Local Government and Planning Ministers' Council

First National Report on Development Assessment Performance 2008/09

Prepared by the South Australian Government

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Introduction

On 26 March 2008 the Council of Australian Governments (COAG) identified 27 areas of regulatory reform, to enhance productivity and workforce mobility by cutting the costs of regulation.

One of the areas identified by COAG for regulatory reform was the area of development assessment. COAG agreed to the following goal for development assessment reform:

"To improve development assessment processes to provide greater certainty and efficiency in the development and construction sector by reducing regulatory burdens and delays including maximum uptake of electronic development assessment processing nationally, noting that local councils remain responsible for their development policies"[1]

The Local Government and Planning Ministers' Council (LGPMC) was tasked with delivering on this area of reform. At its meeting on 13 August 2008, the LGPMC agreed to the establishment of a Ministerial Sub-Group (Sub-Group), chaired by New South Wales and including Victoria, Queensland, South Australia and the Australian Local Government Association, to develop proposals for further streamlining development assessment reform.

In September 2008 the Sub-Group on Development Assessment Reform produced a report, the 'National Development Assessment Reform Program', which outlined five projects to advance the development assessment reform agenda. One of these projects was to develop a set of common performance measures across development assessment systems in Australia.

From 13 February 2009, The South Australian Minister for Urban Development and Planning, the Hon Paul Holloway MP, took on leadership of the Sub-Group whose membership was also expanded to include Western Australia and others.

On 2 July 2009 COAG agreed to the development of a national set of performance measures for the 2008/09 financial year which would contain information on the number , type and length of development assessments.

In response to the COAG directive, the LGPMC Sub-Group on Development Assessment reform agreed on the following goal:

"To draft a set of National Performance Measures that can be used to assess the 'health' of development assessment systems across jurisdictions, irrespective of differences in terminology and systems, and to subsequently collate and publish those Measures in a National Report on Development Assessment Performance for each financial year, commencing 2008/09."[2]

[1] Business Regulation and Competition Working Group Implementation Plan, report to COAG meeting of 26 March 2008 www.coag.gov.au
[2] Project Brief, National Performance Measures Project 2009

Building on work undertaken on behalf of the Sub-Group by consultants GHD in 2009, a set of nine National Performance Measures was endorsed by the LGPMC in February 2010, and this is the first report against those Measures, using 2008/09 data from the jurisdictions.

This is the first time such a report has been attempted and it will serve as an important document for improving the transparency and accountability of planning systems, and a base from which to launch future reforms. Reports in future years will build on the work done for this first Report.

The variety in collection and collation methods of the data by jurisdictions, and its presentation here, shows the need for greater consistency in data collection and reporting across jurisdictions. It also indicates there is the potential to reduce costs for business undertaking activity in the different jurisdictions by better aligning the development assessment systems across Australia.

As a consequence of the jurisdictional differences, in this first Report, some measures do not provide simple comparisons between systems. Jurisdictions have added notes to help in interpreting their data, however, caution needs to be exercised in attempting to directly compare jurisdictions' data for 2008/09.

In addition, some data collection systems may not be aligned with these Measures, nevertheless jurisdictions are using this report to guide them to a closer fit for future reports. The Report also provides the basis for the development of further measures to better guage the health of the individual planning systems over time.

Principles Behind A National Performance Measurement System

Each State and Territory in Australia administers its own Development Assessment (DA) system. While there are some key features that are common to all jurisdictions, terminology, processes and statutory requirements do vary. Any system of monitoring needs to give consideration to the assessment frameworks in place and how these work across the various jurisdictions.

DA can be either the consideration of a building or planning application, or a combination of both for some projects. In general, building deals with technical matters associated with buildings or structures, while planning approvals deal with the use of the land. Whilst the use of these terms can vary across jurisdictions, this is the underlying philosophy.

DA systems generally channel different types of development proposals through different 'tracks' of assessment, ranging from developments that require no planning assessment at all, through to proposals requiring full impact assessments, including public notification and referrals to approval authorities for assessment.

The development of a National Performance Measurement system is required to take into account the differing nature of development assessment systems, and to attempt to arrive at comparable data that will be useful as a time series. To this end, it is recognised that in this first report, there are some Measures which do not provide simple comparisons between systems, and that data collection systems may not yet be aligned with these Measures. Jurisdictions have added notes to assist in interpreting the data provided for 2008/09. Caution should be exercised in attempting to directly compare jurisdictions' data.

The Measures have been grouped into three main 'Themes': Process, System and Outcome Performance.

Process Performance measures primarily seek to provide information regarding the timeliness of decision making in development assessment systems, both for decision-makers and other bodies that provide advice to the decision-maker (typically known as 'referral' bodies). These measures look at the time taken to decide applications, the level of compliance with statutory time limits for decisions, as well as the existence of systems to regularly review and audit development assessment processes.

System Performance measures examine the extent to which applications are channelled through the most appropriate assessment process, particularly with regard to 'low-risk' proposals, using a 'self-assess' or 'Code-assess' process.[3] This Theme also measures the extent to which electronic DA systems are being taken up.

[3] 'Self-assess': where a proposed development can be assessed against clearly articulated quantitative criteria and it is always true that consent will be given if the criteria are met;
'Code-assess': where a proposed development is considered against objective criteria and performance standards. More complex than for 'self assess' but still essentially a quantitative assessment (Taken

Outcome Performance measures explore the effectiveness of policy objectives against development assessment outcomes, and consider the rate at which assessment decisions are challenged through a review process (typically a Court or Tribunal).

It is expected that reporting against these Measures over time will allow jurisdictions to demonstrate the effect of reforms on their systems, and also to identify potential areas of new reform. It is recognised that development assessment systems, like many other regulatory systems, benefit from consistent monitoring and continuous improvement.

from the Development Assessment Forum, 'A Leading Best Practice Model for Development Assessment in Australia', March 2005, available www.daf.gov.au)

Development Assessment Activity across States and Territories

The number and type of development applications for States and Territories is detailed in the tables below for the 2008/09 year. Note, some jurisdictions have reported on development applications decided while others have reported on development applications lodged.

