

DAF Benchmarking Key Indicators – Requests for Additional Information

STAGE 2 OF THE PLANNING LIFECYCLE: ASSESSMENT

Clear requirements and criteria for submitting and assessing an application should be available at the outset to ensure appropriate outcomes.

Leading Practice Four: Track-Based Assessment

Development application should be streamed into an assessment 'track' that corresponds with the level of assessment required to make an appropriately informed decision. The criteria and content for each track is standard.

Adoption of any track is optional in any jurisdiction, but it should remain consistent with the model if used.

QUALITATIVE DATA:

	Context	SA	WA	VIC	ACT	NSW	QLD
1.	<p>Is there a statutory provision which enables an initial request for additional information from the applicant which:</p> <ul style="list-style-type: none"> a) Stops the assessment time period while the applicant responds? b) Provides some other form of adjustment to the assessment process? c) Does not affect the assessment process? 	<p>The Act enables the assessment body to 'stop the clock' for the period within which the applicant is responding to the formal requests for additional information.</p>	<p>No. There are no statutory additional information procedures and timelines (or 'stop the clock' procedures) in the planning system of Western Australia.</p> <p>Having said that it is not uncommon for the Western Australian Planning Commission to informally 'stop-the clock' (in terms of the statutory time frame) on subdivision applications to enable proponent-generated errors to be rectified (i.e. non-payment of fee; incomplete application; unacceptable quality of plans etc.). However, there is no specific provision for this in the legislation or regulations.</p> <p>Similar informal practices</p>	<p>Section 54 of the <i>Planning and Environment Act (1987)</i> enables the responsible authority (RA) to require an applicant to provide more information before it deals with the application. This request would 'stop the clock' until the applicant responds.</p>	<p>S166 of Planning and Development Act 2007 stops assessment time period (stop clock) until required information received only when the Authority provides the applicant with the request notice no later than 10 working days after the day the application is lodged.</p>		<p>Yes, the <i>Integrated Planning Act 1997</i> (IPA) provides for an information request to be made in the 'Information & Referral Stage'. The assessment process (IDAS) clock is stopped until the applicant responds to the request.</p>

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			are not uncommon at the local government level in respect of development applications lodged under local planning schemes.				
2.	Is there a statutory provision which enables a second or subsequent request for additional information from the applicant which: <ul style="list-style-type: none"> a) Stops the assessment time period while the applicant responds? b) Provides some other form of adjustment to the assessment process? c) Does not affect the assessment process? 	At present second and subsequent requests for information 'stop the clock', in the same manner as an initial request, but this is currently being reviewed.	No.	The RA can make an informal second or subsequent request for additional information, but the assessment process continues within the prescribed statutory processing period, (i.e. without the clock being stopped).	If a request for further information is requested within the 10 working days of the DA being lodged and the applicant provides information that is insufficient S167 of Planning and Development Act 2007 allows an 'insufficiency notice' to be given for a 20 working day period . There is no provision for an extension of the time period for any requests for further information made more 10 working days after lodgement of the application. Further information can be requested more than once.		No.
3.	What form of requests for information constitutes a formal request for information?	Only a request for information by letter or email can initiate a stop the clock provision. This ensures that the applicant is aware of the delay consequences. Verbal requests are often made for minor matters, but these do not 'stop the clock'.	N/A.	A further information request must be made by giving notice in writing setting out: <ul style="list-style-type: none"> • the information to be provided; • the prescribed timeframe for lodgement; • that the application will lapse on the lapse date specified if the required information is not given before that date. 	Written notice.		The assessment manager and each concurrence agency may ask the applicant, by written request (an information request); to give further information needed to assess the application.
4.	Is the applicant expected to provide detailed building plans	The applicant is not required to provide detailed building plans	No, only "plans, elevations and sections of any	No.			Depends on the type of application. Building

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	as part of the planning application?	for a planning application unless a simultaneous development plan consent and building rules consent is being sought.	building proposed to be erected or altered and of any building it is intended to retain” (Clause 9.2 (b) of the <i>Model Scheme Text</i>), but not to the extent of detailed building plans demonstrating compliance with the Building Code of Australia.				applications are included under IPA and detailed plans would be expected for such applications. Applications for subdivision, operational work or a material change of use probably would not require detailed building plans, but would require locality plans, floor area, elevations etc. It is in the applicant's interest to provide as much information as possible.

	Procedures	SA	WA	VIC	ACT	NSW	QLD
1.	If stop the clock or other adjustment provisions apply to requests for additional information, can this request be instigated by; <ul style="list-style-type: none"> a) The assessment body? b) A statutory referral body? c) Any agency? d) Other? 	The 'stop the clock' provisions relate to the assessment body and statutory referral bodies. No other group or person can formally request information and 'stop the clock'.	N/A.	<ul style="list-style-type: none"> a) The assessment body? – Yes (+ the RA can ask for more info. on behalf of a statutory referral body. b) A statutory referral body? - No c) Any agency? - No d) Other? – No (Except when VCAT requires further information regarding an appeal). 	The assessment body.		Information requests can be requested by both the Assessment Manager and Concurrence Agencies.
2.	If the applicant declines to provide the additional information requested, is the assessment body able to; <ul style="list-style-type: none"> a) Refuse the application? b) Decline to assess the application? 	If the applicant formally declines to provide the additional information then the assessment body can make a decision based on information available, or can 'refuse' the application.	N/A.	The application will lapse on the lapse date specified if the required information is not given before that date.	Refuse the application.		When an applicant receives an information request from the assessment manager or a concurrence agency (the requesting authority), the applicant must respond by giving the requesting authority: (a) all of the information requested; or

