



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 28 July 2008*

Time: *6.00pm*

Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Delegated Authority (“D” Items):

- To require such investigations, reports or actions as considered necessary in respect of matters contained with the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of Minutes of its Meeting.
- Any other matter falling within the responsibility of the Urban Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below:

Recommendation only to the Full Council (“R” Items):

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic matters, such as:-
 - Town Planning Objectives; and
 - major planning initiatives.
- Matters not within the specified functions of the Committee.
- Matters requiring supplementary votes to Budget.
- Urban Design Plans and Guidelines.
- Local Environment Plans.
- Residential and Commercial Development Control Plans.
- Rezoning applications.
- Heritage Conservation Controls.
- Traffic Management and Planning (Policy) and Approvals.
- Commercial Centres Beautification Plans of Management.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters reserved by individual Councillors, in accordance with any Council policy on "safeguards" and substantive changes.

Committee Membership:

7 Councillors

Quorum:

The quorum for a committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

24 July 2008

To: His Worship The Mayor, Councillor Geoff Rundle, ex-officio
Councillors John Comino (Chair)
 Claudia Cullen (Deputy Chair)
 Christopher Dawson
 Wilhelmina Gardner
 Keri Huxley
 Julian Martin
 David Shoebridge

Dear Councillors

Urban Planning Committee Meeting – 28 July 2008

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Urban Planning Committee** to be held in the **Committee Room, 536 New South Head Road, Double Bay, on Monday 28 July 2008 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 14 July 2008	1
D2	Built Environment Principal Activity – Fourth Quarterly Management Plan Review – 827.G 07-10	2

Items to be Submitted to the Council for Decision with Recommendations from this Committee - Nil

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 14 July 2008**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 14 July 2008 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Urban Planning Committee Meeting of 14 July 2008 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee

Subject: **Built Environment Principal Activity – Fourth Quarterly Management Plan Review**

Authors: Allan Coker – Director Planning and Development
Chris Bluett – Manager Strategic Planning
Tim Tuxford – Manager Compliance
Patrick Robinson – Manager Development Control

File No: 827.G 07-10

Reason for Report: To review the status of services for the Management Plan principal activity of Built Environment for the three months ending 30 June 2008 and to provide an overview of achievements during the 2007-08 financial year.

Recommendation

- A. That the status of projects for the Built Environment principal activity be noted.
- B. That the variations to projects be agreed subject to adoption of the relevant budget variations included in the separately reported quarterly financial review.

Background

Section 407(1) of the *Local Government Act* 1993 requires that Council review the progress of the adopted management plan on a quarterly basis. Included with this report is the fourth quarterly review of Principal Activity No. 1 of the Management Plan, which is “Built Environment”. This principal activity has the following sub-activities:

- 1.1 Environmental Planning
- 1.2 Heritage Conservation
- 1.3 Urban Design
- 1.4 Development Control
- 1.5 Compliance
- 1.6 Management and Administration

Included as annexures to this report are:

The Built Environment Principal activity section of the Management Plan, with comments on the status of items in each sub-activity.

A table of uncompleted notices of motion relating to the Built Environment principle activity.

This report provides a commentary on variations, changes, exceptions and completed work during the fourth quarter of 2007-2008. The purpose is to provide Councillors with an overview of the key influences and issues affecting the delivery of projects and services within the Built Environment Principal Activity.

"Notices of Motion" which have a major impact on approved management plan core activities and projects have been included in the management plan as variations so as to facilitate the changing of priorities in an orderly and transparent manner.

Environmental Planning

2.1 Management Plan projects

Annexure 1 contains a status summary of projects within the sub-activity. Our work in this program during the quarter was directed towards six projects.

Double Bay Commercial Centre business management

Progress of this project has been outlined in previous quarterly reports. During the fourth quarter our work focussed on finalising the Double Bay Constitution and the Memorandum of Understanding (MOU) between the Council and Double Bay Partnership. A report on these draft documents was considered by the Urban Planning Committee on 28 April 2008. The Council subsequently resolved on 12 May 2008 to note both draft documents and authorise the Mayor and General Manager to sign the MOU after incorporation of the Double Bay Partnership. The decision also set down several steps and requirements associated with transfer of funds and the creation of a review committee.

