



**local
development
performance
monitoring**

2009-10

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FOREWORD

The efficient processing of local development proposals is of major importance to NSW. Local development proposals may range from simple house extensions right through to new apartment complexes, subdivisions and commercial office buildings, along with a host of other works and structures which require development consent.

During 2009-10, local development approvals were worth \$18.6 billion, with some 100,000 proposals processed. These approvals were commonly either given by local councils or accredited certifiers.

The efficient and rigorous assessment of these developments is in everyone's interest. Also important is public reporting on the development assessment system and the accountability of the system's key participants. The Department's Local Development Performance Monitoring Report plays a central role in serving this public accountability.

This year's report contains some pleasing results for NSW.

For instance, while the number of overall development approvals increased by 7 per cent compared with 2008-09, average determination times fell by seven days to 67 days. This indicates that, despite an increased workload, the planning system was able to process applications in a more efficient manner.

It's highly likely that many of these improvements can be attributed to the outcomes of planning system improvements the NSW Government commenced in 2008.

For instance, an increasing range of development types are now being determined in less than two weeks as complying development. Complying development can be approved by an accredited certifier if it meets set design and other standards. The NSW Government has introduced the NSW Housing Code and NSW Commercial and Industrial Code precisely to allow landowners to submit complying development proposals for small-scale, low-impact housing and business projects.

Complying development now comprises 17 per cent of all development (up from 11 per cent in 2008-09). The proportion of single new dwellings being determined as complying development has shifted to over 10 per cent, and the proportion of commercial / retail / office development determined as complying development increased nearly three-fold to 25 per cent.

This report also, for the first time, monitors a number of other planning system improvements implemented by the NSW Government. This includes the creation of Joint Regional Planning Panels in July 2009 and reducing the need for councils to seek comment from State agencies on development applications. On these issues, this report finds that, on average, more than 100 days were saved when developments valued from \$5-100 million were determined by Regional Panels, and that referral times have fallen by 11 days.

The ongoing efforts of many councils in reviewing their assessment processes and meeting the challenges of regulatory change are clear in this year's results. The number of councils with extreme processing times more than halved: ten councils had a mean gross determination time for DAs of over 100 days in 2009-10 compared with 21 councils in 2008-09. I am pleased that most local councils are meeting the challenges in ensuring our planning system provides efficient decision-making.

All NSW councils contributed time and information for the monitoring program. I would like to thank all councils for providing the data for this publication. This information continues to help underpin government policy efforts and to build the evidence base on which government decisions rely.



The Hon. Tony Kelly MLC
NSW Minister for Planning

OVERVIEW FOR 2009-2010

IN 2009 -2010		IN 2008- 2009	% change from 2008-09
Assessment Activity			
71,550	development applications (DAs) determined by local councils	71,638	-0.1
15,003	Section 96 modifications determined by local councils	14,975	0.2
14,315	complying development certificates (CDCs) determined by councils or private certifiers. This is 17% of all DA and CDC determinations in 2009-10	9,194	56
100,868	DAs, s96 modifications and CDCs were determined	95,807	5
3	% of all DAs were refused	3	0
Development Activity			
69,617	DAs were approved by local councils	69,340	0.4
14,275	CDCs were approved by councils or private certifiers	9,160	56
83,892	DAs and CDCs were approved	78,500	7
Value			
15.66	billion dollars worth of DAs approved under the NSW local development assessment system	18.52	-15
2.98	billion dollars worth of CDCs approved under the NSW local development assessment system	0.85	251
18.64	billion dollars worth of DAs and CDCs approved under the NSW local development assessment system	19.38	-4
Time			
67	days on average were taken to process a DA across all councils, including stop-the-clock and referrals to state agencies	74	-9
14	days on average were taken by councils to process CDCs	12	17
58	councils had an average gross determination time for DAs of 50 days or less	56	4
10	councils took an average of more than 100 days to process a DA	21	-52
Applicants and Referral Bodies			
36	% of DAs were sent to applicants for further information ('stop-the-clock'); the average time for stop-the-clock was 58 days (2009-10)	40	-10
11	% of DAs were referred to external agencies; the average time for referrals was 43 days (2009-10)	11	0
43	days on average were taken by external agencies to comment on a referred DA	54	-20
Determination Bodies			
4	% of DAs on average were determined by elected representatives	4	0
45	councils had more than 98% of their DA determinations made under delegation to professional staff	43	5

EXECUTIVE SUMMARY

OVERVIEW

The 2009-10 Local Development Performance Monitoring report provides an overview of local and regional development determined by councils, private certifiers and Joint Regional Planning Panels, and indications of the performance of the NSW planning system.

This year's report is the fifth in the series. As in previous years, it provides detailed information on council development assessment including the number of council decisions and determination times. It also features expanded content including:

- the results of monitoring major reforms to the planning system that commenced in 2008;
- the first data on the take up of statewide codes for residential, commercial and industrial development;
- more detailed examination of the effect of rationalising statutory referrals on the performance of State Government referral agencies and on development determination times;
- examination of the increasing role of accredited private certifiers in the planning system; and
- analysis of the first year of operations of the six Joint Regional Planning Panels (Regional Panels), established in 2009 to determine regionally significant developments.

The 2009-10 data shows some very positive results. Development activity increased following the downturn in 2008-09 due to the global financial crisis.

At the same time, average determination times for development applications fell and councils have made significant efforts to improve efficiency and service.

Code assessed complying developments are increasing in number and variety, delivering fast determinations for low-impact developments.

The report also indicates some areas for improvement, where more work could yield major benefits, such as improving the quality of development application documentation submitted by applicants. Some indication of the quality of development applications is given in Chapter 4's analysis of data on council requests for additional information ('stop-the-clock').

Better quality information on – and understanding of – the processing of referrals is another area for improvement, as is improving data provision from private certifiers on complying development.

The information in this report was compiled by analysing detailed records from all 152 NSW councils. The data used is as reported by councils. It was supplemented by information from State Government referral agencies and records of Regional Panels.

STRUCTURE OF THE REPORT

Background information is included in Chapter 1 including the reform context for local development. The major findings from the 2009-10 data collection period are summarised in Chapters 2 to 7.

Each chapter in this report provides a snapshot of the data. Analysis of statewide trends is followed by regional and / or local trends.

Source data are provided at the back of this publication, listing the extended reference data for each individual council from which the analysis of this report was made. As in previous years, data for each council area is placed on the Department's website in spreadsheet format to allow independent analysis of the information.

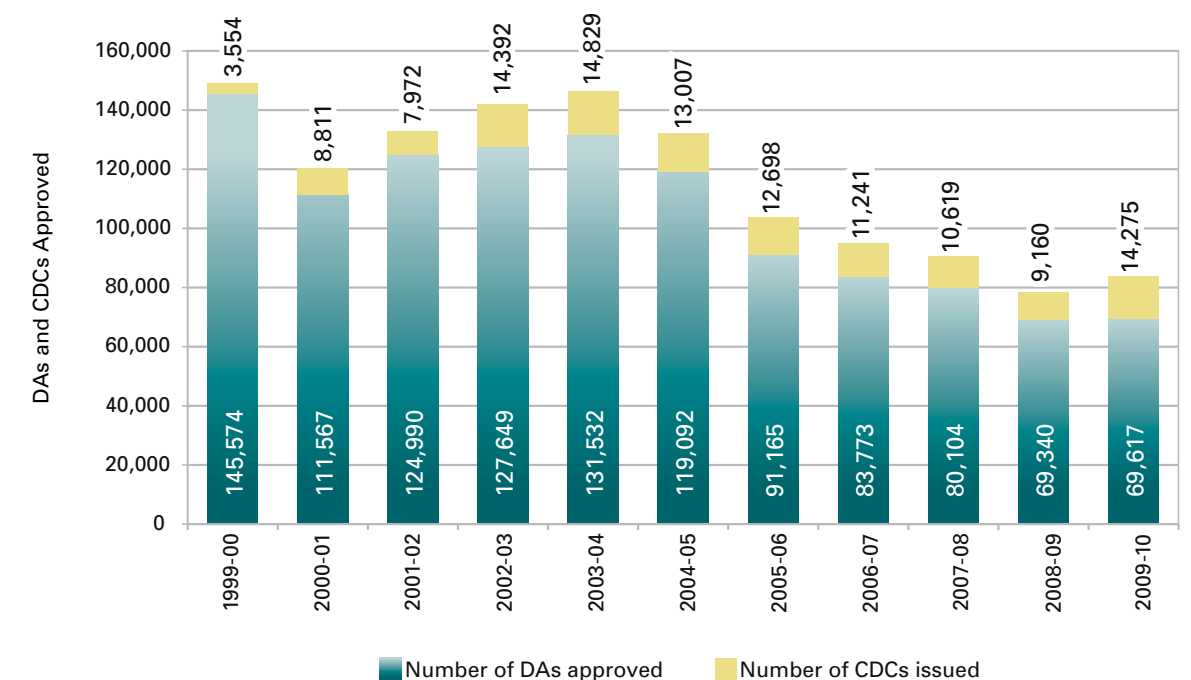
The appendices provide detailed explanatory information on issues such as calculation methodology and terminology used in this report.

KEY FINDINGS

The key findings from the data are summarised below.

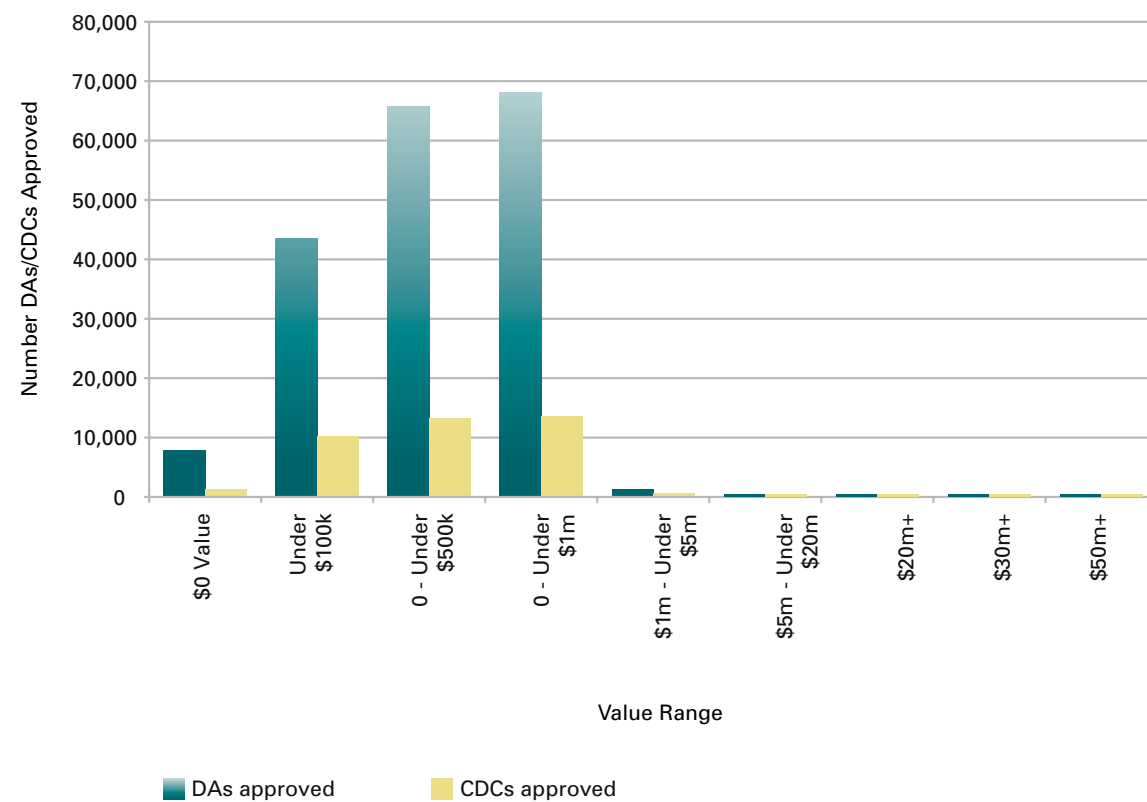
DEVELOPMENT ACTIVITY (CHAPTER 2)

Total approved DAs and CDCs in NSW 1999-00 to 2009-10

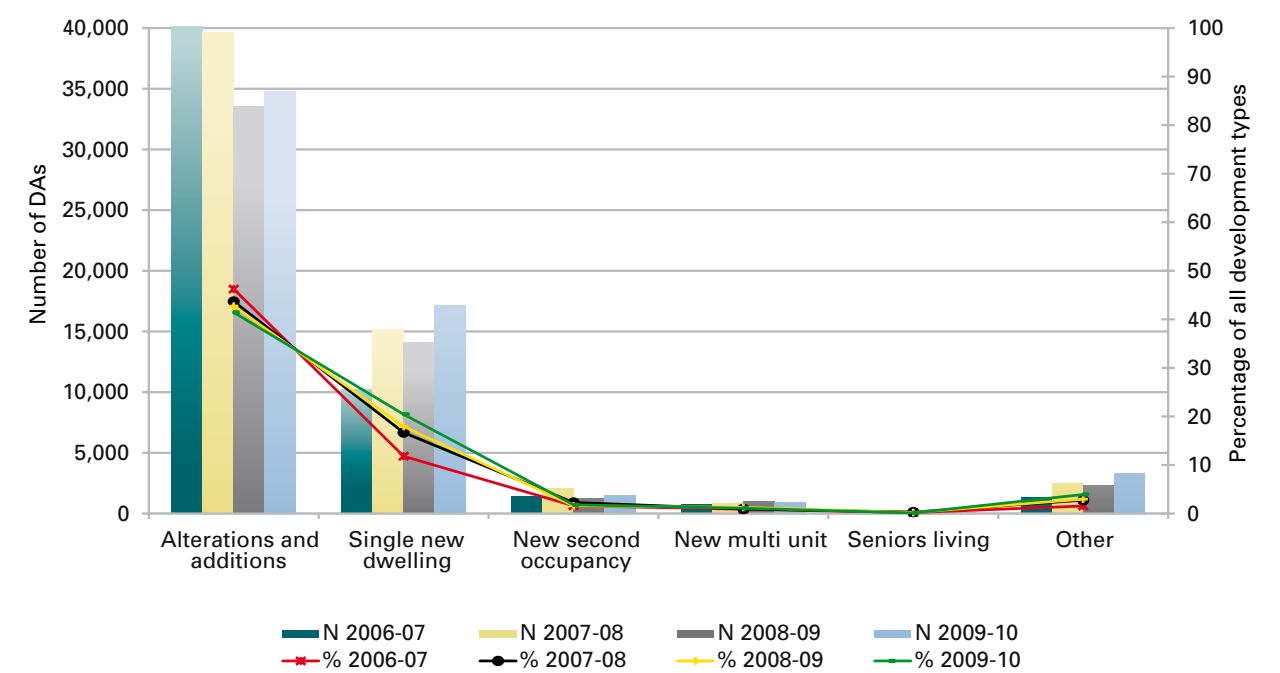


- Development approvals increased by 7% from 2008-09. A total of 83,892 local development approvals (DAs and complying development certificates or CDCs) were reported for 2009-10. This represents a positive shift in NSW development following the effects of the global financial crisis – development activity fell by 13% between 2007-08 and 2008-09.
- Complying development contributed most of this increased development activity. CDCs comprised 17% of all development approvals in 2009-10 with an increase from 9,160 approvals in 2008-09 to 14,275 in 2009-10. This is a promising outcome after stable results from 2006-07 to 2008-09 of 11% to 12% of development.
- The total number of approved DAs was stable, increasing only slightly from 69,340 in 2008-09 to 69,617 in 2009-10.
- While approval numbers increased, the value of development decreased by 4% from \$19.4 billion in 2008-09 to \$18.6 billion in 2009-10. For the same period, the value of complying development more than tripled from \$853 million to \$3 billion. The value of approved DAs decreased from \$18.5 billion to \$15.7 billion.
- As in previous years, the majority of developments were valued under \$1 million – 98% of DAs and 95% of CDCs in 2009-10.

Total DAs and CDCs approved by value range



Residential Development Types - number and % approved (DAs and CDCs)



- The most common developments were residential alterations and additions at 41% of all development (34,752 approvals). Single new dwellings were the next most common development at 20% of all development in 2009-10 (17,139 approvals).
- 3% of DAs were refused in 2009-10, the same percentage as reported each year since 2006-07.
- Councils determined a total of 15,003 modifications to DAs under section 96 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* in 2009-10.
- The trend towards increasing numbers of single new dwelling approvals over the previous three reporting years continued into 2009-10, from 14,546 in 2006-07 to 17,139 in 2009-10.
- 50% of all approved developments (DAs and CDCs) in NSW were in the Sydney Region. The total value of developments approved in the Sydney Region was more than 60% of the total value for NSW developments. The decline in total value of development between 2008-09 and 2009-10 was largely due to a \$1.2 billion decrease in development value in the Sydney Region. Development values were stable or increased for all other regions over the same period.
- The councils with the most approvals (DAs and CDCs) for 2009-10 were Sydney City Council, Blacktown City Council, Lake Macquarie City Council and Wollongong City Council.
- The councils with the highest numbers of CDC approvals for 2009-10 were Sydney City Council, Port Macquarie-Hastings Council, Sutherland Shire Council and Tamworth Regional Council.

ASSESSMENT ACTIVITY (CHAPTER 2)

- Over the last four years, an increasing number of single new dwellings were determined as complying development – 11% in 2009-10 compared with 5% in 2006-07.
- In 2009-10, 18.1% of residential alterations and additions were determined as complying development compared with 15.1% in 2008-09.
- Commercial / retail / office development determined as complying development increased nearly three-fold. In 2009-10, 25% of this development type was determined as complying compared with 9% in 2008-09. The introduction of the statewide Commercial Code for complying development in September 2009 is likely to have contributed to this result.
- Forty-two percent (42%) of complying development was reported as determined under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), and 58% was determined under council planning controls (excluding CDCs determined under other SEPPs). The highest take up of the Codes SEPP was for commercial / retail / office and industrial development. In 2009-10, 61% of commercial / retail / office development and 55% of industrial development was under the Codes SEPP.

- Of the council areas with the highest number of CDC determinations, those with the highest proportion of CDCs determined under the Codes SEPP were Hornsby (95% of CDCs under Codes SEPP), Blacktown (82%) and Wollongong (55%).
- Six council areas had over 50% of their determinations processed as complying development in 2009-10 (the same number as reported in 2008-09):
 - Conargo Shire Council (68%)
 - Coolamon Shire Council (66%)
 - Port Macquarie-Hastings Council (58%)
 - Junee Shire Council (54%)
 - Lachlan Shire Council (52%)
 - Uralla Shire Council (51%)

DETERMINATION TIMES (CHAPTER 3)

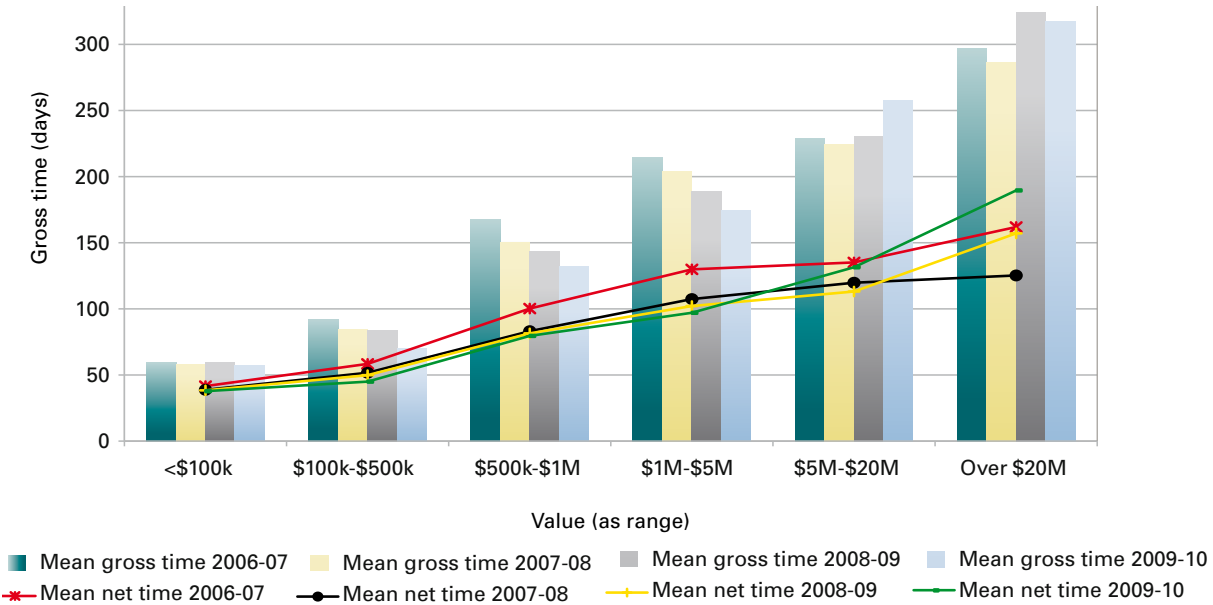
- On average, development applications took 7 fewer days to determine in 2009-10 than in 2008-09. The mean gross determination time for DAs was 67 days in 2009-10 compared with 74 days in 2008-09¹. Most DAs were processed in far less time – the median gross determination time was 41 days for 2009-10.
- The number of councils with extreme processing times more than halved. Ten councils had a mean gross determination time for DAs of over 100 days in 2009-10 (7% of councils) compared with 21 councils (14% of councils) in 2008-09. The 2009-10 results continue the trend since 2006-07 of fewer councils with mean gross DA determination times over 100 days.

Number of Councils with mean gross DA determination time over 100 days

Financial Year	2009-10	2008-09	2007-08	2006-07
Number of Councils	10	21	28	29

- Mean gross determination times for DAs increased with the value of development. However, over the past four years, determination times have been decreasing for all development value groups under \$5 million. The greatest improvements over this period were for developments valued from \$500,000 to \$1 million and from \$1 million to \$5 million.
- DA determination times continue to be relatively high for the higher value developments. Since 2006-07, mean gross determination times have increased for developments valued at between \$5 million and \$20 million to over 250 days in 2009-10, and for developments valued over \$20 million to over 300 days in 2009-10. In the future, more of these developments will be referred to Regional Panels. Only DAs lodged after 1 July 2009 are referred to Regional Panels.

DA Determination times by value 2006-07 to 2009-10



¹Mean gross determination time is the mean of a set of gross determination times. Gross determination time is the full length of the development assessment process from application lodgement to determination.

