

## **Andrew Davis:**

### Approvals Systems – what's needed?

- Sustainable Planning Act only a bill – yet to be debated. If it passes through parliament it will come into effect in late November.
- Most changes to the act are tinkered.
- Not going to solve all the problems of the industry.
- Positives: Fixed issue of lapsing – where application has lapsed by reason of not referring application to referral agency, better than present situation under IPA. New level of assessment – deemed to get an approval if not done in statutory time frame, no consolation. Standard planning scheme provisions – LGA planning schemes conflicted with IPA new bill and new LGA schemes under bill will comply with each other. Expanding tribunal – no lawyers, faster and cheaper to get dispute resolved.
- Negatives: Code assessment isn't "code" assessment anymore. Deemed code approvals – more appeals, Ministerial powers, state planning instruments. By removing presumption – councils more likely to refuse. Deemed approval provisions for code assessment – if decisions not made within statutory time frame then deemed to approve – not necessarily a positive thing (Councils in UK just refused applications when time frame was close to running out). More power for state government.
- Most changes are 'tinkering changes'. Procedural changes outweighed by big picture changes – code assessment rules, more appeals, centralisation of planning power. Major IPA risks remain: PIPS and ICNs, underlying planning policy (land supply and affordability), government culture.
- Changes for outside legislation: reduction in scope of planning schemes to land use only. Regulation of the town planning 'profession'. Creation of architectural plans, engineering plans etc. More private certification, especially by architects, engineers, etc. Auditing of private certification. (Introduce regulation for town planners – empowers town planners to do things that they normally would not be able to do – would lead to auditing – if planner is corrupt or incompetent then lose their accreditation.)
- Time is the Enemy: Significantly increase salaries for 'coal-face' local government assessors to attract and retain talent. Council to give DA fees to the Court in some cases eg. Deemed refusal appeals. Introduce costs orders in the Planning and Environment Court. Maximum tenures for local government assessors. Bin 'user pays' infrastructure charging, as it decreases efficiency.