



local
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monitoring

2010
-11



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LOCAL DEVELOPMENT PERFORMANCE MONITORING: 2010-11

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OVERVIEW FOR 2010-2011

IN 2010 -2011		IN 2009 -2010	% change from 2009-10
Assessment Activity			
68,025	development applications (DAs) determined by local councils	71,550	-4.9
15,051	Section 96 modifications determined by local councils	15,003	0.3
15,085	complying development certificates (CDCs) determined by councils or private certifiers. This is 18% of all DA and CDC determinations in 2010-11	14,315	5
98,161	DAs, s96 modifications and CDCs were determined	100,868	-3
2.8	% of all DAs determined were refused	2.7	4
0.9	% of all DAs were rejected	0.8	12
Development Activity			
66,109	DAs were approved by local councils	69,617	-5
15,038	CDCs were approved by councils or private certifiers	14,275	5
81,147	DAs and CDCs were approved	83,892	-3
Value			
18.04	billion dollars worth of DAs approved under the NSW local development assessment system	15.66	15
1.83	billion dollars worth of CDCs approved under the NSW local development assessment system	2.98	-39
19.87	billion dollars worth of DAs and CDCs approved under the NSW local development assessment system	18.64	7
Time			
68	days on average were taken to process a DA across all councils, including stop-the-clock and referrals to state agencies	67	1
14	days on average were taken by councils to process CDCs	14	0
57	councils had an average gross determination time for DAs of 50 days or less	58	-2
8	councils took an average of more than 100 days to process a DA	10	-20
Applicants and Referral Bodies			
37	% of DAs were sent to applicants for further information ('stop-the-clock'); the average time for stop-the-clock was 56 days (2010-11)	36	3
11	% of DAs were referred to external agencies; the average time for referrals was 47 days (2010-11)	11	0
47	days on average were taken by external agencies to comment on a referred DA	43	9
Determination Bodies			
4	% of DAs on average were determined by elected representatives	4	0
46	councils had more than 98% of their DA determinations made under delegation to professional staff	45	2

EXECUTIVE SUMMARY

OVERVIEW

The 2010-11 Local Development Performance Monitoring report provides an overview 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 sixth in the series. As in previous years, it provides detailed information on council development assessment including the number of council decisions and determination times. It also includes information on take up of statewide codes for residential, commercial and industrial development; performance of State Government referral agencies; and analysis of the second year of operations of the Joint Regional Planning Panels (Regional Panels) that determine regionally significant developments.

The ongoing effects of the global financial climate are evident in the development activity results for 2010-11. Development activity fell compared with 2009-10 while the total value of development increased over the same period.

While key indicators of performance, such as the statewide average determination time, were similar to 2009-10, 2010-11 continued the trend of fewer councils with very high average determination times.

Code assessed developments (complying development) continued to increase and there was significant take up of statewide development codes, delivering fast determinations for low-impact developments.

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

STRUCTURE OF THE REPORT

Background information, including the reform context for local development, is included in Chapter 1. The major findings from the 2010-11 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 in spreadsheet format to allow independent analysis of the information.

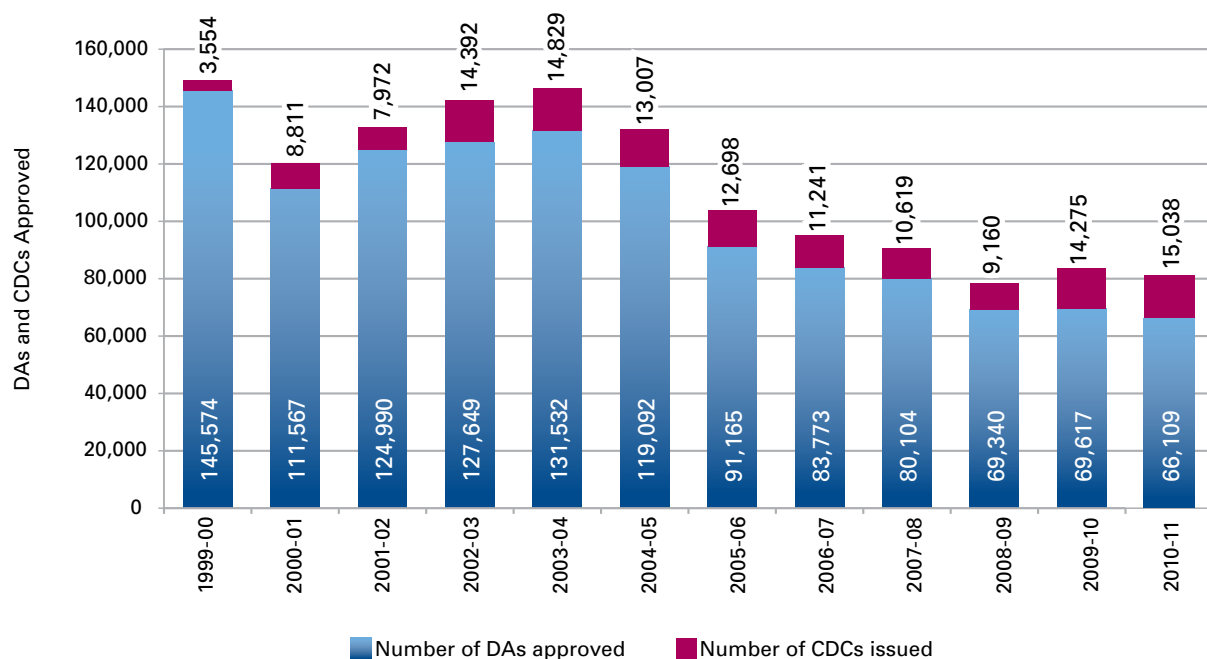
The appendices provide detailed explanatory information on issues such as calculation methodology and terminology used in this report.

KEY FINDINGS

The key findings from the data are summarised below.

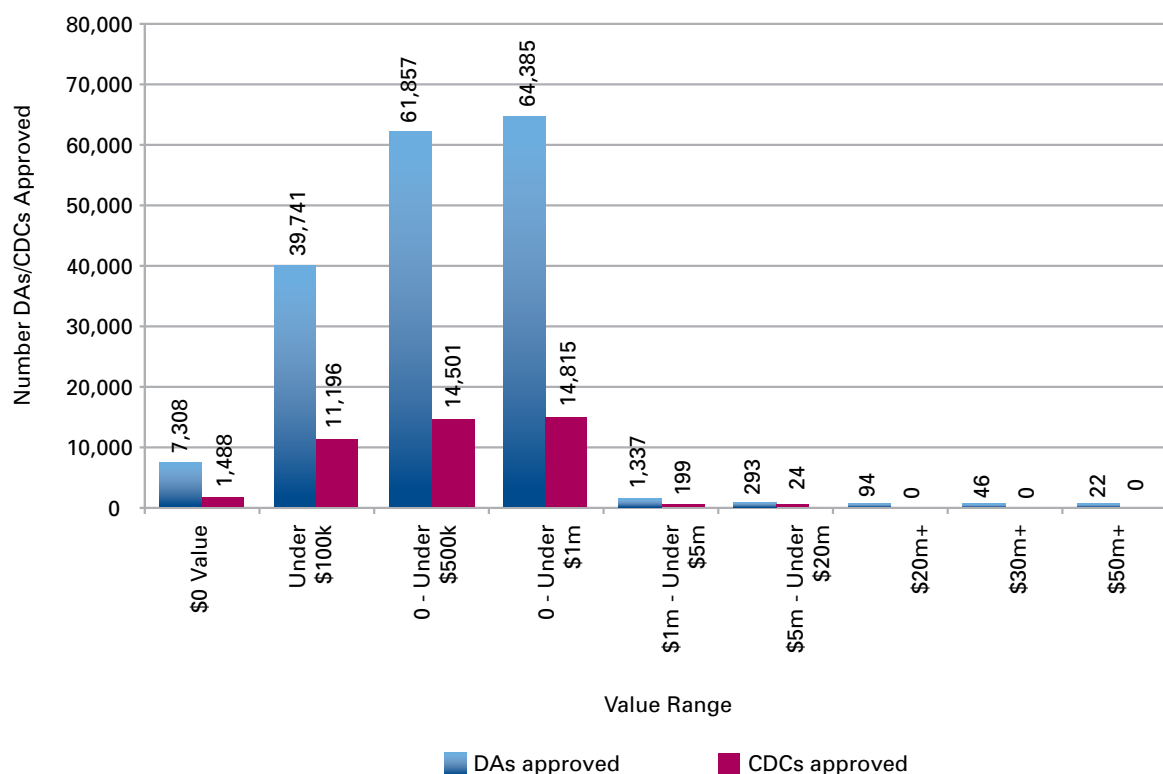
DEVELOPMENT ACTIVITY (CHAPTER 2)

Total approved DAs and CDCs in NSW 1999-00 to 2010-11



- Development approvals fell by 3% compared with 2009-10. A total of 81,147 local development approvals (DAs and complying development certificates or CDCs) were reported for 2010-11. This was 3% higher than 2008-09 when development activity reached an historic low.
- Complying development continued to increase. CDCs comprised 18.5% of all development approvals in 2010-11 (15,038 CDCs) compared with 17% in 2009-10 (14,275 CDCs).
- The total number of approved DAs fell from 69,617 in 2009-10 to 66,109 in 2010-11.
- Despite the decline in activity, the total value of development increased by 7% from \$18.6 billion in 2009-10 to \$19.9 billion in 2010-11.
- As in previous years, the majority of developments were valued under \$1 million – 97% of DAs and 98% of CDCs in 2010-11.

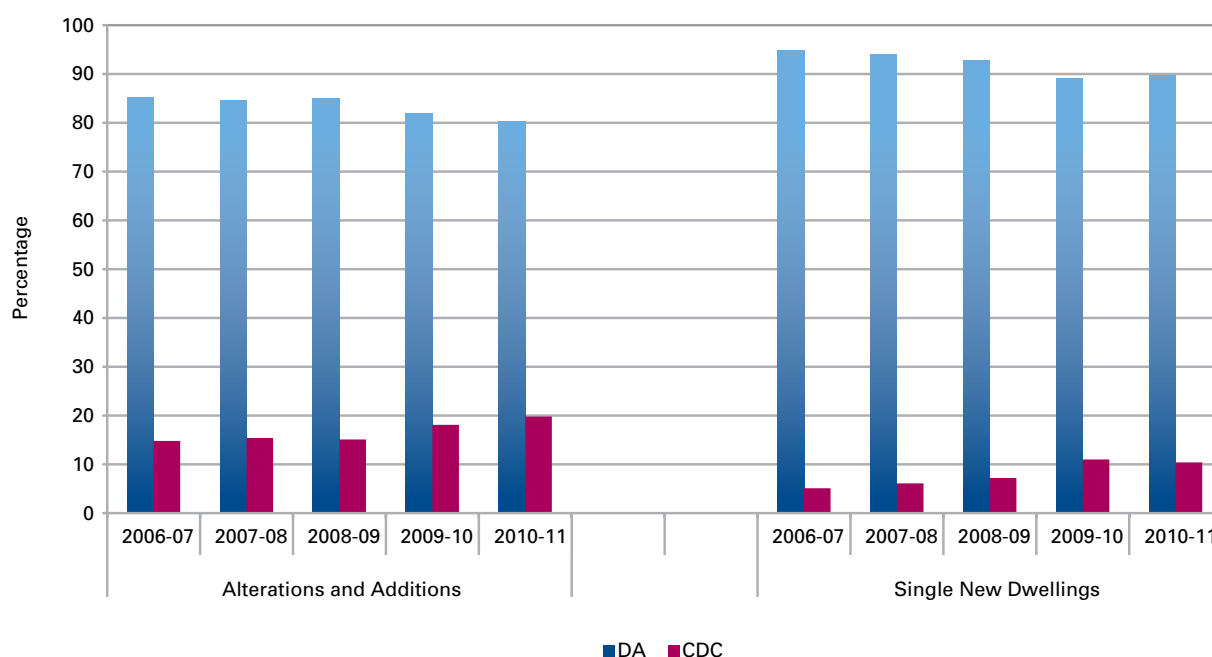
Total DAs and CDCs approved by value range



- Residential development still comprises the majority of development. Since 2006-07 residential development has increased slightly as a proportion of all development from 66% in 2006-07 to 69% in 2010-11.
- Residential alterations and additions comprised 40% of all approved development in 2010-11, very similar to 2009-10.
- Single new dwellings comprised 84% of new residential development approvals. New second occupancies (dual occupancies and “granny flats”) increased to comprise 11% of all new residential development approvals in 2010-11 compared with 8% in 2009-10. New multi-unit residential developments comprised 5% of all new residential development approvals in 2010-11. New multi-unit residential developments increased very slightly as a proportion of all development types from 1.1% in 2009-10 to 1.2% in 2010-11. These developments include residential flat buildings and townhouses and villas.
- The total number of approved new second occupancies increased significantly (from 1,511 in 2009-10 to 2,159 in 2010-11; an increase of 43%).
- 3% of DAs were refused in 2010-11, the same percentage as reported each year since 2006-07.
- 53% of all development approvals in NSW were for the Sydney Region. The total value of developments approved in the Sydney Region was \$13.4 billion, \$1.5 billion higher than 2009-10. 12% and 9% of statewide approvals were issued in the Hunter and Southern regions respectively.
- The councils with the most approvals (DAs and CDCs) for 2010-11 were Sydney City Council, Blacktown City Council, Lake Macquarie City Council and The Hills Shire Council.
- The councils with the highest CDC approvals for 2010-11 were Sydney City Council, Port Macquarie-Hastings Council, Blacktown City Council and Sutherland Shire Council.

ASSESSMENT ACTIVITY (CHAPTER 2)

- In 2010-11, merit assessment (including s96 modifications) comprised 69% of all determinations compared with 71% in 2009-10. Code assessed developments were 18% of DA and CDC determinations in 2010-11 compared with 17% in 2009-10. 67% of CDCs were determined under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) in 2010-11 compared with 42% in 2009-10.
- Councils determined a total of 15,051 modifications to DAs under section 96 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in 2010-11.
- 81% of all CDCs for commercial / retail / office development were determined under the Codes SEPP.
- There was a slight fall in the proportion of single new dwellings determined as complying development: 10% in 2010-11 compared with 11% in 2009-10. This compared with 5% in 2006-07.
- In 2010-11, 20% of residential alterations and additions were determined as complying development: compared with 18% in 2009-10 and 15% in 2008-09.
- New second occupancy CDCs more than doubled from 5% in 2009-10 to 11% of all new second occupancy determinations in 2010-11. New residential multi-unit CDC determinations tripled from 3% to 9% of all determinations.



Assessment path for single new dwellings and residential alterations and additions

- Two thirds (67%) of all commercial / retail / office development underwent merit assessment in 2010-11 while one-third (33%) underwent code assessment compared with one quarter undergoing code assessment in 2009-10. Nearly one quarter of all CDCs were issued for commercial / retail / office development in 2010-11.
- Councils with a high number of CDCs and a high proportion determined under the Codes SEPP included Blacktown (525 CDCs; 85% under Codes SEPP), Ku-ring-gai (446 CDCs; 99% under Codes SEPP), Hornsby (415 CDCs; 88% under Codes SEPP), Penrith (377 CDCs; 97% under Codes SEPP), The Hills (367 CDCs; 94% under Codes SEPP).

DETERMINATION TIMES (CHAPTER 3)

- On average, development applications took 68 days to determine in 2010-11 compared with 67 in 2009-10 and 74 days in 2008-09.¹ Most DAs were processed in far less time – the median gross determination time was 44 days for 2010-11 (41 days in 2009-10).
- The mean gross time for urban councils was 74 days compared with 67 days for regional councils, 70 days for fringe councils and 54 days for agricultural councils.
- As in 2009-10, more than half of all NSW councils (59%) had a median gross determination time for DAs of 40 days or less (59% of councils in 2010-11; 63% in 2009-10).² In 2010-11, 82% of councils achieved median net determination times of 40 days or less compared with 83% in 2009-10.
- Only eight councils (5% of all councils) had mean gross determination times for DAs over 100 days in 2010-11. This compares with ten councils (7% of all councils) in 2009-10. Each of the last five years has seen fewer councils with mean gross DA determination times over 100 days.

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

Financial Year	2010-2011	2009-10	2008-09	2007-08	2006-07
Number of Councils	8	10	21	28	29

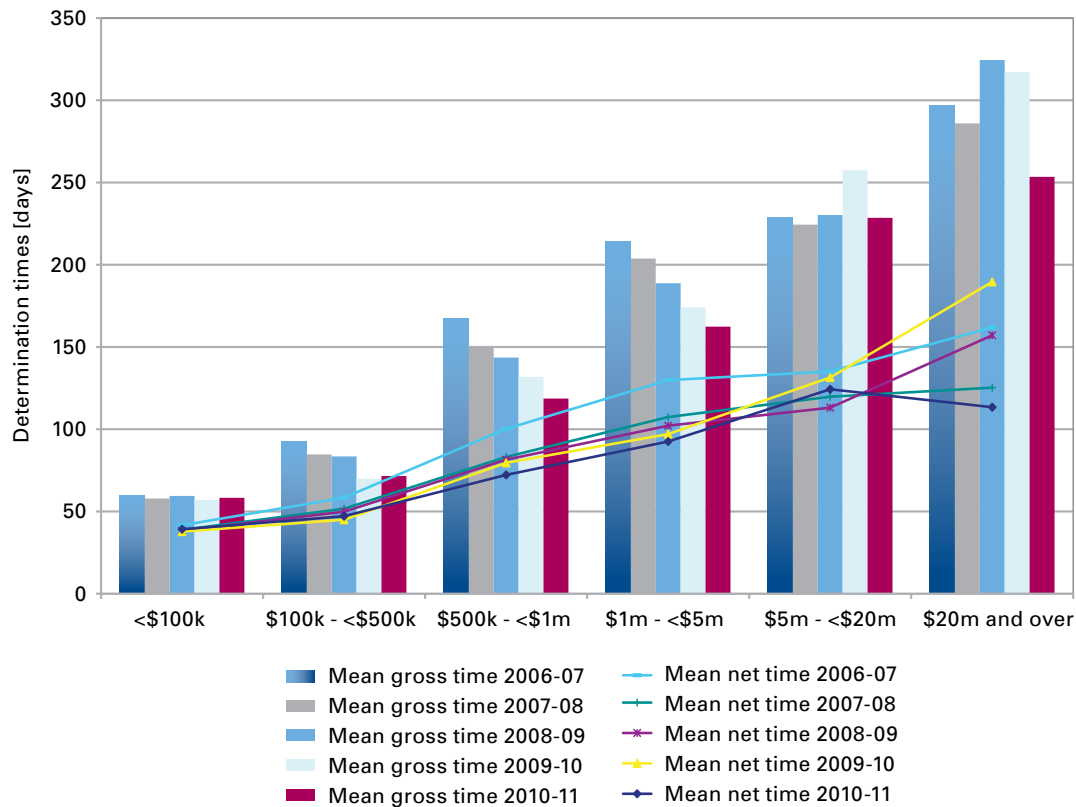
- Only two councils had mean gross determination times for DAs over 100 days for applications valued under \$100,000. Performance against this indicator has also improved since 2006-07 when 11 councils fell into this category.
- Mean gross determination times for DAs increased with the value of development. However, over the past five years, determination times have been decreasing for most development value groups under \$5 million. The greatest improvements over this period were for developments valued from \$500K to \$1 million and from \$1 million to \$5 million.
- Determination times continued to be high for the higher value developments, although mean gross determination times were lower in 2010-11 compared with 2009-10 for all development value groups of \$1 million and over. Mean gross determination times for development valued at \$5-\$20 million fell from 257 days (2009-10) to 229 days in 2010-11; and from 317 days (2009-10) to 253 days in 2010-11 for developments valued over \$20 million. Mean gross times for developments valued over \$20 million decreased significantly from 317 days in 2009-10 to 253 days in 2010-11. This may be due to an increasing number of these developments being determined by Joint Regional Planning Panels in 2010-11.

¹ Mean gross determination time is the average time for the full length of the development assessment process from application lodgement to determination.

² Median gross determination time is the median time for the full length of the development assessment process from application lodgement to determination.

The median value is the middle value of a data set when the values are ranked.

