

REPORT



Planning &
Infrastructure

**local
development
performance
monitoring**

2012-2013

LOCAL DEVELOPMENT PERFORMANCE MONITORING: 2012-13

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overview

Overview for 2012-13

IN 2012- 2013		IN 2011- 2012	% change from 2011-12
Assessment Activity			
57,032	Development applications (DAs)	58,975	-3.3
14,086	Section 96 modifications determined by local councils	13,996	0.6
19,192	Complying development certificates (CDCs) determined by councils or private certifiers. This is 25% of all DA and CDC determinations in 2012-13	17,128	12
90,310	DAs, s96 modifications and CDCs determined	90,099	0.2
2.3	% of all DAs determined that were refused	2.7	-0.4
0.9	% of all DAs rejected	1	-0.1
Development Activity			
55,728	DAs approved by local councils	57,403	-2.9
19,147	CDCs approved by councils or private certifiers	17,077	12
74,875	DAs and CDCs approved	74,480	0.5
Value			
21.46	Billion dollars worth of DAs approved under the NSW local development assessment system	19.88	8
3.03	Billion dollars worth of CDCs approved under the NSW local development assessment system	2.24	35
24.49	Billion dollars worth of DAs and CDCs approved under the NSW local development assessment system	22.12	11
Time			
68	Days on average taken to process a DA across all councils, including stop-the-clock and referrals to state agencies	71	-4
17	Days on average taken by councils to process CDCs	18	-7
59	Councils with an average gross determination time for DAs of 50 days or less	58	2
15	Councils with an average of more than 100 days to process a DA	15	0
Applicants and Referral Bodies			
36.2	% of DAs sent to applicants for further information ('stop-the-clock'); the average time for stop-the-clock was 56 days (2012-13)	37.4	-1.2
11	% of DAs referred to external agencies; the average time for referrals was 48 days (2012-13)	11.7	-0.7
48	Days on average taken by external agencies to comment on a referred DA	50	-5
Determination Bodies			
3.9	% of DAs on average determined by elected representatives	3.9	0
44	Councils with more than 98% of their DA determinations made under delegation to professional staff	45	-2

executive summary

A low-angle, upward-looking photograph of a modern building. The building features a curved facade with a grid of windows and a prominent section of perforated metal mesh. The sky is visible through the opening of the building's structure. The text 'executive summary' is overlaid in large, white, sans-serif font on the left side of the image.

Executive Summary

Overview

The 2012-13 Local Development Performance Monitoring report provides an outline of the performance of the NSW planning system and information on local and regional development determined by councils, private certifiers and joint regional planning panels.

This year's report is the eighth in the series. As in previous years, it provides comprehensive information on the assessment of developments by councils including the number of council decisions and determination times. It also provides information on the use of statewide complying development codes for residential, commercial and industrial development; performance of state government referral agencies; and an analysis of the performance of the joint regional planning panels which determine regionally significant developments.

In 2012-13, both the total number of development applications (DAs) determinations and approvals were still near the lowest level of development since detailed local development performance monitoring data collection began in 2006-07. Nevertheless, overall development activity (includes DAs and complying development certificates (CDCs)) increased marginally by 0.5 % (74,875 approvals) compared with 2011-12 and the total value of approved developments increased by 11% (\$2.37 billion). Infrastructure, Tourist facilities and Subdivisions showed significant increases in value of approved DAs and CDCs compared with 2011-12, a 148%, 106% and 103% increase in value respectively.

The overall key indicators of performance, such as the average determination time and the number of councils with high average determination times were similar to 2011-12.

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 the joint regional planning panels.

The integrity and incompleteness of data from private certifiers regarding CDCs continues to be an issue and as such the information regarding CDC developments is incomplete.

Structure of the Report

Background information is included in Chapter 1 including the reform context for local development. The major findings from the 2012-13 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 is 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 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.

Infotrail

Development Activity (Chapter 2)

- 74,875 local development approvals (DAs and CDCs) approved
- 0.5% higher than 2011-12
- Complying comprised 25.6% of all development approvals in 2012-13
- 19,147 CDCs approved
- \$24.49 billion worth of development approved 2012-13
- The majority of developments were valued under \$1 million: 96% of DAs and 99% of CDCs in 2012-13
- 54% of all approved developments in NSW were for the Sydney region.
- The total value of developments approved in the Sydney region was \$17.9 billion
- The councils with the highest approvals (DAs and CDCs) for 2012-13 were City of Sydney, Blacktown City Council, Lake Macquarie City Council, Penrith City Council and the City of Newcastle.
- The councils with the highest numbers of CDC approvals for 2012-13 were City of Sydney, Blacktown City Council, Penrith City Council and Camden Council
- Residential alterations and additions comprised 36% of all approved residential development in 2012-13
- Single new dwellings comprised 79% of residential development approvals in 2012-13
- New second occupancies (dual occupancies and “granny flats”) comprised 12.0% of all new residential development approvals in 2012-13
- New multi-unit residential developments (includes residential flat buildings and townhouses and villas) comprised 7.0% of all new residential development approvals in 2012-13
- Residential development still comprises 69% of all DAs in 2012-13



Determination times (Chapter 3)

- Average time for development applications was 68 days. 3 days lower than 2011-12
- Median gross determination time was 42 days for 2012-13 (45 days in 2011-12)
- The mean gross time for urban councils was 78 days compared with 63 days for regional councils, 72 days for fringe councils and 54 days for agricultural councils
- More than half of all NSW councils (55%) had a median gross processing time for DAs of 40 days or less in 2012-13; and 82% of councils achieved median net determination times of 40 days or less in 2012-13
- Fifteen councils (10% of all councils) had mean gross determination times for DAs over 100 days in 2012-13



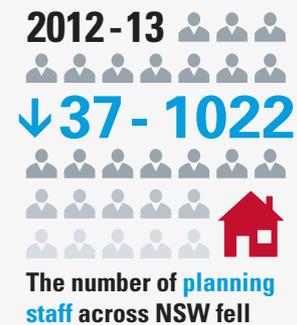
Determination time by council staff, councillors and regional panels (Chapter 4)

- Council staff made 77.8% of all DA and CDC determinations, worth \$12.6 billion.
- private certifiers determined 18.7% of development worth \$2.6 billion
- Councillors determined 2.9% for 2012-13 worth \$2.8 billion.
- Regional panels (JRPPs) determined 0.4% of all DA determinations in NSW worth \$5.577 billion.



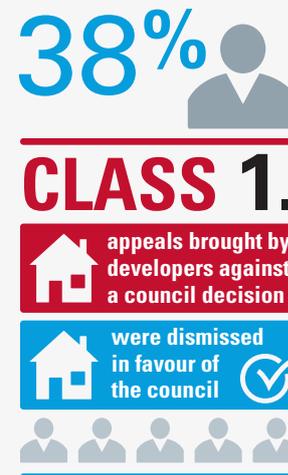
Council staffing (Chapter 5)

- The number of planning staff across NSW fell by 37 to 1022 in 2012-13.
- 56 DAs were determined by each full time planning staff (EFT).
- the average number of DAs determined per staff member ranged from 185 DAs per EFT (Walcha Council) to 6 DAs per EFT (Brewarrina Council).



Reviews and appeals (Chapter 6)

- 427 section 82A council reviews were conducted in 2012-13, 66% were approved
- 344 Class 1 appeals were carried out by the the Land and Environment Court in 2012-13
- 38% of Class 1 appeals brought by developers against a council decision were dismissed in favour of the council
- Only 25% of the appeals were upheld in favour of the developer without any changes to the proposed development
- 18% of appeals upheld in favour of the developer were upheld after the original development was amended to address the issues raised by the council
- 18% of appeals resulted in consent being issued after agreement by the parties
- Councils with the highest number of Class 1 legal appeals in 2012-13 were City of Sydney, Ku-ring-gai, Waverley and Woollahra Councils



Other certificates (Chapter 7)

- The total numbers overall of construction, occupation, subdivision and strata certificates issued by councils and private certifiers generally declined in 2012-13 compared with 2011-12
- Since 2009-10, Blacktown, Lake Macquarie and City of Sydney areas had the highest number of construction certificates (1,720; 1,674 and 1,525 in 2012/13 respectively)
- 47,488 Construction certificates were reported as being issued in 2012-13
- 47,425 occupation certificates were reported as being issued in 2012-13
- 3,964 subdivision certificates were reported as being issued in 2012-13
- 834 strata certificates were reported as being issued in 2012-13



chapter 1

introduction



The 2012-13 Local Development Performance Monitoring report provides an overview of development trends in NSW for 2012-13. 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 and council) 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 2012-13.

The data provided in this report are as reported by councils and state government referral agencies.

The report includes information on:

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

The data in this report excludes:

- State significant development (SSD) and State significant infrastructure (SSI) determined under the EP&A Act and the remaining Part 3A projects determined or still to be determined (reported in the Department of Planning and Infrastructure's Annual Report).
- Local and regional development determined by a consent authority other than councils, private certifiers and joint regional planning panels. This includes (but is not limited to) the Minister, the Department of Planning & Infrastructure (DP&I), the Planning Assessment Commission (PAC) and public authorities, such as the Roads and Maritime Services (RMS) and the Sydney Olympic Park Authority (SOPA).
- Exempt development (development of minimal environmental impact that is exempt from planning consent).

Information is presented on a statewide, regional, and council basis.

In most cases, the data collected for 2012-13 have been compared with the data from previous years in order to indicate statewide development trends.

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

The publication focuses on quantitative data rather than qualitative information.

The data used to produce this year's report and previous reports is available in accordance with the principles of the NSW Government Open Data policy. The data is on the Department's website in digital format and can be downloaded from www.planning.nsw.gov.au.

1.1 Data Collection and Analysis

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

For 2012-13, there were 25 mandatory fields and seven optional data fields that applied to each determined application (not all fields are relevant to all applications).

This was supplemented by information from state government referral agencies and joint regional planning panels. However, the 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.

Data analysis was undertaken by the department using standard calculations (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 immediate 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 queries operate automatically. The accuracy of the queries is spot checked by semi-automated comparisons with the original data submissions from councils.

Department of Planning & Infrastructure 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).

The data quality complies with the NSW Government Open Data policy best practice data quality standards and principles. It improves each year for regular data fields. Councils have also made significant efforts to adapt to the process of providing data in the standard format and to collect and review their data.

The data are summarised in a series of standardised tables to help to discern overall patterns and trends for statewide development activity.

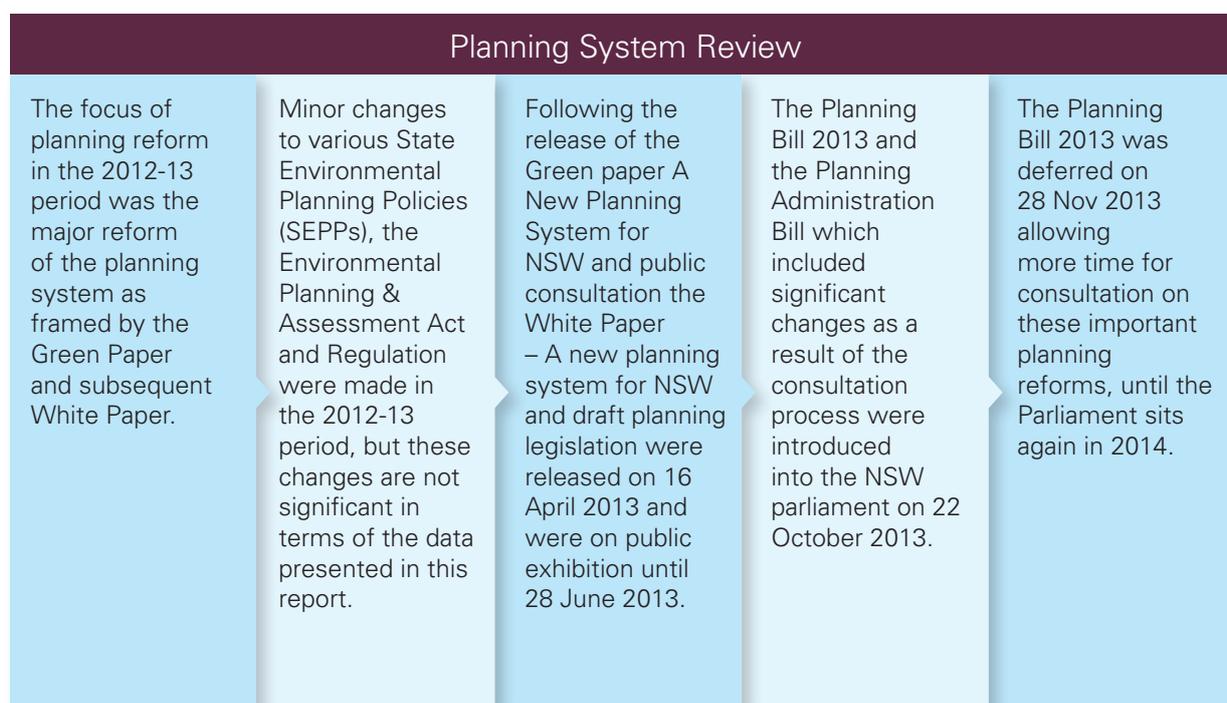
1.2 Planning Reform

Planning Reform

The aim of the proposed planning reform is to:

- Provide a modern and easy planning system for the 21st century that puts the community first.
- Gives communities a greater say upfront
- Allows quicker decisions to be made
- Is a simpler system that allows new investment
- Strengthens rights for individuals and groups through a Community Participation Charter
- Provides a more predictable assessment process
- Provides more housing choice across the State

Details of the Bill and the Planning reform process can be found on the Department's website:
<http://www.planning.nsw.gov.au/>



ePlanning

ePlanning is a key initiative of the planning reforms which will transform the way information on the planning system is collected, analysed and reported.

The White Paper 'A New Planning System for NSW (April 2013)' outlined how the use of technology based tools and systems will streamline the delivery of planning information services to the community.

The Department's ePlanning program¹ will develop standards for online application tracking which will open up new opportunities for automated and more frequent development performance reporting.

¹ Details of the ePlanning program are available at <http://www.planning.nsw.gov.au/en-au/buildinginnswe/eplanningforsw.aspx>

chapter 2
local development
assessment –
volume and value



Development Approvals Activity Summary

IN 2012-13	Description	IN 2011-12
74,875	developments (DA + CDC) were approved	74,480
24.5	billion dollars value of developments (DA + CDC) were approved	22.1

Development Approvals Track Summary

IN 2012-13	Description	IN 2011-12
25.6	complying development as % of all development (DA+CDC)	22.9
23.4	% of single new dwellings approved as complying development	16.6
91.7	% of CDCs approved under Codes SEPP (of SEPP and CPI)	88.4
144	councils provided data where at least one CDC was approved	141
112	councils provided data where at least one CDC was approved under Codes SEPP	112

Note:

1. CPI = council planning instrument

2. Percentage of CDCs determined under Codes SEPP is only for CDCs recorded as being determined under the Codes SEPP or a council planning instrument; CDCs determined under other SEPPs or unknown planning instrument are not included.



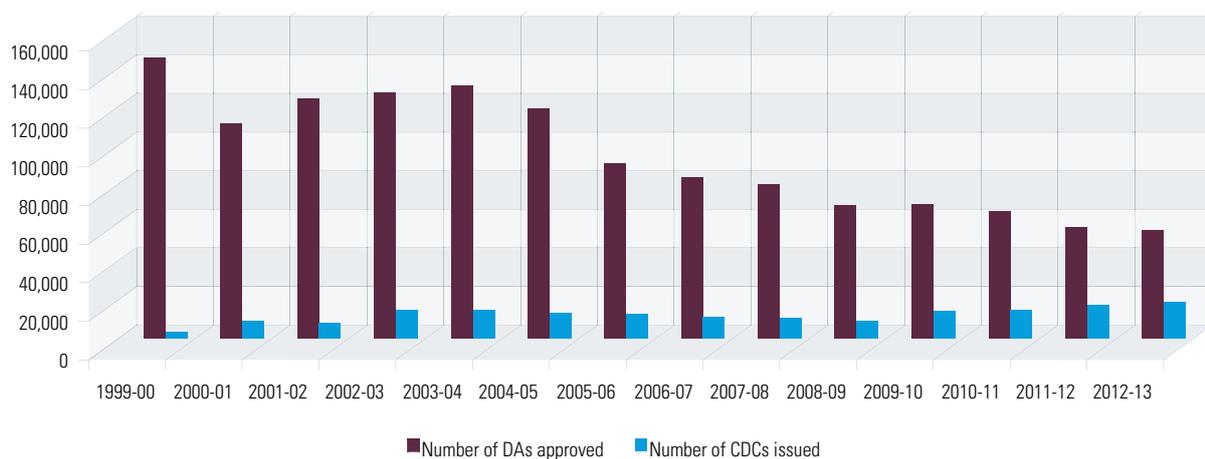
2.1 Statewide Trends

Development Activity - Approvals

Development activity refers to the amount of development approved under the NSW Environmental Planning and Assessment Act from 1 July 2012 to 30 June 2013. It includes DAs and CDCs, and excludes modifications to DAs (under section 96 of the EP&A Act). Although s96 modifications can take the same time and even longer than the original application to determine, they are still considered to be substantially the same development. Development activity is a measure of how much proposed development activity is approved and how much building activity may occur. Development approved by a DA cannot be commenced until a Construction Certificate has been issued. A CDC does not require a Construction Certificate before building commences. Refused developments are excluded.

Number of approvals

Figure 1: Total approved DAs and CDCs in NSW 1999-00 to 2012-13



Notes:

1. The complying development certificate system was introduced in 1998.
2. Complying development certificates issued in 2001-2002 were underestimated because those issued by private certifiers were not recorded.
3. Source 1999-2000 to 2004-2005: Department of Local Government Comparative Information
Source 2005-2006 to 2012-2013: Department of Planning's Local Development Performance Monitoring report.
4. 2005-2006 figures for DAs also include s96 modification applications.
5. 2006-2007 data on CDCs was under-reported as some councils did not report CDCs issued by private certifiers.

Development activity in 2012-13 increased marginally by 0.5% compared to 2011-12. Although the result shows that the decline in development activity has been reversed, the level of activity is still below the 2007-08 level when the Global Financial Crisis occurred. At 74,875 approvals, this was marginally higher than the number of approvals in 2011-12 and was 7.7% lower than 2010-11 and 4.6% lower than 2008-09.

It should be noted that these figures do not include developments which are declared exempt from planning approval due to their minimal environmental impacts. Nor do these figures include State significant developments determined by the Minister for Planning and Infrastructure.

Value of approvals

	Total value of DAs approved	Total value of CDCs approved	Total value of CDCs and DAs approved
2012-13	\$21.5b	\$3.0b	\$24.5b
2011-12	\$19.9b	\$2.2b	\$22.1b
2010-11	\$18.0b	\$1.8b	\$19.9b
2009-10	\$15.7b	\$3.0b	\$18.6b
2008-09	\$18.5b	\$853.2m	\$19.4b
2007-08	\$21.0b	\$897.2m	\$21.9b
2006-07	\$20.4b	\$799.3m	\$21.2b

Note: There was some under-reporting of CDC value where records were missing.