Caution should be exercised in attempting to directly compare jurisdictions' data. Jurisdictions have added notes following the tables throughout the document to assist in interpreting the data provided for 2008/09. General explanations of the data as it pertains to each State and Territory is found in the Data Collection Methods section of this report.

Overall number of Development Applications by Jurisdiction

Table 1: Number of development applications in 2008/09							
QLD	NSW*	VIC*	TAS	SA	WA	ACT*	NT
23,609 (est)	87,056	54,162	8,997	70,852	4,921	1,319	921

*Refer to jurisdiction notes over page.

Types of Development Applications by Jurisdiction

Table 2: Number of development applications in 2008/09 (by application type)								
	QLD	NSW*	VIC*	TAS	SA	WA	ACT*	NT
single residential	N/A	15,722	6,513	N/A	N/A	N/A	541 (est)	264
multi-unit residential	N/A	1,691	6,316	N/A	N/A	N/A	259 (est)	72
commercial	N/A	9,890	4,442	N/A	N/A	N/A	98 (est)	138
industrial	N/A	2,757	4,621	N/A	N/A	N/A	92 (est)	58
subdivision	3,969 (est)	4,021	9,207	N/A	3902	4,351	19 (est)	117
other	N/A	51,136	20,011	N/A	N/A	570	310 (est)	272

*Refer to jurisdiction notes over page.

(est) - estimated

Jurisdiction notes

New South Wales	**Table 1**: Number of DAs determined in Table 1 comprises 71,638 DAs and 14,975 s96 modifications to DAs determined by local councils, and 443 major developments determined by the NSW Department of Planning, the Minister for Planning or the Planning Assessment Commission. For the rest of the 2008-09 report, NSW's figures exclude major development as explained in 'Data Collection Methods'. **Table 2**: Number of DAs by type in Table 2 is only for DAs and s96 modifications to DAs determined by local councils. This does not include 1,396 developments which could not be classified by type. Major developments are not currently classified according to the same development types as development determined by councils.
Victoria	**Table 1**: this number represents the number of applications received in 08/09. **Table 2**: The 'other' category includes **alterations and additions to residential land uses and proposed land use categories, l**eisure and recreation, place of assembly, vacant. In addition, there are approximately 3000 applications that are not yet determined as categorisation of applications is not mandatory until a decision is made.
Australian Capital Territory	Data covers the period April to December 2009.

Data Collection Methods

The collection of data for 2008/09 varied between all States and Territories. It should be noted that for some jurisdictions, data is collected for only some aspects of the system (for example, development proposals assessed by State and Territory agencies only), while for others, no data is collected at all.

The Measures are intended to be 'forward looking', so over time jurisdictions will align their reporting systems to the Measures.

A brief description of the collection systems for the data sets for 2008/09 for each jurisdiction is described below. This includes any interpretative notes on jurisdictions systems or data limitations. Specific jurisdictional notes on the data accompany each Measure.

Percentages are given to one decimal place only, and the traditional rounding formula of where five and above is rounded up, and below five is rounded down has been used.

Further information on the DA systems in each State and Territory can be sought from the respective planning departments.

Queensland

The responses have been compiled primarily from data provided by high growth Councils. The data includes all applications relating to:

- Material change of use
- Reconfiguring of a lot (subdivision)
- Operational works

Building applications have been excluded from the data.

A total of 19 Councils were asked to provide data on decided development applications (DAs) and to complete additional information where available. Systems were not in place for collection of data prior to 09/10. 08/09 data was manually compiled and high growth councils were seen as being most relevant. It is estimated that those 19 Councils represent approximately 80% of all development activity in the State.

Of those Councils, 15 Councils responded although a number of those were nil returns due to a range of reasons including insufficient time, lack of resources or data too unreliable.

Nine Councils provided data files that could be analysed and an additional 3 provided data reports in a format that was not easily analysed e.g. PDF or ASCII based reports.

The National Performance Measures also request information on the total number of applications broken down by the following type:

- Single residential
- Multi-unit residential
- Industrial
- Commercial
- Subdivision and
- Other.

It should be noted that none of these types are mutually exclusive and individual counts of each may in fact total more than the total number of DAs.

Data providing a breakdown of DAs by type was received from 4 Councils only with one Council unable to differentiate between single and multi-unit residential DAs. To project these figures out to the whole State would be unreliable with quite a wide variation in breakdown existing amongst the 4 Councils responding.

The Department of Infrastructure and Planning has instigated a DA Monitoring and Performance Project across 19 high growth Councils. This commenced in 2009-10 with the first annual report due in late 2010.

There has been general cooperation from Councils and referral agencies although some are still modifying systems and processes to ensure the complete set of data is captured and recorded for reporting on to the State.

The current data request does not currently include all the national measures. Those missing data items will be included in the data request from 1 July 2010 and should considerably improve the ability of the State to respond to the National Performance Measures.

New South Wales

Each year, all 152 NSW councils provide the New South Wales Department of Planning with information on all determined development applications , DA modifications under section 96 of the *Environmental Planning and Assessment (EP&A) Act 1979*, complying development certificates (CDC), legal appeals and internal reviews of development decisions.

The Department of Planning publishes an annual report monitoring local development using this data.

For 2008-09, there were 23 core data fields for each DA, s96 modification or CDC (not all fields are relevant to each application). The Department has an online database for the monitoring data. Councils or Department of Planning officers upload the data to this database. The database generates a feedback file which identifies data errors, assisting councils to improve data quality. Most councils use software tools to extract the data into the standard format from their databases.

