

LGAQ Survey of Development Application Process

August 2007

1. Background

This interim report provides an overview of a survey of Councils across the State in relation to the processing of Development Applications (DAs). All Councils in the State were asked to provide details of all DAs received in the month of March 2006. Those DAs sampled excluded building applications and those for operational works

The month of March 2006 was selected to ensure a random cross-section of applications was analysed. It also ensured that adequate elapsed time was available to track the overall decision process.

The questionnaire used for the survey is available from LGAQ.

Local Government is a key stakeholder in processing development applications and is frequently criticised for its performance in processing development applications. As there has been little accurate data on the true operating environment of processing a development application, there are many claims, myths and inaccuracies.

This survey, along with a similar one conducted in March 2006, aims at providing the data against which Local Government's performance can be assessed.

Overall the DA survey was aimed at:

1. discovering whether or not the perceived inefficiencies of Local Government processing of DAs is accurate or not.
2. determining the actual time it is taking to process a DA.
3. identifying where the backlogs are occurring in processing an application.
4. determining the degree of Councillor involvement in processing DAs.

A total of 78 councils responded to the survey prior to mid August 2007. This provided 517 properly completed questionnaires. This is less than the 665 returned in 2006. The reduced number is generally explained by the elimination of Building Applications and Operational Works from this survey. There were 511 similar applications to this 2007 survey in the 2006 survey. The cross-section of DAs obtained, and the participant councils are regarded as appropriately reflecting the aggregate position in relation to DA processing.

The breakdown by type of Council is shown in the following table. Just over 40% of the DAs were from SEQ Councils, marginally less than the 44% received for the 2006 survey sample of similar DAs.

In this report, comparisons are made with the results of the 2006 survey (covering DAs received in March 2005). To ensure that these comparisons are on a like-with-like basis, all BAs and Operational Works applications have been excluded from the

2006 survey. Comparisons therefore relate to the 511 DAs in the 2006 survey which are similar in nature to the 517 DAs in this 2007 survey.

Council Type	No. DAs	%
Rural	173	33.5%
Provincial City	137	26.5%
SEQ Council	207	40.0%
Total	517	100.0%

For the 517 DAs included in the analysis, the breakdown by application type is as follows:-

DA Type	No.
Material Change in Use/Code Assessable	164
Material Change In Use/Impact Assessable	141
Reconfiguring a Lot/Code Assessable	177
Reconfiguring a Lot/Impact Assessable	12
Other Code Assessable	11
Other	12
Total	517

The breakdown by council type is shown below.

DA Type	SEQ	Provincial	Rural	Total
MCU	139	80	86	305
ROL	64	43	82	189
Other	4	14	5	23
Total	207	137	173	517

Of the 517 DAs analysed, 87.2% were identified as being properly made applications (85% in the 2006 survey) (Q.1).

Some 15.1% (4.1% in 2006 survey) were referred to a development guidance committee of Councillors (Q.2). This figure is influenced significantly by one SEQ council, where all applications were indicated as being referred to such a committee.

2. Time for Determination

The questionnaire sought details of the date the DA was received and the date it was determined.

Of the 517 DAs analysed, 46 had lapsed or been withdrawn. There were 35 (6.8%) DAs not determined in the 16 month period (10.3% in 2006 survey covering 11 months elapsed time). In most cases this was due to the provision of information in the information request taking longer than 10 months to be received.

For the DAs determined by July 2007, the average period between receipt of application and determination was 16.9 weeks (14.6 weeks in 2006 survey for similar applications). The breakdown in time period for determined DAs is provided below.

The average time for determination of a material change in use/impact assessable DA was 26.7 weeks (21.9 weeks in 2006 survey) while that for a material change in use/code assessable was 13.9 weeks (11.7 weeks in 2006 survey). This is before allowing for applicant delays such as in responding to information requests.

Time period	No. determined	% this survey	% 2006 survey
no. < 4 weeks	82	18.8%	14.3%
no. 4-8 weeks	76	17.4%	18.9%
no. 8-12 weeks	53	12.1%	16.7%
no. 12-16 weeks	53	12.1%	14.8%
no. > 16 weeks	173	39.6%	35.2%
Total	437	100%	100%

* 2006 figures include BAs and Op Work.

There was some difference in the average time to determination by type of Council as shown below. The average time for processing by SEQ and Provincial Councils was higher than that for rural Councils, potentially reflecting the nature of DAs received.

When the time taken to receive information requested and any other applicant initiated stop of the decision process is deducted, the average time for the council determination process drops to 12 weeks.

The greatest drop is for SEQ councils from a total elapsed time of 18.8 weeks to 12.2 weeks. After allowing for developer delays, the performance of SEQ council improved from 13.6 weeks in the 2006 survey to 12.2 weeks in this survey.

The 12 week overall average after deducting applicant initiated delays compares with an 11.5 week average for the 2006 survey covering similar application types.