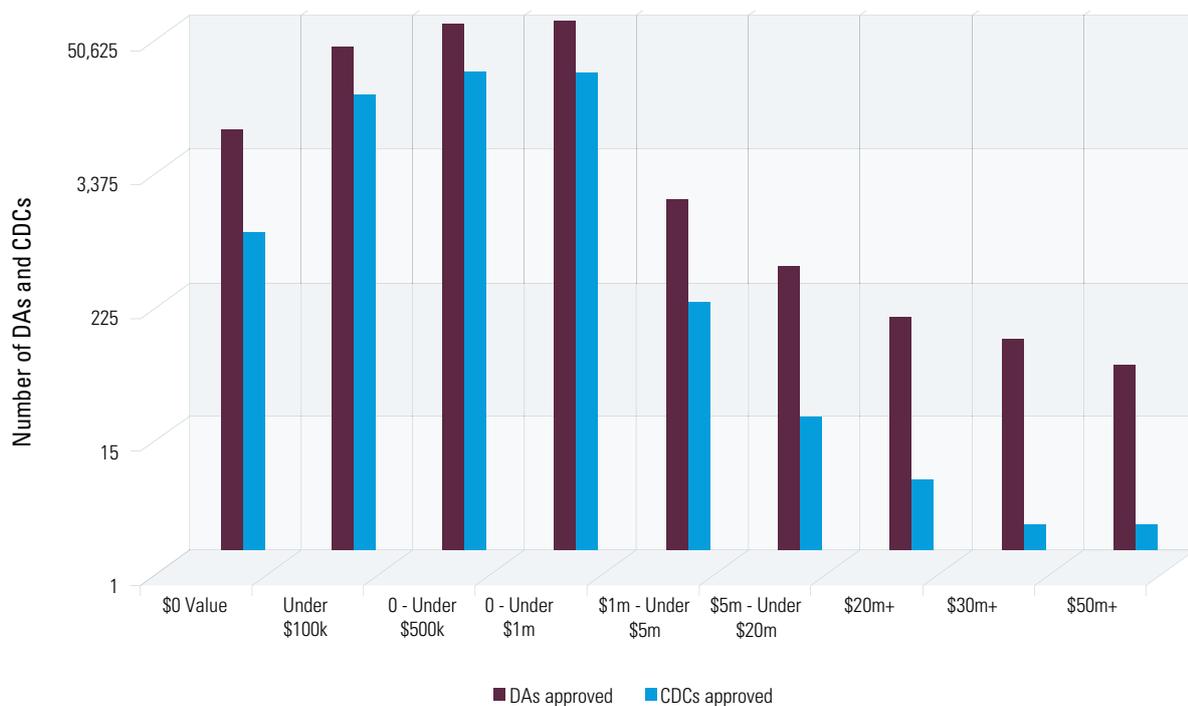
The total value of approved development increased by 10.7% (\$2.37 billion) from \$22.1 billion in 2011-12 to \$24.5 billion in 2012-13 (Table 2-1). The increased value of development was spread across both DAs and CDCs. The increased value of CDCs was expected due to the wider range of development that can now be dealt with under the Codes SEPP, which allowed more developments to be determined as CDCs. CDCs rose from \$2.2b in 2011-12 to \$3.0b in 2012/13, a 35% increase.

The median value of DAs remained unchanged at \$50,000; the median value of CDCs rose from \$40,000 to \$50,000 reflecting that due to legislative changes, more development can now be determined as complying development. (see Table 2-2).

	DA value		CDC value	
	Mean	Median	Mean	Median
2012-13	\$387,334	\$50,000	\$158,480	\$50,000
2011-12	\$348,267	\$50,000	\$131,951	\$40,000
2010-11	\$274,592	\$46,500	\$121,844	\$27,000
2009-10	\$228,225	\$40,000	\$215,017	\$27,000
2008-09	\$271,363	\$33,000	\$94,060	\$19,700
2007-08	\$270,183	\$33,500	\$86,713	\$18,500
2006-07	\$247,376	\$28,262	\$78,920	\$12,000

The value ranges for approvals are shown in Figure 2. As in previous years, most developments were valued under \$1 million, 96.5% of DAs and 98.9% of CDCs in 2012-13.

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.

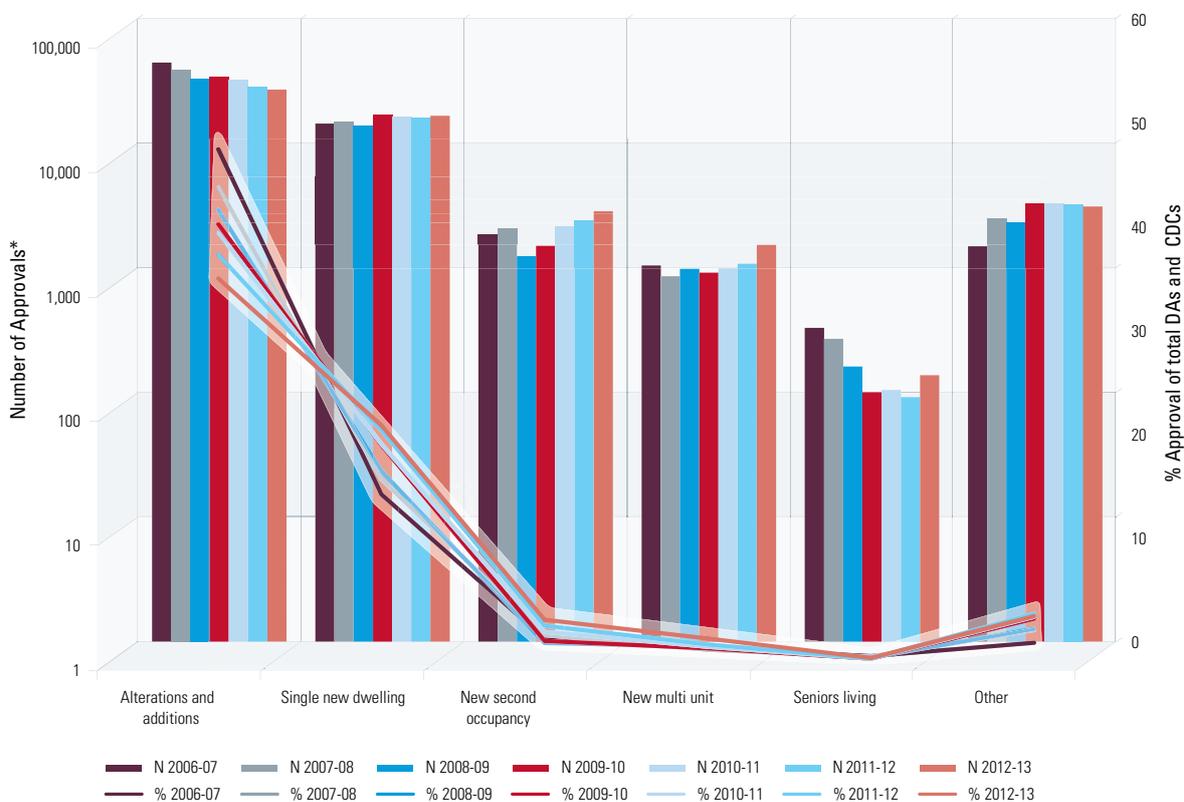
Development types

Further analysis of development shows that despite the overall decline in development activity, there have been some small shifts in the profile of development over time, reflecting both government policy and consumer demand (**Figure 3**).

Residential development still comprises the majority of approved development (DAs and CDCs). Since 2006-07 residential development has increased slightly as a proportion of all development from 68% in 2006-07 to 69% in 2012-13.

Residential alterations and additions comprised 36% of all approved development in 2012-13. The total number of approved residential alterations was the lowest since 2006-07 (when detailed information collection began), falling by 5% between 2011-12 and 2012-13 (**Figure 3**).

Figure 3: Residential development types - number and % approved (DAs and CDCs)



Note: The data has been presented using a logarithmic scale, as it allows for the easier reading of the large range of values.

Of all the new residential developments in 2012-13 (as shown in **Figure 4**), the highest proportion were single new dwellings (79%)².

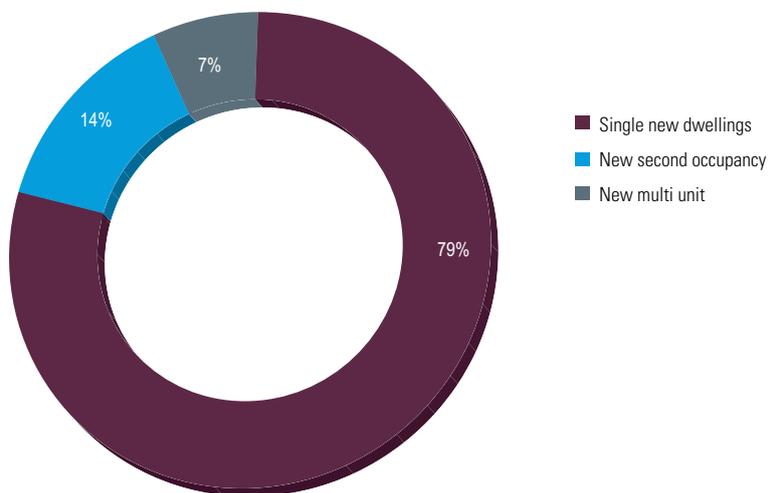
The number of new second occupancy approvals increased slightly to 3.8% of all development types, compared to 3.0% in 2011-12. This represented a 19% increase in secondary occupancy approvals; 2411 in 2011-12 to 2867 in 2012-13.

New second occupancies comprised 14% of all new residential development approvals in 2012-13 (excluding "other residential" which includes boarding houses and group homes), compared with 12% of all new residential development approvals in 2011-12. Second occupancies include both dual occupancies and "granny flats" (that is, a secondary dwelling to a principal dwelling). The councils with the highest number of second occupancy developments in 2012-13 included Bankstown, Parramatta, Fairfield, Holroyd and Penrith.

² Alterations and additions are excluded as they are not considered additional new dwellings.

Figure 4 shows when comparing only new residential development that the single new dwelling is still the dominant form of residential development occurring when compared to new second occupancy or new multi-unit development.

Figure 4: New residential development types as % of all new residential development



Note: Does not include new Seniors' Living SEPP developments, residential - other or residential alterations and additions.

Under the State Environmental Planning Policy (Affordable Rental Housing) 2009³ 1,010 new secondary dwellings (granny flats) DAs and CDCs were approved. This was about 5% of all new residential approvals in 2012-13 and 35% of all new second occupancies in 2012-13. Bankstown, Fairfield, Penrith, and Gosford reported the highest number of new secondary dwellings determined under the SEPP.

The changes to the SEPP, did not impact on the opportunities for secondary dwelling developments to occur. "Granny flat" developments under the SEPP are on the same property title as the principal dwelling and they are small-scale developments compatible with existing development.

New multi-unit residential developments recorded the greatest percentage increase, with a 41% increase from 2011-12 to 2012-13 (from 1,089 to 1,535).

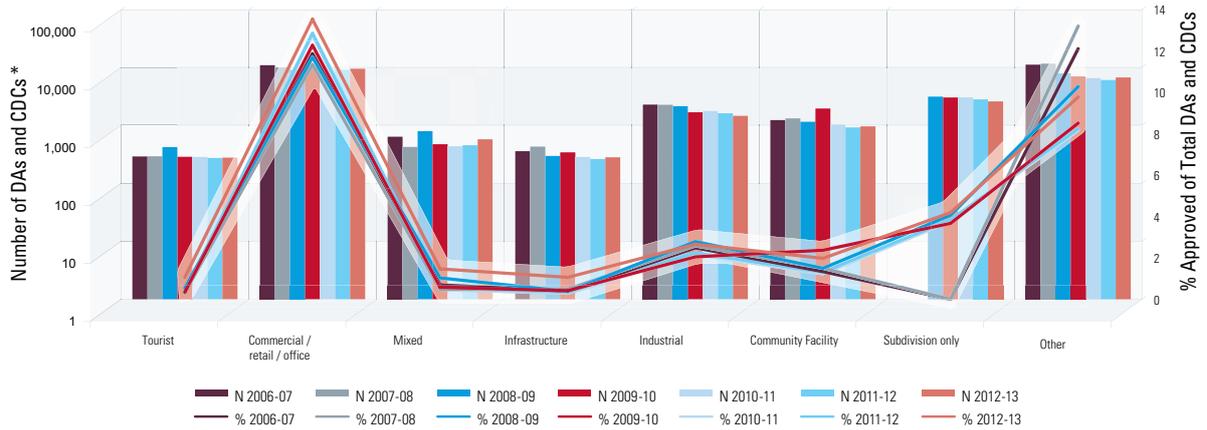
However, new multi-unit developments as a proportion of all development increased slightly from 1.5% in 2011-12 to 2.1% in 2012-13. These developments include residential flat buildings, townhouses and villas. New multi-unit developments comprised 7% of all residential developments, compared with 6% in 2011-12. Blacktown, Woollahra, Bankstown, Parramatta and Hornsby reported the highest number of approved new residential multi-unit developments for 2012-13.

Similar to 2011-12, commercial / retail / office development activity comprised 12.7% of all development. There was a slight increase in this form of development between 2011-12 and 2012-13, from 9,162 approvals to 9,524 approvals.

³ "New second occupancies" under Local Development Performance Monitoring includes developments not included as "secondary dwellings" under the Affordable Rental Housing SEPP.

In 2012-13, there was a 4.1% increase in the number of approved community facilities developments compared with 2011-12, but still below the peak figures of 2009-10 (961 approvals compared to 1,959 approvals). The development of community facilities peaked during 2009-10 due to the Federal government funding stimulus (**Figure 5**).

Figure 5: Non-residential development types - number and % approved (DAs and CDCs)

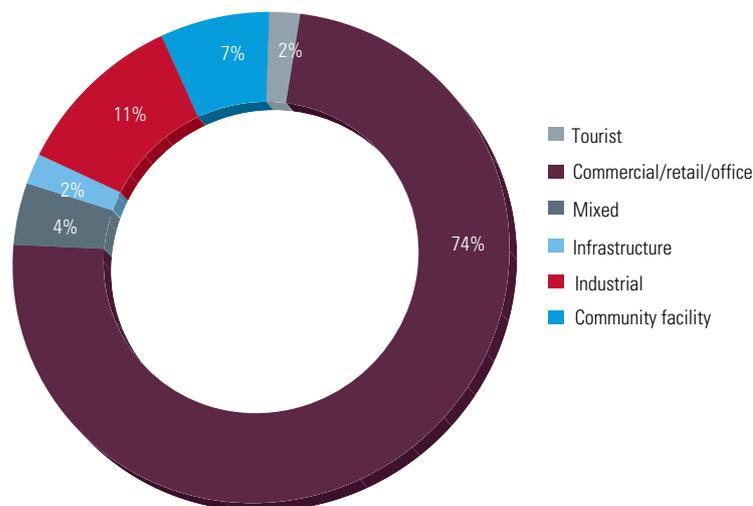


Note:

1. The data has been presented using a logarithmic scale, as it allows for the easier reading of the large range of values.
2. 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.
3. Includes alterations and additions to existing non-residential development.
4. Excludes residential subdivision and other non-residential development.

Commercial/retail/office comprised 74% of all non-residential development, followed by industrial development at 11% (Figure 6).

Figure 6: Non-residential development approvals as % of all non-residential development



Assessment Activity - Number Of Determinations

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 (e.g. merit assessment or complying development) and determination time (**see Chapter 3**).

Overall, determinations increased by 0.23%, from 90,099 in 2011-12 to 90,310 in 2012-13.

Table 2-3 shows that the proportion of determinations that were merit assessed continued to gradually decline whereas the proportion which were dealt with as complying development has steadily increased. This is to be expected as the range of development able to be classified as either exempt or complying development is expanded.

Table 2-3: Assessment path - numbers of determinations						
	Merit assessment (DA)	DA as % of (DA+CDC)	Modification DA (s96)	Complying (CDC)	CDC as % of (DA+CDC)	Total determinations
2012-13	57,032	75	14,086	19,192	25	90,310
2011-12	58,975	77	13,996	17,128	23	90,099
2010-11	68,025	82	15,051	15,085	18	98,161
2009-10	71,550	83	15,003	14,315	17	100,868
2008-09	71,638	89	14,975	9,194	11	95,807
2007-08	82,404	89	15,313	10,619	11	108,336
2006-07	86,287	88	14,387	11,241	12	111,915

In 2012-13, merit assessment determinations comprised 75% of total (DA & CDC) determinations, compared with 77% in 2011-12, while complying development determinations were 25% in 2012-13, compared with 23% in 2011-12. 92% (see notes with Table 2-7) of CDCs were determined under the Codes SEPP in 2012-13.

Since 2011, more classes of development have been identified as being able to be addressed by specified predetermined development standards as complying development (maximum 10-day determination time requirement) under the Codes SEPP. The changes have increased opportunities to use the Codes SEPP and simplified some of the existing development standards.

Determinations are divided into two assessment paths, merit assessment (DAs) and complying development. **Tables 2-4** and **2-5** show the types of developments determined under merit assessment and as complying development.

In 2012-13, merit assessed residential development comprised more than half (51.4%) of all determinations; and residential complying development applied to 17.4% of all determinations.⁴

⁴ Excluding section 96 DA modifications. CDC modifications are included in CDC count.



**Table 2-4: Total number of DAs determined in NSW by type
2012-13 compared to 2011-12**

Development Type	Number of DAs Determined 2012-13	2012-13 % of total DAs determined	Number of DAs Determined in 2011-12	2011-12 % of total DAs determined
Residential - Alterations and additions	20,505	36	22,131	37.5
Residential - Single new dwelling	12,961	22.7	13,762	23.3
Residential - New second occupancy	1,988	3.5	1,975	3.3
Residential - New multi unit	1,357	2.4	1,044	1.8
Residential - Seniors Living	128	0.2	96	0.2
Residential - Other	2,214	3.9	2,355	4
Tourist	281	0.5	283	0.5
Commercial / retail / office	5,985	10.5	6,108	10.4
Mixed	467	0.8	370	0.6
Infrastructure	252	0.4	217	0.4
Industrial	1,383	2.4	1,558	2.6
Community facility	835	1.5	863	1.5
Subdivision only	2,578	4.5	2,838	4.8
Other	5,951	10.4	5,214	8.8
Non standard category	147	0.3	161	0.3

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 e.g. 'demolition only' falls into 'other', whereas 'dwelling' is counted in the non standard category.