The Department of Planning also produces an annual report on certain developments determined by the Department of Planning, the Minister for Planning or the Planning Assessment Commission. The Major Development Monitor report focuses on major projects determined under Part 3A of the EP&A Act and the Major Development State Environmental Planning Policy. For 2008-09, 443 development decisions fell into these categories.

Major project data is excluded from the 2008-09 national report because of the very different assessment process which major projects undergo compared to local development and because of differences in local and major data collections.

The vast majority of developments in NSW are determined by local councils (71,638 DAs; 14,975 s96 modifications to DAs; 5,162 complying development certificates) in 2008-09); some developments are determined by private accredited certifiers (4,032 complying development certificates). The developments determined by councils include applications for subdivisons. For the national report, the only cases where building approvals are included is for 'low risk' proposals where planning and building determinations are combined (complying development certificates). These certificates can be determined by either council or a private accredited certifier. These are also the only development determinations which accredited certifiers can determine.

Victoria

Planning Permit Activity in Victoria 2008-09 is derived from the Department of Planning and Community Development's automated Planning Permit Activity Reporting System (PPARS). All Victorian councils submit a monthly electronic transfer of data via an automated extract process from their planning application system. PPARS is an online application with reports available to the public and local government. This data is used to produce the Victorian annual report on planning permit activity.

The online data store has enabled the introduction of standardised, monthly, automated planning activity reporting from 80 Victorian responsible authorities (including the Minister for Planning) and contains details of all planning permit applications lodged and decided in Victoria since its introduction in July 2007.

Building applications are not included in this data.

Department of Planning and Community Development staff can access up to date data online for analysis and reporting.

Tasmania

Councils (planning authorities) are required to report against a number of Key Performance Indicator's annually. Data from the Council reports have been used in this report where applicable but there are a number of gaps in the data which has prevented a comprehensive report against the National Performance Measures for the 2008/09 period. Measures are being put in place to ensure a full report against the Performance Measures is achieved for the financial year 2010/11.

Other data used in this report has been sourced from the Resource Management and Planning Appeal Tribunal.

South Australia

The 68 councils in South Australia, the Development Assessment Commission, the Department of Planning and Local Government, referral agencies, private certifiers and the Environment, Resources and Development Court are statutorily required to report quarterly against a set of 'system indicators' as prescribed in the *Development Regulations 2008*.

The set of system indicators used for 2008/09 covered a variety of matters related to statutory planning instruments, referrals, requests for further information, appeal processes and compliance. In South Australia, developments can be assessed as exempt (no planning or building approval needed), needing building consent only, complying (an 'as of right' planning approval), merit approval or non-complying (requiring more rigorous assessment). Developments with a greater impact on the State can be assessed as 'major developments' incorporating higher forms of impact assessment.

South Australia's set of system indicators is currently under review, in order to align the indicators with the National Performance Measures.

Western Australia

Western Australia's data includes all subdivision and DAs which require planning approval from the WAPC which is a statutory authority responsible for determining applications for land subdivision in Western Australia. The data is sourced from DoP's Statutory Support System.

The data does not include applications processed by individual Local Governments as this is not currently collected, but collection of this data is presently under development.

Building applications are not included because this data is not currently collected, but collection of this data is currently under review.

Currently DoP has no eDA facility (since the majority of DAs are handled by Local Government) but is developing an end-to-end electronic subdivision capability for the future.

Deferred applications are excluded from the calculation of the reported measure. A deferral occurs when the applicant agrees to defer the application.

Breakdown by classification (single residential, multi-unit residential, commercial, industrial, etc) is not possible, but will be investigated for possible inclusion in future reports.

Applications which commenced before the reporting year (i.e., in 2007-08 or earlier) are counted only if they were determined in 2008-09, and applications which are still in progress beyond the reporting year (i.e., in 2009-10 or beyond) are excluded from the 2008-09 report but will be included in the next relevant report.

'Stop clock' situations (where the process is put on hold while further information or similar is sought) are not counted when determining whether processes have been completed within the statutory time limits (i.e., Measures 1, 2, 4 and 5).

Subdivision applications include: applications for freehold land subdivision, vacant lot strata, built-strata with greater than 5 lots, survey-strata subdivisions for every purpose (i.e., residential, industrial, commercial, special residential, rural, rural residential or public purpose), amalgamation, re-consideration and other subdivision such as boundary adjustments, road alignment, excision for road reserves and all subdivision applications of the Redevelopment Authorities (Armadale, East Perth, Midland, Perry Lakes, Subiaco)

Development applications Include applications which require WAPC approval before a development on the land can begin, and exclude development applications which are dealt with by the Redevelopment Authorities under delegated authority

Australian Capital Territory

The ACT development assessment system, which was introduced in 2008, is based on the Development Assessment Forum Leading Practice Model. It uses code-based assessment to ensure an appropriate level of assessment commensurate to the complexity and risk of the proposed development.

Due to the implementation of the new planning system in 2008, running a dual system during a transitional period and the introduction of new IT systems from April 2009, some data is not available for 2008/2009 financial year. Unless stated otherwise, the ACT has provided information for the period April – December 2009.

The data contained within this report includes all development applications in the Merit and Impact Track. There were no applicable development applications in the Code Track during the reporting period.

Merit track applies to those applications that do not meet all the rules set out in the relevant code, but which can still be assessed on their merits against the relevant rules and criteria, for example large multi unit residential developments, an indoor recreational facility in a commercial zone, apartments in commercial zone, etc.

Impact track is used for those development applications that are considered against the Territory Plan and an Environmental Impact Statement (unless exempted by the Minister) and undergo the broadest level of assessment compared to the Merit track applications. These applications must be publicly notified and referred to specified agencies for comment.

Code track was used until March 2009 for those development applications that complied with all of the rules set out in the relevant code (for example residential).

These applications do not require public notification or referral to other agencies for comment. Because data has only been captured for this report for April-December 2009, this report does not reflect any code-track applications.