- Overall mean gross determination times (when DA and CDC times are considered together) improved for all development categories where CDCs were more prevalent between 2008-09 and 2009-10. Notably, it took 12 fewer days on average for a single new dwelling determination in 2009-10 compared with 2008-09: 59 days in 2009-10 compared with 71 days in 2008-09.
- On average councils took 14 days to determine CDCs. The median determination time for CDCs was 7 days.
- The five NSW councils with the lowest mean gross determination time for DAs in 2009-10 were:
 - Temora Shire Council (6 days)
 - Berrigan Shire Council (13 days)
 - Conargo Shire Council (16 days)
 - Bland Shire Council (17 days)
 - Urana Shire Council (18 days)
- The five NSW councils with the highest mean gross determination time for DAs in 2009-10 were:
 - Cooma-Monaro Council (163 days)
 - Botany Bay City Council (128 days)
 - Gunnedah Shire Council (117 days)
 - Leichhardt Municipal Council (113 days)
 - Upper Lachlan Shire Council (110 days)
- The councils that made the greatest reductions in mean gross determination time for DAs since 2008-09 included
 - Gilgandra Shire Council
 - Ashfield Municipal Council
 - Conargo Shire Council
 - Walcha Council
 - Wellington Council
- Sydney Region councils that significantly reduced their mean gross determination time for DAs since 2008-09 included councils that reported some of the highest gross determination times in 2008-09. These included:
 - Ashfield Municipal Council
 - Parramatta City Council
 - Manly Council
 - Rockdale City Council
 - Warringah Council



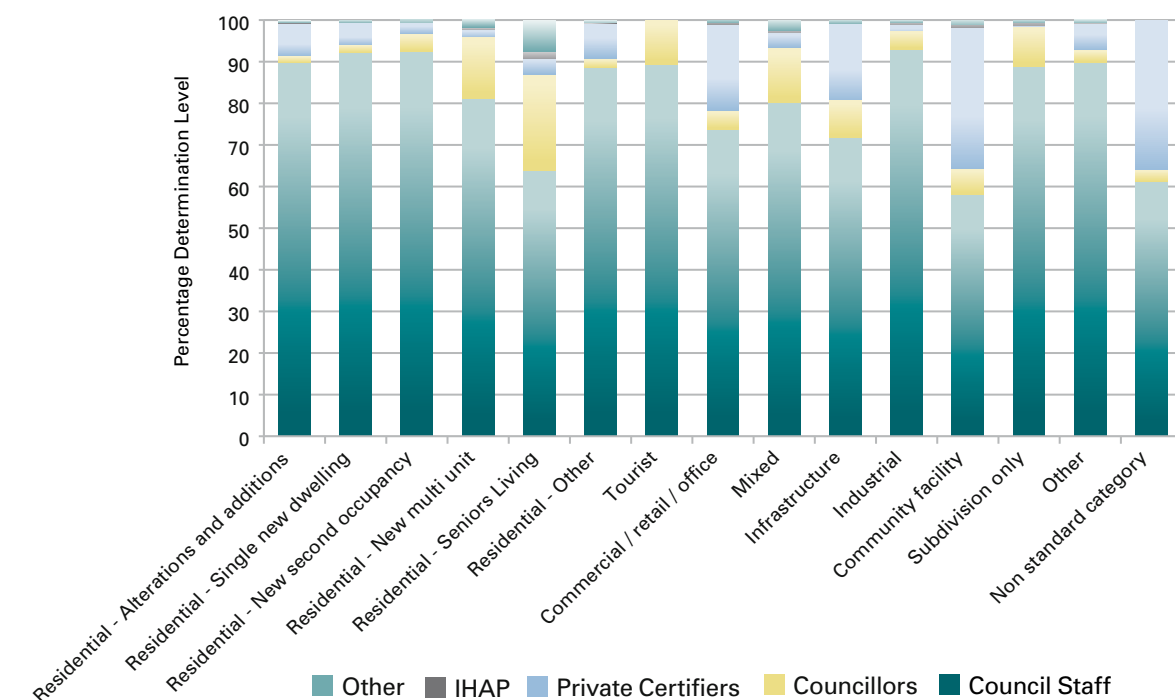
OVERVIEW OF ACTIVITY BY DETERMINATION BODY (CHAPTER 4)

Summary Table - Determination bodies and time (for DAs and CDCs)						
Determination level	Determinations 09-10	% of total	Mean gross determination time 09-10	Determinations 08-09	% of total	Mean gross determination time 08-09
Council staff	74,694	87	58	73,766	91.3	65
Councillors	2,601	3	176	2,793	3.5	196
Private certifiers	8,322	9.7	unavailable	4,032	5	unavailable
IHAP or independent panel	67	0.1	215	15	0	215
Other	181	0.2	186	226	0.3	206

Note: Joint Regional Planning Panels are included in 'Other' in the table above.

- In 2009-10, most determinations were made by council staff (87%). This was lower than in 2008-09, when council staff determined 91.3% of developments.
- This decrease appears to be partly due to the increasing amount of complying development determined by private certifiers.
- Determinations by councillors fell slightly from 3.5% in 2008-09 to 3% in 2009-10. The commencement of Regional Panels in 2009-10 partially explains this.
- In 2009-10, council staff determined \$11.8 billion worth of development; councillors determined \$3.3 billion; and private certifiers determined approximately \$2.4 billion.
- Less typical developments such as multi-unit flats, seniors living and tourist developments were more likely to be determined by councillors. Private certifiers issued CDCs mostly in the development categories of community facility, commercial / retail / office, infrastructure, residential alterations and additions and single new dwellings.

Category of development by Determination Level for determined DAs and CDCs



- Independent panels and councillors were more likely to refuse development consent than other determination bodies. Independent Hearing Assessment Panels (IHAPs) refused 20.9% of developments they determined. However, only 67 DAs were reported as being determined by an IHAP in 2009-10. Regional Panels refused 16% of the 102 developments they processed during the year. Councillors refused 10% of the 2,600 DAs they determined in 2009-10.

DETERMINATION TIME BY COUNCIL STAFF AND COUNCILLORS (CHAPTER 4)

- Council staff took an average of 58 days to determine developments in 2009-10 (DAs and CDCs) and 62 days for DAs only. This was significantly lower than the results for other determination groups.
- For DAs determined by councillors, both mean and median determination times were significantly higher than for DAs determined by council staff, though councillors' mean gross determination times fell from 199 days in 2008-09 to 179 days in 2009-10. Councillors determined 4% of DAs statewide while council staff determined 96%.

JOINT REGIONAL PLANNING PANELS (CHAPTER 4)

- Regional Panels commenced operations in July 2009. They determine regionally significant developments including developments valued between \$5 million and \$100 million.
- Regional Panels determined a total of 102 DAs in 44 local government areas during 2009-10 (about 0.1% of all determinations in NSW), with a total approval value of just over \$1 billion (about 5% of the total approval value of all DAs in NSW).
- The mean gross determination time for DAs determined by Regional Panels was 134 days. As Regional Panels only commenced in July 2009, many developments they would now determine were determined by councils in 2009-10 and before. DAs valued between \$5 million and \$100 million took an average of 245 days to determine in 2008-09 and 268 days in 2009-10.

PRIVATE CERTIFIERS (CHAPTER 4)

- Accredited (private) certifiers determined 9.7% of all development in 2009-10 (comprising complying development). During 2007-08 and 2008-09, private certifier determinations represented 5% of development.
- Determination times for CDCs by private certifiers are unavailable because of substantial missing information in council records. Private certifiers are required to send councils detailed information of the complying development applications they determine. This information is for the public record and also assists councils to enforce development approvals. It is hoped that future reports can provide data on CDC determination times by accredited certifiers.

QUALITY OF APPLICATIONS (CHAPTER 4)

- A very low proportion of DAs (0.8%) were reported as being rejected because they were illegible, unclear or incomplete. This may be under reported as some councils may not have recorded DAs that were rejected immediately.
- More than one third of DAs (37%) had their assessment suspended due to incomplete information from the applicant (stop-the-clock), a fall over the last four years from 39% in 2006-07.
- Applicants took an average of 58 days in 2009-10 to provide the extra information required. This was lower than in previous years (64 days in 2006-07; 63 days in 2007-08; 64 days in 2008-09).

REFERRAL BODIES (CHAPTER 4)

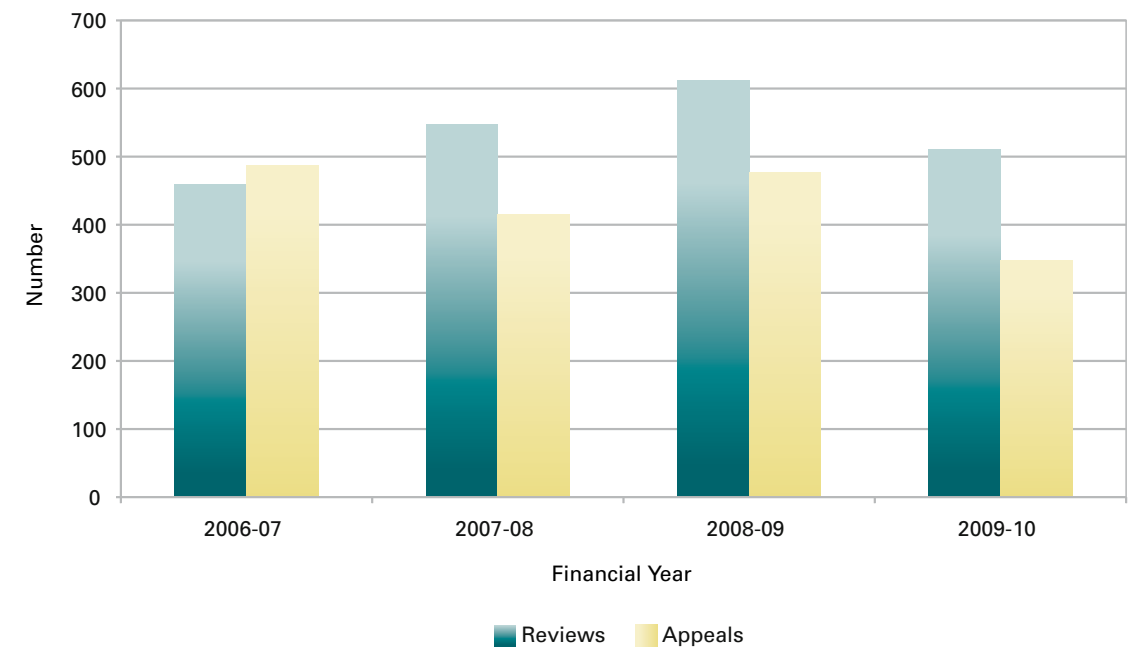
- In 2009-10, 11% of DAs were referred to a State Government agency for advice or approval, the same proportion as in 2008-09. However the number of referred DAs fell from 7,919 in 2008-09 to 7,791 in 2009-10.
- Based on council records, the average time for referrals per referred development application fell from 54 days in 2008-09 to 43 days in 2009-10. The median time also fell from 28 to 25 days.
- The average time that each agency took to process a referral was 14 net days (excluding stop-the-clock). Different data sets and referrals to more than one agency on the same DA may account for some of the difference between council and agency figures. The Department is continuing to work with agencies and councils on consistent ways of recording referral information to improve future monitoring and to identify areas for improvement.
- Based on the state agency data, the Rural Fire Service processed the most concurrences or referrals in the period – 44% of all referrals reported by agencies for the year.

COUNCIL STAFFING (CHAPTER 5)

- On average across the State, 63 DAs were determined for each equivalent full time (EFT) development assessment position for 2009-10 compared with 58 DAs per EFT in 2008-09.
- The councils with the highest average number of DAs determined per EFT in 2009-10 included Walcha (215 DAs per EFT), Camden (173 DAs per EFT), Corowa (159 DAs per EFT), Wentworth (158 DAs per EFT), Port Stephens (156 DAs per EFT).
- The councils with the lowest average number of DAs determined per EFT in 2009-10 included Conargo (9.3 DAs per EFT), Bogan (10 DAs per EFT), Urana (10 DAs per EFT), Carrathool (11 DAs per EFT) and Narromine (11.6 DAs per EFT).
- The number of EFT positions in development assessment across NSW decreased from 1,231 in 2008-09 to 1,137 in 2009-10.
- The five councils with the highest number of development assessment staff in 2009-10 were Sydney City Council (48), Gosford City Council (32), Sutherland Shire Council (30.5), Lake Macquarie Council (28) and Woollahra Municipal Council (25).

REVIEWS AND APPEALS (CHAPTER 6)

Number of Reviews compared with Class 1 Legal Appeals 2006-7 to 2009-10

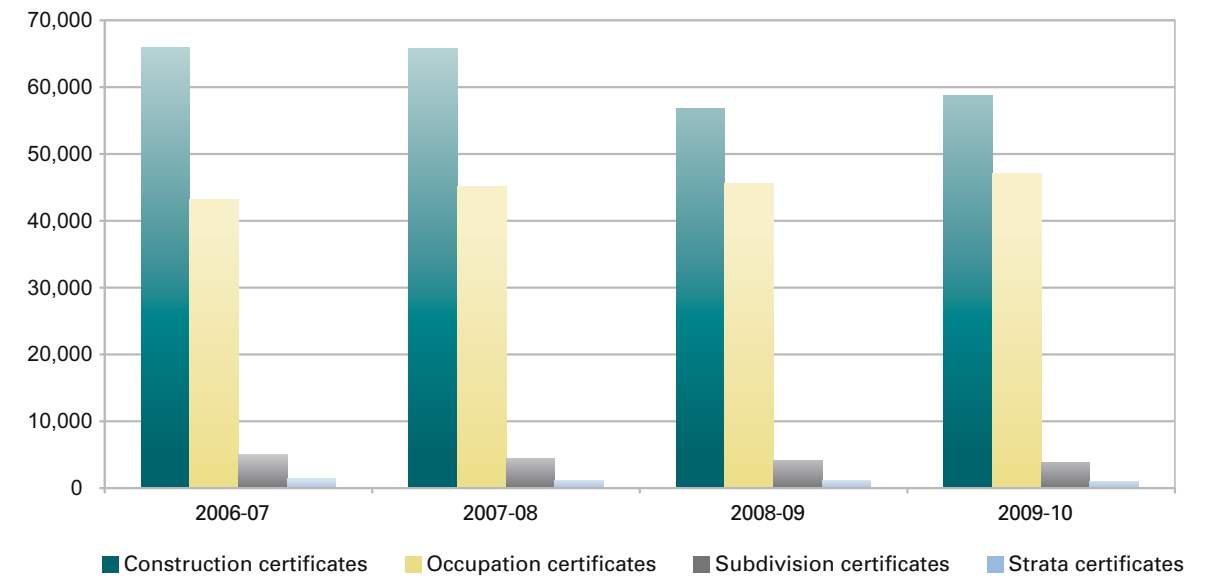


- Although the number of DAs determined by councils was similar to 2008-09, there has been a significant reduction in the number of S82A reviews from 612 in 2008-09 to 511 in 2009-10.
- Appeals to the Land and Environment Court also decreased. Class 1 appeals are generally appeals against a council planning decision and are determined on the merits of the development proposal by the Land and Environment Court. The number of completed Class 1 appeals decreased from 477 in 2008-09 to 347 in 2009-10.

- 43% of Class 1 appeals brought by developers against a council decision were dismissed in favour of the council or withdrawn. This compared with 34% in 2008-09. 25% of the developer appeals were upheld in favour of the developer in 2009-10. 15% of all developer appeals were upheld with amended plans.
- The councils with the highest number of legal appeals in 2009-10 were Ku-ring-gai, City of Sydney, and Waverley councils.

OTHER CERTIFICATES (CHAPTER 7)

Total number of certificates issued 2006-7 to 2009-10



- A total of 58,679 construction certificates were reported as being issued in 2009-10 compared with 56,863 in 2008-09. The actual totals for 2009-10 are likely to have been higher than reported as a small number of councils that provided this information in 2008-09 did not do so in 2009-10.
- As in 2008-09, Blacktown and Lake Macquarie council areas had the highest number of construction certificates (2,430 and 2,076 respectively).

1 INTRODUCTION

The 2009-10 Local Development Performance Monitoring report provides an overview of development trends in NSW for 2009-2010. It includes information on council performance in assessing local development and indications of the overall performance of the NSW planning system. The report also examines the activities of State Government referral agencies, Joint Regional Planning Panels, and accredited (private) certifiers.

To produce this report, information was compiled from all 152 NSW councils on development applications (DAs), section 96 (s96) modifications, complying development certificates (CDCs) and post-development consent certificates (building and subdivision) determined during 2009-10.

The data provided in this report is as reported by councils and State Government referral agencies.

The report includes information on:

- Local and regional development determined by councils, private certifiers and Joint Regional Planning Panels (this represents more than 90% of development determinations statewide)
- DAs by number and as a proportion of all development
- S96 modification applications to change aspects of an approved DA
- CDCs by number and as a proportion of all development
- Total value of and estimated construction value of DAs
- Number of DAs determined by value
- Total (gross) determination times and net determination times for DAs by value
- Gross determination times for s96 modifications
- Determination times for CDCs
- Stop-the-clock and referral times
- Types of development by number and processing time
- The most commonly occurring development types across the state
- Court cases and reviews
- Staff involved in DA processing
- Determination bodies and determination outcomes
- Number of post-development consent certificates

The data in this report excludes:

- Major development including development determined under Part 3A of the *Environmental Planning and Assessment Act 1979* (reported in the Department of Planning's *Major Development Monitor*)
- Development determined under the *Nation Building and Jobs Plan (State Infrastructure Delivery Act) 2009* by the Infrastructure Co-ordinator General
- Development determined under Part 4 of the *Environmental Planning and Assessment Act 1979* by the Department of Planning (reported in the Department of Planning's *Major Development Monitor*)
- Development without consent under Part 5 of the *Environmental Planning and Assessment Act 1979*
- Exempt development (exempt from planning consent).

Information is presented on a state-wide, regional, and council basis.

In most cases the data collected for 2009-10 has been compared with the data from previous years in order to indicate statewide development trends.

Data from previous years is available on the Department's website in spreadsheet format; this includes additional information which is not published in the annual local development reports. Spreadsheet data from this year's collection period will also be made available on the Department's website.

This publication does not assess the performance of councils or accredited (private) certifiers in assessing post-development approvals, ie. applications for construction and occupation certificates or inspections during and post construction.

The publication focuses on quantitative data rather than qualitative information.

1.1 Data Collection and Analysis

Since 2006-07, councils have supplied the Department of Planning with detailed information on each DA and s96 modification determined by council, and on each CDC determined by council or private certifiers.

For 2009-10, there were 25 mandatory fields and seven optional data fields that applied to each determined application (not all fields are relevant to all applications).

New data fields were included for 2009-10 to monitor recent planning reforms such as the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) and Joint Regional Planning Panels. Monitoring started in January 2010 on *State Environmental Planning Policy (Affordable Rental Housing) 2009* and on declarations of political donations or gifts relating to development applications.

New sources of data for 2009-10 were State Government referral agencies and Regional Panels. However, the vast majority of the data continues to come from councils.

The Department issued councils with a template for the data and explanatory material including data definitions.

Councils generally extract their information from DA tracking databases or, for smaller country councils, DA registers. During 2009-10, some upgrades to council software were conducted to enable better recording of development data and more automated data extraction. Some upgrades were funded by the Department and the Department worked closely with software companies and councils to test the effectiveness of the upgrades.

Data analysis was undertaken by the Department (see Appendix 2 for information on calculation methodology). New analysis is included in this year's report to cover monitoring of recent planning reforms.

Because of the large volume of data, wherever possible, data quality checking is automated. The Department has an online database with inbuilt validation rules. This system allows councils to submit their data over the internet and receive virtually instantaneous feedback. The validation rules allow all data to be quickly scanned for basic errors – typographic (such as mis-typed dates), missing information, and mis-entered data (such as a legal appeal against a complying development certificate). The feedback summarises the data, lists any errors and guides councils on actions required to complete or "cleanse" the data.

The database allows the data to be centrally housed, facilitating data analysis and reporting. The data is compiled into tables for reporting purposes through computer "queries" which extract data from the database based on specific data fields and criteria. The accuracy of the queries is spot checked by comparisons with the original data submissions from councils.

Department of Planning staff also manually scan the results for any problems such as omitted data, and convert council terms to Department terms (such as development category description).

Data quality improves each year for regular data fields. Councils have made significant efforts to adapt to the process of providing data in the standard format and to collect and review their data.

1.2 Planning Reform

In 2009-10 changes to the planning legislation consolidated the major reforms that took place during 2008-09 affecting local development. The 2008-09 legislative amendments contained significant changes to the planning system covering the rezoning process, major development assessment, developer contributions, appeals and private certification.

A theme of the reforms has been to introduce assessment paths suitable to the type and scale of development.

This year's report provides an account of some of the reforms put in place in 2008-09 and early figures on reforms introduced during 2009-10.

JOINT REGIONAL PLANNING PANELS

Joint Regional Planning Panels (Regional Panels) were established to provide independent merit-based decision-making on regionally significant development proposals.

Five Regional Panels covering the Sydney Region, Hunter and Central Coast, Northern and Southern Regions began operation on 1 July 2009 and the sixth panel (Western Region Panel and Wagga Wagga Interim Panel) commenced on 1 September 2009. This year's report contains information on the number of determinations by regional panels during 2009-10 and their determination times.

EXEMPT AND COMPLYING DEVELOPMENT CODES

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), which comprised the Exempt Development Code and the General Housing Code, commenced on 27 February 2009.

On 7 September 2009, the SEPP was amended to include certain types commercial and industrial development. The General Commercial and Industrial Code represents Stage 1 of the new simplified process for determining certain changes of use, minor external building alterations and internal building alterations associated with existing bulky goods premises, business premises, office premises, retail premises, premises used for light industry or as warehouse or distribution centres.

The Codes SEPP was also amended during 2009-10 to add the Housing Internal Alterations Code and to add new housing types to the General Exempt Development Code.

This year's report contains detailed monitoring information on the SEPP including how many

developments were determined under the SEPP compared with the number determined under council controls on complying development. Uptake of the General Commercial and Industrial Code is also covered.

AFFORDABLE RENTAL HOUSING SEPP

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* came into effect on 31 July 2009. The policy includes planning-based tools and incentives to encourage home owners, social housing providers and developers to invest and create new affordable rental housing.

The Department is already monitoring uptake under the Affordable Rental Housing SEPP. More detailed information on this SEPP will be included in future reports.

ONGOING REFORMS

Further changes to the planning system are planned for 2010-2011.

The draft *Environmental Planning and Assessment Regulation 2010* was exhibited in 2010. Included in the proposals are changes to times for stop-the-clock and processing of referrals.

In November 2010, NSW Parliament made the *Planning Appeals Legislation Amendment Act 2010*. This will amend the EP&A Act and the *Land and Environment Court Act 1979* to introduce a conciliation-arbitration scheme for merit reviews in the Land and Environment Court. Conciliation-arbitration will apply to disputes between councils and homeowners over development applications and modification applications for detached single dwellings and dual occupancies (including subdivision), and alterations and additions to single dwellings and dual occupancies. New merit appeal timeframes have also been established.

In November 2010 following detailed analysis and stakeholder consultation, the Codes SEPP was amended to extend its scope by including additional types of low risk and low impact developments permissible as complying development; reducing the areas that are excluded from the Codes SEPP; and simplifying some of the existing development standards.

Other changes include expanding the range of exempt developments and the creation of a Rural Housing Code and Demolition Code. The amendments have effect from 25 February 2011.