The Draft Constitution was referred to the Department of Fair Trading on 20 June 2008 with incorporation occurring on 4 July 2008. Further steps in the process have commenced.

Rezoning request for 4A Nelson Street Woollahra

The Council has resolved to prepare a Draft LEP to rezone the site from Special Uses 5 (Integrated Housing for Aged Persons/Community Facility) to Residential 2(a). Public exhibition of the Draft LEP occurred over the period 2 May to 30 May 2008. Three submissions were received. The owners of 4A Nelson Street have requested deferral of the Draft LEP process whilst they are resolving issues about a Community Management Statement that applies to their site and adjoining land.

Section 94 Contributions Plan – Provision of Car Parking in Double Bay Commercial Centre

On 29 January 2008 Council decided to amend the contributions plan, the Car Parking DCP and the Double Bay Centre DCP. The amendments relate to car parking provisions for change of use proposals and car parking contribution rates. Exhibition of the amendments occurred over the period 19 March – 18 April 2008. A report on submissions was considered by the Urban Planning Committee meeting on 12 May 2008. The Council approved the draft plans on 26 May 2008.

Woollahra Comprehensive LEP

Our work on this project during the quarter involved further analysis of the Standard Instrument provisions against Woollahra LEP 1995 to identify levels of compatibility and possible policy variations. We provided a briefing session on our results to Councillors on 10 June 2008.

Neighbourhood Centres DCP and LEP – William Street Paddington provisions

The William Street Paddington additional land use provisions were originally included in the Neighbour Centres LEP [Draft Woollahra LEP 1995 (Amendment No.60)]. On 25 February 2008 the Council deferred the William Street provisions from the Draft LEP. At the same time the Council resolved to exhibit a new LEP for William Street with amendments to the Paddington HCA DCP. During the quarter we prepared draft DCP controls for William Street and a draft LEP. These matters were considered by the Urban Planning Committee on 26 May 2008. The Council resolved on 10 June 2008 to prepare two draft LEPs to reflect options for the location of additional uses within nominated properties in William Street. These draft LEPs will need to be prepared by us and reviewed by the Department of Planning's LEP review panel before they can be placed on public exhibition.

Draft NSW Housing Code and Draft NSW Commercial Building Code – Exempt and Complying Development Codes.

In May 2008 the NSW State Government released the first stage of its State-wide codes for exempt and complying development. We carried out a thorough review of these draft codes and prepared a report and submission which were considered by the Urban Planning Committee on 23 June 2008. The submission was referred to the Department of Planning.

3 Heritage Conservation

3.1 Management Plan projects

Annexure 1 contains a status summary of projects within the sub-activity. Our focus in this sub-activity was on three projects.

Paddington DCP 2008

Numerous progress reports and reports arising from exhibition of the Draft DCP have been considered throughout the year. During this quarter we finalised the Draft DCP. On 28 April 2008 the Urban Planning Committee considered a report on the re-exhibition of the Draft DCP. The DCP was approved by the Council on 12 May 2008.

Paddington Heritage Conservation Area – lofts over garages

This project arose from a review of submissions received when the Draft Paddington DCP 2008 was initially exhibited. The project is being overseen by the Paddington Working Party. Our work in the quarter involved field surveys and property analysis using our GIS data base.

Deferred potential heritage items – Watsons Bay and Bellevue Hill

Further research was carried out on four potential items:

- Woollahra - Temple Emanuel, 7 Ocean Street – A site inspection for Councillors was held on 22 February 2008. A report on this property was considered by the Urban Planning Committee on 12 May 2008. On 26 May 2008 the Council resolved to list the property as a heritage item.
- Watsons Bay - 4 Victoria Street, 18 Cliff Street and potential archaeology site in Cliff Street – A review of the heritage significance of the two properties and the site in Cliff Street culminated in a report to the Urban Planning Committee on 14 April 2008. The Council has resolved to list the archaeological site in Cliff Street as a heritage item. The property at 18 Cliff Street will not be listed as an item. A further report on 4 Victoria Street was considered by the Urban Planning Committee on 23 June 2008. On 14 July 2008 the Council resolved not to list the property as a heritage item.