Fundamentally, since the provision for exempt DAs was introduced for single residential dwellings, all DAs lodged after March 2009 can be classified as 'medium to high risk'. It is not possible to report what percentage are low risk as these have essentially been eliminated from the system by virtue of exempt development track.

Northern Territory

Single residential dwellings are a permitted use in residential zones and a development application is only required if a variation to the provisions of the NT Planning Scheme is required. The statutory period for determination of development applications is 84 days.

The following data includes all subdivision and development applications processed by the Department of Lands and Planning. The data is sourced from the Department of Lands and Planning Integrated Land Information System (ILIS). Deferred applications with outstanding information requests are excluded from the calculation of the reported measure. A deferral occurs when the consent authority requires additional information from an applicant to enable it to properly consider the application.

National Performance Measures

Theme: Process Performance

Measure 1 - Are applications being decided within statutory times?

This Measure relates to the percentage of development applications decided in the statutory time period. The Measure is expressed as a percentage given that there are differing statutory times across jurisdictions, and in many instances, different statutory times according to the type of development.

Jurisdiction responses are firstly displayed as an overall percentage, and then broken down into development types.

In this first report, there are some Measures which do not provide simple comparisons between systems, and that data collection systems may not yet be aligned with these Measures. Jurisdictions have added notes to assist in interpreting the data provided for 2008/09. Caution should be exercised in attempting to directly compare jurisdictions' data. Explanation of the data as it pertains to each State and Territory follows.

Measure 1

Table 3: Percentage of applications decided in the statutory time (overall)							
QLD	NSW	VIC	TAS	SA	WA	ACT	NT
51.6	65	62	N/A	75.2	55.8	75	79

Table 4: Percentage of applications decided in the statutory time (by application type)								
	QLD	NSW	VIC	TAS	SA	WA	ACT	NT
single residential	N/A	65	64	N/A	N/A	N/A	N/A	92
multi-unit residential	N/A	44	47	N/A	N/A	N/A	N/A	64
commercial	N/A	61	66	N/A	N/A	N/A	N/A	63
industrial	N/A	47	66	N/A	N/A	N/A	N/A	69
subdivision	N/A	52	53	N/A	N/A	56.4	N/A	62
other	N/A	68	63	N/A	N/A	51.6	N/A	69

'N/A": means the data was not collected in 2008/09 or was otherwise unavailable

Jurisdiction notes

Queensland	Under the Queensland Integrated Development Assessment System (IDAS) statutory timeframes apply for each stage of the process. A code or impact assessment DA must be decided no later than 20 business days after the commencement of the decision making period. The decision making period commences from the date of lodgement for code assessment applications with no referral agencies or information requests. The decision making period for other applications commences after information request responses have been received, referral agency responses received and public notification (in the case of impact assessable applications) is completed. A 20 business day extension to the timeframe can be applied unilaterally by the assessment manager and can be further extended by an unlimited time by agreement between the parties. The percentage of applications decided in the statutory timeframe is based on the date the decision was made and the date the decision was due to be made. These relate solely to the *Decision Stage* in IDAS. Only applications where both dates were available (7,161) have been included in the calculations for this response.
New South Wales	Figures are estimated and only for local development, totalling 91,427 developments in 2008-09 71,638 DAs; 14,975 s96 modifications to DAs and 4,814 of the 5,162 complying development certificates determined by councils. The remaining 348 CDCs determined by councils did not have valid date information. Complying development certificates issued by accredited certifiers are omitted due to lack of data on determination times. Major development under Part 3A of the *Environmental Planning and Assessment Act 1979* is not included as statutory time limits vary from project to project.
Victoria	The statutory decision time for a planning application in Victoria is 60 days. All determined applications from all 80 responsible authorities are included in this measure
South Australia	South Australia did not collect data by application type for 2008/09. The statutory time limit varies depending on type of application. 'Complying' or Code-assess development is to be approved in 2 weeks, merit development (excluding subdivisions) in 8 weeks and merit development including subdivision in 12 weeks. Additional time can be included where an application is subject to a referral or additional information is required to be provided.
Western Australia	(No. of determined[(a)] applications which have processing days ≤ the determination period[(b)] ÷ total no. of determined[(a)] applications) x 100 [(a)] Determined applications include applications which are either approved or refused. A decision can be made on the application by DoP officers under delegated authority, or the WAPC [(b)] Under the *Planning and Development Act 2005* the determination period is: – 90 days for subdivision and amalgamation applications – 60 days for development applications – 40 days for built-strata subdivision 'Other' in table 4 above: The data includes all development applications which require planning approval from the WAPC 'Other' in table 4 above: The data does not include applications processed by individual Local Governments
Australian Capital Territory	Under the *Planning and Development Act 2007* the determination period for a development application in the: 1) **Code track** must be decided not later than 20 working days after the day the application is made. 2) **Merit or Impact track** must be decided not later than— a. if no public representation is made in relation to the proposal—30 working days after the day the application is made; or b. in any other case—45 working days after the day the application is made. N.B For the period April – December 2010 determined applications include applications which are either approved or refused in the Merit and Impact Tracks only.
Northern Territory	Statutory period for determination of development applications is 84 days

Measure 2 - How long do applications typically take to decide?

This Measure reports the average and median times taken for approval of all development applications.

In this first report, there are some Measures which do not provide simple comparisons between systems, and that data collection systems may not yet be aligned with these Measures. Jurisdictions have added notes to assist in interpreting the data provided for 2008/09. Caution should be exercised in attempting to directly compare jurisdictions' data. Explanation of the data as it pertains to each State and Territory follows.