DA Determination times by value 2006-07 to 2010-11



- On average councils took 14 days to determine CDCs. The median determination time for CDCs was 8 days.
- The five NSW councils with the lowest mean gross determination time for DAs in 2010-11 were:
 - Murrumbidgee Shire Council (11 days)
 - Temora Shire Council (13 days)
 - Coolamon Shire Council (18 days)
 - Conargo Shire Council (18 days)
 - Berrigan Shire Council (18 days)
- The five NSW councils with the highest mean gross determination time for DAs in 2010-11 were:
 - Boorowa Council (136 days)
 - Tweed Shire Council (133 days)
 - Leichhardt Municipal Council (115 days)
 - Mosman Municipal Council (114 days)
 - Botany Bay City Council (111 days)

- The councils that made the greatest reductions in mean gross determination time for DAs since 2009-10 included:
 - Murrumbidgee Shire Council
 - Wellington Council
 - Gunnedah Shire Council
 - Upper Hunter Shire Council
 - Cooma-Monaro Council
- Sydney Region councils that reduced their mean gross determination time for DAs significantly since 2009-10 included councils that reported some of the highest gross determination times in 2009-10. These included:
 - Marrickville Council
 - Bankstown City Council
 - Fairfield City Council
 - Botany Bay City Council
 - Warringah Council

OVERVIEW OF ACTIVITY BY DETERMINATION BODY (CHAPTER 4)

Summary Table

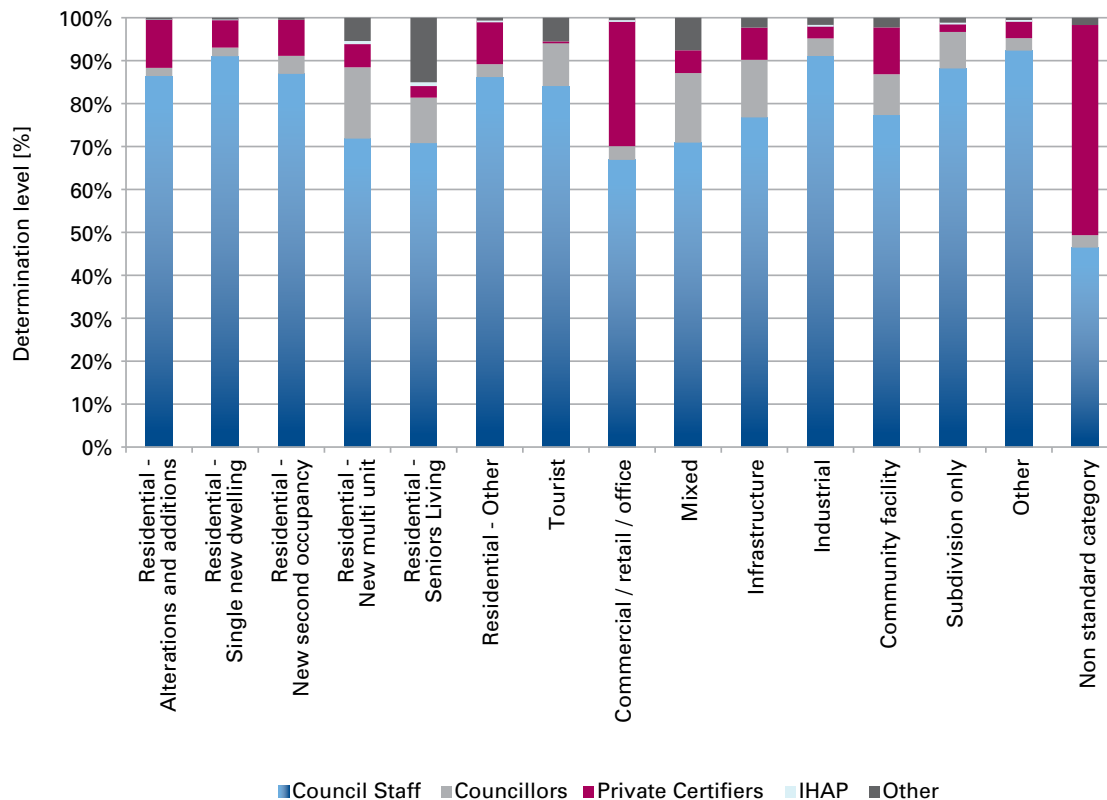
- Determination bodies and time (for DAs and CDCs with valid times)

Determination level	Determinations 10-11	% of total	Mean gross determination time 10-11	Determinations 09-10	% of total	Mean gross determination time 09-10
Council staff	70,105	84.4	60	74,694	87	58
Councillors	2,534	3	172	2,601	3	176
Private certifiers	9,958	12		8,322	9.7	
IHAP or independent panel	74	0.1	162	67	0.1	215
Other	439	0.5	196	181	0.2	186
Total	83,110	100	65	85,865	100	63

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

- In 2010-11, most DA and CDC determinations were made by council staff (84%). This was lower than in 2009-10 and 2008-09 when council staff determined 87% of developments and 91.3% of developments respectively. This decrease appears to be due to the increasing amount of complying development determined by private certifiers (5% of DA and CDC determinations in 2008-09; 9.7% in 2009-10; 12% in 2010-11).
- Determinations by councillors fell slightly from 3.5% in 2008-09 to 3% in 2009-10 and 2010-11. The commencement of Regional Panels in 2009-10 partially explains this.
- In 2010-11, council staff determined \$11.8 billion worth of development; councillors determined \$2.6 billion; and private certifiers determined approximately \$1.5 billion.
- Less typical developments such as seniors living, multi-unit flats, infrastructure and tourist developments were more likely to be determined by councillors. Private certifier CDCs were more common in the development categories of commercial / retail / office; residential alterations and additions; residential-other; and community facilities which is due to the increasing use of complying development for these developments, encouraged by the Codes SEPP and the Infrastructure SEPP.

Category of development by Determination Level for determined DAs and CDCs



- Independent panels and councillors were more likely to refuse development consent than other determination bodies. Independent Hearing Assessment Panels (IHAPs) refused 16.2% of developments and councillors 10%. However, only 74 DAs were reported as being determined by an IHAP in 2010-11. Regional Panels refused 14% of the 303 developments they processed during the year.

DETERMINATION TIME BY COUNCIL STAFF AND COUNCILLORS (CHAPTER 4)

- Council staff took an average of 63 days to determine developments in 2010-11 (DAs only). This was significantly lower than the determination time of other groups or bodies such as councillors and independent panels.
- For DAs determined by councillors, both mean and median determination times were significantly higher than for DAs determined by council staff, though councillors' mean gross determination times have decreased over time: from 179 days in 2009-10 to 172 days in 2010-11. Councillors determined 4% of DAs statewide while council staff determined 96% in 2010-11.

JOINT REGIONAL PLANNING PANELS (CHAPTER 4)

- Regional Panels commenced operations in July 2009.
- Regional Panels determined a total of 303 DAs during 2010-11 (less than 0.5% of all determinations in NSW), with a total approval value of \$3.77 billion (about 21 % of the total approval value of all DAs in NSW).
- The mean gross time for DAs determined by a Regional Panel was 185 days. Regional Panels determine regionally significant developments including developments valued between \$5 million and \$100 million. This compares with the statewide mean gross determination time for DAs of 237 days for developments over \$5 million in value; 235 days for DAs over \$10 million and 253 days for developments valued \$20 million or more.

PRIVATE CERTIFIERS (CHAPTER 4)

- The proportion of development determined by accredited (private) certifiers (comprising complying development) has been steadily increasing from 5% of all DA and CDC determinations in 2008-09 to 9.7% in 2009-10 to 12% in 2010-11.
- Determination times for CDCs by private certifiers are unavailable because of substantial missing information in council records. Private certifiers are required to send councils detailed information of the complying development applications they determine. This information is for the public record and also assists councils to enforce development approvals. It is hoped that future reports can provide data on CDC determination times by accredited certifiers.

QUALITY OF APPLICATIONS (CHAPTER 4)

- A very low proportion of DAs (0.9%) were reported as being rejected because they were illegible, unclear or incomplete. This may be under reported as some councils may have not recorded DAs that were rejected immediately.
- More than one third of DAs (37%) had their assessment suspended due to incomplete information from the applicant (stop-the-clock), the same proportion as in 2009-10.
- Applicants took an average of 56 days in 2010-11 to provide the extra information required compared with 58 days in 2009-10.

REFERRAL BODIES (CHAPTER 4)

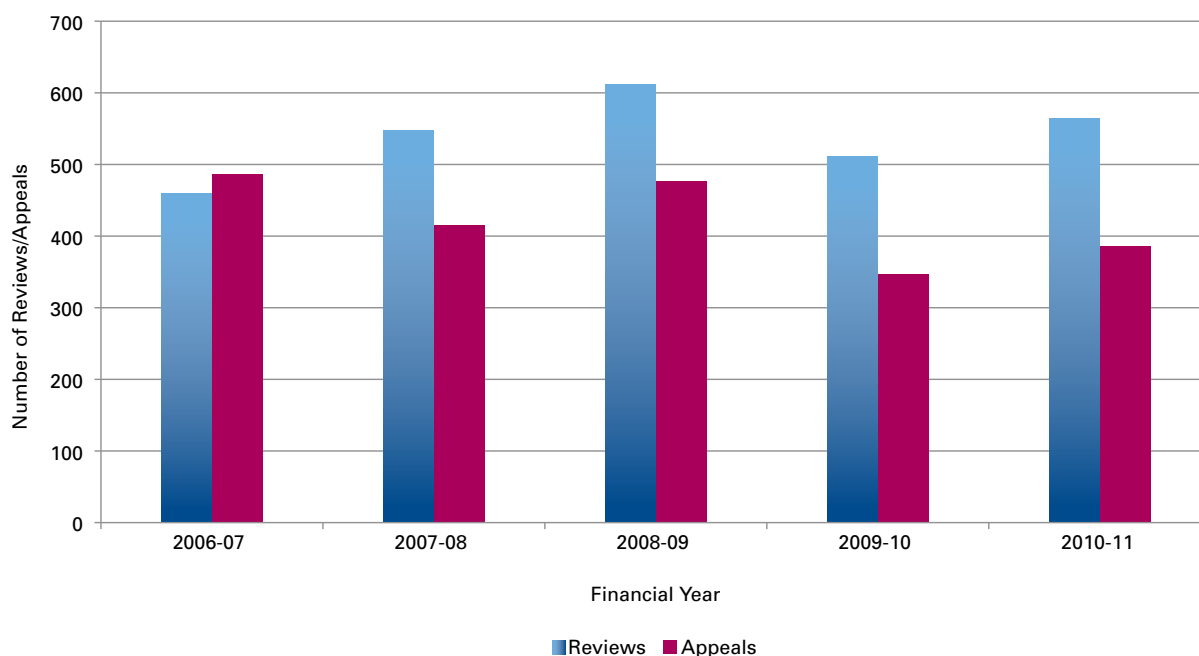
- The proportion of DAs which were referred to a State Government agency for advice or approval has been 11% since 2008-09. The number of DAs reported as being referred fell from 7,791 in 2009-10 to 7,597 in 2010-11 (not including s96 modifications).
- Based on council records, the average time for referrals *per referred development application* increased from 43 days in 2009-10 to 47 days in 2010-11. The median time also increased – from 25 to 27 days.
- The average gross time that each agency took to process a referral was 19 days; the average net time (excluding stop-the-clock) was 17 days. Different data sets and referrals to more than one agency on the same DA may account for some of the difference between council and agency figures. The Department is continuing to work with agencies and councils on consistent ways of recording referral information to improve future monitoring and to identify areas for improvement.
- Based on the state agency data, the Rural Fire Service and the Mine Subsidence Board processed the most concurrences or referrals in the period (note: not all of these would have been determined by the council in the period): 71% of all referrals reported by agencies for the year.

COUNCIL STAFFING (CHAPTER 5)

- On average across the State 62 DAs were determined for each equivalent full time (EFT) development assessment position for 2010-11 compared with 63 DAs per EFT in 2009-10.
- The councils with the highest number of DAs determined per EFT in 2010-11 included Narrabri (545 DAs per EFT), Corowa (168 DAs per EFT), Camden (158 DAs per EFT), Deniliquin (132 DAs per EFT) and Young (124 DAs per EFT).
- The number of EFT positions in development assessment across NSW decreased from 1,137 in 2009-10 to 1,104 in 2010-11.

REVIEWS AND APPEALS (CHAPTER 6)

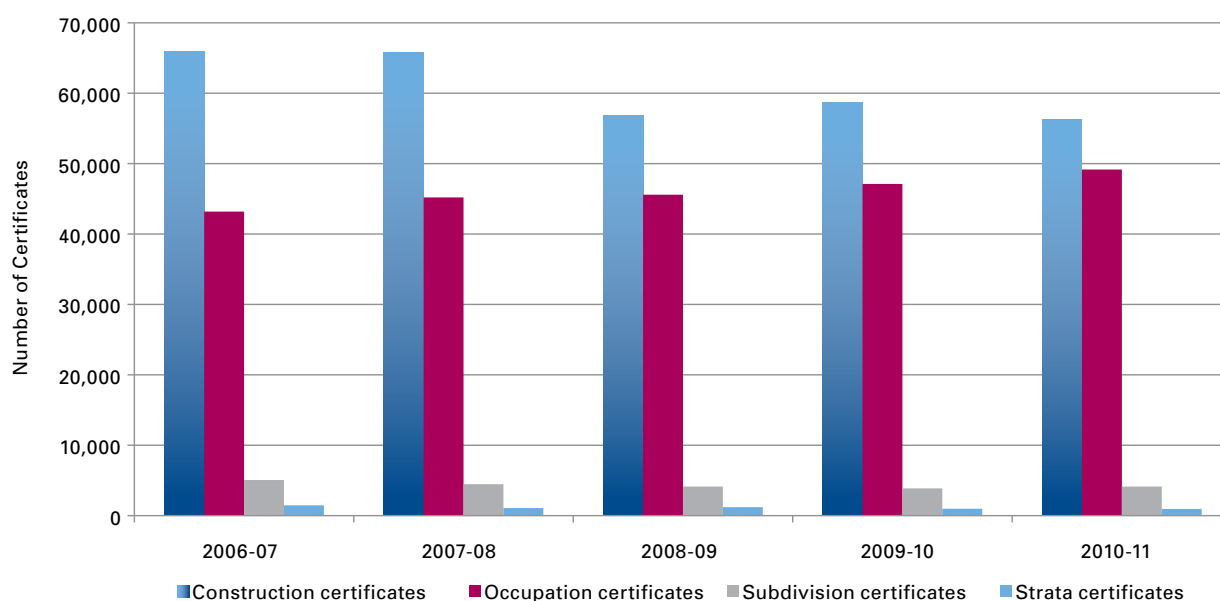
Number of (s82A) reviews compared with Class 1 Legal Appeals 2006-07 to 2010-11



- The number of determined section 82A council reviews and legal appeals both increased compared with 2009-10. Reviews continued to outnumber appeals.
- 564 s82A reviews were reported as being determined in 2010-11 compared with 511 in 2009-10.
- 386 Class 1 appeals were determined in 2010-11 compared with 347 in 2009-10. Class 1 appeals are generally appeals against a council planning decision and are determined on the merits of the development proposal, rather than on legal issues, by the Land and Environment Court.
- 42% of Class 1 appeals brought by developers against a council decision were withdrawn or dismissed in favour of the council. This was only a marginal decrease compared with 2009-10 when 43% of appeals were not in favour of the developer.
- While 43% percent of appeals by developers were approved by the court only 24% of developer appeals were upheld in favour of the developer without any changes to the proposed development. 19% of developer appeals were upheld in favour of the developer after the original development was amended to address the issues raised by the council. In addition, 15% of appeals resulted in consent being issued by agreement by the parties.
- The councils with the highest number of Class 1 legal appeals in 2010-11 were City of Sydney, Ku-ring-gai, Waverley and Warringah councils.

OTHER CERTIFICATES (CHAPTER 7)

Total number of certificates issued 2006-07 to 2010-11



- A total of 56,213 construction certificates were reported as being issued in 2010-11 compared with 58,679 in 2009-10. This was still lower than in 2007-08 (65,815 reported by 141 councils).
- As in 2008-09 and 2009-10, Blacktown and Lake Macquarie council areas had the highest number of construction certificates (2,091 and 2,005 respectively).



The 2010-11 Local Development Performance Monitoring report provides an overview of development trends in NSW for 2010-11. It includes information on council performance in assessing local development and indications of the overall performance of the NSW planning system. The report also examines the activities of State Government referral agencies, Joint Regional Planning Panels, and accredited (private) certifiers.

To produce this report, information was compiled from all 152 NSW councils on development applications (DAs), section 96 (s96) modifications, complying development certificates (CDCs) and post-development consent certificates (building and subdivision) determined during 2010-11.

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

The report includes information on:

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

The data in this report excludes:

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

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

In most cases the data collected for 2010-11 has been compared with the data from previous years in order to indicate statewide development trends.

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

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

The publication focuses on quantitative data rather than qualitative information.

1.1 Data Collection and Analysis

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

For 2010-11, 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 vast majority of the data continues to come from councils.

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

Councils generally extract their information from DA tracking databases or, for smaller country councils, DA registers.

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 virtually instantaneous feedback. The validation rules allow all data to be quickly scanned for basic errors – typographic (such as mis-typed dates), missing information, and mis-entered data (such as a legal appeal against a complying development certificate). The feedback summarises the data, lists any errors and guides councils on actions required to complete or “cleanse” the data.

The database allows the data to be centrally housed, facilitating data analysis and reporting. The data is compiled into tables for reporting purposes through computer “queries” which extract data from the database based on specific data fields and criteria. The 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).

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

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



1.2 Planning Reform

Major planning reforms affecting local development in 2010-11 are summarised below.

AFFORDABLE RENTAL HOUSING SEPP

State Environmental Planning Policy (Affordable Rental Housing) 2009 came into effect on 31 July 2009. The policy includes planning-based tools and incentives to encourage home owners, social housing providers and developers to invest and create new affordable rental housing. Housing types under the SEPP include dual occupancies, secondary dwellings (known as “granny flats”), villas and townhouses, boarding houses and residential flat buildings.

After a review of the SEPP, including a publicly exhibited discussion paper, the SEPP was amended in May 2011. The amendments revised requirements for villa, townhouse and residential flats developed by the private sector so that, in low-density areas, the local land use zones apply along with stricter requirements for public transport access, density, scale and parking.

From May 2011, stricter standards also applied for boarding house developments to ensure compatibility with the local area.

An Affordable Housing Taskforce has been formed to develop and implement a new Affordable Housing Choice SEPP.

Information on uptake of the Affordable Rental Housing SEPP during 2010-11 is covered in this year’s Local Development Performance Monitoring report.

EXEMPT AND COMPLYING DEVELOPMENT CODES

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) commenced in February 2009.

The SEPP allows specific development with minimal or low risk impacts to be exempt from planning approval or to go through a fast track (10-day) approval (called complying development).

Complying development under the SEPP is generally residential, commercial or industrial development.

From February 2011, more developments qualified as exempt from planning or construction approval. Existing development standards within the SEPP were also amended to better reflect council requirements.

The February amendments extended the SEPP to single new houses and residential alterations and additions and ancillary works on small lots (minimum 200 m² and minimum width of 6 m) as complying development.

Some residential developments on rural lots qualified as complying development under the SEPP from February – new single and two storey dwelling houses, alterations and additions to existing dwelling houses, and ancillary development on rural lots.

Other amendments that came into effect in February expanded complying development to allow minor, low impact external works under the SEPP; allow limited development in heritage areas to be complying development consistent with the approach taken by a number of local councils; allow some complying development on low risk bush fire prone land when the bush fire risk has been assessed by a qualified consultant or the council and when certain standards were met; allow some complying development on low risk flood control lots where certain requirements are met.

During 2010-11, applicants could still choose between the local council's LEP or DCP or the Codes SEPP if their development was covered by both.

To increase the flexibility of the SEPP for local characteristics, councils are able to nominate areas that may be included in or excluded from the SEPP. Nominations were invited in August 2011.

The uptake of the SEPP is covered in this report.

JOINT REGIONAL PLANNING PANELS

Joint Regional Planning Panels were established to provide independent merit-based decision making and advice to the Minister on regionally significant development proposals.

Six Regional Panels were established in 2009 covering the Sydney Region, Hunter and Central Coast, Northern, Southern Regions and Western Regions. The Wagga Wagga Interim Joint Planning Panel which operated in 2009 was abolished in September 2011. The Wagga Wagga Local Government area now comes under the jurisdiction of the Southern Regional Panel.

This report covers the second year of operation of the Regional Panels. Effective from 1 October 2011, some major changes were made to return certain regional development to councils to determine. Regional Panels will no longer determine developments for some designated development, developments for smaller coastal subdivisions and other coastal development, applications lodged from 1 October 2011 for residential subdivisions of more than 250 lots, applications lodged from 1 October 2011 for general development with a capital investment value of between \$10 million and \$20 million. These changes come into effect part way through 2011-12 and will be covered in the 2011-12 performance monitoring report.

PLANNING APPEALS LEGISLATION

Planning Appeals Legislation Amendment Act 2010 came into effect from 28 February 2011.

The Act is designed to improve and, where possible, streamline the systems for appeals and reviews related to planning decisions. The Act introduces a conciliation-arbitration scheme for merit reviews in the Land and Environment Court. Conciliation-arbitration will apply to disputes between councils and homeowners over development applications and modification applications for detached single dwellings and dual occupancies (including subdivision), and alterations and additions to single dwellings and dual occupancies.

PLANNING SYSTEM REVIEW

In July 2011, the Government announced a comprehensive review of the planning system to take place over 18 months. The review is being led by an independent panel and involves an extensive consultation process.

The current planning legislation was developed in the 1970s and has been amended many times. The review will result in the creation of new State planning legislation which is intended to be placed before Parliament in the latter half of 2012.

LOCAL DEVELOPMENT ASSESSMENT – VOLUME AND VALUE

Development Activity Summary

IN 2010-11	Description	IN 2009-10
81,147	developments (DA + CDC) were approved	83,892
19.9	billion dollars value of developments (DA + CDC) were approved	18.6

Development Assessment Track Summary

IN 2010-11	Description	IN 2009-10
18.2	complying development as % of all development (DA+CDC)	16.7
10.4	% of single new dwellings determined as complying development	11
66.8	% of CDCs determined under Codes SEPP (of SEPP and CPI)	41.7
141	councils provided data where at least one CDC was determined	139
112	councils provided data where at least one CDC was determined under Codes SEPP	106

Notes:

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.
3. A correction has been made in this report to the number of councils in 2009-10 who provided data where at least one CDC was determined under Codes SEPP. This was reported as 98 in the 2009-10 report and has been corrected to 106.



