



local
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LOCAL DEVELOPMENT PERFORMANCE MONITORING: 2008-09
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FOREWORD

The key to the processing of local development proposals is the timely and rigorous manner of their determination. During 2008-09, more than 80,000 local development proposals worth more than \$19 billion were processed. These proposals are the catalyst for the State's construction industry, as well as an important indicator of the strength of the NSW economy.

This report, the fourth of its type, performs the vital function of monitoring the processing of local development proposals. Its information provides an extremely useful platform for ongoing discussions between government, the development industry and the community to guide future planning policy initiatives.

The NSW Government is well aware of the role of the planning system in helping to build a healthy economy. This was one of the themes at the NSW Government's Jobs Summit held during 2009. The fall in local development determinations during 2008-09 (13% down compared with 2007-08) confirms the effects of the global economic downturn on NSW and underlines the importance of government initiatives in planning reform.

The NSW Government has recently introduced a number of significant changes to simplify the planning system for local development. They include the introduction of the NSW Housing Code and NSW Commercial and Industrial Codes which allow a ten-day approval for low-impact complying development. It has also recently removed hundreds of unnecessary clauses in local and State planning instruments which delayed the process by requiring government agencies to comment.

This report shows there are encouraging signs the local planning system is becoming more responsive and efficient, although further work needs to be done.

For instance, the report demonstrates complying development codes are increasingly attractive to industry and homeowners. Complying development is being used in more council areas compared with previous years. In 2008-09, an increasing number of council areas had more than 50% of their total development determinations processed as complying development and more single dwellings are being processed as complying development.

The time and cost savings for homeowners was significant. In 2008-09, a single new dwelling took, on average, only 10 days for councils to determine as complying development. This was 64 days less than it took to process development applications for this development type.

Furthermore, fewer councils had extreme processing times. Twenty one councils had a mean gross determination time for DAs of more than 100 days in 2008-09 (14% of councils) compared with 28 councils (18% of councils) in 2007-08.

I would like to thank councils for their efforts in providing the data used in this publication. It is clear they have improved their processes to contribute to the monitoring program and to building the evidence base on which government decisions rely.

The Hon. Tony Kelly MLC
NSW Minister for Planning

OVERVIEW FOR 2008-2009

IN 2008-2009		IN 2007-2008
71,638	development applications (DAs) determined by local councils	82,404
14,975	Section 96 modifications determined by local councils	15,313
9,194	complying development certificates (CDCs) determined by councils or private certifiers. This is 11% of all DA and CDC determinations	10,619
95,807	DAs, s96 modifications and CDCs were determined	108,336
18.5	billion dollars worth of DAs approved under the NSW local development assessment system	21
853	million dollars worth of CDCs approved under the NSW local development assessment system	897
97	% of all DAs determined had a construction value of \$1m or less	97
13	% of all DAs had no construction work, eg change of use	12
59	% of all DAs determined by councils were for new single dwellings or residential alterations and additions	59
74	days on average were taken to process a DA across all councils, including stop-the-clock and referrals to state agencies	74
56	councils had an average gross determination time of 50 days or less	52
21	councils took an average of more than 100 days to process a DA	28
12	days on average were taken by councils to process CDCs	n/a
40	% of DAs were sent to applicants for further information ('stop-the-clock'); the average time for stop-the-clock was 64 days for 2008-09	40
11	% of DAs were referred to external agencies; the average time for referrals was 54 days for 2008-09	9
3	% of all DAs were refused	3
4	% of DAs on average were determined by elected representatives	4
43	councils had more than 98% of their DA determinations made under delegation to professional staff	45

Interpreting the Data

The 2008-09 data provides an overview of development in NSW. It includes information on council performance in assessing local development and general indications of the performance of the NSW planning system. As well as council planning functions, the data covers the activities of developers when they provided more information on their applications, State Government agencies when assessing aspects of referred DAs, and accredited certifiers issuing development and building certificates.

The information in this report was compiled by analysing detailed information from all 152 NSW councils. The data used is as reported by councils.

The key findings from the data are summarised below.

VOLUME AND VALUE OF DETERMINATIONS

- A total of 80,832 local development determinations (DAs and complying development) were reported for 2008-09. This is a noticeable decline of 13% compared with 2007-08, indicating the effects of the downturn in the global economy. In contrast, the decline in determinations between 2007-08 and 2006-07 was 5%.
- 9,194 complying development certificates (CDCs) were determined in 2008-09. This was 13% fewer than in 2007-08. Continuing from 2007-08, complying development represented 11% of total determinations (DAs and CDCs). The effects of the introduction of a Statewide complying development code as an alternative to development assessment are not fully evident in the 2008-09 data. The code for residential development only came into effect in February 2009, and September 2009 for commercial and industrial development.
- CDCs were issued in more areas of the State in 2008-09 than in previous years. CDCs were issued in 91% of council areas in 2008-09 compared with 88% of council areas in 2007-08 and 81% in 2006-07.
- More widespread use of complying development is evident in other results. Six council areas had over 50% of their determinations processed as complying development in 2008-09 compared with three council areas in 2007-08.
- In 2008-09, the total estimated value of reported local DAs approved by councils was approximately \$18.5 billion. The total value of approved CDCs was approximately \$853 million, or 5% of the total value of approved DAs.
- Residential alterations and additions were the dominant development types. Forty two percent (42%) of all developments (DAs and CDCs) in 2008-09 fell into this category.
- Over the last three years there has been a small but steady increase in the proportion of single dwelling developments (DAs and CDCs) – 15% of all determinations in 2006-07 were single dwellings, 17% in 2007-08, and 18% in 2008-09.
- While the proportion of all residential alterations and additions determined as complying development has been steady at 15% for three years, there has been a small but steady increase in the proportion of single dwellings determined as complying development – from 5.1% in 2006-07, to 6.1% in 2007-08 and 7.2% in 2008-09. This suggests that industry and homeowners are increasingly attracted to complying development which offers greater certainty and faster, cheaper and simpler processes.

DETERMINATION TIMES

- In 2008-09 the mean gross determination time for DAs was 74 days and 53 days for s96 modifications. These Statewide mean figures remain relatively unchanged from 2007-08.
- It took an average of 12 days for councils to determine CDCs in 2008-09 and a median of only 6 days.
- Single dwellings received the largest time saving when processed as complying development – it took 64 days less on average to process a CDC for new single houses compared with DAs for this development type. In 2008-09, councils determined single new dwellings, on average, in 74 days when these developments were processed as DAs. It took only 10 days on average to determine single new dwellings as complying development. The median time taken by councils to determine single new dwellings was only 5 days for CDCs.

- There were improvements to processing time by some councils. More councils achieved mean gross determination times of 50 days or less for DAs – 56 councils (37%) in 2008-09 compared with 52 councils (34%) in 2007-08. 82% of councils achieved median net determination times of 40 days or less compared with 77% of councils in 2007-08.
- Fewer councils had extreme processing times. Twenty one councils had a mean gross determination time for DAs of over 100 days in 2008-09 (14% of councils) compared with 28 councils (18% of councils) in 2007-08. Also, fewer councils had mean gross determination times of over 100 days for DAs valued at less than \$100,000 – 11 councils in 2008-09 compared with 14 councils in 2007-08.
- The five top performing councils Statewide for 2008-09 based on lowest mean gross determination time for DAs included:
 1. Temora Shire Council (9 days)
 2. Urana Shire Council (10 days)
 3. Berrigan Shire Council (11 days)
 4. Hay Shire Council (16 days)
 5. Cootamundra Shire Council (17 days)
- The five poorest performing councils statewide for 2008-09, based on highest mean gross determination time for DAs included:
 1. Wellington Council (203 days)
 2. Manly Council (136 days)
 3. Parramatta City Council (132 days)
 4. Hunters Hill Municipal Council (130 days)
 5. Palerang Council (130 days)
- The Sydney Region councils with mean gross determination times over 100 days for DAs included:
 1. Manly Council (136 days)
 2. Parramatta City Council (132 days)
 3. Hunters Hill Municipal Council (130 days)
 4. Botany Bay City Council (129 days)
 5. Canterbury City Council (112 days)
- The councils that made the greatest improvements in mean gross determination time for DAs since 2007-08 included:
 1. Urana Shire Council
 2. Harden Shire Council
 3. Coolamon Shire Council
 4. Kempsey Shire Council
 5. Upper Hunter Shire Council
- Sydney Region councils that made significant improvements in mean gross determination time for DAs since 2007-08 included councils that reported some of the highest gross determination times in 2007-08. These included:
 1. Ashfield Municipal Council
 2. Auburn Council
 3. Woollahra Municipal Council
 4. Lane Cove Municipal Council
 5. Holroyd City Council
- Stop-the-clock (STC) applied to 40% of DAs with generally higher numbers of DAs in existing urban areas requiring STC. The need to 'stop-the-clock' to seek information added a significant amount of time (64 days on average) to the development assessment.
- There was a slight increase in the percentage of DAs which were reported as being referred to State Government Agencies – from 9% in 2007-08 to 11% in 2008-09. The average referral time was 54 days.

DEVELOPMENT AUTHORITIES AND DELEGATIONS

- The percentage of determinations in NSW made by elected representatives in 2008-09 was low – only 3.8% of all applications. This percentage was virtually the same in 2007-08 (3.6%).
- 96% of all determinations in 2008-09 in NSW were determined by council professional staff under delegation from the council, a similar proportion to 2007-08.
- Only one council reported determinations by Independent Hearing and Assessment Panels. Only 0.3% of determinations were by other determination bodies in 2008-09.
- 15 councils delegated 100% of all determinations to professional staff in 2008-09.
- 43 councils delegated more than 98% of all determinations to professional staff in 2008-09.
- Compared with 2007-08, more councils recorded reduced use of delegations. Thirteen councils increased their proportion of delegations to staff by 5 percent or more. Twenty councils reduced their proportion of delegations to staff by 5 or more percent.

STAFFING AND RESOURCES

- On average across the State, 58 DAs were determined for each equivalent full time (EFT) development assessment position for 2008-09. This figure is down from 69 DAs per EFT in 2007-08.
- The number of EFT positions in development assessment across the State increased in 2008-09 from 1,195 in 2007-08 to 1,231 in 2008-09. This represents a 3% increase in staff in development assessment.
- The five councils with the highest number of development assessment staff in 2008-09 were Lake Macquarie (48), Sydney (48), Gosford (32), Shoalhaven (31) and The Hills (31).

REVIEWS AND APPEALS

- The number of completed S82A reviews increased from 547 in 2007-08 to 612 in 2008-09.
- Class 1 appeals are generally appeals against a council planning decision and are determined on the merits of the development proposal by the Land and Environment Court. The number of completed Class 1 appeals increased from 415 in 2007-08 to 477 in 2008-09.
- Over the last three years, the number of reported S82A reviews has increased while the number of Class 1 appeals has remained fairly stable. This is an encouraging result since S82A reviews should be more efficient and less costly than a court appeal.
- Most Class 1 appeals brought by developers against a council decision were upheld in favour of the developer (52%). However, many of these (19% of all developer appeals) were upheld with amended plans.
- There were 15 Class 1 appeals brought by third parties or objectors in 2008-09. Of these 85% were upheld.
- The councils with the highest number of legal appeals in 2008-09 were Woollahra, Ku-ring-gai, Hornsby and Waverley Councils.

OTHER CERTIFICATES

- There was a 14% reduction in the number of construction certificates issued in 2008-09 compared with 2007-08. This reduction is generally in line with a slowing of development activity across the State.
- The number of occupation certificates rose, slightly (1%), as did strata certificates (12%), however subdivision certificates dropped by 8%.
- Councils issued about two thirds of construction and occupation certificates in 2008-09.
- Council areas recording the highest numbers of construction certificates for 2008-09 were Blacktown, Lake Macquarie, Newcastle, Sydney and Shoalhaven.
- Most occupation certificates were issued in the following council areas – Blacktown, followed by Sutherland, Wyong, Shoalhaven and Wollongong council areas.



This publication provides an overview of development trends in NSW for 2008-09. It includes information on council performance in assessing local development and general indications of the performance of the NSW planning system. As well as councils, the activities of State Government agencies and accredited certifiers in the planning system are covered by reporting on State agency referrals and development and building certificates issued by accredited certifiers. The time taken by development applicants when providing further information on their applications is also covered in this report.

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 2008-09.

The data used is as reported by councils.

This year's data provides substantial information on local development covering the following areas:

- DAs by number and as a proportion of all applications
- S96 modifications to change aspects of an approved DA
- CDCs by number and as a proportion of all applications
- Total 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
- Court cases and reviews
- Staff involved in DA processing, determination bodies and determination outcomes
- Number of post development consent certificates.

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

Where possible, the data has been compared with 2007-08 data and, in a few cases, previous years' data, to understand trends.

2007-08 data is available on the Department of Planning's website in spreadsheet format. The website data includes some detailed information not published in this report. Spreadsheet data for 2008-09 will also be available on the Department's website.

The 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 been supplying the Department of Planning with detailed information on each DA and s96 modification determined by council, and on each CDC issued by council or private certifiers. For 2008-09, there were 23 mandatory fields and six optional data fields that applied to each determined application (not all fields would be relevant to all applications).

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

Councils generally extract their information from DA tracking databases or, for smaller country councils, DA registers. During 2008-09, some major upgrades to council software were conducted to enable better recording of development data and more automated data extraction. Some upgrades were funded by the Department and the Department worked closely with software companies and councils to test the effectiveness of the upgrades.

Data analysis was undertaken by the Department using standard calculations (see Appendix 1 for information on calculation methodology).

Because of the large volume of data, data quality checking is largely 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 Department noted that there were significantly fewer data errors for the 2008-09 data collection, the third of its type, than previous years. It was clear that councils had made major advances in adapting to the process of providing data in the standard format and had procedures in place to collect and review their 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 planning staff also manually scan the results for any obvious problems such as omitted data. Automatic and manual conversion of council terms to Department terms (such as development category description) is also done by Department planning staff.

This report is a product of all these processes ie. defining of data needs, council data collection and submission, data upload, cleansing, quality checking, finalisation and analysis. 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 initiatives in planning reform took place during 2008-09 affecting local development. For various reasons, it may take time for the effects of some reforms to be evident in the local development data. This year's report provides an early account of some of the reforms.

The *Environmental Planning and Assessment Amendment Act 2008*, *Building Professionals Amendment Act 2008* and *Strata Management Legislation Amendment Act 2008* came into effect on 1 August 2008.

The introduction of this legislation followed widespread community consultation.

The Acts contained landmark changes to the planning system covering the rezoning process, major development assessment, developer contributions, appeals and private certification. The reforms aim at making the planning system more efficient and transparent as well as accountable. They include streamlining the rezoning process to give early feedback to councils on rezoning proposals and clearer rules on developer contributions.

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

The Planning Assessment Commission commenced operations on 3 November 2008 with the role of determining some matters which were formerly dealt with by the Minister for Planning.

Six Joint Regional Planning Panels were established in the second half of 2009 covering the Sydney Region, Hunter and Central Coast, Northern, Southern and Western Regions. The Panels have been established to provide independent, merit-based decision-making and advice to the Minister on regionally significant development proposals.

Monitoring of the planning system is continuing, particularly through the Local Development Performance Monitoring program which, as well as providing the public with detailed information on performance of the local development system, feeds into the policy making process.

The 2009-10 report will contain significant information on the effects of the planning reforms including data on decisions made by the Joint Regional Planning Panels.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 came into effect in February 2009 to create a fast approval process for low-impact development. Codes for residential development cover new single and two-storey houses and alterations and additions to these developments. Under the SEPP, some of these developments may not need a planning approval or may be approved within 10 days if they meet the Codes' development standards. This year's Local Development Performance Monitoring report provides early data on the effect of the SEPP. Next year's report will contain more detailed monitoring information on the SEPP including how many developments are determined under the SEPP compared with council rules on complying development.

Next year's Local Development Performance Monitoring report will also report on uptake of the General Commercial and Industrial Code. This code came into effect on 7 September 2009 and allows developments, such as changes of use or internal fit outs, to proceed without planning approval or with a fast approval if they meet the code requirements.

State Environmental Planning Policy (Affordable Rental Housing) 2009 came into effect on 31 July 2009 to increase the amount and diversity of affordable housing in NSW and assist in the rapid delivery of housing. The policy aims to better encourage home owners, social housing providers and developers to invest and create new affordable rental housing. Monitoring information on the SEPP will be collected and should be included in the next Local Development Performance Monitoring report.

Reducing unnecessary processes and delays in the planning system was further assisted by the introduction, in December 2008, of *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*. The SEPP removes over 1,300 unnecessary requirements for development applications and draft plans to be referred to State agencies.

The Department also launched an online register of development assessment guidelines to assist councils, developers, consultants and the public.

Better information on referrals is now being collected from State Government referral agencies. Summaries of this information will be included in the next Local Development Performance Monitoring report.

1.3 Structure of the Report

Chapters 2 to 7 of this report summarise major findings from the 2008-09 data.

Each chapter begins with a snapshot of the data and discussion of key findings. Statewide figures are followed by regional and local council trends.

Source data tables are at the back of the report. These tables list the data for each council. As in previous years, data for each council area is placed on the Department's website in spreadsheet format to allow independent access to and analysis of the information.

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



2

LOCAL DEVELOPMENT ASSESSMENT – VOLUME AND VALUE

This chapter outlines the volume and value of the development activity, both DAs and complying development certificates (CDCs), determined in 2008-09. The proportion of developments subject to merit assessment (DAs) is compared with those determined against objective criteria (CDCs).

Development activity is examined on a statewide basis, by region and local government area.

