhaps even do a bit of redesign, and come back. There is a three-way negotiation that can occur in these more complex situations, which obviously results in an extension of time on the assessment process.

THE CHAIR: I take what Mr Savery has said; that you cannot compel them. How is this categorised? If a person believes that they have addressed the matters that were raised with them when they have gone ahead with the application and they may be faced with what they would deem as a vexatious complainant who is seeking to hold up their proposal, if you have 13 per cent of them being extended it sounds like there is a fair accommodation to those concerns. Is that the case?

Mr Corbell: It is important to remember that extensions of time can only be sought at the request of the applicant.

THE CHAIR: I understand that. I am just wondering why so many would want that.

Mr Corbell: So it is not the authority compelling or requiring an extension of time. Perhaps it is worth going to what happens if there is not an extension of time. If there is not an extension of time, the authority has 45 days to approve a normal, single application.

Mr Johnston: It has 45 days where an objection is lodged and 30 days otherwise.

Mr Corbell: Otherwise it has 30 days to determine an application. If the authority does not make a decision in that time frame the legislation states that it is a deemed refusal. That means nothing if the applicant is prepared to wait until there is a decision one way

or the other. However, if the applicant is unhappy and wants a decision on that in 45 days, then they have recourse to the Administrative Appeals Tribunal. But a deemed refusal is essentially a technical refusal, simply because no decision has been made on the application.

THE CHAIR: I guess what I am trying to explore is how you deal with those negotiations, given that so many people obviously delay. Do you encourage people to seek an extension of time if somebody is objecting to what they want to do? Does that characterise pretty well how things work?

Mr Johnston: It obviously depends on the circumstances. If there appears to be a fair likelihood of the applicant being able to adjust his development in such a way that it largely accommodates the genuine concerns of objectors, the applicant in that sort of situation would see that there is some benefit in extending the time and continuing a negotiation. But there are plenty of other cases—87 per cent of cases—where that does not happen and we just go straight through without any extension of time and make a decision on the matter.

THE CHAIR: What percentage would actually re-extend, further? I have had people say to me—and I do not know all the facts and only one side of the equation, “I’ve spent three years doing battle to get approval for a particular development.” The claim is made—and, as I say, I have not tested these things—people object and then there is a further objection and they are almost back to where they started, even though they have been trying to accommodate. How many do you find where a further extension of time is required, either at your suggestion or at the applicant’s suggestion?

Mr Corbell: It is perhaps worth addressing this issue up front now, because anecdotally those comments are made from time to time in the media and elsewhere. What those comments, and often the reporting on those comments, fail to recognise is that first of all the applicant may well be referring to a process that involves, for example, a requirement for a development to first of all change the territory plan. A change to the territory plan is a policy decision of the government, which must be supported by the Assembly because it can be disallowed, as you know, by the Assembly.

THE CHAIR: Yes. I am not looking at things on that scale.

Mr Corbell: Often when people say, “It’s taking years” it is worth asking what exactly is the process they have been to, because a change to the territory plan, for example, is a process that can take six to nine months—just that alone. It is not an “as-of-right” thing that a development applicant has; it is at the discretion of the territory as to whether or not the land use should be changed. On top of that often there is a range of other issues that are not within the formal development assessment time frame. For example, pre-design work can take considerable periods of time. The authority encourages applicants with a potential DA to talk with them about some of the design issues before even lodging a DA. That is an iterative process that involves time on both sides to consider the design issues and the design response, before you get into the formal time frame of a formal development assessment. Often when that comment is made I think it is important to examine the full context in which this process has gone forward. Mr Savery might want to elaborate on that.

THE CHAIR: Just before he does, I am keen to talk about pre-design. Others will have questions, but I would not mind an answer to my question from you, Mr Johnston or Mr Savery. I am just trying to get an idea. You talked about nearly 13 per cent seeking extensions. What percentage of those then have to go back for further extensions because of this process? Any idea or ballpark figure?

Mr Johnston: I do not have a figure on that. It is not impossible that we ask for information on more than one occasion during the assessment process. What can happen is that there may be a requirement for more information when the application first comes in, if we are not satisfied that it is adequately documented. As I say, in response to objections there can be a further request for information but it would be pretty unusual. Mr Lees might be able to comment further as the manager for the area but, in my experience, more than one extension of time or more than one request for information would be unusual. I am talking about when we are involved in the negotiation process.

THE CHAIR: Could you get back to the committee with some hard data on that?

Mr Corbell: We will be happy to try to provide that information.

THE CHAIR: Can I raise one other question?