2 LOCAL DEVELOPMENT ASSESSMENT – VOLUME AND VALUE

Development Activity Summary

IN 2009-10	Description	IN 2008-09
83,892	developments (DA + CDC) were approved	78,500
18.6	billion dollars value of developments (DA + CDC) were approved	19.4

Development Assessment Track Summary

IN 2009-10	Description	IN 2008-09
16.7	complying development as % of all development (DA+CDC)	11.4
11.0	% of single dwellings determined as complying development	7.2
41.7	% of CDCs determined under Codes SEPP (of SEPP and CPI)	N/A
128	councils provided data where at least one CDC was determined	N/A
98	councils provided data where at least one CDC was determined under Codes SEPP	N/A

Note:
Codes SEPP data unavailable for 2008-09
CPI = council planning instrument



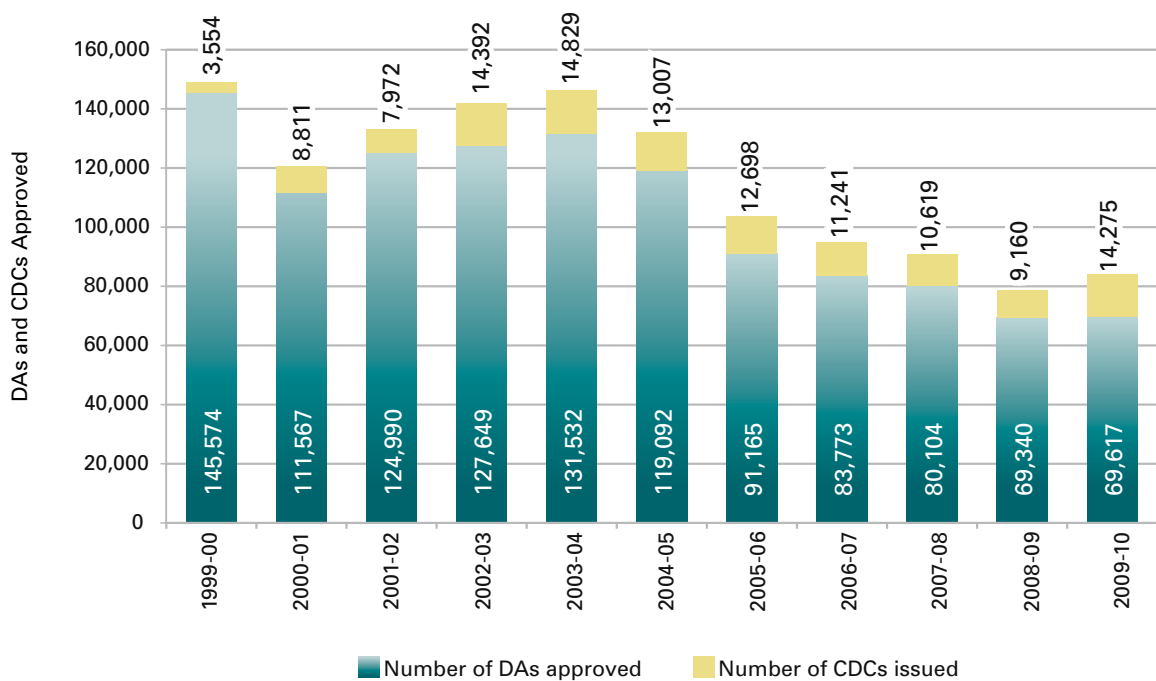
2.1 Statewide Trends

DEVELOPMENT ACTIVITY

Number of approvals

Development activity refers to the amount of approved development. It includes DAs and CDCs, and excludes modifications to DAs (under section 96 of the EP&A Act). Development activity is a measure of how much development is occurring and how much building activity may occur (DAs need a subsequent building approval; complying development includes building approval). Refused developments are excluded.

Figure 1: Total approved DAs and CDCs in NSW 1999-00 to 2009-10



Notes:
The complying development certificate system was introduced in 1998.
Complying development certificates issued in 2001-2002 were underestimated because those issued by private certifiers were not recorded.
Source 1999-2000 to 2004-2005: Department of Local Government Comparative Information
Source 2005-2006 to 2009-2010: Department of Planning's Local Development Performance Monitoring report.
2005-2006 figures for DAs also include s96 modification applications.
2006-07 data on CDCs was under-reported as some councils did not report CDCs issued by private certifiers.

Figure 1 shows that for the first time since 2003-04, development activity (approvals) has increased compared with previous years, though development activity has not reached the levels of 2007-08 when the global financial crisis began.

Development activity during 2009-10 (approved DAs and complying development proposals) increased by 7% compared with 2008-09. This contrasts with the 13% decline experienced from 2007-08 to 2008-09 due to the effects of the global financial crisis.

Notably, the total number of approved DAs was very stable (69,340 in 2008-09; 69,617 in 2009-10). An increase in complying development during 2009-10 accounted for the increase in development activity. Complying development comprised 17% of approved development in 2009-10, increasing from 9,160 in 2008-09 to 14,275 in 2009-10. Because code assessed development is normally approved faster than merit assessment, the increase in code assessed development is likely to be contributing to the increased development activity in the period.

The number of exempt developments (exempt from planning approval) is unknown as registration of exempt development is not required.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, introduced in 2009, promotes both complying and exempt development.

Value of approvals

Table 2-1: Total approved DAs and CDCs 2006-07 to 2009-10				
	2009-10	2008-09	2007-08	2006-07
Total value of DAs approved	\$15.7b	\$18.5b	\$21b	\$20.4b
Total value of CDCs approved	\$3b	\$853.2m	\$897.2m	\$799.3m
Total value of CDCs and DAs approved	\$18.6b	\$19.4b	\$21.9b	\$21.2b

Note: There is some under-reporting of CDC value where records were missing for certificates issued by private certifiers.

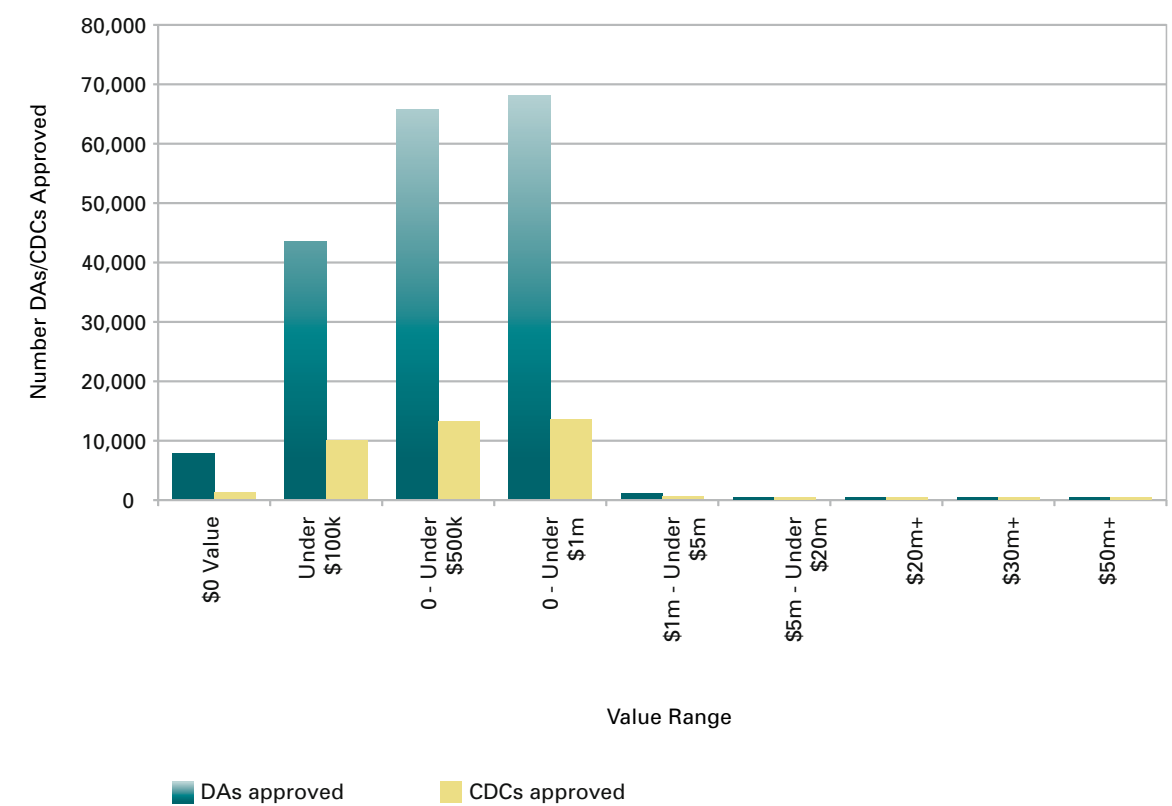
While the amount of development increased, the value of development activity decreased. Table 2-1 shows that the value of development activity (approved development) fell by 4% from \$19.4 billion in 2008-09 to \$18.6 billion in 2009-10. However, there was a dramatic increase in the value of approved complying development of 249% to \$3 billion from 2008-09 to 2009-10. Approved DA values decreased by 15% to \$15.7 billion.

The typical (median) value of a complying development application was low at \$27,000 in 2009-10, an increase of \$7,300 from 2008-09 (see Table 2-2). This level is consistent with the high proportion of complying development comprising residential alterations and additions.

Table 2-2: Construction value estimates for approved CDCs and DAs				
	CDC value 2008/09	CDC value 2009/10	DA value 2008/09	DA value 2009/10
Mean	94,060	215,017	271,363	228,225
Median	19,700	27,000	33,000	40,000

The value ranges for approvals are shown in Figure 2. As in previous years, most developments were valued under \$1 million – 98% of DAs and 95% of CDCs in 2009-10.

Figure 2: Total DAs and CDCs approved by value range



Notes: DAs with no construction value are not necessarily simple or straightforward developments. Refer to Appendix 2 for further explanation.

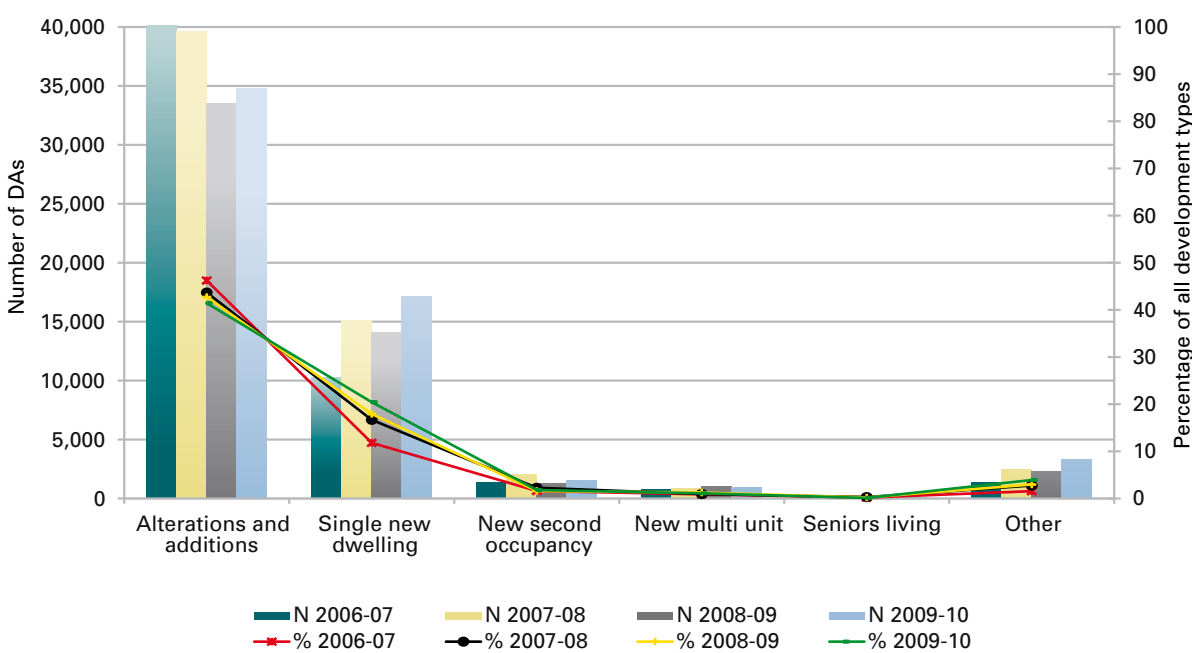
Refusals

Only 3% of DAs were refused in 2009-10, the same proportion reported since 2006-07. Only 0.3% of CDCs were refused (this is likely to be under reported as records of CDCs determined by private certifiers are sometimes incomplete).

Development types

Figure 3 shows that residential alterations and additions and single new dwellings were the most common development types. Residential alterations and additions comprised 41% of all development in 2009-10 (34,752 approvals) compared with 43% in 2008-09. Single new dwellings comprised 20% of all development in 2009-10 (17,139 approvals) compared with 18% in 2008-09. There has been a steady increase in single new dwelling approvals as a proportion of all development since 2006-07.

Figure 3: Residential Development Types - number and % approved (DAs and CDCs)

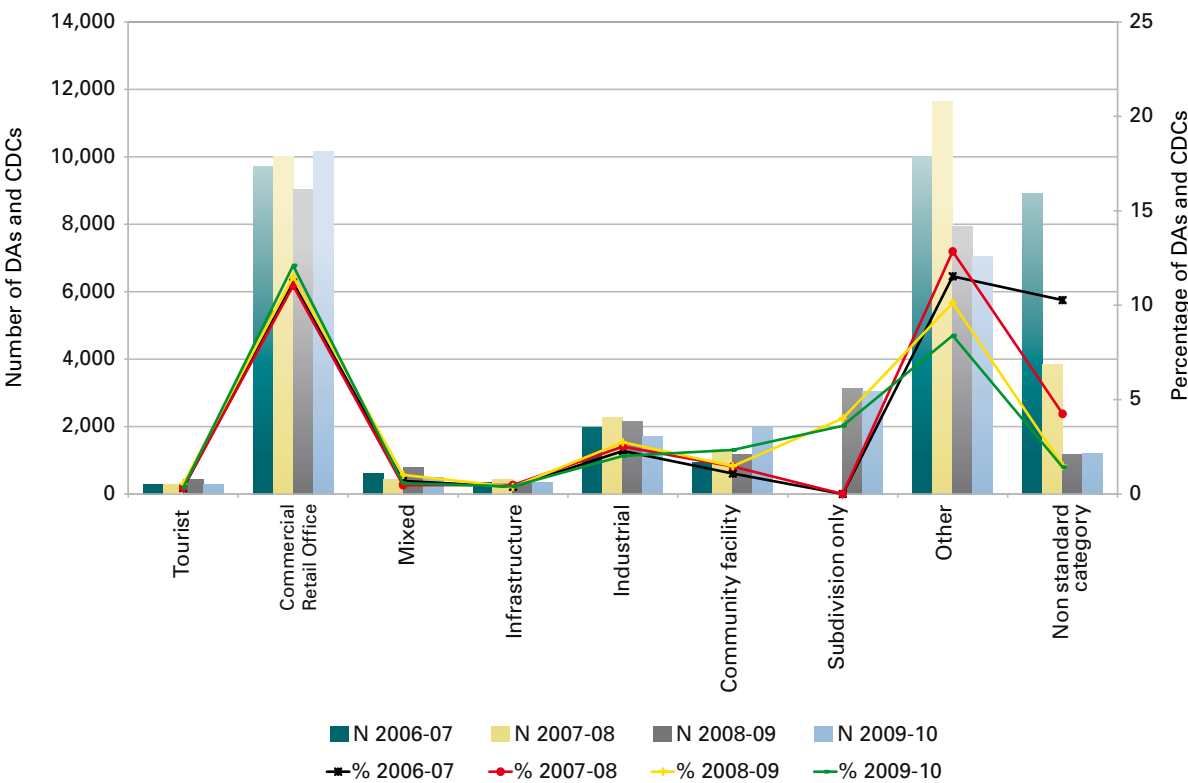


The number of new secondary dwelling approvals increased from 1,254 to 1,511 between 2008-09 and 2009-10, an increase of 20%. This development type however still comprises only 2% of all development types.

One of the intentions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* is to increase the ease with which secondary dwellings, or "granny flats", can be approved. The SEPP came into effect in July 2009. The Department has collected six months' data on determinations under the SEPP (from January to June 2010).

At this early stage of monitoring, certain local government areas dominate the list of councils where new secondary dwellings are being determined under the SEPP. In particular, these council areas tend to be where the Local Environmental Plan does not generally allow this type of development. The Department will continue to monitor uptake of secondary dwellings and other housing types under the SEPP.

Figure 4: Non-residential development types - number and % approved (DAs and CDCs)



Note: The 'subdivision only' development category was introduced into the data collection from 2008-09. 'Subdivision only' would have been classified with 'other' in 2006-07.

Commercial / retail / office development activity comprised 12% of all development approvals and increased by 12% between 2008-09 and 2009-10 (from 9,045 to 10,155 approvals).

ASSESSMENT ACTIVITY

Assessment activity refers to determined developments and measures development processing. It includes both approved and refused development. It is particularly relevant for examining how development is being processed (eg. merit assessment versus code assessment) and determination time (see Chapter 3).

Table 2-3: Assessment path comparison - numbers of determinations

	2006-07	2007-08	2008-09	2009-10
Merit assessment (DA)	86,287	82,404	71,638	71,550
Modification DA (s96)	14,387	15,313	14,975	15,003
Code assessment (CDC)	11,241	10,619	9,194	14,315
CDC as % of (DA+CDC)	12	11	11	17
Total determinations	111,915	108,336	95,807	100,868

The effects of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* seem to be evident in the jump in complying development determinations.

Complying development increased as a proportion of development (DAs and CDCs, excluding s96 modifications) from 11% in 2007-08 and 2008-09 to 17% in 2009-10.

The Codes SEPP came into effect in February 2009 for eligible residential new single and two storey houses, and for alterations and additions to these developments. It creates a maximum 10-day determination for these applications. To be approved as complying development, the development must meet pre-set standards. From September 2009, the Codes SEPP also covered commercial and industrial development allowing fast track approval for low-impact developments such as change of use and internal fit outs.



The 2008-09 Local Development Performance Monitoring report covered only four months of the SEPP’s operation for residential development. During that time it was likely that major residential developers (such as project home builders) were still adapting their residential designs to the Code.

The 2009-10 report therefore provides the first chance to view more detailed data.

Table 2-4: Total number of DAs determined in NSW by type 2009-10 compared to 2008-09				
Development Type	Number of DAs Determined in 2008-09	% of total DAs determined	Number of DAs Determined 2009-10	% of total DAs determined
Residential - Alterations and additions	28,981	40.5	28,917	40.4
Residential - Single new dwelling	13,342	18.6	15,440	21.6
Residential - New second occupancy	1,365	1.9	1,521	2.1
Residential - New multi unit	1,074	1.5	981	1.4
Residential - Seniors Living	171	0.2	103	0.1
Residential - Other	1,907	2.7	2,604	3.6
Tourist	419	0.6	306	0.4
Commercial / retail / office	8,549	11.9	7,847	11
Mixed	829	1.2	480	0.7
Infrastructure	295	0.4	266	0.4
Industrial	2,236	3.1	1,714	2.4
Community facility	1,157	1.6	1,176	1.6
Subdivision only	3,273	4.6	3,149	4.4
Other	7,667	10.7	6,331	8.8
Non standard category	373	0.5	715	1

Notes: Non standard category means not enough information was supplied to identify the correct development category (including where there was no development description). Non standard category is different from 'other'. 'Other' means a development type apart from the Department's six residential development types and seven non residential development types eg. 'demolition only' falls into 'other', whereas 'dwelling' is counted in the non standard category.

Overall the distribution of merit-based development assessment amongst the different development types changed very little between 2008-09 and 2009-10 (see **Table 2-4**). On the other hand, the distribution of complying development amongst the various development types has broadened significantly beyond residential development (see **Table 2-5**). The most common development types for complying development in 2009-10 were: residential alterations and additions (44.6% of CDCs); commercial / retail / office (18.3%); residential single new dwellings (13.3%) and community facilities (5.7%). In 2008-09, 72.9% of CDCs were for residential development.

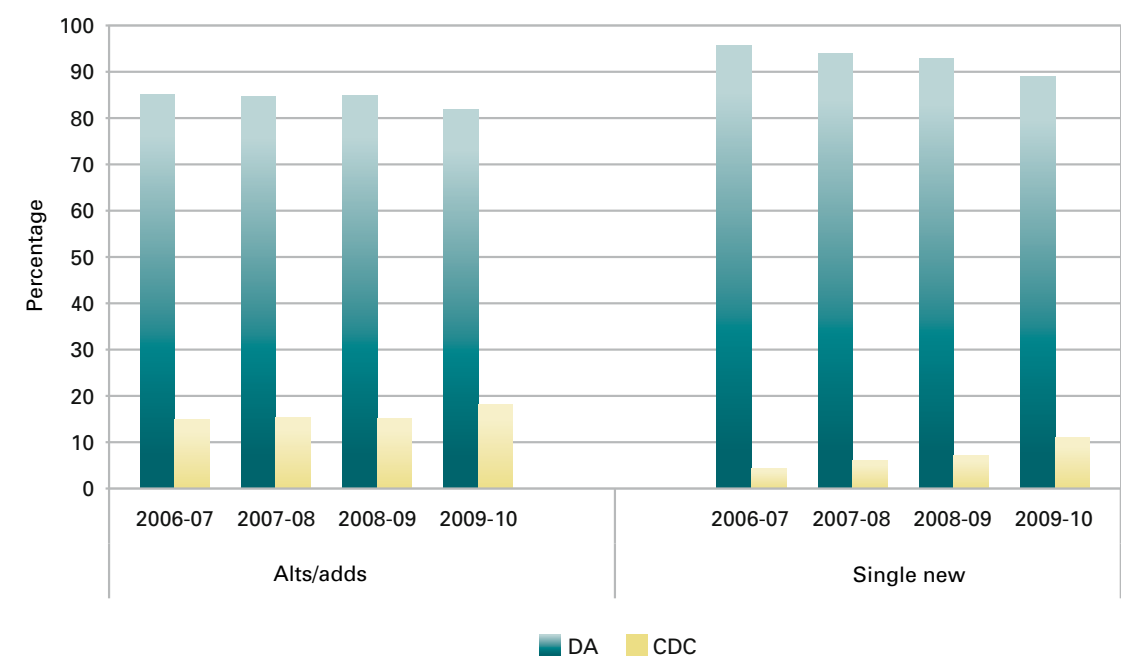


Table 2-5: CDCs determined in NSW by development type 2009-10 and 2008-09				
Development Type	Number of CDCs determined in 2008-09	As % of total CDCs determined	Number of CDCs determined in 2009-10	As % of total CDCs determined
Residential - Alterations and additions	5,165	56.2	6,385	44.6
Residential - Single new dwelling	1,042	11.3	1,905	13.3
Residential - New second occupancy	1	0	87	0.6
Residential - New multi unit	10	0.1	27	0.2
Residential - Seniors Living	2	0	5	0
Residential - Other	483	5.3	736	5.1
Tourist	20	0.2	3	0
Commercial / retail / office	805	8.8	2,618	18.3
Mixed	29	0.3	31	0.2
Infrastructure	15	0.2	84	0.6
Industrial	48	0.5	69	0.5
Community facility	51	0.6	814	5.7
Subdivision only	71	0.8	68	0.5
Other	623	6.8	989	6.9
Non standard category	829	9	494	3.5

For explanation of 'other' and 'non standard category', see notes with Table 2-4.

Figure 5 shows small but steady trends towards more residential alterations and additions and single new dwellings being determined as complying development. In 2009-10, 18.1% of residential alterations and additions were determined as complying development compared with 15.1% in 2008-09. In 2009-10, 11% of single new dwellings were determined as complying development compared with 7.2% in 2008-09.

Figure 5: Assessment path for single new dwellings and residential alterations and additions



There was a significant jump in the proportion of all commercial / retail / office development (DAs and CDCs) determined as complying development from 9% in 2008-09 to 25% in 2009-10 (**Table 2.6**). This jump is likely to be due to the introduction of the Commercial Code in September 2009.

Community facility developments determined as complying increased from 4% of all community facility developments in 2008-09 to 41% in 2009-10.

The increase in community facilities determined as complying development may be partly due to school refurbishments funded by Federal Nation Building programs. Some of these developments can be undertaken as complying development under *State Environmental Planning Policy (Infrastructure) 2007*, which was amended in February 2009 to ensure that more school refurbishments could be approved quickly¹.

The proportion of infrastructure developments determined as complying development under *State Environmental Planning Policy (Infrastructure) 2007*, also grew significantly from 5% of all infrastructure developments in 2008-09 to 24% in 2009-10.

¹ The LDPM program groups educational establishments under community facility. This is a non statutory grouping used only for the purposes of this statistical report.