SNAPSHOT - Volume and Value 2008-09		
IN 2008-2009		IN 2007-2008
71,638	development applications (DAs) determined by local councils excluding CDCs	82,404
80,832	local development determinations (DAs + CDCs)	93,023
18.5	billion dollars worth of DAs approved under the NSW local development assessment system	21
853	million dollars worth of CDCs approved under the NSW local development assessment system	897
11	percent of development matters dealt with as complying development	11
93	percent of all DAs determined had a construction value of \$500,000 or less	94
97	percent of all DAs determined had a construction value of \$1 million or less	97
59	percent of all DAs determined by councils were for single new dwellings or alterations and additions	59
6	councils achieved 50% of all determinations as complying development	3

SNAPSHOT - Complying Development Certificates

	2008-09	2007-08
Number of CDCs determined	9,194	10,619
Percentage of CDCs determined by councils (%)	56	54
Percentage of CDCs determined by private certifiers (%)	44	46

Note: 2008-09 data on CDCs determined comprises CDCs approved and refused. 2007-08 data is for CDCs issued (ie only those approved). This is because the Department expanded its data collection for 2008-09 to include CDC outcomes beyond approved. The number of refused CDCs is very small (only 0.4% in 2008-09).

Councils with Over 50% CDCs Compared to Total Determinations

	Number of CDCs Determined	Number of DAs Determined	% of determinations (DAs + CDCs)
Coolamon Shire Council	60	28	68
Junee Shire Council	69	51	58
Port Macquarie-Hastings Council	606	477	56
Walgett Shire Council	35	29	55
Warrumbungle Shire Council	68	57	54
Murrumbidgee Shire Council	26	22	54

2.1 Key Findings for 2008-09

- A total of 80,832 local development determinations (DAs and complying development) were reported for 2008-09. This is a noticeable decline of 13% compared with 2007-08, indicating the effects of the downturn in the global economy. In contrast, the decline in determinations between 2007-08 and 2006-07 was 5%.
- The number of DAs determined by councils was reported as 71,638. The number of modifications to DAs determined under section 96 of the EP&A Act was 14,975.
- 3% of DAs were refused in 2008-09, the same percentage as reported each year since 2006-07.
- 9,194 CDCs were determined in 2008-09. Continuing from 2007-08, complying development represented 11% of total determinations.
- Despite DA and CDC determinations both falling by 13%, there were slightly more council areas where CDCs were issued in 2008-09 compared with 2007-08 – 91% of councils in 2008-09, 88% 2007-08 and 81% of councils in 2006-07.
- Six council areas had over 50% of their determinations processed as complying development in 2008-09 compared with three councils in 2007-08.
- The total value of approved DAs was \$18.5 billion in 2008-09 – \$2.5 billion less than for 2007-08. The total value of approved CDCs was \$853 million (or 5% of the total value of approved DAs) which was \$44 million less than for 2007-08.
- The vast majority of DAs were of low construction cost – 97% of developments were valued under \$1 million. 93% of DAs were valued under \$500,000 in 2008-09.
- Residential alterations and additions were the dominant development types. Forty two percent (42%) of all developments (DAs and CDCs) in 2008-09 fell into this category, though over the last three years there has been a small but steady increase in the proportion of single dwelling developments – 15% of all determinations in 2006-07 were single dwellings, 17% in 2007-08, and 18% in 2008-09.
- Most complying developments were for residential alterations and additions (58%). However, while the proportion of all residential alterations and additions determined as complying development has been steady at 15% for three years, a small but steady increase in the proportion of single dwellings determined as complying development is evident, increasing from 5.1% in 2006-07, to 6.1% in 2007-08 and 7.2% in 2008-09. This suggests that industry and homeowners are increasingly attracted to the complying development process which offers greater certainty and faster, cheaper and simpler processes.
- 50% of developments Statewide were determined for the Sydney Region. The Sydney Region had more than two thirds of the total value of DAs approved for the State.
- All regions experienced falls in the number of determinations (DAs and CDCs) compared with 2007-08. Three Regions had larger percentage falls than the State average of 13%. Hunter, Western and North Coast Regions' determinations fell from 2008-09 to 2007-08 by 19%, 16% and 16% respectively.
- The value of approved development also fell for most regions, except the Southern Region where the total value of approved development increased by 8% from 2007-08 to 2008-09.
- Most CDCs were determined in the Sydney Region and the Western Region.
- The councils with the most determinations (DAs and CDCs) for 2008-09 were Sydney, Blacktown, Lake Macquarie and Shoalhaven Councils.
- The councils with the highest CDC determinations for 2008-09 were Port Macquarie-Hastings and Sydney Councils.

2.2 Statewide Trends

TOTAL DETERMINATIONS

As seen in **Table 2-1**, there has been a noticeable decline in the volume of development compared to 2007-08 – 13% fewer DAs and CDCs were determined in 2008-09 compared to the previous year. The slowing down of the economy due to global economic forces is likely to account for this. In contrast, the decline between 2007-8 and 2006-07 was 5%.

As with 2007-08, CDCs were 11% of total determinations for 2008-09.

Even though the fall in DAs determined was matched by a decline in CDC determinations (both fell by 13%), there were slightly more council areas where CDCs were issued in 2008-09 compared with previous years. CDCs were issued in 138 council areas in 2008-09 (91% of councils); 133 councils in 2007-08 (88% of councils) and in 123 council areas in 2006-07 (81% of councils).

More widespread use of complying development in some council areas is also evident in other results. Six councils had 50% of their determinations processed as complying development in 2008-09 compared with three councils in 2007-08.

The Government has promoted complying development strongly as an alternative to merit assessment (development applications) for routine, low-impact development. In February 2009, *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* came into effect to allow a quick approval process for new detached single, two storey houses and alterations and additions to these residential development forms.

This year's report provides early data on the impact of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. However, since the 2008-09 period only covers four months of the SEPP's operation, this data was very preliminary. More detailed data and trend information will be available in the 2009-10 report.

**Table 2-1: Total Number of Determinations in NSW
- Comparison of 2007-08 and 2008-09**

	2007-08	2008-09	% Change
Total number of DAs and s96 modifications determined	97,717	86,613	-11
Total number of DAs determined	82,404	71,638	-13
Total number of s96 modifications determined	15,313	14,975	-2
Total number of CDCs determined	10,619	9,194	-13
Total number of councils that provided CDC data (issued by council or certifier)	133	138	4
Total (DAs + CDCs determined)	93,023	80,832	-13
% of DAs refused	3	3	
% of CDCs refused		0.4	

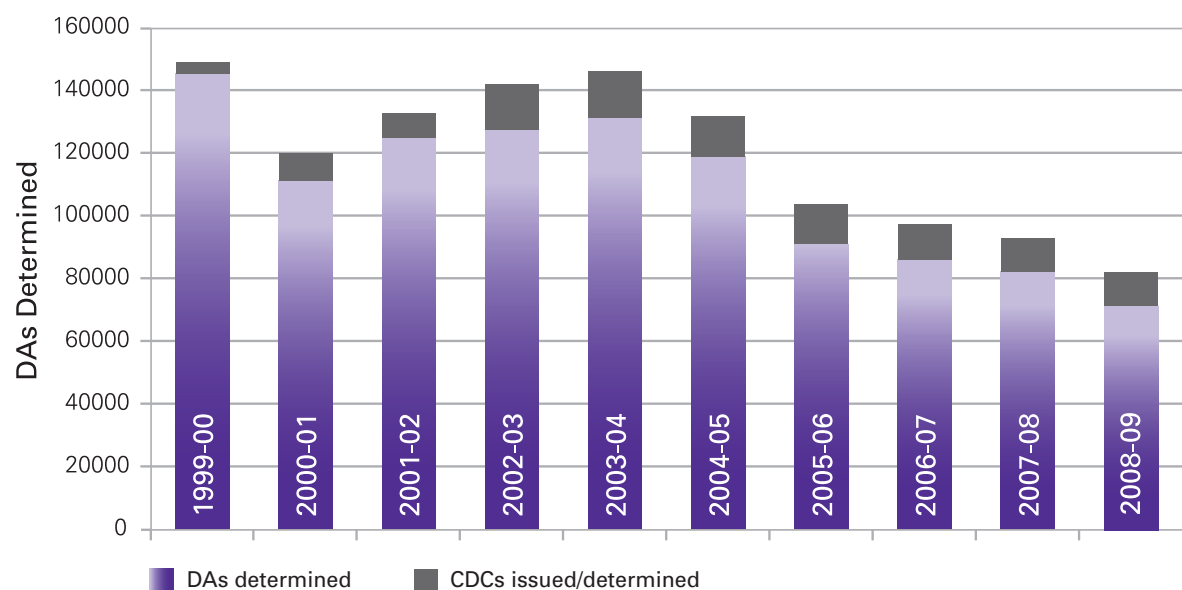
Note: Information on the number of CDCs refused was not available for 2007-08. Therefore 2007-08 CDC determinations figures are for CDCs approved only. 2008-09 figures for CDC determinations include both CDCs approved and refused. Generally, very few CDCs were refused.

**Table 2-2: Complying Development Certificates Determined in NSW
- Comparison of 2007-08 and 2008-09**

	2007-2008	2008-2009
Number of CDCs determined by council and private certifiers	10,619	9,194
Total number of councils that provided data on CDCs determined by council	126	131
Total number of councils that provided data on CDCs determined by private certifiers	77	80
Percentage of CDCs determined by councils (%)	54	56
Percentage of CDCs determined by private certifiers (%)	46	44
CDCs as % of CDCs+DAs (%)	11.4	11.4

Note: For 2008-09, CDCs determined (approved and refused) were counted. In 2007-08, only data on CDCs approved (ie. Issued) was available.

Figure 1: Total applications determined (DAs + CDCs) in NSW – annual comparison 1999-2009



Notes

1. The complying development certificate system was introduced in 1998.
2. Complying development certificates issued in 2001-02 are underestimated because those issued by private certifiers were not recorded.
3. Source 1999-2000 to 2004-05: Department of Local Government Comparative Information.
Source 2005-06 to 2008-09: Department of Planning's Local Development Performance Monitoring report.
4. 2005-06 figures for DAs also include s96 modification applications.
5. Figures for all years except 2008-09 are for CDCs issued (approved). 2008-09 CDC figures are CDCs approved and refused.

Also new for this year's report is information on the determination results for CDCs. **Table 2.3** shows that the vast majority of complying development proposals were approved – 97.6%. For 2007-08, data was only collected on approved (ie. issued) CDCs.

Very few CDCs were refused (0.4% in 2008-09). Complying development applications can only be refused under limited circumstances. If the proposed development complies with the relevant development standards and with other requirements, it cannot be refused.

Table 2-3 shows that 2% of CDC applications were withdrawn or cancelled. This figure may be under-reported. Some councils have advised that accredited certifiers do not always provide full records of the CDC applications they receive.

Anecdotal information from councils is that a number of complying development applications are withdrawn by the applicant or rejected by the council and re-submitted as development applications following advice from the council that the application could not be assessed as complying development (for instance, if the development was proposed for a bushfire prone area).

The number of rejected applications may also be under-reported since some councils and accredited certifiers may not be recording rejected applications.

Table 2-3: Outcome of Complying Development Certificates Applications 2008-09		
	Number of CDC	Value of CDC
Approved	9,160	\$853.2m
Refused	34	\$2.0m
Withdrawn/cancelled	188	\$6.9m
Rejected	0	0

Detailed information on determination times for CDCs is provided in Chapter 3.

VALUE OF DETERMINATIONS

Table 2.4 shows the total value of DAs and CDCs approved during 2008-09.

The values of development approvals provided an indication of the impacts of development to the NSW economy as development approval is a first step towards construction activity.

Elsewhere this report considers development determinations (approvals and refusals) where activity levels in the planning system or council performance are being considered. In the context of assessing activity or council performance, the estimated construction value of proposals, whether approved or refused, can help to indicate the complexity of the development proposal and therefore the level of development assessment effort needed.

The value of approved DAs for 2008-09 fell by \$2.5 billion compared with 2007-08 – from \$21 billion to \$18.5 billion. The value of approved CDCs fell by \$44 million compared with 2007-08.

Table 2-4: Total Value of DAs and CDCs approved in NSW 2008-09

	2008-09	2007-08	2006-07
Total value of DAs approved	\$18.5b	\$21b	\$20.4b
Total value of CDCs approved	\$853m	\$897m	\$800m

Note: 2006-07 data on CDCs was under-reported as some councils did not report CDCs issued by private certifiers.

Table 2-5 shows that the proportion of DAs of low, middle and high value has remained remarkably steady between 2007-08 and 2008-09. Very similar proportions were also evident in 2006-07. For the last three financial years, the vast majority of developments were of low construction cost – 97% of developments were valued under \$1 million. 93% of developments were valued under \$500,000 in 2008-09.

The number of developments within each value range, however, has fallen compared to 2007-08, consistent with the overall fall in development determinations. This is in contrast to 2007-08, when the number of high and very high value developments (\$1 million and over) increased compared with 2006-07.

Table 2-5: Total Number of DAs determined by value in NSW in 2008-09 compared to 2007-08

Value Range	Number of DAs 2007-08	%	Number of DAs 2008-09	%
\$0 Value	9,589	12	9,435	13
Under \$100k	54,592	66	46,975	66
0 - Under \$500k	77,382	94	66,788	93
0 - Under \$1m	80,128	97	69,500	97
\$1m - Under \$5m	1,745	2	1,643	2
\$5m - Under \$20m	420	0.5	397	0.6
\$20m+	111	0.1	98	0.1
\$30m+	70	0.1	65	0.1
\$50m+	35	0	31	0

Note: DAs with no construction value are not necessarily simple or straightforward developments. Refer to Appendix 1 for further explanation.



Table 2-6: Total Number of CDCs determined by value in NSW in 2008-09 compared to 2007-08

Value Range	Number of CDCs 2007-08	%	Number of CDCs 2008-09	%
\$0 Value	599	6	495	5
Under \$100k	8,745	82	7,410	81
\$100k - Under \$500k	1,663	16	1,564	17
\$500k - Under \$1m	113	1	103	1
\$1m and over	98	1	83	1

As expected, most CDCs were for relatively low value development – 81% were for development valued under \$100,000.

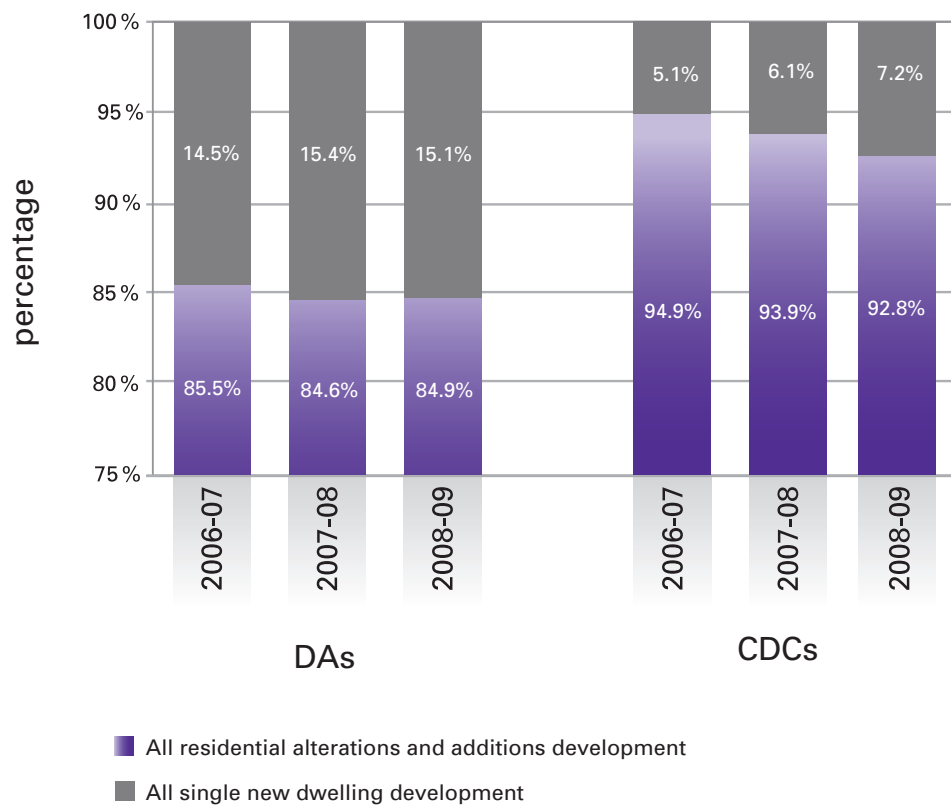
DEVELOPMENT BY TYPE

Residential alterations and additions continue to make up the majority of development as shown in **Table 2-7** and **Table 2-8**. Forty two percent (42%) of all developments (DAs and CDCs) in 2008-09 were classified as residential alterations and additions, slightly less than the proportion in this category in 2007-08 (43%) and 2006-07 (45%).

Overall, the distribution of development between development types was largely unchanged from 2006-07 to 2008-09. Despite this, there are some indications of a trend appearing. Residential alterations and additions have been slowly declining as a proportion of all development while single dwellings have been increasing slowly over the same three-year period. In 2006-07, 45% of all developments (DAs and CDCs) were alterations and additions compared with 43% in 2007-08 and 42% in 2008-09. New single dwelling developments increased from 15% of all development in 2006-07 to 17% in 2007-08 and 18% in 2008-09.