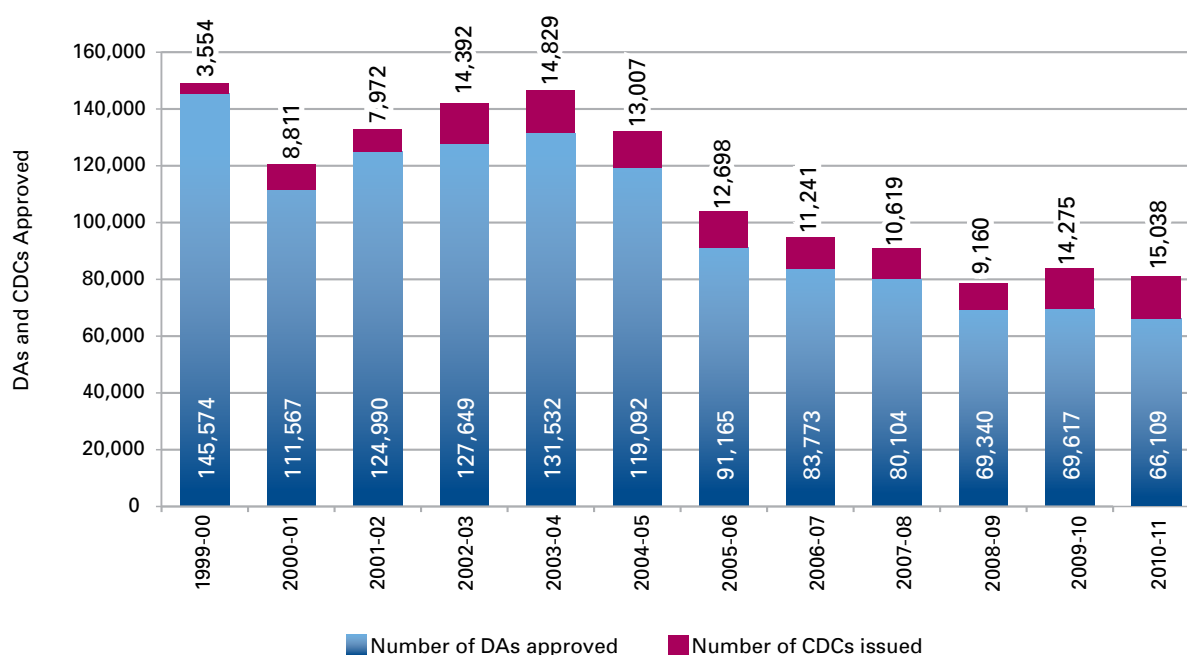
2.1 Statewide Trends

DEVELOPMENT ACTIVITY

Number of approvals

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

Figure 1: Total approved DAs and CDCs in NSW 1999-00 to 2010-11



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 2010-2011: Department of Planning and Infrastructure's Local Development Performance Monitoring report.
4. 2005-2006 figures for DAs also include s96 modification applications.
5. 2006-07 data on CDCs was under-reported as some councils did not report CDCs issued by private certifiers.

The effects of the global financial crisis continue to be felt. While development activity increased in 2009-10, it did not reach the level of 2007-08 when the global financial crisis began. At 81,147 approvals, the total number of approvals in 2010-11 was 3% lower than 2009-10 but 3% higher than 2008-09 when development activity reached an historic low.

It should be noted that these figures do not include developments which are exempt from planning approval. From February 2011, more development types were classified as exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Nor do these figures include major development determined by the Minister for Planning and Infrastructure.

Value of approvals

Table 2-1: Total approved DAs and CDCs 2006-07 to 2010-11

	2010-11	2009-10	2008-09	2007-08	2006-07
Total value of DAs approved	\$18b	\$15.7b	\$18.5b	\$21b	\$20.4b
Total value of CDCs approved	\$1.8b	\$3b	\$853.2m	\$897.2m	\$799.3m
Total value of CDCs and DAs approved	\$19.9b	\$18.6b	\$19.4b	\$21.9b	\$21.2b

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

Despite the decline in activity, the total value of development increased by 7% from \$18.6 billion in 2009-10 to \$19.9 billion in 2010-11 (**Table 2-1**). This was mostly due to an increase in the value of approved DAs (from \$15.7 billion in 2009-10 to \$18 billion in 2010-11). The value of CDCs fell from \$3 billion in 2009-10 to \$1.8 billion in 2010-11. This followed a dramatic increase in the value of approved complying development of 249% between 2008-09 and 2009-10. The fluctuating value of CDCs could be partly accounted for by the Federal Government's Nation Building Stimulus funding in 2009-10.

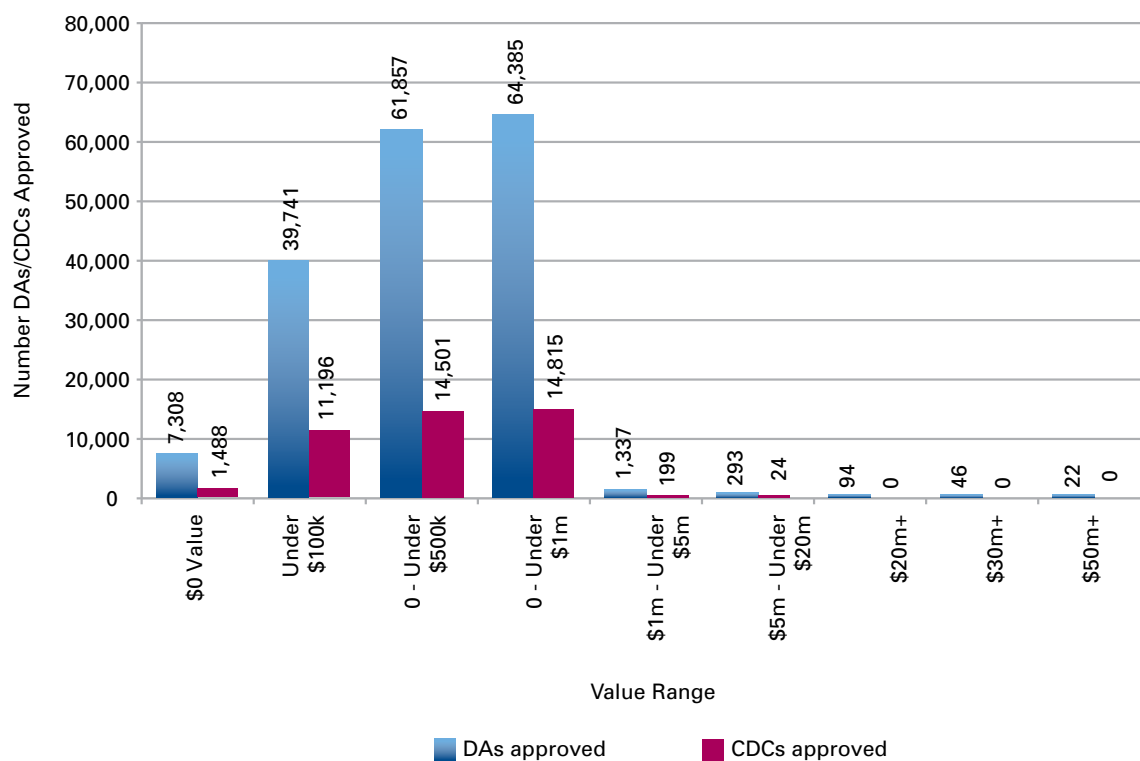
While the total value of DAs and CDCs fluctuated, typical (median) values were more stable. The median value of DAs increased from \$40,000 to \$46,500; the median value of CDCs was \$27,000 for both 2009-10 and 2010-11 reflecting that a high proportion of complying development comprises residential alterations and additions (see **Table 2-2**).

Table 2-2: Construction value estimates for approved CDCs and DAs

	CDC value 2010-11	CDC value 2009-10	DA value 2010-11	DA value 2009-10
Mean	121,844	215,017	274,592	228,225
Median	27,000	27,000	46,500	40,000

The value ranges for approvals are shown in **Figure 2**. As in previous years, most developments were valued under \$1 million – 97% of DAs and 98% of CDCs in 2010-11.

Figure 2: Total DAs and CDCs approved by value range



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

Refusals

The proportion of refusals has remained stable since 2006-07 at 3% of DAs.

Only 0.3% of CDCs were refused (this is likely to be under reported as records of CDCs determined by private certifiers are sometimes incomplete).

Development types

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 preferences (**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 66% in 2006-07 to 69% in 2010-11.

Residential alterations and additions (to any residential development) comprised 40% of all approved development in 2010-11. In line with the decline in overall development activity, the total number of approved residential alterations was the lowest since 2006-07 (when detailed information collection began) falling by 6% from 2009-10 to 2010-11 (**Figure 3**).

Of the new residential developments in 2010-11, the highest proportion were single new dwellings (84%) (**Figure 4**).

While only comprising 2.7% of all development types, new second occupancies (including “granny flats” and dual occupancies) increased from 1.8% of total approvals (DAs and CDCs) in 2009-10 to 2.7% in 2010-11 and was the category of residential development to have increased the most in total number (from 1,511 in 2009-10 to 2,159 in 2010-11; an increase of 43%). New multi-unit residential developments increased by 9% from 2009-10 to 2010-11 (from 922 to 1,002).

New second occupancies comprised 11% of all new residential development approvals in 2010-11 (excluding “other residential” which includes boarding houses and group homes) (**see Figure 4**). This compared with 8% of all new residential development approvals in 2009-10. 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 secondary occupancies developments in 2010-11 included Bankstown, Parramatta, Fairfield and Holroyd. These councils had fewer than two new single dwelling developments for each new second occupancy approval in 2010-11.

At least 487 new secondary dwellings (granny flats) were approved under State Environmental Planning Policy (Affordable Rental Housing) 2009.¹ This was about 2% of all new residential approvals in 2010-11 and nearly one quarter (23%) of all new second occupancies in 2010-11. Fairfield, Penrith, Hornsby and Canterbury reported the highest number of new secondary dwellings determined under the SEPP.

The Affordable Rental Housing SEPP increased 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 developments increased very slightly as a proportion of all development from 1.1% in 2009-10 to 1.2% in 2010-11. These developments include residential flat buildings and townhouses and villas. As with 2009-10, new multi-unit developments comprised 5% of all new residential developments. Woollahra, Blacktown, Gosford and Hornsby Councils reported the highest number of approved new residential multi-unit developments for 2010-11.

¹ These approvals are likely to be under-estimated as 17 councils did not provide information on determinations under the Affordable Rental Housing SEPP. “New second occupancies” under Local Development Performance Monitoring include developments not included as “secondary dwellings” under the Affordable Rental Housing SEPP.

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

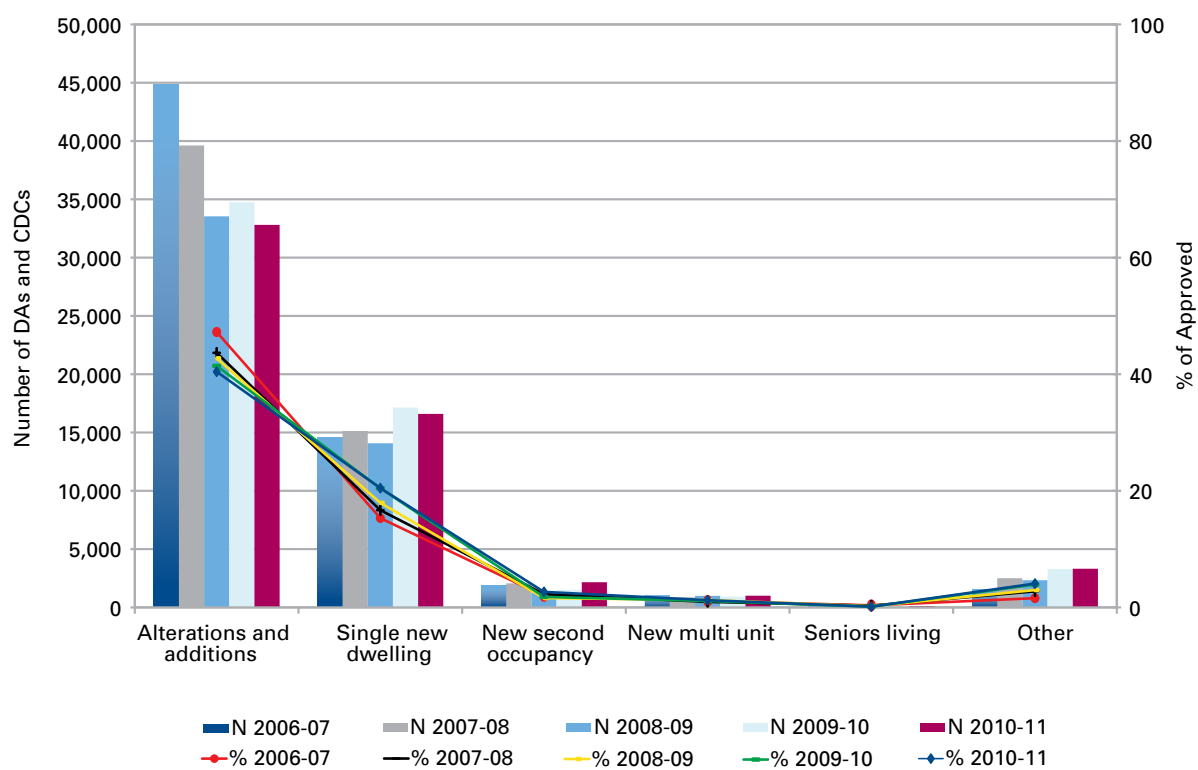
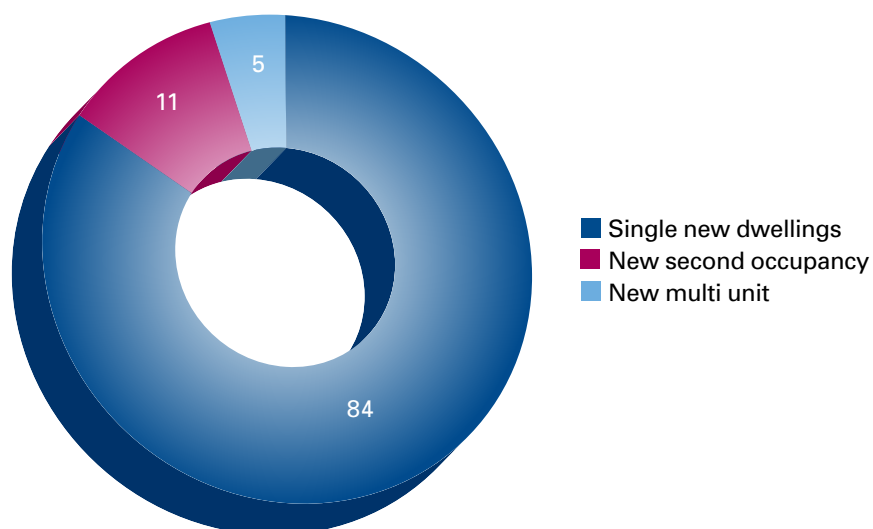
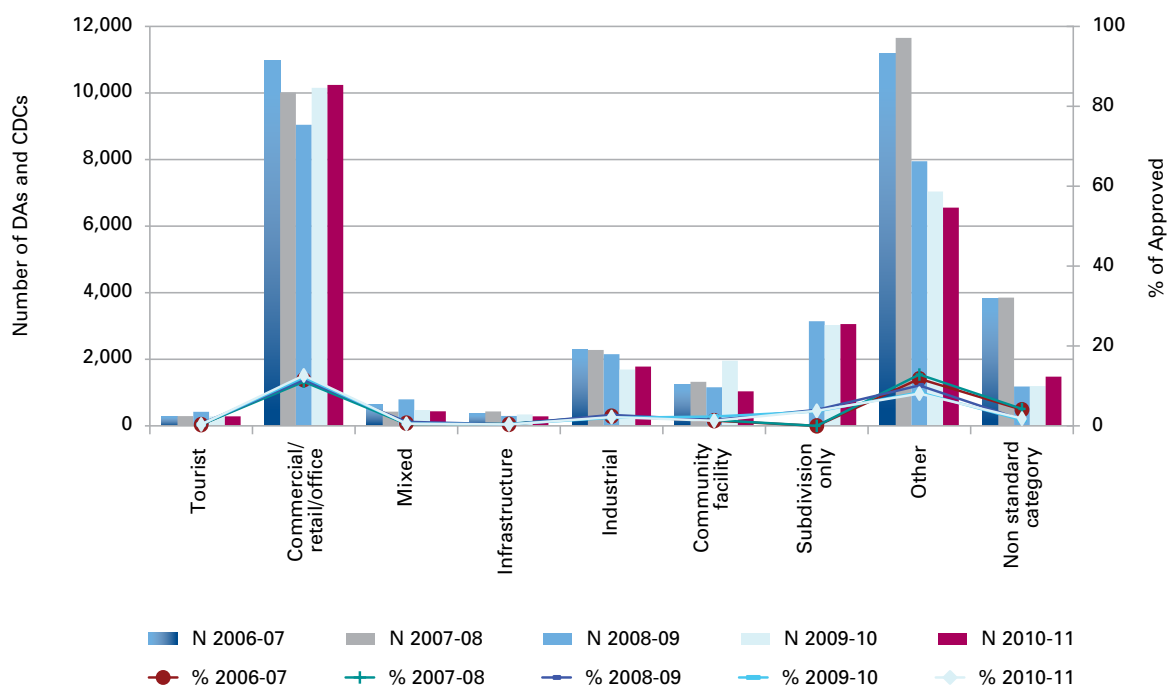


Figure 4: New residential development approvals as % of all residential development



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

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

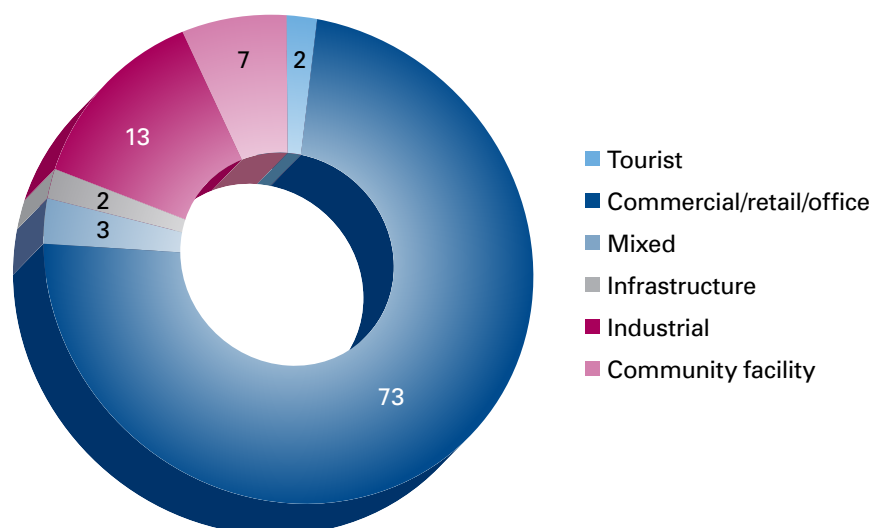


Note: The 'subdivision only' development category was introduced into the data collection from 2008-09. 'Subdivision only' would have been classified with 'other' in 2006-07.

Similar to 2009-10, commercial / retail / office development activity comprised 13% of all development. There was a slight increase in this form of development from 2009-10 to 2010-11, from 10,155 approvals to 10,242 approvals.

In 2009-10 there was a significant increase of 69% in the number of approved community facility developments compared with 2008-09. Last year's report noted that this may have been due to Federal Stimulus funding. Results for 2010-11 support this – the number of community facility development approvals decreased by 47% compared with 2009-10 and the proportion of community facility developments has decreased from 2.3% of development in 2009-10 to 1.3% in 2010-11 (**Figure 5**).

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



Note: Includes alterations and additions to existing non-residential development.

ASSESSMENT ACTIVITY

Assessment activity refers to determined developments and measures development processing.

It includes both approved and refused development. It is particularly relevant for examining how development is being processed (eg. merit assessment versus code assessment) and determination time (see Chapter 3).

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

	2010-11	2009-10	2008-09	2007-08	2006-07
Merit assessment (DA)	68,025	71,550	71,638	82,404	86,287
Modification DA (s96)	15,051	15,003	14,975	15,313	14,387
Code assessment (CDC)	15,085	14,315	9,194	10,619	11,241
CDC as % of (DA+CDC)	18	17	11	11	12
Total determinations	98,161	100,868	95,807	108,336	111,915

Overall, determinations declined by 3% from 100,868 in 2009-10 to 98,161 in 2010-11.

Table 2-3 shows that the proportion of determinations that were assessed on their merits continued to gradually decline whereas the proportion assessed under a code has steadily increased.

In 2010-11, merit assessment determinations (including s96 modifications) comprised 69% of total determinations compared with 71% in 2009-10 while code assessed determinations were 18% in 2010-11 compared with 17% in 2009-10. 67% of CDCs were determined under the Codes SEPP in 2010-11.

Effective from February 2011, more forms of residential development qualified as complying (maximum 10-day determination time requirement) under the Codes SEPP. Previous monitoring has shown that the impact of legislative reform may not be evident in the monitoring results until a subsequent reporting period. This may be because it takes time for developers to adapt their building designs to take advantage of the legislative changes. Results for 2011-12 may be more informative on the effectiveness of the most recent changes to the SEPP.

Table 2-4: Total number of DAs determined in NSW by type 2010-11 compared to 2009-10

Development Type	Number of DAs Determined in 2010-11	% of total DAs determined	Number of DAs Determined 2009-10	% of total DAs determined
Residential - Alterations and additions	26,765	39.3	28,917	40.4
Residential - Single new dwelling	15,048	22.1	15,440	21.6
Residential - New second occupancy	2,038	3	1,521	2.1
Residential - New multi unit	1,009	1.5	981	1.4
Residential - Seniors Living	109	0.2	103	0.1
Residential - Other	2,524	3.7	2,604	3.6
Tourist	304	0.4	306	0.4
Commercial / retail / office	7,016	10.3	7,847	11
Mixed	437	0.6	480	0.7
Infrastructure	269	0.4	266	0.4
Industrial	1,770	2.6	1,714	2.4
Community facility	892	1.3	1,176	1.6
Subdivision only	3,135	4.6	3,149	4.4
Other	6,054	8.9	6,331	8.8
Non standard category	655	1	715	1

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

Table 2-5: CDCs determined in NSW by development type 2010-11 and 2009-10

Development Type	Number of CDCs determined in 2010-11	As % of total CDCs determined	Number of CDCs determined in 2009-10	As % of total CDCs determined
Residential - Alterations and additions	6,602	43.8	6,385	44.6
Residential - Single new dwelling	1,746	11.6	1,905	13.3
Residential - New second occupancy	248	1.6	87	0.6
Residential - New multi unit	98	0.6	27	0.2
Residential - Seniors Living	4	0	5	0
Residential - Other	867	5.7	736	5.1
Tourist	4	0	3	0
Commercial / retail / office	3,501	23.2	2,618	18.3
Mixed	37	0.2	31	0.2
Infrastructure	36	0.2	84	0.6
Industrial	90	0.6	69	0.5
Community facility	170	1.1	814	5.7
Subdivision only	95	0.6	68	0.5
Other	714	4.7	989	6.9
Non standard category	873	5.8	494	3.5

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

When determinations are divided into assessment paths (merit versus code assessed) and development type (**Tables 2-4** and **2-5**) the assessment for different types of development becomes clearer.

