

DEVELOPMENT ASSESSMENT

Current issues

Feedback gained from the New Ideas for Planning forum in August 2007 was that the NSW development assessment system needed to be more **responsive** and **better tailored** to the complexity and significance of the proposal.

In 2005-06, a total of 105,000 development applications were determined by local councils. Councils reported that 45 per cent of applications were for residential alterations and additions lodged by homeowners, with another 17 per cent for single dwellings and six per cent for other residential proposals.

There was feedback at the forum about long delays in local government development application assessment processing. The average gross processing time for applications during 2005-06 was 68 days, with 12 councils reporting average times of more than 100 days. Preliminary 2006-07 data from 90 of the State's 152 councils is that processing times have increased to about 75 days.

At present, the determination roles for development proposals are largely divided between local councils and the NSW Government. There is no ready-made determination system in place for regionally-significant development proposals, which have importance beyond local government boundaries but are not of State significance.

Furthermore, a proposal to build a new shopping centre is likely to have the same 40-day statutory assessment time as a new house. If no decision is made in this time, the applicant can seek approval for the development in the Land and Environment Court.

There is a need to provide guidance to applicants as to the amount of information required for different sorts of proposals. This is likely to reduce the paperwork load for minor development applications while ensuring there is a thorough assessment of applications with major impacts.

Key proposals for consideration:

- The nature and extent of information required for different types of development applications may be mandated;
- Establishing a hierarchy of decision-making bodies to reflect differing levels of development assessment including:
 - Reducing the Minister's approval role to critical infrastructure projects and other key proposals of State significance;
 - Delegating other existing Ministerial determinations to a NSW Planning Assessment Commission, to be governed by a permanent chair and a panel of up to eight other part-time members;
 - Creating Joint Regional Planning Panels, including three State nominees and two council appointees, to determine most regionally-significant projects such as those exceeding \$50 million in value or State agency projects;

- Councils continue to determine locally-significant applications;
- Accredited certifiers and councils continuing to be able to deal with 'complying development'.
- Amending deemed refusal periods – after which court appeals can take place because no decision has been made by a consent authority – in line with the size and complexity of proposals. Deemed refusal periods would range from:
 - 20 days for minor local applications;
 - 40 days for small-scale development;
 - 60 days for medium-scale development;
 - 90 days for developments with potentially significant environmental and amenity impacts such as mines, petroleum works and waste management facilities, known as 'designated developments'.
- The Department of Planning would issue community consultation guidelines;
- Continued reduction of unnecessary referrals to State agencies;
- E-planning will be encouraged to improve application lodgement and tracking.

Advantages

- Development assessment system tailored to size and complexity of proposal;
- Less costly legal appeals;
- Quicker processing times;
- Adoption of a target to cut average local government development application processing times from 68 days to 48 days;
- Reduce legal appeals by 20 per cent by creating planning arbitrators appointed by local councils to resolve disputes involving minor applications with capital investment value of less than \$1 million.