More than half of the complying developments for 2008-09 were for residential alterations and additions (58%). However, as shown in **Figure 2**, while the proportion of all residential alterations and additions determined as complying development has been steady at 15% for three years, a small but steady increase in the proportion of all single dwellings determined as complying development is evident over the same period, increasing from 5.1% in 2006-07, to 6.1% in 2007-08 and 7.2% in 2008-09. This suggests that industry and homeowners are increasingly attracted to complying development which offers greater certainty and faster, cheaper and simpler processes.

Figure 2: Assessment paths for residential alterations and additions and single new dwellings 2006-07 to 2008-09



Figures 3 and 4 below show that for DAs, the number of determinations for mixed use, new residential multi-unit, residential other, and tourist developments increased compared with 2006-07.

Because of the smaller number of CDCs of some development types, small differences between the numbers of determinations in development categories for 2008-09 and 2007-08 should be treated with caution. However, as mentioned above, there has been a trend to increasing numbers of single dwellings determined as complying development. **Figure 5** shows that most CDCs are for residential development. **Figure 6** shows a substantial drop in the number of commercial / retail / office developments processed as complying development between 2006-07 and 2007-08. The number of these developments in 2008-09 was virtually the same as for 2007-08.

Figure 3: Non-residential DAs by Development Category 2007-8 and 2008-09

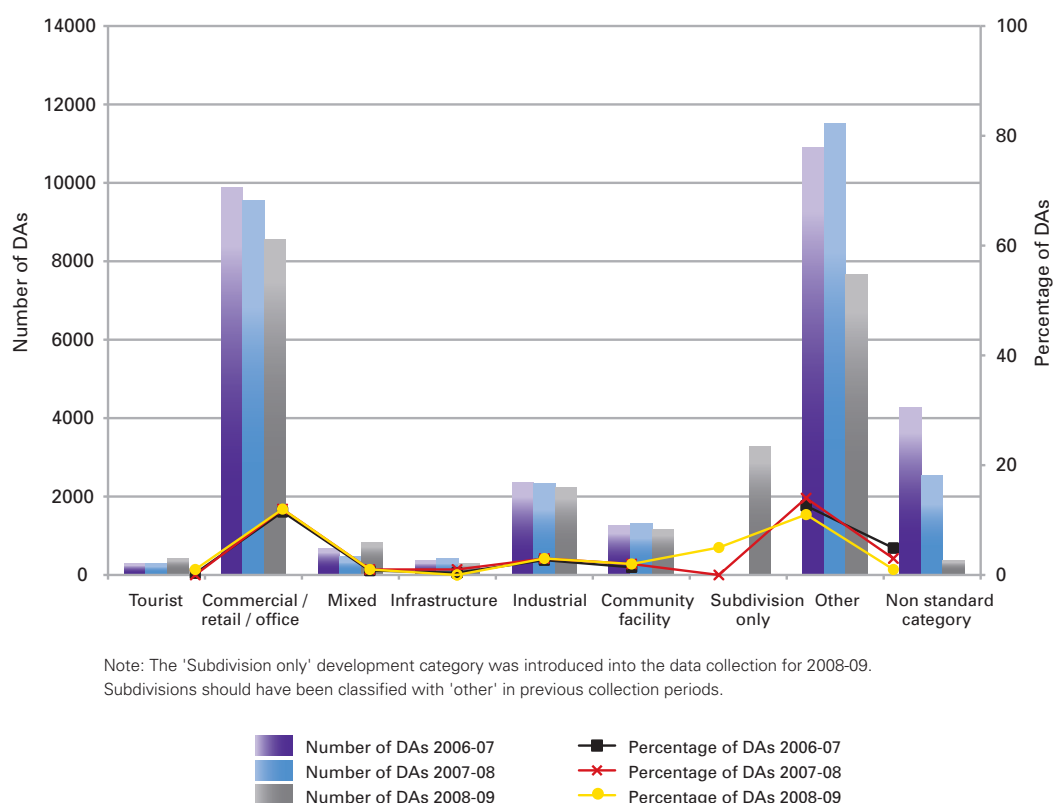


Figure 4: Residential DAs by Development Category 2007-8 and 2008-09

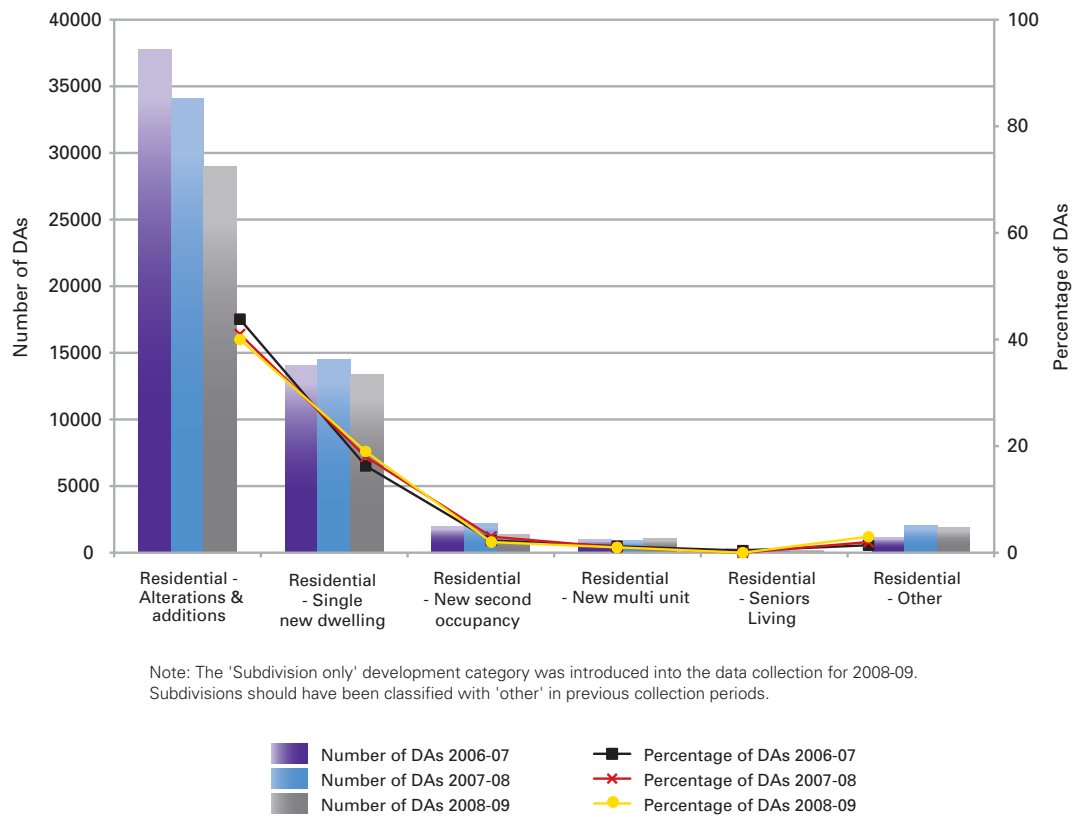


Figure 5: Residential CDCs by development category 2007-08 and 2008-09

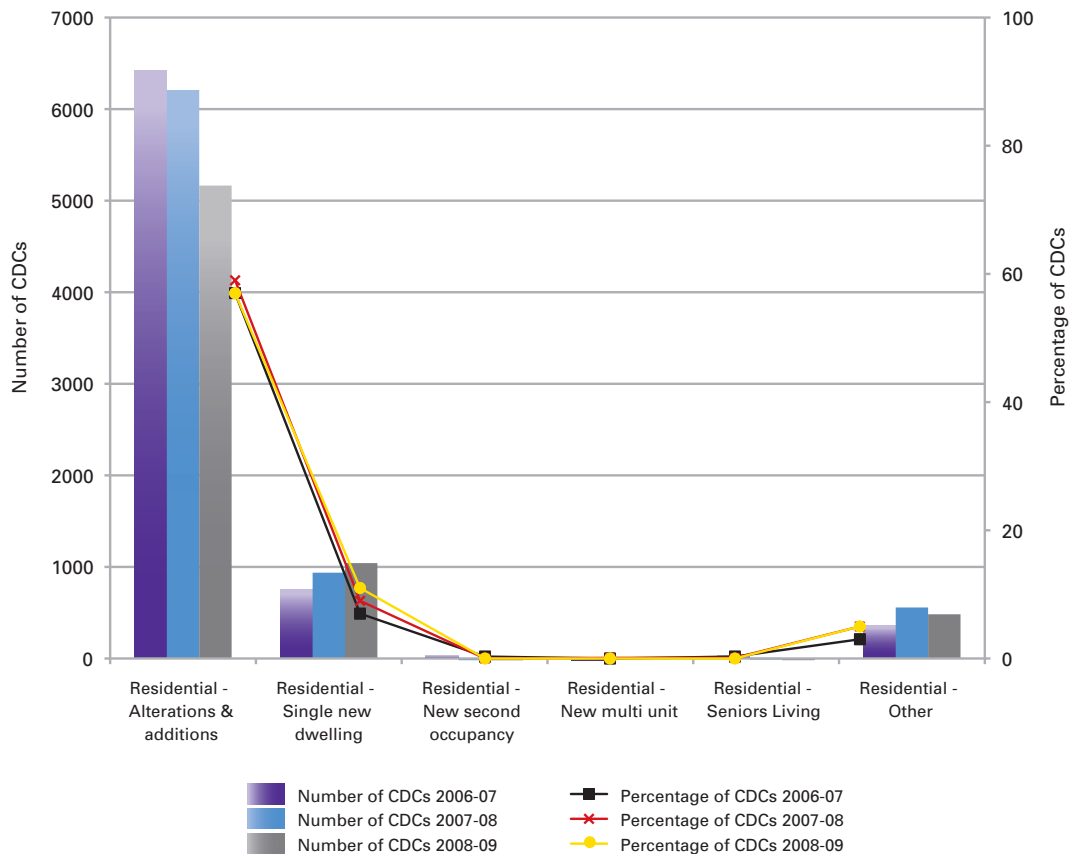


Figure 6: Non-residential CDCs by development category 2007-08 and 2008-09

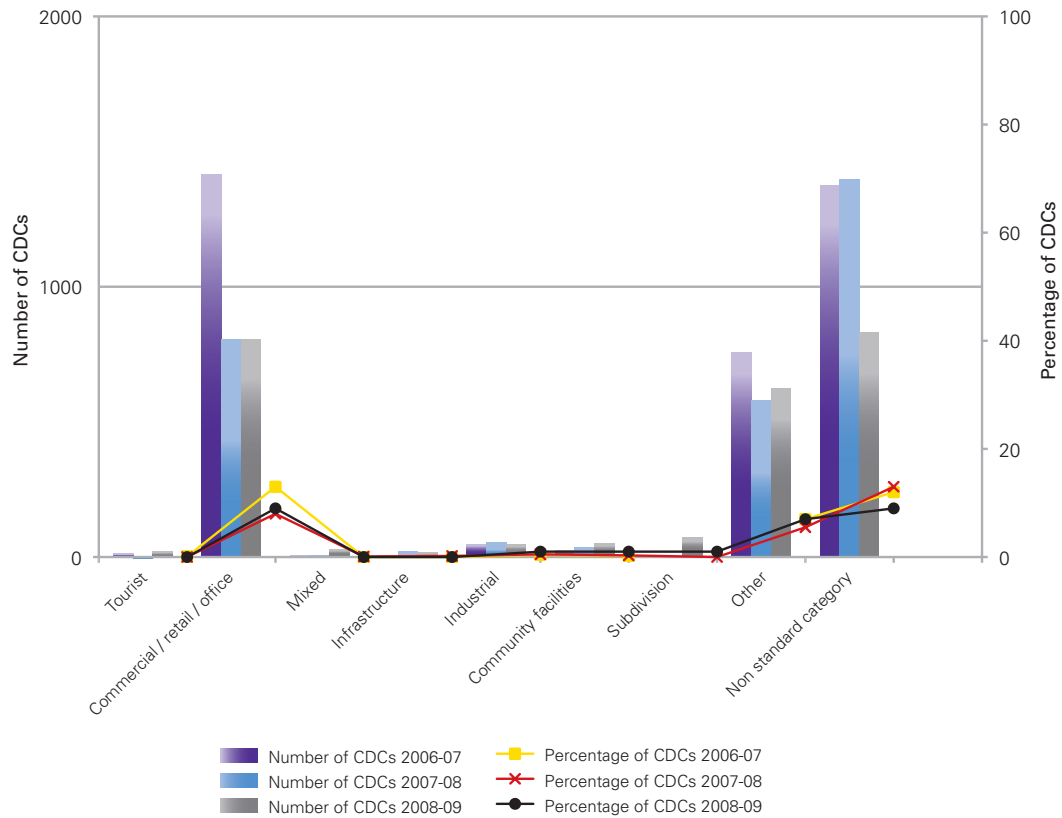


Table 2-7: Total number of DAs determined in NSW by type 2008-09 compared to 2007-08

Development Type		Number of DAs Determined in 2007-08	% of total DAs determined	Number of DAs determined 2008-09	% of total DAs determined
1.	Residential - Alterations & additions	34,114	41	28,981	40
2.	Residential - Single new dwelling	14,482	18	13,342	19
3.	Residential - New second occupancy	2,161	3	1,365	2
4.	Residential - New multi unit	940	1	1,074	1
5.	Residential - Seniors Living	285	0	171	0
6.	Residential - Other	2,011	2	1,907	3
7.	Tourist	305	0	419	1
8.	Commercial / retail / office	9,546	12	8,549	12
9.	Mixed	466	1	829	1
10.	Infrastructure	421	1	295	0
11.	Industrial	2,340	3	2,236	3
12.	Community facility	1,321	2	1,157	2
13.	Subdivision only	0		3,273	5
14.	Other	11,508	14	7,667	11
15.	Non standard category	2,504	3	373	1

Table 2-8: CDCs determined in NSW by development type 2008-09

Development Type		Number of CDCs issued in 2007-08	As % of total CDCs issued	Number of CDCs determined in 2008-09	As % of total CDCs determined
1.	Residential - Alterations & additions	6,209	58	5,165	56
2.	Residential - Single new dwelling	937	9	1,042	11
3.	Residential - New second occupancy	2	0	1	0
4.	Residential - New multi unit	14	0	10	0
5.	Residential - Seniors Living	8	0	2	0
6.	Residential – Other	557	5	483	5
7.	Tourist	2	0	20	0
8.	Commercial / retail / office	804	8	805	9
9.	Mixed	7	0	29	0
10.	Infrastructure	19	0	15	0
11.	Industrial	52	0	48	1
12.	Community facility	34	0	51	1
13.	Subdivision only	0		71	1
14.	Other	579	5	623	7
15.	Non standard category	1,395	13	829	9

Note: For 2007-08, information was collected on the number of CDCs issued (ie. approved). 2008-09 figures for CDC determinations include both CDCs approved and refused. Generally, very few CDCs were refused.

Table 2-9 shows that the number of section 96 modification determinations decreased slightly compared with 2007-08 – by 2%. However, the proportion of s96 modifications compared with approved DAs increased slightly, by 3%.

Table 2-9: Section 96 modifications comparison

	2007-08	2008-09
Number of s96 modifications determined	15,313	14,975
Proportion of s96 modifications to DAs approved (%)	19	22

2.3 Regional Trends

To understand development activity on a regional basis the State has been divided into six regions – Sydney, Hunter, Southern, North Coast, Western and Murray/Murrumbidgee. The councils within these regions are listed in Appendix 4.

The distribution of development activity across the regions, both in volume and value, is shown in **Table 2.10** below.

As expected, Sydney Region had the highest level of development – 50% of all development (DAs and CDCs). The distribution of development across the regions remains much the same as for 2007-08.

All regions experienced falls in the number of determinations (DAs + CDCs) compared to 2007-08. Three Regions had larger percentage falls than the State average of 13%. Hunter, Western and North Coast Regions' determinations fell from 2008-09 to 2007-08 by 19%, 16% and 16% respectively.

The values of approved developments also fell for most regions (see **Table 2-12**), except for the Southern Region where the total value of approved development increased by 8% from 2007-08 to 2008-09. It should be noted that this report does not cover major developments which are not determined by councils.

Table 2-10: Regional development determinations

Region	DAs 2008-09	CDCs 2008-09	TOTAL 2008-09	%	DAs 2007-08	CDCs 2007-08	TOTAL 2007-08	%
Sydney	36,821	3,726	40,547	50.2	41,535	4,311	45,846	49.3
Hunter	8,899	762	9,661	12	10,943	1,056	11,999	12.9
North Coast	7,054	1,212	8,266	10.2	8,430	1,376	9,806	10.5
Southern	7,009	579	7,588	9.4	7,639	715	8,354	9
Murray/Murrumbidgee	6,115	918	7,033	8.7	6,950	865	7,815	8.4
Western	5,740	1,997	7,737	9.6	6,907	2,296	9,203	9.9

Table 2-11: Numbers of Determinations by Region

Region	Total number of DAs and CDCs determined	Total number of DAs determined	Number of DAs determined as % of State	Total number of CDCs determined	Number of CDCs determined as % of State	Total number of s96 modifications determined
Sydney	40,547	36,821	51	3,726	41	9,538
Hunter	9,661	8,899	12	762	8	1,436
North Coast	8,266	7,054	10	1,212	13	1,213
Western	7,737	5,740	8	1,997	22	481
Southern	7,588	7,009	10	579	6	1,501
Murray/ Murrumbidgee	7,033	6,115	9	918	10	806

Table 2-12: Values of Approvals by Region

Region	Total value of DAs and CDCs approved	Total value of DAs approved	Total value of DAs approved as % of State	Total value of CDCs approved	Total value of CDCs approved as % of State	% change in total value of approvals from 2007-08
Sydney	\$13.1b	\$12.6b	68	\$497.4m	58	-12
Hunter	\$1.5b	\$1.5b	8	\$36.9m	4	-34
Southern	\$1.5b	\$1.4b	8	\$38.5m	5	8
North Coast	\$1.3b	\$1.2b	6	\$73m	9	-3
Western	\$1.1b	\$914.6m	5	\$145.4m	17	0
Murray/ Murrumbidgee	\$999.2m	\$937.2m	5	\$62m	7	-3

Most CDCs were determined in the Sydney Region and, interestingly, the Western Region ranked second highest for numbers of determined CDCs in the State. The only region which increased its CDC determinations compared with 2007-08 was the Murray / Murrumbidgee region where CDCs increased its by 6% compared with 2007-08. The Hunter Region was the only region with a significant increase in the value of determined CDCs. The value of CDCs increased by 26% for the Hunter Region compared with 2007-08.