Mr Savery: After the statutory time period for making a decision the authority can only continue to deliberate on a decision for a further six months, so we cannot continue to seek extensions of time. Beyond that time it is deemed refusal.

THE CHAIR: The second area I would like to explore before I hand over to one of my colleagues relates to the references on pages 26 and 27. I note what you say, minister, about the percentage of approvals that were given and things that met the statutory time frames. To use your words, obviously we are aiming for best practice but it is a bit troubling to see the Auditor-General's comment under item 2.49 that, "Based on this data"—the various preceding information—"the timeliness for DAs has actually deteriorated since 2002-03." Then, further on, in 2.51, it is noted that the "Audit is particularly concerned by the apparent trend that if DAs are not determined within statutory time frames, they often experience significant delays." Do you or Mr Savery wish to comment a bit further on that area and the figures cited in that report?

Mr Savery: I would like to make a couple of comments, if I could. First of all, I think it is worth noting that the sample the Auditor-General looked at was an extremely small sample of, I think, 36.

THE CHAIR: I think it was 26.

Mr Savery: I don't think that 26 out of something like 5,000 applications per annum can really do justice to determining what the percentage is. Having said that I think we would acknowledge that applications, and the nature of development assessment itself, are becoming increasingly complex year by year as additional matters are required to be taken into consideration. Despite the fact that, even in the last financial year, we sought to increase our performance output target for single residential from 85 to 90 per cent, we found it extremely difficult to improve our performance any further because of the complexity of the system. That is one of the reasons, again, why obviously the

government and we are trying to simplify the system. We do not seek to hide behind any different figures; we know that there are some things we have to do to try to improve our performance generally on the output targets. I think the other thing worth commenting on is that, like all planning jurisdictions, we are finding it extremely difficult to keep our staff members up so that we can continue to process the volume of applications we are receiving.

THE CHAIR: With the deterioration, I suspect what you are saying is that you are trying to improve, but it may get worse because of the complexity. Is that what I am hearing, or am I misunderstanding you?

Mr Savery: I am suggesting to you that things have declined in some cases because of the complexity of the development approvals process and all of the issues that need to be taken into consideration. But I am also indicating to you that some of that is reflected in our ability to have sufficient staff on board to process the volume of applications. One of the key things in planning system reform is to reduce the volume of applications that actually have to come to the authority for approval or consideration.

THE CHAIR: Obviously there is an intention, as I understand it, to make it that fewer applicants have to come to you.

Mr Savery: Yes.

THE CHAIR: Is your staffing problem because you just cannot recruit, or because of the containment on employment numbers that is part of the current market?

Mr Savery: No. It is an Australia-wide issue. You cannot recruit planners at the moment. You can get graduate planners and you tend to hold on to very senior staff, but it is those people with between maybe five and 10 years of experience who can deal with some of the more complex applications who are the ones that all jurisdictions have the most difficulty with. It is the ones who, for instance, were performing at about 70 per cent where you have your greatest difficulty. The private sector picks them up before the public sector.

Mr Corbell: In relation to reducing the number of applications that actually need to come to the authority, the most obvious reform that the government has announced is in relation to new single dwellings in new suburbs, where we are proposing to remove the requirement for a development application, full stop. There will still be a requirement for a building approval for the physical building work, but not for the design work, as long as it meets certain criteria. That will be a significant reform. The whole objective is for simple things that can be measured in a quantitative way through codes.

THE CHAIR: Carports and the like?

Mr Corbell: No. We are talking about new single homes, the house itself. As long as it meets the relevant code, the house itself should not require and will not require a development application or approval. What that means is that the time of the authority and the time of the authority's staff is more appropriately focused on more complex applications, which do take time to assess. Obviously development proposals in established areas are much more sensitive than development proposals in new areas. That

obviously takes time to moderate and assess. Equally, large-scale developments have similar issues.

In terms of staffing numbers I will give an anecdote that the committee may be interested in. When I was in London earlier this year I was talking with the department of the Deputy Prime Minister, which is responsible for planning at a national level in the UK. They obviously do not have a state-type government function. They rely very heavily on Australian planners for their activities, both at local council level and in the national government—in the British government. It is quite common, I am told by them, for young Australian planners coming straight out of university to choose to work overseas. They like the complexity and the difference of working in a very big place like the UK, which still has very similar planning traditions and planning structures. Our system in Australia is very closely linked with the traditions of town planning that have come out of the UK. It is quite different from other countries such as the US. So that is one of the challenges we have with the work force.