**Table 2-5: CDCs determined in NSW by development type
2012-13 compared to 2011-12**

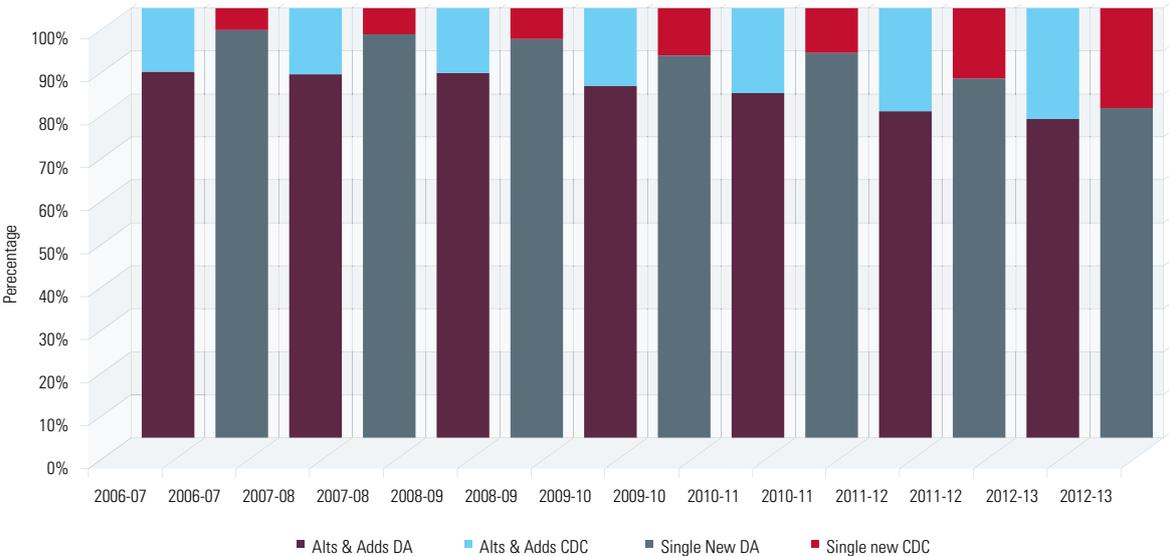
Development Type	Number of CDCs determined in 2012-13	2012-13 As % of total CDCs determined	Number of CDCs determined in 2011-12	2011-12 As % of total CDCs determined
Residential - Alterations and additions	7,129	37.1	6,971	40.7
Residential - Single new dwelling	3,927	20.5	2,702	15.8
Residential - New second occupancy	948	4.9	551	3.2
Residential - New multi unit	282	1.5	179	1
Residential - Seniors Living	19	0.1	6	0
Residential - Other	988	5.1	956	5.6
Tourist	11	0.1	7	0
Commercial / retail / office	3,742	19.5	3,295	19.2
Mixed	126	0.7	128	0.7
Infrastructure	40	0.2	53	0.3
Industrial	132	0.7	112	0.7
Community facility	141	0.7	100	0.6
Subdivision only	107	0.6	99	0.6
Other	986	5.1	1,025	6
Non standard category	614	3.2	944	5.5

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



Figure 7 shows the proportion of residential alterations and single new dwellings that underwent merit assessment compared with those that were dealt with as complying development. 74% of residential alterations and additions were determined as DAs in 2012-13 compared with 76% in 2011-12. 26% were determined as CDCs in 2012-13 compared with 24% in 2011-12. 77% of single new dwellings were determined as DAs in 2012-13 compared with 84% in 2011-12; 23% of single new dwellings were determined as CDCs in 2012-13 compared with 16% in 2011-12.

Figure 7: Assessment path for single new dwellings and residential alterations and additions



Slightly less than two-thirds (62%) of all commercial / retail / office development underwent merit assessment in 2012-13 and slightly more than one-third (38%) were assessed as complying development (**Table 2-6**). This was comparable to 2011-12 (65% and 35% respectively).





Table 2-6: CDCs determined as percentage of all determinations (DA+CDC) by development type

Category of development	2012-13	2011-12
Residential - Alterations and additions	26	24
Residential - Single new dwelling	23	16
Residential - New second occupancy	32	22
Residential - New multi unit	17	15
Residential - Seniors Living	13	6
Residential - Other	31	29
Tourist	4	2
Commercial / retail / office	38	35
Mixed	21	26
Infrastructure	14	20
Industrial	9	7
Community facility	14	10
Subdivision only	4	3
Other	14	16
Non standard category	81	85

Notes:

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

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.



The number of new second occupancies dealt with as CDCs experienced a 70% increase in volume, 32% of all new second occupancy determinations in 2012-13 compared to 22% in 2011-12. New residential multi-unit dealt with as CDC determinations remained almost constant, 17% in 2012-13 and 15% in 2011-12.

Under the current Codes SEPP the applicant can choose to use the Codes SEPP or the council planning instrument (either its Local Environmental Plan or Development Control Plan). The provisions in council planning instruments will vary between council areas. The provision to use either the Codes SEPP or council planning instruments was considered to be a transitory measure which was to end in late 2011. On 25 November 2011, the transition period for turning off existing local complying development controls was extended for the councils that have not yet made their LEP using the Standard Instrument, until such time as their new LEP is made. As such, the use of the Codes SEPP continues to increase, with 92% of CDCs in 2012-13 determined under the Codes SEPP, compared with 88% in 2011-12.

The Codes SEPP was more widely used where private certifiers determined CDCs than when council certifiers determined CDCs. Table 2-7 shows that 96% of CDCs determined by private certifiers were determined under the Codes SEPP. This compared with 93% in 2011-12.

Table 2-7: CDC determinations by planning instrument

Level of determination	Number of CDCs		% SEPP		% Council planning instrument		Number of councils	
	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12
Council staff	3,643	3,719	80	77	20	23	120	112
Councillors	6	4	83	100	17	0	6	3
Private certifier	10,769	9,384	96	93	4	7	80	89
Totals	14,418	13,107	92%	88%	8%	12%	122	119

Notes:

- The number of CDCs in this table is *not* the total number of CDCs for 2012-13. It is only for councils that recorded at least one CDC that was 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 e.g. Infrastructure SEPP).
- A total of **thirty 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.

Council staff use of the Codes SEPP increased compared with 2011-12. In 2011-12, 77% of CDCs issued by council staff were under the Codes SEPP compared to 80% in 2012-13.

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 that Policy.

The majority of the CDCs for residential alterations and additions (92%) and single new dwellings (93%) were issued under the Codes SEPP in 2012-13.

91% of the CDCs for commercial / retail / office development were issued under the Codes SEPP compared with 88% in 2011-12.



Table 2-8: CDC determinations by category of development and planning instrument

Category of development	Number of CDCs		% SEPP		% Council planning instrument		Councils	
	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12
Residential - Alterations and additions	5,797	5,915	92	88	8	12	111	105
Residential - Single new dwellings	3,306	2,224	93	88	7	12	104	101
Commercial/retail/office	2,180	1,976	91	88	9	12	81	79
Industrial	98	100	97	94	3	6	28	31
Other (not included above)	3,038	2,892	92	89	8	11	99	99
Total	14,419	13,107	92	88	8	12	122	119

Notes:

1. See notes with Table 2-7 above.
2. "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.

Refusals

The proportion of DA refusals fell from 2.7% in 2011-12 to 2.3% in 2012-13 of all DA determinations (s96 determinations excluded).

Only 0.23% of CDCs were refused (this is likely to be under reported as records of CDCs determined by private certifiers are incomplete).



2.2 Regional Trends

Region	Number 2012-13	Value 2012-13	Total value of approvals as % of State	Number s96 approved 2012-13	Number 2011-12	Value 2011-12
Sydney	40,424	\$17.9b	73	8,141	39,815	\$15.9b
Hunter	9,511	\$2.1b	8.6	1,496	9,503	\$2.1b
Western	6,852	\$1.3b	5.4	712	6,659	\$1.1b
Southern	6,525	\$1.3b	5.1	1,504	6,610	\$1.2b
North Coast	5,898	\$967.9m	4	1,024	6,092	\$992.6m
Murray/Murrumbidgee	5,665	\$943.7m	3.9	825	5,801	\$873m
Total	74,875	\$24.5b	100	13,702	74,480	\$22.1b

Table 2-9 shows the proportion of development activity (DA and CDC) across the six regions of NSW. Sydney was clearly the region with the highest proportion of development approvals, with 73% of development approvals (by value) occurring in the region. The Hunter and Western regions followed with 8.6% and 5.4% of statewide approvals respectively.

The Sydney, Hunter and Western regions showed an increase in the number of developments. The Western region had the largest increase with 2.9% and the Hunter region the lowest with 0.1%, the Sydney Region increase was 1.5%. The North Coast, Murray/Murrumbidgee and Southern regions showed a decrease in the number of developments. The North Coast region had the largest decrease at -3.2% and the Southern region the lowest with -1.3%, the Murray/Murrumbidgee decrease was -2.3%.

The value of approvals increased from \$22.1b in 2011-12 to \$24.5b in 2012-13. The statewide increase in development value between 2011-12 and 2012-13 was due to the increased value of development in the Sydney (by \$2.0 billion or 12.7%) and Western regions (by \$0.25 billion or 23.1%).

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

All DA and CDC determinations (approvals and refusals) for each region are shown in Figures 8 and 9.

Figure 8: Number of DAs determined by region

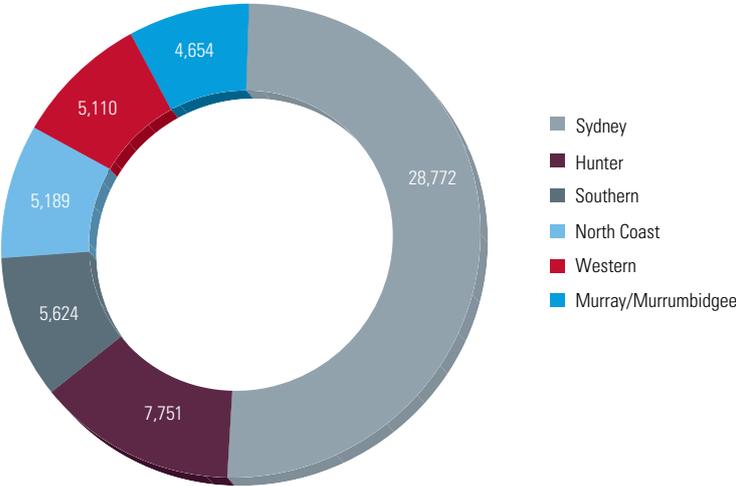
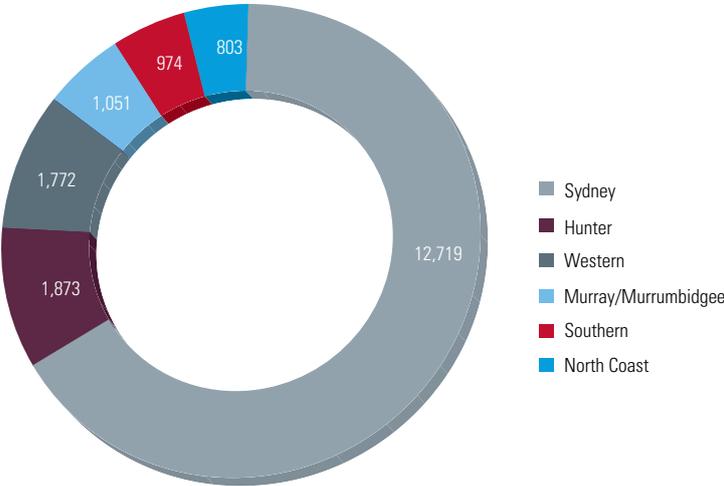


Figure 9: Number of CDCs determined by region

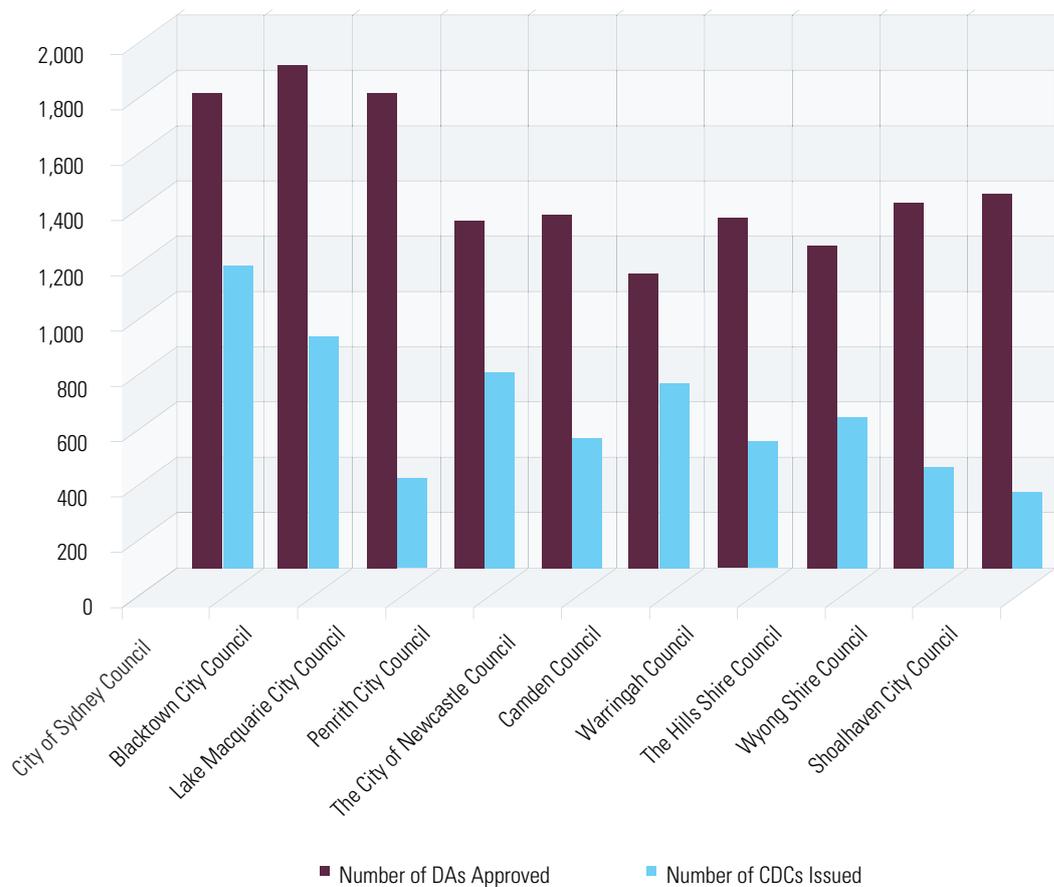


2.3 Council Trends

Development Activity

Figure 10 shows the ten council areas with the highest levels of development activity (approvals) in 2012-13. Major cities, regional centres and growth areas feature in the list, including City of Sydney, Blacktown City Council, Lake Macquarie City Council, Warringah Council and The Hills Shire Council.

Figure 10: Highest number of approvals (DAs and CDCs) by Local Government Area



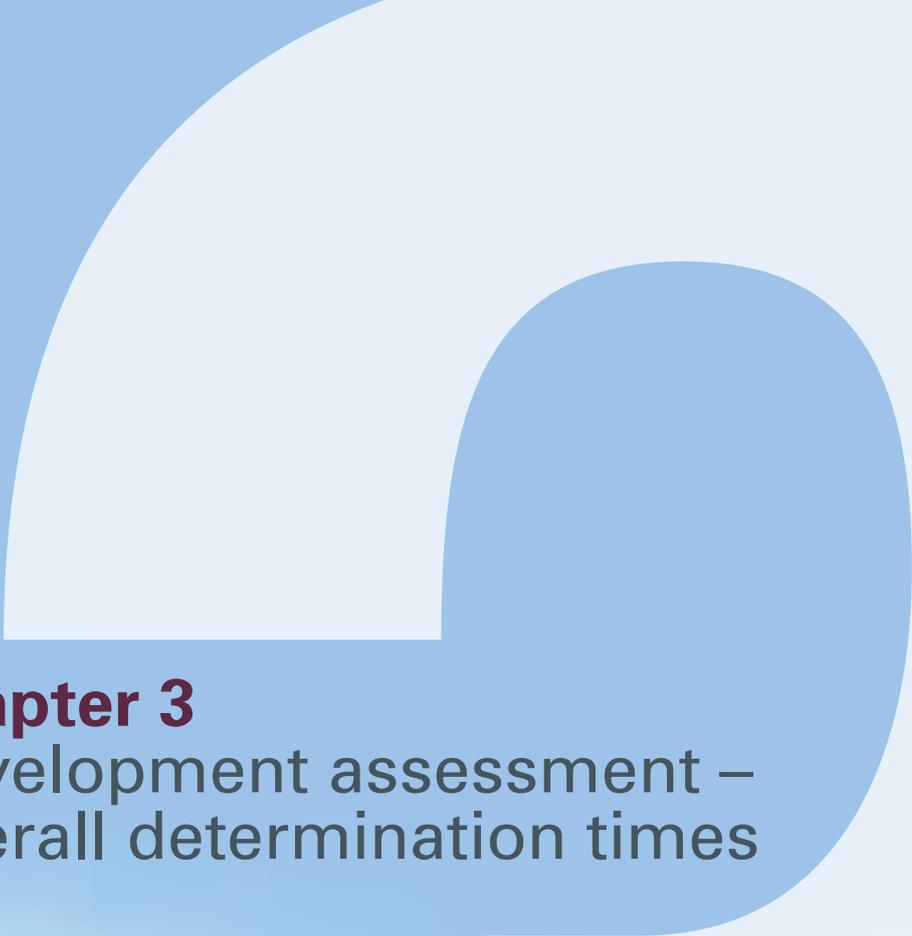
City of Sydney also had the highest total value of approved development (\$3.59 billion) which was three and a half times that of Blacktown City Council, the council with the second highest total value of approved development (\$1.03 billion).

Assessment Activity

In 2012-13, the councils with the highest number of CDCs determined included Sydney City Council, Blacktown City Council and Penrith City Council (**Table 2-10**).

Table 2-10: Ten councils with the highest number of CDCs determined					
Council	Number of CDC determined	% Residential alterations and additions	% Single new dwellings	% Commercial/retail/office	% Non standard category
City of Sydney Council	1,127	1	0	99	0
Blacktown City Council	873	1	5	48	0
Penrith City Council	738	26	50	4	0
Camden Council	704	20	77	1	0
The Hills Shire Council	582	55	18	17	0
Sutherland Shire Council	572	43	8	11	0
Ryde City Council	532	43	10	38	0
The City of Newcastle Council	511	31	9	14	0
Warringah Council	492	1	0	0	97
Liverpool City Council	483	23	38	10	0





chapter 3
development assessment –
overall determination times

Local Development Determination Times

2012-13	Development Applications and s96 Applications	2011-12
68	days on average were taken to process a DA	71
15	councils had an average DA gross determination time in excess of 100 days	15
59	councils had an average DA gross determination time of 50 days or less	58
51	days on average were taken to process s96 modifications	54

2012-13	Complying Development Certificates (CDCs)	2011-12
17	days on average were taken by councils to process CDCs (based on 144 Councils)	18
56	councils had an average gross determination time for CDCs of 10 days or less	46



Some Useful Terms	
Gross determination time	Full length of the development assessment process (applies to DAs and CDCs).
Net 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 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 the values are ranked. 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 Processing and Determination Times

With the proposed reforms to the planning system, 2012-13 was a year of consolidation for councils allowing them to continue refining their assessment procedures.

The statewide average time for DAs was 68 days in 2012-13, a reduction of 3 days when compared to 2011-12.

Table 3-1: DA Determination Times (Days)		
	2012-13	2011-12
Mean gross determination times DAs only	68	71

Table 3-2 shows that the 15 councils (10% of all councils) had mean gross determination times for DAs over 100 days in 2012-13, the same as 2011-12.

Table 3-2: Number of councils with mean gross DA determination time over 100 days							
	2012-13	2011-12	2010-11	2009-10	2008-09	2007-08	2006-07
Number of councils	15	15	8	10	21	28	29

Six councils had mean gross processing times for DAs over 100 days for applications valued under \$100,000. Performance against this indicator has improved since 2006-07 when 11 councils fell into this category (**Table 3-3**), though not as good as in 2010-11 and 2009-10.

Table 3-3: Number of councils with mean gross DA determination time over 100 days for applications valued <\$100,000							
	2012-13	2011-12	2010-11	2009-10	2008-09	2007-08	2006-07
Number of councils	6	7	2	4	11	14	11

There was no significant change in the proportion of councils that achieved mean gross processing times for DAs of 50 days or less. This was 39% of all councils in 2012-13, 2011-12, 2010-11 and 2009-10 (59, 58, 57 and 58 councils respectively) (**Table 3-4**). More than one third of councils have met this criterion since 2006-07.