Figures 7 to 9 show the regional breakdown of DAs and CDCs determined as well as the value of DAs.

Figure 7: Total number of DAs Determined by Region

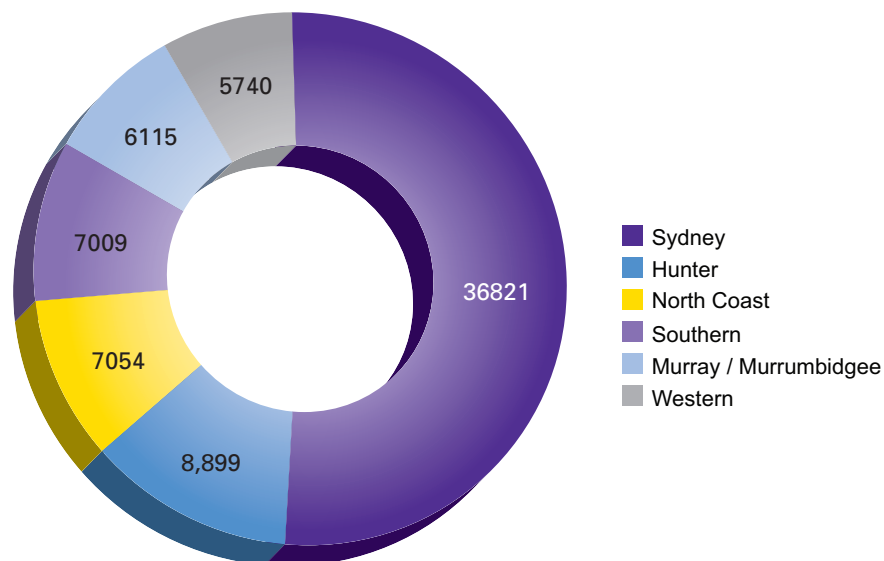


Figure 8: Total Value of DAs Approved by Region (\$ billion)

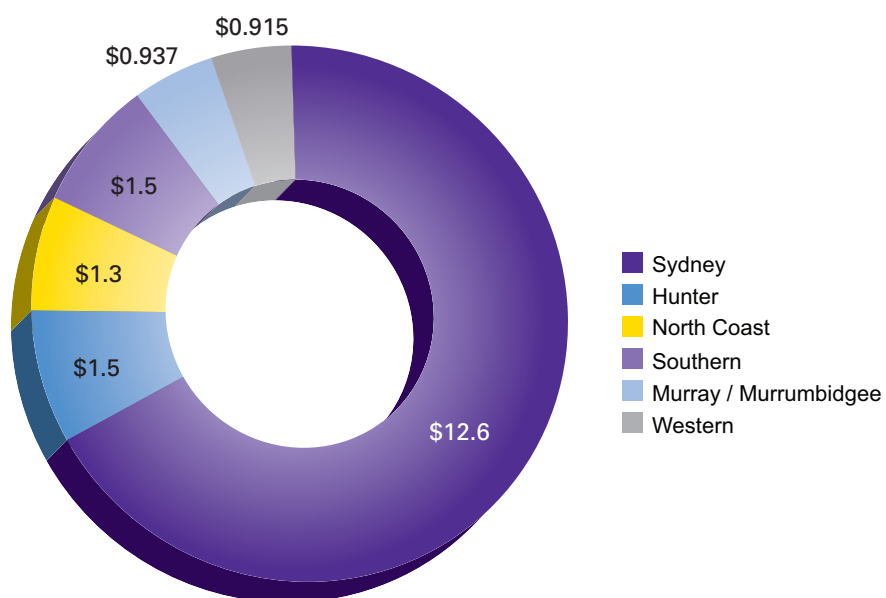
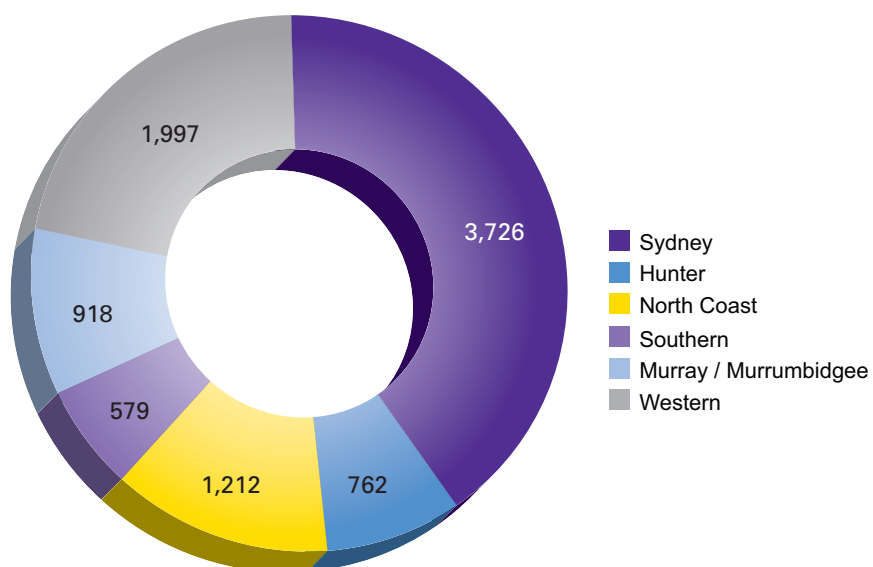


Figure 9: Total Number of CDCs Determined by Region



2.4 Council Trends

The councils with the most development determinations (DAs and CDCs) for 2008-09 are shown in **Table 2-13** below.

Sydney City, Blacktown, Lake Macquarie and Shoalhaven Councils are the top four councils for volume of determinations. These councils were all in the top councils for volume of development activity in 2007-08.

The concentration of development continues to be on the Sydney fringe, the centre of Sydney and coastal areas.

Table 2-13: Highest number of determinations (DAs and CDCs) by Local Government Area

Highest 10	Number of DAs and CDCs Determined	Number of DAs Determined	Number of CDCs Determined
Sydney City Council	2,885	2,305	580
Blacktown City Council	2,570	2,454	116
Lake Macquarie City Council	2,151	1,961	190
Shoalhaven City Council	1,805	1,716	89
Newcastle City Council	1,796	1,647	149
Wollongong City Council	1,746	1,529	217
Warringah Council	1,744	1,685	59
The Hills Shire Council	1,697	1,508	189
Gosford City Council	1,672	1,468	204
Hornsby Shire Council	1,614	1,502	112



Table 2-14 below shows the ten councils that approved the highest total value of development in 2008-09.

Sydney City Council dominates with approximately \$2.4 billion value for DAs and CDCs though this is significantly down from the \$4.1 billion for 2007-08. The economic downturn is likely to account for this fall. Most of this development is commercial / retail / office development. Of the top ten councils by DA and CDC value, Wollongong and Lake Macquarie are the only councils outside the Sydney Region.

Council	Total estimated value of DAs and CDCs approved	Total estimated value of DAs approved	Total estimated value of CDCs approved
Sydney City Council	\$2.4b	\$2.1b	\$279.5m
Warringah Council	\$652m	\$648.7m	\$3.3m
Sutherland Shire Council	\$686.6m	\$674.2m	\$12.4m
Blacktown City Council	\$592.1m	\$587.6m	\$4.5m
The Hills Shire Council	\$567.2m	\$547.9m	\$19.2m
Wollongong City Council	\$532.7m	\$513.5m	\$19.2m
Parramatta City Council	\$466.2m	\$461.3m	\$4.9m
Ku-ring-gai Council	\$294.7m	\$289m	\$5.7m
Canada Bay City Council	\$442.2m	\$439.9m	\$2.3m
Lake Macquarie City Council	\$418.5m	\$409.1m	\$9.3m

Table 2-15 shows that 43 councils, that is 28% of all NSW councils, determined more than 20% of their developments (DAs and CDCs) as complying development. Many rural and regional councils appear in Table 2-15 partly because of the relatively low levels of development in these areas. Sydney Region councils with over 20% of developments determined as complying development were Sydney, Randwick, Sutherland and Wyong Councils.

Council	Number of DAs determined	Number of CDCs determined	CDCs as % of DAs+CDCs
Coolamon Shire Council	28	60	68
Junee Shire Council	51	69	58
Port Macquarie-Hastings Council	477	606	56
Walgett Shire Council	29	35	55
Warrumbungle Shire Council	57	68	54
Murrumbidgee Shire Council	22	26	54
Uralla Shire Council	66	61	48
Coonamble Shire Council	26	22	46
Liverpool Plains Shire Council	77	64	45
Narromine Shire Council	59	43	42
Conargo Shire Council	18	13	42
Cobar Shire Council	52	37	42

Table 2-15: Local Government Areas with over 20% CDCs compared to DAs+CDCs

Council	Number of DAs determined	Number of CDCs determined	CDCs as % of DAs+CDCs
Parkes Shire Council	144	97	40
Carrathool Shire Council	27	18	40
Cootamundra Shire Council	102	65	39
Deniliquin Council	110	66	38
Orange City Council	451	259	36
Tamworth Regional Council	632	342	35
Weddin Shire Council	49	24	33
Armidale Dumaresq Council	186	90	33
Inverell Shire Council	192	92	32
Hay Shire Council	40	19	32
Kempsey Shire Council	295	128	30
Guyra Shire Council	58	25	30
Dubbo City Council	479	201	30
Jerilderie Shire Council	29	12	29
Glen Innes Severn Shire Council	161	65	29
Brewarrina Shire Council	13	5	28
Bourke Shire Council	40	15	27
Greater Hume Shire Council	162	55	25
Nambucca Shire Council	227	76	25
Shellharbour City Council	463	142	23
Berrigan Shire Council	105	32	23
Mid-Western Regional Council	369	111	23
Wentworth Shire Council	99	29	23
Sutherland Shire Council	1,226	351	22
Narrabri Shire Council	116	32	22
Tenterfield Shire Council	149	41	22
Bathurst Regional Council	499	137	22
Wyong Shire Council	1,223	317	21
Albury City Council	700	177	20
Sydney City Council	2,305	580	20
Randwick City Council	783	197	20

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

Table 2-16 shows the councils with the highest CDC determinations for 2008-09. Port Macquarie-Hastings Council had the highest number of CDCs for 2008-09. Most of the CDCs for these councils were for residential alterations and additions, although in Port Macquarie-Hastings, Tamworth, Orange and Dubbo council areas, approximately one-third of CDCs were for single new dwellings.

Council	Number of CDC determined	% Alts and Adds	% Single New Dwellings	% Commercial	% Non standard category
Port Macquarie-Hastings Council	606	68	31	1	0
Sydney City Council	580	1	0	7	92
Sutherland Shire Council	351	63	0	0	0
Tamworth Regional Council	342	70	30	0	0
Wyong Shire Council	317	82	3	7	0
Orange City Council	259	39	34	1	0
Wollongong City Council	217	2	0	4	89
Gosford City Council	204	75	0	19	0
Dubbo City Council	201	69	30	0	0
Randwick City Council	197	79	0	20	0

Notes: 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"

The Department has 14 development categories - some are not shown in the table above.

The **Source Data Tables 2-17 to 2-19** at the end of this report show the data on volume and value for all councils.

3 LOCAL DEVELOPMENT ASSESSMENT – DETERMINATION TIMES

This chapter provides information on the time taken by councils to determine DAs, s96 modifications and CDCs. Also included in this chapter is information on the time taken by State government agencies to assess DAs referred to them by councils (referral time). The time taken by applicants for development to provide further information to councils (stop-the-clock time) is also measured.

All times are measured in calendar days.

Snapshot - Determination Times		
2008-09	Description	2007-08
74	days on average were taken to process a DA by councils	74
21	councils had an average DA gross determination time in excess of 100 days	28
56	councils had an average DA gross determination time of 50 days or less	52
53	days on average were taken to process s96 modifications across all councils	58
40	% of DAs were sent to applicants for further information ('stop-the-clock'); the average time for stop-the-clock was 64 days (for 2008-09)	40
11	% of DAs were referred to external agencies; the average time for referrals was 54 days (for 2008-09)	9
131	councils determined at least one CDC	126
12	days on average were taken by councils to process CDCs	Not available
60	councils had an average gross determination time for CDCs of 10 days and under	Not available

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 it has been ordered. If the number of values in the data set is even, then the median is the average of the two middle values. The use of the median provides an alternative method of analysing the data to a 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'	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 1 for more information on how determination times were calculated.

3.1 Key Findings for 2008-09

- The mean gross determination time for DAs for 2008-09 was 74 days, exactly the same result as for 2007-08. However, the median gross determination time shows that the majority of DAs were processed in far less time – 42 days for 2008-09. There has been little change between the median time for 2007-08 (42 days) and 2008-09 (43 days).
- Like 2007-08, more than half of all councils (57%) had a median gross determination time for DAs of 40 days or less.
- Mean net determination times for DAs were very similar for 2007-08 and 2008-09 – 46 days for 2007-08 compared with 45 days for 2008-09. The median net time for DAs was 29 days for 2008-09 and 30 days for 2007-08.
- There were improvements to processing time by some councils. More councils achieved mean gross determination times for DAs of 50 days or less – 56 councils (37%) in 2008-09 compared with 52 councils (34%) in 2007-08. 82% of councils achieved median net determination times of 40 days or less compared with 77% of councils in 2007-08.
- Fewer councils had extreme processing times. Twenty one councils had a mean gross determination time for DAs of over 100 days in 2008-09 (14% of councils) compared with 28 councils (18% of councils) in 2007-08. Also, fewer councils had mean gross determination times of over 100 days for DAs valued at less than \$100,000 – 11 councils in 2008-09 compared with 14 councils in 2007-08.
- The mean determination time for CDCs was 12 days and the median time was only 6 days (based on data from 131 councils). This is significantly less than the mean determination time of 74 days for a DA, resulting in an average time saving of 62 days per development.
- Forty-six (46%) percent of councils who issued CDCs in 2008-09 had a gross mean determination time for CDCs of 10 days or less.
- Single dwellings received the largest time saving when processed as complying development – it took 64 days less on average to process a CDC for new single houses compared with DAs for this development type. In 2008-09, councils determined single new dwellings, on average, in 74 days when these developments were processed as DAs. They took only 10 days on average to determine single new dwellings as complying development. The median time taken by councils to determine single new dwellings was only 5 days for CDCs.
- Stop-the-clock applied to 40% of DAs with generally higher numbers of DAs in existing urban areas requiring STC. The need to 'stop-the-clock' to seek information added a significant amount of time (64 days on average) to the development assessment.
- There was a slight increase in the percentage of DAs which were reported as being referred – from 9% in 2007-08 to 11% in 2008-09. The average referral time was 54 days.
- The best performing councils statewide for 2008-09 based on lowest mean gross determination time for DAs included:
 1. Temora Shire Council (9 days)
 2. Urana Shire Council (10 days)
 3. Berrigan Shire Council (11 days)
 4. Hay Shire Council (16 days)
 5. Cootamundra Shire Council (17 days)
- The poorest performing councils statewide for 2008-09, based on highest mean gross determination time for DAs included:
 1. Wellington Council (203 days)
 2. Manly Council (136 days)
 3. Parramatta City Council (132 days)
 4. Hunters Hill Municipal Council (130 days)
 5. Palerang Council (130 days)
- The Sydney Region councils with mean gross DA determination times over 100 days for DAs included:
 1. Manly Council (136 days)
 2. Parramatta City Council (132 days)
 3. Hunters Hill Municipal Council (130 days)
 4. Botany Bay City Council (129 days)
 5. Canterbury City Council (112 days)
- The councils that made the greatest improvements in mean gross determination time for DAs since 2007-08 included:
 1. Urana Shire Council
 2. Harden Shire Council
 3. Coolamon Shire Council
 4. Kempsey Shire Council
 5. Upper Hunter Shire Council

- Sydney Region councils that made significant improvements in mean gross determination time for DAs since 2007-08 included councils that reported some of the highest gross determination times in 2007-08. These included:
 1. Ashfield Municipal Council
 2. Auburn Council
 3. Woollahra Municipal Council
 4. Lane Cove Municipal Council
 5. Holroyd City Council
- Councils that determined relatively high numbers of CDCs compared with DAs had relatively lower determination times for development overall. For instance, Port Macquarie-Hastings Council determined 56% of its developments as complying development and had an above average level of development. Its overall mean gross determination time (DAs and CDCs combined) was 44 days compared with 103 days when DAs are considered in isolation.



3.2 Statewide Trends

TOTAL DETERMINATION TIMES

The mean and median determination times for DAs and s96 modifications statewide for both 2008-09 and 2007-08 are shown in **Table 3-1**.

Gross time is important because this shows the total time as experienced by the “customer” ie. the applicant. Gross time is the total time the applicant waits between lodging an application and receiving the final decision. Net time attempts to measure the part of the overall (gross) time for which councils were responsible.