In 2010-11, merit assessment applied to more than three-quarters of all residential development (83%); code assessment applied to 17% of residential development.² This was much the same in 2009-10: 84% of all residential development underwent merit assessment and 16% was assessed under a code.

Figure 7 shows the proportion of residential alterations and single new dwellings that underwent merit assessment compared with code assessment. 80% of residential alterations and additions were determined as DAs in 2010-11 compared with 82% in 2009-10. 20% were determined as CDCs in 2010-11 compared with 18% in 2009-10. 90% of single new dwellings were determined as DAs in 2010-11 compared with 89% in 2009-10; 10% of single new dwellings were determined as CDCs in 2010-11 compared with 11% in 2009-10.

² Excluding section 96 DA modifications. CDC modifications are included in CDC count.

Even though, for commercial developments, the Codes SEPP applies mostly to alterations and additions to existing developments, take up has increased significantly.

Two thirds (67%) of all commercial / retail / office development underwent merit assessment in 2010-11 while one-third (33%) underwent code assessment (**Table 2-6**) compared with one quarter undergoing Code assessment in 2009-10. And nearly one quarter of all CDCs were issued for commercial / retail / office development in 2010-11 (**Table 2-5**). 81% of all CDCs for commercial / retail / office development were determined under the Codes SEPP (of CDCs determined under Code SEPP or council planning instrument).

Table 2-6: CDCs determined as percentage of all determinations (DA+CDC) by development type 2010-11 compared with 2009-10

Category of development	2010-11	2009-10
Residential - Alterations and additions	20	18
Residential - Single new dwelling	10	11
Residential - New second occupancy	11	5
Residential - New multi unit	9	3
Residential - Seniors Living	4	5
Residential - Other	26	22
Tourist	1	1
Commercial / retail / office	33	25
Mixed	8	6
Infrastructure	12	24
Industrial	5	4
Community facility	16	41
Subdivision only	3	2
Other	11	14
Non standard category	57	41

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

In 2009-10 there was an unusually high proportion of community facility CDCs (41% of all CDCs in 2009-10 compared with 4% in 2008-09) which was probably partly due to school refurbishments funded by Federal Nation Building programs. Some of these developments can be undertaken as complying development under State Environmental Planning Policy (Infrastructure) 2007, which was amended in February 2009 to ensure that more school refurbishments could be approved quickly.³

This temporary stimulus seems to account for the significant drop in community facility CDCs in 2010-11 to 1% of all CDC determinations.

A similar trend was also evident in infrastructure CDCs which spiked to 24% of all infrastructure determinations in 2009-10 but fell to 12% in 2010-11.

As noted earlier, new second occupancy CDCs increased. They more than doubled from 5% in 2009-10 to 11% of all new second occupancy determinations in 2010-11. New residential multi-unit CDC determinations tripled from 3% to 9% of all determinations for this development type.

³ The LDPM program groups educational establishments under community facility. This is a non statutory grouping used only for the purposes of this statistical report.

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

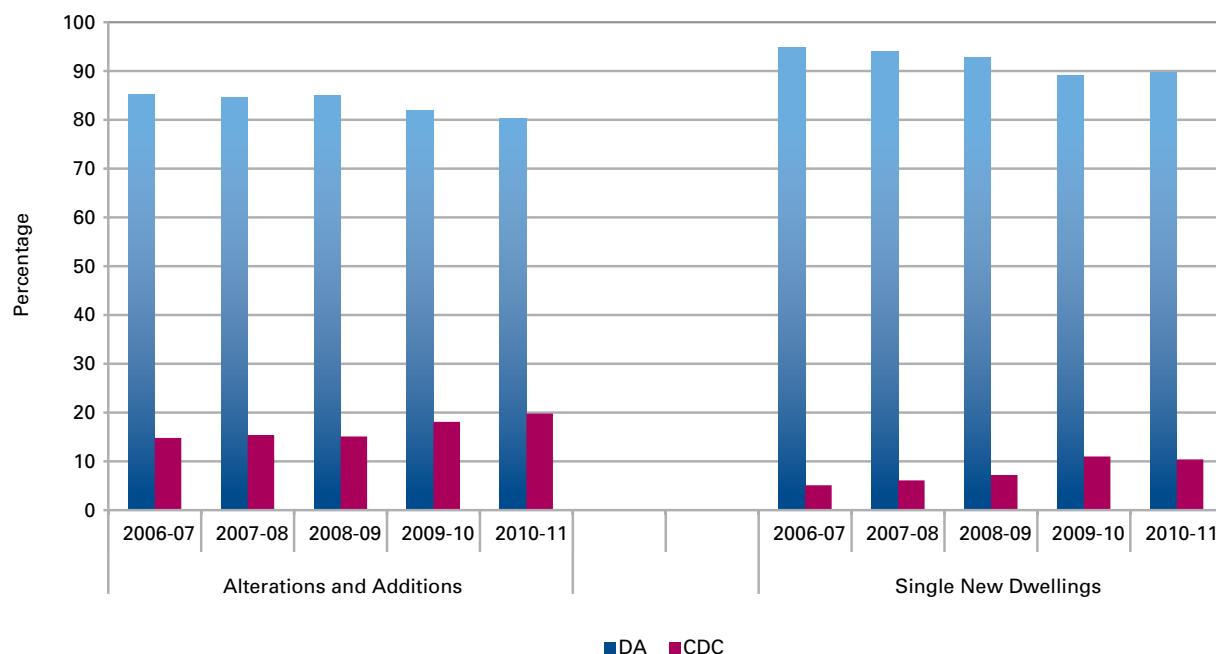


Table 2-7: CDC determinations by planning instrument

Level of determination	Number of CDCs	% SEPP	% Council planning instrument	Number of councils
Council staff	4,533	51	49	124
Councillors	6	17	83	4
Other	25	84	16	1
Private certifier (CDCs only)	8,523	75	25	89
Total	13,087	67	33	127

Notes:

1. The number of CDCs in this table is not the total number of CDCs for 2010-11. It is only for councils that recorded at least one CDC that was determined under the Codes SEPP or council planning instrument.
2. Percentages are only for CDCs recorded as being determined under the Codes SEPP or a council planning instrument (this should not include CDCs determined under other SEPPs eg. Infrastructure SEPP). A total of twenty five councils were excluded from this analysis on this basis or because they provided partial information or estimates only of CDCs determined under Codes SEPP or council planning instrument. Notes on councils where data was unavailable and councils who provided partial or estimated data are at Source Table 2-16 at the end of this report.

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

There was a significant increase in the use of the Codes SEPP. Two thirds of CDCs in 2010-11 were determined under the Codes SEPP in 2010-11 compared with 42% in 2009-10. Councils with a high number of CDCs and a high proportion determined under the Codes SEPP included Blacktown (525 CDCs; 85% under Codes SEPP), Ku-ring-gai (446 CDCs; 99% under Codes SEPP), Hornsby (415 CDCs; 88% under Codes SEPP), Penrith (377 CDCs; 97% under Codes SEPP), The Hills (367 CDCs; 94% under Codes SEPP).

As well as the recent amendments to the SEPP which expanded its coverage, anecdotal information suggests that the increase may be partly due to developers becoming more used to using the SEPP and adapting their designs to the SEPP standards.

The Codes SEPP was more widely used where private certifiers determined the CDC than when council certifiers determined the CDC. **Table 2-7** shows that three quarters (75%) of the CDCs determined by private certifiers were determined under the Codes SEPP. This compared with 55% in 2009-10.

Council staff use of the Codes SEPP increased compared with 2009-10. In 2009-10, about one quarter of CDCs (26%) issued by council staff were under the Codes SEPP. In 2010-11 over half of CDCs (51%) issued by council staff were issued under the Codes SEPP.

It should be noted, however, that 2009-10 records in particular were incomplete so the 2009-10 figures may be underestimated.

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

Category of development	Number of CDCs	% SEPP	% Council planning instrument	Councils
Residential - Alterations and additions	6,141	63	37	119
Residential - Single new dwellings	1,593	56	44	95
Commercial/retail/office	2,425	81	19	90
Industrial	87	78	22	35
Other (not included above)	2,841	68	32	109
All categories	13,087	67	33	127

See notes with Table 2-7.

"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.

Table 2-8 concerns complying development and summarises the proportion of CDCs determined under the Codes SEPP for development types which may be complying development under the Codes SEPP.⁴

More than half of the CDCs for residential alterations and additions (63%) and single new dwellings (56%) were issued under the Codes SEPP in 2010-11.

81% of the CDCs for commercial / retail / office development were issued under the Codes SEPP compared with 61% in 2009-10.

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. For instance, only alterations and additions to dwelling houses can qualify for assessment under the Codes SEPP while "residential alterations and additions" covers all residential development types in the local development performance monitoring data definitions.

2.2 Regional Trends

Table 2-9: Regional development approvals (DA and CDC)

Region	Number 2010-11	Value 2010-11	Total value of approvals as % of State	Number s96 approved 2010-11	Number 2009-10	Value 2009-10
Sydney	43,042	\$13.4b	67.4	8,713	42,346	\$11.9b
Hunter	10,058	\$1.6b	8	1,560	10,397	\$1.7b
Southern	7,495	\$1.6b	8	1,560	7,703	\$1.6b
Western	6,992	\$1.1b	5.6	624	8,114	\$1.2b
Murray/Murrumbidgee	6,287	\$1.1b	5.5	940	7,266	\$962.4m
North Coast	7,273	\$1.1b	5.5	1,189	8,066	\$1.3b
NSW Total	81,147	\$19.9b	100	14,586	83,892	\$18.6b

Table 2-9 shows the proportion of development activity (approvals) across the six regions of NSW. Sydney was clearly the region with the highest proportion of development approvals, with 53% of development approvals occurring in the region. The Hunter and Southern regions followed with 12% and 9% of statewide approvals respectively.

Sydney Region was the only region where the number of approvals increased from 2009-10 (by 2%) and the value of development for Sydney Region increased by \$1.5 billion. This was despite the increase in the total number of approvals for all regions except the North Coast experienced between 2008-09 and 2009-10.

The statewide increase in development value between 2009-10 and 2010-11 was due to the increased value of development in the Sydney Region and Murray/Murrumbidgee Region. The value of development decreased in most other regions.

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

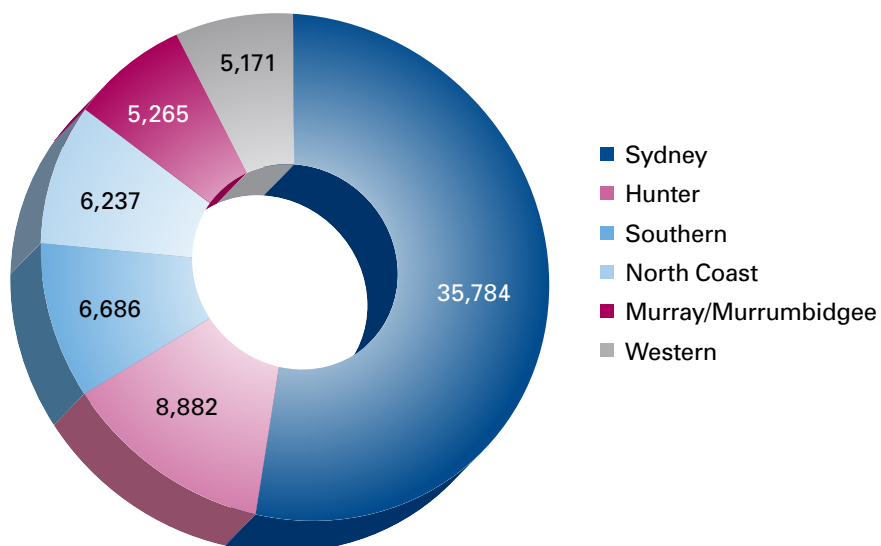
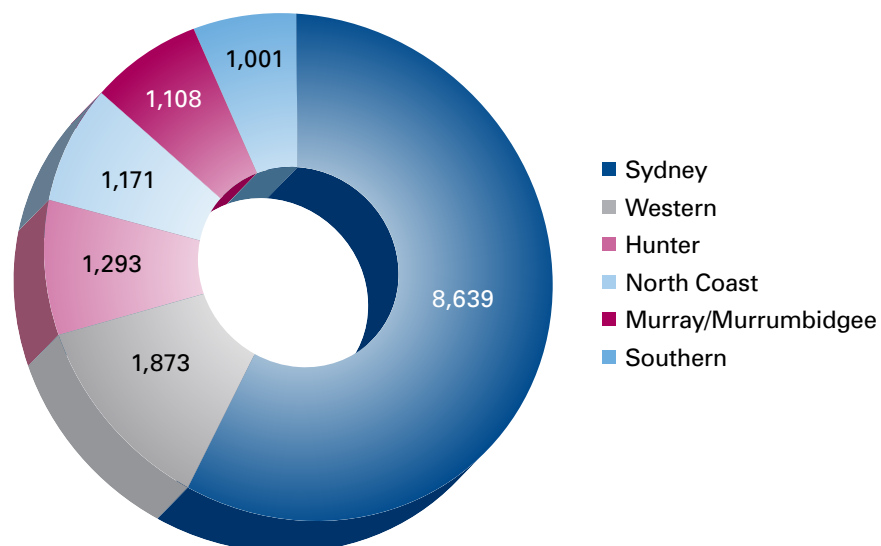


Figure 9: Number of CDCs determined by region



2.3 Council Trends

DEVELOPMENT ACTIVITY

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

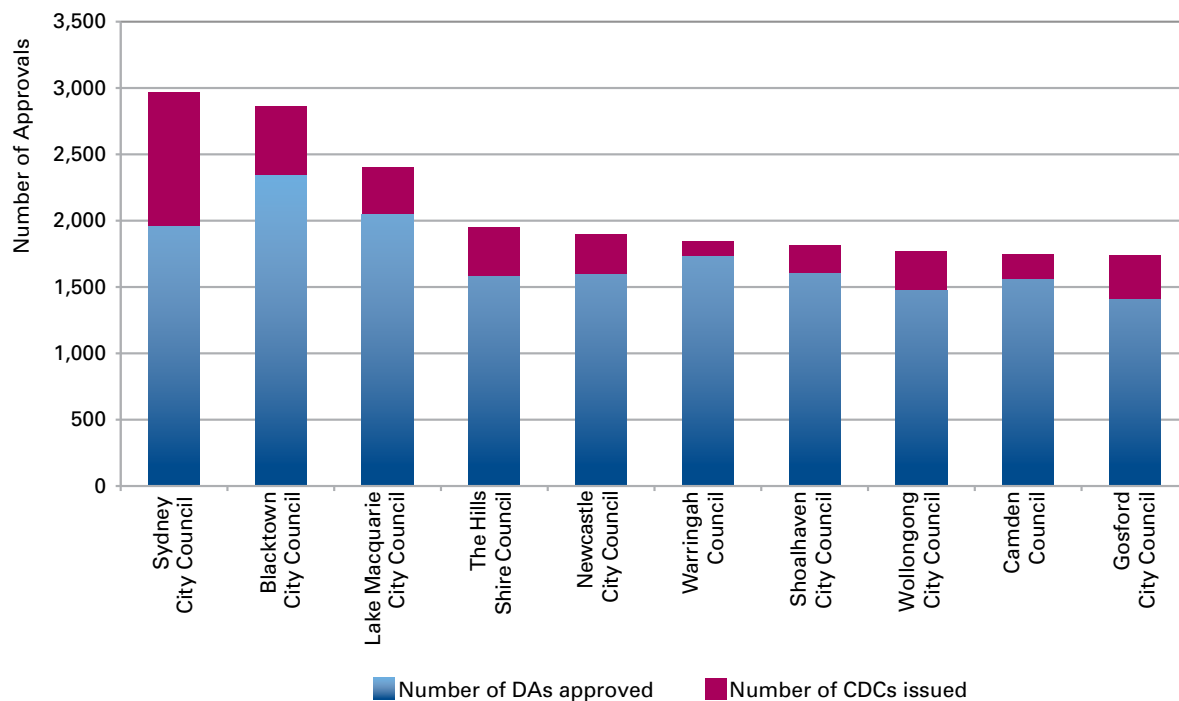
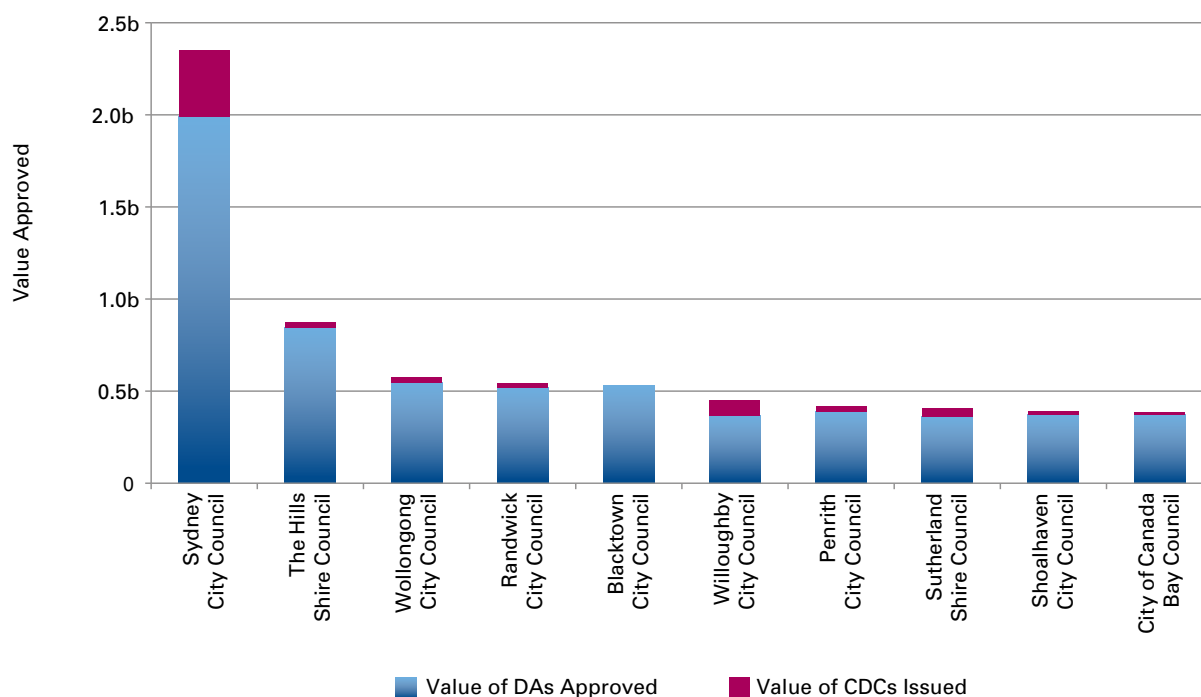


Figure 10 shows ten council areas with the highest levels of development activity (approvals) in 2010-11. Major cities, regional centres and growth areas feature in the list including Sydney City Council, Blacktown City Council, Lake Macquarie City Council and The Hills Shire Council.

Figure 11: Highest value of approvals (DAs and CDCs) by Local Government Area



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

The City of Sydney Council also had the highest total value of development (\$2.4 billion) which was more than twice as much as The Hills Shire Council which had the second highest total value of development (\$874m). This is a result of the Sydney Central Business District's continued position as the State's business centre.

ASSESSMENT ACTIVITY

In 2010-11, five councils had over 50% of their determinations processed as complying development (**Table 2-10**). All of these councils are rural councils with a small number of total determinations.

Table 2-10: Local Government Areas with Over 50% CDCs Compared to Total Determinations

	Number of CDCs Determined	Number of DAs Determined	% of determinations (DAs + CDCs)
Coolamon Shire Council	50	13	79
Jerilderie Shire Council	13	6	68
Junee Shire Council	61	50	55
Cobar Shire Council	36	33	52
Temora Shire Council	49	46	52

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

Table 2-10 and **Table 2-11** show the councils which reported to have over 50% CDCs (**Table 2-10**) and over 20% CDCs (**Table 2-11**) of total determinations in 2010-11. Table 2-10 highlights a number of regional councils as having a high proportion of CDCs in relation to total development. It is important to note that these regional councils have only a small number of total determinations.

Regional areas such as Port Macquarie-Hastings Council, Tamworth Regional Council and Orange City Council recorded 40% or more of their total development as complying development for 2010-11.

Sydney City Council, Port Macquarie-Hastings Council, Blacktown City Council, Sutherland Shire Council, Ku-ring-gai Council and Ryde City Council had the highest numbers of determined complying development certificates in 2010-11 (**Table 2-12** and **Source Table 2-15**). These councils all had from 18% (Blacktown) to 48% (Port Macquarie-Hastings) of their all their developments determined as CDCs (**Source Table 2-15**).