Table 3-4: Number of councils with mean gross DA determination time 50 days or less							
	2012-13	2011-12	2010-11	2009-10	2008-09	2007-08	2006-07
Number of councils	59	58	57	58	56	52	58



Gross time is important to applicants as it measures the total processing time taken between lodging an application and receiving the final decision. Net time is an indicator of the time taken by councils to determine the application, including the time taken to assess the application but excluding the time taken for delays for which they are not 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 targeted to improve overall assessment times.

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

Another important factor which must be taken into account when comparing council performance is the council classification, commonly referred to as the DLG code.

The Australian Classification of Local Governments (ACLG) and the NSW Division of Local Government classify councils according to their socio-economic characteristics and location. NSW's 152 councils are grouped into 11 groups, and councils within those groups have similar socio-economic and location factors.

While statewide analysis provides important information on the performance of councils, care must be taken when comparing individual council performance. It can be unfair to compare the performance of small regional councils to large inner-urban councils in terms of DA determinations due to the vastly different environmental, economic and social issues faced in these areas.



The statewide mean gross processing time (Table 3.5) for DAs with STC was 106 days compared with 47 days for a DA with no STC event, a 59 day difference. In 2012-13, 36% of DAs had STC, similar to 2011-12 (37%). The high percentage of DAs with STC events and the average 59 days difference between DAs with STC and DAs without STC indicate the impact of sub-standard and non-complying DA applications on processing times. The on-going issue of sub-standard and non-complying applications continues to adversely impact on the overall time it takes to determine an application, in effect the overall time taken more than doubles. While councils have extensive checklists and provide advice to applicants on the information required for an application to be submitted, it is often not until the assessment begins that the inadequate and non-complying applications can be identified.

The increasing uses of complying development and initiatives such as the Electronic Housing Code (EHC) which allows for the online electronic lodgement of complying development applications under the NSW Housing Code, will significantly reduce times for complying development, which may have previously required a development application.

Similarly, DAs which were referred to state agencies had high average determination times (119 days) compared with DAs without any referral (62 days). Referrals applied to 11% of DAs in 2012-13. Median determination times were much lower than mean determination times.

Stop-the-clock and referral issues are discussed in more detail in Chapter 4.

As in 2011-12, more than half of all NSW councils (55.3%, 84 councils) had a median gross processing time for DAs of 40 days or less (see Source **Table 3-28**). In 2012-13, 82% of councils achieved median net determination times of 40 days or less, slightly higher than the 79.6% in 2011-12 and the same as 2010-11.

Table 3-5 shows the effects of STC events and referrals in more detail statewide and by Division of Local Government classifications.

Table 3-5: Statewide DA Net Determination Times (Days) by Classification		
	2012-13	2011-12
ALL NSW		
Determination Times		
Mean net determination times DAs only	45	46
Median net days DA determined	30	31
Mean gross days - all DAs determined	68	71
Effect of stop-the-clock		
Mean gross determination time - only DAs with STC	106	107
Mean gross determination time - only DAs without STC	47	50
Mean stop days - only DAs with STC	56	58
Effect of referrals		
Mean gross determination time - only DAs with referrals	119	116
Mean gross determination time - only DAs without referrals	62	65
Mean referral days - only DAs with referrals	48	50
Urban (U)		
Capital City (CC) and Metropolitan Developed (D)		
Determination Times		
Mean net determination times - DAs only	57	60
Median net days - DA determined	40	42
Mean gross days - all DAs determined	78	81
Effect of stop-the-clock		
Mean gross determination time - only DAs with STC	111	111
Mean gross determination time - only DAs without STC	60	64
Mean stop days - only DAs with STC	52	53
Effect of referrals		
Mean gross determination time - only DAs with referrals	116	107
Mean gross determination time - only DAs without referrals	75	79
Mean referral days - only DAs with referrals	50	49
Regional Town/City (R)		
Determination Times		
Mean net determination times - DAs only	37	37
Median net days - DA determined	26	26
Mean gross days - all DAs determined	63	65
Effect of stop-the-clock		
Mean gross determination time - only DAs with STC	99	101
Mean gross determination time - only DAs without STC	38	40
Mean stop days - only DAs with STC	57	58

Table 3-5: Statewide DA Net Determination Times (Days) by Classification

	2012-13	2011-12
Effect of referrals		
Mean gross determination time - only DAs with referrals	119	115
Mean gross determination time - only DAs without referrals	55	56
Mean referral days - only DAs with referrals	45	51
Fringe (F)		
Determination Times		
Mean net determination times - DAs only	45	46
Median net days - DA determined	32	32
Mean gross days - all DAs determined	72	76
Effect of stop-the-clock		
Mean gross determination time - only DAs with STC	117	116
Mean gross determination time - only DAs without STC	51	53
Mean stop days - only DAs with STC	67	68
Effect of referrals		
Mean gross determination time - only DAs with referrals	129	138
Mean gross determination time - only DAs without referrals	63	67
Mean referral days - only DAs with referrals	57	62
Agricultural (A)		
Determination Times		
Mean net determination times DAs only	36	36
Median net days DA determined	23	24
Mean gross days - all DAs determined	54	56
Effect of stop-the-clock		
Mean gross determination time - only DAs with STC	100	101
Mean gross determination time - only DAs without STC	36	37
Mean stop days - only DAs with STC	47	54
Effect of referrals		
Mean gross determination time - only DAs with referrals	107	105
Mean gross determination time - only DAs without referrals	45	48
Mean referral days - only DAs with referrals	40	36

See Appendix 3 for full explanation of ACLG and Division of Local Government classification of councils.

Table 3-5 shows a mean net determination time for DAs of 45 days, much higher than the median net time (30 days). This indicates that most DAs are determined in less than 45 days, slightly lower than 2011-12: 46 days mean net and 31 days median net times.

As expected, Table 3-5 also shows that DA times for urban councils were higher than the councils classified as regional, fringe and agricultural. The urban councils frequently deal with more complex DAs and with more developments which often attract significantly more public attention than non-urban councils.

The mean gross time for urban councils was 78 days compared with 63 days for regional councils, 72 days for fringe councils and 54 days for agricultural councils. Mean gross times for DAs with STC were over 98 days for all classifications including agricultural councils. Median net determination time for urban councils was 40 days compared with 26 days for regional councils, 32 days for fringe councils and 23 days for agricultural councils.

Appendices 3 and 4 describe the council classification system and list the councils which fall into each group.

Figure 11 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. Just over 2% of DAs took 300 days or more to determine. These DAs comprised development across all categories, the majority of the DAs contained significant ‘stop the clock’ events and/or environmental issues which needed to be resolved during the assessment period.

Figure 11: Number of DAs by assessment time

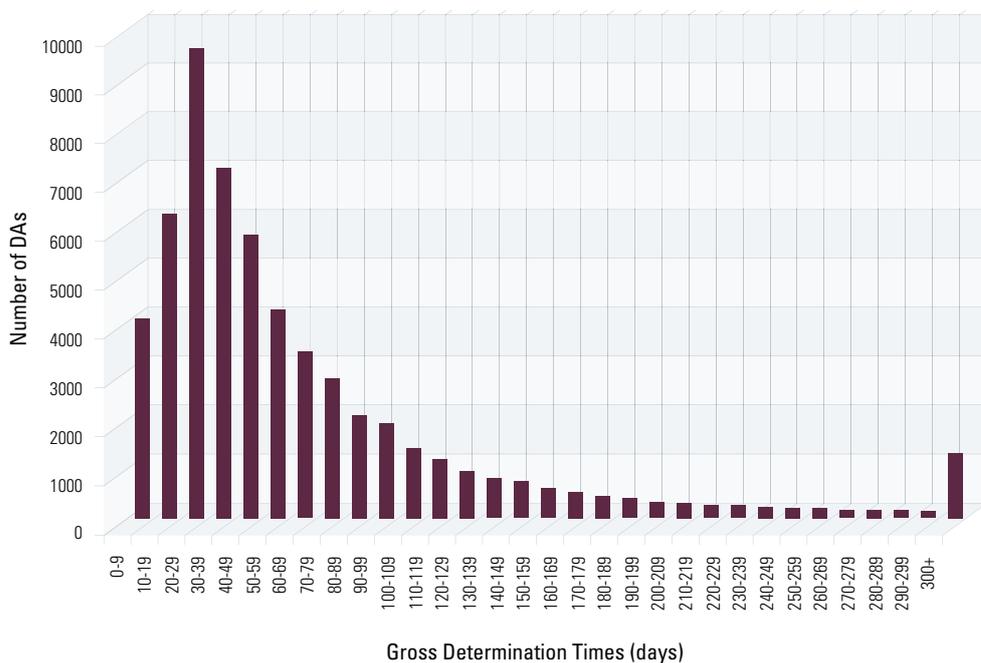


Table 3-6 shows that the median gross determination time for DAs was lower for 2012-13 compared to 2011-12: 42 days and 45 days respectively and the median net determination time fell slightly from 31 days to 30 days.

Table 3-6: DA Median Determination Times (Days)		
	2012-13	2011-12
Median gross determination times DAs only	42	45
Median net determination times DAs only	30	31

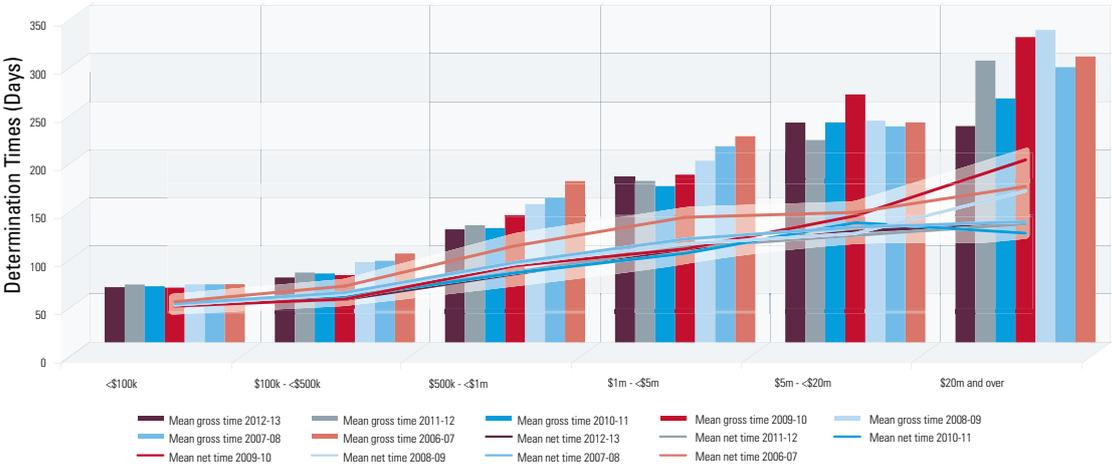
Determination Times by Value And Development Type

Figure 12 shows the gross determination times for all developments, except those between \$1m and \$20m, fell to varying degrees.

Development <\$100k fell from 60 to 57 mean gross days; development \$100k to <\$500k, fell from 73 days to 67 days and development ≥\$20m recorded the greatest fall from 293 days to 232 days in 2012-13.

The categories that increased marginally were \$1m to <\$5m, from 168 days in 2011-12 to 172 days in 2012-13, the \$5m to <\$20m category went from 210 days to 232 days in the same period. Determination times continued to be high for the higher value developments.

Figure 12: DA Determination times by value 2006-07 to 2012-13



As stated in Chapter 2, 96.5% of approved DAs and 99% of CDCs were valued at under \$1 million in 2012-13. The mean gross processing time for developments of under \$1 million was slightly lower, 64 days in 2012-13 compared with 67 days in 2011-12 (Table 3-7). The median gross DA determination time for developments of this value fell slightly from 43 days in 2011-12 to 41 days in 2012-13 (Table 3-8).

**Table 3-7: Statewide DA mean determination times (days)
by value 2012-13 and 2011-12**

Value	Gross determination time		Net determination time		Stop-the-clock time		Referral time	
	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12
\$0 Value	78	82	45	48	90	93	66	71
Under \$100K	57	60	39	40	52	53	41	48
\$100K-under \$500K	67	73	45	47	49	53	41	42
\$500K-under \$1m	118	122	71	73	73	72	57	60
Under \$1m	64	67	42	44	52	55	42	46
\$1m-under \$5m	172	168	97	99	113	99	94	80
\$5m-under \$20m	232	210	119	111	154	132	107	116
\$5m-under \$100m	232	231	122	115	143	156	111	122
\$20m+	232	293	135	123	109	232	126	147
\$30m+	249	277	140	118	123	228	142	142
\$50m+	220	288	140	121	91	278	119	132

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.

Processing times continued to be high for the higher value developments, although mean gross determination times were significantly lower in 2012-13 for certain high value groups. Mean gross processing times for development valued at \$5-20 million increased from 210 days (2011-12) to 232 days in 2012-13; and fell from 293 days (2011-12) to 232 days in 2012-13 for developments valued over \$20 million. The drop in determination times for developments valued over \$20 million relates to the reduction of the numbers of DAs determined by regional panels in 2012-13. The activity of the regional panels is discussed in detail in chapter 4.

**Table 3-8: Statewide DA median determination times (days)
by value 2012-13 and 2011-12**

Value	Gross determination time		Net determination time		Stop-the-clock time		Referral time	
	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12	2012-13	2011-12
\$0 Value	37	42	25	27	33	39	32	40
Under \$100K	35	37	27	28	23	25	23	28
\$100K-under \$500K	46	51	32	34	28	31	22	28
\$500K-under \$1m	92	97	54	56	46	48	30	32
Under \$1m	41	43	29	30	27	29	23	28
\$1m-under \$5m	133	137	71	75	70	63	54	50
\$5m-under \$20m	174	166	83	90	98	76	65	64
\$5m-under \$100m	181	176	90	91	97	91	70	69
\$20m+	192	196	106	95	70	123	93	77
\$30m+	196	195	111	100	80	135	119	85
\$50m+	199	202	106	98	83	175	93	70

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 mean gross determination time regardless of assessment process (ie. DA and CDC times are combined) for certain development categories where CDCs are more prevalent. The combined mean gross determination times for all categories were slightly lower than the mean gross determination time for DAs alone (see Table 3-10).

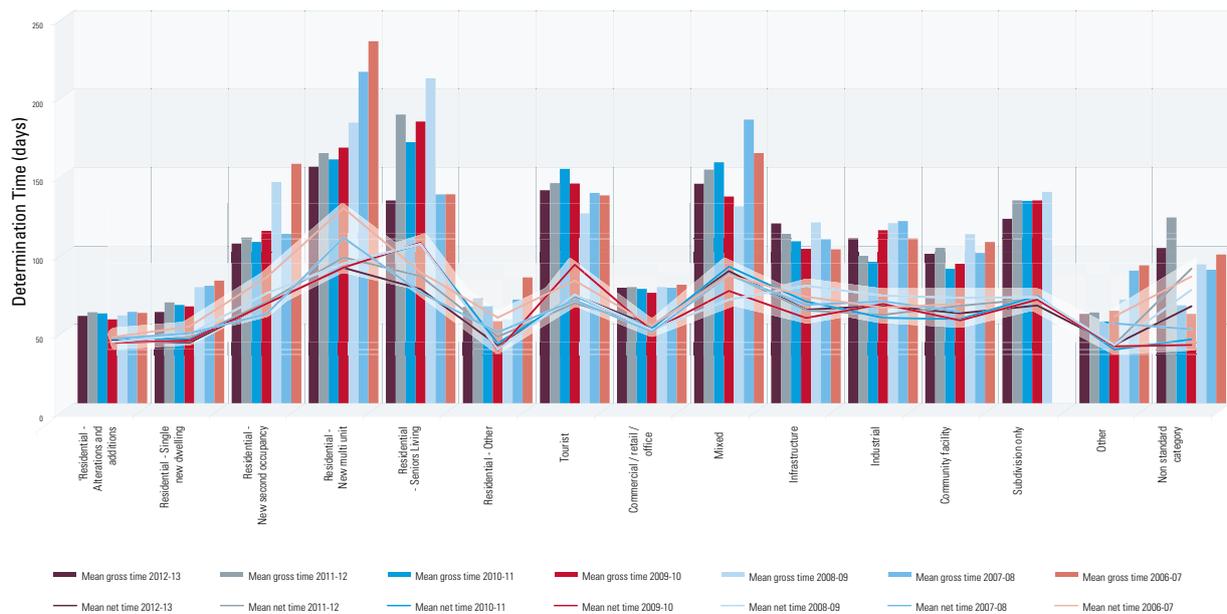
Table 3-9: DA and CDC Mean Gross Determination Times (days) by development category		
Category of development	2012-13	2011-12
Residential - Alterations and additions	52	54
Residential - Single new dwelling	55	62
Residential - New second occupancy	99	103
Commercial / retail / office	70	70
Industrial	104	92
Community facility	92	97



Figure 13 and **Table 3-10** show the mean gross determination times of DAs based on the development type. The lowest and the highest DA determination times for 2012-13 were both for residential development types. New single dwellings (58 days) and alterations and additions (56 days) were among the lowest times while seniors living (129 days) and multi-unit development (151 days) had the highest overall times.

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

Figure 13: DA Determination times by development category 2006-07 to 2012-13



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

The results are an indicator of the type of developments which, despite their simple nature, (for instance, new single dwellings) are often subject to numerous factors which can extend the determination times, such as environmental and urban design issues, inadequate information and sub-standard applications submitted. Other developments such as seniors living developments can be subject to numerous environmental issues and community concerns.

These results will continue to be monitored as the impacts of the complying development codes and other planning reforms are felt.