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

Table 3-2 combines statewide times for DAs and s96 modifications. Section 96 modifications have only a slight effect on the combined mean gross determination time for DAs and S96 modifications. Not all councils received s96 applications (see **Source Table 2-15**). Councils that did not receive s96 modification applications tended to be country councils. S96 modifications can range from requiring substantial merit assessment to correcting minor errors in the approval. Most have a far lower processing time than standard DAs.

Table 3-1: Statewide DA, s96 and CDC Determination Times

Determination Times	2008-09 (days)	2007-08 (days)
Mean gross determination times DAs only	74	74
Mean gross determination times s96 modifications only	53	58
Number of councils with mean gross determination time over 100 days	21	28
Number of councils with mean gross determination time 50 days or less	56	52
Number of councils with mean gross determination time over 100 days for applications valued <\$100,000 (DAs only)	11	14
Mean net determination times DAs only	45	46
Median gross determination times DAs only	42	43
Median net determination times DAs only	29	30
Mean determination time - council determined CDCs only	12	Not available
Number of councils with mean CDC determination time 10 days or less	60	Not available
Number of councils with mean CDC determination time over 10 days	66	Not available
Median determination time - council determined CDCs only	6	Not available
Number of councils that provided valid council determined CDC determination times	126	Not available

Note: Determination times for CDCs were not collected for 2007-08

Table 3-2: Statewide Determination Times

Determination Times	2008-09	2007-08
Mean gross determination times DAs + s96 modifications	71	72
Number of councils with mean gross determination time over 100 days (DAs+s96 modifications combined)	13	17
Number of councils with mean gross determination time 50 days or less (DAs only)	56	52
Number of councils with mean gross determination time over 100 days for applications valued <\$100,000 (DAs only)	11	14

For 2008-09, Statewide results for DA determination times were the same or very similar to 2007-08. However, notable improvements in processing time were achieved by some councils.

Despite the fall in development, the mean gross determination time for DAs for 2008-09 was 74 days, exactly the same result as for 2007-08. However, the median gross determination time shows that the majority of DAs were processed in far less time – 42 days for 2008-09. There has been little change between the median time for 2007-08 (42 days) and 2008-09 (43 days).

Like 2007-08, more than half of councils (57%) had a median gross determination time for DAs of 40 days or less (see **Source Table 3-19**).

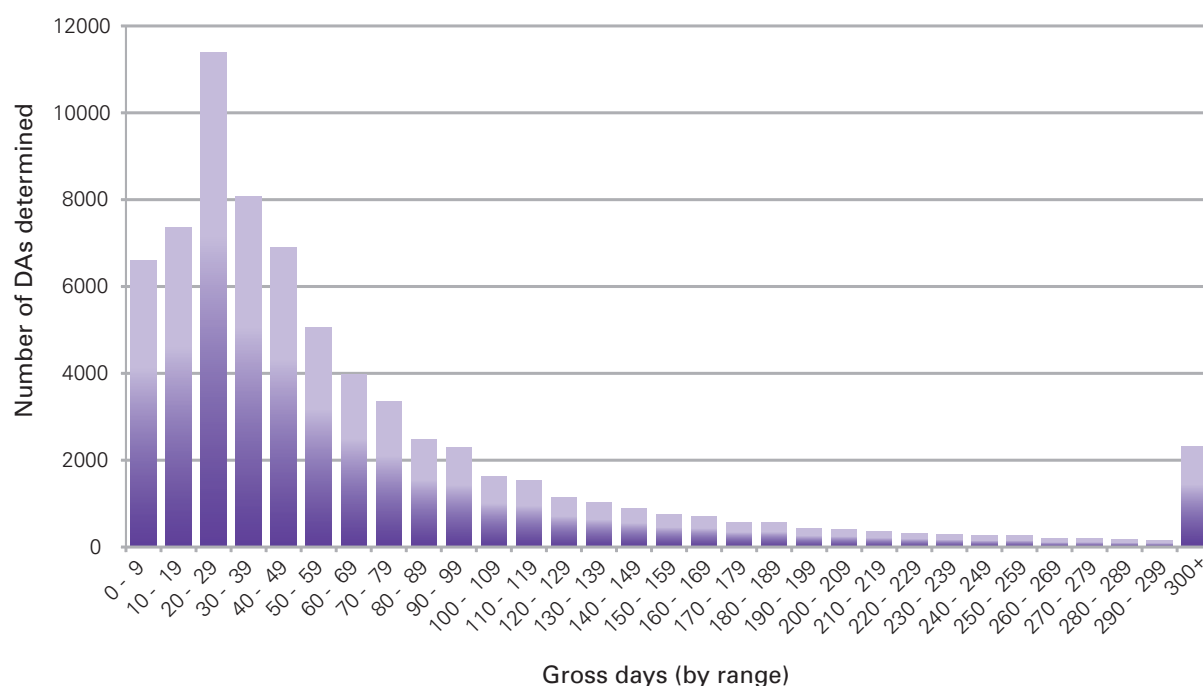
Mean net determination times for DAs were very similar for 2007-08 and 2008-09 – 46 days for 2007-08 compared with 45 days for 2008-09. The median net time was 29 days for 2008-09 and 30 days for 2007-08.

There were improvements to processing time by some councils, with fewer councils with extreme processing times. Twenty one councils had a mean gross determination time for DAs of over 100 days in 2008-09 (14% of councils) compared with 28 councils (18% of councils in 2007-08). Also, fewer councils had mean gross determination times over 100 days for DAs valued at less than \$100,000 – 11 councils in 2008-09 compared with 14 councils in 2007-08.

There were also more councils achieving mean gross determination times for DAs of 50 days or less – 56 councils (37%) in 2008-09 compared with 52 (34%) in 2007-08. And 82% of councils achieved median net determination times of 40 days or less compared with 77% in 2007-08.

Figure 10 shows the distribution of mean gross determination times for DAs. While the bulk of DAs were determined in 60 days or under, there is a significant ‘tail’ of DAs that took much longer to process. This tail contributed to mean times that are much higher than the median times.

Figure 10: Number of DAs by assessment time



A new feature for the Local Development Performance Monitoring Program is reporting on CDC determination times. The Government is placing more emphasis on determining greater numbers of development under the complying development assessment process.

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

This year’s report only discusses determination times for complying development where councils determined the application. While both councils and accredited (private) certifiers can issue CDCs, due to substantial amounts of missing data on lodgement dates for certificates issued by accredited certifiers, determination times for CDCs issued by accredited certifiers are not included. Accredited certifiers determined 44% of CDCs in 2008-09

On the other hand, councils have been recording the number of CDCs issued by accredited certifiers. This means that the data set used in Chapter 2 on the number of CDCs determined is larger than the data set used in this chapter on CDC determination times – Chapter 2 includes all valid CDC records on CDCs determined by councils *and* accredited certifiers; Chapter 3 includes determination times only for valid CDC records where councils were the determination body.

Because of the aim of increasing the uptake of complying development, it will be important to collect monitoring data on determination times for complying development.

Accredited 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 and the date the application was determined. This information is for the public record and also assists councils to enforce development approvals. It is clear from council records and advice that many accredited certifiers are not sending councils complete records despite their statutory obligation. In other cases, accredited certifiers are providing this information but some councils are not recording date lodged and 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. The mean determination time for CDCs was 12 days and the median time was only 6 days (based on data from 131 councils). This is significantly less than the mean determination time of 74 days for a DA, resulting in an average time saving of 62 days per development.

Just over half of the councils (51%) that determined CDCs had a gross mean determination time for CDCs of 10 days or less.

Taken together with the results discussed in Chapter 2, this data demonstrates that homeowners across more areas of the State are benefiting from significant time and cost savings as a result of the complying development process.

STOP-THE-CLOCK AND REFERRAL TIMES

The stop-the-clock (STC) and referral times shown in **Table 3-3** are based on data from 138 of the 152 councils ie. 138 stated that they had at least one STC occurrence on at least one DA during 2008-09. On average, 40% of DAs involved at least one STC occurrence, with generally higher numbers of DAs in existing urban areas requiring STC (see **Source Table 3-24**).

STC time ranged from one day to 2,710 days with an average of 64 days. Based on anecdotal

information, the extreme STC values are often where applications are lodged with inadequate information, dormant for a lengthy period and eventually 'closed off' by the council with a formal rejection or withdrawal by the applicant.

It is clear that in many cases STC continues to make a major contribution to increasing determination times. Even when extreme STC times are removed, the median STC time in 2008-09 was 30 days, only slightly less than in 2007-08.

113 of the 152 councils reported that there was at least one referral for determined DAs during 2008-09. Referral times ranged from one day to 2,401 days with an average of 54 days. This was five days more than the average time taken by State agencies in 2007-08. Extreme referral times may be due to lack of responses from State agencies in some circumstances.

There was a slight increase in the percentage of DAs which were reported as being referred – from 9% in 2007-08 to 11% in 2008-09. When extreme referral times are removed the median referral time for 2008-09 was 28 days, the same result as for 2007-08 and 2006-07.

Record keeping on referrals in particular may have been incomplete. Three councils stated that they did not keep records on referrals in 2008-09 compared with four in 2007-08. The effects of *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008*, which came into effect in December 2008, may not have been fully felt. The SEPP includes savings provisions which ensure it does not apply to DAs which had been lodged before the SEPP came into effect.

The Department of Planning will continue to monitor referrals carefully. It has introduced the collection of summary information from State agencies on referrals and their processing time. This information will allow the Department to conduct more detailed analysis of issues with referrals which can inform planning reforms. This summary information will be reported in the 2009-10 Local Development Performance Monitoring report.

Table 3-3: Statewide stop-the-clock and referral times

Determination Times	2008-09	%	2007-08	%
Mean time (days) spent waiting for further information on DAs from applicant ('stop-the-clock')	64	40	63	40
Mean time (days) spent by referral agencies assessing DAs	54	11	49	9
Median time (days) spent waiting for further information on DAs from applicant ('stop-the-clock')	30	40	32	40
Median time (days) spent by referral agencies assessing DAs	28	11	28	9
Number of councils that reported referral time	113		118	
Number of councils that reported stop-the-clock time	138		142	

Notes: The mean times for stop-the-clock and referral are based on DAs with stop-the-clock or referral events, not all DAs. For instance, for 2008-09, 40% of DAs had stop-the-clock and 11% had referrals. The mean stop-the-clock time of 64 days was calculated by using the stop-the-clock data for these 40% of DAs.

The percentage figures are the percentages of DA records determined that had either stop-the-clock or referral time.

DETERMINATION TIMES BY VALUE AND DEVELOPMENT TIME

Tables 3-4 and **3-5** and Figure 9 show that, generally, gross determination times, STC and referral times all increased with the value of the development.

In 2008-09 it took an average of 60 days in total to process DAs of less than \$100,000 in value. The average net determination time for DAs under \$100,000 in value was 39 days. Table 3-7 shows that, for CDCs of the same value, the mean gross determination time was 11 days, 49 days less on average than it took to process DAs of this value.

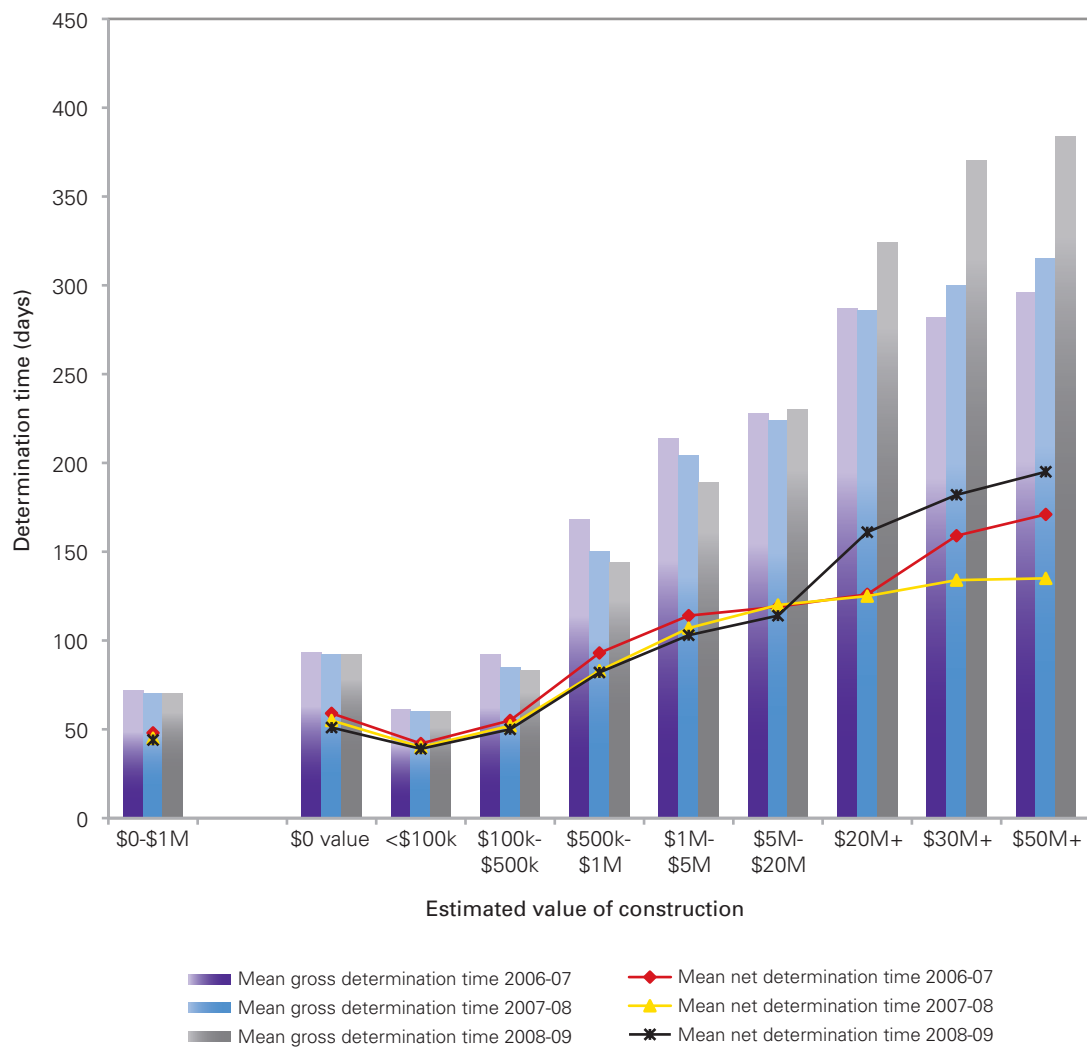
CDCs are for low-impact routine development proposals, however, it is clear that if more developments are processed as complying development, significant time and cost savings can be achieved.

The mean gross determination time for DAs with no construction cost was high at 92 days. The net time for these DAs was 50 days. Despite having no construction cost, some of these developments would be major proposals such as large subdivisions and other matters that require strategic planning consideration and may require referral to State agencies.

The mean gross determination time for CDCs with no construction cost was 22 days. These developments would include change of use where no construction is involved. It should be noted that CDCs are not referred to State agencies.

As shown in Figure 11, mean gross DA determination times have improved between 2006-07 and 2008-09 for all construction value categories except very high values of \$20 million or more. The biggest falls in determination time over this period have been for development value groups of \$500,000 to \$1 million and \$1 million to \$5 million.

Figure 11: DA Determination times by value 2006-07 to 2008-09



Note: STC and referral times are not displayed in the Figure 9 because if STC and referral times overlap their sum may be greater than the actual amount of time that the council could not progress the application.

The median DA determination time figures in **Table 3-5** also show fairly stable determination times since 2007-08 except for developments over \$20 million in value.

Table 3-4: Statewide DA mean determination times by value 2008-09 and 2007-08

Value	Gross determination time		Net determination time		Stop-the-clock time		Referral time	
	2008-09	2007-08	2008-09	2007-08	2008-09	2007-08	2008-09	2007-08
\$0 Value	92	92	50	55	107	94	89	68
Under \$100K	60	60	39	40	57	55	52	43
\$100K -under \$500K	83	85	50	52	62	62	45	41
\$500K -under \$1m	144	150	81	83	92	96	67	77
Under \$1m	70	70	44	45	61	60	50	44
\$1m-under \$5m	189	204	102	107	120	131	89	106
\$5m -under \$20m	230	224	113	120	157	140	106	110
\$20m+	324	286	157	125	188	235	137	170
\$30m+	370	300	178	134	221	266	146	198
\$50m+	384	315	195	135	220	302	143	167

Notes:

1. Mean stop-the-clock 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. 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 time shown in the above table.