Table 2-6: CDCs determined as percentage of all determinations (DA+CDC) by development type 2009-10 compared with 2008-09			
Code	Category of development	2008-09	2009-10
1	Residential - Alterations and additions	15	18
2	Residential - Single new dwelling	7	11
3	Residential - New second occupancy	0	5
4	Residential - New multi unit	1	3
5	Residential - Seniors Living	1	5
6	Residential - Other	20	22
7	Tourist	5	1
8	Commercial / retail / office	9	25
9	Mixed	3	6
10	Infrastructure	5	24
11	Industrial	2	4
12	Community facility	4	41
13	Subdivision only	2	2
14	Other	8	14
15	Non standard category	69	41

For explanation of 'other' and 'non standard category', see notes with Table 2-4.

Table 2-7: CDC determinations by planning instrument				
Level of determination	Number of CDCs	% SEPP	% Council planning instrument	Number of councils
Council staff	5,025	26	74	121
Councillors	36	14	86	6
Other	2	50	50	2
Private certifier (CDCs only)	6,196	55	45	87
Total	11,259	42	58	124

Notes:
The number of CDCs in this table is not the total number of CDCs for 2009-10. It only includes CDCs determined under the Codes SEPP or council planning instrument.
Percentages are only for CDCs recorded as being determined under the Codes SEPP or a council planning instrument (this should not include CDCs determined under other SEPPs eg. Infrastructure SEPP). A total of twenty eight councils were excluded from this analysis on this basis or because they provided partial information or estimates only of CDCs determined under Codes SEPP or council planning instrument. Notes on councils where data was unavailable and councils that provided partial or estimated data are at Source Table 2-16 at the end of this report.

Under the current Codes SEPP the applicant can choose to use the Codes SEPP or the council planning instrument. The provisions in council planning instruments will vary between council areas.

There are some gaps in data (see Source Table 2-16), however based on available data, 42% of CDCs were issued under the Codes SEPP and 58% of CDCs were determined under council planning instruments in 2009-10. Where councils only provided partial information on Codes SEPP take-up, their data were omitted from the final analysis.

It appears that the Codes SEPP has been more widely used when private certifiers determine the CDC than when council certifiers determine the CDC. Table 2-7 shows that the proportion of privately certified CDCs under the Codes SEPP was 55% compared with 26% under the Codes SEPP for CDCs determined by council staff. However, some councils could not state whether the CDC was issued under the council planning instrument or the Codes SEPP, particularly for CDCs issued by private certifiers.

Table 2-7 shows that the vast majority of complying development (74%) determined by council staff was assessed under council planning instruments rather than the Codes SEPP.

Table 2-8 concerns complying development and summarises the proportion of CDCs determined under the Codes SEPP for development types which may be complying development under the Codes SEPP.²

Of these types, most CDCs were determined for residential alterations and additions (5,376) followed by single new dwellings (1,733). Most residential alterations and additions (66%) and single new dwellings (71%) were determined under council planning controls. These development types have more traditionally been covered under council planning instruments.

The current Codes for residential development apply to houses of one or two storeys on lot sizes of 450m² or greater. As noted in the *Introduction*, it is intended that smaller lots will be covered by new Codes from February 2011.

The Codes SEPP has extended the opportunities to undertake minor commercial and industrial development (such as change of use and fit outs) as complying development. These development types had more take up under the Codes SEPP than under council planning controls. Fifty five percent (55%) of industrial complying development was determined under the Codes SEPP for 2009-10. For commercial / retail / office development it was 61% compared with 39% under council planning controls.

Table 2-8: CDC determinations by category of development and planning instrument				
Category of development	Number of CDCs	% SEPP	% Council planning instrument	Councils
Residential - Alterations and additions	5,376	34	66	112
Residential - Single new dwellings	1,733	29	71	95
Commercial/retail/office	1,480	61	39	72
Industrial	65	55	45	29
Other (not included above)	2,605	55	45	116
All categories	11,259	42	58	124

See notes with Table 2-7 above.
"Other" includes categories other than residential alterations and additions, single new dwellings, commercial / retail / office, industrial; and CDCs where the development category was not supplied or could not be classified because information was inadequate.

2. These are approximations of the development types under the Codes SEPP. The local development performance monitoring development categories of "residential alterations and additions", "residential single new dwelling", "commercial / retail / office" and "industrial" are broader than the development types to which the Codes SEPP applies. For instance, only alterations and additions to single new one and two storey dwellings can qualify for assessment under the Codes SEPP while "residential alterations and additions" covers all residential development types in the local development performance monitoring data definitions.

2.2 Regional Trends

Table 2-9: Regional development approvals (DA and CDC)						
Region	Number 2009-10	Value 2009-10	Total value of approvals as % of State	Number s96 approved 2009-10	Number 2008-09	Value 2008-09
Sydney	42,346	\$11.9b	63.8	8,854	38,858	\$13.1b
Hunter	10,397	\$1.7b	9.2	1,481	9,547	\$1.5b
Western	8,114	\$1.2b	6.5	582	7,665	\$1.1b
North Coast	8,066	\$1.3b	6.9	1,289	8,112	\$1.3b
Southern	7,703	\$1.6b	8.4	1,515	7,380	\$1.5b
Murray/Murrumbidgee	7,266	\$962.4m	5.2	876	6,938	\$999.2m
Total	83,892	\$18.6b	100	14,597	78,500	\$19.4b

Table 2-9 shows the proportion of development activity (approvals) across the six regions of NSW. Sydney was clearly the region with the highest proportion of development approvals, with 50% of development approvals occurring in the region. The Hunter and Western region followed with 12% and 10% of statewide approvals respectively.

It should be noted that major developments determined by the State Government are not included in the above figures.

The number of development approvals increased across all regions except the North Coast from the previous year. This indicates a recovery of the NSW economy following the noticeable decrease in development from 2007-08 to 2008-09.

The Sydney and Hunter regions recorded the greatest increase in the number of developments approved per region, both increasing by 9% compared with 2008-09.

The decline in total value of development approvals statewide between 2008-09 and 2009-10 was largely due to the decrease in development value in the Sydney Region of \$1.2 billion. Development values were stable or increased for all other regions apart from Murray/Murrumbidgee (decreased \$36.8 million).

All DA and CDC determinations (approvals and refusals) for each region are shown in Figures 6 and 7.

Figure 6: Number of DAs determined by region

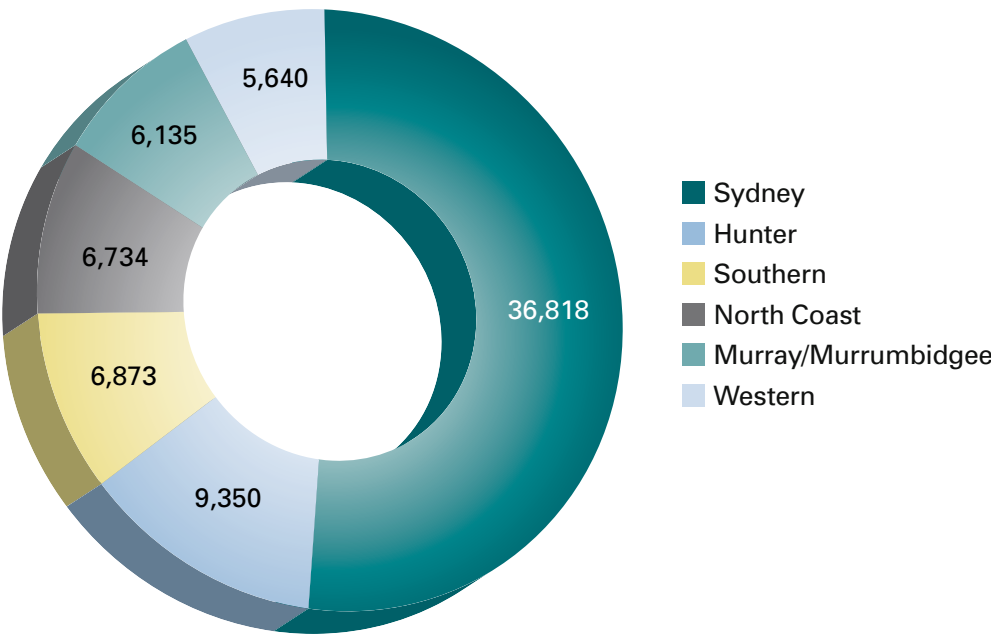
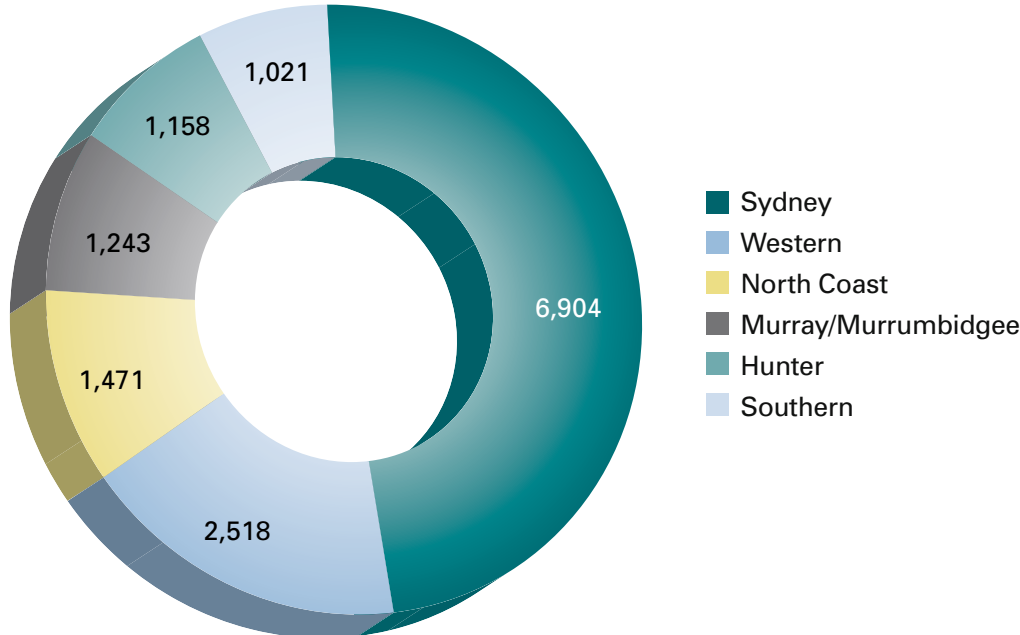


Figure 7: Number of CDCs determined by region



2.3 Council Trends

DEVELOPMENT ACTIVITY

Figure 8: Highest number of approvals (DAs and CDCs) by Local Government Area

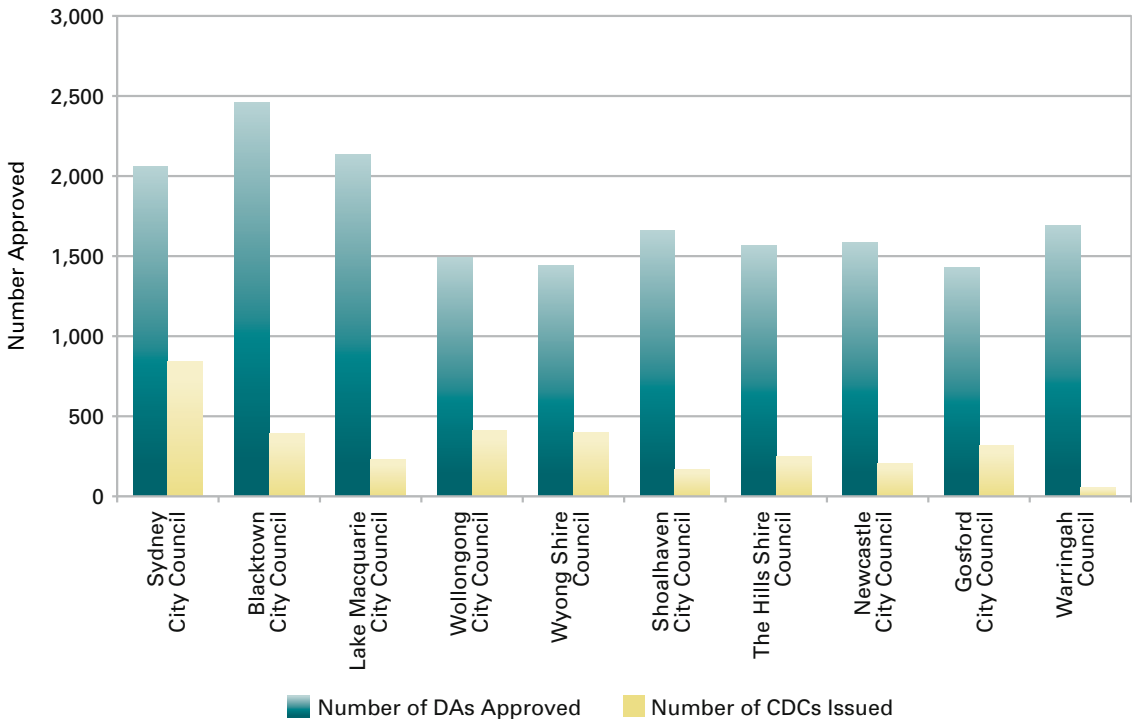
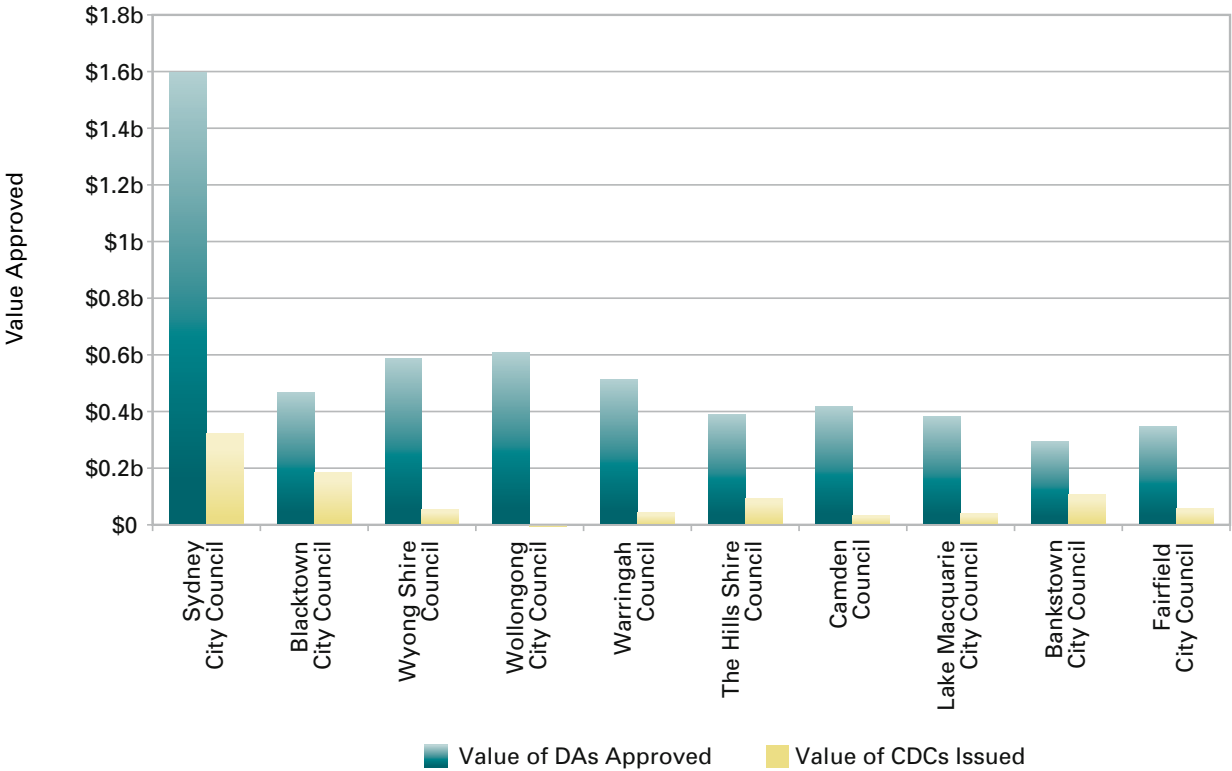


Figure 8 shows ten council areas with the highest levels of development activity (approvals) in 2009-10. Major cities, regional centres and growth areas feature in the list including Sydney City Council, Blacktown City Council, Lake Macquarie City Council and Wollongong City Council.

Figure 9: Highest value of approvals (DAs and CDCs) by Local Government Area



Note: Wollongong Council could not provide information on the estimated construction value of 393 CDCs issued by private certifiers

Sydney Council also had the highest total value of development (\$1.9 billion) which is more than \$1 billion higher than the council with the next highest value of approvals (Blacktown City Council \$655 million) (Figure 9).

ASSESSMENT ACTIVITY

In 2009-10, six councils had over 50% of their determinations processed as complying development.

Table 2-10: Local Government Areas with Over 50% CDCs Compared to Total Determinations			
	Number of CDCs Determined	Number of DAs Determined	% of determinations (DAs + CDCs)
Conargo Shire Council	15	7	68
Coolamon Shire Council	64	33	66
Port Macquarie-Hastings Council	704	511	58
Junee Shire Council	68	58	54
Lachlan Shire Council	44	40	52
Uralla Shire Council	81	77	51

Note: This table includes CDCs determined by councils and private certifiers.

Table 2-10 and Table 2-11 show the councils which reported to have over 50% CDCs (Table 2-10) and over 20% CDCs (Table 2-11) of the total determinations in 2009-10. Table 2.10 highlights a number of regional councils as having a high proportion of CDCs in relation to total development. It is important to note that these regional councils have only a small number of total determinations.

Regional areas such as Tamworth Regional Council, Orange City Council and Armidale Dumaresq Council recorded over 40% of total development as complying development for 2009-10.

Sydney City Council, Port Macquarie-Hastings Council and Sutherland Shire Council had the highest numbers of determined complying development certificates in 2009-10.



Table 2-11: Local Government Areas with 20% or more CDCs compared to DAs+CDCs			
Council	Number of DAs determined	Number of CDCs determined	CDCs as % of DAs+CDCs
Conargo Shire Council	7	15	68
Coolamon Shire Council	33	64	66
Port Macquarie-Hastings Council	511	704	58
Junee Shire Council	58	68	54
Lachlan Shire Council	40	44	52
Uralla Shire Council	77	81	51
Walgett Shire Council	41	37	47
Tamworth Regional Council	553	442	44
Liverpool Plains Shire Council	76	59	44
Parkes Shire Council	128	98	43
Coonamble Shire Council	29	22	43
Berrigan Shire Council	106	77	42
Orange City Council	427	306	42
Armidale Dumaresq Council	221	155	41
Cootamundra Shire Council	99	65	40
Narromine Shire Council	58	38	40
Warrumbungle Shire Council	83	51	38
Cobar Shire Council	37	22	37
Mid-Western Regional Council	332	196	37
Ryde City Council	678	367	35
Deniliquin Council	78	41	34
Guyra Shire Council	60	31	34
Inverell Shire Council	227	113	33
Shellharbour City Council	491	237	33
Nambucca Shire Council	213	99	32
Carrathool Shire Council	22	10	31
Glen Innes Severn Shire Council	130	58	31
Cowra Shire Council	122	52	30
Weddin Shire Council	43	18	30
Narrabri Shire Council	101	42	29
Albury City Council	720	295	29
Gwydir Shire Council	57	23	29
Bourke Shire Council	35	14	29
Bogan Shire Council	20	8	29
Hay Shire Council	45	18	29
Sydney City Council	2,172	844	28
Sutherland Shire Council	1,281	492	28
Dubbo City Council	574	220	28
Greater Hume Shire Council	177	65	27
Murrumbidgee Shire Council	30	11	27
Wakool Shire Council	78	28	26
Cabonne Shire Council	182	65	26
Bathurst Regional Council	572	204	26

Table 2-11: Local Government Areas with 20% or more CDCs compared to DAs+CDCs			
Council	Number of DAs determined	Number of CDCs determined	CDCs as % of DAs+CDCs
Kempsey Shire Council	329	115	26
Strathfield Municipal Council	179	62	26
Jerilderie Shire Council	18	6	25
Campbelltown City Council	757	249	25
Wellington Council	74	24	24
Tenterfield Shire Council	99	31	24
Randwick City Council	833	259	24
Tweed Shire Council	815	250	23
Wagga Wagga City Council	800	236	23
Ku-ring-gai Council	877	255	23
Gloucester Shire Council	126	35	22
Wyong Shire Council	1,456	401	22
Wollongong City Council	1,582	411	21
Parramatta City Council	881	228	21

Note: This table includes CDCs determined by councils and private certifiers.

Table 2-12 shows the ten councils in NSW with the highest number of CDCs determined overall. These councils are mostly metropolitan councils experiencing high growth rates.

Table 2-12: Ten councils with the highest number of CDCs determined					
Council	Number of CDC determined	% Alts and Adds	% Single	% Commercial	% Non standard category
Sydney City Council	844	1	0	99	0
Port Macquarie-Hastings Council	704	62	36	2	0
Sutherland Shire Council	492	56	7	10	0
Tamworth Regional Council	442	55	33	2	0
Wollongong City Council	411	3	0	0	96
Wyong Shire Council	401	74	2	14	0
Blacktown City Council	398	2	3	51	0
Ryde City Council	367	29	4	61	0
Gosford City Council	318	67	1	17	0
Hornsby Shire Council	311	52	16	13	0

Note: Wollongong Council could not provide information on development types for CDCs issued by private certifiers. This accounts for the high percentage of non standard category for this council area.

Of the council areas shown in **Table 2-12**, those with the most CDCs determined under the Codes SEPP were Hornsby (95% of CDCs under Codes SEPP), Blacktown (82%) and Wollongong (55%).

Source Data Tables 2-13 to 2-16 at the end of this report show more detail on development approvals and determinations.

LOCAL DEVELOPMENT ASSESSMENT – OVERALL DETERMINATION TIMES

Local Development Determination Times

2009-10	Development Applications and s96 Applications	2008-09
67	days on average were taken to process a DA	74
10	councils had an average DA gross determination time in excess of 100 days	21
58	councils had an average DA gross determination time of 50 days or less	56
52	days on average were taken to process s96 applications	53

Local Development Determination Times

2009-10	Complying Development Certificates (CDCs)	2008-09
14	days on average were taken by councils to process CDCs (based on 133 Councils)	12
51	councils had an average gross determination time for CDCs of 10 days or less	60

Some Useful Terms

Gross determination time	full length of the development assessment process (applies to DAs and CDCs)
Net determination time	the gross time minus referral and stop-the-clock time (only applies to DAs, not CDCs). It is possible for stop-the-clock time to occur concurrently with referral time for a development application. In these cases, days may be double counted and net time may be less than the actual time taken by council to determine the DA.
Mean determination time	the mean (or average) of a set of data values is the sum of all of the data values divided by the number of data values.
Median determination time	the median of a set of data values is the middle value of the data set when it has been ordered. If the number of values in the data set is even, then the median is the average of the two middle values. The median value is an alternative to analysing the mean which may be skewed by a relatively small number of high or low values in a data set.
Referral time	the time taken by State agencies to either grant concurrent consent (some DAs require council and agency consent) or to provide advice to council on a development proposal. Only applies to DAs, not CDCs.
'Stop-the-clock' (STC)	the time taken by applicants to respond to requests by councils or agencies for further information on a DA. Only applies to DAs, not CDCs.

Refer to Appendix 2 for more information on how determination times were calculated.

3.1 Statewide Trends

TOTAL DETERMINATION TIMES

Major planning reforms during 2009-10 required councils to understand and implement new planning legislation. Councils not only managed to implement the reforms but also improved their determination times for DAs.

The average time for DAs to be processed dropped by 7 days and the number of councils with average DA determination times exceeding 100 days more than halved – from 21 councils in 2008-09 to 10 councils in 2009-10.

Some councils in the past year have reviewed and updated their assessment practices and made a consistent effort to determine outstanding applications. The results can be seen in the lower determination times for 2009-10.