Table 3-10: Statewide mean DA determination time by development category 2012-13

Category	Net determination time	Gross determination time	Stop-the-clock time	Referral time
1. Residential - Alterations and additions	40	56	43	27
2. Residential - Single new dwelling	38	58	46	36
3. Residential - New second occupancy	63	102	60	47
4. Residential - New multi unit	86	151	86	83
5. Residential - Seniors Living	73	129	99	94
6. Residential - Other	37	61	57	44
7. Tourist	69	136	104	79
8. Commercial / retail / office	49	73	57	45
9. Mixed	84	140	91	81
10. Infrastructure	60	114	106	61
11. Industrial	62	105	85	52
12. Community facility	57	95	76	66
13. Subdivision only	62	117	107	74
14. Other	37	57	63	47
15. Non standard category	62	99	57	81

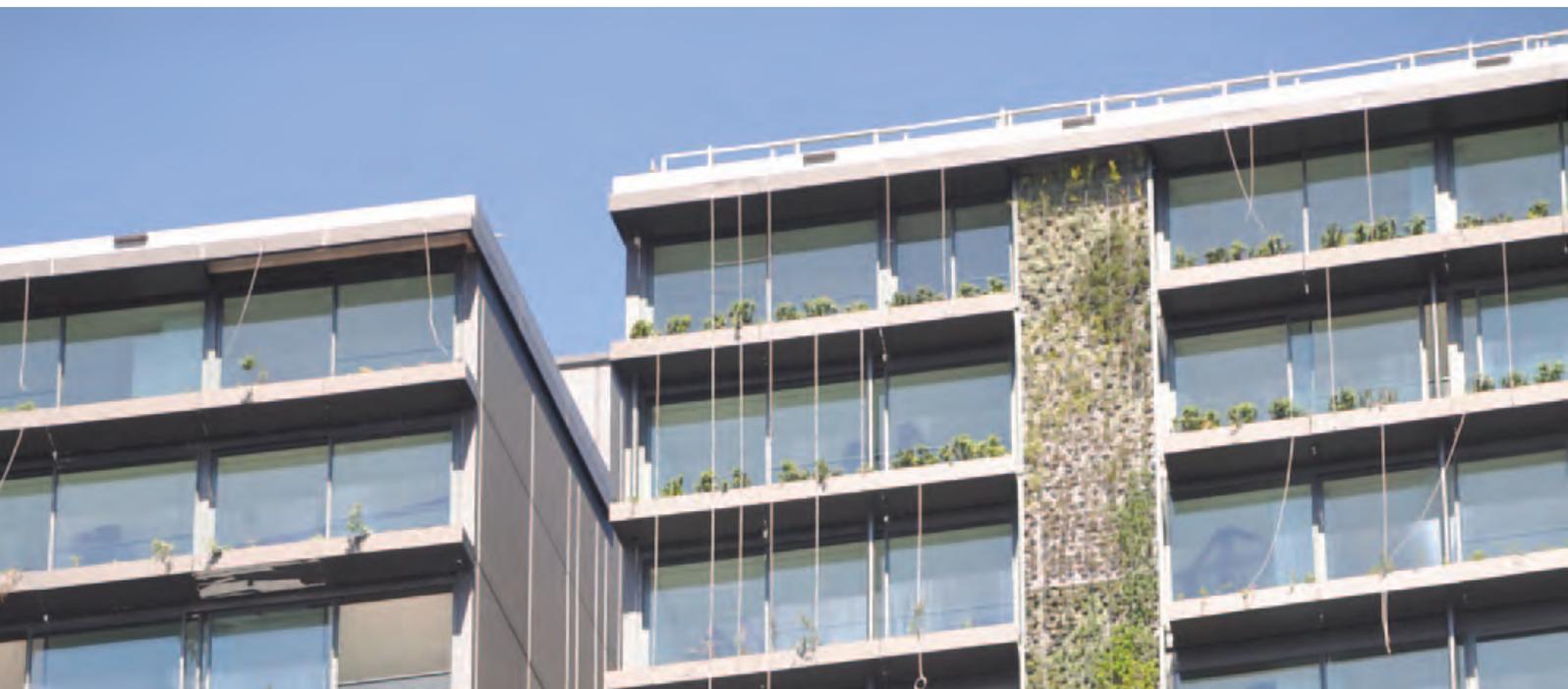
Notes:

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 all 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 (s96) are applications to modify an existing DA consent (approval). S96 applications range from significant revisions requiring substantial merit assessment to correcting minor errors in the approval. Depending on the extent of changes proposed, the time taken to assess the modifications can be similar and in some cases longer than the time taken to determine the original DA.

The EP&A Act classifies the type of modification application according to its significance, but requires that the development (as modified) is substantially the same development as the development described in the original application

The types of s96 modifications are s96 (1) modifications involving minor error, misdescription or miscalculation; s96 (1A) modifications involving minimal environmental impact; s96 (2) other modification and s96AA modification by consent authorities of consents granted by the Land and Environment Court.

There are a number of statutory steps that need to be taken before the environmental impact of the Section 96 application can be assessed. Firstly the application must be assessed to ensure it is 'substantially the same development' and secondly that the changes have been accurately described as s96 (1), s96 (1A) or s96 (2).

Most have a far lower processing time than standard DAs, but not always. Some (mostly rural) councils did not determine any s96 applications.

In 2012-13, the most common type of s96 application submitted 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.

s96 Category	2012-13	% of total
s96(1A) - Minimal environmental impact	5,176	66.5
s96(1) - Minor error/misdescription or miscalculations	1,325	17
s96(2) - Other modification	1,096	14.1
Other s96 – (s96AA and s96AB)	184	2.4

Table 3-12 shows that the mean gross processing times for s96 applications in 2012-13 was 51 days, slightly lower than the 54 days in 2011-12. Average determination times for s96 modifications have fallen compared with 2006-07, but have been relatively stable since 2008-09.

Financial Year	2012-13	2011-12	2010-11	2009-10	2008-09	2007-08	2006-07
Mean gross determination times s96 modifications only	51	54	52	52	53	58	57
Mean gross determination times DAs + s96 modifications	65	68	65	64	71	72	73

Complying Development

Complying development is a form of approval for development identified under State Environmental Planning Policies or a council's Local Environmental Plan or Development Control Plan that must meet specified predetermined development standards.

If the proposed development meets the predetermined development standards and other requirements set in the Codes SEPP or the local council's complying development code, the development can be approved in 10 days or less. Typical CDC developments are new homes, renovations or improvements to homes or apartments, and office, shop or industrial building change of use or fit outs. Stop-the-clock and referrals are not possible with complying development applications.

A development approved as a complying development requires compliance with a series of predetermined development standards while developments subject to merit approval must be assessed against a wide range of environmental, social and economic considerations and involve various forms of community consultation.

As noted in Chapter 2, complying development increased from 23% of all DA and CDC determinations in 2011-12 (excluding section 96 modifications) to 25% in 2012-13. Accredited (private) certifiers determined 74% of CDCs in 2012-13 compared to 70% of CDCs in 2011-12.

Table 3-13: CDCs determined by councils and private certifiers

	2012-13	2011-12
Number of CDCs determined	19,192	17,128
Percentage of CDCs determined by councils (%)	26	30
Percentage of CDCs determined by private certifiers (%)	74	70

The determination times for CDCs reported since 2009-10 are only based on records of CDCs issued by councils due to inadequate date information for CDCs issued by private certifiers.

Accredited (private) certifiers have a statutory obligation to send councils details of the complying development applications that they determined 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. However, the data can be incomplete particularly regarding dates and planning controls.

The reporting and completeness of complying development data needs to continue to improve. This relies on both accredited certifiers providing complete and accurate data to councils within a reasonable timeframe and council systems retaining the information appropriately. The issues with the data submitted by private certifiers continue and further steps need to be taken to address the issue, especially in view of the ever increasing number of determinations made under the Codes SEPP, by private certifiers.

The data on determination times by councils for CDCs is very informative, despite the limitations imposed by incomplete data on Complying Development Certificates. The median determination time for 2012-13 was unchanged at 8 days (based on data from 144 councils) (**Table 3-15**).

As in 2011-12, CDCs could be lodged under either the Codes SEPP or a council Local Environmental Plan or Development Control Plan. The determination times are higher than the 10-day statutory timeframe because some councils are requesting additional information from applicants to resolve issues when required, rather than refuse the CDC (stop-the-clock does not apply to CDC applications).

Table 3-14: Mean determination time for council CDCs with valid dates

	2012-13	2011-12
Mean determination time - council determined CDCs only	17	18

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

Table 3-15: Median determination time for council CDCs with valid dates

	2012-13	2011-12
Median determination time - council determined CDCs only	8	8



CDC determination times by value

Determination times were substantially higher for developments valued \$500k-under \$1m (38 days mean determination time and 19 days median determination time), however this applied to only 45 CDCs in 2012-13 (Table 3-16).

Value range	Mean determination time	Median determination time	Number of valid council CDC records
\$0 Value	18	9	149
Under \$100k	16	8	3,785
\$100k-under \$500k	19	10	1,073
\$500k-under \$1m	38	19	45
Under \$1m	17	8	4,903
\$1m and over	21	9	14

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 the mean and median determination times for the three most common development types for CDCs. Mean times were higher than the statutory time of a maximum 10 days; but all the median times were under the 10 day limit.

Category	Mean determination time	Median determination time	Number of council issued CDCs
Residential - Alterations and additions	17	9	2,356
Residential - Single new dwelling	13	8	843
Commercial / retail / office	18	8	404

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

Care needs to be taken when viewing tables on council performance in processing and determining development applications. The gross time is the time perceived by the applicant from submitting the application to receiving a determination, but that time is influenced by a number of factors which are outside the direct control of councils.

Although the average gross determination time for DAs was 68 days, determination times varied considerably across the state, ranging from 14 days mean gross determination time (Conargo Shire Council) to 166 days (Wentworth Shire Council).

There is no change in the number of councils that reported mean gross determination times of 100 days or more for DAs, fifteen councils in both 2012-13 and 2011-12, but still significantly higher than 2010-11 when only eight councils reported a mean gross determination time of 100 days or more.

Table 3-18 lists the councils with mean gross processing times for DAs of 100 days or more. The councils are listed according to the codes set by the Division of Local Government (DLG). "The councils are classified according to their socioeconomic characteristics and their capacity to deliver a range of services to the community" (refer appendix A).

The greatest number of councils with times over 100 days was concentrated in DLG Group 2 which is to be expected as Group 2 contains Sydney based councils, and have the greatest number of DAs covering a wide range of application types. It is noted that the 'simple DA' is now increasingly being determined as complying development under the expanded Codes SEPP, which will result in DAs taking longer to determine due to their complexity and possible impacts.

Table 3-18: Councils with mean gross DA determination times over 100 days

Council	DLG Code	Mean 2012-13	Mean 2011-12	% change	Median 2012-13
Botany Bay City Council	2	129	136	-5	126
North Sydney Council	2	102	109	-6	74
Waverley Council	2	101	106	-4	77
Woollahra Municipal Council	2	101	87	15	73
Hurstville City Council	3	103	117	-12	77
Canterbury City Council	3	110	94	18	79
Greater Taree City Council	4	109	127	-14	43
Singleton Council	4	131	89	47	50
Great Lakes Council	4	103	86	20	58.5
Wollondilly Shire Council	6	101	102	-2	43
Brewarrina Shire Council	8	114	52	120	61
Wentworth Shire Council	10	166	183	-10	63
Kyogle Council	10	134	149	-10	48
Gwydir Shire Council	10	126	43	191	42
Cabonne Shire Council	11	108	81	34	49

See Appendix 3 for explanation of DLG Codes.



Tables 3-19 and **3-20** provide some breakdown of determination times for the councils with mean gross determination times over 100 days.

Table 3-19: Councils with mean gross DA determination times over 100 days - times and values										
Council	DLG	Mean Gross DAs only	<\$100k	>\$100k	\$100k - \$500k	\$500k - \$1m	<\$1m	\$1m - \$5m	\$5m - \$20m	>\$20m
Botany Bay City Council	2	129	110	154	138	168	123	153	204	257
North Sydney Council	2	102	79	132	110	169	95	148	211	194
Waverley Council	2	101	75	129	107	157	93	183	268	200
Woollahra Municipal Council	2	101	69	138	105	146	88	173	363	163
Canterbury City Council	3	110	78	152	117	148	96	273	311	231
Hurstville City Council	3	103	80	126	114	136	99	153	204	131
Singleton Council	4	131	139	120	117	127	131	151	144	-
Greater Taree City Council	4	109	99	125	81	76	92	894	722	-
Great Lakes Council	4	103	83	132	108	469	100	542		-
Wollondilly Shire Council	6	101	99	104	83	125	95	714	278	-
Brewarrina Shire Council	8	114	114				114			-
Wentworth Shire Council	10	166	91	247	248		166	160		-
Kyogle Council	10	134	163	62	62		134			-
Gwydir Shire Council	10	126	143	89	83		125	140		-
Cabonne Shire Council	11	108	110	103	69	181	104	213	171	-

See Appendix 3 for explanation of DLG Codes.

Table 3-20 shows there is not always a correlation between the total value of DAs determined and the gross time taken to determine DAs. Wentworth Shire had the longest mean gross determination time of 166 days but the total value of determined DAs was only \$18.1m, compared with North Sydney Council which determined \$396.1 million worth of DAs in 102 days mean gross time.

Table 3-20: Councils with mean gross DA determination time over 100 days - total values and time breakdown						
Council	DLG Code	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)
Botany Bay City Council	2	129	\$191.4m	\$191.4m	69	69
North Sydney Council	2	102	\$396.1m	\$370.7m	92	-
Waverley Council	2	101	\$260.9m	\$225.9m	68	-
Woollahra Municipal Council	2	101	\$349.8m	\$299m	45	80
Canterbury City Council	3	110	\$570.7m	\$537.8m	79	121
Hurstville City Council	3	103	\$230.3m	\$159.4m	37	49
Singleton Council	4	131	\$103.7m	\$102.8m	189	45
Greater Taree City Council	4	109	\$97.2m	\$75.1m	123	57
Great Lakes Council	4	103	\$52.5m	\$50.8m	176	97
Wollondilly Shire Council	6	101	\$126m	\$106.9m	97	46
Brewarrina Shire Council	8	114	\$0.17m	\$0.16m	144	-
Wentworth Shire Council	10	166	\$18.1m	\$18.1m	58	75
Kyogle Council	10	134	\$5m	\$5m	14	59
Gwydir Shire Council	10	126	\$9.3m	\$9.3m	77	39
Cabonne Shire Council	11	108	\$14.3m	\$14.1m	139	-

See Appendix 3 for explanation of DLG Codes.

Table 3-21 shows that councils with the highest mean gross determination time for residential alterations/additions and single new dwellings valued under \$500,000 had few CDCs as a proportion of their total determinations.

Table 3-21: 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
DLG Group 1					
City of Sydney Council	65	57	460	0	0
DLG Group 2					
Botany Bay City Council	128	123	62	3	2
Pittwater Council	97	65	262	3	7
North Sydney Council	94	79	173	1	1
DLG Group 3					
Willoughby City Council	88	71	292	9	28
Rockdale City Council	77	53	168	3	5
Hurstville City Council	76	63	158	11	19
DLG Group 4					
Singleton Council	111	34	232	1	3
Great Lakes Council	73	52	273	4	10
Greater Taree City Council	71	35	230	2	4
DLG Group 5					
The City of Newcastle Council	66	48	880	1	13
Coffs Harbour City Council	56	27	611	2	15
Shoalhaven City Council	53	31	1,049	3	32
DLG Group 6					
Hawkesbury City Council	74	44	152	4	7
Wollondilly Shire Council	69	34	432	5	22
Camden Council	32	24	848	7	59
DLG Group 7					
Blue Mountains City Council	76	57	507	0	2

Table 3-21: 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
Campbelltown City Council	69	50	373	4	14
Liverpool City Council	58	52	827	3	22
DLG Group 8					
Urana Shire Council	27	12	13	0	0
Brewarrina Shire Council	21	26	1	83	5
Jerilderie Shire Council	12	1	1	88	7
DLG Group 9					
Central Darling Shire Council	63	20	8	0	0
Wakool Shire Council	54	26	10	33	5
Weddin Shire Council	51	41	32	20	8
DLG Group 10					
Wentworth Shire Council	209	65	75	10	8
Snowy River Shire Council	79	38	40	7	3
Upper Lachlan Shire Council	67	61	52	0	0
DLG Group 11					
Palerang Council	59	56	195	4	9
Cooma-Monaro Shire Council	57	40	36	5	2
Yass Valley Council	56	52	90	10	10

See Appendix 3 for explanation of DLG Codes.

Table 3-22 shows the five councils that reported the lowest average determination times according to the total value of all DAs determined. All these councils are in rural or regional areas.

Table 3-22: Lowest reporting councils - mean gross DA processing time					
\$0-\$1m	Days	\$1-\$5m	Days	\$5m and over	Days
Conargo Shire Council	14	Forbes Shire Council	16	Carrathool Shire Council	48
Bogan Shire Council	15	Bourke Shire Council	21	Gunnedah Shire Council	51
Temora Shire Council	19	Lachlan Shire Council	22	Hawkesbury City Council	61
Carrathool Shire Council	19	Leeton Shire Council	23	Bourke Shire Council	70
Balranald Shire Council	19	Tumbarumba Shire Council	25	Ballina Shire Council	71

See Appendix 2 for additional notes on data analysis.



Table 3-23 shows those councils that achieved the greatest reduction in their mean gross determination times listed by DLG codes. Where there were no councils in a DLG group that reduced their mean times, those with least change were listed. Some significant improvements were made by councils that previously had mean gross determination times over 100 days.

Country councils appear to have made more significant improvements to their determination times compared to urban councils. As always, care needs to be taken when making direct comparisons as the nature of DAs vary significantly between regions and the comparisons should be made within the DLG groups. Lithgow Council made one of the greatest improvements, reducing their mean gross determination time from 126 days in 2011-12 to 72 days in 2012-13. Of the metropolitan councils, Hurstville Council, made significant improvements reducing their times from 117 days to 92 days.



Table 3-23 - Top 3 improvers by DLG group

Council	Mean Gross DAs only (2012-13)	Mean Gross DAs only (2011-12)	Mean Gross Time % Change	Estimated Value of DAs Approved (\$)
DLG Group 1				
City of Sydney Council	67	74	-9	\$3b
DLG Group 2				
Pittwater Council	71	107	-34	\$166.6m
Strathfield Municipal Council	67	87	-23	\$58.8m
Mosman Municipal Council	86	109	-22	\$184.8m
DLG Group 3				
Warringah Council	35	47	-25	\$206m
Hurstville City Council	92	117	-21	\$470.4m
City of Canada Bay Council	78	98	-20	\$192.8m
DLG Group 4				
Lithgow City Council	72	126	-43	\$41.6m
Tamworth Regional Council	36	57	-37	\$112.3m
Armidale Dumaresq Council	64	97	-34	\$29.5m
DLG Group 5				
Tweed Shire Council	62	93	-34	\$182.8m
Wollongong City Council	56	66	-15	\$344.4m
The City of Newcastle Council	84	91	-7	\$423.9m
DLG Group 6				
Hawkesbury City Council	91	163	-44	\$104.3m
Wollondilly Shire Council	101	102	-2	\$106.9m
Camden Council	49	48	4	\$456.2m
DLG Group 7				
Wyong Shire Council	40	56	-28	\$175.2m
The Hills Shire Council	73	87	-15	\$560.6m
Gosford City Council	66	76	-13	\$250.8m
DLG Group 8				
Conargo Shire Council	14	15	-4	\$0.86m
Jerilderie Shire Council	21	11	93	\$1.6m
Urana Shire Council	30	14	110	\$0.75m
DLG Group 9				
Bogan Shire Council	15	33	-55	\$1.1m
Boorowa Council	46	86	-46	\$3.7m
Carrathool Shire Council	20	36	-43	\$20.5m
DLG Group 10				
Juneë Shire Council	26	55	-53	\$4.6m
Wellington Council	28	46	-40	\$4.5m
Cobar Shire Council	28	41	-32	\$4.2m
DLG Group 11				
Tumut Council	26	38	-32	\$12m
Warrumbungle Shire Council	37	48	-23	\$6.1m
Yass Valley Council	86	111	-22	\$27.7m

See Appendix 3 for explanation of DLG Group.

The councils according to their DLG grouping that reported the lowest mean gross time for DAs relating to residential alterations and additions are shown in **Table 3-24**. Country council DLG groups usually have lower processing times than the urban council DLG groups.

Table 3-24: Councils with lowest mean gross DA determination time for residential alterations and additions		
Council	Residential alterations and additions	Single new dwellings
DLG Group 1		
City of Sydney Council	66	126
DLG Group 2		
Ashfield Municipal Council	38	89
Strathfield Municipal Council	57	93
Lane Cove Council	68	99
DLG Group 3		
Bankstown City Council	45	69
Holroyd City Council	55	86
Sutherland Shire Council	58	68
DLG Group 4		
Dubbo City Council	23	28
Deniliquin Council	24	26
Tamworth Regional Council	26	26
DLG Group 5		
Lake Macquarie City Council	38	39
Maitland City Council	41	35
Wollongong City Council	44	54
DLG Group 6		
Camden Council	35	33
Wollondilly Shire Council	68	81
Hawkesbury City Council	85	70
DLG Group 7		
Gosford City Council	44	85
Wyong Shire Council	45	46
Liverpool City Council	50	61
DLG Group 8		
Urana Shire Council	30	21

Table 3-24: Councils with lowest mean gross DA determination time for residential alterations and additions

Council	Residential alterations and additions	Single new dwellings
DLG Group 9		
Bombala Council	4	11
Carrathool Shire Council	4	18
Warren Shire Council	9	21
DLG Group 10		
Junee Shire Council	11	10
Cootamundra Shire Council	19	60
Bland Shire Council	20	61
DLG Group 11		
Inverell Shire Council	17	18
Leeton Shire Council	17	35
Tumut Council	17	30

See Appendix 3 for explanation of DLG Codes.