Table 2-11: Local Government Areas with 20% or more CDCs compared to DAs+CDCs

Council	Number of DAs determined	Number of CDCs determined	CDCs as % of DAs+CDCs
Coolamon Shire Council	13	50	79
Jerilderie Shire Council	6	13	68
Junee Shire Council	50	61	55
Cobar Shire Council	33	36	52
Temora Shire Council	46	49	52
Port Macquarie-Hastings Council	576	533	48
Parkes Shire Council	79	73	48
Murrumbidgee Shire Council	16	14	47
Lachlan Shire Council	44	32	42
Uralla Shire Council	67	48	42
Tamworth Regional Council	518	364	41
Tenterfield Shire Council	79	55	41
Orange City Council	380	252	40
Ryde City Council	654	428	40
Berrigan Shire Council	96	62	39
Armidale Dumaresq Council	238	132	36
Coonamble Shire Council	20	11	35
Ku-ring-gai Council	813	446	35
Narrandera Shire Council	28	15	35
Bourke Shire Council	27	14	34
Inverell Shire Council	174	90	34
Walgett Shire Council	34	17	33
Sydney City Council	2,055	1,010	33
Glen Innes Severn Shire Council	112	55	33
Greater Hume Shire Council	124	60	33
Conargo Shire Council	15	7	32

Table 2-11: Local Government Areas with 20% or more CDCs compared to DAs+CDCs

Council	Number of DAs determined	Number of CDCs determined	CDCs as % of DAs+CDCs
Mid-Western Regional Council	353	163	32
Cootamundra Shire Council	107	49	31
Parramatta City Council	808	368	31
Shellharbour City Council	469	204	30
Kempsey Shire Council	280	116	29
Sutherland Shire Council	1,219	505	29
Wagga Wagga City Council	620	255	29
Hornsby Shire Council	1,014	415	29
North Sydney Council	465	189	29
Liverpool Plains Shire Council	89	34	28
Cowra Shire Council	103	39	27
Lane Cove Council	293	108	27
Willoughby City Council	684	248	27
Weddin Shire Council	47	17	27
Botany Bay City Council	167	57	25
Canterbury City Council	595	203	25
Bombala Council	24	8	25
Griffith City Council	276	90	25
Strathfield Municipal Council	218	70	24
Wyong Shire Council	1,263	404	24
Wakool Shire Council	63	20	24
Dubbo City Council	493	155	24
Burwood Council	216	66	23
Holroyd City Council	624	186	23
Nambucca Shire Council	219	65	23
Narrabri Shire Council	109	32	23
Penrith City Council	1,299	377	22
Murray Shire Council	173	50	22
Albury City Council	626	178	22
Gwydir Shire Council	47	13	22
Hay Shire Council	29	8	22
Campbelltown City Council	726	199	22
Kiama Municipal Council	315	79	20
Bathurst Regional Council	519	130	20

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

Table 2-12: 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
Sydney City Council	1,010	1	0	99	0
Port Macquarie-Hastings Council	533	70	24	4	0
Blacktown City Council	525	1	10	55	0
Sutherland Shire Council	505	43	7	11	0
Ku-ring-gai Council	446	8	1	4	83
Ryde City Council	428	40	6	47	0
Hornsby Shire Council	415	59	10	15	0
Wyong Shire Council	404	68	5	20	0
Penrith City Council	377	51	26	16	0
Parramatta City Council	368	33	8	23	0



3 LOCAL DEVELOPMENT ASSESSMENT – OVERALL DETERMINATION TIMES

Local Development Determination Times		
2010-11	Development Applications and s96 Applications	2009-10
68	days on average were taken to process a DA	67
8	councils had an average DA gross determination time in excess of 100 days	10
57	councils had an average DA gross determination time of 50 days or less	58
52	days on average were taken to process s96 modifications	52

Local Development Determination Times		
2010-11	Complying Development Certificates (CDCs)	2009-10
14	days on average were taken by councils to process CDCs (based on 133 Councils)	14
53	councils had an average gross determination time for CDCs of 10 days or less	51

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 DETERMINATION TIMES

After recent major planning reforms, 2010-11 was the year for consolidating the reforms and allowing councils to consolidate their assessment procedures.

The Statewide average time for DAs reflected the consolidation process, with similar average DA determination times – 68 days in 2010-11 compared with 67 days in 2009-10.

Table 3-1: DA Determination Times (Days)

	2010-11	2009-10
Mean gross determination times DAs only	68	67

Table 3-2 shows that eight councils (5% of all councils) had mean gross determination times for DAs over 100 days in 2010-11. This compares with ten councils (7% of all councils) in 2009-10. Each of the last five years has seen fewer councils with mean gross DA determination times over 100 days.

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

Financial Year	2010-11	2009-10	2008-09	2007-08	2006-07
Number of Councils	8	10	21	28	29

Only two councils had mean gross determination times for DAs over 100 days for applications valued under \$100,000. Performance against this indicator has also improved since 2006-07 when 11 councils fell into this category (**Table 3-3**).

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

Financial Year	2010-11	2009-10	2008-09	2007-08	2006-07
Number of Councils	2	4	11	14	11

There was no change in the proportion of councils that achieved mean gross determination times for DAs of 50 days or less. This was 38% of all councils in 2009-10 and 2010-11 (57 and 58 councils respectively) (**Table 3-4**). More than one third of councils have met these criteria since 2006-07.

Table 3-4: Number of councils with mean gross DA determination time 50 days or less

Financial Year	2010-11	2009-10	2008-09	2007-08	2006-07
Number of Councils	57	58	56	52	58

Gross time is important to applicants as it measures the total time taken between lodging an application and receiving the final decision. Net time is an indicator of the time taken by councils to carry out the

portion of the total assessment time for which they are responsible.

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

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

The Australian Classification of Local Governments (ACLG) and the NSW Division of Local Government classify councils according to their socioeconomic characteristics and location. 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 amenity and neighbourhood issues faced in these areas.

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



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

	2010-11	2009-10
ALL NSW		
Determination Times		
Mean net determination times DAs only	45	43
Median net days DA determined	31	29
Mean gross days - all DAs determined	68	67
Effect of stop-the-clock		
Mean gross determination time - only DAs with STC	105	105
Mean gross determination time - only DAs without STC	47	44
Mean stop days - only DAs with STC	56	58
Effect of referrals		
Mean gross determination time - only DAs with referrals	117	109
Mean gross determination time - only DAs without referrals	62	62
Mean referral days - only DAs with referrals	47	43
Urban (U)		
Capital City (CC) and Metropolitan Developed (D)		
Determination Times		
Mean net determination times DAs only	55	52
Median net days DA determined	41	37
Mean gross days - all DAs determined	74	73
Effect of stop-the-clock		
Mean gross determination time - only DAs with STC	107	105
Mean gross determination time - only DAs without STC	56	53
Mean stop days - only DAs with STC	50	51
Effect of referrals		
Mean gross determination time - only DAs with referrals	118	135
Mean gross determination time - only DAs without referrals	72	71
Mean referral days - only DAs with referrals	42	48
Regional Town/City (R)		
Determination Times		
Mean net determination times DAs only	38	37
Median net days DA determined	26	24
Mean gross days - all DAs determined	67	66

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

	2010-11	2009-10
Effect of stop-the-clock		
Mean gross determination time - only DAs with STC	103	104
Mean gross determination time - only DAs without STC	42	41
Mean stop days - only DAs with STC	61	62
Effect of referrals		
Mean gross determination time - only DAs with referrals	118	109
Mean gross determination time - only DAs without referrals	57	58
Mean referral days - only DAs with referrals	47	44
Fringe (F)		
Determination Times		
Mean net determination times DAs only	44	40
Median net days DA determined	31	29
Mean gross days - all DAs determined	70	63
Effect of stop-the-clock		
Mean gross determination time - only DAs with STC	111	107
Mean gross determination time - only DAs without STC	49	41
Mean stop days - only DAs with STC	63	61
Effect of referrals		
Mean gross determination time - only DAs with referrals	124	108
Mean gross determination time - only DAs without referrals	61	55
Mean referral days - only DAs with referrals	54	48
Agricultural (A)		
Determination Times		
Mean net determination times DAs only	37	39
Median net days DA determined	25	24
Mean gross days - all DAs determined	54	59
Effect of stop-the-clock		
Mean gross determination time - only DAs with STC	94	111
Mean gross determination time - only DAs without STC	36	39
Mean stop days - only DAs with STC	48	65
Effect of referrals		
Mean gross determination time - only DAs with referrals	93	89
Mean gross determination time - only DAs without referrals	48	54
Mean referral days - only DAs with referrals	34	29

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

The statewide mean gross determination time for DAs with STC was 105 days compared with 47 days for a DA with no STC event, a 58 day difference. In 2010-11, 37% of DAs had STC. The high percentage of DAs with STC events and the average 58 days difference between DAs with STC and DAs without STC indicate the impact of sub-standard and non-complying DA submissions on processing times. Similarly, DAs which were referred to State agencies had high average determination times (117 days) compared with DAs without any referral (62 days). Referrals applied to 11% of DAs in 2010-11. Stop-the-clock and referral issues are discussed in more detail in Chapter 4.

Median determination times were much lower than mean determination times.

As in 2009-10, more than half of all NSW councils (58.5%) had a median gross determination time for DAs of 40 days or less (58.5% of councils in 2010-11; 62.5% in 2009-10 – see **Source Table 3-30**). In 2010-11, 82% of councils achieved median net determination times of 40 days or less compared with 83% in 2009-10.

Figure 12 shows a significant ‘tail’ of DAs that took much longer to process and contributed to the much higher mean gross times compared with median gross times.

Figure 12: Number of DAs by assessment time range

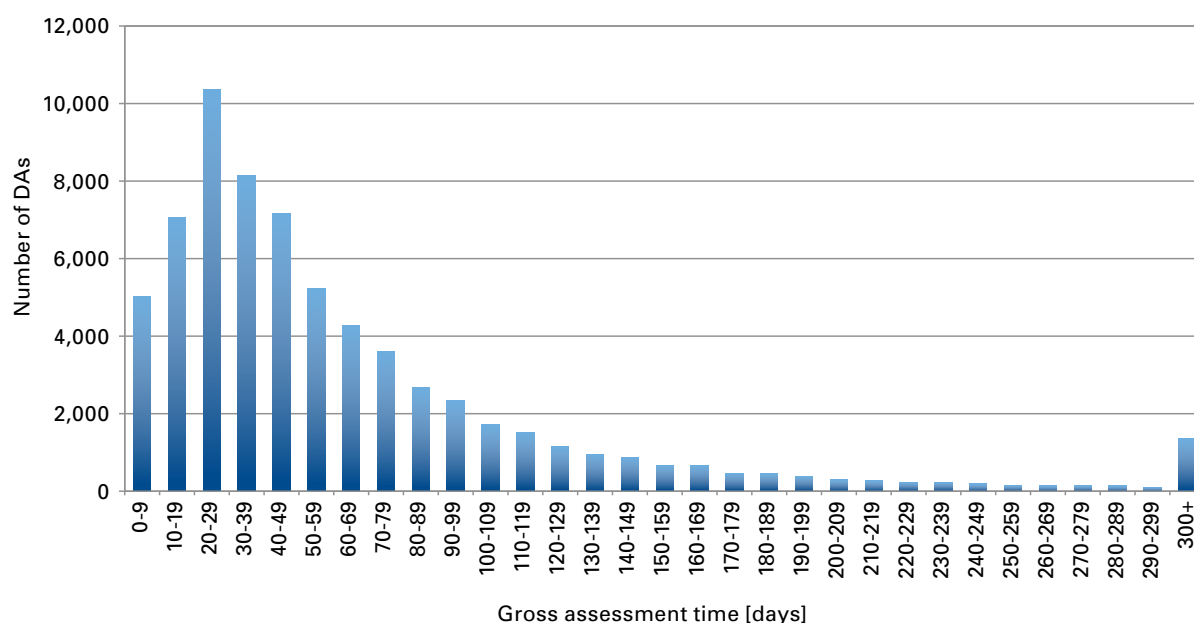


Table 3-5 shows a mean net determination time for DAs of 45 days, much higher than the median net time (31 days). This indicates that most DAs are determined in less than 45 days, only slightly higher than 2009-10: 43 days mean net and 29 days median net times.

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 will frequently deal with more complex DAs and with

more developments which attract significant public attention than non urban councils.

The mean gross time for urban councils was 74 days compared with 67 days for regional councils, 70 days for fringe councils and 54 days for agricultural councils. Mean gross times for DAs with STC were over 100 days for all classifications apart from agricultural councils, leading to much lower mean and median net determination times. Median net determination time for urban councils was 41 days compared with 26 days for regional councils, 31 days for fringe councils and 25 days for agricultural councils.

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

Table 3-6 shows that the median gross determination time for DAs was slightly higher for 2010-11 compared to 2009-10: 44 days and 41 days respectively and the median net determination time also increased slightly from 29 days to 31 days.

Table 3-6: DA Median Determination Times (Days)

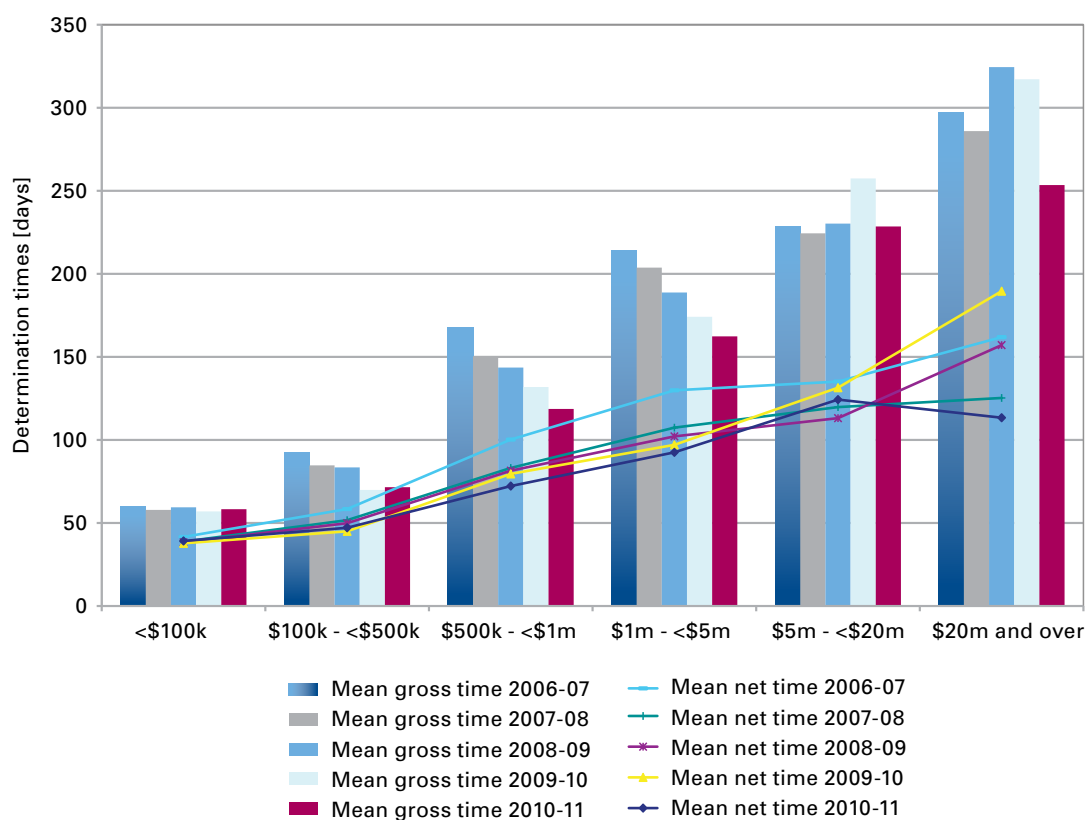
	2010-11	2009-10
Median gross determination times DAs only	44	41
Median net determination times DAs only	31	29



DETERMINATION TIMES BY VALUE AND DEVELOPMENT TYPE

Figure 13 shows that mean gross determination times for DAs increase with the value of developments. Over the past five years, determination times have been decreasing for most development value groups under \$5 million. The greatest improvements over this period were for developments valued from \$500K to \$1 million and from \$1 million to \$5 million.

Figure 13: DA Determination times by value 2006-07 to 2010-11



As stated in Chapter 2, 97% of approved DAs and 98% of CDCs were valued at under \$1 million in 2010-11. The mean gross determination time for developments of under \$1 million was relatively stable, 65 days in 2010-11 compared with 64 days in 2009-10 (**Table 3-7**). The median gross DA determination time for developments of this value rose from 40 to 43 days for the same period (**Table 3-8**).

Table 3-7: Statewide DA mean determination times (days) by value 2010-11 and 2009-10

Value	Gross determination time		Net determination time		Stop-the-clock time		Referral time	
	2010-11	2009-10	2010-11	2009-10	2010-11	2009-10	2010-11	2009-10
\$0 Value	80	85	46	47	92	110	65	59
Under \$100K	58	57	39	38	54	55	44	39
\$100K-under \$500K	72	70	47	45	51	52	40	39
\$500K-under \$1m	119	132	72	80	70	83	53	63
Under \$1m	65	64	43	41	54	55	43	40
\$1m-under \$5m	162	174	93	97	100	107	82	76
\$5m-under \$20m	229	257	124	131	154	171	98	104
\$5m-under \$100m	231	268	120	142	152	169	101	99
\$20m+	253	317	113	190	164	167	110	83
\$30m+	317	357	125	209	208	194	127	77
\$50m+	371	381	139	261	297	192	143	67

Notes:

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

Determination times continued to be high for the higher value developments, although mean gross determination times were lower in 2010-11 for all development value groups of \$1 million and over. Mean gross determination times for development valued at \$5 million to under \$20 million fell from 257 days (2009-10) to 229 days in 2010-11; and from 317 days (2009-10) to 253 days in 2010-11 for developments valued \$20 million or more. This may be due to an increasing number of these developments being determined by Joint Regional Planning Panels in 2010-11. The activity of the Regional Panels is discussed in detail in chapter 4.

Table 3-8: Statewide DA median determination times (days) by value 2010-11 and 2009-10

Value	Gross determination time		Net determination time		Stop-the-clock time		Referral time	
	2010-11	2009-10	2010-11	2009-10	2010-11	2009-10	2010-11	2009-10
\$0 Value	41	40	27	27	40	41	38	33
Under \$100K	36	35	28	27	25	25	26	24
\$100K-under \$500K	51	48	35	32	31	30	24	23
\$500K-under \$1m	93	90	58	55	45	45	30	34
Under \$1m	43	40	31	29	28	28	26	24
\$1m-under \$5m	131	127	73	65	63	70	46	43
\$5m-under \$20m	165	187	88	81	83	105	69	55
\$5m-under \$100m	167	193	86	94	84	105	69	55
\$20m+	176	229	78	118	93	109	75	58
\$30m+	202	278	72	101	118	120	100	60
\$50m+	195	316	84	98	122	200	103	41

Notes:

1. Median STC times are only for DAs where STC occurred.
2. Median referral times are only for DAs where referral occurred.

Table 3-9 shows the gross determination time regardless of assessment process (ie. DA and CDC times are combined) for certain development categories where CDCs are more prevalent. The combined mean gross determination times for all categories were slightly lower than the mean gross determination time for DAs alone (see **Table 3-9**).

Table 3-9: DA and CDC Mean Gross Determination Times (Days) by development category

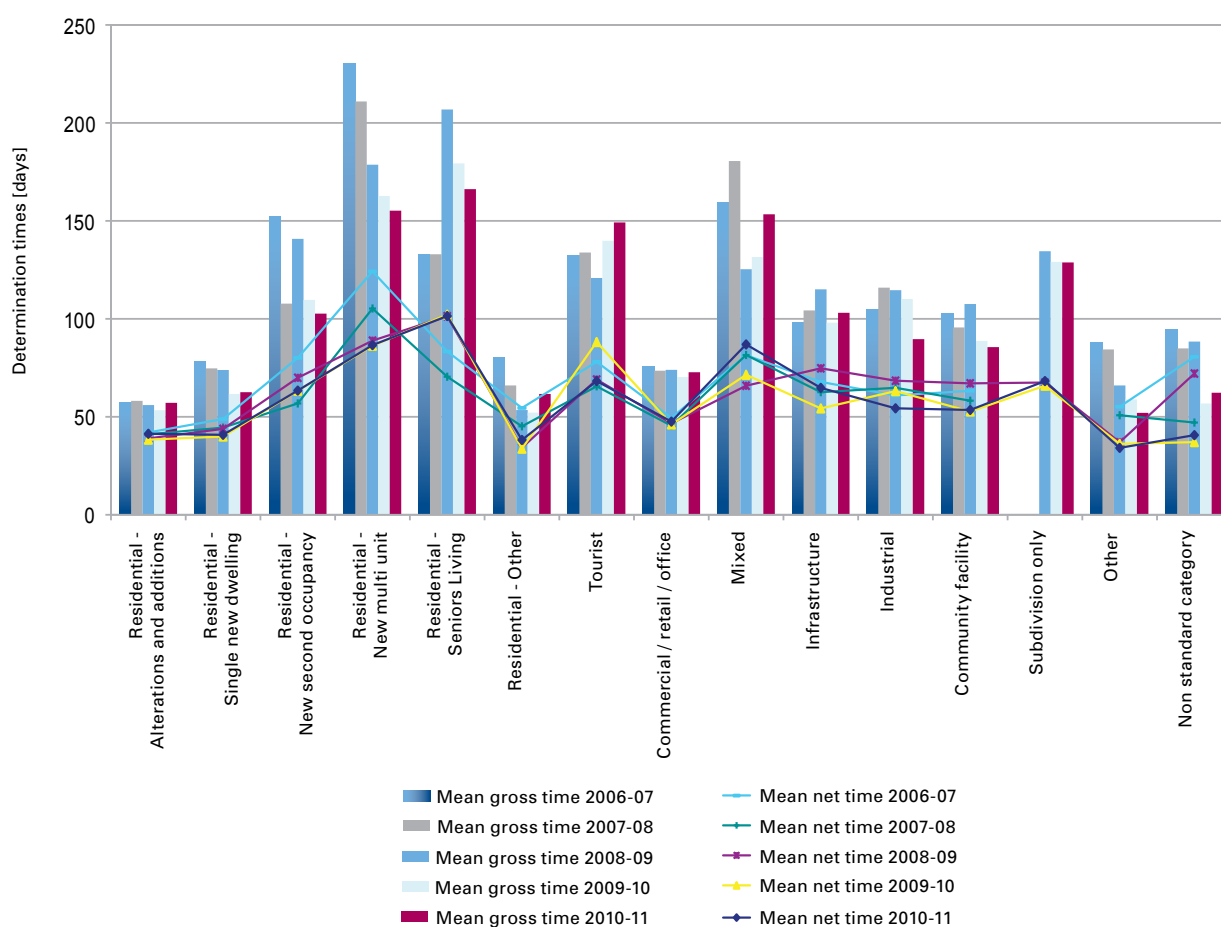
Category of development	2010-11	2009-10
Residential - Alterations and additions	53	49
Residential - Single new dwelling	61	59
Residential - New second occupancy	101	108
Commercial / retail / office	69	68
Industrial	88	108
Community facility	83	83

Note: Determination times for CDCs are for council issued CDCs with valid dates.

Figure 14 and **Table 3-10** show the determination times of DAs based on the development type. The lowest and the highest DA determination times for 2010-11 were both for residential development types. New single dwellings (63 days) and alterations and additions (57 days) were among the lowest times while seniors living (166 days) and multi-unit development (155 days) had the highest overall times.

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

Figure 14: DA Determination times by development category 2006-07 to 2010-11



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 environmental and urban design issues. Other developments such as seniors living developments can be subject to numerous environmental issues and community concern.