The government here in the ACT is encouraging work by the University of Canberra and strongly supporting work by that university to establish a planning course at the University of Canberra. There is debate about whether it should be undergraduate or postgraduate in its scope, but that work is now actively under consideration by the University of Canberra. The planning authority is supporting that and Mr Savery and others are actively participating in those discussions. So we are taking some probative steps to try to address work force issues locally, as well as nationally.

DR FOSKEY: I am hoping that my questions cover a different area so we can get through in quite a short time. There is no doubt that the Auditor-General's report expresses a lot of concern about the paper trail, just to use that summary term. I am not sure planning reform is necessarily going to fix that problem.

Mr Corbell: Can I ask what you mean by "paper trail"?

DR FOSKEY: Recommendations related to the fact that numbers of receipts, which were assumedly issued, were not noted, were not documented. Reasons—things like consideration—a number of recommendations deal with this.

THE CHAIR: Which are those?

DR FOSKEY: Recommendations 5, 7, 9, 11, 12, 14 and 16. There are other more oblique references, but those are the most direct ones. Those are issues that I would expect any bureaucracy, company or entity would be concerned about. So I am interested in the reasons for that. There is a simple response. One simple recommendation is that the DARTS program—I do not even know what that is but it must be important—be replaced. Your response was that there was a lack of funding to replace it. I am wondering about progress on that. It seemed to me that it is perhaps an issue of people not knowing the processes, how to follow something along the trail. Is there a need for more oversight so that there are random checks? I mean, that would be the most minimal thing. What things are being done to address that issue?

Mr Corbell: I will ask Mr Savery to respond in more detail but I will make the following brief comment. What we want to achieve for our planning and development system is

a system which is simpler, not more complex, to administer. A number of the recommendations made by the Auditor-General add complexity and levels of bureaucracy. Whilst I accept absolutely that there is a need to ensure that decisions are appropriately documented so people can find reasons for decisions clearly in writing, in the government's view it is unrealistic to adopt a number of the Auditor-General's recommendations, because all they do is add additional time, complexity and therefore delay in the development assessment process.

For example, the Auditor-General recommends in recommendation 5 that the authority should review the practice of only having a single officer assessing and approving a development application. The authority and the government have recognised—and, in fact, it is already the case—that for more complex applications more than one officer is involved in reviewing, assessing and approving the DA. But I find it difficult to see how there would be any merit in having two or more officers assessing a simple single residence development application. All that would mean is that it would take longer to assess. I do not think that is a good use of the authority's resources or time and I do not think it adds anything to the process.

Whilst the government acknowledges that there is a need to ensure that decisions are properly documented; and in my view they are quite comprehensively documented already—the planning authority has to be one of the most paper intensive parts of the ACT government because of the sheer volume of hard paper they deal with every day—it is nevertheless something that must be balanced against adding extra layers of administration for very little improvement. I will ask Mr Savery and others if they want to expand on that.

Mr Savery: I think the question you ask is a really important one. In the first instance, to me this demonstrates the value of having auditors. From time to time organisations institutionalise practices and procedures and rarely find the time to review them, or they become so accustomed to them that they think that what they are doing is very good practice. So it is of great value to us to have an auditor come in and identify areas where we can improve. You would note that in most cases we have agreed to the sorts of observations that have been made by the auditor. That is not to say that there is something systemically wrong or that people are to be blamed for something, but it identifies areas or weaknesses within our current practices and systems that we can improve upon. In agreeing entirely with the minister that in certain circumstances some of the recommendations are impracticable, that does not mean that it was necessarily inappropriate to have made them.

The issues around IT systems, if I could concentrate on those in the first instance, are quite important to the organisation at the moment. You may be aware that the ACT Planning and Land Authority is the pilot for what is known as the integrated document management system, which is a new government-wide electronic data management system, to comply with Territory Records Act requirements. We have been trialling this technology for close to two years. Fundamentally, it changes the business practices of an organisation. It is not simply a collection and retrieval system of material; it is actually the way in which you practise business. Every other kind of IT system you have has to interface with IDMS.

I think it is also fair to say that it is a pilot, and you would appreciate that there are

teething problems with that system. The Auditor-General has acknowledged that IDMS is being implemented; they believe that will overcome many of the procedural problems associated with records management, but that we are experiencing difficulties with that and we are working through them. DARTS in some respects is related to that, although not in isolation. There are other systems like DARTS that we operate on that are what we call legacy systems. They basically need to become redundant sooner rather than later but, as our response indicates, that requires budget allocation. They all have to be designed in such a way that they can interface with IDMS. In fact you do not optimise the application of IDMS as a platform if the replacement systems for DARTS, TRIMS and other paraphernalia associated with our operation are not interfaced with it.