3.2 Core activities

The two heritage officers dealing with development applications processed their referrals during the quarter largely within our required time frames.

The Strategic Heritage Officer provided comment on several projects being carried out through the Technical Services Division.

4 Urban Design

4.1 Management Plan projects

Annexure 1 contains a status summary of projects within the sub-activity. Our work in this program during the quarter was mostly directed towards three projects.

Neighbourhood Centres DCP and LEP

This is a major planning and urban design project which covers most the neighbourhood commercial centres across the Municipality from Vaucluse to Darling Point. Centres within heritage conservation areas do not form part of the project. During the quarter our work involved finalising Draft Woollahra LEP 1995 (Amendment No.60). The process was extended due to the need for further reporting on the William Street Paddington component of the Draft LEP (see section 2.1 of this report).

Extensive discussions with the Parliamentary Counsel regarding legal drafting matters were held during May and June. The Parliamentary Counsel has completed its work and referred the Draft LEP to the Department of Planning.

Double Bay Commercial Centre building inventory

This project forms part of the Double Bay Business Management project. It involves a visual assessment of the external condition and appearance of all buildings in the commercial centre. Each building will have an inventory sheet and photographic record documenting existing conditions and recommending a range of improvements.

Further survey work and data entry occurred during the quarter. The base inventory sheets have been completed for 100% of the centre and provisional surveys have been completed for approximately 50% of the centre.

Draft Woollahra Residential DCP 2003 (Amendment No.2)

This project involved the addition of new provisions for air conditioning units, roof terraces and mechanical parking devices. Our work in the quarter involved reporting to the Urban Planning Committee on 10 June 2008 with the outcome of the public exhibition process. The Council approved the Draft DCP on 23 June 2008.

4.2 Core activities

The Urban Designer Planner provided comments on major development applications and several of Council's capital works projects during the quarter. These included comments for the DAs at White City, 2 Laguna Street, Vaucluse, 2 Short Street, Double Bay and Cranbrook Junior School at Kent Road, Rose Bay. Comments were also provided for capital works in Goldman Lane, Double Bay and Bellevue Hill shops. Comments on interpretation signage were provided for the Cliff Street archaeology site and the former picture theatre at Five-ways Paddington.

5. Development Control

5.1 Core activities

Council is required to fulfil statutory functions as a consent authority under the *Environmental Planning and Assessment Act 1979*. Under Part 4, 'Development Assessment' of the Act Council is charged with assessing and determining development applications (DAs), applications to amend development consents (s.96) and applications for review of determinations (s.82A). Within the Development Control section we also assess and determine construction certificates for class 1 and 10 buildings.

We operate in an environment where the community expects and is provided with a high degree of rigour in the environmental assessment of these applications. This is also driven by the reality that our residents can challenge the validity of approvals granted if there is a failure in process.

This environment has resulted in a “belts and braces” approach to development assessment. We have well developed and well documented processes and procedures which support each part of the process.

Our aim is to provide Councillors and the community with high quality development assessment reports. These reports properly inform Team Leaders, Senior Staff, the Application Assessment Panel (AAP), the Development Control Committee (DCC) and full Council to enable informed decisions to be made.

Our performance in the 1st, 2nd, 3rd and 4th quarters of 2007-2008 is compared to our performance during the 2006-2007 year in the following table:

	Year 06/07	1 st Qtr 07/08	2 nd Qtr 07/08	3 rd Qtr 07/08	4 th Qtr 07/08
Nett median determination period	72	52.5	57	66	46
Gross median determination period	83	69	77	84	56
Delegated nett median		40.5	42.5	53	36
Delegated gross median		46	54	61	40
Number of Applications in hand at end of each period	464	372	395	308	329

Our performance deteriorated marginally in the 2nd Quarter and the 3rd Quarters due largely to an increase in applications in November and December 2007 together with other seasonal factors such as increased demand for staff annual leave during January and February period. That performance has recovered significantly in the 4th Quarter despite increased application lodgements towards the end of that quarter.

The net (gross, minus ‘stop the clock’ days) median determination times for the 4th Quarter 2007-2008 was 46 days and the gross median was 56 days across all levels of determination.