Measure 2

Table 5: Average and median approval times of all DAs decided in days (overall)								
	QLD	NSW	VIC	TAS	SA	WA	ACT	NT
Average (days)	185	71	123	28	N/A	100.6	36	77
Median (days)	104	41	78	29	15	79	33	81

Table 6: Average and median approval times of all DAs decided in days (by application type)								
	QLD	NSW	VIC	TAS	SA	WA	ACT	NT
Average (days)								
single residential	N/A	70	119	N/A	N/A	N/A	N/A	43
multi-unit residential	N/A	137	178	N/A	N/A	N/A	N/A	84
commercial	N/A	73	109	N/A	N/A	N/A	N/A	86
industrial	N/A	107	106	N/A	N/A	N/A	N/A	79
subdivision	N/A	120	132	N/A	N/A	99.7	N/A	90
other	N/A	62	115	N/A	N/A	107.3	N/A	85
Median (days)								
single residential	N/A	44	81	N/A	N/A	N/A	N/A	73
multi-unit residential	N/A	81	152	N/A	N/A	N/A	N/A	93
commercial	N/A	43	71	N/A	N/A	N/A	N/A	109
industrial	N/A	64	67	N/A	N/A	N/A	N/A	99
subdivision	N/A	64	82	N/A	N/A	81	N/A	127
other	N/A	36	69	N/A	N/A	60.0	N/A	131

'N/A": means the data was not collected in 2008/09 or was otherwise unavailable

Jurisdiction notes

Queensland	Average and median approval times are based on the date the application was properly made to the assessment manager and the date the decision was made. This includes the acknowledgement, information referral, notification and decision stages. It does not include any review or appeal processes following the decision. Only applications where both dates were available have been included in the calculations for this response. In addition to this the response, the average and median times for the decision period have been included i.e. the actual period that the assessment manager took to decide the DA once additional information has been received from the applicant and public notifications have been completed.
New South Wales	The total time to determine a DA or s96 modification application. Time is measured from the day the application is lodged to the day the application is determined. No days are excluded**.** Major development under Part 3A of the *Environmental Planning and Assessment Act 1979* is not included
Victoria	The average days to decision for planning permits in Victoria 2008-09 were calculated by totalling the individual gross processing days for each decided application, (Application Received Date to Application Decided Date), divided by the total number of applications decided. Total applications decided include permits issued, notices of decision and refusals. Median processing days were calculated using the same dataset.
Tasmania	The average and median figures represent processing days of all subdivision and development applications.
South Australia	South Australia did not collect data of the overall average, or average and median times by application type for 2008/09. The median figure of 15 days relates to 'complying' (low-risk) development only, which comprised 9.8% of applications in 2008/09. The statutory time for determination of these applications is 10 days.
Western Australia	Average = the average of the processing days of all subdivision or development applications, respectively Median = the median of the processing days of all subdivision or development applications, respectively 'Other' in table 6 above: The data includes all development applications which require planning approval from the WAPC 'Other' in table 6 above: The data does not include applications processed by individual Local Governments
Australian Capital Territory	Under the *Planning and Development Act 2007* the determination period for a development application in the: 3) **Code track** must be decided not later than 20 working days after the day the application is made. 4) **Merit or Impact track** must be decided not later than— a. if no public representation is made in relation to the proposal—30 working days after the day the application is made; or b. in any other case—45 working days after the day the application is made. Average = the average days of all development applications, respectively. Median = the median days of all development applications, respectively. N.B Figures include applications for amendments, corrections and/or meeting conditions as separate applications and include weekends and statutory holidays.
Northern Territory	Statutory period for determination of development applications is 84 days

Measure 3 - Are business processes for DA processing regularly reviewed, audited and improved?

This Measure seeks to discover if a system of business process or audit exists in jurisdictions for development assessment systems.

Measure 3

Table 7: Is there a system of business process review or audit in place?							
QLD	NSW	VIC	TAS	SA	WA	ACT	NT
No	Yes	Yes	Yes	No	Yes	Yes	Yes

Jurisdiction notes

Queensland	This response does not require any Council data and has been determined by DIP on its assessment of the current development assessment system.
New South Wales	Yes, but not required by State legislation. ▪ Statistics collected annually for all development applications and analysed with annual report ▪ Statistics collected annually for affordable rental housing applications and analysed with report ▪ Statistics on "variations to development standards" collected/analysed quarterly with random audits ▪ Statistics collected annually on political donations to councillors and analysed with public report
Victoria	In Victoria, a planning authority must review its planning scheme approximately every four years. In legislation currently being considered, all key planning decision-makers will be required to report annually against specified performance measures.
Tasmania	Councils (Planning Authorities) are required to report to State Government on a number of KPI's relating to the Tasmanian Planning System. A Planning Authority is required to review its planning scheme every five years.
South Australia	Some councils periodically undertake reviews of their systems, but there is no state wide law.
Western Australia	WA systematically reviews its planning instruments, and late in 2009 commenced the most comprehensive and strategic reform agenda ever undertaken of the WA planning framework - under the *Planning Makes It Happen - a Blueprint for Planning Reform* - to ensure that this State continues to prosper and remains an internationally competitive place to live and do business .
Australian Capital Territory	Development assessment statistics and performance measures are continually monitored and communicated with key industry members. Furthermore, in addition to internal/external audit, for the period 2009/2010 a Quality Assurance Framework has been introduced for the purpose of establishing ongoing business process reviews at the branch level, to ensure continuous improvement and to provide management with assurance that sufficient controls are in place and are being adequately followed. 100% of reviews planned for 2009 were completed. The internal performance measure requires that 85% of QA Schedule to be implemented.
Northern Territory	There is no legislative requirement for prescribed review of the planning scheme. Performance measures are reported against annually and there is an ongoing review of systems and planning scheme provisions to improve performance and to deliver policy outcomes

Measure 4 & 5 - Are referral responses timely?

Referrals to other authorities, where a more detailed analysis is required, are a feature of most DA systems in Australia.

There are two types of information sought as part of this Measure:

- The percentage of referral requests responded to by referral bodies in the statutory time frame; and
- The average and median response times of all referrals, measured in days.