Council Type	This Survey		2006 Survey	
	Average Time to Determination (weeks)	Average Time to Determination less Info. Time and Decision Stop Time (weeks)	Average Time to Determination (weeks)	Average Time to Determination less Info. Time and Decision Stop Time (weeks)
SEQ	18.8	12.2	18.1	13.6
Provincial	17.9	14.0	13.8	11.4
Rural	12.2	9.6	11.1	9.2
Total	16.9	11.9	14.6	11.5

The following table compares both the “raw” determination time for each type of application and the elapsed time less applicant initiated delays for both this survey and the 2006 survey.

The table indicates that the time within the control of a council for a determination for the same type of application is very similar in both surveys. For the type of applications shown, there has been a significant increase in the time taken for applicants to provide the information in the information request.

DA Type	This Survey		2006 Survey	
	Total determination time	Determination time less applicant delays	Total determination time	Determination time less applicant delays
MCU – code	13.9	9.6	11.7	9.6
MCU- Impact	26.7	18.5	22.1	17.3
ROL – Code	13.8	10.0	13.4	10.2
ROL – Impact	18.5	14.2	15.5	11.5
Total	16.9	11.9	14.6	11.5

3. Acknowledgement and Information Request

Of the 517 DAs analysed, some 329 (64%) were identified as requiring acknowledgement (Q.3). The average time to issue an acknowledgement notice for these DAs was 1.6 weeks, less than the 2.2 weeks recorded in the 2006 survey.

There was only a small difference in the average time to issue an acknowledgement by council type as shown below. Acknowledgement times have improved for SEQ and Rural councils.

Council Type	Average Time to Issue Acknowledgement (weeks) This Survey	Average Time to Issue Acknowledgement (weeks) 2006 Survey
Rural	1.5	2.1
Provincial	1.9	1.9
SEQ	1.4	2.5
Total	1.6	2.2

Some 43% of DAs had an information request. This compares with 45% of similar applications in the 2006 survey.

Only 8.7% of the DAs with an information request had the request included in the acknowledgement notice (20% in 2006 survey) (Q.4).

For only 7.0% of those with an information request had the Council issued an extension request (Q.5). For 4%, the applicant had issued an extension request. This was far lower than the 20% having a council initiated extension request in the 2006 survey. (Q.6).

The average time taken for the applicant to respond to an information request for the DAs determined by July 2007 was 14 weeks (8.2 weeks in 2006 survey for the same type of application). Some 93 applicants (60 in 2006 survey) had taken more than 3 months to respond to the information request (Q.7). The increase in the information time in this survey is in part related to the fact that the 2007 survey covered a 16 month period while the 2006 survey covered only 11 months.

There was some variation in the time to respond to the information request by type of council for those DAs determined by July 2007.

DAs for Rural Councils had the shortest response time while those for provincial and SEQ Councils had the longest as shown below. This is likely to be a reflection of the complexity of applications in developing urban areas relative to rural areas.

Council Type	Average Time to receive all information (weeks) This Survey	Average Time to receive all information (weeks) 2006 Survey
Rural	8.6	5.7
Provincial	15.2	10.0
SEQ	16.4	8.9
Total	14.0	8.2

As noted in section 2., after the delays caused by applicants in responding to information requests or stopping the decision process is taken into account, the overall decision time within the control of a council dropped from 16.9 weeks to 11.9 weeks.

For applications with an information request, the total elapsed time between lodgement and determination was 25.8 weeks. This compares with the total time taken for determination of those applications without an information request of 9.8 weeks. Response times by applicants to information requests are therefore a significant element in the total time between application and determination.

After removing the time for response to the information request and other applicant initiated delays, the 24.5 weeks determination time for a DA with an information request drops to 14.9 weeks.

4. Referrals

Some 32% of the DAs (35% in 2006 survey) were identified as requiring referral to a State agency. Of these referrals, 87% (89% in 2006 survey) were identified as complying with the statutory period under IPA for receipt of comments (Q.9).

The applicant had provided advice to the Council in writing that the application had been referred for 52% of the referrals (54% in 2006 survey) (Q.8).

Of the 13% of referral agencies that did not comply, there were 5 involving EPA (average 15 weeks), 11 involving DNR (average 5.6 weeks), and 18 involving MRD (average 11 weeks) (Q.11).

5. Notification and Assessment Stages

There were 145 of the DAs that were identified as requiring notification. Of these, 114 (92%) were undertaken by the applicant (90% in 2006 survey) (Q.12).

For the notification undertaken by the applicant, 133 (92%) gave the assessment manager notice in writing that they had complied with the notification requirements (89% in 2006 survey) (Q.13).

Some 404 (78%) of the DAs were assessed as complying with the Council's Planning Scheme (74% in 2006 survey) with 50 assessed as not complying (Q.14). Some 30 of those not complying (60%) were seen as impacting on processing time (Q.15).

6. Decision Making

For 125 of the DAs determined (29% vs 24% in 2006 survey), the assessment manager requested an extension of the decision making period. On average, the total extension period granted was 4.5 weeks (4.9 weeks in 2006 survey) (Q.16 &17).