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

Table 3-10: Statewide mean DA determination time by development category 2010-11

Category	Gross determination time	Net determination time	Stop the clock time	Referral time
1. Residential - Alterations and additions	57	41	44	34
2. Residential - Single new dwelling	63	41	47	36
3. Residential - New second occupancy	103	63	63	53
4. Residential - New multi unit	155	87	99	66
5. Residential - Seniors Living	166	101	107	89
6. Residential - Other	62	38	62	52
7. Tourist	149	68	119	98
8. Commercial / retail / office	73	48	61	55
9. Mixed	153	87	110	59
10. Infrastructure	103	65	80	78
11. Industrial	90	54	70	64
12. Community facility	86	54	64	60
13. Subdivision only	129	68	119	73
14. Other	52	34	60	44
15. Non standard category	62	41	49	15

Notes:

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

DA MODIFICATIONS (S96 APPLICATIONS)

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

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

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

In 2010-11, the most common type of s96 application was the s96(1A) which usually involves minor changes to the development that result from detailed requirements of the construction certificate, unforeseen events during construction, and/or the applicant requesting minor changes to the development before the development is completed (**Table 3-11**).

Table 3-11: s96 Categories		
s96 Category	2010-11	% of total
s96(1A) - Minimal environmental impact	4,660	63.6
s96(2) - Other modification	1,377	18.8
s96(1) - Minor error/misdescription	1,165	15.9
Other s96	122	1.7

Note: Only s96 modifications with a s96 category provided by councils are included in this table.

Table 3-12 shows that the mean gross determination times for s96 applications in 2010-11 was 52 days, the same result as 2009-10. Average determination times for s96 modifications have fallen compared with 2006-07.

Table 3-12: s96/DA mean gross determination times					
Financial Year	2010-11	2009-10	2008-09	2007-08	2006-07
Mean gross determination times s96 applications only	52	52	53	58	57
Mean gross determination times DAs + s96 applications	65	64	71	72	73

COMPLYING DEVELOPMENT

Complying Development is a form of approval appropriate for many types of minor or routine development, which have a minor impact and are identified under State Environmental Planning Policies or local codes.

For instance, a new home, renovation or improvement can be approved in 10 days or less without the need for a DA if the proposed development meets the criteria set in the NSW Government's Housing Code or the local council's complying development code. Stop-the-clock and referrals are not possible with complying development applications.

A development approved as a complying development only has to achieve set development standards while developments subject to merit approval must be assessed against a range of environmental issues.

As noted in Chapter 2, complying development increased to 18% of all DA and CDC determinations in 2010-11 (excluding section 96 modifications). Accredited (private) certifiers determined 66% of CDCs in 2010-11 compared to 58% of CDCs in 2009-10.

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

	2010-11	2009-10
Number of CDCs determined	15,085	14,315
Percentage of CDCs determined by councils (%)	34	42
Percentage of CDCs determined by private certifiers (%)	66	58

The determination times for CDCs reported in 2010-11 and 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 are required to send councils details of the complying development applications they determine including information on the date the application was lodged by the applicant, the date the application was determined and whether the CDC was issued under the Codes SEPP or under the local council's Exempt and Complying DCP. This information is for the public record and also assists councils to enforce development approvals.

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

Despite the gaps in CDC determination time data, the data on determination times by councils for CDCs is very informative. Although the mean determination time for 2010-11 (14 days) was higher than the statutory ten-day period (**Table 3-14**), the median determination time for 2010-11 was 8 days (based on data from 133 councils). These figures are almost identical to last year's figures of 14 days and 7 days respectively.

As in 2009-10, CDCs could be lodged under either the Codes SEPP or a council Local Environmental Plan or Development Control Plan. Anecdotal evidence suggests that councils tend to receive CDC applications that are not straightforward and this results in mean determination times slightly higher than the 10-day statutory time frame.

Table 3-14: Mean determination time (days) for Council CDCs with valid dates

Financial year	2010-11	2009-10
Mean determination time - council determined CDCs only	14	14

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 (days) for Council CDCs with valid dates

Financial year	2010-11	2009-10
Median determination time - council determined CDCs only	8	7

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

CDC determination times by value

Determination times were substantially higher for developments valued \$1 million and over (40 days mean determination time and 18 days median determination time), however this applied to only 23 CDCs in 2010-11 (**Table 3-16**).

Table 3-16: Statewide CDC times by value 2010-11

Value range	Mean determination time	Median determination time	Number of valid council CDC records
\$0 Value	25	11	258
Under \$100K	14	8	4,235
\$100k-under \$500K	17	8	738
\$500k-under \$1m	25	14	31
Under \$1M	14	8	5,004
\$1M and over	40	18	23

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 somewhat higher than the statutory time of maximum 10 days; median times were under the 10 day limit.

Table 3-17: Council CDC determination times by development category

Category	Mean determination time	Median determination time	Number of council issued CDC
Residential - Alterations and additions	14	7	2,735
Residential - Single new dwelling	12	7	604
Commercial / retail / office	14	8	416

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

3.2 Council Trends

Although the average gross determination time for DAs was 68 days, determination times varied considerably across the State, ranging from 11 days mean gross determination time (Murrumbidgee) to 136 days (Boorowa).

Eight councils reported mean gross determination times of 100 days or more for DAs in 2010-11: 72% fewer councils compared with 2006-07.

Table 3-18: Councils with mean gross DA determination times over 100 days				
Council	Mean 2010-11	Mean 2009-10	Percent change	Median 2010-11
Boorowa Council	136	41	235	41
Tweed Shire Council	133	98	35	54
Leichhardt Municipal Council	115	113	2	98
Mosman Municipal Council	114	107	7	99
Botany Bay City Council	111	128	-14	110
North Sydney Council	104	94	11	83
City of Canada Bay Council	104	84	24	71
Canterbury City Council	102	103	-1	70

Table 3-18 lists the councils with mean gross determination times for DAs of 100 days or more. Most of these councils were urban councils.

Boorowa Council's mean gross determination time for DAs of 136 days was the highest mean gross determination time for the State in 2010-11, over triple its 2009-10 result (41 days). Since Boorowa is a rural council with only 47 DAs determined in 2010-11, this unusual result can be attributed to high determination times and low volume of DAs, with the mean heavily influenced by the finalisation of a number of long-term outstanding DAs. Its median gross determination time was considerably lower at 41 days.

The results for Boorowa demonstrate the difficulty that rural areas have obtaining town planning staff and the effect that losing key personnel has on turnaround times. Boorowa's town planner retired in 2010-11 leading to a backlog while a replacement was found. Currently Boorowa has a part time planner shared with two other rural councils. This should see a significant reduction in determination times for 2011-12. Stop-the-clock and referral time information is unavailable for Boorowa. Council estimates that over 10 DAs were referred to state agencies in 2010-11 and at least 10 DAs had stop-the-clock.

Tweed Council had the second highest mean gross determination time for DAs in 2010-11 of 133 days. It determined 816 DAs during 2010-11, 17 times more than Boorowa. Tweed Council also had a significant increase in its mean gross development assessment times compared with 2009-10, increasing by 36% from 98 days to 133 days. As seen in previous years, mean determination times can increase where the council works to 'clear the books' and finalise several long standing applications in the same reporting period. This appears to have occurred in Tweed where 23 long standing complex DAs were finalised during the period (not including s96 modifications). Its median gross determination time for 2010-11 was significantly lower than its mean – 54 days.

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

Table 3-20 shows there is not always a correlation between the total value of DAs approved and the gross time taken to determine DAs. Boorowa had the longest mean gross determination time of 136 days but the total value of determined DAs was only \$3.5m, compared with City of Canada Bay Council which determined \$392.5 million worth of DAs in 104 days mean gross time.

Table 3-19: Councils with mean gross DA determination times over 100 days - times and values

Council	Mean Gross - DAs only	<\$100k	>\$100k	\$100k - \$500k	\$500k - \$1m	<\$1m	\$1m - \$5m	\$5m - \$20m	>\$20m
Boorowa Council	136	183	38	38		136			
Tweed Shire Council	133	145	116	92	206	126	356	584	178
Leichhardt Municipal Council	115	84	138	127	204	113	175	212	309
Mosman Municipal Council	114	75	125	106	135	102	158	194	
Botany Bay City Council	111	99	125	122	118	109	139	273	167
North Sydney Council	104	78	137	111	146	93	167	527	130
City of Canada Bay Council	104	69	146	134	183	101	220	120	133
Canterbury City Council	102	75	140	119	185	96	263	575	

Table 3-20: Councils with mean gross DA determination times over 100 days - total values and time breakdown

Council	Mean Gross Time - DAs only	Estimated Value of DAs Determined	Estimated Value of DAs Approved	Mean Stop-the-clock time (days)	Mean Referral time (days)
Boorowa Council	136	\$3.5m	\$3.5m	n/a	n/a
Tweed Shire Council	133	\$179.8m	\$165.3m	165	41
Leichhardt Municipal Council	115	\$270.9m	\$119.3m	68	55
Mosman Municipal Council	114	\$184.6m	\$178.3m	36	21
Botany Bay City Council	111	\$59.1m	\$56.1m	72	40
North Sydney Council	104	\$332.8m	\$293.4m	73	21
City of Canada Bay Council	104	\$392.5m	\$372.9m	71	68
Canterbury City Council	102	\$126.5m	\$125.2m	86	53

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

Table 3-21 shows that councils which had a high proportion of their determinations as complying development had lower overall determination times (when DA and CDC determination times were combined). For instance, Port Macquarie-Hastings Council combined mean gross time (DAs and CDCs) was 52 days compared with 81 days for DAs only.

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

Council	Number of CDCs determined by council with valid dates	Mean Gross Time - DAs only	Mean Gross Time - DAs and CDCs	Number of DAs determined	Number of CDCs determined
Port Macquarie-Hastings Council	346	81	52	576	533
Sutherland Shire Council	230	64	56	1,219	505
Tamworth Regional Council	190	60	47	518	364
Wyong Shire Council	181	60	54	1,263	404
Gosford City Council	133	77	72	1,463	327
Armidale Dumaresq Council	128	76	53	238	132
Albury City Council	127	34	30	626	178
Mid-Western Regional Council	104	49	41	353	163
Sydney City Council	102	61	58	2,055	1,010
Byron Shire Council	97	83	78	537	113
Randwick City Council	97	77	73	1,000	202

Note: This table is based on the councils with the highest number of CDCs determined by council with valid dates.

Table 3-22 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 3-22: 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
Parkes Shire Council	124	34	24	0	0
Botany Bay City Council	114	112	113	1	1
Leichhardt Municipal Council	102	84	448	3	16
Willoughby City Council	99	75	396	5	20
North Sydney Council	99	90	220	2	4
Mosman Municipal Council	92	88	152	6	9
City of Canada Bay Council	92	64	412	4	19
Tweed Shire Council	91	41	566	9	58
Yass Valley Council	88	88	171	2	4
Hurstville City Council	85	70	258	10	29
Strathfield Municipal Council	85	77	82	5	4

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

Table 3-23: Lowest reporting councils - mean gross DA determination time

Council	Mean Gross Time - DAs only	Number of DAs determined	Estimated Value of DAs Determined	Estimated Value of DAs Approved
Murrumbidgee Shire Council	11	16	\$0.41m	\$0.41m
Temora Shire Council	13	46	\$5.2m	\$5.2m
Coolamon Shire Council	18	13	\$1.5m	\$1.5m
Conargo Shire Council	18	15	\$0.99m	\$0.99m
Berrigan Shire Council	18	96	\$10.3m	\$10.2m
Junee Shire Council	19	50	\$3.8m	\$3.8m
Hay Shire Council	20	29	\$1.6m	\$1.6m
Urana Shire Council	21	20	\$0.89m	\$0.89m
Guyra Shire Council	21	59	\$3m	\$3m
Bogan Shire Council	23	21	\$1.4m	\$1.4m
Bland Shire Council	24	104	\$2.8m	\$2.8m

Table 3-24 shows those councils that achieved the greatest reduction in their mean gross determination times. All these councils were in rural or regional areas. Some significant improvements were made by councils who had previously had mean gross determination times over 100 days.

Table 3-24: Top ten improvers				
Council	Mean Gross DAs only (2010-11)	Mean Gross DAs only (2009-10)	Estimated Value of DAs Approved	Mean Gross Time % Change
Murrumbidgee Shire Council	11	31	\$0.41m	-63
Wellington Council	45	110	\$6.5m	-59
Gunnedah Shire Council	55	117	\$31.8m	-53
Upper Hunter Shire Council	36	71	\$24.8m	-50
Cooma-Monaro Council	92	163	\$13.5m	-43
Dungog Shire Council	46	71	\$11.4m	-36
Upper Lachlan Council	73	110	\$16.9m	-34
Glen Innes Severn Shire Council	27	40	\$9.2m	-33
Warren Shire Council	25	37	\$5.2m	-32
Wentworth Shire Council	70	100	\$12.5m	-30

Table 3-25 shows the top ten Sydney Region councils that improved their mean gross determination times in 2010-11. Some significant improvements have been made by these councils.

Marrickville Council made the greatest improvement to its times reducing its mean gross determination time from 96 days in 2009-10 to 74 days in 2010-11. This is an impressive result, particularly for an inner-metropolitan council.

Table 3-25: Top ten improvers Sydney Region				
Council	Mean Gross DAs only (2010-11)	Mean Gross DAs only (2009-10)	Estimated Value of DAs Approved	Mean Gross Time % Change
Marrickville Council	74	96	\$198.6m	-23
Bankstown City Council	56	71	\$316.8m	-21
Fairfield City Council	68	80	\$264.2m	-15
Botany Bay City Council	111	128	\$56.1m	-14
Warringah Council	46	52	\$351.8m	-11
Holroyd City Council	76	85	\$303m	-10
Wollondilly Shire Council	73	77	\$120.4m	-6
Waverley Council	86	91	\$186.9m	-6
Sydney City Council	61	63	\$2b	-3
Hunters Hill Municipal Council	95	99	\$35.5m	-3

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

Table 3-26: Councils with lowest mean gross DA determination time - residential alterations, additions and single new dwellings		
Council	Residential alterations and additions	Single new dwellings
Temora Shire Council	7	13
Berrigan Shire Council	8	6
Coonamble Shire Council	9	155
Coolamon Shire Council	11	7
Murrumbidgee Shire Council	11	
Hay Shire Council	11	15
Guyra Shire Council	11	28
Deniliquin Council	15	23
Glen Innes Severn Shire Council	15	16
Bogan Shire Council	16	61
Corowa Shire Council	16	21

Sydney councils dominated the list of the councils with the highest determination time for certain residential developments shown in **Table 3-27**.

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

Table 3-27: Councils with mean gross DA determination time over 100 days - residential alterations and additions		
Council	Residential alterations and additions	Single new dwellings
Tweed Shire Council	119	81
Botany Bay City Council	111	126
Mosman Municipal Council	109	158
Leichhardt Municipal Council	107	203
Willoughby City Council	105	171

Table 3-28 shows the 28 councils that had mean gross determination times for commercial / retail / office development of over 100 days. In 2009-10, 24 councils fell into this category, as did 23 councils in 2008-09.

Table 3-28: Councils with mean gross DA determination time over 100 days - commercial/retail/office	
Council	Commercial / retail / office
Kyogle Council	217
Singleton Council	200
Ballina Shire Council	197
Yass Valley Council	191
Cessnock City Council	177
Blue Mountains City Council	145
Goulburn Mulwaree Council	141
Wagga Wagga City Council	139
Tweed Shire Council	135
Cabonne Shire Council	126
Bega Valley Shire Council	118
Leichhardt Municipal Council	115
Shoalhaven City Council	111
Parkes Shire Council	110
Upper Lachlan Council	110
Richmond Valley Council	109
Byron Shire Council	109
Wollondilly Shire Council	107
Greater Taree City Council	106
Campbelltown City Council	106
Mosman Municipal Council	104
Bellingen Shire Council	102
Canterbury City Council	102
Pittwater Council	102
Lismore City Council	102
Liverpool Plains Shire Council	101
Wollongong City Council	101
Armidale Dumaresq Council	100.2

Table 3-29 shows mean gross determination times for commercial / retail / office development for all Sydney councils with commercial development. **Table 3-29** shows that determination times in the regional centres for commercial / retail / office DAs were often higher than those in metropolitan areas. Seven Sydney Region councils exceeded 100 days mean gross time.

Table 3-29: Mean gross DA determination time commercial/retail/office development - Sydney Region		
Council	Gross Days	DLG Code
Willoughby City Council	27	3
Bankstown City Council	43	3
Ashfield Municipal Council	45	2
Burwood Council	47	2
Waverley Council	49	2
Rockdale City Council	51	3
Sydney City Council	51	1
Fairfield City Council	53	3
Lane Cove Council	54	2
Manly Council	56	2
Sutherland Shire Council	60	3
Marrickville Council	61	3
The Hills Shire Council	62	7
Ku-ring-gai Council	62	3
Ryde City Council	63	3
Camden Council	64	6
Auburn City Council	65	3
Holroyd City Council	66	3
Warringah Council	68	3
North Sydney Council	72	2
Kogarah City Council	73	2
Hornsby Shire Council	75	7
Strathfield Municipal Council	75	2
Randwick City Council	76	3
Hurstville City Council	76	3
Parramatta City Council	82	3

Table 3-29: Mean gross DA determination time commercial/retail/office development - Sydney Region

Council	Gross Days	DLG Code
Penrith City Council	85	7
Botany Bay City Council	88	2
Wyong Shire Council	90	7
Woollahra Municipal Council	91	2
Gosford City Council	91	7
Hawkesbury City Council	93	6
Blacktown City Council	94	3
City of Canada Bay Council	95	3
Liverpool City Council	96	7
Pittwater Council	102	2
Canterbury City Council	102	3
Mosman Municipal Council	104	2
Campbelltown City Council	106	7
Wollondilly Shire Council	107	6
Leichhardt Municipal Council	115	2
Blue Mountains City Council	145	7

See Appendix 3 for explanation of DLG Codes.



4 DETERMINATION BODIES, APPLICANTS AND REFERRAL BODIES

Summary Table - Determination bodies and time (for DAs and CDCs with valid times)						
Determination level	Determinations 10-11	% of total	Mean gross determination time 10-11	Determinations 09-10	% of total	Mean gross determination time 09-10
Council staff	70,105	84.4	60	74,694	87	58
Councillors	2,534	3	172	2,601	3	176
Private certifiers	9,958	12		8,322	9.7	
IHAP or independent panel	74	0.1	162	67	0.1	215
Other	439	0.5	196	181	0.2	186
Total	83,110	100	65	85,865	100	63

Notes:

1. Mean gross time only includes records with valid dates. Mean gross determination times were not included for CDCs issued by private certifiers for either 2009-10 or 2010-11 as valid date information was missing for most CDCs issued by private certifiers. For full explanation of valid dates, see Appendix 2.
2. 'Other' includes Joint Regional Planning Panels and determination bodies that did not fit into the other categories (eg. panels consisting of both councillors and staff).

4.1 Statewide Trends

ACTIVITY BY DETERMINATION BODY

Determination body activity relates to developments that were approved or refused in 2010-11. It does not cover applications lodged but not yet determined in 2010-11.

Similar to previous years, in 2010-11, council staff continued to make the vast majority of determinations (84.4%).

The results for 2010-11 continue to show the influence of State policies. Most notable was the increase in private certifier determinations which increased in both 2009-10 and 2010-11. 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% of all determinations (including CDCs) in 2008-09; 87% in 2009-10 to 84.4% in 2010-11. This is likely to mostly have been due to the increase in complying development determined by private certifiers. Private certifiers determined 5% of determinations in 2008-09; 9.7% in 2009-10; 12% in 2010-11.