Jurisdiction responses are displayed as an overall percentage first, and then broken down into development types for each question in this Measure.

In this first report, there are some Measures which do not provide simple comparisons between systems, and that data collection systems may not yet be aligned with these Measures. Jurisdictions have added notes to assist in interpreting the data provided for 2008/09. Caution should be exercised in attempting to directly compare jurisdictions' data. Explanation of the data as it pertains to each State and Territory follows.

Measure 4

Table 8: Percentage of referrals responded to in the statutory time (overall)							
QLD	NSW	VIC	TAS	SA	WA	ACT	NT
N/A	N/A	N/A	N/A	88.74	73.8	96	N/A

Measure 5

Table 9: Average and median response times of all referrals in days (overall)								
	QLD	NSW	VIC	TAS	SA	WA	ACT	NT
Average (days)	N/A	53	N/A	N/A	N/A	46.8	4.5	N/A
Median (days)	N/A	28	N/A	N/A	35	23	N/A	N/A

Table 10: Average and median response times of all referrals in days (by application type)								
	QLD	NSW	VIC	TAS	SA	WA	ACT	NT
Average (days)								
single residential	N/A	42	N/A	N/A	N/A	N/A	N/A	N/A
multi-unit residential	N/A	72	N/A	N/A	N/A	N/A	N/A	N/A
commercial	N/A	55	N/A	N/A	N/A	N/A	N/A	N/A
industrial	N/A	63	N/A	N/A	N/A	N/A	N/A	N/A
subdivision	N/A	91	N/A	N/A	N/A	48	N/A	N/A

other	N/A	46	N/A	N/A	N/A	26.5	N/A	N/A
	QLD	NSW	VIC	TAS	SA	WA	ACT	NT
Median (days)								
single residential	N/A	22	N/A	N/A	N/A	N/A	N/A	N/A
multi-unit residential	N/A	35	N/A	N/A	N/A	N/A	N/A	N/A
commercial	N/A	32	N/A	N/A	N/A	N/A	N/A	N/A
industrial	N/A	41	N/A	N/A	N/A	N/A	N/A	N/A
subdivision	N/A	46	N/A	N/A	N/A	23	N/A	N/A
other	N/A	25	N/A	N/A	N/A	17.0	N/A	N/A

‘N/A”: means the data was not collected in 2008/09 or was otherwise unavailable

Jurisdiction notes

Queensland	Unit data (i.e. data for each application) was only available from DIP which has a referral agency role in a limited number of development applications – possibly as low as 4% of the total applications requiring referral. This data was regarded as being too low to be reliable as a measure for all referrals in Queensland and therefore a nil response has been provided for this measure. As per measure 4, a nil response has been provided for this measure.
New South Wales	11% of developments referred to state agencies Average time for referral response 53 days % in statutory time currently not known. Statutory time frames 21, 28 or 40 days
Victoria	In Victoria 25% of all planning applications were referred to one or more external agencies. Data on referral response times is not currently collected in Victoria. As part of the current review of the Planning and Environment Act, it is proposed that referral response times will be recorded in a register.
Tasmania	Tasmania does not have a statutory referral system.
South Australia	South Australia did not collect data for the overall average response time, or average or median times by application type for 2008/09.
Western Australia	(No. of referrals[(a)] replied to by the relevant referral agency(ies) within the response period[(b)] ÷ total referrals[(a)]) x 100 [(a)] A single application may have multiple referrals - a one-to-many situation, where the figures show, on average, 3 to 4 referrals per application [(b)] Under the *Planning and Development Act 2005* the response period is: – 42 days for subdivision and amalgamation applications – 30 days for development applications – 21 days for built-strata subdivision Average = the average of days for referrals for all subdivision or development applications, respectively Median = the median of days for referrals for all subdivision or development applications, respectively 'Other' in table 10 above: The data includes all development applications which require planning approval from the WAPC 'Other' in table 10 above: The data does not include applications processed by individual Local Governments
Australian Capital Territory	Data provided shows the average DAs responded to within the 15 days statutory for the period January – December 2009 as provided by the referral agencies. Average and median response times information is not available for all entities; however the agency representing around 50% of all requests has recorded an average of 4.5 days.
Northern Territory	Northern Territory does not have a statutory referral system.

Theme: System Performance

Measure 6 - Are low-risk proposals being quickly dealt with?

While the definition of 'low-risk' proposals can vary between jurisdictions, typically 'low-risk' proposals are those that can proceed along the fastest assessment process, using a 'self-assess' or 'Code-assess' process.[4] This Measure reports on the percentage of applications decided through a 'low-risk' process.

Jurisdiction responses are displayed as an overall percentage first, and then broken down into development types for each question in this Measure. Note the wide variations in data between the jurisdictions may reflect the different approaches to capturing and measuring low risk proposals.

In this first report, there are some Measures which do not provide simple comparisons between systems, and that data collection systems may not yet be aligned with these Measures. Jurisdictions have added notes to assist in interpreting the data provided for 2008/09. Caution should be exercised in attempting to directly compare jurisdictions' data. Explanation of the data as it pertains to each State and Territory follows.