Sydney councils dominated the list of the councils with the highest determination time for certain residential developments shown in Table 3-25.

Many of the councils in **Table 3-25** are inner urban Sydney councils and face similar constraints which are likely to adversely affect their assessment times. These constraints include high population density, often in environmentally sensitive areas, resulting in complex interrelated issues for development assessment and a need for a higher level of public consultation.

Table 3-25: Councils with mean gross DA determination time over 100 days - residential alterations and additions			
Council	DLG Group	Residential alterations and additions	Single new dwellings
Botany Bay City Council	2	127	190
North Sydney Council	2	113	112
Pittwater Council	2	101	124
Singleton Council	4	109	119

See Appendix 3 for explanation of DLG Codes.



Table 3-26 shows the councils that had mean gross determination times for commercial / retail / office development of over 100 days. In 2011-12, 23 councils fell into this category compared with 28 councils in 2010-11, 24 councils in 2009-10, and 23 councils in 2008-09.

Table 3-26: Councils with mean gross DA determination time over 100 days - commercial/retail/office			
Council	DLG Group	Mean gross time (days)	Construction value estimate
Botany Bay City Council	2	122	\$86.5m
Waverley Council	2	101	\$20.3m
Canterbury City Council	3	123	\$19.8m
Blacktown City Council	3	113	\$50.2m
Hurstville City Council	3	114	\$16.1m
Cessnock City Council	4	195	\$24.5m
Great Lakes Council	4	180	\$8.4m
Ballina Shire Council	4	154	\$5.8m
Lithgow City Council	4	140	\$9.6m
Port Stephens Council	4	115	\$46.3m
Singleton Council	4	113	\$10.5m
The City of Newcastle Council	5	112	\$58.6m
Maitland City Council	5	108	\$19.7m
Hawkesbury City Council	6	107	\$21.1m
Liverpool City Council	7	121	\$38.5m
Weddin Shire Council	9	190	\$0.03m
Liverpool Plains Shire Council	10	248	\$0.02m
Upper Lachlan Shire Council	10	231	\$0.54m
Tenterfield Shire Council	10	139	\$0.37m
Wentworth Shire Council	10	110	\$0.98m
Yass Valley Council	11	161	\$0.74m
Muswellbrook Shire Council	11	125	\$7.4m

See Appendix 3 for explanation of DLG Codes.

Table 3-27 shows mean gross determination times for commercial / retail / office development for all Sydney councils with commercial development. **Table 3-27** shows that determination times in the regional and fringe centres for commercial / retail / office DAs were often higher than those in metropolitan areas.

Table 3-27: Mean gross DA determination time commercial/retail/office development - Sydney Region			
Council	DLG Group	Gross Days	Construction value estimate
City of Sydney Council	1	55	\$897.2m
Botany Bay City Council	2	122	\$86.5m
Waverley Council	2	101	\$20.3m
Woollahra Municipal Council	2	93	\$6.3m
Pittwater Council	2	92	\$2.6m
Kogarah City Council	2	88	\$0.99m
Lane Cove Council	2	83	\$109m
Manly Council	2	77	\$13.6m
Leichhardt Municipal Council	2	74	\$4.1m
Strathfield Municipal Council	2	64	\$1.6m
Burwood Council	2	63	\$1.6m
North Sydney Council	2	62	\$36.3m
Mosman Municipal Council	2	62	\$3.5m
Ashfield Municipal Council	2	39	\$6.7m
Canterbury City Council	3	123	\$19.8m
Hurstville City Council	3	114	\$16.1m
Blacktown City Council	3	113	\$50.2m
Rockdale City Council	3	97	\$15.9m
Ku-ring-gai Council	3	74	\$18.8m
Fairfield City Council	3	73	\$61.2m
Holroyd City Council	3	68	\$29.5m
Randwick City Council	3	66	\$21.5m
Marrickville Council	3	65	\$8.9m
Sutherland Shire Council	3	64	\$41.2m
Ryde City Council	3	61	\$50.6m
Parramatta City Council	3	60	\$35.9m
Bankstown City Council	3	60	\$23.1m
Willoughby City Council	3	58	\$60.6m
Auburn City Council	3	57	\$4.3m

Table 3-27: Mean gross DA determination time commercial/retail/office development - Sydney Region

Council	DLG Group	Gross Days	Construction value estimate
City of Canada Bay Council	3	54	\$32.4m
Warringah Council	3	54	\$6.9m
Hawkesbury City Council	6	107	\$21.1m
Wollondilly Shire Council	6	93	\$0.94m
Camden Council	6	77	\$17.9m
Liverpool City Council	7	121	\$38.5m
Gosford City Council	7	98	\$36m
Campbelltown City Council	7	92	\$37.7m
Penrith City Council	7	86	\$43.5m
Blue Mountains City Council	7	77	\$7.7m
Hornsby Shire Council	7	76	\$3m
Wyong Shire Council	7	69	\$29.8m
The Hills Shire Council	7	63	\$169.9m

See Appendix 3 for explanation of DLG Codes and zone definitions.



chapter 4
determination bodies,
applicants and
referral bodies



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

Determination level	Determinations 2012-13	% of total	Mean gross determination time 2012-13	Determinations 2011-12	% of total	Mean gross determination time 2011-12
Council staff	59,293	77.8	59	61,259	80.5	62
Councillors	2,217	2.9	175	2,309	3.0	170
Private certifiers	14,273	18.7		11,989	15.8	
IHAP or independent panel	172	0.2	146	156	0.2	148
Other	269	0.4	248	390	0.5	223
Total	76,224	100	64	76,103	100	67

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 2011-12 or 2012-13, 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 (e.g. panels consisting of both councillors and staff).



4.1 Statewide Trends

Activity By Determination Body

Determination body activity relates to developments that were approved or refused in 2012-13. It does not cover applications lodged but not yet determined in 2012-13.

Similar to previous years, in 2012-13, council staff continued to make the vast majority of determinations (77.8%).

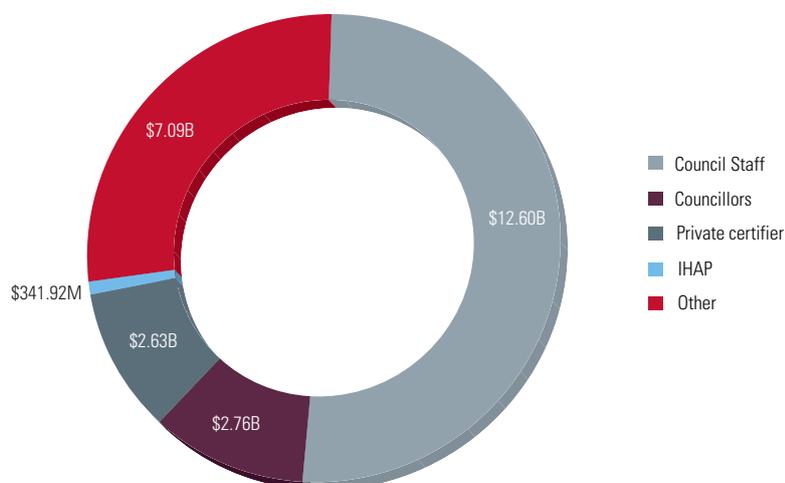
The results for 2012-13 continue to show the influence of state policies. Most notable was the increase in private certifier determinations which has been increasing since 2010-11, which is to be expected given the additional range of developments covered in the Codes SEPP.

The activity of joint regional planning panels (counted in 'other' in the Summary Table) is also discussed in this chapter.

Council staff, councillors and private certifiers

The proportion of development determined by council staff has been falling since 2008-09: from 91.5% of all determinations (including CDCs) in 2008-09 to 77.8% in 2012-13. This is most likely to have been due to the increase in complying development determined by private certifiers. Private certifiers determined 18.7% of applications in 2012-13 and in 2011-12, 15.8% of determinations.

Figure 14: Values of DAs and CDCs determined by determination level



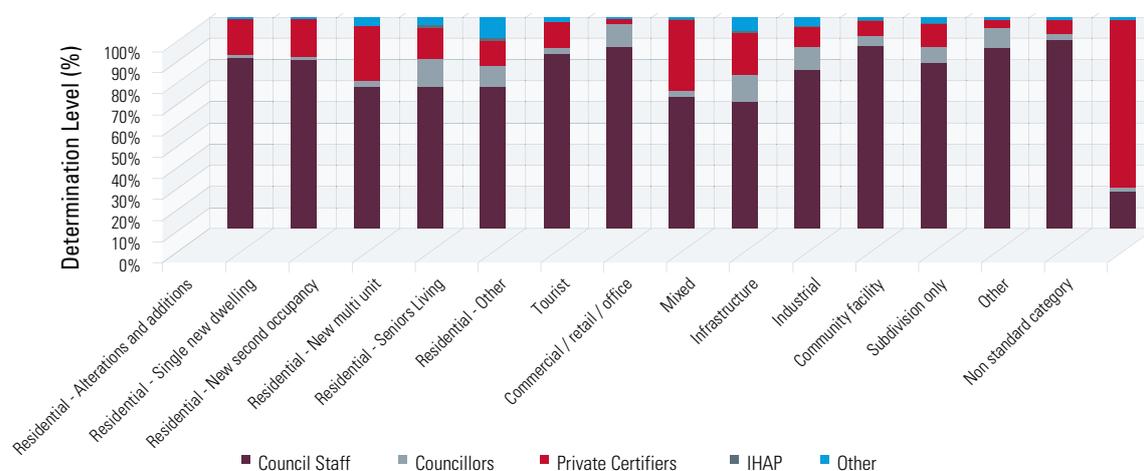
Council Staff	Councillors	Private certifiers	IHAP	Other
12.6	2.8	2.6	0.34	7.1

As shown in Figure 14 and **Table 4-1**, the highest values of determinations (approved and refused) were by council staff (\$12.6b) and councillors (\$2.8b). However, the total value of CDC determinations by private certifiers was almost the same value as for councillors at \$2.6b (construction and occupation certificates issued by private certifiers or councils are not included in this analysis). This is a substantial increase in value as private certifiers determined \$1.7b of applications in 2011-12.

Figure 15 below shows that councillors tended to determine less typical developments such as seniors living, residential multi-unit, infrastructure and tourist developments.

Private certifier CDCs featured significantly in the following development categories: commercial / retail / office; mixed; and residential – new secondary occupancy. This is due to the increasing use of complying development for these development categories, encouraged by the Codes SEPP.

Figure 15: Category of development by Determination Level for determined DAs and CDCs



Notes:

1. Private certifier determinations are for CDCs only
2. Independent Hearing Assessment Panel (IHAP) or Independent Panel does not include where IHAPs or independent panels made recommendations only.
3. '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 e.g. demolition only falls into 'other', whereas 'dwelling' is counted in 'non standard category'.

Table 4-2 shows that determinations by councillors remained relatively constant at 2.9% in 2012-13 compared with 3.0% in 2011-12. The percentage of determinations by staff fell by 3.4%, while the percentage of determinations by private certifiers rose by 18.3%.

Table 4-2: Statewide summary of delegations for DA and CDC determined		
	2012-13	2011-12
Staff (individual, staff committee) as % of all determinations	77.8	80.5
Councillors (full council or council committee) as % of all determinations	2.9	3.0
Private certifiers as % of all determinations	18.7	15.8
IHAP or independent panel as % of all determinations	0.2	0.2
Other as % of all determinations	0.4	0.5
Number of reporting councils	152	152

Notes:

See notes with Figure 15 above.

CDC information is incomplete, due to data collection issues with Private Certifiers.

Complex and controversial developments are more likely to be referred to councillors and independent panels. In 2012-13 3.5% of determined developments were referred to councillors, IHAPs or 'Other' (including regional panels). It is likely that not all private certifier refusals were recorded in the 2012-13 data. The Department has found gaps in information on private certifier certificates in the past years and therefore the information on CDCs is considered incomplete.

Table 4-3 shows that IHAP or independent panels and councillors were more likely to refuse development consent than other determination bodies. Independent Hearing Assessment Panels (IHAPs) refused 14% of developments and councillors 8.9%. However, only 172 DAs were reported as being determined by an IHAP in 2012-13. 'Other' includes regional panels, who refused 6.9% of the 245 developments determined during the year (see Table 4-4).

Table 4-3: Percentage of DAs and CDCs determined that were approved and refused			
Level of determination	Number	% approved	% refused
Council staff	59,293	98.1	1.9
Councillors	2,217	91.1	8.9
Private certifiers	14,273	100	0
IHAP or independent panel	172	86	14
Other	269	90.7	9.3

Notes:

See notes with Figure 15 above.

CDC information is incomplete, due to data collection issues with Private Certifiers.

Joint regional planning panels

The Joint Regional Planning Panels (regional panels) provide independent, merit-based decision making on regionally significant development. Applications for regionally significant development are notified and assessed by the local council and then determined by the relevant regional panel.

Regional panels may also have a role in planning proposals, where the Minister for Planning and Infrastructure has appointed the regional panel to act as the relevant planning authority (RPA). In 2012-13, the regional panels also increased their role in providing advice to the Minister on planning proposals and whether they should be considered by the LEP Gateway Panel, and also undertaking reviews of Gateway determinations when requested. These advisory roles have previously been undertaken by the regional panels but were formalised in October 2012 with changes made to the plan making processes.

	Approved	Refused	Total
Capital Investment Value \$10M-\$20M	1	-	1
Capital Investment Value > \$10M	19	2	21
Capital Investment Value > \$20M	104	8	112
CIV > \$5M - Council interest	20	1	21
CIV > \$5M - Crown Development	21	-	21
CIV > \$5M - Private infrastructure and community facilities	27	1	28
Coastal Subdivision	2	-	2
Crown - s89 referral	5	-	5
Designated Development - Extractive Industry	1	-	1
Designated Development - Marina		1	1
Designated Development - Waste Facility	4	2	6
S96(2) Modification Application	23	2	25
Subdivision > 250 Lots	1	-	1
Total	228	17	245

As shown in **table 4.4** and **4.5**, in 2012-13 the regional panels determined 245 applications with 228 approved and 17 refused. The total includes 25 s96(2) modifications to existing approvals. The total value of approved projects was \$5.577 billion, including s96(2) modification approvals. The JRPP approved 205 new developments in 2012-13.



Table 4.5: Regional panels decisions and determination times by region 2012-13

Region	Determinations	Approved	Refused	Average DA Determination Time (days)	CIV of Approvals
Hunter & Central Coast	20	17 (1)	3	310	\$324,550,380
Northern	18	18 (1)	0	173	\$267,257,285
Southern	21	19	2	214	\$317,614,043
Sydney East	90	83 (8)	7 (1)	179	\$2,523,948,718
Sydney West	82	78 (5)	4	295	\$1,963,567,862
Western	14	13	1	142	\$180,065,936
Total	245	228	17	230	\$5.577bn

(Number) The number in brackets is the number of determinations made by the regional panels contrary to the council recommendation.

The values include S96(2) Modification Applications

Note: excludes Crown s89 referrals, Crown DA's CIV->\$5M referred to Minister, 120 day referrals (CIV \$10M-\$20M) and s96(2) modifications

Consistent with previous years, the percentage of determinations that were in accordance with the council recommendation was 93.5%. This continues to demonstrate that the recommendation of the council assessment report is a key factor in whether the regional panel approves or refuses an application.

Determination Time By Determination Body

Determination times by determination body relates to all developments with a determination outcome in 2012-13, approved or refused. It does not cover applications lodged but not yet determined by 30 June 2013.

The average gross determination time for developments (DAs and CDCs) determined by council staff was 59 days and the median gross time was 40 days, significantly lower than the result for other determination groups (see chapter 4 summary table).

Table 4-6 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, their mean gross determination rose marginally from 171 days in 2011-12 to 176 days in 2012-13. Councillors determined 3.9% of DAs statewide while council staff determined 95.4% (not including CDCs).

DAs referred to councillors are more likely to be contentious or complex and make their determinations based on council staff reports and recommendations. Council officers must complete their assessment and recommendations before the DA can be dealt with by councillors. The DA also has to go through public consultation and fit in with the frequency of council meetings. These are all 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.

The high STC periods and referral times are the result of the complexity and the 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.

Table 4.6: Determination times councillors and council staff (DAs only)			
Description	Councillors	Staff	Both
Number of DAs determined	2,207	54,386	56,593
Number with valid net time (1-3649 days)	2,133	53,628	55,761
Mean stop-the-clock time (days)	110	52	55
Number of DAs with stop-the-clock time	1,219	19,182	20,401
Mean referral time (days)	91	42	46
Number of DAs with referral time	479	5,693	6,172
Mean gross time (days)	176	63	67
Mean net time (days)	104	42	44
Median gross time (days)	129	40	42
Median net time (days)	76	29	30

Note:

1. '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.
2. Determination times are for DAs only (not including s96 modifications).

Joint regional planning panels – Determination times

In 2012-13, councillors determined about 3.9% of DAs statewide while regional panels determined 0.4% of DAs. **Table 4-7** shows that the mean gross determination time (225 days) and mean net determination time (121 days) for regional panels were higher than the mean gross determination time and mean net determination time for councillors (176 days and 104 days).

Table 4-7: Regional panels determination times	
Number of DAs determined by regional panels	245
Number of DAs analysed for regional panels determination times	247
Number of DAs with stop-the-clock	132
Number of DAs with referral	115
Time taken to determine DAs (mean)	
Mean gross time (days)	225
Mean stop-the-clock time (days)	131
Mean referral time (days)	125
Mean net time (days)	121
Time taken to determine DAs (median)	
Median gross time (days)	170
Median net time (days)	91
Time taken to determine DAs over \$20 million (median)	
Median gross time (days)	182
Median net time (days)	92

Note: The calculations on time taken are based on the data as reported by Councils.

The total time for a regional panel determination is comprised of various components as shown in **Table 4-7** above, but the process replicates that taken by DAs determined by councillors. Council officers 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 panel or the councillors to consider. The processing time will be extended when the panel or councillors request additional information or design changes from the applicants. Regional panels function like councillors, by making the determination after council staff assess the DA and prepare recommendations.

A relatively high proportion of the average determination time for DAs determined by the regional panels was taken up by stop-the-clock (STC), referral and exhibition times. On average, STC took up more than half of the total determination time for DAs that were determined by regional panels. The average STC time was 131 days and the average referral time was 115 days. The mean net time was 111 days.

One of the main contributors to overall determination times was the time taken to determine DAs with a capital investment value less than \$5M (average determination time of 306 days). The DAs in this category include complex developments such as waste management facilities, coastal subdivisions, subdivisions of more than 250 lots and marinas, and require referrals to and approvals from other agencies.

Significantly the average determination time for DAs worth over \$20 million was 216 days, a reduction of 25 days from 2011-12. In 2008-09, the last year before the commencement of the regional panels, the State-wide average determination time for DAs over \$20million was 324 days.