Figure 15: Values of DAs and CDCs determined by determination level

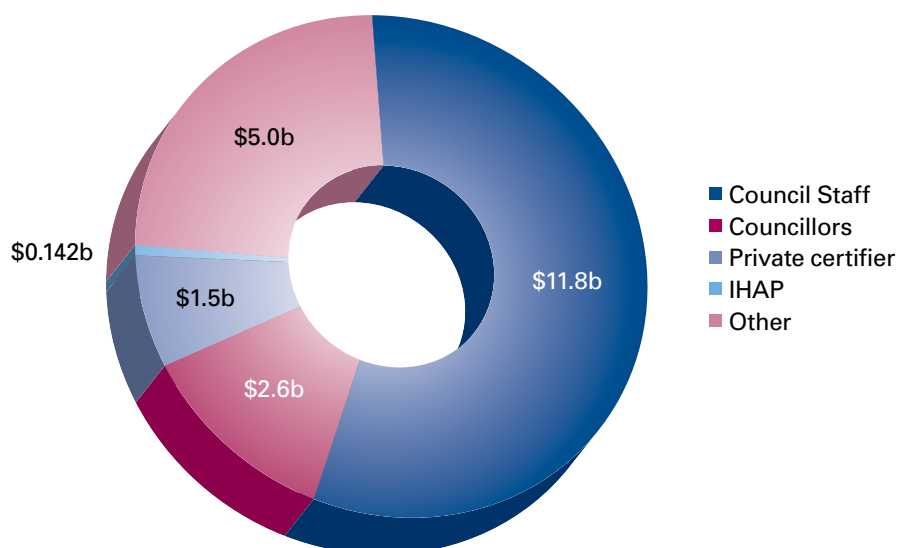


Table 4-1: Total value of development (\$billion) by determination body (DAs and CDCs determined)

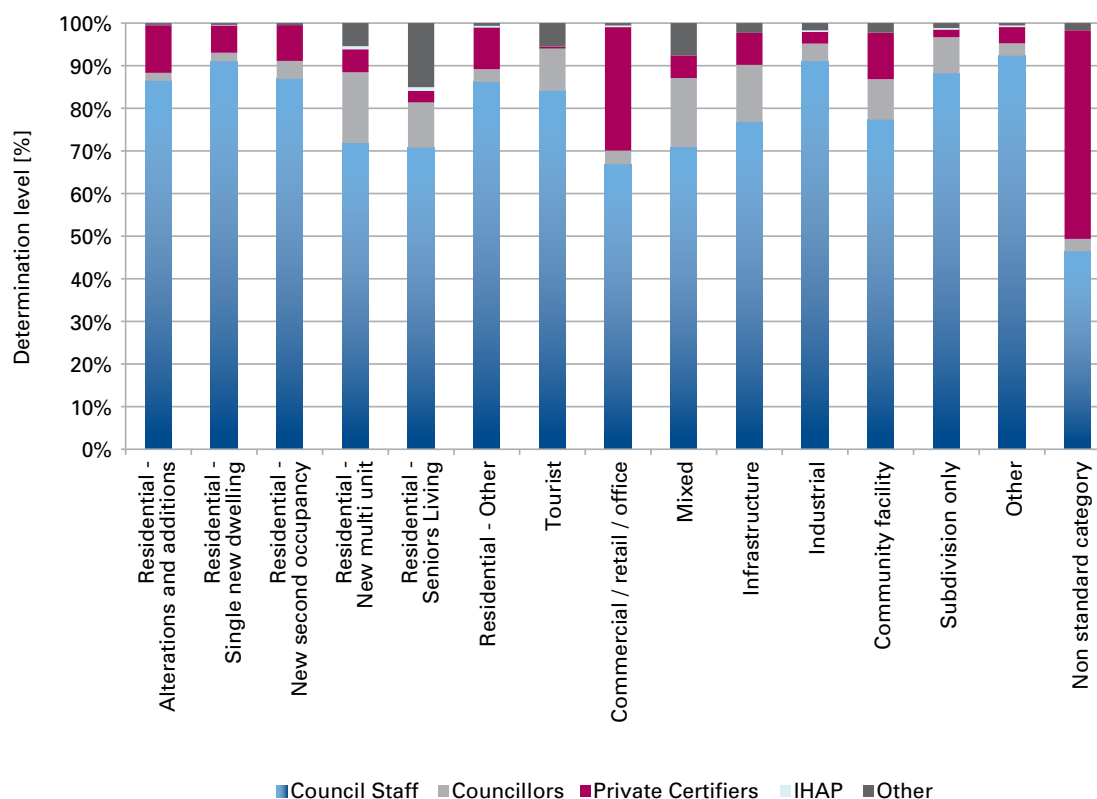
Council Staff	Councillors	Private certifiers	IHAP	Other
\$11.8b	\$2.6b	\$1.5b	\$0.142b	\$5.06b

As shown in **Figure 15** and **Table 4-1**, the total value of developments determined (approved and refused) by council staff (\$11.8b) and "other" (\$5.0b) were the highest. "Other" includes Regional Planning Panels. However, the total value of CDC determinations by private certifiers was also high at \$1.5b (construction and occupation certificates issued by private certifiers or councils are not included in this analysis).

Figure 16 below shows that councillors tended to determine less typical developments such as seniors living, multi-unit flats, infrastructure and tourist developments.

Private certifier CDCs featured significantly in the following development categories: commercial / retail / office; residential alterations and additions; residential-other; and community facilities which is due to the increasing use of complying development for these developments, encouraged by the Codes SEPP and the Infrastructure SEPP.

Figure 16: 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 eg. demolition only falls into 'other', whereas 'dwelling' is counted in 'non standard category'.

Table 4-2 shows that determinations by councillors remained constant at 3% in 2010-11 compared with 2009-10. The percentage of determinations by staff fell by 2.6%, while the percentage of determinations by private certifiers rose by 2.3%.

Table 4-2: Statewide summary of delegations for DA and CDC determined		
	2010-11	2009-10
Staff (individual, staff committee) as % of all determinations	84.4	87
Councillors (full council or council committee) as % of all determinations	3	3
Private certifiers as % of all determinations	12	9.7
IHAP or independent panel as % of all determinations	0.1	0.1
Other as % of all determinations	0.5	0.2
Number of reporting councils	152	152

See notes with Figure 16 above.

Table 4-3 shows that independent panels and councillors were more likely to refuse development consent than other determination bodies. Independent Hearing Assessment Panels (IHAPs) refused 16.2% of developments and councillors 10.1%. However, only 74 DAs were reported as being determined by an IHAP in 2010-11. 'Other' includes Regional Panels. Regional Panels refused 14% of the 303 developments they processed during the year (see **Table 4-4**).

Complex and controversial developments are more likely to be referred to councillors and independent panels. However, less than 3.6% of determined developments were referred to councillors, IHAPs or 'Other' (including Regional Panels) in 2010-11. It is likely that not all private certifier refusals were recorded in the 2010-11 data. The Department has found gaps in information on private certifier certificates in the past and is continuing to pursue this issue with the Building Professionals Board.

Table 4-3: Percentage of DAs and CDCs determined that were approved and refused

Level of determination	Number	% approved	% refused
Council staff	70,105	97.7	2.3
Councillors	2,534	89.9	10.1
Private certifiers	9,958	100	0
IHAP or independent panel	74	83.8	16.2
Other	439	80.9	19.1

See notes with Figure 16 above.

Joint Regional Planning Panels

The Joint Regional Planning Panels (Regional Panels) were formally established on 1 July 2009 in New South Wales to determine regionally significant developments.

During 2010-11, 303 DAs were determined by Regional Panels (**Table 4-4**), representing less than 0.5% of all determinations in NSW. This compared with 102 DAs in 2009-10, the first year of operations.

The total capital investment value (CIV) of approvals by Regional Panels was \$3.77 billion in 2010-11 (about 21% of the total approval value of all DAs in NSW).

Around 61% of the DAs had a CIV of more than \$10 million. The increase in determinations can be accounted for by the fact that Panels only determined DAs lodged after 1 July 2009, significantly reducing the number of DAs that qualified for determination by a Panel in 2009-10.

Table 4-4: All DAs determined by Joint Regional Planning Panels

Application Type	Approved	Refused	Average assessment (days)	CIV of approvals
CIV > \$10M	153	31	179	\$ 3,404,200,828
CIV >\$5M	36	1	149	\$ 268,579,213
Designated Development	20	4	257	\$ 23,752,000
Coastal Development	26	2	201	\$ 58,245,870
Subdivison > 250 lots	3	1	262	\$ 6,800,200
Wagga Interim development	7	1	411	\$ 5,373,720
S.96 modifications	9	0	97	\$ -
Crown DA - s89 referral	8	1	286	\$ 2,425,000
TOTAL	262	41	185.1	\$ 3,769,376,831

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

Table 4-5 shows that Sydney East region had the highest number of DAs (36%) followed by Sydney West with 24% of the DAs determined.

Table 4-5: Activity by Joint Regional Planning Panels by Region

Application Type	Approved	Refused	Average assessment (days)	CIV of approvals
Hunter & Central Coast	32	4	229	\$ 282,099,209
Northern	26	3	200	\$ 178,067,600
Southern	31	2	197	\$ 490,707,678
Sydney East	84	24	153	\$ 1,375,541,287
Sydney West	66	7	206	\$ 1,205,114,222
Western	11	0	144	\$ 140,738,115
Wagga Wagga	12	1	326	\$ 97,108,720
TOTAL	262	41	185.1	\$ 3,769,376,831

Note: This data is from the Regional Panels. It records all JRPP activity, including some DAs which were determined in June 2011, but where the notice of determination was issued by council in July.

Table 4-6 shows that the average time taken by Regional Panels to determined DAs was 185.1 days compared to 135.2 days in 2009-10. The longest time was taken to determine DAs less than \$5 million in value – 222 days compared with the shortest time of 180 days for DAs with a CIV of \$5 million to \$20 million. This compares with the statewide mean gross determination time for DAs of 237 days for developments over \$5 million in value; 235 days for DAs over \$10 million and 253 days for developments valued \$20 million or more.

Table 4-6: Time taken for decisions by Joint Regional Planning Panels

Application Type	Approved	Refused	Average assessment (days)	CIV of approvals
< \$5M	65	7	222	\$ 44,970,200
> \$5M	197	34	182	\$ 3,724,406,631
\$5M - \$20M	69	7	180	\$ 2,238,921,817
> \$20M	127	27	183	\$ 1,480,484,814
TOTAL	262	41	185.1	\$ 3,769,376,831

* Excluding s96 modification applications and s89 Crown DA referrals and Wagga Wagga interim DAs.

DETERMINATION TIME BY DETERMINATION BODY

Determination times by determination body relates to all developments with a determination outcome in 2010-11, approved or refused. It does not cover applications lodged but not yet determined by 30 June 2011.

The average gross determination time for developments (DAs and CDCs) determined by council staff was 60 days, significantly lower than the result for other determination groups (see summary table, page 61).

Table 4-7 shows that for DAs determined by councillors, both mean and median determination times were significantly higher than for DAs determined by council staff. Both mean and median gross days were over 100 days for councillor determinations, though their mean gross determination fell slightly from 179 days in 2009-10 to 172 days in 2010-11. Councillors determined 3.7% of DAs statewide while council staff determined 95.6% (not including CDCs).

DAs referred to councillors are more likely to be contentious or complex. 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 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 4-7: Determination times councillors and council staff (DAs only)

Description	Councillors	Delegated	Both
Number of DAs determined	2,528	65,009	67,537
Number with valid net time (1-3650 days)	2,445	63,772	66,217
Mean stop-the-clock time	110	53	56
Number of DAs with stop-the-clock time	1,391	23,275	24,666
Mean referral time	83	43	45
Number of DAs with referral time	435	6,961	7,396
Mean gross time (days)	172	63	68
Mean net time (days)	104	42	44
Median gross time (days)	130	42	43
Median net time (days)	79	30	31

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).

In 2010-11, councillors determined about 3.7% of DAs statewide while Regional Panels determined fewer than 0.5% of DAs. **Table 4-8** shows that the mean gross determination times (182 days) for Regional Panels were higher than the mean gross determination times for councillors (172 days) but the Regional Panels' mean net determination time (93 days) was lower than the Councillors' (104 days).

Regional Panels determine a variety of matters, the most important being DAs considered to be 'regionally significant development', and other developments such as some coastal developments and subdivisions with more than 250 lots. Regionally significant developments are developments with a Capital Investment Value (CIV) between \$10 million and \$100 million (and between \$5 million and \$100 million for specific development types such as eco-tourism proposals and proposals for public and private infrastructure e.g. community facilities) or developments where the council is involved or has an interest.

The total time for a Regional Panel determination is comprised of various components as shown in **Table 4-8** below, 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 Panel DAs 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 97 days and the average referral time was 93 days. The mean net time was 93 days.

Table 4-8: JRPP determination times

Description	
Number of DAs determined by JRPPs	284
Number of DAs analysed for JRPP determination times	230
Mean stop-the-clock time (days) (138 DAs)	97
Mean referral time (days) (133 DAs)	93
Mean gross time (days)	182
Mean net time (days)	93
Median gross time (days)	161
Median net time (days)	78

Note:

* The following records were excluded from this analysis: s96 modifications, Wagga Wagga Interim DAs determined by the Wagga Joint Interim Planning Panel and s89 Crown DA referrals as these are only referred to Regional Panels if councils do not determine them within a prescribed time (there was only one application of this type in 2010-11). After excluding the above records, 230 Panel records were found in LDPM 2010-11 data. Only those approved or refused were used in the above analysis. This analysis draws on data in LDPM (STC and referral time and council determination date which may be after the meeting date of the panel meeting).

QUALITY OF DAs SUBMITTED BY APPLICANTS

Rejected DAs

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

A very low proportion of DAs were reported as being rejected (0.9%), but this figure is likely to under-report the number of rejected DAs. It is not likely to reflect the total 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, resulting in longer determination times.

The department will be reinforcing the importance of councils recording rejected applications, especially to assist in future monitoring on the adequacy of applications.

Stop-the-clock

A relatively high proportion of DAs had their assessment suspended due to incomplete information from the applicant (stop-the-clock) – 37% in 2010-11, unchanged from 2009-10. However, this was still lower than in previous years (2006-07: 39%; 2007-08: 40%; 2008-09: 40%).

Table 4-9: Statewide stop-the-clock

Determination Times (days)	2010-11	%	2009-10	%
Mean time (days) spent waiting for further information on DAs from applicant ('stop-the-clock')	56	37	58	37
Median time (days) spent waiting for further information on DAs from applicant ('stop-the-clock')	29	37	29	37
Number of councils that reported stop-the-clock time	133		142	

Notes:

The times for stop-the-clock are based on DAs with stop-the-clock events, not all DAs. For instance, for 2010-11, 37% of DAs had stop-the-clock. The mean stop-the-clock time of 56 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 2010-11 to provide the extra information required. This was also lower than previous years (2009-10: 58 days; 2006-07: 64 days; 2007-08: 63 days; 2008-09: 64 days). The median STC time remained unchanged at 29 days for 2010-11 and 2009-10, still an improvement on 2008-09 when it was 31 days.

The number of reported DAs with STC decreased from 26,156 in 2009-10 to 24,937 in 2010-11. 88% of councils reported having at least one DA with STC in 2010-11.

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.



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 2010-11, the same result every year since 2008-09. However, as fewer developments are going through the development consent process, the number of referred DAs was lower. The number of DAs reported as being referred fell from 7,791 in 2009-10 to 7,597 in 2010-11 (not including s96 modifications).

The average referral times (according to council data) spent by agencies assessing DAs increased, from 43 days in 2009-10 to 47 days in 2010-11, a 9.3% increase, although fewer councils reported referrals in 2010-11 (118) compared with 2009-10 (120 councils).

Table 4-10: Statewide referral times

Determination Times (days)	2010-11	%	2009-10	%
Mean time (days) spent by referral agencies assessing DAs	47	11	43	11
Median time (days) spent by referral agencies assessing DAs	27	11	25	11
Number of councils that reported referral time	118		120	

Notes:

The times for referrals are based on DAs with referral events, not all DAs. For instance, for 2010-11, 11% of DAs had referrals. The mean referral time of 47 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.

2010-11 was the second 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.

The agencies' methods of recording data, in relation to concurrences and referrals, does not mirror councils' recording systems and results in difficulties reconciling data between councils and the agencies.

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 (eg. Energy Australia) or Federal Government bodies (eg. Civil Aviation Safety Authority).



Table 4-11: Activity and time by referral agency

Agency / Authority	C&R 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 (%)
Department of Environment, Climate Change and Water	171	32.44	23.65	20	17	80	85
Department of Industry and Investment	141	14.84	12.93	11	11	95	96
Department of Planning and Infrastructure	463	39.25	28.93	21	17	82	78
Heritage Office	633	39.00	26.38	22	18	78	82
LPMA	1	14.00	14.00	14	14	100	100
Mine Subsidence Board	4570	1.63	* 1.63	N.A.	N.A.	97	100
Natural Resources Commission	7	35.00	22.71	32	17	43	86
NSW Maritime	149	30.16	* 30.16	16	* 16	N.A.	81
NSW Office of Water	622	48.89	30.28	32	26	79	77
Railcorp	37	152.14	22.24	112	20	11	86
RTA #	2089	21.42	20.81	19	19	89	92
Rural Fire Service	6869	21.62	* 21.62	16	* 16	N.A.	89
Sydney Catchment Authority	342	54.01	33.13	39	35	68	92
Sydney Olympic Park Authority	17	16.82	16.82	9	9	100	94
Sydney Water	4	16.75	16.75	16	16	100	100
Overall (all agencies)	16115	19.29	16.84			90	91

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 available so gross average/median used

In January 2011 the RTA introduced a system that records multiple dealings on the same referred DA (eg. where a DA is sent back to council for more information) as separate records. This fine granularity allows more accurate reporting of the RTA response.

Based on the agency data, the Rural Fire Service and the Mine Subsidence Board processed the most concurrences or referrals in the period (note: not all of these would have been determined by the council in the period): 71% of all referrals reported by agencies for the year.

Agencies reported a far higher number of referrals than councils. However, councils report the number of DAs which had one or more referral. 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. However, in a sampling exercise based on detailed records from five councils representing 20% of all referred DAs in 2009-10 conducted last year, an average of 16% of referred DAs for these five councils had multiple referrals.

The results shown in **Table 4-11** derived from State Agency data differ from the average referral times reported by councils (**Table 4-10**). Some difference is to be expected due to time lost in transmitting DAs and accompanying information from council to agency and back again. Councils report the date the DA was sent to the agency and when the agency's advice was received; whereas agencies report the date they received the information from council and when they sent their advice back to council.

A minor proportion of non-statutory referrals were recorded by councils in past sample data analysed by the department. Councils should only be counting the time taken for agencies to respond to statutory referrals ie. referrals required under legislation or an environmental planning instrument.

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



4.2 Council Trends

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

Table 4-12: Ten regional councils with highest percentage of DA determinations by councillors		
Council	Councillors (as % of all DAs determined)	DLG Code
Warren Shire Council	79.2	9
Junee Shire Council	30.0	10
Hay Shire Council	27.6	9
Balranald Shire Council	23.7	9
Boorowa Council	23.4	9
Walgett Shire Council	20.6	10
Murray Shire Council	20.2	10
Greater Hume Shire Council	16.9	11
Jerilderie Shire Council	16.7	8
Harden Shire Council	16.7	9

Table 4-13 shows the Sydney Region councils with the highest proportion of determinations by Councillors.

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	39.5	2
Mosman Municipal Council	28.7	2
Leichhardt Municipal Council	25.2	2
North Sydney Council	19.6	2
Hunters Hill Municipal Council	18.5	2
Woollahra Municipal Council	15.2	2
Randwick City Council	15.0	3
Strathfield Municipal Council	13.3	2
Parramatta City Council	12.6	3
Waverley Council	11.4	2

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

Summary Table - Council Staffing 2010-11

2010-11		2009-10
1,104	Total EFT positions in development assessment reported across the State	1,137
62	development determinations on average made per full time equivalent staff member	63
17	councils recorded an average number of development determinations per full time equivalent staff of more than 100	19
46	councils recorded an average number of development determinations per full time equivalent staff of less than 40	47

5.1 Statewide Trends

Table 5-1: Statewide council staffing summary

	2010-11	2009-10
Total EFTs	1,104	1,137
Total DA determinations	68,025	71,550
Number of DAs determined per EFT	62	63
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.

The statewide average number of DAs per equivalent full time staff (EFT) fell slightly between 2009-10 and 2010-11 from 63 to 62, but there was also a fall in the number of DAs determined. The number of equivalent full time positions applied to development assessment across the state decreased by 3%.

5.2 Council Trends

The average number of DAs determined per equivalent full time position (EFT) varied significantly across the State. Some rural councils such as Narrabri (545 per EFT) and Corowa (168 per EFT) recorded high ratios of DAs to staff due to the very low number of full time DA staff. Camden Council had the highest number of DAs per EFT for an urban council with 158 DAs per EFT resulting from 1582 DAs during 2010-11. Liverpool Council determined 123 DAs per EFT and processed more than 1,200 DAs.

Table 5-2 below highlights the councils with the highest number of development applications determined per equivalent full time DA staff for 2010-11.

Table 5-2: 20 Councils with the highest number of Development Applications determined per full time DA staff equivalent			
Council	Average DAs determined per EFT	Actual Number of DAs	EFT DA Staff
Narrabri Shire Council	545	109	0.2
Corowa Shire Council	168	294	1.75
Camden Council	158	1,582	10
Deniliquin Council	132	132	1
Young Shire Council	124	273	2.2
Coffs Harbour City Council	123	1,044	8.5
Liverpool City Council	123	1,232	10
Newcastle City Council	123	1,604	13
Maitland City Council	121	1,214	10
Port Stephens Council	121	970	8
Blacktown City Council	119	2,380	20
Eurobodalla Shire Council	116	757	6.5
Bega Valley Shire Council	115	576	5
Walcha Council	113	34	0.3
Hawkesbury City Council	102	714	7
Kempsey Shire Council	102	280	2.75
Hurstville City Council	100	901	9
Inverell Shire Council	99	174	1.75
Ballina Shire Council	97	632	6.5
Port Macquarie-Hastings Council	96	576	6

Figure 17 shows the ten councils throughout NSW that recorded the highest actual number of EFT positions directed to development assessment and the number of DAs determined per EFT for those councils. These councils are located in areas of high development activity including metropolitan Sydney and coastal areas within commuting distance of Sydney. There is not necessarily a direct correlation between numbers of DAs determined and numbers of development assessment staff. A variety of factors may explain these variations including administrative efficiencies, development assessment controls and systems and the complexity of projects being considered.

Figure 17: Councils with the highest actual number of EFTs in 2010-11

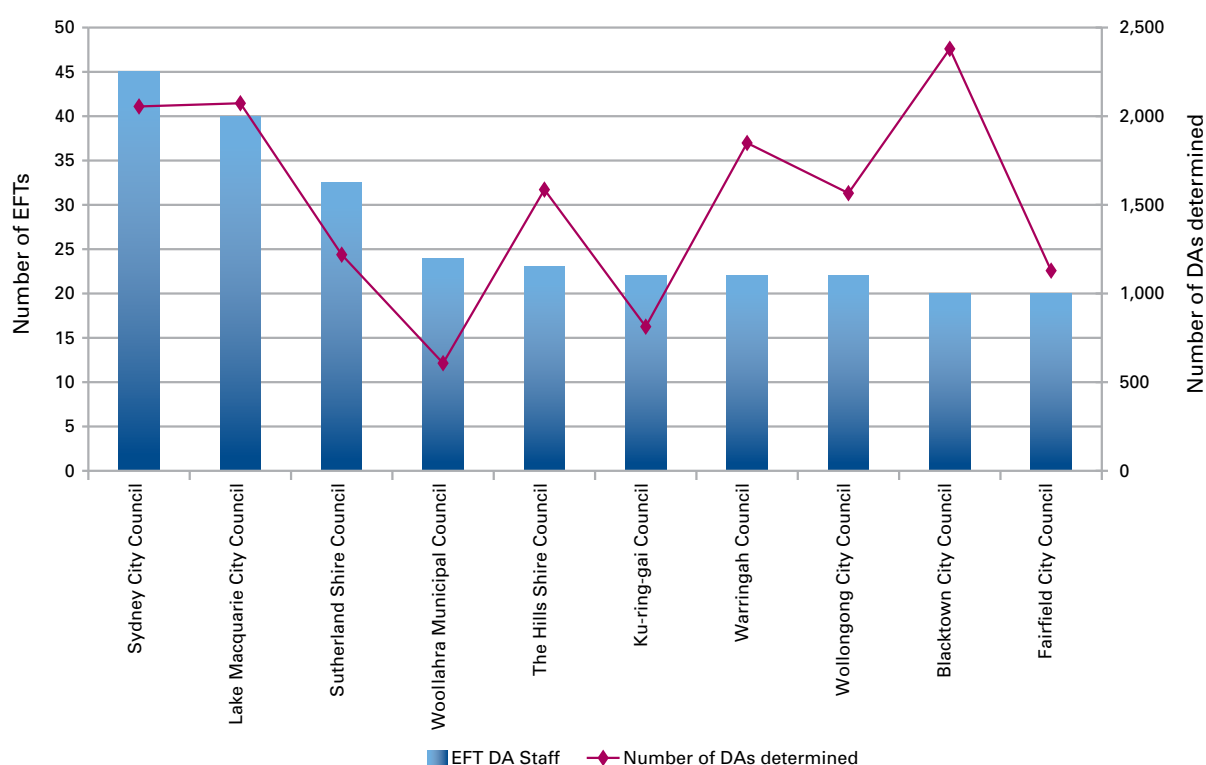


Table 5-3 shows the DAs per EFT for the councils with the highest mean gross determination time in 2010-11. A high number of DAs per EFT can result in a higher average DA determination time. However, **Table 5-3** shows that other factors are also influencing higher determination times. These factors include complexity of DA and neighbour comments on DAs.