Table 3-5: Statewide DA median determination times by value 2008-09 and 2007-08

Value	Gross determination time		Net determination time		Stop-the-clock time		Referral time	
	2008-09	2007-08	2008-09	2007-08	2008-09	2007-08	2008-09	2007-08
\$0 Value	42	45	26	29	41	42	45	43
Under \$100K	35	35	26	27	25	26	26	26
\$100K -under \$500K	55	57	35	35	34	36	25	26
\$500K -under \$1m	104	105	61	60	53	56	36	46
Under \$1m	42	42	29	29	29	31	26	27
\$1m -under \$5m	146	148	75	74	71	82	54	56
\$5m -under \$20m	169	173	76	79	103	83	70	74
\$20m+	244	192	99	89	139	128	110	126
\$30m+	259	201	119	91	159	126	113	149
\$50m+	259	223	119	89	110	100	124	133

Notes:

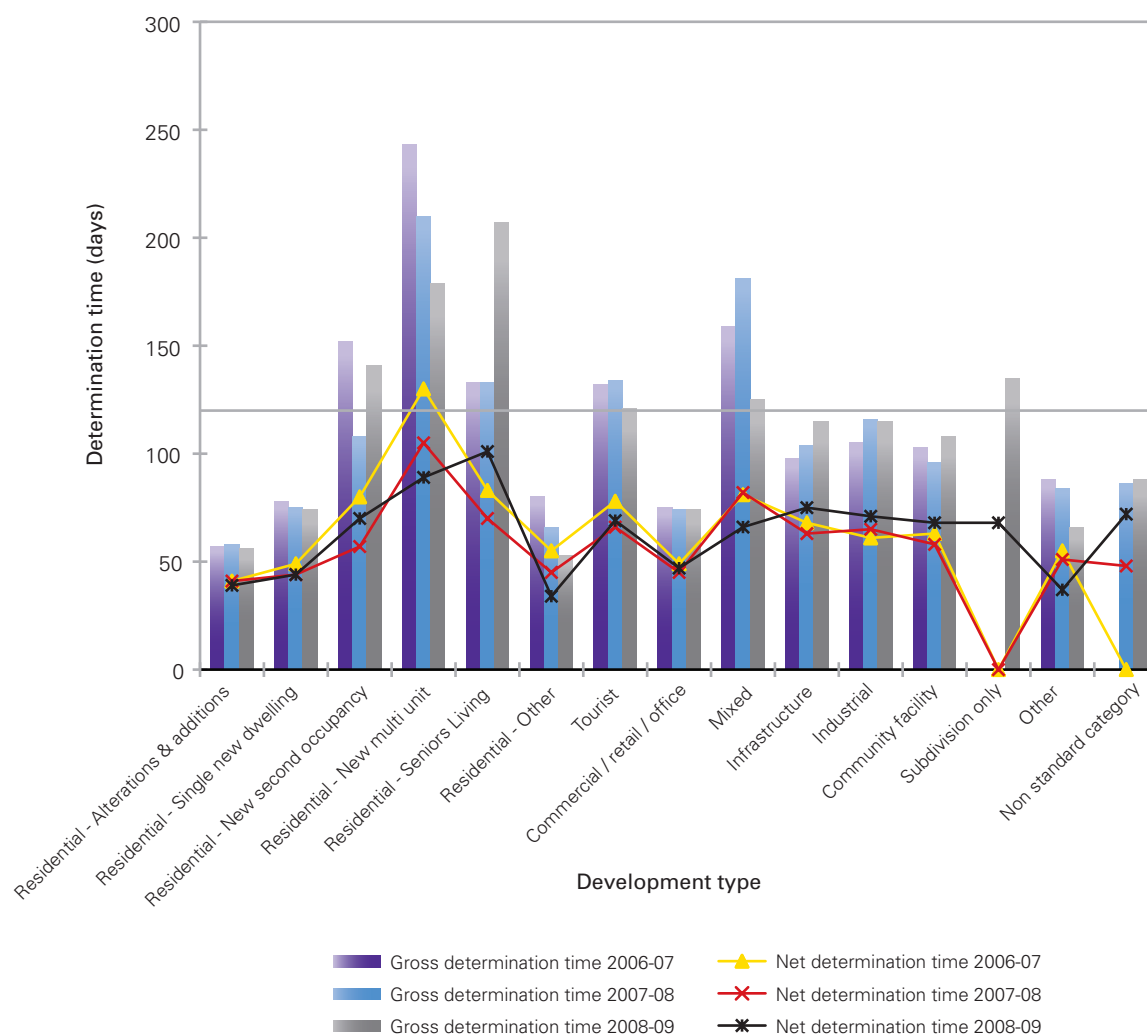
1. Median stop-the-clock times are only for DAs where STC occurred.
2. Median referral times are only for DAs where referral occurred.

Table 3-6 shows the mean gross and net determination times as well as mean STC and referral times by development category for 2008-09. **Table 3-7** shows determination times for selected development categories for CDCs determined by councils. Complying development generally applies to a more limited range of development compared with DAs ie. predominantly residential development and some commercial development.

These tables show that residential single dwellings in particular received the largest time saving when processed as complying development – on average it took 64 days less to process a CDC for new single houses compared to an equivalent DA process. It took on average 10 days to process a CDC in 2008-09 for single new dwellings and only 5 days median time. This compares with an average council determination time for single new dwellings of 74 days when these developments were processed as DAs. Over 1,000 CDC applications for single new dwellings were determined as complying development in 2008-09 (see **Table 2-8**).

Figure 12 and **Table 3-6** show the determination time for different DA development types since 2006-07. New multi-unit residential developments took more than 100 days to process. Other developments such as new second occupancies, tourist, mixed use and industrial development, had mean gross determination times of 100 days or more since 2006-07. These results will continue to be monitored as the impacts of the complying development codes and other planning reforms are felt. It is intended that with more developments being determined as complying development (such as residential alterations and additions and single new dwellings), determination times for other developments will fall as council staff time is freed up to assess more complex developments.

Figure 12: DA determination time by development category 2006-07 to 2008-09



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

Table 3-6: Statewide mean DA determination time by development category 2008-09

Category	Gross determination time	Net determination time	Stop the clock time	Referral time
1. Residential - Alterations & additions	56	39	44	32
2. Residential - Single new dwelling	74	44	56	42
3. Residential - New second occupancy	141	70	99	66
4. Residential - New multi unit	179	89	120	75
5. Residential - Seniors Living	207	101	165	111
6. Residential - Other	53	34	48	51
7. Tourist	121	69	107	79
8. Commercial / retail / office	74	47	64	56
9. Mixed	125	66	104	113
10. Infrastructure	115	75	80	57
11. Industrial	115	71	82	67
12. Community facility	108	68	80	60
13. Subdivision only	135	68	121	97
14. Other	66	37	93	64
15. Non standard category	88	72	57	59

Notes:

1. Mean stop-the-clock times are only for DAs where STC occurred.
2. Mean referral times are 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 time shown in the above table.

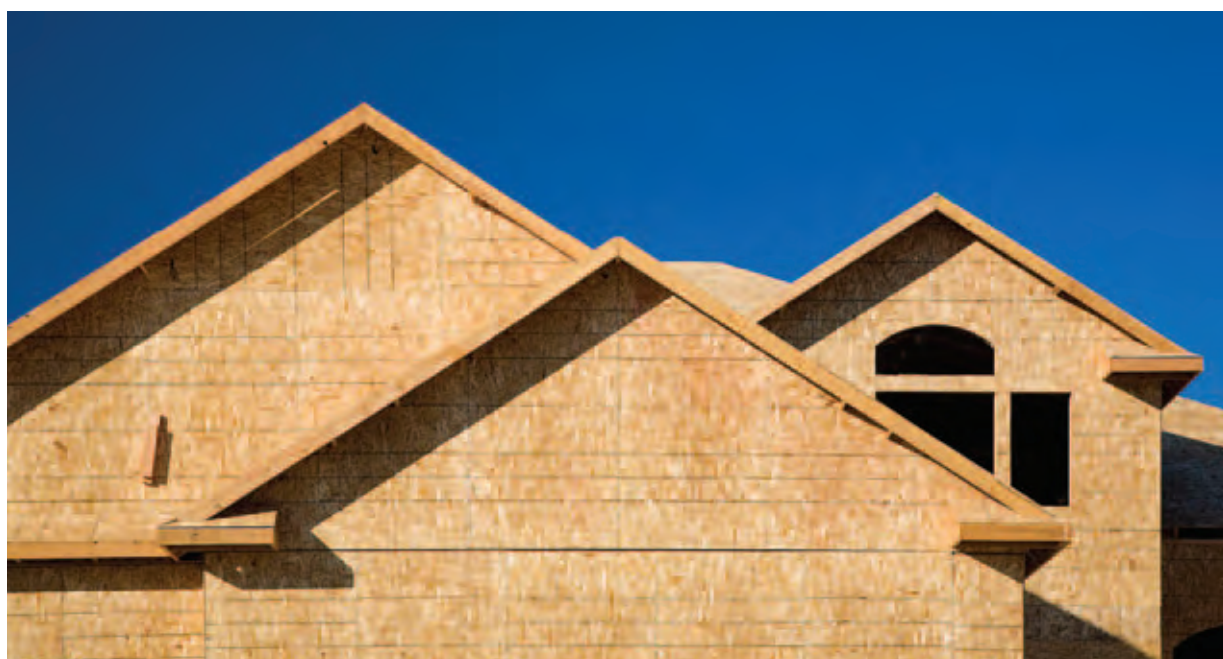


Table 3-7: Statewide CDC times by value 2008-09

Value range	Mean gross determination time	Median gross determination time	Number of valid council CDC records
\$0 Value	22	7	157
Under \$100K	12	6	4,075
\$100k-under \$500K	10	5	715
\$500k-under \$1m	11	8	14
Under \$1M	12	6	4,804
\$1M and over	21	7	10

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.

Table 3-8: Council CDC determination times by development category

Category	Mean gross determination time	Median gross determination time	Number of council issued CDC
Residential - Alterations & additions	11	6	3,147
Residential - Single new dwelling	10	5	608
Commercial / retail / office	15	9	193

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.



3.3 Council Trends

Though the average gross determination time for DAs was 74 days, determination times varied considerably across the State, ranging from 9 days mean gross determination time (Temora) to 203 days (Wellington).

Metropolitan area councils dominated the list of the councils with the highest determination time with a few exceptions. Wellington Council's mean gross determination time for DAs of 203 days was the highest mean gross determination time for the State in 2008-09, 46% higher than Wellington's result for 2007-08. Since Wellington is a western NSW council with only 115 DAs determined in 2008-09, this result is unusual. This is the result of high determination times and low volume of DAs. Their median gross determination time was considerably lower – 95 days.

Wellington Council explained that many of the DAs determined during 2008-09 had been delayed as landholders were consulted on the removal of rights to subdivide land as rural concessional lots.¹

Council	2007-08	2008-09	Percent change
Wellington Council	139	203	46
Manly Council	136	136	0
Parramatta City Council	130	132	1
Hunters Hill Municipal Council	149	130	-13
Palerang Council	117	130	11
Botany Bay City Council	125	129	3
Kiama Municipal Council	87	117	34
Canterbury City Council	113	112	-1
Wollongong City Council	76	111	46
Tweed Shire Council	103	110	7
Leichhardt Municipal Council	117	110	-6
Waverley Council	104	108	4
Mosman Municipal Council	102	108	6
Marrickville Council	137	108	-21
Kyogle Council	117	107	-8
Bellingen Shire Council	102	105	3
Bega Valley Shire Council	63	103	63
Port Macquarie-Hastings Council	73	103	41
Eurobodalla Shire Council	82	101	23
Cessnock City Council	88	101	14
Nambucca Shire Council	123	100.4	-19

Table 3-9 shows that 21 councils had over 100 days mean gross determination time for DAs for 2008-09. In 2007-08, 28 councils had mean gross determination times of over 100 days.

¹ Concessional lot provisions traditionally allowed the creation of one or more small rural residential lots within a much larger farm. In May 2008 State Environmental Planning Policy (Rural Lands) 2008 was introduced, on the recommendation of the Central West Rural Lands Panel, to remove the ability to subdivide concessional lots if permitted by local planning controls.

While a few of these councils had far better times in 2007-08, it is pleasing to see that many councils who had over 100 days mean gross determination time in 2007-08 have made significant improvements in their performance. These councils include metropolitan councils such as Ashfield, Holroyd, Woollahra, Strathfield, Blue Mountains and North Sydney.

The council with the highest mean gross determination time in 2007-08, Ashfield Council with 160 days, decreased its mean gross determination time by 42% for 2008-09 to 93 days (see **Table 3-14**).

Tables 3-10 and **3-11** and **Figure 13** provide some breakdown of determination times for the councils with the highest mean gross determination time.

Table 3-10: Ten highest reporting councils mean gross DA determination time - by value

Council	Mean Gross - DAs only	<\$100k	>\$100k	\$100k - \$500k	\$500k - \$1m	<\$1m	\$1m - \$5m	\$5m - \$20m	>\$20m
Wellington Council	203	187	261	270	51	203			
Manly Council	136	114	156	140	197	132	171	585	
Parramatta City Council	132	99	182	162	212	124	262	208	195
Hunters Hill Municipal Council	130	93	157	149	159	126	214		
Palerang Council	130	134	120	112	95	127	389		214
Botany Bay City Council	129	117	152	121	223	122	171	287	420
Kiama Municipal Council	117	77	186	133	346	106	765	139	
Canterbury City Council	112	85	158	137	235	107	273	283	391
Wollongong City Council	111	83	160	135	208	104	346	243	616
Tweed Shire Council	110	101	124	101	125	102	272	497	330

Table 3-11: Ten highest reporting councils - times and values

Council	Mean Gross Time - DAs only	Estimated Value of DAs Determined	Estimated Value of DAs Approved	Mean Stop-the-clock time (days)	Mean Referral time (days)
Wellington Council	203	\$7.1m	\$6.8m	134	
Manly Council	136	\$134.3m	\$124.3m	44	49
Parramatta City Council	132	\$524.8m	\$461.3m	102	75
Hunters Hill Municipal Council	130	\$46.9m	\$42.6m	62	
Palerang Council	130	\$67.3m	\$59.8m	89	120
Botany Bay City Council	129	\$213.5m	\$212.9m	96	85
Kiama Municipal Council	117	\$72.4m	\$52.4m	195	15
Canterbury City Council	112	\$181.3m	\$177.7m	61	28
Wollongong City Council	111	\$539.1m	\$513.5m	134	113
Tweed Shire Council	110	\$290.1m	\$281.4m	96	

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

Figure 13. Components of mean determination times

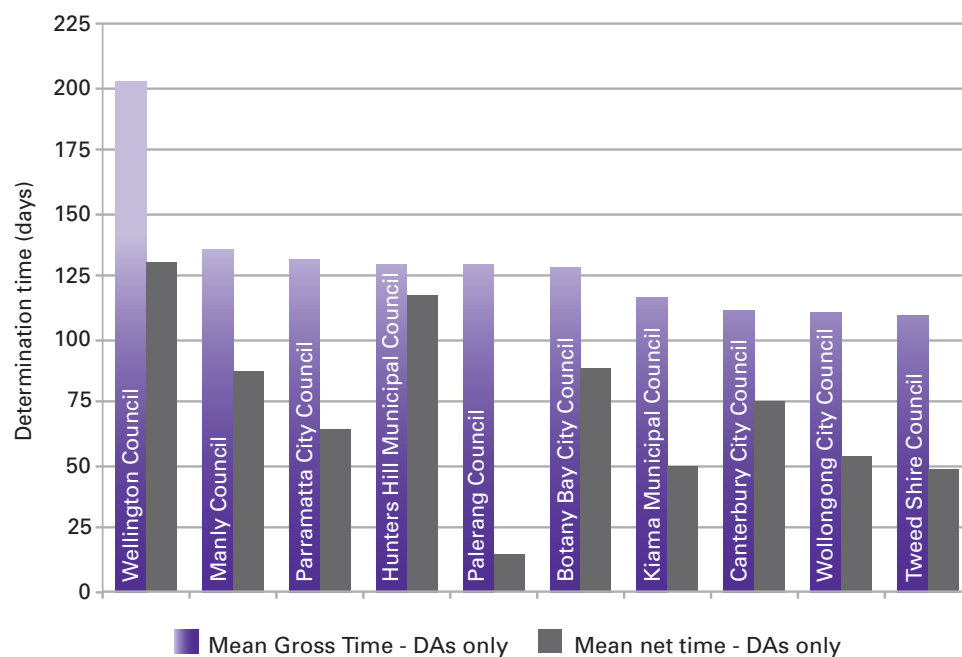


Table 3-12 shows the average time taken by councils to determine development – DAs and CDCs are considered together. As council performance is being considered in this table, CDCs issued by accredited private certifiers are not included (in any case, determination times for these CDCs are not available for 2008-09).

This table shows that councils who determined relatively high numbers of CDCs compared with DAs reduced their overall development determination times significantly. They may still have higher DA determination times. For instance more complex developments are likely to undergo merit assessment, but their overall development times are vastly improved.

A good example is Port Macquarie-Hastings Council. This council determined 56% of its developments as complying development and has an above average level of development (the average number of developments determined by a council in 2008-09 whether DA or CDC was 532). Its overall mean gross determination time (DAs and CDCs combined) was 44 days compared with 103 days when DAs are considered in isolation.

**Table 3-12: The effect of assessment mode on determination time
- DAs and CDCs determined by councils**

Council	Number of CDCs determined 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	556	103	44	447	557
Tamworth Regional Council	252	73	55	632	252
Sutherland Shire Council	226	72	63	1,217	226
Wyong Shire Council	149	51	47	1,223	151
Wagga Wagga City Council	145	80	69	850	152
Albury City Council	126	28	25	700	126
Randwick City Council	125	77	69	783	125
Bankstown City Council	111	86	78	966	111
Bathurst Regional Council	101	31	26	480	101
Camden Council	98	52	49	1,220	100

On the other hand, **Table 3-13** shows the ten councils with the highest mean gross times for DAs and CDCs for residential alterations and additions and new single dwellings valued under \$500,000. These councils made very little use of complying development for these development types in 2008-09

Table 3-13: 10 highest reporting councils 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
Wellington Council	180	79	62	9	6
Manly Council	132	103	289	0	1
Willoughby City Council	104	79	441	4	17
Leichhardt Municipal Council	104	82	365	6	24
Botany Bay City Council	102	88	152	0	0
Palerang Council	102	74	216	0	0
Marrickville Council	102	81	304	4	13
Parramatta City Council	98	81	374	5	18
Waverley Council	98	73	470	1	5
North Sydney Council	97	75	190	2	3

Most councils achieved mean gross determination times for CDCs of 10 days or less (51% of councils that recorded at least one CDC) (see **Source Data Table 3-29**). Average CDC determination times for councils ranged from 1 day to 134 days.