Of the 435 DAs determined over the 16 months period, 272 (63%) were determined under delegated authority to a Council officer (Q.18). For these DAs, 159 (58%) were determined within 20 business days after the decision stage began compared with 60% in the 2006 survey (Q.19).

Determined	No. this survey	% this survey	% 2006 survey
a) Delegated to Council Officer	272	62.5%	49.8%
b) Delegated to Council Committee	21	4.8%	3.3%
c) Full Council Meeting	142	32.6%	47.0%
Total	435	100.0%	100.0%

Of those DAs determined by the Council, 96% were determined in line with the officer recommendation, slightly higher than the 92% recorded in the 2006 survey. A further 3% were modified from the officer recommendation in support of the applicant. Only 2 DAs (1%) were either approved or refused contrary to officer recommendation. (Q.18)

The DAs modified from the officer recommendation by full Council represent only 1.6% of total DAs determined, less than the 3.6% identified in the 2006 survey for the same type of application.

There was however significant variation by Council type in the proportion of DAs determined by delegated authority to a Council officer.

Rural Councils are more likely to refer DAs to a full Council meeting whereas SEQ Councils are more likely to delegate authority to a Council officer for a high proportion of DAs.

The proportions determined by delegation or by full council, by Council type, are shown in the following table.

Determined	SEQ	Provincial	Rural
a) Delegated to Council Officer	85%	73%	30%
b) Delegated to Council Committee	1%	17%	0%
c) Full Council Meeting	14%	10%	70%

In the 2006 survey, 70% of SEQ DAs were determined by a council officer, significantly lower than the result from this survey.

However, for Rural councils, only 25% were determined by officers in the 2006 survey, slightly less than the 30% in this survey. It is apparent that there is significant scope for greater delegation in Rural councils.

The proportion determined by officer delegation in Provincial councils has however jumped from 55% in the 2006 survey to 73% in this survey.

The implication overall is that there has been an increasing level of delegation in all councils.

Of the applications determined by a full Council meeting, some 67 (47%) were considered as being delayed by the date of the meeting (38% in 2006 survey). The average delay was noted as being 3 weeks, up 2.2 weeks identified in the 2006 survey (Q22).

Some 20 applicants stopped the decision making period to make representations about an agency's response (10 in the 2006 survey), with the average time for this period being 3-4 weeks for these applications, down from 10 weeks in the 2006 survey (Q23 & 24).

Some 57 of the DAs (11%) had applicants making representations about a matter stated in the decision notice (6% in the 2006 survey). The assessment manager took an average of 4.8 weeks to make a decision about these representations (5.5 in the 2006 survey) (Q25).

For 59 of the DAs (38 in 2006 survey), the assessment manager issued a negotiated decision notice. Of these, 39 (66%) were issued within 5 business days (74% in 2006 survey) (Q.26 & 27). Of those not issued within 5 business days, the average time for the negotiated decision notice was 2.8 weeks (3.3 weeks in 2006 survey) (Q.28).

7. Process Improvement

Of those councils with development applications included in this survey, some 67% indicated they had initiated process improvements. However, only 30% indicated they intended to implement improvements in the next 12 months. This may be a reflection of uncertainty following the announced reforms.

A range of improvements were indicated including greater use of technology including DAs on-line, increased delegation, risk assessments of DAs, checklists and templates and staff training.

Of those having implemented improvements in the past 12 months, around 30% had focused on streamlining internal processes and administration. The main focus of improvements in another 30% related to technology improvements including new software to track DAs and online DA processes, including implementation of the Smart DA program. Some 25% had focused on increasing delegations particularly for low risk applications. Better guidelines, templates, checklists and information were the focus of some 25% of those implementing improvements as well. Staff training and increased staff resources were also identified by a number of councils.

A similar range of responses was recorded for those indicating improvements in the next 12 months.

Red tape reduction, Risk Smart and Smart DA programs are being implemented in some councils.

8. Summary

In terms of the aims of this survey, the results indicate that:

- The average time taken for determination of a DA (after deducting applicant delays in responding to information requests or stopping the decision process) was 11.9 weeks. This was similar to the 11.5 weeks identified in the 2006 survey for the same class of DA;
- There is no evidence of inappropriate involvement of elected representatives in DA processing. Only 1.6% of the DAs determined in this survey had an officer recommendation modified by the full Council, less than the 3.6% found in the 2006 survey for the same class of DA;
- There has been a significant increase in the proportion of DAs determined under delegation, particularly in Provincial and SEQ councils;
- In some Councils, particularly rural Councils, increased delegation of decision making would improve processing times. A relatively high proportion (58%) of DAs determined under delegated authority are determined within 20 business days from the start of the decision stage;
- In only a relatively small number of Councils, is there any evidence that staff resources and workloads result in some delays in DA processing;
- Some 67% of councils with DAs included in this survey have undertaken steps to improve processing in the last twelve months. Greater use of technology, increased delegation, checklists and staff training are some of the key improvements noted.