THE CHAIR: Do you have any time frames?

Mr Savery: I actually do have a time frame now. On the basis that I am hopeful that we are going to be successful with a commonwealth grant application to demonstrate best practice in reducing red tape for small businesses, we would be hopeful that, within 12 to 18 months, we would be able to retire some of these legacy systems. I cannot tell you that we will be successful with that application but I am very hopeful. We have already received a grant of \$100,000 from the commonwealth to start to develop, if you like, the business case and the broad structure of what that IT system would look like.

THE CHAIR: Where is that coming from in the commonwealth?

Mr Savery: The department of small business and industry.

Mr Corbell: The department of industry.

Mr Savery: I think what I am trying to highlight here is that, as the minister indicated, “planning system reform” is a fairly holistic title for a number of things we are doing; it is not all about legislative reform. There are short-term administrative procedural practices and processes that we are working on; we are looking at our IT platforms; and, in all senses, we are taking the Auditor-General’s report very seriously and trying to address it on as many fronts as possible. I will, however, ask Ms Linda Southwell to answer in a bit more detail about how DARTS and some of those other receipting practices operate.

LINDA SOUTHWELL was called.

Ms Southwell: I am Linda Southwell, Principal Officer of the Development Application Support Services, the area where we receive all the development applications. In relation to the receipts, with the introduction of the objective IDMS system, we now scan all the documentation that is received in the authority and then it is saved as an electronic file. We no longer have paper files in the traditional sense. When we introduced the validation process, where we were doing pre-document checks prior to accepting a development application formally, we were not actually taking money from people at that point in time, we were just taking the documentation and doing a check. We would then ask people to pay for their application, for it to then continue on down the formal process. That meant that at the counter we were not actually writing receipts.

I think when the Auditor-General was looking at applications in the old days we just

accepted the fee straight up front. We would write what the fee was on the application form and it would be paid, the receipt would be attached and it would go on a formal paper. What happens now is that we make the payment and the receipt is scanned and stored as a separate document in the objective system. In some cases the form comes in prior to the fee being paid. To save us going back and writing it and rescanning the document, just to write the fee in, for storage reasons we decided it was best that we just retain the form and have the receipt stored as a separate document in the development application file. In all cases, however, that is the formal trigger for a DA. For it to become a formal DA a person must pay the prescribed fee. A development application does not go down the path unless we have that formal trigger, which is the payment of the fee.

We have a number of checklists that are followed by the staff in my area. One of the very first checks they do is to make sure the fee has been paid on the application. Those receipts are stored not only in the electronic development application file but also on the Oracle database. If for some reason it got lost in scanning or whatever, we have a second mechanism. We can go and search under the particular block and section, or a particular client's name, and find whether or not a fee has actually been paid. Does that answer the question?

DR FOSKEY: Yes. I appreciate the points you made about complexity and extra processes. I am looking at page 25 of the Auditor-General's report. Perhaps it is about a lack of consistency—not so much the lack of processes but the inconsistency with which they were used and perhaps the degree to which people understood how to use them. I think you have responded to me there, but those things could still be outstanding.

Ms Southwell: I think it is that there are a number of different ways applications come in, and different applications go through different processes. Some have to go through the checking process and some do not.

THE CHAIR: But you have modified your ways since this report, I take it from what you are saying.

Mr Savery: One of the things we are doing, which is picked up on this sheet that has been circulated to you today, is looking at our pre-lodgement and validation processes, which essentially create the first point of contact with the authority where checklists start to be initiated to ensure that applicants are providing the necessary information in order for us to process the application. They are a direct response to the Auditor-General's report.

DR FOSKEY: One of the issues raised is about dealings with other agencies, where they are involved in development approvals. The main agency the examples are given from is Environment ACT. There are some issues there around timing and response. One of the things that seemed to be a point of contention was that Environment ACT appreciated having pre-application meetings with ACTPLA officers but that ACTPLA wanted to discontinue those. Environment ACT raised in the report what I thought were fairly good reasons for keeping those going, in that a lot of things could be dealt with in that short time of meeting, rather than via emails and the slippages that can occur there. I just wonder what has happened. Is there any movement on that? Who won?

Mr Savery: That is again a very important point. Perhaps I could start answering the question by noting that in the planning system reform project the role of referral agencies is one of the most important outcomes that we will be seeking. Associated with that, the terminology I would use is to put a greater discipline into the referral process, whereas at the moment it does not necessarily follow a formal structure, in many instances. For instance, there is no time frame on some of the referral processes. Whereas the authority has a time frame in which it has to process an application, a referral is not necessarily bound by a time frame, which can obviously result in some of these extensions.