A few councils have pointed out that their more lengthy determination times for CDCs were due to waiting for further information from the applicant. While it is possible to reject or refuse these applications, some councils prefer not to where more information could be provided.

Table 3-14 shows the 10 councils that reported the lowest average determination times and, as expected, the value of these DAs was also low. All councils were in rural areas.

Table 3-14: Ten lowest reporting councils - mean gross DA determination time

Council	Mean Gross Time - DAs only	Estimated Value of DAs Determined	Estimated Value of DAs Approved
Temora Shire Council	9	\$10.4m	\$10.4m
Urana Shire Council	10	\$1.8m	\$1.8m
Berrigan Shire Council	11	\$13m	\$13m
Hay Shire Council	16	\$2.4m	\$2.4m
Cootamundra Shire Council	17	\$5m	\$5m
Coolamon Shire Council	17	\$1.4m	\$1.4m
Bourke Shire Council	19	\$1.9m	\$1.9m
Bland Shire Council	19	\$4.3m	\$4.3m
Central Darling Shire Council	20	\$0.6m	\$0.6m
Murrumbidgee Shire Council	20	\$0.3m	\$0.3m

Table 3-15 shows those councils that achieved the greatest reduction to their mean gross determination times. The only Sydney Region council in this group is Ashfield Council. **Table 3-16** shows the top ten Sydney Region councils that improved their mean gross determination times in 2008-09. Some significant improvements have been made by these councils.

Table 3-15: Top Ten Improvers

Council	Mean Gross DAs only (2007-08)	Mean Gross DAs only (2008-09)	Estimated Value of DAs Approved	Mean Gross Time % Change
Urana Shire Council	26	10	\$2m	-60
Harden Shire Council	109	48	\$10m	-56
Coolamon Shire Council	39	17	\$1m	-55
Kempsey Shire Council	100	47	\$51m	-54
Upper Hunter Shire Council	93	48	\$24m	-49
Warren Shire Council	70	36	\$1m	-48
Bland Shire Council	34	19	\$4m	-43
Ashfield Municipal Council	160	93	\$44m	-42
Berrigan Shire Council	19	11	\$13m	-40
Bombala Council	46	29	\$1m	-37

Table 3-16: Top ten improvers Sydney Region

Council	Mean Gross DAs only (2007-08)	Mean Gross DAs only (2008-09)	Estimated Value of DAs Approved	Mean Gross Time % Change
Ashfield Municipal Council	160	93	\$44m	-42
Auburn Council	146	97	\$217m	-33
Woollahra Municipal Council	115	86	\$321m	-25
Lane Cove Municipal Council	92	68	\$86m	-25
Holroyd City Council	125	96	\$188m	-23
Marrickville Council	137	108	\$74m	-21
Warringah Council	89	71	\$649m	-21
Strathfield Municipal Council	105	85	\$47m	-20
Ku-ring-gai Council	68	55	\$289m	-20
Rockdale City Council	99	81	\$232m	-17

The ten councils, most in rural areas, that reported the lowest mean gross time for DAs relating to residential alterations and additions are shown in **Table 3-17**. 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 3-17: Lowest ten reporting councils mean gross DA determination time - residential alterations and additions

Council	Residential alterations and additions	Single - residential
Junee Shire Council	1	12
Temora Shire Council	3	10
Berrigan Shire Council	5	9
Urana Shire Council	6	8
Liverpool Plains Shire Council	9	30
Hay Shire Council	10	13
Bourke Shire Council	12	24
Brewarrina Shire Council	13	18
Bogan Shire Council	14	58
Lockhart Shire Council	14	28

The number of councils where the mean gross determination time for residential alterations and additions was over 100 days has dropped from 15 in 2006-07 to nine for 2007-08 and seven for 2008-09 (**Table 3-18**).

Table 3-18: Councils with mean gross DA determination time over 100 days - residential alterations and additions

Council	Residential alterations and additions	Single - residential
Manly Council	139	171
Willoughby City Council	110	178
North Sydney Council	109	
Mosman Municipal Council	108	163
Leichhardt Municipal Council	106	201
Waverley Council	103	184
Marrickville Council	101	202

Table 3-19 shows the 23 councils that had mean gross determination times for commercial / retail / office development of over 100 days. In 2007-08, 30 councils fell into this category and 33 councils in 2006-07.

Table 3-19: Councils with mean gross DA determination time over 100 days - commercial / retail / office	
Council	Commercial/retail/office
Coffs Harbour City Council	322
Upper Lachlan Shire Council	314
Palerang Council	185
Nambucca Shire Council	174
Blue Mountains City Council	167
Tweed Shire Council	166
Bellingen Shire Council	158
Singleton Council	149
Kiama Municipal Council	139
Parramatta City Council	130
Wollongong City Council	130
Byron Shire Council	126
Wagga Wagga City Council	123
Warringah Council	123
Gwydir Shire Council	119
Dungog Shire Council	117
Port Macquarie-Hastings Council	114
Wollondilly Shire Council	113
Botany Bay City Council	112
Walcha Council	111
Cessnock City Council	111
Wingecarribee Shire Council	110
Canterbury City Council	107

Table 3-18 shows that while assessment times for DAs involving residential alterations and additions and single new dwellings were significantly higher in metropolitan councils (as expected due to the proximity of properties and the potential adverse impacts of development), the same does not hold true for determinations for commercial / retail / office development. **Table 3-19** shows that determination times in the metropolitan areas for commercial / retail / office DAs were similar to those in regional centres.

Table 3-20 shows mean gross determination time for commercial / retail / office development for all Sydney councils with commercial development.

Table 3-20: Mean gross DA determination time commercial/retail/office development - Sydney Region

Council	Gross Days	DLG Code
Willoughby City Council	27	2
Liverpool City Council	36	7
Ku-ring-gai Council	36	3
Burwood Council	37	2
Ryde City Council	46	3
Lane Cove Municipal Council	53	2
Bankstown City Council	55	3
Sydney City Council	55	1
North Sydney Council	61	2
Pittwater Council	63	2
Woollahra Municipal Council	63	2
Rockdale City Council	64	3
Mosman Municipal Council	68	2
Camden Council	69	6
Wyong Shire Council	70	7
Waverley Council	70	2
Blacktown City Council	74	3
Penrith City Council	75	7
Leichhardt Municipal Council	75	2
Sutherland Shire Council	75	3
Randwick City Council	77	3
Canada Bay City Council	77	3
Marrickville Council	78	3
Ashfield Municipal Council	79	2
The Hills Shire Council	80	7
Auburn Council	83	3
Campbelltown City Council	84	7
Hurstville City Council	85	3
Strathfield Municipal Council	86	2
Manly Council	86	2
Gosford City Council	86	7
Fairfield City Council	87	3
Holroyd City Council	88	3
Hawkesbury City Council	91	6
Kogarah Municipal Council	97	2
Hornsby Shire Council	97	7
Canterbury City Council	107	3
Botany Bay City Council	112	2
Wollondilly Shire Council	113	6
Warringah Council	123	3
Parramatta City Council	130	3
Blue Mountains City Council	167	7

The **Source Data Tables 3-21** and **3-29** at the end of this report show the data on determination times for all councils.

4

EXERCISE OF DEVELOPMENT AUTHORITY / DELEGATIONS

This chapter provides information on the number and proportion of DAs determined by councillors, council staff under delegation, or by another body or panel such as an Independent Hearing and Assessment Panel (IHAP).

These indicators provide insight into the governance of the development assessment process. They show whether delegations to officers or other independent panels / bodies are being used to manage determination times and the quality of outcomes.

Snapshot - Development Authority/Delegations 2008-09

2008-09		2007-08
3.8	% of DAs on average were determined by councillors	3.6
95.8	% of DAs on average were determined by council staff	95.9
0.02	% of DAs on average were determined by IHAPs	0.1
97	% of DAs were approved	97
3	% of DAs were refused	3

4.1 Key Findings for 2008-09

- The percentage of determinations in NSW made by elected representatives in 2008-09 was low – only 3.8% of all applications. This percentage was virtually the same in 2007-08 (3.6%).
- 96% of all determinations in 2008-09 in NSW were determined by council professional staff under delegation from the council, a similar proportion to 2007-08.
- Only one council reported determinations by IHAP / independent panels. Only 0.3% of determinations were by other determination bodies in 2008-09.
- 15 councils delegated 100% of all determinations to professional staff in 2008-09.
- 43 councils delegated more than 98% of all determinations to professional staff in 2008-09.
- Compared with 2007-08, more councils recorded reduced use of delegations. Thirteen councils increased their proportion of delegations to staff by 5 percent or more. Twenty councils reduced their proportion of delegations to staff by 5 or more percent.



4.2 Statewide Trends

Table 4.1 shows the percentage of determinations made throughout NSW by either elected representatives, professional staff under delegation or by independent hearing and assessment panels or other determination bodies. On average only a very small minority of applications were referred to councillors for determination with the majority (96%) being determined under delegation by council professional staff.

The percentage of determinations made by elected representatives has remained quite stable over the last three years – 4.4% of DA determinations in 2006-07, 3.6% in 2007-08 and 3.8% in 2008-09.

Only Warringah reported that an independent panel determined DAs in 2008-09. It should be noted that a number of councils would use independent panels to advise on development proposals.

Table 4-1: Statewide summary of delegations

	2008-09	2007-08
Councillors (full council or council committee) as % of all DA determinations	3.8	3.6
Staff (individual, staff committee) as % of all DA determinations	95.8	95.9
IHAP or independent panel as % of all DA determinations	0.02	0.1
Other as % of all DA determinations	0.3	0.4
Number of reporting councils	152	152

Notes 1. "Other" includes committees which are not IHAPs and contain a mix of councillors and council staff.

Table 4.2 below sets out the number of development applications determined in NSW in 2007-08 and 2008-09 and the percentage of DAs approved.

Table 4-2: Statewide proportion of DAs approved and refused

	2008-09	2007-08
DAs determined	71,638	82,404
DAs approved	69,340	80,104
DAs approved as % of determined	97	97

The data indicate that the percentage of determinations approved was high (97%) and has remained stable for the last three years.

4.3 Council Trends

While the proportion of determinations made in NSW in 2008-09 by elected representatives and professional staff under delegation was 3.8% and 95.8% respectively, some councils referred a much higher proportion of applications to councillors for determination.

Tables 4.3 and 4.4 below show the councils with the highest percentage of applications referred to councillors for determination and hence representing the lowest use of delegation to professional staff.

Table 4-3: Ten regional councils with highest percentage of determinations by councillors

Council	Councillors (as % of all DAs determined)	DLG Code
Junee Shire Council	58.8	10
Warren Shire Council	40.7	9
Balranald Shire Council	39.8	9
Coolamon Shire Council	39.3	9
Carrathool Shire Council	25.9	9
Cowra Shire Council	24.4	11
Jerilderie Shire Council	24.1	8
Walgett Shire Council	24.1	10
Brewarrina Shire Council	23.1	8
Conargo Shire Council	22.2	8

Table 4-4: Ten Sydney Region councils with highest percentage of determinations by councillors

Council	Councillors (as % of all DAs determined)	DLG Code
Mosman Municipal Council	23.9	2
Hunters Hill Municipal Council	23.7	2
Botany Bay City Council	22.1	2
Ashfield Municipal Council	18.3	2
Waverley Council	14	2
Leichhardt Municipal Council	12.7	2
North Sydney Council	11.9	2
Parramatta City Council	11.9	3
Strathfield Municipal Council	11.3	2
Randwick City Council	10.5	3

As with previous years, the councils with the highest percentage of determinations by elected representatives are rural councils. This is not unexpected because there are fewer professional staff in these areas.

Some of the rural councils with the highest levels of councillor DA determinations for 2008-09 include Warren, Balranald, Junee and Coolamon Councils. The same councils were the regional councils with the highest percentage of determinations by councillors in 2006-07 and 2007-08.

High volumes of development do not always lead to high levels of delegation. Some Sydney Region councils with the highest percentage of determinations by councillors in 2008-09 included Mosman, Hunters Hill and Botany Bay. These councils were also in the top ten councils with the highest percentage of determination by councillors in 2007-08. Despite their location within metropolitan Sydney and extensive professional resources, these councils appear to delegate less to professional staff.

Fifteen councils reported that all DA determinations were delegated to professional staff during 2008-09. These areas include Coonamble, Hawkesbury, Lithgow, Penrith and Wagga Wagga Councils.

Seventy-eight councils (or 51% of councils) reported more than the State average level of determinations by professional staff (ie. more than 95.8%). 42 councils delegated more than 98% of all determinations to professional staff in 2008-09.

Compared with 2007-08, more councils recorded reduced use of delegations. Thirteen councils increased their proportion of delegations to staff by 5 percent or more. Twenty councils reduced their proportion of delegations to staff by 5 or more percent.

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



5

STAFFING AND RESOURCES

This chapter provides details on council staff resources directed to the assessment and determination of DAs. Data are expressed as the number of DAs assessed per equivalent full time (EFT) position. This indicator enables comparisons between councils and over time.

The figures reported in EFTs are the overall number of council staff who assessed or determined DAs for the reporting year (not including administrative staff) and account for staff who work part-time.

Snapshot - Staffing and Resources 2008-09		
2008-09		2007-08
58	development determinations on average were made per full time equivalent staff member	69
36	additional EFT positions in development assessment were reported across the State	17
17	councils recorded an average number of development determinations per full time equivalent staff of more than 100	33
45	councils recorded an average number of development determinations per full time equivalent staff of less than 40	22

5.1 Key Findings for 2008-09

- On average across the State, 58 DAs were determined for each equivalent full time (EFT) development assessment position for 2008-09. This figure is down from 69 DAs per EFT in 2007-08.
- The number of EFT positions in development assessment across the State increased in 2008-09 from 1,195 in 2007-08 to 1,231 in 2008-09. This represents a 3% increase in staff in development assessment.
- The five councils with the highest number of development assessment staff in 2008-09 were Lake Macquarie (48), Sydney (48), Gosford (32), Shoalhaven (31) and The Hills (31).





5.2 Statewide Trends

Table 5-1: Statewide council staffing summary

	2008-09	2007-08
Total EFTs	1,231	1,195
Total DA determinations	71,638	82,404
Number of DAs determined per EFT	58	69
Number of reporting councils	152	152

DAs determined per EFT reduced in 2008-09 to 58, down from 69 DAs in 2007-08.

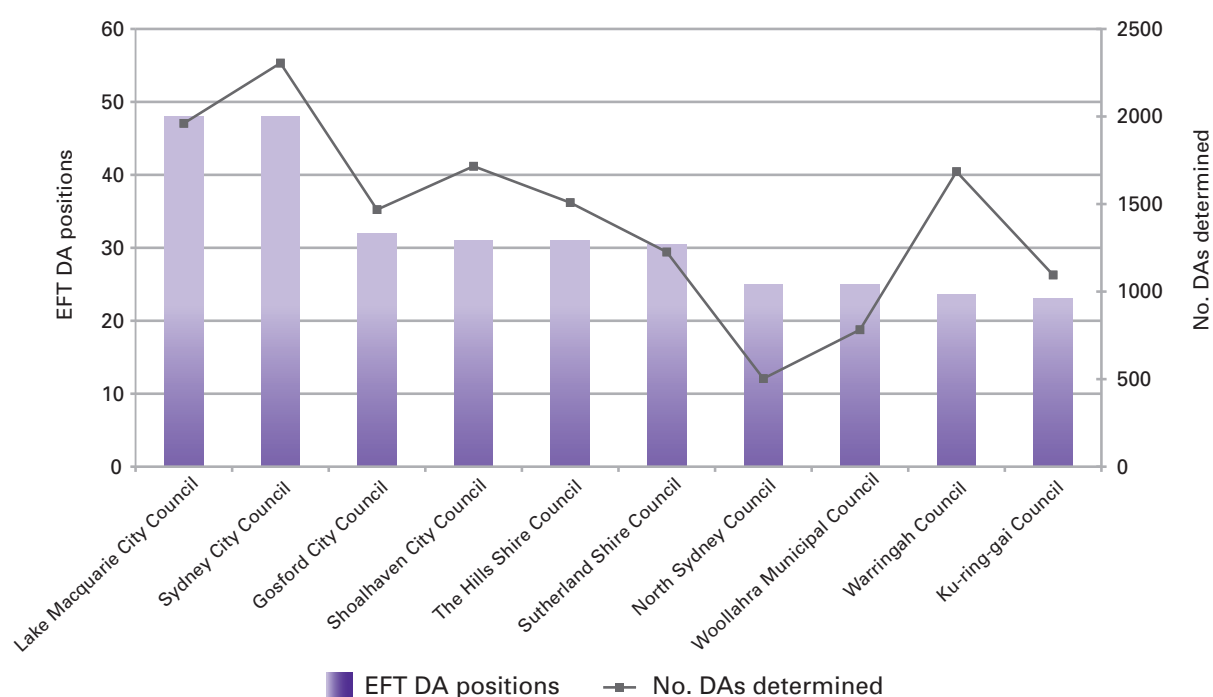
While DAs per EFT decreased, the number of equivalent full time positions applied to development assessment increased by 3% from 1,195 in 2007-08 to 1,231 in 2008-09.

5.3 Council Trends

The number of DAs determined per EFT varied significantly across the State. While the average number of DAs determined per EFT across the State was 58 in 2008-09, the highest reported number determined amongst metropolitan councils was 141 per EFT at Camden Council and 245 per EFT at Walcha Council amongst the regional councils.