Measure 6

Table 11: Percentage of applications decided through a 'low risk' assessment process (overall)							
QLD	NSW	VIC	TAS	SA	WA	ACT	NT
3.1	11	N/A	N/A	9.8	99.4	100	71

Table 12: Percentage of applications decided through a 'low risk' assessment process (by application type)								
	QLD	NSW	VIC	TAS	SA	WA	ACT	NT
single residential	N/A	7	74	N/A	N/A	N/A	N/A	71
multi-unit residential	N/A	1	N/A	N/A	N/A	N/A	N/A	N/A
commercial	N/A	9	N/A	N/A	N/A	N/A	N/A	N/A
industrial	N/A	2	N/A	N/A	N/A	N/A	N/A	N/A
subdivision	N/A	2	N/A	N/A	N/A	99.5	N/A	N/A
other	N/A	13	N/A	N/A	N/A	98.8	N/A	N/A

'N/A": means the data was not collected in 2008/09 or was otherwise unavailable

[4] 'Self-assess': where a proposed development can be assessed against clearly articulated quantitative criteria and it is always true that consent will be given if the criteria are met;
'Code-assess': where a proposed development is considered against objective criteria and performance standards. More complex than for 'self assess' but still essentially a quantitative assessment (Taken from the Development Assessment Forum, 'A Leading Best Practice Model for Development Assessment in Australia', March 2005, available www.daf.gov.au)

Jurisdiction notes

Queensland	Six Councils provided responses to this measure. The response was calculated using the total number of low risk applications as a percentage of all applications decided by those 6 Councils.
New South Wales	For NSW, determinations using a low risk assessment process are known as complying development. Complying development is both a planning and building approval. Numbers of developments which do not require approval (exempt development) are unknown.
Victoria	Only about a quarter of new single dwellings in Victoria need planning approval. In legislation currently being considered a new 'code assess' approval track will be applied to a range of other 'low risk' development approvals.
Tasmania	Applications are not taken for low risk proposals in 23 of the 38 planning schemes and draft Planning Directive No. 3 extends this a further 7. 100% of building permit applications are certified.
South Australia	'Low-risk' development is generally called 'complying' development in South Australia.
Western Australia	(No. of determined[(a)] applications for which a decision is made under delegated authority from the WAPC ÷ total determined [(a)] applications) x 100 [(a)] Determined applications include applications which are either approved or refused. A decision can be made on the application by DoP officers under delegated authority, or the WAPC [Refers to 'Other' in table 2 above:] The data includes all development applications which require planning approval from the WAPC [Refers to 'Other' in table 2 above:] The data does not include applications processed by individual Local Governments Another version of WA's low risk approach is its limited electronic system of referrals for subdivisions only. The 'Short Track' referral prototype is a web-based electronic referral system which provides for suitable 1-4 lot simple freehold and survey-strata applications, with a 15-day referral period, and a 30-day assessment period, which was implemented on 1 November 2005. It is limited to applications requiring referral to one of 10 participating Local Governments (out of 139 Local Governments) and 3 service agencies. If an assessment cannot be completed within the short track timelines due to genuine planning reasons, it is converted to the normal track stream. 378, or 8.7% of. subdivision applications were processed under this system
Australian Capital Territory	Low risk DAs in the "Code" track represented 19% between March 2008 and 2009, however the data captured for this report only represents DAs lodged between April-December 2009. Fundamentally, since the provision for exempt DAs was introduced for single residential dwellings, all DAs lodged after March 2009 can be classified as 'medium to high risk'. It is not possible to report what percentage are low risk as these have essentially been eliminated from the system by virtue of exempt development track.
Northern Territory	Single residential dwellings are a permitted use in residential zones and a development application is only required if a variation to the provisions of the NT Planning Scheme is necessary. A range of commercial/industrial uses are permitted in some zones and a development application is not required.

Measure 7 - Are eDA systems being implemented and taken up?

This Measure considers the extent of take-up of electronic development assessment (eDA) systems.

Jurisdiction responses are displayed as an overall percentage first, and then broken down into development types for each question in this Measure.

In this first report, there are some Measures which do not provide simple comparisons between systems, and that data collection systems may not yet be aligned with these Measures. Jurisdictions have added notes to assist in interpreting the data provided for 2008/09. Caution should be exercised in attempting to directly compare jurisdictions' data. Explanation of the data as it pertains to each State and Territory follows.

Measure 7

Table 13: Percentage of development applications lodged electronically (overall)							
QLD	NSW	VIC	TAS	SA	WA	ACT	NT
0.05	13	2	N/A	6.55	0	25	5

Table 14: Percentage of development applications lodged electronically (by application type)								
	QLD	NSW	VIC	TAS	SA	WA	ACT	NT
single residential	N/A	N/A	0	N/A	0	0	N/A	N/A
multi-unit residential	N/A	N/A	0	N/A	0	0	N/A	N/A
commercial	N/A	N/A	0	N/A	0	0	N/A	N/A
industrial	N/A	N/A	0	N/A	0	0	N/A	N/A
subdivision	N/A	N/A	11	N/A	98	0	N/A	N/A
other	N/A	N/A	0	N/A	0	0	N/A	N/A

'N/A": means the data was not collected in 2008/09 or was otherwise unavailable

Jurisdiction notes

Queensland	In 2008-09 no Councils were accepting electronic DAs directly. Smart eDA, which is a State managed system, commenced accepting eDA lodgements for Redland City Council in the first half of 2009. A total of 11 applications had been lodged by 30 June 2009. The response was calculated using the total number of eDA applications as a proportion of the estimated total number of DAs across Queensland.
New South Wales	Estimated as exact numbers are not available. Based on 10 councils who currently provide for online DA lodgement and assuming that all their determined DAs were lodged online to estimate maximum number lodged online.
Victoria	Victoria has an eDA system (SPEAR) which enables planning permit applications to be lodged, referred, tracked and decided online. A growing number of subdivision applications are approved online. Currently 18 council's have implemented Victoria's SPEAR eDA system with 13 more in the pipeline.
Tasmania	Only a limited number of councils provide for and receive electronic lodgement of applications. Two councils participating in the Tasmanian eDA project are going live with the capability of receiving and processing applications electronically.
South Australia	South Australia has an electronic system for lodgement of land division applications (known as 'EDALA').
Western Australia	Currently DoP has no eDA facility (since the majority of DAs are handled by Local Government) but is developing an end-to-end electronic subdivision capability for the future
Australian Capital Territory	On average, 25% of DAs have been submitted electronically. Since inception of the external eDA system in April 2009, the external uptake of eDA lodgements has gradually increased, reaching 45% in December 2009. Note: DAs that are NOT lodged electronically are entered into the internal electronic system prior to processing, thus providing for 100% of DAs to be processed electronically.
Northern Territory	The type of application lodged electronically is not tracked. In 2008/2009 the Northern Territory had only limited facilities for electronic lodgement via email. A new eDA system is currently under development and will be launched in 2010

Theme: Outcome Performance

Measure 8 - Are the outcomes that result from DA approvals consistent with policy objectives?