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							<p>(b) part of the information requested together with a notice asking the requesting authority to proceed with the assessment of the application; or</p> <p>(c) a notice:</p> <ul style="list-style-type: none"> - stating that the applicant does not intend to supply any of the information requested; and - asking the requesting authority to proceed with the assessment of the application. <p>The assessment manager or concurrence agency's assessment is based on the information provided (or not provided).</p>
3.	<p>If the applicant does not provide the additional information requested, is the assessment body able to;</p> <ul style="list-style-type: none"> a) Refuse the application? b) Decline to assess the application? 	The assessment body has the ability to inform the applicant that if the information is not provided within a specified period then the application will be refused.	N/A.	As above (9).			No, the application must be assessed on the information provided, and may be approved, approved with conditions, or refused.
4.	When providing additional information, is the applicant able to vary the proposal without requiring the assessment process to commence again?	The applicant can vary the application during the assessment process. If the variation is not substantial, the assessment process does not need to commence again.	N/A.	An applicant may ask the RA to amend an application before notice is given, but the amended application is taken to be <i>the</i> application and the statutory clock is re-started.			<p>Before an application is decided, the applicant may change the application by giving the assessment manager written notice of the change.</p> <p>The IDAS process stops on the day the notice of the change is received by the</p>

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							assessment manager. However, to remove any doubt, this section does not apply if an applicant changes an application in response to an information request.
	Is there a check list for information to be provided with different forms of applications which is: a) Of a statutory nature? b) Of an informal guidelines nature?	Schedule 5 of the Regulations specifies mandatory requirements for a limited number of applications. Most councils have prepared development application guidelines to assist applicants in preparing applications. It is anticipated that the Regulations will be amended to specify the information required for different forms of applications. It is likely that a single guide will be prepared for the whole of the state to avoid councils requesting non-essential information.	N/A.	Regulation 15 of the <i>Planning and Environment Regulations 2005</i> sets out a short statutory list of required information. The standard planning permit application form has been developed to require all this information. The form also provides a checklist and informal guidelines as to the extent of information that is required such as plans etc. Most councils have an additional checklist.			Yes. The application form, which is an approved form under the IPA, has a mandatory information section which lists the information that must be lodged with the application. The form applies State-wide. There are various implementation notes and guides on the DIP website giving further guidance about making applications.

QUANTATIVE DATA:

	Timelines	SA	WA	VIC	ACT	NSW	QLD
1.	Is there a statutory timeframe within which additional information must be provided by the applicant?	No, as it is assumed that the applicant will be keen to provide the information as soon as possible.	N/A.	The notice from the RA to the applicant must specify a lapse date. The lapse date must not be less than 30 days after the date of the notice. **However, it is understood practice that an RA should not routinely specify the minimum time	20 working days or, if a shorter period is prescribed by regulation, the shorter period. The authority may, at the request of the applicant before the expiry of the initial period, extend the period for the provision of information for a period of not longer than 20 working days. An extension can only be granted once.		IPA IDAS provides for this in the 'Information & Referral Stage'. The applicant has 12 months to respond to an information request. These provisions are currently being reviewed as part of the "Planning for a prosperous

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				<p>of 30 days. The date specified by the RA must be reasonable in relation to the nature of the application and the type of information requested. A RA should also be specific about the information requested rather than asking for an opinion or generalised comments.</p> <p>The application lapses if the required information is not given before that date. An applicant can apply for an extension of time.</p>			Queensland" Reform Agenda.
2.	<p>Is there any time limit within which an initial request for additional information from the applicant must be made which;</p> <ul style="list-style-type: none"> a) Stops the assessment time period while the applicant responds? b) Provides some other form of adjustment to the assessment process? c) Does not affect the assessment process? 	<p>At present there are no time limits and all requests for information 'stop the clock'.</p> <p>However, this is currently being investigated as there is concern that a request for information can be used, to 'hold applications' as a workload management technique.</p>	N/A.	<p>Regulation 20 of the <i>Planning and Environment Regulations (2005)</i> prescribes 28 days after the RA received the application as the timeframe within which the RA can make a request under Section 54 of the Act.</p>	20 working days.		<p>The Assessment Manager has 10 business days to request information from the applicant after issuing the acknowledgment notice. The applicant has 12 months to respond to the information request and the process does not proceed to the next stage until this is satisfied.</p>
3.	<p>Are there any time limits within which a second or subsequent request for additional information from the applicant must be made which;</p>	<p>At present there are no time limits and all requests for information 'stop the clock'.</p> <p>However, this is</p>	N/A.	<p>Refer Question 2. A second or subsequent request will not affect the statutory process.</p>	<p>Must be at least 20 working days or, if a shorter period is prescribed by regulation, the shorter period. The authority may, at the request of the applicant before the expiry of the initial period, extend the period for the provision of</p>		No.

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	<p>d) Stops the assessment time period while the applicant responds?</p> <p>e) Provides some other form of adjustment to the assessment process?</p> <p>f) Does not affect the assessment process?</p>	currently being investigated as there is concern that a request for information can be used, to 'hold applications' as a workload management technique.			information for a period of not longer than 20 working days. An extension can only be granted once.		

	Indicators	SA	WA	VIC	ACT	NSW	QLD
1.	What is the percentage of applications which are subject to initial requests for additional information?	??% of development plan and land division consent applications	N/A.	As at August 2008, approximately 62% of received applications have been uploaded in Victoria's database (30,573). Of these 32% had further information requests (9,765). **Until all councils are completely up to date, these figures will be subject to change.			Unknown.
2.	What is the percentage of applications which are subject to second and subsequent requests for additional information?	??% of development plan and land division consent applications	N/A.	PPARS does not collect data for subsequent requests.			Unknown.