In 2009-10, councils achieved significant improvements in development times with a 9% reduction in mean gross determination times. The average determination time fell from 74 days in 2008-09 to 67 days in 2009-10 (**Table 3-1**).

Table 3-1: DA Determination Times (Days)

	2009-10	2008-09
Mean gross determination times DAs only	67	74

There were significant improvements in processing time by some councils, and fewer councils reported extreme times.

Table 3-2: Number of Councils with mean gross DA determination time over 100 days

Financial Year	2009-10	2008-09	2007-08	2006-07
Number of Councils	10	21	28	29

Table 3-2 shows that ten councils (7% of all councils) had mean gross determination times for DAs over 100 days in 2009-10. This compares with 21 councils in 2008-09 (14% of councils). Each of the last four years has seen fewer councils with mean gross DA determination times over 100 days.

Also, fewer councils had mean gross determination times over 100 days for DAs valued at less than \$100,000 – 4 councils in 2009-10 compared with 11 councils in 2008-09 (**Table 3-3**).

Table 3-3: Number of councils with mean gross DA determination time over 100 days for applications valued <\$100,000

Financial Year	2009-10	2008-09	2007-08	2006-07
Number of Councils	4	11	14	11

There was little change in the proportion of councils that achieved mean gross determination times for DAs of 50 days or less. This was 37% in 2008-09 and 38% in 2009-10, or 58 councils in 2009-10 (**Table 3-4**). The number of councils meeting these criteria has been fairly stable since 2006-07.

Table 3-4: Number of councils with mean gross DA determination time 50 days or less				
Financial Year	2009-10	2008-09	2007-08	2006-07
Number of Councils	58	56	52	58

Gross time is important because it measures the total time as experienced by the applicant between lodging an application and receiving the final decision. Net time attempts to measure the part of the overall (gross) time for which councils were responsible.

Both net and gross times are examined to assess the service provided to applicants and to understand the factors affecting processing time, including the time taken by applicants to submit further information and the time taken by State agencies to assess referred DAs. Only by understanding all components of the process can planning reforms be properly targeted to improve overall assessment times.

Table 3-5: Statewide DA Net Determination Times (Days)		
Determination Times	2009-10	2008-09
Mean net determination times DAs only	43	45
Median net days DA determined	29	29
Mean gross days - all DAs determined	67	74
Effect of stop-the-clock		
Mean gross determination time - only DAs with STC	105	116
Mean gross determination time - only DAs without STC	44	46
Mean stop days - only DAs with STC	58	64
Effect of referrals		
Mean gross determination time - only DAs with referrals	109	130
Mean gross determination time - only DAs without referrals	62	67
Mean referral days - only DAs with referrals	43	54

Table 3-5 shows a mean net determination time for DAs of 43 days, much higher than the median net time (29 days). This indicates that most DAs are determined in less than 43 days. Mean net determination times for DAs were very similar for 2008-09 and 2009-10 – 45 days for 2008-09 compared with 43 days for 2009-10.

The differences between mean gross and mean net times indicate the significant impacts of stop-the-clock (STC) and referrals on processing times.

Table 3-5 also shows the effect of STC events and referrals in more detail. The mean gross determination time for DAs with STC was 105 days compared to 44 days for a DA with no STC event, a 61 day difference. In 2009-10, 37% of DAs had STC. The high percentage of DAs with STC events and the 61 days average time difference, indicates the impact of sub-standard and non-complying DA submissions on processing times. Similarly, DAs which were referred to State agencies had higher average determination times (109 days) compared with DAs without any referral (62 days). Referrals applied to 11 % of DAs in 2009-10. Stop-the-clock and referral issues are discussed in more detail in Chapter 4.

Median determination times were much lower than mean determination times.

As in 2008-09, more than half of all NSW councils (62.5%) had a median gross determination time for DAs of 40 days or less (see Source **Table 3-30**). In 2009-10, 83% of councils achieved median net determination times of 40 days or less compared with 82% in 2008-09.

Figure 10 shows a significant ‘tail’ of DAs that took much longer to process and contributed to the much higher mean gross times compared with median gross times.

Figure 10: Number of DAs by assessment time

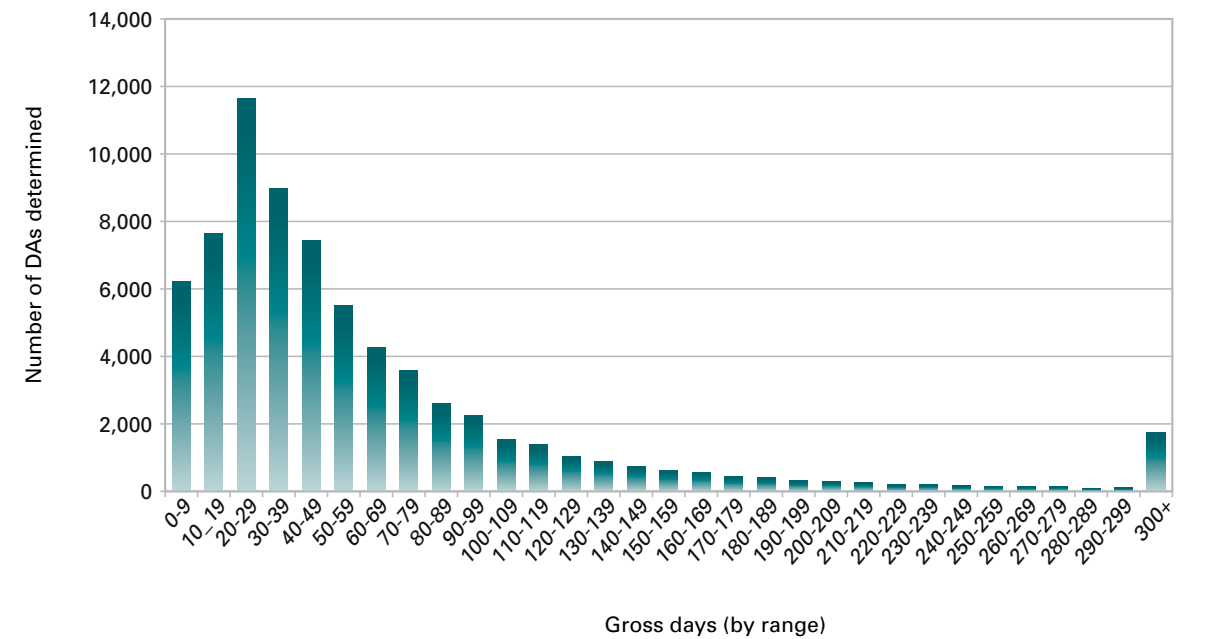


Table 3-6 shows that the median gross determination time for DAs was very similar for 2009-10 and 2008-09 – 41 days and 42 days respectively and the median net determination time was unchanged.

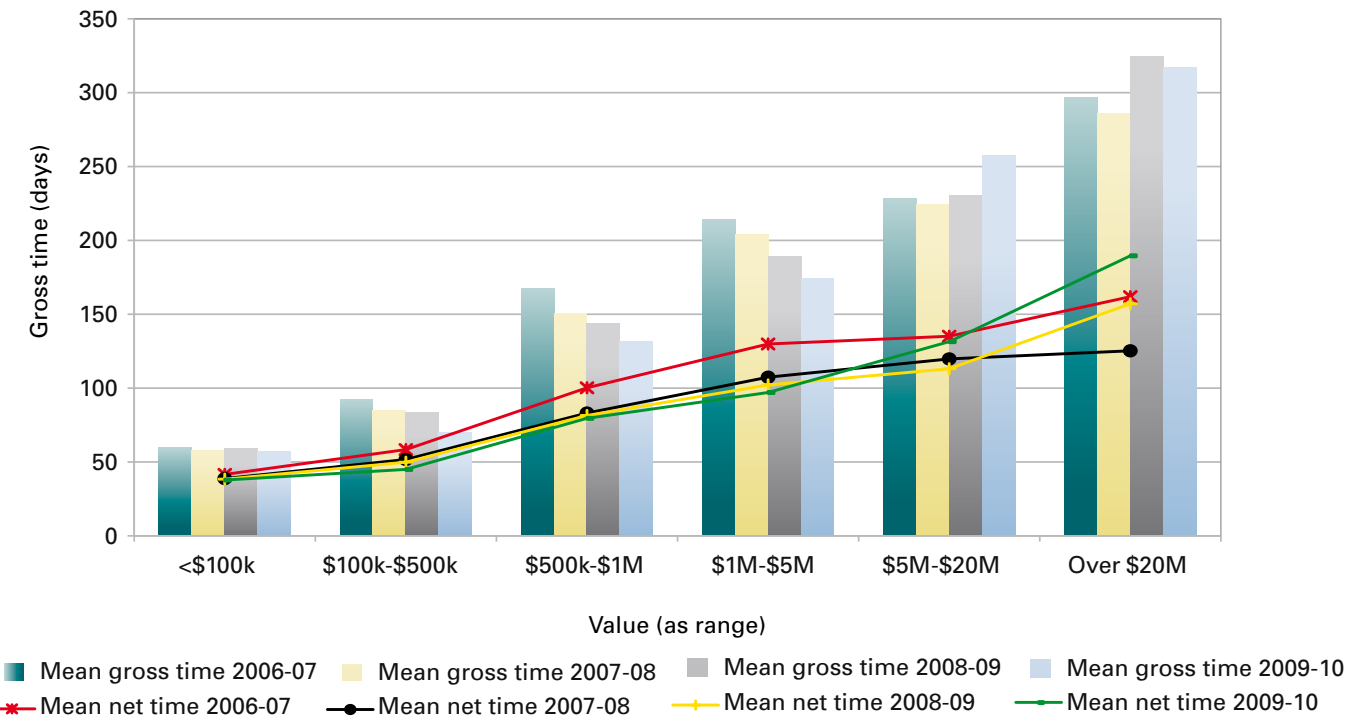
Table 3-6: DA Median Determination Times (Days)		
	2009-10	2008-09
Median gross determination times DAs only	41	42
Median net determination times DAs only	29	29

The median net time was the same for both 2009-10 and 2008-09 – 29 days.

DETERMINATION TIMES BY VALUE AND DEVELOPMENT TYPE

Figure 11 shows that mean gross determination times for DAs increase with the value of developments. Over the past four years, determination times have been decreasing for all development value groups under \$5 million. The greatest improvements over this period were for developments valued from \$500K to \$1 million and from \$1 million to \$5 million.

Figure 11: DA Determination times by value 2006-07 to 2009-10



As stated in Chapter 2, 98% of approved DAs and 95% of CDCs were valued at under \$1 million in 2009-10. The mean gross determination time for developments of under \$1 million in value dropped from 70 to 64 days between 2008-09 and 2009-10 (**Table 3-7**). The median gross DA determination time for developments of this value fell from 42 to 40 days.

Table 3-7: Statewide DA mean determination times (days) by value 2009-10 and 2008-09								
Value	Gross determination time		Net determination time		Stop-the-clock time		Referral time	
	2009-10	2008-09	2009-10	2008-09	2009-10	2008-09	2009-10	2008-09
\$0 Value	85	92	47	50	10	107	59	89
Under \$100K	57	60	38	39	55	57	39	52
\$100K-under \$500K	70	83	45	50	52	62	39	45
\$500K-under \$1m	132	144	80	81	83	92	63	67
Under \$1m	64	70	41	44	55	61	40	50
\$1m-under \$5m	174	189	97	102	107	120	76	89
\$5m-under \$20m	257	230	131	113	171	157	104	106
\$5m-under \$100m	268	245	142	120	169	162	99	113
\$20m+	317	324	190	157	167	188	83	137
\$30m+	357	370	209	178	194	221	77	146
\$50m+	381	384	261	195	192	220	67	143

Notes: Mean stop-the-clock (STC) times are averages of STC time reported by councils only for DAs where STC occurred.
Mean referral times are averages of referral time only for DAs where referral occurred.
Since gross and net determination times in the table above are averages for all DAs, average STC and referral times cannot be deducted from the gross time to obtain the net times shown in the above table.

Determination times continue to be high for the higher value developments. Since 2006-07, mean gross determination times have increased for developments valued at \$5-\$20 million to over 250 days in 2009-10, and for developments valued over \$20 million to over 300 days in 2009-10.

Many developments valued over \$5 million to under \$100 million will be required to be referred to a Joint Regional Planning Panel in the future because of their high estimated construction value. However, this only applies to DAs lodged after 1 July 2009. Many DAs determined during 2009-10 were lodged before 1 July 2009 and so were not considered by a Regional Panel.

Table 3-8: Statewide DA median determination times (days) by value 2009-10 and 2008-09								
Value	Gross determination time		Net determination time		Stop-the-clock time		Referral time	
	2009-10	2008-09	2009-10	2008-09	2009-10	2008-09	2009-10	2008-09
\$0 Value	40	42	27	26	41	41	33	45
Under \$100K	35	35	27	26	25	25	24	26
\$100K-under \$500K	48	55	32	35	30	34	23	25
\$500K-under \$1m	90	104	55	61	45	53	34	36
Under \$1m	40	42	29	29	28	29	24	26
\$1m-under \$5m	127	146	65	75	70	71	43	54
\$5m-under \$20m	187	169	81	76	105	103	55	70
\$5m-under \$100m	193	179	94	78	105	106	55	77
\$20m+	229	244	118	99	109	139	58	110
\$30m+	278	259	101	119	120	159	60	113
\$50m+	316	259	98	119	200	110	41	124

Notes: Median STC times are only for DAs where STC occurred.
Median referral times are only for DAs where referral occurred.

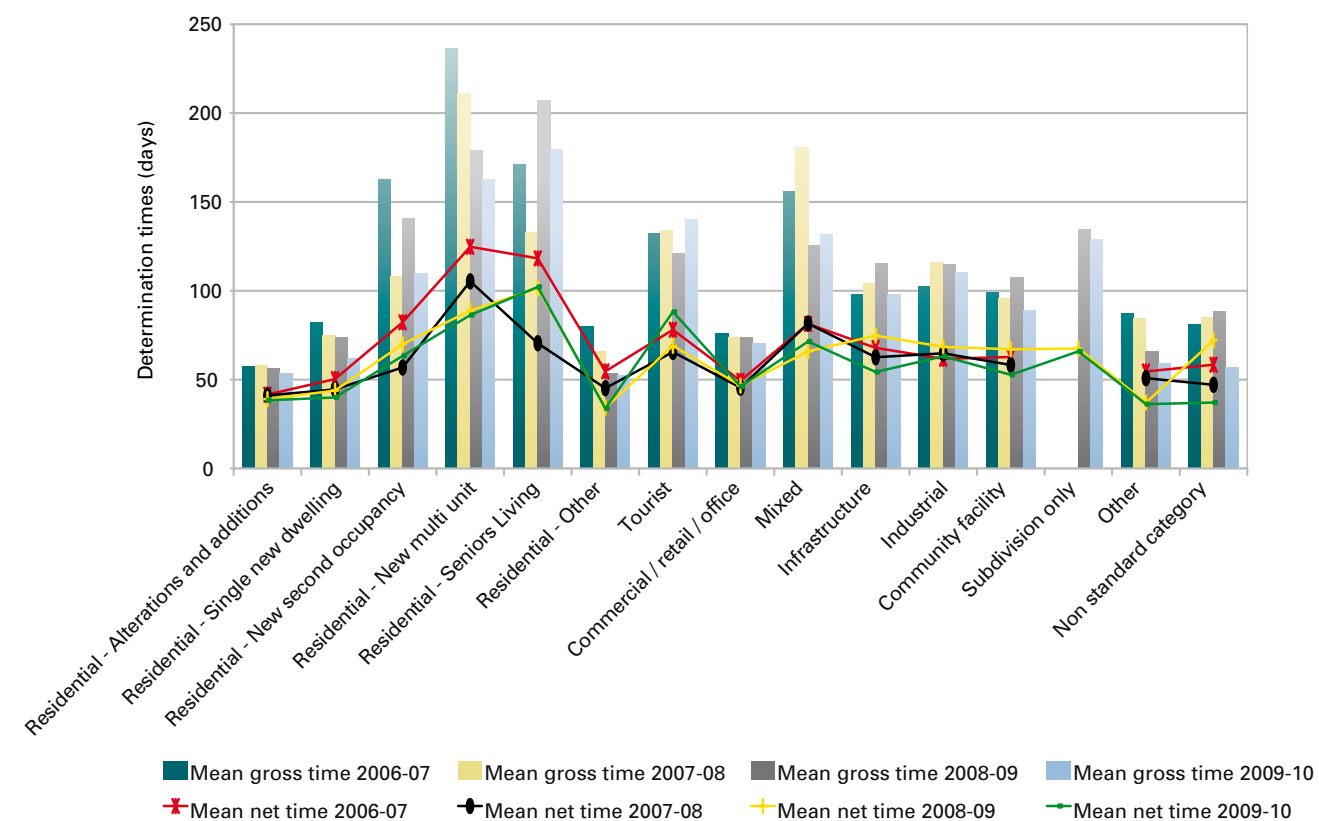
Table 3-9 shows the gross determination time regardless of assessment process (ie. DA and CDC times are combined) for certain development categories where CDCs are more prevalent. Improvements in mean gross determination time were made in all of these categories. Notably, it took 12 days less on average for a single new dwelling determination in 2009-10 (59 days) compared with 2008-09 (71 days).

Table 3-9: DA and CDC Mean Gross Determination Times (Days) by development category				
Code	Category of development	2009-10	2008-09	
1	Residential - Alterations and additions	49	52	
2	Residential - Single new dwelling	59	71	
3	Residential - New second occupancy	108	141	
8	Commercial / retail / office	68	73	
11	Industrial	108	113	
12	Community facility	83	105	

Figure 12 and **Table 3-10** show the determination times when DAs are considered separately from CDCs. The lowest and the highest DA determination times for 2009-10 were both for residential development types. New single dwellings (62 days) and alterations and additions (53 days) were among the lowest times while seniors living (179 days) and multi-unit development (163 days) had the highest overall times.

Other developments such as new second occupancies, tourist, mixed use and industrial development, have had mean gross determination times of 100 days or more since 2006-07.

Figure 12: DA Determination times by development category 2006-07 to 2009-10



Note: The development category "subdivision only" was introduced in 2008-09

These results will continue to be monitored as the impacts of the complying development codes and other planning reforms are felt. It is expected that with more developments being determined as complying development, determination times for other developments will fall as council staff time is freed up to assess more complex developments.

Table 3-10: Statewide mean DA determination time by development category 2009-10				
Category	Gross determination time	Net determination time	Stop the clock time	Referral time
1. Residential – Alterations and additions	53	38	41	31
2. Residential - Single new dwelling	62	40	47	36
3. Residential - New second occupancy	110	63	67	62
4. Residential - New multi unit	163	86	113	64
5. Residential – Seniors Living	179	102	155	89
6. Residential – Other	52	34	55	53
7. Tourist	140	88	94	66
8. Commercial / retail / office	70	46	57	51
9. Mixed	132	71	96	65
10. Infrastructure	98	54	80	61
11. Industrial	110	63	93	62
12. Community facility	89	53	79	49
13. Subdivision only	129	66	135	63
14. Other	59	36	79	41
15. Non standard category	57	37	135	72

Notes: Mean stop-the-clock (STC) times are averages of STC time only for DAs where STC occurred.
Mean referral times are averages of referral time only for DAs where referral occurred.
Not all councils classified their developments into the Department's development categories. Developments that could not be classified into a Department category were counted by the Department as "non standard category".
Since gross and net determination times in the table above are averages for all DAs, average STC and referral times cannot be deducted from the gross time to obtain the net times shown in the above table.

DA MODIFICATIONS (S96 APPLICATIONS)

Section 96 applications are applications to modify an existing DA approval (or consent). S96 applications can range from requiring substantial merit assessment to correcting minor errors in the approval. Most have a far lower processing time than standard DAs. Some (mostly country) councils did not determine any s96 applications.

Table 3-11 shows that the mean gross determination times for s96 applications have only slightly decreased – 52 days in 2009-10 compared with 53 days in 2008-9. Average determination times for s96 modifications have been falling since 2007-08.

Table 3-11: s96/DA mean gross determination times				
Financial Year	2009-10	2008-09	2007-08	2006-07
Mean gross determination times s96 applications only	52	53	58	57
Mean gross determination times DAs + s96 applications	64	71	72	73

The EP&A Act classifies the type of modification application according to its significance, but requires that the development remains substantially the same.

The types of s96 modifications are: s96(1) minor error or misdescription; s96(1A) minimal environmental impact; and s96(2) other modification (significant environmental impact).

In 2009-10, the most common type of s96 application was the s96(1A) which usually involves minor changes to the development that result from detailed requirements of the construction certificate, unforeseen events during construction, and/or the applicant requesting minor changes to the development before the development is completed.

Table 3-12: s96 Categories		
s96 Category	2009-10	% of total
s96(1A) - Minimal environmental impact	4,636	64.7
s96(2) - Other modification	1,437	20.1
s96(1) - Minor error/misdescription	975	13.6
Other s96	111	1.6

COMPLYING DEVELOPMENT CERTIFICATES

Complying development is low-impact development which can meet objective, pre-set development standards. Complying development applications should be determined within 10 days. Stop-the-clock and referrals are not possible with complying development applications.

Accredited private certifiers determined 58% of CDCs in 2009-10 compared to 44% of CDCs in 2008-09.

Table 3-13: CDCs determined by councils and private certifiers		
	2009-10	2008-09
Number of CDCs determined	14,315	9,194
Percentage of CDCs determined by councils (%)	42	56
Percentage of CDCs determined by private certifiers (%)	58	44

The determination times for CDCs reported in 2008-09 and 2009-10 are only based on records of CDCs issued by councils due to missing lodgement and determination date information for CDCs issued by private certifiers.

Accredited (private) certifiers are required to send councils details of the complying development applications they determine including information on the date the application was lodged by the applicant, the date the application was determined and whether the CDC was issued under the Codes SEPP or under the local council's Exempt and Complying DCP. This information is for the public record and also assists councils to enforce development approvals.

It is clear from council records and advice that many accredited certifiers are not sending councils complete records despite their statutory obligation. In other cases, accredited certifiers are providing this information but some councils are not recording 'date lodged' and 'date determined' for these certificates. Accredited certifiers have been reminded of their obligations to provide this information. It is hoped that future reports can provide data on CDC determination times by accredited certifiers.

Despite the gaps in CDC determination time data, the data on determination times by councils for CDCs is very informative. Although the mean determination time for 2009-10 (14 days) was higher than the nominal ten-day period (**Table 3-14**), the median determination time for 2009-10 was 7 days (based on data from 133 councils). These figures are similar to last year's figures of 12 days and 6 days respectively.

Table 3-14: Mean determination time (days) for Council CDCs with valid dates		
Financial year	2009-10	2008-09
Mean determination time - council determined CDCs only	14	12

Table 3-15: Median determination time (days) for Council CDCs with valid dates		
Financial year	2009-10	2008-09
Median determination time - council determined CDCs only	7	6

Note: Determination times are only for records with valid dates. For full explanation of valid dates, see Appendix 2.

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), which comprised the Exempt Development Code and the General Housing Code, commenced on 27 February 2009. On 7 September 2009, the SEPP was amended to include Codes for certain types of commercial and industrial development, internal housing alterations and new housing types in the General Exempt Development Code.

CDCs for 2009-10 could be lodged under either the Codes SEPP or a council development control plan. Anecdotal evidence suggests that councils tend to receive CDC applications that are not straightforward and this results in mean determination times slightly higher than the 10-day statutory time frame.

The 2009-10 period yielded the first full year of CDC data since the commencement of the Codes SEPP. **Tables 3-14** and **3-15** show that the median and mean determination times for councils are similar to the 2008-09 period.