Table 4.8: Regional panels decisions and determination times by capital investment value 2012-13

Capital Investment Value (CIV)	Determinations	Approved	Refused	Average DA Determination Time (days)*	CIV of Approvals
CIV < \$5M	25	21	4	306	\$15,069,257
CIV \$5-20M	87	83	4	241	\$893,318,721
CIV > \$20M	133	124	9	216	\$4,668,616,246
Total	245	228	17	230	\$5.577bn

* excludes Crown s89 referrals, Crown DAs CIV>\$5M referred to Minister, 120 day referrals (CIV \$10M-\$20M)

The above determination times are in gross days, meaning that any 'stop the clock' times have not been excluded from these figures.

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 (1%), but this figure is likely to be under-reported as it does not reflect the number of DAs rejected before being recorded as having been received. Anecdotal information from councils is that the incomplete applications are a significant issue, not reflected by the low percentage of recorded rejections. In addition, to assist applicants, councils often accept inadequate DAs and request the missing information or documentation be submitted, resulting in longer determination times.

Stop-the-clock

A relatively high proportion of DAs had their assessment suspended due to incomplete information from the applicant (stop-the-clock). In 2012-13, 36% of DAs recorded STC events compared to 37% in 2011-12, 2010-11 & 2009-10. However, this was still slightly lower than in previous years (2006-07: 39%; 2007-08: 40%; 2008-09: 40%).

Table 4.9: Statewide stop-the-clock

	2012-13	%	2011-12	%
Number of councils that reported STC events	135	89	138	91
Number of DAs with STC events	20,624	36	22,085	37
Determination Times (days)				
Mean time (days) spent waiting for further information on DAs from applicant ('stop-the-clock')	56		58	
Median time (days) spent waiting for further information on DAs from applicant ('stop-the-clock')	28		30	

Notes:

The times for stop-the-clock are based on DAs with stop-the-clock events, not all DAs. For instance, for 2011-12, 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 56 days in 2012-13 to provide the extra information required. This was lower than the previous years (2006-07: 64 days; 2007-08: 63 days; 2008-09: 64 days; 2010-11: 56 days; 2011-12: 58 days).

The number of reported DAs with STC decreased from 22,085 in 2011-12 to 20,624, this was due to the downturn in DA numbers rather than an improvement in the quality of the DAs submitted. The increased use of CDCs, due to the expansion of the Codes SEPP has also reduced the number of DAs submitted. The percentage of councils reporting STC events in 2012-13 was 89% compared to 91% of councils reported having at least one DA with STC in 2011-12.

When extreme STC times are removed, the median STC decreased slightly from 30 days in 2011-12, to 28 days for 2012-13, which is also an improvement on 2008-09 when it was 31 days.

Improving the quality of 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 increasing determination times.

Councils have also indicated that as their aim is to provide a service to DA applicants, that they will guide an applicant through the DA process and request additional information as required rather than refuse or reject DAs. This adversely impacts on councils' average determination times as it increases the time taken to determine applications.

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 2012-13. As fewer developments are going through the development consent process, the number of referred DAs was also lower. The number of DAs reported as being referred fell from 7,791 in 2009-10 to 7,597 in 2010-11, 6,881 in 2011-12 and 6,293 in 2012-13 (not including s96 modifications).

The average gross referral times (according to council data) by agencies fell, from 50 days in 2011-12 to 48 days in 2012-13, a 4% decrease. Fewer councils reported referrals, 112 councils in 2012-13 and 114 councils in 2011-12.

Table 4.10: Statewide referral times

Determination Times (days)	2012-13	%	2011-12	%
Mean time (days) spent by referral agencies assessing DAs	48	11	50	12
Median time (days) spent by referral agencies assessing DAs	25	11	28	12
Number of councils that reported referral time	112		114	

Notes:

The times for referrals are based on DAs with referral events, not all DAs. For instance, for 2012-13 11% of DAs had referrals.

The mean referral time of 48 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. S96 modifications to DAs are not included.

2012-13 was the fourth full year of co-ordinated monitoring and reporting on referral performance by state government agencies which began in 2009. There is little consistency between the agencies in terms of data recording methods, and it is not possible to directly compare one agency to another, as the assessment process may differ substantially both between and within agencies.

The agencies' methods of recording data, in relation to concurrences and referrals, do not mirror council recording systems and results in difficulties reconciling data between councils and the agencies. Agencies may also process requests directly from applicants, rather than via council.

A summary of the results is shown below. 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 (e.g. Energy Australia) or Federal Government bodies (e.g. Civil Aviation Safety Authority).



Table 4.11 Activity & time by referral agency – 2012-13

Agency / Authority	C&R Finalised 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 elapsed time (%)
Department of Planning & Infrastructure	396	34.1	25.4	17	17	81%	86%
DPI - Crown Lands	17	13.5	13.5	7	7	100%	88%
DPI - Fisheries NSW	137	17.4	14.6	14	13	94%	98%
DPI - Fisheries NSW (Marine Parks)	31	33.3	32.1	23	21	90%	74%
DPI - NSW Office of Water	424	45.8	26.2	23	21	84%	81%
DPC - Office of Environment & Heritage	94	50.9	29.7	24	21	69%	81%
Environment Protection Authority	74	38.2	26.4	11	11	82%	92%
Mine Subsidence Board	4,955	3.0	3.0	N.A.	N.A.	95%	100%
Natural Resources Commission	9	28.8	23.4	33	23	56%	89%
Heritage Division, OEH	726	34.7	21.8	15	13	75%	85%
NSW Rural Fire Service	3,445	25.1	25.1	16	16	85%	88%
Railcorp	63	118.7	14.1	63	15	10%	100%
RMS Maritime	86	21.2	21.2	21	21	N.A.	97%
RMS Roads	2,644	24.3	24.3	21	21	95%	86%
Sydney Catchment Authority	176	69.8	31.2	39	35	57%	93%
Sydney Olympic Park Authority	10	0.0	0.0	0	0	100%	100%
Sydney Water Corporation	1	13.0	13.0	13	13	100%	100%
Overall (all agencies)	13,288	19.3	16.5				

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 provided by the applicant.

N.A. = not available from data supplied by agency.

Net averages/medians not always available so gross average/median used



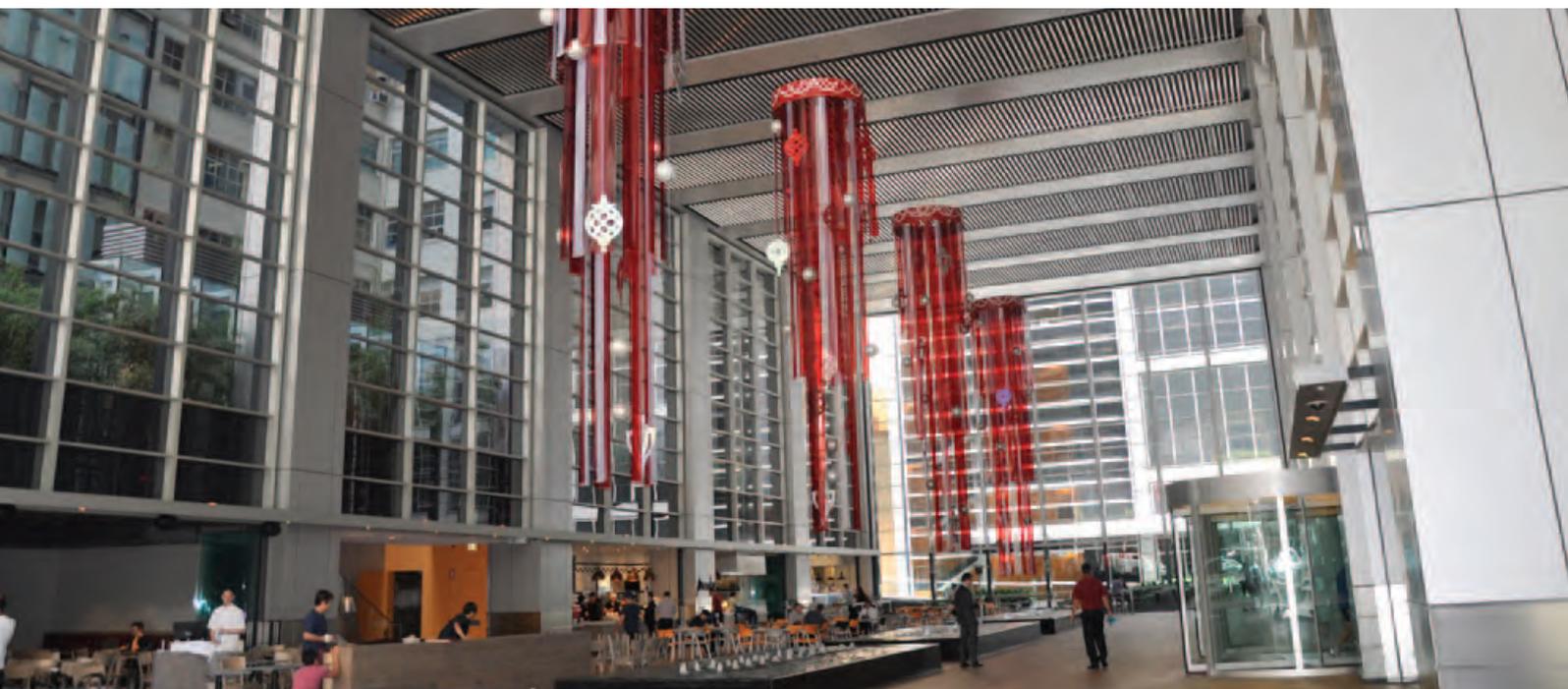
Based on the agency data, the Rural Fire Service, the Mine Subsidence Board and RMS Roads processed the most applications in the period: 83% of all finalisations reported by agencies for the year. The Mine Subsidence Board estimates that more than 90% of applications to their agency do not have a DA lodged. Other agencies may have varying numbers of applications finalised that have not originated with Council. It is estimated that approximately 8,000 finalisations originated from Council.

Agencies reported a higher number of referrals than councils. However, councils report the number of DAs which had one or more referrals. A DA may be referred to more than one agency. It is not possible to know the incidence of multiple referrals from the records received by the department.

The results shown in Table 4-11 derived from state agency data differ from the average referral times calculated using council data (Table 4-10). The differences occur due to the administrative procedures required to submit and receive responses for referrals and concurrences from the various agencies.

DAs can sometimes require multiple approvals or subsequent resubmission to agencies for further assessment and while agencies will consider these as multiple applications, Councils will aggregate the total time taken.

The White Paper 'A New Planning System for NSW' states that a review of the current referral and concurrences legislation will be undertaken with the aim of streamlining the referral and concurrences processes.



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
Gundagai Shire Council	37.2	9
Warren Shire Council	36.6	9
Balranald Shire Council	36.4	9
Junee Shire Council	21.2	10
Harden Shire Council	20.0	9
Murray Shire Council	17.5	10
Brewarrina Shire Council	16.7	8
Jerilderie Shire Council	16.7	8
Cowra Shire Council	16.5	11
Cabonne Shire Council	15.9	11



Table 4-13 shows the Sydney region councils with the highest proportion of determinations by councillors. It is interesting to note that councils with the highest percentage of determinations also have some of the longest times for DA determinations.

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	30.4	2
Leichhardt Municipal Council	29.0	2
North Sydney Council	21.8	2
Ashfield Municipal Council	20.6	2
Woollahra Municipal Council	16.6	2
Hunters Hill Municipal Council	15.1	2
Willoughby City Council	13.3	3
Randwick City Council	12.6	3
Waverley Council	12.3	2
Parramatta City Council	10.7	3

chapter 5
staffing



Summary table - Council Staffing		
2012-13		2011-12
1,022	Total EFT positions in development assessment reported across the State	1,059
56	development determinations on average made per full time equivalent staff member	56
14	councils recorded an average number of development determinations per full time equivalent staff of more than 100	13
57	councils recorded an average number of development determinations per full time equivalent staff of less than 40	55

5.1 Statewide Trends

Table 5-1: Statewide council staffing summary	2012-13	2011-12
Total EFTs	1,022	1,059
Total DA determinations	57,032	58,975
Number of DAs determined per EFT	56	56
Number of reporting councils	152	152

Councils are asked to report on the total number of staff involved in development assessment and determination. This includes planners, managers and other staff directly involved in assessment work, but excludes administrative staff and consultants.

In 2012-13, there was a drop in the number of DA determinations by 3.3% from 58,975 to 57,032 compared to 2011-12. The average number of DAs per EFT staff remained constant at 56 for 2011-12 and 2012-13 and the total EFT staff decreased by 3.5% from 1,059 to 1,022.

5.2 Council Trends

The average number of DAs determined per EFT DA staff varied significantly across the state; the averages in metropolitan and regional councils¹ are 49.2 and 54.8 respectively.

Table 5-2 below highlights the councils with the highest numbers of DAs determined per EFT DA staff in 2012-13.

Table 5-2: 20 Councils with the highest number of Development Applications determined per full time DA staff equivalent				
Name	DLG Code	Average DAs determined per EFT	Actual Number of DAs	EFT DA Staff
Walcha Council	9	185	37	0.2
Wyong Shire Council	7	164	1,429	8.7
Warringah Council	3	131	1,312	10
Port Stephens Council	4	130	780	6
Corowa Shire Council	11	120	210	1.75
Maitland City Council	5	120	1,198	10
Kempsey Shire Council	4	119	285	2.4
Mid-Western Regional Council	4	114	455	4
Coffs Harbour City Council	5	109	874	8
Port Macquarie-Hastings Council	5	107	642	6
Campbelltown City Council	7	106	679	6.4
The City of Newcastle Council	5	103	1,336	13
Inverell Shire Council	11	103	154	1.5
Liverpool City Council	7	100	1,204	12
Palerang Council	11	97	292	3
Bega Valley Shire Council	4	93	464	5
Blacktown City Council	3	90	1,892	21
Greater Taree City Council	4	88	351	4
Narrabri Shire Council	11	87	131	1.5
Camden Council	6	85	1,102	13

¹ Metropolitan councils are DLG codes 1 to 3 and regional councils are DLG codes 4 to 11. Refer to Appendix 3 for further information.

Regional councils recording high average numbers of DAs determined per EFT staff generally had a very low number of EFT staff, such as Walcha (0.2 EFT) and Corowa (1.75 EFT staff).

Walcha had the highest number of DAs determined per EFT (185 DAs/EFT) followed by Wyong council with 164 DAs/EFT.

A number of councils are now considering applications for tree removal/trimming as DAs which has increased noticeably the number of DAs processed by councils. This has impacted on the average DA/EFT figures.

Figure 16 shows the ten councils throughout NSW that recorded the highest number of EFT positions directed to development assessment and their actual number of DAs determined. These councils ranged from capital city, metropolitan urban centres, regional centres, coastal areas and major land release areas for dwelling production. There appears no direct correlation between the number of development assessment staff and the volume, value and determination time of DAs. Several factors may explain these variations, including administrative efficiencies, development assessment controls and systems and the complexity of projects being considered.

Figure 16: Councils with the highest actual EFTs in 2012-13

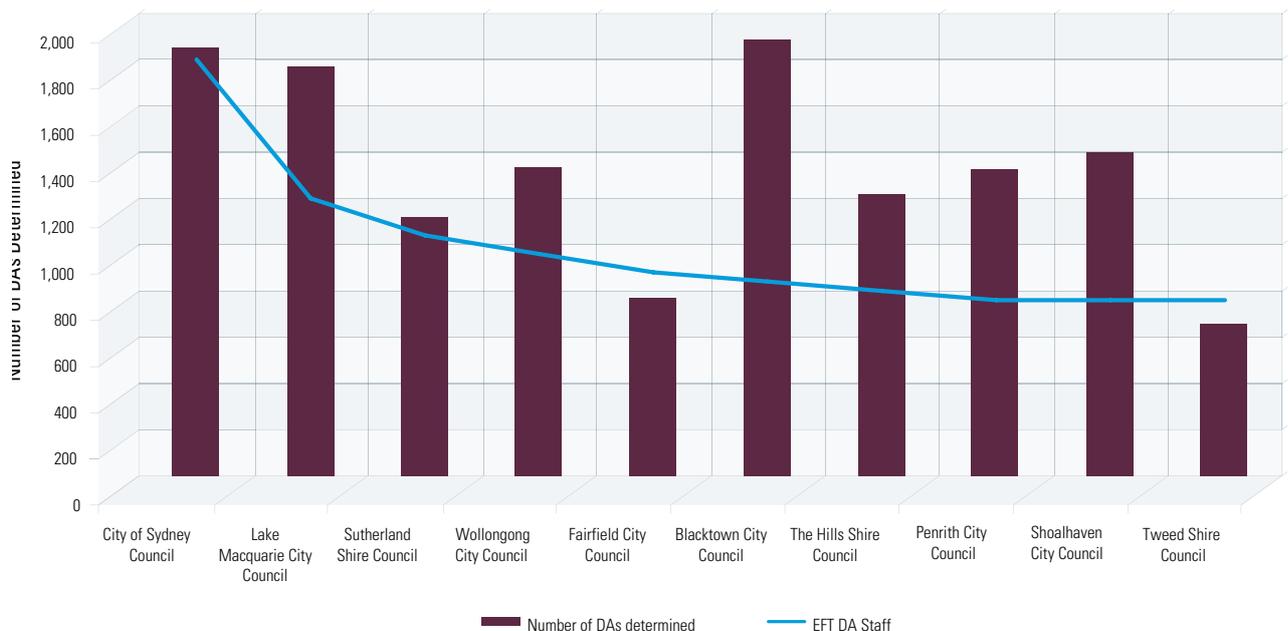


Table 5-3 shows number of DAs determined per EFT for councils with the highest mean gross determination time in 2012-13. A high number of DAs per EFT generally results in a higher average DA determination time.

Wentworth Shire Council had a mean gross determination time of 166 days, amongst the lowest EFT count in the state (2 EFTs) and relatively high average number of DAs per EFT (73 DAs per EFT).

Table 5-3: Ten Councils with the highest determination times by staff to DA ratio				
Name	Mean Gross DA determination time	Average DAs per EFT	DAs determined	EFTs
Wentworth Shire Council	166	73	146	2
Kyogle Council	134	36	71	2
Singleton Council	131	45	403	9
Botany Bay City Council	129	16	138	8.5
Gwydir Shire Council	126	31	59	1.89
Brewarrina Shire Council	114	6	6	1
Canterbury City Council	110	35	471	13.5
Greater Taree City Council	109	88	351	4
Cabonne Shire Council	108	14	69	5
Great Lakes Council	103	56	392	7

Councils that recorded the greatest increase in EFT staff for development assessment compared with 2011-12 were:

- Hawkesbury Shire Council increased 7 EFTs from 2 to 9,
- Penrith City Council increased 6 EFTs from 13 to 19,
- Cabonne Shire Council increased 4 EFTs from 1 to 5
- Richmond Valley Council increased 4 EFTs from 4 to 8.

Councils that recorded the biggest falls in EFT staff for development assessment compared with 2011-12 were:

- Woollahra Council reduced 9 EFTs from 25 to 16,
- Tweed Shire Council reduced 6 EFTs from 25 to 19,
- Warringah Council reduced 5.6 EFTs from 15.6 to 10, and
- Sutherland Council reduced 5.5 EFTs from 31.5 to 26.

Source Data **Table 5-4** at the end of this report shows the data on staffing for all councils.





chapter 6
reviews and appeals

Summary table - Reviews and Appeals 2012-13		
2012-13		2011-12
427	s82A reviews undertaken by reporting councils (56 councils in 2012-13)	626
66	% s82A reviews approved by councils on review	70
20	% s82A reviews refused by councils on review	18
344	Class 1 appeals determined in the Land and Environment Court (49 councils in 2012-13)	403
26	% of Class 1 appeals upheld	28

An applicant that is dissatisfied with a council decision on a development application (DA) or application to modify a development consent (s96) can, under certain circumstances, ask for the decision to be reviewed by the council under section 82A of the Environmental Planning and Assessment Act 1979 (EP&A Act), the so called 's82A review,' or appeal the matter to the Land and Environment Court (LEC) under the Land and Environment Court Act 1979.