I also think it is important to note that, in the reform process, one of the catch-cries of the DAF model is to achieve integrated planning systems. Where, understandably, you have other agencies that have an interest or responsibility in the process, where there is other legislation such as trees, heritage and access associated with road infrastructure all playing a part in the assessment of development applications, there need to be adequate levels of cross-referencing and integration of those other pieces of legislation, so that when someone receives a development approval they can have the confidence that they are walking away with something that is quite authoritative. In other words, they do not have to go seeking approvals from other agencies that might ultimately result in something that is contrary to what the development application essentially says you can do. That is in a very broad sense as you drill down into some of the detail.

One of the things we did some time ago, which is going to be further reinforced through some of these short-term changes we are looking at, was recognise that the pre-application process was simply a liberty we were imposing upon people without any statutory backing. There is no status to pre-application. It is not a mandatory requirement by legislation, so it is an indulgence of an applicant to be prepared to sit down with us before an application is lodged and work through that process. We would like to think that, through the planning system reform—

THE CHAIR: You used the term “indulgence”!

Mr Corbell: It is an indulgence granted by them. They do not have to do it.

Mr Savery: It is an indulgence granted by the applicant. They are indulging us by participating in that pre-lodgement process. We strongly encourage it and, through some of the changes we made 12 months ago with the introduction of validation, we basically put the onus back on applicants to participate in pre-lodgement, rather than us trying to, without mandatory backing, force them into a pre-lodgement process. In most cases, particularly for the more complex applications, that is what people are doing because they see value and benefit in engaging with the agency beforehand.

The purpose for raising that with you in response to your question is that some of the other government agencies see that as an opportunity to resolve, ad infinitum, issues that they want dealt with, many of which, or in some circumstances, could not be seen to be tied to the planning process or planning outcomes. So the planning system itself is being used as a vehicle to resolve issues that are potentially outside the jurisdiction of the planning system. Again, that is why I used the word “discipline”. If we set up a system where agencies have an opportunity to participate in trying to resolve issues before an application is lodged, they have to be fundamentally tied to what the planning outcome is and not using the planning system as a means to resolve a range of other peripheral

issues, because that all sheets home to the planning system as potentially holding something up.

Mr Corbell: I am very strong on this with my colleagues in the government: that if we want a planning system that works well it is not just a case of making sure the planning authority meets time frames. In fact in many respects the planning authority is one of the few agencies in the planning process that has time frames to meet; there are other parts of the government that do not, but they have particularly important roles to play. We have discussed environment, heritage and urban services.

THE CHAIR: They are not meeting their deadlines.

Mr Corbell: They do not have deadlines to meet. It is important in the reform of the process that we ensure that other agencies also provide timely and consistent advice within a time frame. One of the issues the government has identified in the reform and put forward as a principle of reform is the establishment of time frames for referral agencies.

THE CHAIR: Is the Chief Minister keen on that idea?

Mr Corbell: The government has endorsed the reform package proposals that have come forward to date as the government's policy.

MS MACDONALD: I have a very peripheral question, and I am conscious of not taking up too much time. This was raised in my mind before, when you were talking about the difficulty in keeping people with between five and 10 years experience; you said that a lot of them were going over to the UK to work. Do we try to encourage people—the reverse—with five to 10 years experience to come over here from the UK?

Mr Savery: The best answer to that is probably by referencing the national inquiry into the education and training of planners, which concluded a couple of years ago. As a result of that, six key actions were identified. One of those is to seek from the commonwealth government immigration status for planners from overseas. Recognising that, obviously, graduates generally can work on short-term visas, if we want to get some of the five to 10-year experienced people, who are more likely to be in the age bracket that does not allow you to operate within those temporary visas, we are seeking that status that has been achieved for some other professions in Australia—and this is an Australia-wide issue—in order to enable planning agencies to gain access to some of those professionals. That is being pursued right now by the Planning Institute of Australia with the commonwealth immigration department.

MS MACDONALD: Do you know the status of that?

Mr Savery: I know that the status has not been granted at this stage, but a formal approach has been made. I have had the experience of trying to bring someone in that sort of bracket in to work. The red tape associated with that is horrendous. You know, you basically devote one of your HR officers full time to try and achieve that outcome.

MS MACDONALD: It is as frustrating as putting in a DA, is it?

Mr Savery: You could say that.

THE CHAIR: Thank you for appearing today.

The committee adjourned at 3.00 pm.