CDC determination times by value

Determination times were substantially higher for developments valued from \$500K to under \$1 million (44 days mean determination time and 20 days median determination time), however this applied to only 65 CDCs in 2009-10 (**Table 3-16**).

3-16: Statewide CDC times by value 2009-10			
Value range	Mean determination time	Median determination time	Number of valid council CDC records
\$0 Value	26	7	199
Under \$100K	13	7	4,705
\$100k-under \$500K	14	7	1,045
\$500k-under \$1m	44	20	65
Under \$1M	13	7	5,815
\$1M and over	29	14	72

Note: Only CDCs determined by councils are included in this table due to invalid data / missing data on dates of lodgement or determination for CDCs determined by private certifiers.

CDC determination times by development type

Table 3-17 shows that mean and median determination times for the three most common development types for CDCs.

Table 3-17: Council CDC determination times by development category			
Category	Mean determination time	Median determination time	Number of council issued CDC
Residential - Alterations and additions	13	7	3,375
Residential - Single new dwelling	13	6	894
Commercial / retail / office	14	8	394

Note: Only CDCs determined by councils are included in this table due to invalid data / missing data on dates of lodgement or determination for CDCs determined by private certifiers.

3.2 Council Trends

Although the average gross determination time for DAs was 67 days, determination times varied considerably across the State, ranging from 6 days mean gross determination time (Temora) to 163 days (Cooma-Monaro).

Ten councils reported mean gross determination times of 100 days or more for DAs in 2009-10. This is a pleasing result as this is less than half the number of councils (21) that met this criterion in 2008-09.

Table 3-18: Councils with mean gross DA determination times over 100 days			
Council	2008-09	2009-10	Percent change
Cooma-Monaro Council	86	163	90
Botany Bay City Council	129	128	-1
Gunnedah Shire Council	62	117	87
Leichhardt Municipal Council	110	113	3
Upper Lachlan Shire Council	100	110	11
Wellington Council	203	110	-46
Mosman Municipal Council	108	107	-1
Canterbury City Council	112	103	-9
Singleton Council	86	103	19
Wentworth Shire Council	63	100	59

Table 3-18 lists the councils with mean gross determination times for DAs of 100 days or more. Cooma-Monaro Council's mean gross determination time for DAs of 163 days was the highest mean gross determination time for the state in 2009-10, almost double its 2008-09 result. Since Cooma-Monaro is a rural council with only 145 DAs determined in 2009-10, this unusual result can be attributed to high determination times and low volume of DAs, with the mean heavily influenced by a number of long-term outstanding DAs. Its median gross determination time was considerably lower at 54 days. Cooma-Monaro has put in place new procedures to deal with incomplete DA submissions and DAs requiring additional information, together with revised delegations and expects to see a significant improvement in 2010-11.

Tables 3-19 and **3-20** provide some breakdown of determination times for the councils with the highest mean gross determination time.

Table 3-19: Ten councils with the highest mean gross DA determination time - by value									
Council	Mean Gross - DAs only	<\$100k	>\$100k	\$100k - \$500k	\$500k - \$1m	<\$1m	\$1m - \$5m	\$5m - \$20m	>\$20m
Cooma-Monaro Council	163	190	81	76	160	164	73		
Botany Bay City Council	128	120	146	134	158	125	314	163	266
Gunnedah Shire Council	117	97	156	143	243	116	119	219	
Leichhardt Municipal Council	113	85	138	127	200	111	222	49	
Upper Lachlan Shire Council	110	72	155	151	70	107	448		
Wellington Council	110	119	46	40		111	90		
Mosman Municipal Council	107	74	120	111	117	99	144	154	
Canterbury City Council	103	81	142	129	185	100	191	317	
Singleton Council	103	95	120	91	212	96	251	1,167	
Wentworth Shire Council	100	97	107	103	123	99	174		

Table 3-20 shows there is little correlation between the total value of DAs approved and the gross time taken to determine DAs. Cooma-Monaro had the longest mean gross determination time of 163 days but only determined \$13.9m of DAs, compared with Mosman Council which determined \$173 million worth of DAs in 107 days mean gross time.

Table 3-20: Ten councils with the highest mean gross determination time - times and values

Council	Mean Gross Time - DAs only	Estimated Value of DAs Determined	Estimated Value of DAs Approved	Mean Stop-the-clock time (days)	Mean Referral time (days)
Cooma-Monaro Council	163	\$13.9m	\$13.2m	149	21
Botany Bay City Council	128	\$63.1m	\$62.9m	102	33
Gunnedah Shire Council	117	\$42.3m	\$41.3m	156	33
Leichhardt Municipal Council	113	\$90.9m	\$85.6m	75	34
Upper Lachlan Shire Council	110	\$22.3m	\$20.6m	85	46
Wellington Council	110	\$4.5m	\$4.5m	140	
Mosman Municipal Council	107	\$173.1m	\$130.9m	41	36
Canterbury City Council	103	\$122.5m	\$118.3m	64	830
Singleton Council	103	\$72.9m	\$69.3m	143	33
Wentworth Shire Council	100	\$16m	\$15.9m	48	27

Note: Stop-the-clock (STC) and referral times in the table above are based on the STC and referral times for DAs which had STC or referrals.

Table 3-21 shows the average time taken by councils to determine developments when DAs and CDCs are considered together. CDCs issued by accredited private certifiers are not included.

Table 3-21: The effect of assessment mode on determination time - DAs and CDCs determined by councils

Council	Number of CDCs determined by council with valid dates	Mean Gross Time - DAs only	Mean Gross Time - DAs and CDCs	Number of DAs determined	Number of CDCs determined
Port Macquarie-Hastings Council	594	96	46	511	704
Tamworth Regional Council	288	51	36	553	442
Sutherland Shire Council	265	61	52	1,281	492
Ku-ring-gai Council	255	59	51	877	255
Albury City Council	186	29	24	720	295
Wyong Shire Council	177	56	51	1,456	401
Bathurst Regional Council	146	38	32	572	204
Armidale Dumaresq Council	142	75	53	221	155
Randwick City Council	140	75	67	833	259
Mid-Western Regional Council	128	61	48	332	196

Note: Mean gross time only includes records with valid dates. Mean gross determination times were not included for CDCs issued by private certifiers for either 2008-09 or 2009-10 as most CDCs issued by private certifiers did not have valid dates because this information was missing. For full explanation of valid dates, see Appendix 2. In this table, the numbers of determinations are also only using the records of DAs and CDCs with valid dates.

Councils that determined relatively high numbers of CDCs compared with DAs reduced their overall development determination times significantly. They may still have higher DA determination times for more complex developments, but their overall development times are vastly improved.

An example of this is Port Macquarie Hastings Council where 58% of developments were complying development and there was an above average level of development. Port Macquarie-Hastings' overall mean gross determination time (DAs and CDCs combined) was 46 days compared with 96 days when DAs are considered alone.

On the other hand, **Table 3-22** shows the ten councils with the highest mean gross determination times for DAs and CDCs for residential alterations and additions and single new dwellings valued under \$500,000. There was very little use of complying development for these development types in 2009-10 in these council areas.

Table 3-22: 10 councils with the highest mean gross determination time (DA + CDC) for residential alterations / additions and single new dwellings under \$500,000 in value

Council	Mean gross determination time	Median gross determination time	Number of DAs determined	CDCs as % of total determinations	Number of CDCs determined with valid dates
Cooma-Monaro Council	141	42	92	11	11
Upper Lachlan Shire Council	130	76	105	0	0
Botany Bay City Council	107	98	113	3	4
Mosman Municipal Council	100	92	172	0	0
Leichhardt Municipal Council	98	80	351	8	32
North Sydney Council	96	81	223	0	1
Gunnedah Shire Council	94	42	109	13	16
Willoughby City Council	92	67	370	5	19
Burwood Council	91	62	91	4	4
Manly Council	88	79	268	3	8

Table 3-23 shows the ten councils that reported the lowest average determination times and, as expected, the number of DAs determined was also low. All these councils were in rural or regional areas.

Table 3-23: Ten lowest reporting councils - mean gross DA determination time				
Council	Mean Gross Time - DAs only	Number of DAs determined	Estimated Value of DAs Determined	Estimated Value of DAs Approved
Temora Shire Council	6	106	\$8.3m	\$8.3m
Berrigan Shire Council	13	106	\$10.7m	\$10.7m
Conargo Shire Council	16	7	\$0.41m	\$0.41m
Bland Shire Council	17	101	\$6.1m	\$6.1m
Urana Shire Council	18	20	\$0.74m	\$0.74m
Junee Shire Council	19	58	\$2.6m	\$2.6m
Bourke Shire Council	21	35	\$4.7m	\$4.7m
Coolamon Shire Council	21	33	\$3.1m	\$3.1m
Weddin Shire Council	22	43	\$4m	\$4m
Bogan Shire Council	22	20	\$2.3m	\$2.3m

Table 3-24 shows those councils that achieved the greatest reduction to their mean gross determination times. Ashfield and Parramatta Councils are the only Sydney Region councils in this group.

Table 3-24: Top ten improvers				
Council	Mean Gross DAs only (2008-09)	Mean Gross DAs only (2009-10)	Estimated Value of DAs Approved	Mean Gross Time % Change
Gilgandra Shire Council	89	27	\$2.7m	-70
Ashfield Municipal Council	93	36	\$24.8m	-61
Conargo Shire Council	40	16	\$0.41m	-59
Walcha Council	50	23	\$4.4m	-54
Wellington Council	203	110	\$4.5m	-46
Kiama Municipal Council	117	69	\$59.2m	-41
Uralla Shire Council	51	31	\$6.4m	-40
Parramatta City Council	132	83	\$206.2m	-37
Tenterfield Shire Council	79	53	\$12.8m	-34
Lockhart Shire Council	36	24	\$3.5m	-34

Table 3-25 shows the top ten Sydney Region councils that improved their mean gross determination times in 2009-10. Some significant improvements have been made by these councils.

Ashfield Council made the greatest improvement to its times reducing its mean gross determination time from 93 days in 2008-09 to 36 days in 2009-10. This is an impressive result, particularly for a metropolitan council. Ashfield was also the top improver in 2008-09, reducing its determination time from 160 days in 2007-08 to 93 days in 2008-09.

Ashfield Council applied best practice assessment procedures to make a significant improvement in its delivery of assessment services. The council re-organised its staff and put in place procedures to ensure that DAs are quickly vetted by senior assessment officers and that all the information has been submitted with the DA. DAs are case managed to ensure that they are dealt with expeditiously and that requests for additional information do not remain unanswered. Ashfield Council also provides extensive pre-DA advice to the ‘mum and dad’ applicants to help expedite the DA process.

Table 3-25: Top ten improvers Sydney Region				
Council	Mean Gross DAs only (2008-09)	Mean Gross DAs only (2009-10)	Estimated Value of DAs Approved	Mean Gross Time % Change
Ashfield Municipal Council	93	36	\$24.8m	-61
Parramatta City Council	132	83	\$206.2m	-37
Manly Council	136	92	\$98.1m	-32
Rockdale City Council	81	60	\$134m	-27
Warringah Council	71	52	\$512.7m	-27
Camden Council	52	38	\$417.6m	-26
Hornsby Shire Council	74	56	\$176.5m	-24
Hunters Hill Municipal Council	130	99	\$32.6m	-24
Auburn Council	97	76	\$99.1m	-22
Sutherland Shire Council	75	61	\$307.3m	-19

The councils (most in rural areas) that reported the lowest mean gross time for DAs relating to residential alterations and additions are shown in **Table 3-26**. The low determination times are likely to be attributable to not only the small number of DAs processed but also the dispersed nature of settlement in these areas which reduces the likelihood of neighbour objections to development proposals.

Table 3-26: Councils with lowest mean gross DA determination time - residential alterations, additions and single new dwellings		
Council	Residential alterations and additions	Single new dwellings
Temora Shire Council	4	9
Cobar Shire Council	6	34
Urana Shire Council	6	
Gundagai Shire Council	8	15
Corowa Shire Council	9	15
Hay Shire Council	10	33
Junee Shire Council	13	15
Oberon Council	13	84
Berrigan Shire Council	14	10
Bourke Shire Council	14	20
Glen Innes Severn Shire Council	14	47
Gilgandra Shire Council	14	22
Weddin Shire Council	14	14

Sydney councils dominated the list of the councils with the highest determination time for certain residential developments as shown in **Table 3-27**. North Sydney Council's mean gross determination time for DAs for single new dwellings of 805 days was the highest mean gross determination time for the State in 2009-10.

The councils in **Table 3-27** are all inner urban Sydney councils and face similar constraints which are likely to adversely impact on their assessment times. These constraints include high population density, often in environmentally sensitive areas, resulting in complex interrelated issues for development assessment and the need for a high level of public consultation.

Table 3-27: Councils with mean gross DA determination time over 100 days - residential alterations and additions		
Council	Residential alterations and additions	Single new dwellings
Botany Bay City Council	106	129
Leichhardt Municipal Council	106	205
Mosman Municipal Council	106	136
North Sydney Council	103	805

Table 3-28 shows the 24 councils that had mean gross determination times for commercial / retail/office development of over 100 days. In 2008-09, 23 councils fell into this category, as did 30 councils in 2007-08. Table 3-28 shows that determination times in the regional centres for commercial / retail / office DAs were higher than those in metropolitan areas. Only two Sydney Region councils (Botany Bay and Hurstville) exceeded 100 days mean gross time.

Table 3-28: Councils with mean gross DA determination time over 100 days - commercial / retail / office	
Council	Commercial/retail/office
Coffs Harbour City Council	368
Singleton Council	276
Eurobodalla Shire Council	239
Yass Valley Council	225
Gilgandra Shire Council	175
Cessnock City Council	163
Palerang Council	161
Byron Shire Council	157
Wollondilly Shire Council	149
Bellingen Shire Council	138
Walgett Shire Council	132
Lismore City Council	131
Gunnedah Shire Council	126
Wagga Wagga City Council	122
Murray Shire Council	120
Wollongong City Council	119
Upper Hunter Shire Council	118
Botany Bay City Council	116
Great Lakes Council	116
Bega Valley Shire Council	111
Clarence Valley Council	110
Hurstville City Council	106
Ballina Shire Council	103
Tweed Shire Council	101

Table 3-29 shows mean gross determination times for commercial / retail / office development for all Sydney councils with commercial development.

Table 3-29: Mean gross DA determination time commercial/retail/office development - Sydney Region		
Council	Gross Days	DLG Code
Willoughby City Council	27	2
Lane Cove Municipal Council	33	2
Ashfield Municipal Council	38	2
Ryde City Council	46	3
Ku-ring-gai Council	49	3
Sutherland Shire Council	50	3
Sydney City Council	52	1
Rockdale City Council	53	3
Liverpool City Council	54	7
City of Canada Bay Council	56	3
Penrith City Council	56	7
Camden Council	57	6
Burwood Council	58	2
The Hills Shire Council	59	7
Waverley Council	62	2
Kogarah Municipal Council	64	2
North Sydney Council	64	2
Mosman Municipal Council	65	2
Woollahra Municipal Council	65	2
Holroyd City Council	65	3
Bankstown City Council	66	3
Marrickville Council	67	3

Table 3-29: Mean gross DA determination time commercial/retail/office development - Sydney Region		
Council	Gross Days	DLG Code
Auburn Council	68	3
Wyong Shire Council	69	7
Blacktown City Council	70	3
Pittwater Council	71	2
Strathfield Municipal Council	74	2
Campbelltown City Council	78	7
Randwick City Council	80	3
Parramatta City Council	83	3
Hawkesbury City Council	86	6
Warringah Council	87	3
Hornsby Shire Council	87	7
Manly Council	88	2
Gosford City Council	90	7
Leichhardt Municipal Council	92	2
Canterbury City Council	97	3
Fairfield City Council	98	3
Blue Mountains City Council	99	7
Hurstville City Council	106	3
Botany Bay City Council	116	2
Wollondilly Shire Council	149	6

See Appendix 3 for explanation of DLG Codes.

Source Data Tables 3-30 to 3-38 at the end of this report provide more information on determination times.

4

DETERMINATION BODIES,
APPLICANTS AND REFERRAL BODIES

Summary Table - Determination bodies and time
(for DAs and CDCs with valid times)

Determination level	Determinations 09-10	% of total	Mean gross determination time 09-10	Determinations 08-09	% of total	Mean gross determination time 08-09
Council staff	74,694	87	58	73,766	91.3	65
Councillors	2,601	3	176	2,793	3.5	196
Private certifiers	8,322	9.7	unavailable	4,032	5	unavailable
IHAP or independent panel	67	0.1	215	15	0	215
Other	181	0.2	186	226	0.3	206

Notes:

Mean gross time only includes records with valid dates. Mean gross determination times were not included for CDCs issued by private certifiers for either 2008-09 or 2009-10 as valid date information was missing for most CDCs issued by private certifiers. For full explanation of valid dates, see Appendix 2.

In this table, the numbers of determinations also only include DAs and CDCs with valid dates in order to use the same data set for number of determinations and determination time.

'Other' includes Joint Regional Planning Panels and determination bodies that did not fit into the other categories (eg. panels consisting of both councillors and staff).



4.1 Statewide Trends

ACTIVITY BY DETERMINATION BODY

Determination body activity relates to developments with determination outcomes in 2009-10 of approved or refused. It does not cover applications lodged but not yet determined in 2009-10.

In 2009-10, council staff continued to make the vast majority of determinations (87%).

However, while the proportion of determinations by different bodies has been very stable in previous years, small shifts in the activity levels of determination bodies occurred in 2009-10 in response to State and Federal government policies. Most notable was the increase in private certifier determinations (discussed in Chapter 2).

Council staff, councillors and private certifiers

The proportion of development determined by council staff fell from 91% to 87% between 2008-09 and 2009-10. This is likely to have been due to the increase in complying development: for the same period private certifier determinations (CDCs) rose from 5% to 9.7%. During 2007-08 private certifier determinations were also 5% of development.

The Federal Government's Nation Building Economic Stimulus plan has also led to more approvals by private certifiers. In 2009-10, a relatively high proportion of CDCs for community facilities were determined by private certifiers (83.9%), probably due to new school buildings, school facilities and school refurbishments funded by Federal Nation Building programs.

Figure 13: Values of DAs and CDCs determined by determination level

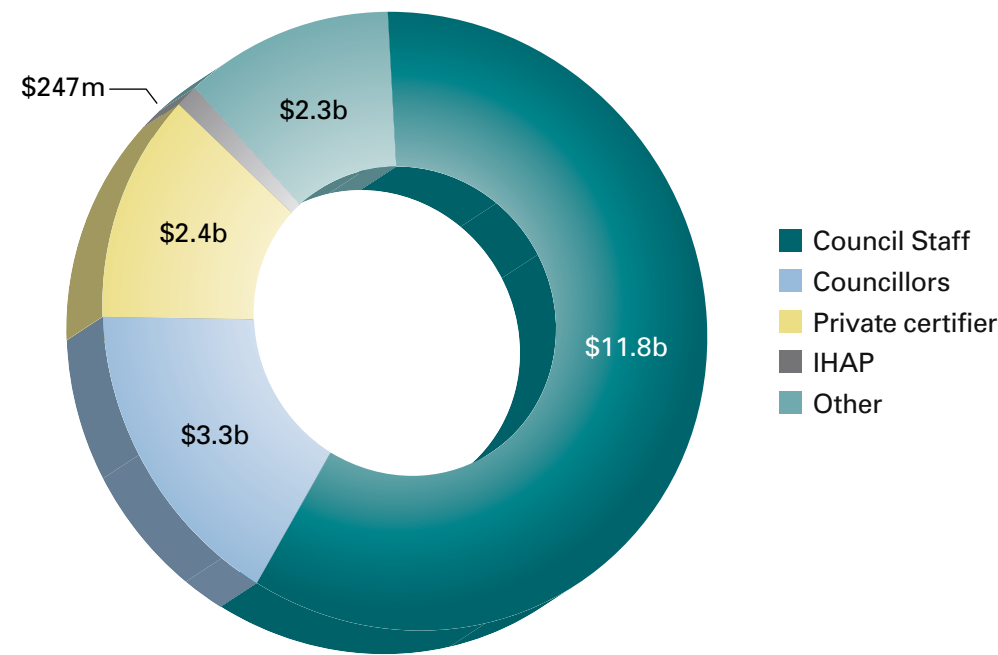


Table 4-1: Total value of development (\$billion) by determination body (DAs and CDCs determined)				
Council Staff	Councillors	Private certifiers	IHAP	Other
11.8b	3.3b	2.4b	0.25b	2.3b

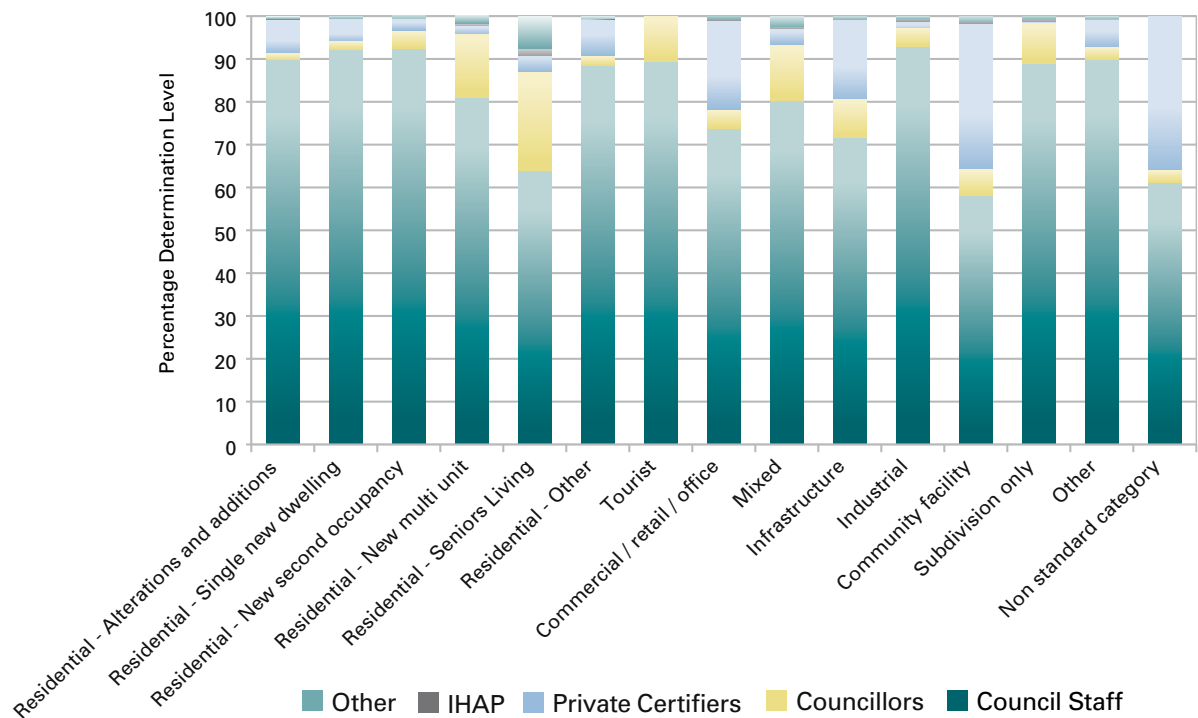
Figure 13 and **Table 4-1** show that total value of council staff determinations (\$11.8 billion) was higher than the value of determinations by other bodies. The total value of determinations by councillors was next highest - \$3.3 billion. Private certifiers determined approximately \$2.4 billion worth of development in 2009-10. Private certifier determinations were entirely CDCs (construction and occupation certificates issued by private certifiers or councils are not included in this analysis).