This measure considers whether jurisdictions have in place a system to measure the effectiveness of development assessment outcomes against planning policy objectives.

Measure 8

Table 15: Is there a system in place to measure the effectiveness of development assessment outcomes against planning policy objectives?							
QLD	NSW	VIC	TAS	SA	WA	ACT	NT
No	Yes	Yes	N/A	No	Yes	Yes	No

Jurisdiction notes

Queensland	This response does not require any Council data and has been determined by DIP on its assessment of the current development assessment system.
New South Wales	Councils report to the Department of Planning on the number and type of variations to development standards they allow. Statistics collated annually for all development applications and analysed with annual report
Victoria	In Victoria, a planning authority must review its planning scheme approximately every four years. This review includes assessing the continuing relevance of local planning policy and the effectiveness of planning scheme provisions in achieving planning policy.
Tasmania	Planning schemes are required by legislation to be consistent with the State's policy objectives. This means that applications approved in accordance with a planning scheme are consistent with State policy objectives.
South Australia	In South Australia, councils must review Development Plans at least every five years.
Western Australia	DoP has an on-going program of review of its planning policies and instruments
Australian Capital Territory	An internal referral system ensures that complex development proposals are considered by an agency-wide panel. In addition, an executive policy committee provides high level advice on special development proposals. Both panels are purposively in place to ensure that DA outcomes are consistent with policy objectives.
Northern Territory	The Northern Territory Government is reviewing its system against the National Planning Systems Principles in 2010, with a view to including auditing and reporting.

Measure 9 - Are decisions generally accepted and implemented?

Measure 8 concerns the rate of appeal or review of original development application decisions.

Jurisdiction responses are displayed as an overall percentage first, and then broken down into development types for each question in this Measure.

In this first report, there are some Measures which do not provide simple comparisons between systems, and that data collection systems may not yet be aligned with these Measures. Jurisdictions have added notes to assist in interpreting the data provided for 2008/09. Caution should be exercised in attempting to directly compare jurisdictions' data. Explanation of the data as it pertains to each State and Territory follows.

Measure 9

Table 16: Percentage of development applications subject to review/appeal (overall)							
QLD	NSW	VIC	TAS	SA	WA	ACT	NT
2.5	1.3	7	3.7	0.82	2.7	3	0.86

Table 17: Percentage of development applications subject to review/appeal (by application type)								
	QLD	NSW	VIC	TAS	SA	WA	ACT	NT
single residential	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
multi-unit residential	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
commercial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
subdivision	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
other	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

'N/A": means the data was not collected in 2008/09 or was otherwise unavailable

Jurisdiction notes

Queensland	Review and appeals can involve negotiated decisions with Councils following the initial decision being made and a formal appeal to the Planning and Environment Court (PEC). There was insufficient data from Councils in relation to negotiated decisions to reliably include in this measure. Six Councils provided data on DAs that were appealed. Projected out across the total number of DAs across Queensland a total figure of 654 appeals was calculated. In addition to data from Councils, the Queensland Department of Infrastructure and Planning (DIP) reviewed an internally managed database which records appeals across all Councils. Under the planning legislation, appellants to a decision are to provide a copy of the appeal to the Department to allow it to determine whether it wishes to be a party to the appeal. A total of 649 records were reviewed for 2008-09 with 591 being included in the calculations based on the nature of the appeal with the PEC. This latter number is regarded as being more reliable than the projected number based on Council supplied data. The response was calculated using the total number of appeals in the DIP database as a proportion of the estimated total number of DAs across Queensland.
New South Wales	Includes both reviews by consent authority and court appeals. Figures for court appeals are only for merit appeals i.e. where the appellant takes issue with the merits of the decision.
Victoria	About 7% of applications in Victoria are subject to review at the Victorian Civil Administrative Tribunal (VCAT). In 2008/09 this was 3623 applications. Review can include a review against failure to decide within the statutory time, against the conditions of the permit or against the issue or refusal of the permit. Applications for review can come from permit applicant or third parties.
South Australia	South Australia did not collect data by application type for 2008/09.
Western Australia	(No. of applications for review/appeal ÷ total determined[(a)] applications) x 100 [(a)] Determined applications include applications which are either approved or refused. A decision can be made on the application by DoP officers under delegated authority, or the WAPC
Australian Capital Territory	During the 2008/09 financial year a total of 66 appeals in relation to *the Planning and Development Act 2007* were subject to appeal. This represents 3% of all decisions in the same period.
Northern Territory	The Northern Territory did not collect data by application type for appeals during 2008/09.

Development of Future Measures

The LGPMC National Performance Measures have from the start been designed to assess the 'health' of, at least initially, development assessment systems.

The initial set of measures has been designed around three themes: Process Performance, System Performance and Outcome Performance. The Council intends that the Measures be built upon over time, to provide a finer grain of detail about the 'health' of development assessment in Australia.

The Council is currently contemplating an additional measure for the 2009/10 reporting period. The Outcome Performance theme includes a measure (No. 8) relating to the percentage of development applications which are subject to review/appeal.

Western Australia has proposed that an additional measure will provide further information about Outcome Performance. A measure which shows if the decisions were themselves consistent with planning policies, as follows, is under contemplation:

THEME:	Outcome Performance
WHAT IS BEING MEASURED:	are decisions deemed to be consistent with planning policies?
PROPOSED MEASURE:	percentage of decisions upheld on appeal