Boorowa Council had a mean gross determination time of 136 days and amongst the lowest EFT count in the state (0.9 EFTs).

Table 5-3: Ten Councils with highest determination times by staff to DA ratio

Council	Mean Gross DA determination time	Average DA per EFT	DAs determined	EFT DA Staff
Boorowa Council	136	52	47	0.9
Tweed Shire Council	133	43	816	19
Leichhardt Municipal Council	115	56	619	11
Mosman Municipal Council	114	42	258	6.1
Botany Bay City Council	111	20	167	8.5
North Sydney Council	104	31	465	15
City of Canada Bay Council	104	66	595	9
Canterbury City Council	102	43	595	14
Yass Valley Council	97	47	373	8
Willoughby City Council	96	35	684	19.6

The councils that recorded the greatest increase in equivalent full time staff for development assessment compared with 2009-10 were Lake Macquarie Council (12 more EFTs), North Sydney Council (6 more EFTs), The Hills (5 more EFTs), Warringah (4 EFTs) and Clarence Valley Council (3.9 more EFTs).

Councils that recorded the biggest falls in EFT staff compared with 2009-10 were Gosford City Council (13.5 fewer EFTs), Ballina Shire (6.5 fewer EFTs) and Newcastle (6.5 fewer EFTs).

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



6

REVIEWS AND APPEALS

Summary Table - Reviews and Appeals 2010-11

2010-11		2009-10
564	s82A reviews were undertaken by reporting councils (59 councils in 2010-11)	511
74	% s82A reviews were approved by councils on review	68
17	% s82A reviews were refused by councils on review	22
386	Class 1 appeals were lodged by applicants in the Land and Environment Court (60 councils in 2010-11)	347
24	% of Class 1 appeals were upheld	27

An applicant that is dissatisfied with a decision by Council can under certain circumstances ask for the decision to be reviewed by the Council (section 82A review) or appeal the matter through the NSW Land and Environment Court (LEC).

The applicant can appeal against a Council decision on a DA. Appeals can be made when:

- the application is refused;
- the conditions of consent are disputed; or
- the application is not determined within 40 days from the date it was lodged with Council.

Some amendments are allowed to the DA during the course of the legal appeal to allow for issues to be addressed.

Part 3 of the *Land and Environment Court Act 1979* (NSW) allows the LEC to hear appeals and determine 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.

Third party appeals are sometimes possible but only in developments that are 'designated development' as defined by legislation and the appeal can only be made to the Court.

In February 2011, amendments to the conciliation provisions of the Land and Environment Court Act commenced to allow for faster and less costly appeals to be heard by the Court. 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.

The changes allow for the mandatory conciliation and arbitration of appeals to the LEC involving development applications, or modifications to development consents, for detached single dwellings and dual occupancies (including subdivisions), or alterations or additions to such dwellings or dual occupancies.

The amendments also extended reviews of council decisions to modified DAs and rejected DA applications.

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

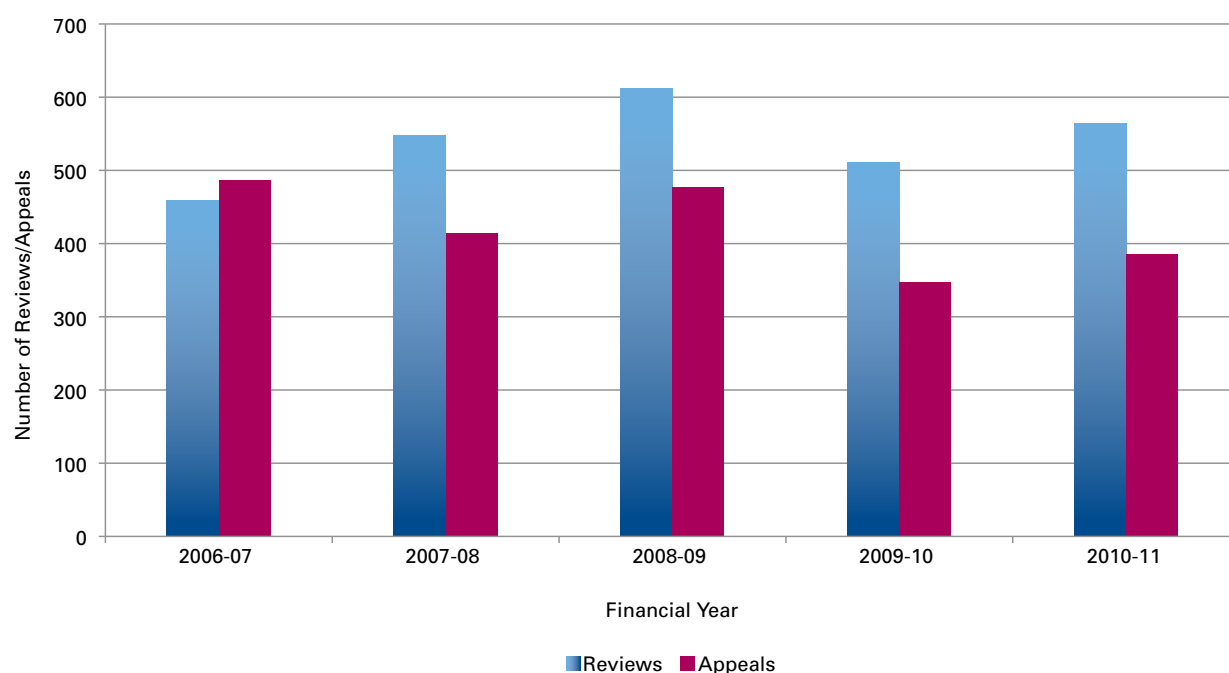
6.1 Statewide Trends

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

Five hundred and sixty four (564) s82A reviews were reported as being determined in 2010-11 compared with 511 in 2009-10. Three hundred and eighty six (386) Class 1 appeals were reported compared with 347 in 2009-10. 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 18 shows that since 2007-08, more reviews were determined by Councils each year than appeals by the LEC.

Figure 18: Number of Reviews compared with Class 1 Legal Appeals 2006-07 to 2010-11



There has been an 11% increase in the number of Class 1 appeals determined in 2010-11 compared to the previous year. It is too early to determine if the recent changes in legislation enabling greater access to the conciliation process (commenced 7 February 2011) for residential development appeals by the LEC has influenced the number of appeals lodged.

The number of completed S82A reviews for 2010-11 increased compared with 2009-10 from 511 to 564.

Table 6-1: Statewide S82A and legal appeals summary 2010-11

s82A Reviews (based on 59 reporting councils)	
Number of s82A reviews	564
s82A reviews as % of DA determinations (note 2)	0.8
% s82A appeals approved on review	74
% s82A appeals refused on review	17
% s82A appeals withdrawn/cancelled on review	7
% s82A appeals rejected on review	1.2
Legal Appeals (based on 63 reporting councils)	
Number of legal appeals	406
Class 1 appeals	
Number of Class 1 legal appeals	386
Class 1 legal appeals as % of DA determinations (note 3)	0.57
% of appeals were upheld	24
% of appeals withdrawn or dismissed	42
Number of appeals brought by developer	378
% of developer appeals upheld	24
% of developer appeals upheld with amended plans	19
% of developer appeals with consent orders	15
% of developer appeals withdrawn or dismissed	42
Number of appeals brought by third party/objector	4
% of appeals brought by third party/objector that were upheld	50
% of appeals brought by third party/objector that were withdrawn or dismissed	25
Other appeals	
Number of Class 4 appeals	16
Number of Class 5 appeals	0
Number of Supreme Court appeals	4
All appeals	
Legal appeals (all classes) as % of DA determinations (note 3)	0.6

Notes

1. Some applicants seek both a section 82A review and legal appeal for the same development application.
2. S82A reviews include reviews of DAs determined before 2010-11. Therefore reviews as % of determinations is only indicative.
3. Legal appeals include appeals of DAs determined before 2010-11. Therefore appeals as % of determinations is only indicative. Appeal outcomes include upheld, upheld with amended plans, dismissed, withdrawn, consent orders.

Table 6-1 shows that most s82A reviews (74%) were approved, an increase on previous years. An approved s82A review means that the council changed its original determination in favour of the applicant's review application (eg. the applicant can request a review of a refused consent or a review of conditions of consent).

Table 6-2: Statewide S82A/legal appeals comparison with 2009-10

	2010-11	2009-10
S82A reviews		
Number of s82A reviews	564	511
Number of reporting councils	59	61
Legal Appeals		
Number of Class 1 legal appeals	386	347
Legal appeals as % of DA determinations	0.6	0.5
Number of reporting councils	63	59

42% of Class 1 appeals brought by developers against a council decision were withdrawn or dismissed in favour of the council. This was only a marginal decrease compared with 2009-10 when 43% of appeals were not in favour of the developer.

While 43% of appeals by developers were approved by the court, this percentage can give a misleading view of the outcomes. Only 24% of developer appeals 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. 19% 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, 15% of appeals resulted in consent being issued by agreement by the parties.

A high proportion of Class 1 appeals by an objector third party were upheld, though they were only 1% of all Class 1 appeals (4 appeals).

Class 4 and Class 5 appeals include appeals to enforce environmental planning law. The number of Class 4 appeals involving councils represented only a small proportion of the number of appeals in 2010-11: 3.9% of the appeals. There were no Class 5 appeals recorded in 2010-11. It should be noted that councils have powers to enforce environmental planning law that do not involve court actions, such as the issue of fines. Class 4 and 5 legal proceedings may only need to be taken as matters of last resort.



6.2 Council Trends

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

Table 6-3: Section 82A reviews - councils with most reviews 2010-11

Council	Total s82A reviews (100%)	Number of reviews approved	%	Number of reviews refused	Number of other outcomes
Warringah Council	60	49	82	5	6
Sydney City Council	60	43	72	13	4
Marrickville Council	57	45	79	10	2
Ku-ring-gai Council	35	25	71	6	4
Gosford City Council	32	22	69	7	3
Sutherland Shire Council	32	20	63	6	6
Wollongong City Council	20	15	75	4	1
Waverley Council	17	12	71	5	0
Fairfield City Council	16	14	88	1	1
Leichhardt Municipal Council	13	9	69	1	3
Strathfield Municipal Council	13	11	85	2	0

Similar to last year, the councils with the highest number of legal appeals in 2010-11 were Sydney City Council, Ku-ring-gai and Waverley councils as shown in **Table 6-4**.

Table 6-4: Legal appeals - councils with most Class 1 appeals

Council	Legal appeals
Sydney City Council	53
Ku-ring-gai Council	33
Waverley Council	21
Warringah Council	18
Wollongong City Council	15
Leichhardt Municipal Council	14
Woollahra Municipal Council	14
Byron Shire Council	13
Pittwater Council	12
Sutherland Shire Council	12
Parramatta City Council	11

Of the councils with the highest number of determined Class 1 appeals, Ku-ring-gai, Parramatta, Waverley & Woollahra Councils reduced the number of appeals compared with 2009-10. Parramatta and Waverley Councils had the most significant reductions of 31% (16 appeals in 2009-10 to 11 in 2010-11) and 28% (29 appeals in 2009-10 to 21 appeals in 2010-11) respectively. Sydney City Council's appeals increased by 61% from 33 appeals in 2009-10 to 53 appeals in 2010-11 despite no corresponding increase in their DA numbers over the same period.

Some councils have made efforts to reduce appeal activity during the year. Woollahra Council reported the highest number of Class 1 appeals in 2008-09 (57 appeals). Their appeals fell by three quarters to 14 for 2010-11.

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



Summary Table - Other Certificates 2010-11

2010-11	2009-10
56,213 Construction Certificates issued state-wide (55% issued by councils in 2010-11)	58,679
49,161 Occupation Certificates issued state-wide (54% issued by councils in 2010-11)	47,114
4,136 Subdivision Certificates issued state-wide	3,872
949 Strata Certificates issued state-wide	982

7.1 Statewide Trends

Post-development consents provide an indication of construction activity as not all planning approvals actually result in construction, and building commencement may be delayed for up to five years after the development (ie. planning) approval. Generally, construction certificates (which are needed before construction can commence) are required more often than occupation certificates (confirms that the building is capable of being occupied or used in accordance with its building classification).

Table 7-1 details the number of construction, occupation, subdivision and strata certificates issued in 2010-11 and 2009-10, and the number of reporting councils.

Table 7-1: Statewide other certificates summary

Description	2010-11	Local Government Areas	2009-10	Local Government Areas
Construction Certificates issued	56,213	151	58,679	149
Occupation Certificates issued	49,161	145	47,114	148
Subdivision Certificates issued	4,136	142	3,872	143
Strata Certificates issued	949	86	982	82

Figure 19: Total number of certificates issued by councils and private certifiers 2006-07 to 2010-11

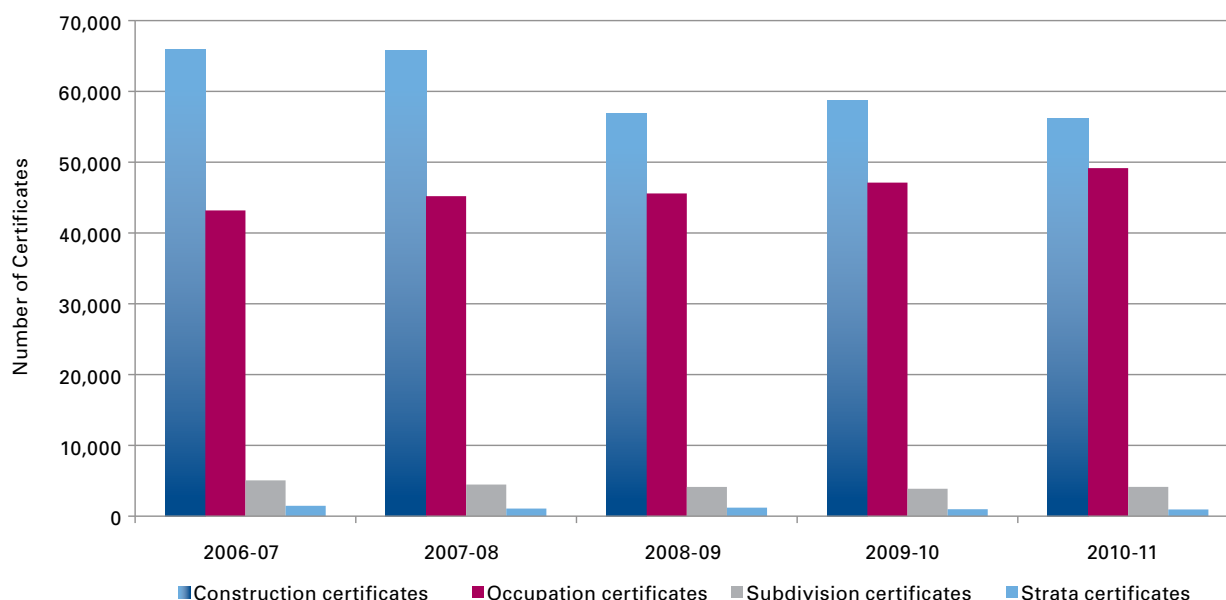


Figure 19 shows that construction activity was lower than previous years, despite the increase in construction and occupation certificates between 2008-09 and 2009-10. The number of construction certificates fell by 4% in 2010-11 compared with 2009-10.

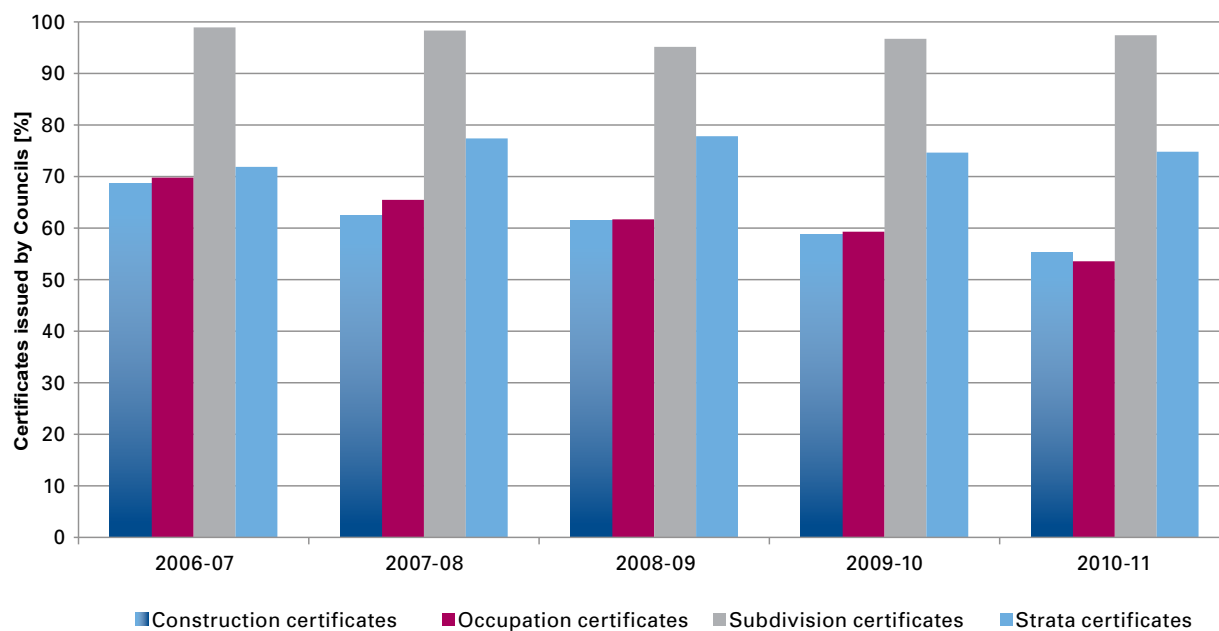
However, more occupation and subdivision certificates were issued in 2010-11 than 2009-10 (up by 4% and 7% respectively).

Table 7-2: Statewide other certificates issued by councils and private certifiers

	Councils	%	Private	%	Total
Construction	31,107	55	25,106	45	56,213
Occupation	26,332	54	22,829	46	49,161
Subdivision	4,029	97	107	3	4,136
Strata	710	75	239	25	949

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 41% in 2009-10 to 45% in 2010-11. A similar trend is evident with occupation certificates. 46% of occupation certificates were issued by private certifiers in 2010-11.

Figure 20: Percentage of certificates issued by Councils 2006-07 to 2010-11



In 2008-09, 22% of strata certificates were issued by private certifiers. 25% were issued by private certifiers in 2009-10 and 2010-11.



7.2 Council Trends

Table 7-3 shows the ten councils across the State that issued the highest number of construction certificates in 2010-11 and their results for 2009-10. The councils in the top ten list are very similar to those for 2009-10, representing regional cities, major centres and release areas.

As in 2009-10, Blacktown and Lake Macquarie council areas had the highest number of construction certificates. Councils that appear in 2010-11 which did not appear in 2009-10 include Wagga Wagga, Maitland and Camden Councils.

Table 7-3: Ten Local Government Areas with highest numbers of construction certificates

Council	2010-11	2009-10
Blacktown City Council	2,091	2,430
Lake Macquarie City Council	2,005	2,076
Sydney City Council	1,761	1,624
The Hills Shire Council	1,561	1,322
Newcastle City Council	1,528	1,495
Shoalhaven City Council	1,380	1,420
Gosford City Council	1,232	1,353
Wagga Wagga City Council	1,214	678
Maitland City Council	1,162	1,099
Camden Council	1,154	1,148

For most of these council areas, most construction certificates were issued by councils, except in Sydney City and The Hills council areas. Noticeably, private certifiers issued 78% of construction certificates in the Sydney City council area (compared with 80% in 2009-10). The high proportion of commercial development in the Sydney council area is likely to account for this.

Table 7-4: Ten Local Government Areas with highest numbers of construction certificates - proportion of council and private certifier issued certificates

Council	Council	%	Private	%	Total
Blacktown City Council	1,381	66	710	34	2,091
Lake Macquarie City Council	1,078	54	927	46	2,005
Sydney City Council	382	22	1,379	78	1,761
The Hills Shire Council	633	41	928	59	1,561
Newcastle City Council	797	52	731	48	1,528
Shoalhaven City Council	881	64	499	36	1,380
Gosford City Council	901	73	331	27	1,232
Wagga Wagga City Council	1,131	93	83	7	1,214
Maitland City Council	731	63	431	37	1,162
Camden Council	591	51	563	49	1,154

Blacktown reported the highest number of construction certificates issued for 2010-11 (2,091). This was a 14% drop from 2009-10.

The council areas with the highest reported numbers of occupation certificates in 2010-11 included Blacktown City Council (2,497), Sydney City Council (2,165), Wyong Shire Council (1,412) and Randwick City Council (1,363).

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