Private certifiers determined more than three times the number of developments compared to councillors (8,322 CDCs compared with 2,601 DAs), even though the value of developments determined by councillors was higher (\$3.3 billion) than the value of CDCs determined by private certifiers. The value of CDCs was generally lower than DAs determined by councillors, which are typically more complex proposals with potentially significant environmental impacts.

Figure 14 below shows that councillors tended to determine less typical developments such as seniors living, multi-unit flats and tourist developments.

Private certifiers tended to issue CDCs in the following development categories: community facility; commercial / retail / office; infrastructure; residential alterations and additions; and single new dwellings. The relatively common determination of residential alterations and additions, residential single new dwellings and commercial and industrial development by private certifiers can be accounted for by the increasing use of complying development for these developments, encouraged by the Codes SEPP.

Figure 14: Category of development by Determination Level for determined DAs and CDCs



Notes: Private certifier determinations are for CDCs only
Independent Hearing Assessment Panel (IHAP) or Independent Panel does not include where IHAPs or independent panels made recommendations only.
'Non standard category' means the development description supplied by councils did not match any of the Department's standard development types because not enough information was supplied to identify the correct development category or no development description was supplied. 'Non standard category' is different from 'other'. 'Other' means a development type apart from the Department's six residential development types and seven non residential development types eg. demolition only falls into 'other', whereas 'dwelling' is counted in 'non standard category'.

Table 4-2 shows that determinations by councillors fell slightly from 3.5% in 2008-09 to 3% in 2009-10. The commencement of Regional Panels in 2009-10 partially explains this.

Table 4-2: Determination body as % of all determinations for DAs and CDCs		
	2009-10	2008-09
Staff (individual, staff committee) as % of all determinations	87	91.3
Councillors (full council or council committee) as % of all determinations	3	3.5
Private certifiers as % of all determinations	9.7	5
IHAP or independent panel as % of all determinations	0.1	0
Other as % of all determinations	0.2	0.3
Number of reporting councils	152	152

See notes with Figure 14 above.

Table 4-3 shows that independent panels and councillors were more likely to refuse development consent than other determination bodies. IHAPs refused 20.9% of developments. However, only 67 DAs were reported as being determined by an IHAP in 2009-10. ‘Other’ includes Regional Panels. Regional Panels refused 16% of the 102 developments they processed during the year (see **Table 4-5**). Councillors refused 10% of the 2,601 DAs they determined in 2009-10.

More complex and controversial developments are more likely to be referred to these bodies. However, only 3.3% of determined developments were referred to these bodies in 2009-10. It is likely that private certifier refusals were not recorded in the 2009-10 data. The Department has found gaps in information on private certifier certificates in the past and is pursuing this issue with the Building Professionals Board.

The vast majority of developments were approved (97%). This is consistent with the relatively low-scale nature of most developments.

Table 4-3: Percentage of DAs and CDCs determined that were approved and refused			
Level of determination	Number	% approved	% refused
Council staff	74,694	97.8	2.2
Councillors	2,601	90	10
Private certifiers	8,322	100	0
IHAP or independent panel	67	79.1	20.9
Other	181	81.2	18.8

See notes with Table 4-2 above.

Joint Regional Planning Panels

The Joint Regional Planning Panels (Regional Panels) were formally established on 1 July 2009 in five regions of New South Wales. A sixth Regional Panel and an Interim Panel were both established on 1 September 2009. Regional Panels determine regionally significant developments (which include development over \$10 million in value but less than \$100 million); certain developments valued over \$5 million and less than \$100 million (Crown development, development where council is the proponent or has a conflict of interest, certain public and private infrastructure, ecotourism and designated development); and certain coastal developments; and subdivision of land into more than 250 lots. Regional Panels also determine applications to modify DAs under section 96(2) of the EP&A Act where the DA was originally determined by the Regional Panel. They also determine Crown development valued under \$5 million which is referred under section 89 of the EP&A Act.

Regional Panels do not determine proposals if they are Part 3A Major Projects to be determined by the Minister, complying development, development that does not require consent, development where the consent authority is not the council, or development within the City of Sydney local government area.

Apart from meeting the above criteria, Regional Panels only applied to DAs lodged with councils after 1 July 2009.

During 2009-10, 274 DAs were lodged with seventy three (73) councils for determination by Regional Panels (**Table 4-4**), representing a capital investment value of \$3.7 billion. Just over half of these DAs were valued over \$10 million. Of the development proposals valued over \$10 million, most (68%) were proposed for the Sydney East and Sydney West regions.

Table 4-4: All DAs registered with Joint Regional Planning Panels by region and application type								
Application Type	Hunter & Central Coast	Northern	Southern	Sydney East	Sydney West	Western	Wagga Wagga Interim	TOTAL
CIV > \$10M	11	13	16	44	53	3	2	142
Crown dev't >\$5M*	1	-	-	1	3	1	-	6
Council dev't or interest > \$5M*	2	3	5	1	5	1	-	17
Public & private infrastructure >\$5M	3	2	-	3	4	-	1	13
Designated Development*	11	5	4	2	4	4	2	32
Coastal Development	7	8	9	2	-	-	-	26
Subdivision > 250 lots	1	1	1	-	-	-	-	3
Wagga Interim development	-	-	-	-	-	-	25	25
S.96 modifications	-	3	2	1	1	-	-	7
Crown DA – s89 referral	-	1	-	2	-	-	-	3
TOTAL	36	36	37	56	70	9	30	274

* While certain DAs may fit under multiple development type categories, each DA registered with the Panel Secretariat is counted in only once. For example, Designated Development with a CIV over \$10 million will be counted only as 'CIV over \$10 million' and not the secondary category of 'Designated Development'. The identification of the development type follows the order in the above table.

Table 4-5 summarises determinations by Regional Panels during 2009-10. Regional Panels determined a total of 102 DAs in 44 local government areas during 2009-10 (about 0.1% of all determinations in NSW), with a total approval value of just over \$1 billion (about 5% of the total approval value of all DAs in NSW).

Not all 274 registered DAs were determined by Regional Panels in 2009-10. 18 were withdrawn by the applicant before determination whilst 144 were under assessment and yet to be determined.

Table 4-5: Activity by Joint Regional Planning Panels					
Application Type	Approved	Refused	Total applications determined	Average assessment time (days)	CIV of approvals
CIV > \$10M	39	8	47	140	\$864,738,045
CIV >\$5M	15	0	15	119	\$102,799,204
Designated Development	8	2	10	146	\$10,714,306
Coastal Development	7	0	7	105	\$14,205,340
Wagga Interim development	13	6	19	373	\$17,605,300
S.96 modifications	3	0	3	59	\$ -
Crown DA - s89 referral	1	0	1	128	\$5,000,000
TOTAL	86	16	102	133.9*	\$1,015,062,195

Note: This data is from the Regional Panels. It records all JRPP activity, including some DAs which were determined in June 2010, but where the notice of determination was issued by council in July. It therefore includes more records than used for Table 4-8. See Table 4-8 for further explanations on JRPP determination times.
* Excluding Wagga Interim DAs, s96 modification applications and s89 Crown DA referrals.

Table 4-6 shows Regional Panels’ determinations by regions. The Sydney East Regional Panel and Wagga Wagga Interim panel determined the most DAs. It should be noted that the Wagga Wagga Interim Joint Regional Planning Panel was established on an interim basis to complete the work of the existing Wagga Wagga planning panel, and determines a range of development not otherwise dealt with by the other Regional Panels.

Table 4-6: Activity by Joint Regional Planning Panels by region						
Region	Approved	Refused	Total Applications Determined	Average assessment time (Days)	CIV of approvals	No. of lots approved
Hunter & Central Coast	6	-	6	155	\$49.6M	-
Northern	12	1	13	123	\$76.0M	40
Southern	12	3	15	131	\$184.6M	-
Sydney East	21	5	26	124	\$303.8M	2
Sydney West	16	-	16	145	\$330.2M	87
Western	6	-	6	126	\$53.2M	5
Wagga Wagga	13	7	20	359	\$17.6M	156
TOTAL	86	16	102	133.9*	\$1.02B	290

* Excluding Wagga Interim DAs, s96 modification applications and s89 Crown DA referrals

DETERMINATION TIME BY DETERMINATION BODY

Determination times by determination body relates to all developments with a determination outcome in 2009-10 of approved or refused. It does not cover applications lodged but not yet determined in 2009-10.

The average determination time for developments (DAs and CDCs) determined by council staff was 58 days and 62 days for DAs only. These times were significantly lower than the results for other determination groups (see summary table, page 58).

Table 4-7 shows that for DAs determined by councillors, both mean and median determination times were significantly higher than for DAs determined by council staff. Both mean and median gross days were over 100 days for councillor determinations, though their mean gross determination fell from 199 days in 2008-09 to 179 days in 2009-10. Councillors determined 4% of DAs statewide while council staff determined 96%.

DAs referred to councillors are more likely to be contentious or complex. The need to refer DAs to a meeting of councillors, public consultation and council meeting frequency may also be factors affecting processing times. However, these determination times, including net determination times (which exclude STC and referral time) are still high. The Department will continue to monitor these trends.

Table 4-7: Determination times councillors and council staff (DAs only)			
Description	Councillors	Delegated	Both
Number of DAs determined	2,564	68,740	71,304
Number with valid net time (1-3650 days)	2,479	67,275	69,754
Mean stop-the-clock time	124 (1,420 DAs)	54 (24,617 DAs)	58 (26,037 DAs)
Mean referral time	84 (508 DAs)	40 (7,203 DAs)	43 (7,711 DAs)
Mean gross time (days)	179	62	66
Mean net time (days)	101	40	43
Median gross time (days)	120	40	41
Median net time (days)	71	28	29

Note:
'Valid net time' excludes records where net time is negative or greater than 10 years. Net time is gross determination time minus referral and stop-the-clock time. As referral and STC days may occur on the same days, their sum may double count days and net time may be negative in some cases. Determination times greater than 10 years are eliminated from the calculations as they are assumed to be errors.
Determination times are for DAs only (not including s96 modifications).

66% of all 102 Regional Panel decisions in 2009-10 were for development over \$5 million (and under \$100 million). **Table 4-8** shows that the mean gross time for DAs determined by a Regional Panel was 134 days (based on 67 DAs – see footnote to Table 4-8.). This compares with 245 days for DAs valued between \$5 million and \$100 million in 2008-09 and 268 days in 2009-10. A number of the DAs in this value bracket determined by councils during 2009-10 were not caught by the Regional Panel criteria because they were lodged before 1 July 2009. In future years, more DAs in this value bracket will be referred to Regional Panels.

In 2009-10, councillors determined about 4% of DAs statewide while Regional Panels determined about 0.1% of DAs. The mean gross and mean net Regional Panel determination times (134 and 74 days) were also lower than the mean gross and mean net determination times for DAs determined by councillors (179 and 101 days).

The total time for a Regional Panel determination is comprised of various components as shown in **Table 4-8** below. Most of the processing of the DA is in the hands of councils. Councils process the DA from lodgement, coordinate referrals to State agencies if required, undertake public exhibition and receive public submissions, and prepare the assessment report for the Regional Panel to consider. Regional Panels function somewhat like a meeting of councillors, by making the determination after council staff assess the DA and prepare recommendations. 96% of Regional Panel determinations in 2009-10 were in accordance with the council officers’ recommendations.

A relatively high proportion of the average determination time for Regional Panel DAs was taken up by stop-the-clock (STC), referral and exhibition times. On average, STC took up nearly half of the total determination time for DAs that were determined by Regional Panels. The average STC time was 76 days and the average referral time was 62 days. The net time was 74 days. It should be noted that the number of applications considered for this analysis was relatively low (67).

Table 4-8: Regional Panel determination times	
Description	
Number of DAs determined by JRPPs	102
Number of DAs analysed for JRPP determination times	67*
Mean stop-the-clock time (days) (38 DAs)	76
Mean referral time (days) (35 DAs)	62
Mean gross time (days)	134
Mean net time (days)	74
Median gross time (days)	118
Median net time (days)	70

Note:
* This analysis draws on Local Development Performance Monitoring (LDPM) data for STC time, referral time and council determination dates (which may be after the panel meeting date). 67 Regional Panel records were found in LDPM 2009-10 data after excluding: Regional Panel records for s96 modifications; Wagga Wagga Interim DAs determined by Wagga Joint Interim Regional Panel (about one quarter of these DAs were lodged before regional panels were introduced on 1 July 2009); and s89 Crown DA referrals as these were only referred to Regional Panels if councils do not determine them within a prescribed time (there was only one application of this type in 2009-10); and DAs with outcomes other than approved or refused.

The high STC periods and referral times are the result of the complexity and potential environmental impact of the proposed developments. Inadequate and insufficient information supplied as part of the DA is a significant issue. DAs may also be subject to design changes during the assessment period and may even require re-notification due to these changes.

As mentioned in Chapter 3, determination times for private certifiers are unavailable due to substantial missing date information.

QUALITY OF DAs SUBMITTED BY APPLICANTS

Rejected DAs

DAs can be rejected if the applicant submits illegible, unclear or incomplete information.

A very low proportion of DAs were reported as being rejected (0.8%) ². This may be under reported as some councils may not have recorded DAs that were rejected immediately. The Department will be reinforcing the importance of councils recording this information, especially to assist in future monitoring on the adequacy of applications.

Stop-the-clock

A relatively high proportion of DAs had their assessment suspended due to incomplete information from the applicant (stop-the-clock) – 37% in 2009-10. However, this was lower than previous years (2006-07: 39%; 2007-08: 40%; 2008-09: 40%).

Table 4-9: Statewide stop-the-clock				
Determination Times (days)	2009-10	%	2008-09	%
Mean time (days) spent waiting for further information on DAs from applicant ('stop-the-clock')	58	37	64	40
Median time (days) spent waiting for further information on DAs from applicant ('stop-the-clock')	29	37	31	40
Number of councils that reported stop-the-clock time	142		139	

Notes: The times for stop-the-clock are based on DAs with stop-the-clock events, not all DAs. For instance, for 2009-10, 37% of DAs had stop-the-clock. The mean stop-the-clock time of 58 days was calculated by using the stop-the-clock data for these 37% of DAs. The percentage figures are the percentages of DA records determined that had stop-the-clock time.

Applicants took an average of 58 days in 2009-10 to provide the extra information required. This was also lower than previous years (2006-07: 64 days; 2007-08: 63 days; 2008-09: 64 days). The median STC time was 29 days for 2009-10, also an improvement on 2008-09 when it was 31 days.

The number of reported DAs with STC decreased from 28,535 in 2008-09 to 26,156 in 2009-10.

93% of councils reported having at least one DA with STC in 2009-10.

Improving the adequacy of the information submitted for DAs is an area where further efforts need to be made. The EP&A Regulation currently allows councils to set a time limit for applicants to provide further information on their DA. In practice, it is understood that some DAs are put on hold indefinitely pending information from the applicant leading to some inefficient practices. Anecdotal information suggests that some STC events occur where applications are lodged with inadequate information, lie dormant for a lengthy period and are eventually ‘closed off’ by the council with a formal rejection or are withdrawn by the applicant. These incidences could make a major contribution to gross determination times.

2. As a proportion of all DAs reported, ie DAs with outcomes of approved, refused, withdrawn / cancelled, rejected or deemed refusal.

ACTIVITY AND TIME BY REFERRAL BODY

Based on council records, the proportion of DAs referred to a State Government agency for advice or approval was 11% in 2009-10, the same result as 2008-09. However, the number of referred DAs was lower. The number of DAs reported as being referred fell from 7,919 in 2008-09 to 7,791 in 2009-10.

The average referral times (according to council data) spent by agencies assessing DAs fell significantly, from 54 days in 2008-09 to 43 days in 2009-10, a 20% reduction. However, more councils reported referrals in 2009-10 compared with 2008-09: 120 councils compared with 113.

Table 4-10: Statewide referral times				
Determination Times (days)	2009-10	%	2008-09	%
Mean time (days) spent by referral agencies assessing DAs	43	11	54	11
Median time (days) spent by referral agencies assessing DAs	25	11	28	11
Number of councils that reported referral time	120		113	

Notes: The times for referrals are based on DAs with referral events, not all DAs. For instance, for 2009-10, 11% of DAs had referrals. The mean referral time of 43 days was calculated by using the referral data for these 11% of DAs.

The percentage figures are the percentages of DA records determined that had referral time.

2009-10 saw the start of co-ordinated monitoring and reporting on referral performance by State Government agencies.

A summary of the results is shown below. The average time that agencies overall took to assess a referral was low – 14 net days (excluding STC). It should be noted that some statutory referrals are not included in these results. The Department’s survey of agencies does not include statutory referrals to corporations (eg. Energy Australia) or Federal Government bodies (eg. Civil Aviation Safety Authority).



Table 4-11: Activity and time by referral agency								
Agency / Authority	C&R Received in Reporting Period	C&R Processed in Reporting Period	Average Gross Processing Time	Average Net Processing Time	Median Gross Processing Time	Median Net Processing Time	Adequacy of Original Information Submitted (% adequate)	Processed in net <40 days (%)
Department of Environment, Climate Change and Water	236	209	28.37	24.00	17	15	89	85
Department of Industry and Investment	258	254	12.10	11.91	9	9	93	96
Department of Planning	520	467	29.93	22.67	15	13	81	83
Heritage Office	501	422	25.54	25.54*	17	17*	N.A.	81
Land and Property Management Authority	7	7	11.14	11.14*	9	9*	100	100
Mine Subsidence Board	5,470	5,378	2.33	2.33*	N.A.	N.A.	97	100
Natural Resources Commission	7	7	16.71	14.43	18	15	86	100
NSW Maritime	122	122	17.52	17.52*	14	14*	100	93
NSW Office of Water	697	630	37.64	28.83	23	21	79	78
Railcorp	46	33	73.81	13.22	52.5	13	13	100
RTA	2,310	2,310	22.02	22.02*	20	20*	N.A.	89
Rural Fire Service	8,378	7,906	17.76	17.76*	N.A.	N.A.	92	94
Sydney Catchment Authority	339	286	39.50	29.52	35	31.5	73	95
Sydney Olympic Park Authority	10	9	5.78	5.78	1	1	100	100
Sydney Water	5	5	107.40	72.00	107	23	60	60
Overall (all agencies)	18,906	18,045		14.57				94%

Notes: C&R = concurrence or referral. Concurrence is a form of referral.
Average net processing time is total time minus time where additional information was being prepared by the applicant.
N.A. = not available from data supplied by agency.
* Net averages/medians not available so gross average/median used

Based on the agency data, the Rural Fire Service processed the most concurrence or referrals in the period (note: not all of these would have been determined by the council in the period) – 44% of all referrals reported by agencies for the year.

The assessment processes vary significantly between agencies depending on the environmental planning instrument clauses requiring concurrence or referral action. Some agencies are required to do detailed site inspections, modelling and assessment before concurrence or approval can be granted. Other agencies only need to undertake a brief desktop assessment and response, allowing a quick turnaround time.

The co-ordinated monitoring of referrals has led to actions by some agencies to improve the quality of applications received and decrease processing times. For instance, Railcorp has improved its documentation and maps for applicants. It also offers a pre-DA service so that developers can obtain requirements before they lodge their DA. The Department of Planning is developing guidelines for proponents of housing for seniors under the Seniors Housing SEPP; and for proponents and councils for concurrences under SEPP 1 – Development Standards. Agencies are also identifying referral clauses that are no longer required.

The results derived from State Agency data (**Table 4-11**) differ from the average referral times reported by councils (**Table 4-10**). Some difference is to be expected. Councils report the date the DA was sent to the agency and when the agency's advice was received. They also have to calculate the total referral time (without double counting days) if more than one referral occurred on a DA. Agencies only report their processing time for each DA, excluding any time between the advice leaving the agency and the date the council received the advice.

Another reason why the council and agency results would differ is because council and agency information does not always relate to the same DAs. Councils report referrals where the DA was determined in 2009-10. Agencies report DAs they processed during the period, sometimes including DAs ultimately determined by the council after 2009-10.

However, these reasons alone probably do not explain the discrepancies in time reported by agencies and councils.

To investigate this discrepancy, the Department asked five councils to provide more detailed information. The supplementary information identifies the agency / agencies the application was referred to, date referred out, and the date the information was received from each agency. The referred DAs reported by the five councils represented 20% of all referred DAs for 2009-10. These councils have IT systems which can fairly readily export detailed referral information.

Based on this sample, the average proportion of all the DAs referred that had more than one referral was 16%. The range of multiple referrals was 7% of all referred DAs for one council to 21% for two councils. Where there were multiple referrals on the same DA they were generally referred out concurrently. DAs with multiple referrals are highly likely to be more complex and take longer to determine.

Some non-statutory referrals were recorded by councils in the sample data. Councils should only be counting the time taken for agencies to respond to statutory referrals ie. referrals required under legislation or an environmental planning instrument. However, non-statutory referrals were not significant, at only 3%.

Differences in the level and type of detail available from agencies and councils make reconciliation of data difficult at this stage. Where State agencies and council information could be matched, there were some discrepancies between council and agency records. In some cases the agencies reported fewer DAs received from a council than the council reported were sent to that agency. However, these results are based on only three agencies that provided DA reference numbers and, in some cases, agencies only provided partial DA reference information ie. not all of their records had DA reference numbers.

The Department is continuing to work with agencies and councils on more consistent ways to record referral information to improve future monitoring and identify areas for improvement in implementing referrals.

4.2 Council Trends

Table 4-12 below shows the ten regional councils with highest proportion of determinations by councillors. As in previous years, they are regional and rural councils that generally have fewer planning staff and therefore fewer opportunities to delegate to staff.

Table 4-12: Ten regional councils with highest percentage of DA determinations by councillors		
Council	Councillors (as % of all DAs determined)	DLG Code
Warren Shire Council	100	9
Junee Shire Council	96.6	10
Balranald Shire Council	41.1	9
Walcha Council	25.6	9
Weddin Shire Council	23.3	9
Jerilderie Shire Council	22.2	8
Gundagai Shire Council	18.8	9
Murray Shire Council	18.3	10
Coolamon Shire Council	18.2	9
Cooma-Monaro Council	17.2	11

Table 4-13 shows the Sydney Region councils with the highest proportion of determinations by councillors. The top three councils also have mean gross DA determination times over 100 days.

Table 4-13: Ten Sydney Region councils with highest percentage of determinations by councillors		
Council	Councillors (as % of all DAs determined)	DLG Code
Botany Bay City Council	28.5	2
Mosman Municipal Council	21.8	2
Leichhardt Municipal Council	21.3	2
North Sydney Council	18.9	2
Hunters Hill Municipal Council	18.4	2
Strathfield Municipal Council	16.8	2
Waverley Council	12.7	2
Randwick City Council	11.6	3
Parramatta City Council	9.9	3
Marrickville Council	9.9	3

Source Data Table 4-14 at the end of this report provides more detailed information on determination bodies.