Figure 14 below 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 14: Staff involved with DAs – 10 councils with highest actual EFTs in 2008-09



Tables 5-2 and 5-3 below show those metropolitan and regional councils with the highest number of development applications determined per full time DA staff equivalent for 2008-09.

Table 5-2: 20 Councils with the highest number of Development Applications determined per full time DA staff equivalent			
Sydney Region Councils	Average DAs determined per EFT	Actual Number of DAs	EFT DA Staff
Camden Council	141	1,220	8.65
Blacktown City Council	117	2,454	21
Regional Councils			
Walcha Council	245	49	0.2
Inverell Shire Council	192	192	1
Port Stephens Council	189	946	5
Corowa Shire Council	181	316	1.75
Maitland City Council	170	1,019	6
Lockhart Shire Council	148	74	0.5
Harden Shire Council	138	69	0.5
Clarence Valley Council	129	1,046	8.1
Bega Valley Shire Council	122	610	5
Forbes Shire Council	120	120	1
Coffs Harbour City Council	116	1,106	9.5
Young Shire Council	113	248	2.2
Glen Innes Severn Shire Council	107	161	1.5
Narrabri Shire Council	105	116	1.1
Eurobodalla Shire Council	102	818	8
Griffith City Council	98	392	4
Kempsey Shire Council	98	295	3
Orange City Council	98	451	4.6

Both metropolitan and regional councils recorded a very substantial number of DAs being determined per EFT.

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
Wellington Council	203	14	115	8
Manly Council	136	59	468	8
Parramatta City Council	132	74	893	12
Hunters Hill Municipal Council	130	76	152	2
Palerang Council	130	78	350	4.5
Botany Bay City Council	129	47	375	8
Kiama Municipal Council	117	74	369	5
Canterbury City Council	112	43	627	14.6
Wollongong City Council	111	75	1,529	20.5
Tweed Shire Council	110	65	1,041	16

Councils that recorded the highest increase in EFT staff for development assessment compared with 2007-08 were Gosford (13.4 more EFTs), Penrith (10 more EFTs) and Woollahra (7 more EFTs).

Councils that recorded the biggest falls in EFT staff compared with 2007-08 were Wollongong (14.5 fewer EFTs), Parramatta (8.5 fewer EFTs) and Maitland (8 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

This section provides information on the way that disputes and requests for reviews are dealt with by councils and the courts. An applicant who is dissatisfied with a determination by a council may request a review of that determination by the council under section 82A (s82A review) of the EP&A Act. S82A reviews are a non-judicial mechanism available to applicants. However, applicants also have the option of appealing a council or State agency decision in the Land and Environment Court. Decisions of the Land and Environment Court may be appealed further to the Supreme Court.

This section shows the number and proportion of s82A reviews determined in 2008-09, as well as the number and proportion of court cases filed against a council development decision or a deemed refusal of a DA. Also covered in this chapter is information on who lodged appeals, appeal outcomes and Supreme Court appeals.

Snapshot - Reviews and Appeals 2008-09

2008-09		2007-08
612	s82A reviews were undertaken by reporting councils (73 councils)	547
71	% s82A reviews were approved by councils on review	71
22	% s82A reviews were refused by councils on review	20
477	appeals were lodged by applicants in the Land and Environment Court (62 councils)	415
34	% of appeals were upheld	48



6.1 Key Findings 2008-09

- The number of completed s82A reviews for 2008-09 increased compared with 2007-08 from 547 to 612.
- Class 1 appeals are generally appeals against a council planning decision and are determined on the merits of the development proposal by the Land and Environment Court. The number of completed Class 1 appeals in 2008-09 increased compared with 2007-08 from 415 to 477.
- Over the last three years, the number of reported s82A reviews has increased while the number of Class 1 appeals has remained fairly stable. This is an encouraging result since s82A reviews should be more efficient and less costly than a court appeal.
- Most Class 1 appeals brought by developers against a council decision were upheld in favour of the developer (52%). However, many of these (19% of all developer appeals) were upheld with amended plans.
- There were 15 completed Class 1 appeals brought by third parties or objectors in 2008-09. Of these 85% were upheld.
- The councils with the highest number of legal appeals in 2008-09 were Woollahra, Ku-ring-gai, Hornsby and Waverley Councils.

6.2 Statewide Trends

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

Six hundred and twelve (612) completed s82A reviews were reported for 2008-09 compared with 547 reviews in 2007-08.

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. Four hundred and seventy seven (477) Class 1 appeals were reported compared with 415 in 2007-08.

Figure 15 shows that the number of reported s82A reviews has increased over the last three years while the number of Class 1 appeals has remained fairly stable. This is an encouraging result since s82A reviews should be more efficient and less costly than a court appeal.

Figure 15: Number of s82A Reviews compared with Class 1 Legal Appeals 2006-07 to 2008-09

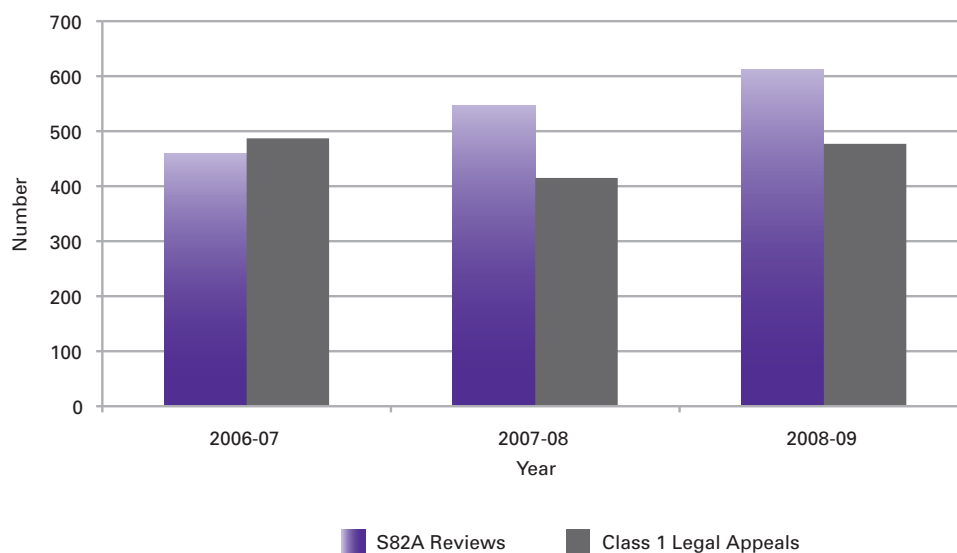


Table 6-1: Statewide s82A and legal appeals summary 2008-09

S82A Reviews (based on 73 reporting councils)	
Number of s82A reviews	612
s82A reviews as % of DA determinations (note 4)	0.9
% s82A appeals approved on review	71
% s82A appeals refused on review	22
% s82A appeals withdrawn/cancelled on review	7
% s82A appeals rejected on review	0.2
Legal Appeals (based on 67 reporting councils)	
<i>Class 1 appeals</i>	
Number of Class 1 legal appeals	477
Class 1 legal appeals as % of DA determinations (note 5)	0.67
% of appeals were upheld	34
% of appeals withdrawn or dismissed	34
Number of appeals brought by developer	457
% of developer appeals upheld	33
% of developer appeals upheld with amended plans	19
% of developer appeals with consent orders	14
% of developer appeals withdrawn or dismissed	34
Number of appeals brought by third party/objector	15
% of appeals brought by third party/objector that were upheld	85
% of appeals brought by third party/objector that were withdrawn or dismissed	8
<i>Other appeals</i>	
Number of Class 4 appeals	25
Number of Class 5 appeals	4
Number of Supreme Court appeals	6
<i>All appeals</i>	
Legal appeals (all classes) as % of DA determinations (note 5)	0.71

Notes

1. Legal appeals reported above are for Class 1 matters only.
2. The total number of legal appeals and s82A reviews may be underestimated because some councils were unable to extract this data from their records in 2007-08.
3. Some applicants seek both a section 82A review and legal appeal for the same development application.
4. S82A reviews include reviews of DAs determined before 2007-08. Therefore reviews as % of determinations is only indicative.
5. Legal appeals include appeals of DAs determined before 2007-08. Therefore appeals as % of determinations is only indicative.
6. Class 4 appeals are for civil enforcement of environmental planning and protection law and development contracts.
7. Class 5 appeals are for criminal enforcement of environment planning and protection law.

Table 6-2: Statewide s82A/legal appeals comparison with 2007-08		
	2008-09	2007-08
<i>s82A reviews</i>		
Number of s82A reviews	612	547
Number of reporting councils	73	56
<i>Legal Appeals</i>		
Number of legal appeals	477	415
Legal appeals as % of DA determinations	0.7	0.5
Number of reporting councils	67	55

Table 6-1 shows that most s82A reviews (71 %) were approved, similar to other years.

Most Class 1 appeals brought by developers against a council decision were upheld in favour of the developer (52%). However, several of these (19% of all developer appeals) were upheld with amended plans. This generally means that the developer's proposal was altered during the course of the appeal, including changes to align with the council's views.

A high proportion (85%) of Class 1 appeals by an objector / third party were upheld, though reported appeals by objectors / third parties were only 3% of all Class 1 appeals (15 appeals).

Class 4 and Class 5 appeals include appeals to enforce environmental planning law. The number of Class 4 and 5 appeals involving councils represented only a small proportion of the number of appeals in 2008-09 – 5% and 1% respectively. It should be noted that councils have powers to enforce environmental planning law that do not involve court actions, such as the issue of fines. Class 4 and 5 legal proceedings may only need to be taken as matters of last resort.

More Class 4 and Class 5 appeals were reported as being brought by parties other than councils in 2008-09. Twelve (12) Class 4 actions were brought by an objector or third party, 11 by developers, two by councils. Only four completed Class 5 actions were reported in 2008-09, three were brought by a third party and one by a developer.

6.3 Council Trends

Those councils which reported the highest number of s82A reviews are shown in **Table 6-3**. With the exception of Gosford, the majority of DA determinations were approved after review.

Table 6-3: Section 82A reviews – highest ten councils by total number of reviews 2008-09

Council	Total s82A reviews (100%)	Number of reviews approved	%	Number of reviews refused	Number of other outcomes
Sydney City Council	50	41	82	9	0
Ku-ring-gai Council	49	35	71	14	0
Hornsby Shire Council	46	40	87	6	0
Warringah Council	33	27	82	3	3
Fairfield City Council	31	22	71	9	0
Woollahra Municipal Council	29	21	72	3	5
Gosford City Council	22	10	45	5	7
Sutherland Shire Council	21	18	86	2	1
Waverley Council	18	9	50	7	2
Marrickville Council	17	13	76	3	1

The councils with the highest number of legal appeals in 2008-09 were Woollahra, Ku-ring-gai, Hornsby and Waverley Councils as shown in **Table 6-4**.

Table 6-4: Legal appeals – highest ten councils by total number of appeals 2008-09

Council	Legal appeals
Woollahra Municipal Council	57
Ku-ring-gai Council	38
Hornsby Shire Council	30
Waverley Council	28
Parramatta City Council	22
Sydney City Council	20
Leichhardt Municipal Council	19
Pittwater Council	17
Ashfield Municipal Council	15
Marrickville Council	14

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.

7

OTHER CERTIFICATES

This section provides information on subdivision and post-development consent certificates issued by councils during 2008-09. It gives an indication of actual construction activity as not all approved development is actually constructed, and commencement of construction may be delayed for up to five years after development is approved.

Snapshot - Other Certificates 2008-09

2008-09		2007-08
56,863	Construction Certificates were issued state-wide (62% were issued by councils)	65,815
45,584	Occupation Certificates were issued state-wide (62% were issued by councils)	45,085
4,130	Subdivision certificates were issued state-wide	4,468
1,204	Strata Certificates were issued state-wide	1,075



7.1 Key Findings for 2008-09

- There was 14% reduction in the number of construction certificates issued in 2008-09 from 2007-08. This reduction is generally in line with a slowing of development activity across the State.
- The number of occupation certificates rose slightly by 1%, strata certificates rose by 12% while subdivision certificates dropped by 8%.
- Councils issued about two thirds of construction and occupation certificates in 2008-09.
- Council areas recording the highest numbers of construction certificates for 2008-09 were Blacktown City Council, Lake Macquarie City Council, Newcastle City Council, Sydney City Council, Shoalhaven City Council.
- Most occupation certificates were issued in the following council areas – Blacktown, followed by Sutherland, Wyong, Shoalhaven and Wollongong Councils.



7.2 Statewide Trends

Table 7.1 below details the number of construction, occupation, subdivision and strata certificates issued in 2008-09 compared with 2007-08.

Table 7-1: Statewide other certificates summary				
	2008/09	Councils	2007/08	Councils
Construction Certificates issued	56,863	151	65,815	141
Occupation Certificates issued	45,584	150	45,085	137
Subdivision Certificates issued	4,130	147	4,468	137
Strata Certificates issued	1,204	83	1,075	79

In 2008-09, the number of reported construction certificates dropped by 14% compared with figures reported for 2007-08. The number of occupation certificates rose slightly (1%) as did strata certificates (12%), however subdivision certificates dropped by 8%. These figures reflect the downturn in economic activity being experienced throughout the State since construction and subdivision certificates are better indicators of new development activity.

Councils issued the majority of construction, occupation, subdivision and strata certificates with private certifiers issuing approximately one third of construction and occupation certificates.

Only a very small number of subdivision certificates were issued by private certifiers during 2008-09 (5%).

Table 7-2: Statewide other certificates issued by councils and private certifiers					
	Councils	%	Private	%	Total
Construction Certificates issued	34,981	62	21,882	38	56,863
Occupation Certificates issued	28,124	62	17,460	38	45,584
Subdivision Certificates issued	3,930	95	200	5	4,130
Strata Certificates issued	937	78	267	22	1,204

Note: There was some under-reporting of certificates issued by private certifiers as some councils do not collect this information.

7.3 Council Trends

Table 7.3 below shows the ten councils across the State that issued the highest number of construction certificates in 2008-09. The areas where most construction certificates were issued were fringe Sydney areas (including significant new release areas such as Blacktown and The Hills), the Sydney CBD and coastal areas.

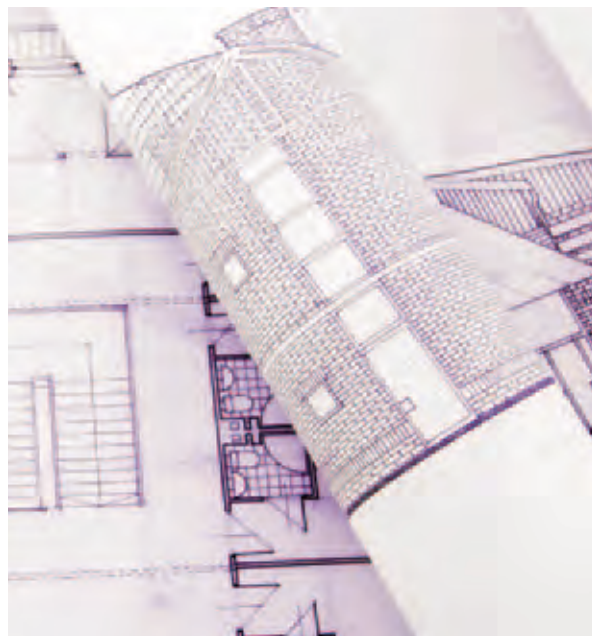
Table 7-3: Ten Councils with highest numbers of construction certificates

Council	2008-09	2007-08
Blacktown City Council	2,316	2,568
Lake Macquarie City Council	1,805	2,154
Newcastle City Council	1,566	1,975
Sydney City Council	1,560	2,399
Shoalhaven City Council	1,379	1,687
The Hills Shire Council	1,243	1,925
Wollongong City Council	1,209	1,384
Hornsby Shire Council	1,095	1,194
Warringah Council	1,080	1,028
Liverpool City Council	1,043	1,092

Table 7.4 shows the balance of construction certificates issued by councils and private certifiers. Most construction certificates were issued by councils, apart from Sydney, Warringah, Hornsby and Wollongong council areas where more construction certificates were issued by private certifiers.

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

Council	Council	%	Private	%	Total
Blacktown City Council	1,577	68	739	32	2,316
Lake Macquarie City Council	1,080	60	725	40	1,805
Newcastle City Council	955	61	611	39	1,566
Sydney City Council	402	26	1,158	74	1,560
Shoalhaven City Council	981	71	398	29	1,379
The Hills Shire Council	744	60	499	40	1,243
Wollongong City Council	556	46	653	54	1,209
Hornsby Shire Council	340	31	755	69	1,095
Warringah Council	140	13	940	87	1,080
Liverpool City Council	610	58	433	42	1,043



As expected, councils that reported the lowest numbers of construction certificates for 2008-09 were primarily located in remote rural areas.

Some of the councils that experienced a major decline in the number of construction certificates included Hunters Hill (down by 58%), Rockdale (down by 38%) and Sydney City (down by 35%). Some councils reported significant increases in the number of construction certificates issued compared to 2007-08, including Hurstville (53% increase), and Marrickville (42% increase).

Councils that reported significant increases in the number of occupation certificates issued compared to 2007-08 included Armidale Dumaresq (325% increase), Kogarah (321% increase) and Auburn (279% increase). Councils that reported significant decreases in issued occupation certificates included Lake Macquarie (83%), Wingecarribee (60%), Manly (55%) and Tamworth (51%).

Most occupation certificates were issued in the following council areas – Blacktown, followed by Sutherland, Wyong, Shoalhaven and Wollongong Councils.

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