S82A Review

Following commencement of the Planning Appeals Legislation Amendment Act 2010 (PALA) on 28 February 2011, the s82A review has been expanded and three classes of internal review are available, as follows:

- reviews of DAs rejected due to inadequate information when lodged with council (s82B of the EP&A Act);
- reviews of DA determinations (s82A of the EP&A Act); and
- reviews of modification determinations (s96AB of the EP&A Act).

S82A review does not apply to applications for complying development certificates (CDC), designated development, integrated development, deemed refusal, Crown DA and determinations made by a regional panel. A S96AB review does not apply to modifications relating to minor error, misdescription or miscalculation, as well as CDC, designated development, integrated development, Crown DA, deemed refusal and determinations made by a regional panel.

Land and Environment Court Merit Appeal

Alternatively, the applicant can appeal against a council decision to the LEC. Appeals can be made when:

- the application is refused;
- the conditions of consent are disputed; or
- the application has not been determined in the deemed refusal period as prescribed in the Environmental Planning and Assessment Regulation 2010 (EP&A Regulation).

Excluded:

- decisions on CDC;
- decisions made by the Planning and Assessment Commission (PAC) if the decision was made after a public hearing; and
- decisions on designated development made by any determining authority if the decision was made after a public hearing by the PAC.



Part 3 of the Land and Environment Court Act 1979 allows the LEC to hear and dispose a range of matters. The court's jurisdiction is divided into the following classes.

- Class 1** - Environmental planning and protection appeals.
- Class 2** - Local government and miscellaneous appeals and applications.
- Class 3** - Land tenure, valuation, rating and compensation matters.
- Class 4** - Environmental planning and protection and development contract civil enforcement.
- Class 5** - Environmental planning and protection criminal enforcement.
- Class 6** - Appeals from convictions relating to environmental offences.
- Class 7** - Other appeals relating to environmental offences.
- Class 8** - Mining matters.

In addition, the objector/third party who made a submission objecting to a DA during the public exhibition period can bring a merits appeal against a decision to approve designated development. There is no merits appeal right available if the DA is not classified as designated development or if a public hearing has been held by the PAC.

The implementation of the mandatory conciliation-arbitration scheme in the LEC allows for faster and less costly appeals. The scheme applies to appeals for small scale residential development. The main objective of the new procedure is to "provide quick, just and cost effective appeals and reviews for users of the planning system"¹.

1. Minister's Second Reading Speech, Hansard 11/11/2010

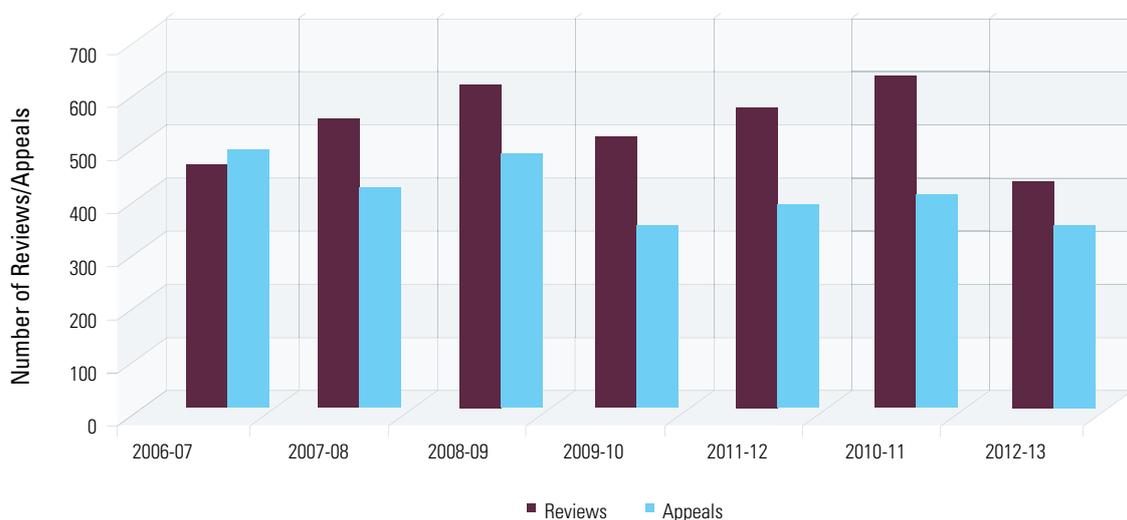
6.1 Statewide Trends

Only a very small number of DAs and s96 applications were contested through the formal review or appeal process (**Table 6-1**).

Four hundred and twenty seven (427) s82A reviews were reported as being determined in 2012-13 compared with 626 in 2011-12. Three hundred and forty four (344) Class 1 appeals were reported compared with 403 in 2011-12. 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 LEC.

Figure 17 shows that since 2007-08, there were more reviews by councils each year than appeals (Class 1) through the LEC.

Figure 17: Number of Reviews compared with Class 1 Legal Appeals 2006-07 to 2012-13



The numbers of completed s82A reviews and Class 1 appeals for 2012-13 decreased 31.8% and 14.6% respectively, compared to 2011-12.

Changes to the planning appeals legislation in February 2011 included new rights to s82A reviews, a new conciliation-arbitration scheme for small scale residential development appeals, reduced statutory limitation period for merit appeals and lower cost to amend plans during the proceedings. Appeal and review numbers are lower than 2011-12 and the Land & Environment Court has reported a significant increase in matters dealt with by way of conciliation rather than merit appeals. Further details on the increased use of conciliation and mediation can be found in The NSW Land & Environment Court's annual report. (http://www.lec.lawlink.nsw.gov.au/lec/annual_reviews.html)

Table 6-1: Statewide s82A and legal appeals summary 2012-13

s82A Reviews (based on 56 reporting councils)	2012-13	2011-12
Number of s82A reviews	427	626
s82A reviews as % of DA determinations (note 2)	0.7	1.1
% s82A appeals approved on review	66	70
% s82A appeals refused on review	20	18
% s82A appeals withdrawn/cancelled on review	13	10
% s82A appeals rejected on review	1.6	1.3
Legal Appeals (based on 52 reporting councils)		
Number of legal appeals	352	423
Legal appeals as % of DA determinations (note 3)	0.62	0.72
Class 1 appeals		
Number of Class 1 legal appeals	344	403
Class 1 legal appeals as % of DA determinations (note 3)	0.6	0.68
% of appeals were upheld	26	28
% of appeals withdrawn or dismissed	38	37
Number of appeals brought by developer	342	399
% of developer appeals upheld	25	28
% of developer appeals upheld with amended plans	18	19
% of developer appeals with consent orders	18	17
% of developer appeals withdrawn or dismissed	38	37
Number of appeals brought by third party/objector	2	3
% of appeals brought by third party/objector that were upheld	100	0
% of appeals brought by third party/objector that were given consent orders with amended plans	0	33
% of appeals brought by third party/objector that were withdrawn or dismissed	0	67
Other proceedings		
Number of Class 4 proceedings	6	20
Number of Class 5 proceedings	0	0
Number of Supreme Court proceedings	2	0

Notes

1. Some applicants seek both a s82A review and legal appeal for the same development application.
2. S82A reviews include reviews of DAs determined before 2012-13. Therefore, reviews as % of determinations is only indicative.
3. Legal appeals include appeals of DAs determined before 2012-13. Therefore, appeals as % of determinations is only indicative. Appeal outcomes include upheld, upheld with amended plans, dismissed, withdrawn and consent orders.

Table 6-1 shows that most of the s82A reviews (66%) were approved. An approved s82A review means that the council changed its original determination in favour of the applicant's reviewed application (e.g. 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 2011-12		
	2012-13	2011-12
S82A reviews		
Number of s82A reviews	427	626
Number of reporting councils	56	64
Legal Appeals		
Number of Class 1 legal appeals	344	403
Legal appeals as % of DA determinations	0.6	0.7
Number of reporting councils	52	62

38% of Class 1 appeals brought by developers against a council decision were withdrawn or dismissed in favour of the council in 2012-13, a similar figure (37%) when compared with 2011-12.

44% of appeals by developers were approved by the court, however only 26% were upheld in favour of the developer without any changes to the proposed development.

The LEC and councils have over recent years put greater emphasis on the resolution of matters before the court by way of conciliation. 18% of appeals brought by developers were upheld in favour of the developer after the original development proposal was amended to address the issues raised by the council. In addition, 18% of appeals resulted in consent being issued by agreement by both the parties.

All of the Class 1 appeals by an objector/third party were upheld, though there were only 2 appeals (0.6% of appeals).

Class 4 and Class 5 proceedings are civil and criminal enforcement proceedings in response to allegations of unlawful activity, to remedy or restrain a breach, and to restrain a breach or of any other act if it is likely to cause environmental harm.

The number of Class 4 proceedings involving councils represented only a small proportion of the number of appeals in 2012-13 - 1.7% of the appeals. 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 legal proceedings may only need to be taken as matters of last resort.

6.2 Council Trends

Councils that reported the highest number of s82A reviews are shown in **Table 6-3**. The majority of DAs subsequently reviewed were approved in these council areas.

Table 6-3: Section 82A reviews - councils with most reviews 2012-13					
Council	Total s82A reviews (100%)	Number of reviews approved	% of reviews approved	Number of reviews refused	Number of other outcomes
Warringah Council	56	49	88	2	5
City of Sydney Council	50	19	38	24	7
Marrickville Council	34	22	65	7	5
Sutherland Shire Council	22	14	64	2	6
Wollongong City Council	22	16	73	1	5
Fairfield City Council	20	10	50	6	4
Gosford City Council	19	11	58	3	5
Ku-ring-gai Council	15	11	73	3	1
Woollahra Municipal Council	11	4	36	2	5
Canterbury City Council	11	5	45	2	4



Similar to the last two years, councils with the highest number of legal appeals in 2012-13 were City of Sydney, Ku-ring-gai and Waverley councils as shown in Table 6-4.

Table 6-4: Legal appeals - councils with most Class 1 appeals 2012-13	
Council	Legal appeals
City of Sydney Council	44
Ku-ring-gai Council	31
Waverley Council	26
Woollahra Municipal Council	20
Leichhardt Municipal Council	15
North Sydney Council	15
Randwick City Council	14
Marrickville Council	13
Hurstville City Council	13
Manly Council	12

The number of Class 1 appeals lodged against a particular council is not a valid measure of the council's performance. Councils with high levels of development and high urban densities are more likely to be subject to appeals. Councils such as Sydney, Ku-ring-gai, Waverley, Woollahra and Leichhardt appear in the list regularly and this is more a reflection of the economic pressures to maximise development and the environmental issues raised by high density urban development.

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.



chapter 7

other certificates



Summary table - Other Certificates 2012-13		
2012-13		2011-12
47,488	Construction Certificates issued state-wide (50% issued by councils in 2012-13)	48,981
47,425	Occupation Certificates issued state-wide (47% issued by councils in 2012-13)	48,848
3,964	Subdivision Certificates issued state-wide	3,630
834	Strata Certificates issued state-wide	820

7.1 Statewide Trends

After development consent has been granted, further approvals may still be required depending on the type of works involved in carrying out the proposed development.

Post-development consent certificates provide an indication of construction activity as not all planning approvals actually result in building and construction works. In addition, these work commencements may be delayed for up to five years after the development has received planning approval before the approval will lapse.

Generally, construction certificates (which are required before construction can commence to certify that the plans comply with the development consent and with any relevant standards) are required more often than occupation certificates (confirms that the building complies with the development consent and is capable of being occupied or used in accordance with its building classification). For development that relates to creation of a new parcel of land or subdivision or arrangement of an existing parcel of land, a subdivision certificate or strata certificate is required (depending on the type and purpose of the plan) for the new plan to be registered in the Land & Property Information Division (LPI). CDC approvals do not require a separate Construction Certificate, as the CDC is a combined planning and construction approval.

Table 7-1 details the number of construction, occupation, subdivision and strata certificates issued in 2012-13 and 2011-12, and the number of reporting councils.

Table 7-1: Statewide other certificates summary				
Numbers of certificates issued	2012-13	Number of Local Government Areas	2011-12	Number of Local Government Areas
Construction	47,488	152	48,981	152
Occupation	47,425	146	48,848	148
Subdivision	3,964	141	3,630	144
Strata	834	80	820	83

Figure 18: Total number of certificates issued by councils and private certifiers 2006-07 to 2012-13

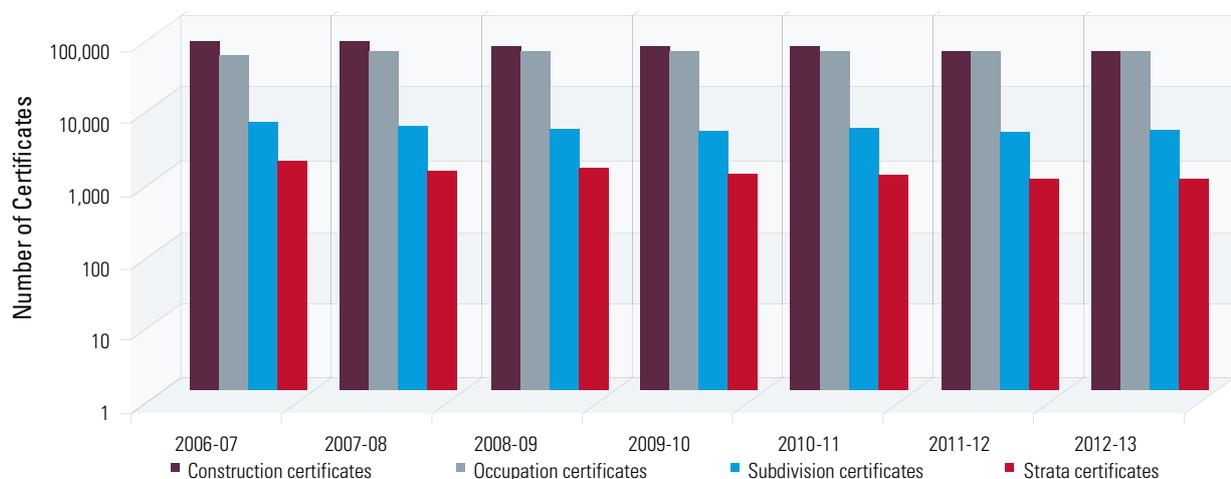


Figure 18 shows that the number of construction certificates issued was lower than previous years. The number of construction certificates has dropped from 65,907 in 2006-07 to 47,488 in 2012-13, despite a slight increase in 2009-10. The number of construction certificates fell by 3% in 2012-13 compared with 2011-12, but is still an improvement on the 2010-11 period when the number of construction certificates fell by 13%, compared to 2009-10.

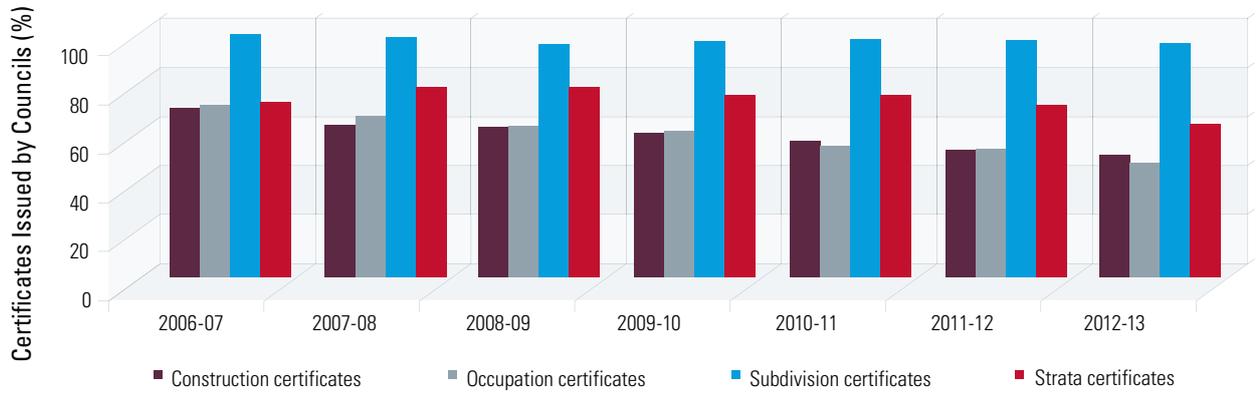
The number of occupation certificates issued also fell by 3%, but subdivision and strata certificates issued increased in 2012-13 compared with 2011-12 (by 9% and 2% respectively).

	Councils	%	Private	%	Total
Construction	23,693	50	23,795	50	47,488
Occupation	22,226	47	25,199	53	47,425
Subdivision	3,795	96	169	4	3,964
Strata	522	63	312	37	834

While councils still issue the majority of certificates statewide, the proportion of construction certificates issued by private certifiers continued to increase from 38% of construction certificates in 2008-09 to 50% in 2012-13. A similar trend is shown for occupation certificates with 53% issued by private certifiers in 2012-13.

The proportion of strata certificates issued by private certifiers gradually increased from 22% in 2008-09, to 30% in 2011-12 and 37% in 2012-13.

Figure 19: Percentage of certificates issued by Councils 2006-07 to 2012-13



7.2 Council Trends

Table 7-3 shows the ten councils across the State that issued the highest number of construction certificates in 2012-13 and their results for 2011-12. The councils in the top ten list are very similar to those for 2011-12, representing capital city, regional cities, major centres and release areas.

Since 2006-07, both Blacktown and Lake Macquarie have been in the top three and City of Sydney in the top six council areas with the highest number of construction certificates. Wollongong City Council joins the list for the 2012-13 period.

Table 7-3: Ten Local Government Areas with highest numbers of construction certificates		
Council	2012-13	2011-12
Blacktown City Council	1,720	2,020
Lake Macquarie City Council	1,674	1,704
City of Sydney Council	1,525	1,966
The City of Newcastle Council	1,310	1,121
The Hills Shire Council	1,191	1,194
Liverpool City Council	1,182	1,010
Shoalhaven City Council	1,142	1,245
Maitland City Council	1,132	1,163
Wollongong City Council	1,128	841
Penrith City Council	1,031	1,127

For 2012-13, the proportion of council and private certifier issued certificates remained fairly constant. Most of the council areas on the top ten list (7 out of 10) had more construction certificates issued by private certifiers than councils.

In particular, private certifiers issued 85% of construction certificates in the City of Sydney council area, probably due to the high proportion of commercial development in the City of Sydney council area.

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	984	57	736	43	1,720
Lake Macquarie City Council	751	45	923	55	1,674
City of Sydney Council	226	15	1,299	85	1,525
The City of Newcastle Council	454	35	856	65	1,310
The Hills Shire Council	488	41	703	59	1,191
Liverpool City Council	486	41	696	59	1,182
Shoalhaven City Council	697	61	445	39	1,142
Maitland City Council	644	57	488	43	1,132
Wollongong City Council	321	28	807	72	1,128
Penrith City Council	380	37	651	63	1,031

Blacktown reported the highest number of construction certificates issued for 2012-13 (1,720). This was a 15% drop from 2011-12.

The council areas with the highest reported numbers of occupation certificates in 2012-13 included Blacktown (2,655), City of Sydney (1,593) and Camden (1,443).

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