Summary table - Council Staffing 2009-10		
2009-10		2008-09
1,137	Total EFT positions in development assessment were reported across the State	1,231
63	development determinations on average were made per full time equivalent staff member	58
19	councils recorded an average number of development determinations per full time equivalent staff of more than 100	17
47	councils recorded an average number of development determinations per full time equivalent staff of less than 40	45



5.1 Statewide Trends

Table 5-1: Statewide council staffing summary		
	2009-10	2008-09
Total EFTs	1,137	1,231
Total DA determinations	71,550	71,638
Number of DAs determined per EFT	63	58
Number of reporting councils	152	152

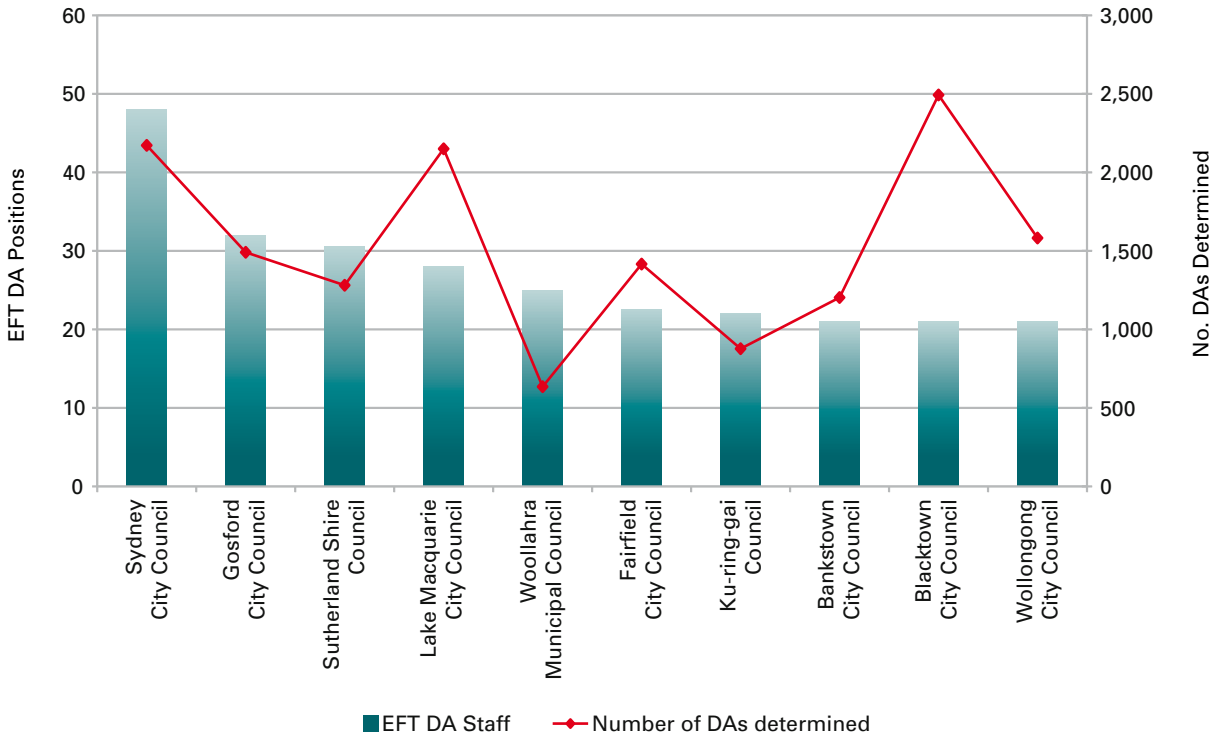
DAs per EFT increased between 2008-09 and 2009-10 from 58 to 63 due to fewer staff. The number of equivalent full time positions applied to development assessment across the state decreased by 8%.

5.2 Council Trends

The average number of DAs determined per equivalent full time position (EFT) varied significantly across the State. Walcha Council has the highest average number of DAs per EFT (215) relating to 43 determined DAs during 2009-10. The metropolitan council with the highest number of DAs per EFT was Camden Council (173) for more than 1,400 DAs.

Figure 15 shows the ten councils throughout NSW that recorded the highest actual number of EFT positions directed to development assessment and the number of DAs determined per EFT for those councils. These councils are located in areas of high development activity including metropolitan Sydney and coastal areas within commuting distance of Sydney. There is not necessarily a direct correlation between numbers of DAs determined and numbers of development assessment staff. A variety of factors may explain these variations including administrative efficiencies, development assessment controls and systems, regional availability of assessment staff and the complexity of projects being considered.

Figure 15: Councils with the highest actual EFTs in 2009-10



The **Table 5-2** below highlights the councils with the highest number of development applications determined per full time DA staff equivalent for 2009-10.

Table 5-2: 20 Councils with the highest number of Development Applications determined per full time DA staff equivalent			
Council	Average DAs determined per EFT	Actual Number of DAs	EFT DA Staff
Walcha Council	215	43	0.2
Camden Council	173	1,454	8.4
Corowa Shire Council	159	278	1.75
Wentworth Shire Council	158	158	1
Port Stephens Council	156	936	6
Coffs Harbour City Council	139	1,181	8.5
Cessnock City Council	135	941	6.95
Clarence Valley Council	125	1,013	8.1
Eurobodalla Shire Council	124	808	6.5
Young Shire Council	123	271	2.2
Maitland City Council	119	1,193	10
Blacktown City Council	119	2,493	21
Liverpool City Council	115	1,383	12
Bega Valley Shire Council	115	576	5
Inverell Shire Council	114	227	2
Kempsey Shire Council	110	329	3
Orange City Council	107	427	4
Narrabri Shire Council	101	101	1
Warringah Council	100	1,804	18
Gilgandra Shire Council	98	49	0.5

6

REVIEWS AND APPEALS

The councils with the lowest average number of DAs determined per EFT in 2009-10 included Conargo (9.3 DAs per EFT), Bogan (10 DAs per EFT), Urana (10 DAs per EFT), Carrathool (11 DAs per EFT), Narromine (11.6 DAs per EFT).

Table 5-3 shows the DAs per EFT for the councils with the highest mean gross determination time in 2009-10. Cooma-Monaro reported only two DA staff and 73 DAs per EFT, a much higher DA to staff ratio than the other nine councils in this list apart from Wentworth who reported only one DA staff member for 158 DAs.

Table 5-3: Ten Councils with highest determination times by staff to DA ratio				
Council	Mean Gross DA determination time	Average DA per EFT	DAs determined	EFT DA Staff
Cooma-Monaro Council	163	73	145	2
Botany Bay City Council	128	27	239	8.75
Gunnedah Shire Council	117	32	189	6
Leichhardt Municipal Council	113	31	461	15
Upper Lachlan Shire Council	110	47	188	4
Wellington Council	110	25	74	3
Mosman Municipal Council	107	44	285	6.5
Canterbury City Council	103	47	655	14
Singleton Council	103	57	514	9
Wentworth Shire Council	100	158	158	1

The councils that recorded the greatest increase in equivalent full time staff for development assessment compared with 2008-09 data were Fairfield (5.5 more EFTs), Muswellbrook (5 more EFTs) and Maitland (4 more EFTs).

Councils that recorded the biggest falls in EFT staff compared with 2008-09 were Lake Macquarie (20 fewer EFTs), North Sydney (16 fewer EFTs) and The Hills (13 fewer EFTs).

Summary table - Reviews and Appeals 2009-10		
2009-10		2008-09
511	s82A reviews were undertaken by reporting councils (61 councils in 2009-10)	612
68	% s82A reviews were approved by councils on review	71
22	% s82A reviews were refused by councils on review	22
347	Class 1 appeals were lodged by applicants in the Land and Environment Court (56 councils in 2009-10)	477
27	% of Class 1 appeals were upheld	34



6.1 Statewide Trends

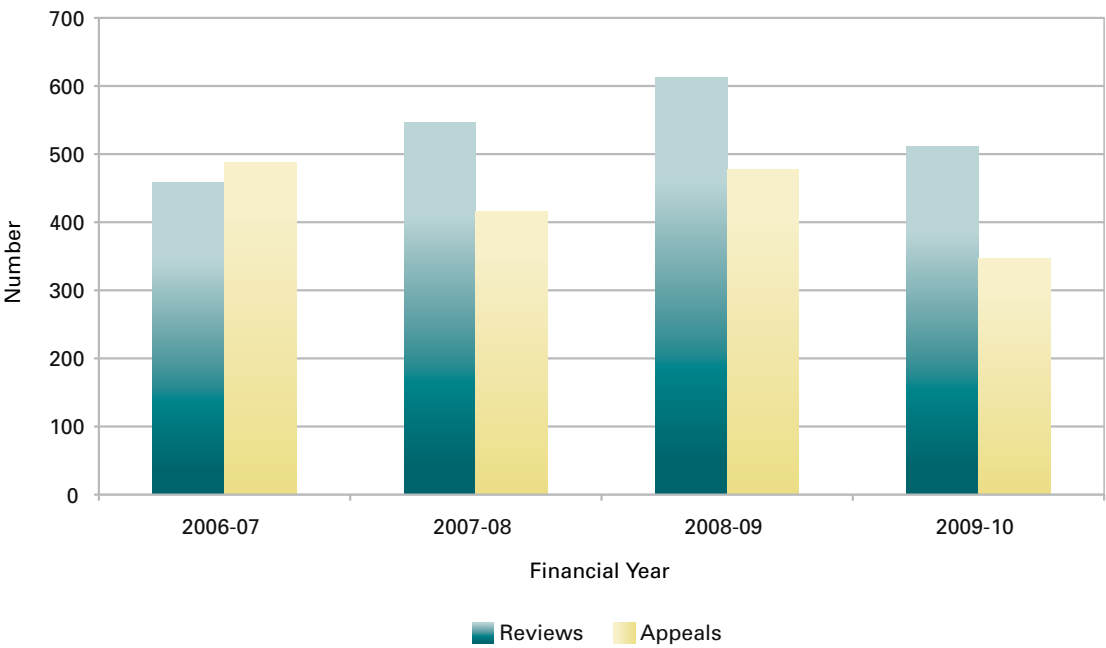
As shown in **Table 6-1**, the proportion of all DA determinations that were contested through the formal review or appeal process was very low.

Under section 82A of the EP&A Act a development applicant may request council to review council's determination of the applicant's DA. Five hundred and eleven (511) s82A reviews were reported for 2009-10 compared with 612 in 2008-09.

Class 1 appeals are generally appeals against a council planning decision and are determined on the merits of the development proposal, rather than on legal issues, by the Land and Environment Court. Three hundred and forty seven (347) Class 1 appeals were reported compared with 477 in 2008-09.

Figure 16 shows that since 2007-08, more reviews were determined each year than appeals.

Figure 16: Number of Reviews compared with Class 1 Legal Appeals 2006-07 to 2009-10



There has been a 27% drop in the number of Class 1 appeals in 2009-10 compared to the previous year. It is understood that the decrease in appeal numbers may be partially explained by changes in the types of developments being appealed, for instance more small-scale developments and fewer larger developments.

The number of completed S82A reviews for 2009-10 decreased compared with 2008-09 from 612 to 511.

Table 6-1: Statewide S82A and legal appeals summary 2009-10	
s82A Reviews (based on 61 reporting councils)	
Number of s82A reviews	511
s82A reviews as % of DA determinations (note 2)	0.7
% s82A appeals approved on review	68
% s82A appeals refused on review	22
% s82A appeals withdrawn/cancelled on review	10
% s82A appeals rejected on review	0.6
Legal Appeals (based on 59 reporting councils)	
Number of legal appeals	367
Class 1 appeals	
Number of Class 1 legal appeals	347
All Class 1 legal appeals as % of DA determinations (note 3)	0.48
% of appeals were upheld	27
% of appeals withdrawn or dismissed	42
Class 1 appeals brought by developer	332
% of developer appeals upheld	25
% of developer appeals upheld with amended plans	15
% of developer appeals with consent orders	17
% of developer appeals withdrawn or dismissed	43
Class 1 appeals brought by third party/objector	11
% of appeals brought by third party/objector that were upheld	73
% of appeals brought by third party/objector that were withdrawn or dismissed	18
Other appeals	
Number of Class 4 appeals	15
Number of Class 5 appeals	1
Number of Supreme Court appeals	4
All appeals	
Legal appeals (all classes) as % of DA determinations (note 3)	0.51

Notes

1. Some applicants seek both a section 82A review and legal appeal for the same development application.

2. S82A reviews include reviews of DAs determined before 2009-10. Therefore reviews as % of determinations is only indicative.

3. Legal appeals include appeals of DAs determined before 2009-10. Therefore appeals as % of determinations is only indicative. Appeal outcomes include upheld, upheld with amended plans, dismissed, withdrawn, consent orders.

Table 6-1 shows that a large proportion of s82A reviews (68%) were approved, similar to other years. An approved s82A review means that the council changed its original determination in favour of the applicant's review application (eg. the applicant can request a review of a refused consent or a review of conditions of consent).

Table 6-2: Statewide S82A/legal appeals comparison with 2008-09		
	2009-10	2008-09
<i>S82A reviews</i>		
Number of s82A reviews	511	612
Number of reporting councils	61	73
<i>Legal Appeals</i>		
Number of Class 1 legal appeals	347	477
Legal appeals as % of DA determinations	0.5	0.7
Number of reporting councils	59	67

43% of Class 1 appeals brought by developers against a council decision were dismissed in favour of the council or withdrawn. This compares with 34% in 2008-09. 25% of developer appeals were upheld in 2009-10.

Of the Class 1 appeals brought by developers, 15% were upheld with amended plans. This generally means that the development proposal was altered during the course of the appeal, including changes to align with the council's views.

A high proportion of (73%) Class 1 appeals by an objector third party were upheld, though they were only 3% of all Class 1 appeals (11 appeals).

Class 4 and Class 5 appeals include appeals to enforce environmental planning law. The number of Class 4 and 5 appeals involving councils represented only a small proportion of the number of appeals in 2009-10: 4% and 0.3 % respectively. It should be noted that councils have powers to enforce environmental planning law that do not involve court actions, such as the issue of fines. Class 4 and 5 legal proceedings may only need to be taken as matters of last resort.

6.2 Council Trends

The councils that reported the highest number of s82A reviews are shown in **Table 6-3**. With the exception of Randwick and Gosford, the majority of DAs subsequently reviewed were approved in these council areas.

Table 6-3: Section 82A reviews - councils with most reviews 2009-10					
Council	Total s82A reviews (100%)	Number of reviews approved	%	Number of reviews refused	Number of other outcomes
Sydney City Council	61	41	67	18	2
Sutherland Shire Council	36	29	81	3	4
Fairfield City Council	30	21	70	6	3
Marrickville Council	27	20	74	5	2
Gosford City Council	24	12	50	8	4
Wingecarribee Shire Council	20	18	90	2	0
Warringah Council	18	10	56	5	3
Wollongong City Council	18	12	67	3	3
Woollahra Municipal Council	17	10	59	4	3
Randwick City Council	17	5	29	11	1
Ku-ring-gai Council	17	9	53	8	0

The councils with the highest number of legal appeals in 2009-10 were Ku-ring-gai, City of Sydney and Waverley Councils as shown in **Table 6-4**.

Table 6-4: Legal appeals - councils with most Class 1 appeals 2009-10	
Council	Legal appeals
Ku-ring-gai Council	36
Sydney City Council	33
Waverley Council	29
Woollahra Municipal Council	17
Parramatta City Council	16
Randwick City Council	11
Wollongong City Council	10
Leichhardt Municipal Council	9
Byron Shire Council	9
Pittwater Council	9
Mosman Municipal Council	9

Some councils have made efforts to reduce appeal activity during the year. Woollahra Council reported the highest number of Class 1 appeals determined in 2008-09 (57 appeals). Their appeals dropped by more than two-thirds to 17 for 2009-10. Part of this is due to fewer appeal applications by developers but also council initiatives to resolve issues through negotiations or mediation before proceeding to full court hearing.

Source Data **Tables 6-5** and **6-6** at the end of this report show the data on s82A reviews and legal appeals for all councils.

Summary table - Other Certificates 2009-10

2009-10		2008-09
58,679	Construction Certificates were issued state-wide (59% were issued by councils in 2009-10)	56,863
47,114	Occupation Certificates were issued state-wide (59% were issued by councils in 2009-10)	45,584
3,872	Subdivision Certificates were issued state-wide	4,130
982	Strata Certificates were issued state-wide	1,204



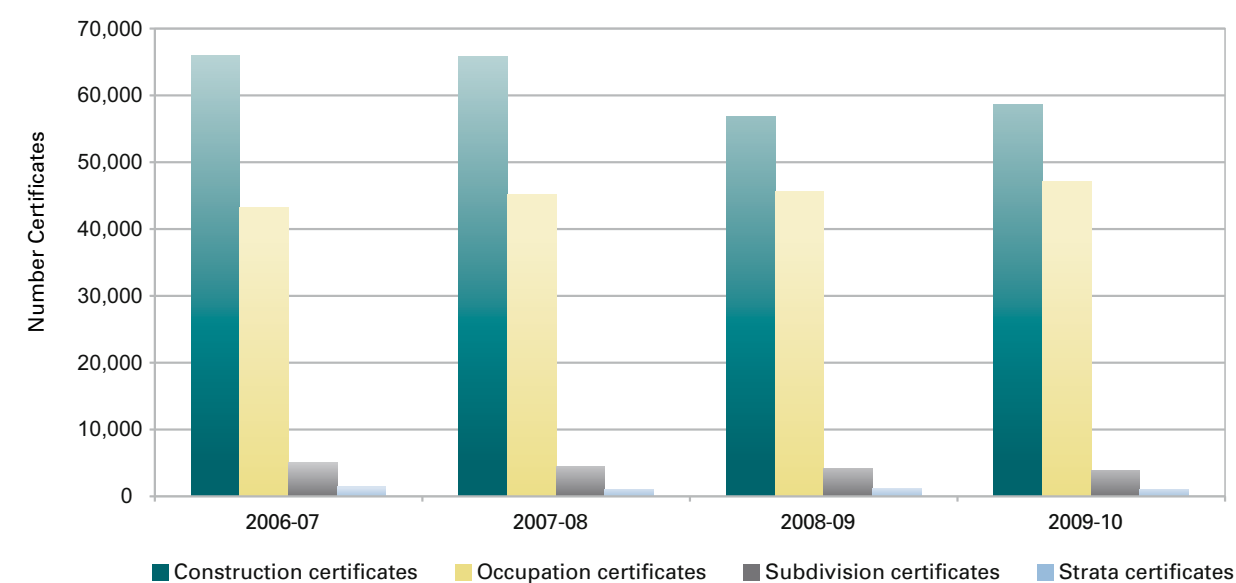
7.1 Statewide Trends

Table 7-1 below details the number of construction, occupation, subdivision and strata certificates issued in 2009-10 and 2008-09 and the number of reporting councils.

Table 7-1: Statewide other certificates summary

Description	2009/10	Local Government Areas	2008/09	Local Government Areas
Construction Certificates issued	58,679	149	56,863	151
Occupation Certificates issued	47,114	148	45,584	150
Subdivision Certificates issued	3,872	143	4,130	147
Strata Certificates issued	982	82	1,204	83

Figure 17: Total number of certificates issued by councils and private certifiers 2006-07 to 2009-10

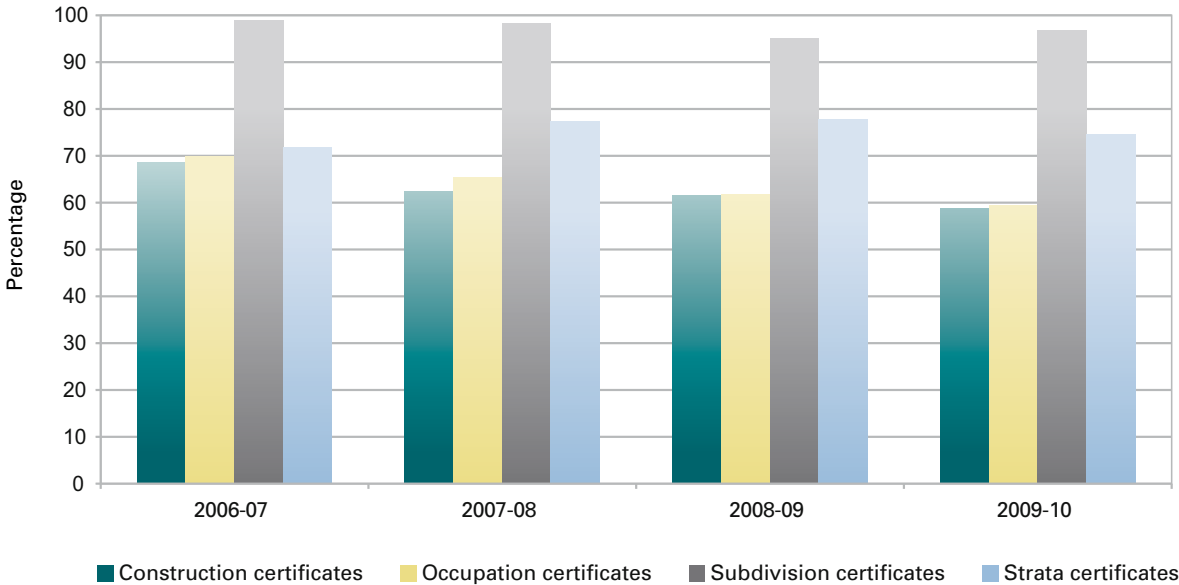


Improvements in the economy are reflected in the increased number of construction and occupation certificates issued in 2009-10. The actual totals for 2009-10 are likely to have been higher than reported as some councils did not provide this data.

Table 7-2: Statewide other certificates issued by councils and private certifiers					
	Councils	%	Private	%	Total
Construction	34,511	59	24,168	41	58,679
Occupation	27,939	59	19,175	41	47,114
Subdivision	3,745	97	127	3	3,872
Strata	733	75	249	25	982

While councils still issue the majority of certificates statewide, the proportion of construction and occupation certificates issued by private certifiers has increased slightly. In 2007-08, private certifiers issued 38% of construction certificates and 35% of occupation certificates. In 2008-09, they issued 38% of construction and occupation certificates compared with 41% of both certificate types in 2009-10 (**Table 7-2**).

Figure 18: Percentage of certificates issued by councils and private certifiers 2006-07 to 2009-10



In 2007-08, 23% of strata certificates were issued by private certifiers. 22% were issued by private certifiers in 2008-09 compared with 25% in 2009-10.



7.2 Council Trends

Table 7-3 below shows the ten councils across the State that issued the highest number of construction certificates in 2009-10 and their results for 2008-09. The councils in the top ten list are very similar to those for 2008-09, representing regional cities, major centres and release areas.

As in 2008-09, Blacktown and Lake Macquarie council areas had the highest number of construction certificates.

Table 7-3: Ten Local Government Areas with highest numbers of construction certificates		
Council	2009-10	2008-09
Blacktown City Council	2,430	2,316
Lake Macquarie City Council	2,076	1,805
Sydney City Council	1,624	1,560
Newcastle City Council	1,495	1,566
Shoalhaven City Council	1,420	1,379
Gosford City Council	1,353	1,029
The Hills Shire Council	1,322	1,243
Liverpool City Council	1,271	1,043
Wyong Shire Council	1,256	1,035
Wollongong City Council	1,195	1,209

Within these council areas, most construction certificates were issued by councils, except in Sydney City and Wollongong council areas. Noticeably, private certifiers issued 80% of construction certificates in the Sydney City council area (compared with 74% in 2008-09). The high proportion of commercial development in the Sydney council area is likely to account for this.

Table 7-4: Ten Local Government Areas with highest numbers of construction certificates - proportion of council and private certifier issued certificates					
Council	Council	%	Private	%	Total
Blacktown City Council	1,560	64	870	36	2,430
Lake Macquarie City Council	1,180	57	896	43	2,076
Sydney City Council	331	20	1,293	80	1,624
Newcastle City Council	882	59	613	41	1,495
Shoalhaven City Council	964	68	456	32	1,420
Gosford City Council	1,059	78	294	22	1,353
The Hills Shire Council	835	63	487	37	1,322
Liverpool City Council	829	65	442	35	1,271
Wyong Shire Council	953	76	303	24	1,256
Wollongong City Council	500	42	695	58	1,195

Blacktown reported the highest number of occupation certificates issued for 2009-10 (2,459). The council areas with the highest reported numbers of occupation certificates in 2009-10 included Sydney City Council (1,548), Sutherland Shire Council (1,295), Warringah Council (1,257) and Shoalhaven City Council (1,243).

Source Data Table 7-5 at the end of this report shows the data on other certificates for all councils.