These overall average and median figures were largely achieved due to staff delegated approvals, being a net median of 36 days and a gross median 40 days.

In the same Quarter the number of outstanding DAs, s.96, s.82A and CCs increased slightly to 329. The increase in overall numbers relates to a sharp increase in application lodgements in the last two weeks of the Quarter. It is worthwhile noting, however, that during that Quarter overall numbers were as low as 285.

To put this into perspective the following table shows the number of applications in hand at the end of each of the years 2003 to 2007:

	2003	2004	2005	2006	2007
No. of applications on hand	525	387	432	455	395

The improvement in performance in the 4th Quarter can be attributed in part to the introduction of a formalised 'fast track' component within each team. This 'team within a team' approach provides that Senior Planners in each team review small and less controversial matters for assessment officers in place of the Team Leader. Delegation to determine matters less than \$50,000 in value has now been extended to the Senior Planners to deal with those minor matters. This avoids the previous issues of double handling, where Team Leaders were required to determine minor matters even though the senior planner had already reviewed it.

Whilst these marked improvements in processing times are welcomed, it is important to continue building on these gains by ongoing refinement of internal procedures. Such strategies include:

- Review and introduce a simplified reporting format for minor and no-controversial DAs and s96 applications.
- Further strengthening of the 'team within a team' fast track initiative by benchmarking critical steps in the process.
- Review the checking process at the point of DA lodgement to improve the quality of DA submissions.

5.2 Management Plan projects

The projects identified in the management plan are aimed at achieving continuous improvement of development control services. These are ongoing. The specific projects underway are:

Review DA assessment process

The recommendations of the McKinley report on the referrals process have been implemented with significant improvements in referral turnaround times particularly from the Technical Services Division.

The recommendations of the McKinley report are largely being absorbed into the broader review of the DA assessment process described above.

Post determination processes and procedures

A new notice of determination format has been introduced. A new post determination information package has been prepared and is awaiting final review before implementation. Final implementation of this procedure is expected September 2008.

Post occupation audit of development

The site audits took place on 27 April 2006 with eleven sites inspected. We carried out inspections and completed checklists, reviewing each development against the objectives of the controls.

Staff present included the Director Planning and Development, Manager Development Control, Executive Planner and all three Development Assessment Team Leaders. The Executive Planner is to report on the outcomes but this has been delayed by the Executive Planner's role in assessing several very complex and controversial development applications, including the Rose Bay and Point Piper Marinas and 20 Roslyndale Avenue during the 2006-2007 period. The executive planner has not finalised this as he continues to be diverted to the assessment of major development applications, currently the proposal for redevelopment of the Double Bay marina.

Review and document s.68 Activity Approval Process

This project has not been commenced.

6. Compliance

6.1 Core activities

During the quarter the following core services were provided by the Compliance Section:

- 24 construction certificates were determined, representing a market share of 12.8%. The number of construction certificates determined was more than 43% below the quarterly average for 2006/07 and the market share had significantly fallen from the 2006/07 annual result of 24.2%. The median turn-around time for constructions certificates was 26 days, being comparable with the 2006/07 annual result of 22 days.
- 4 complying development certificates were issued, representing a market share of 80%. The median turn-around time for complying development certificates was 14 days. The number of complying development certificates issued for the area is generally low at between 24 - 40 applications per year in recent years. The fourth quarter's market share result is well above the annual results for 2005/06 and 2006/07 where Council issued about 50% of all complying development certificates.
- Council was appointed as the Principal Certifying Authority (PCA) for 18 new construction projects, representing a market share of 12%. The number of appointments was more than 41% below the quarterly average for 2006/07 and the market share for the quarter represented a fall of 44.4% from the 2006/07 annual result.
- 65 building certificates were issued, with a median turn-around of 34 days. The number of building certificates determined was more than 8.3% above the quarterly average for 2006/07, while the median turn-around time was marginally up from 32 days for 2006/07.
- 12 hoarding applications were determined, with a median turn-around of 12 days. The number of hoarding applications determined was consistent with the quarterly average for 2006/07 and the median turn-around time was marginally above the 2006/07 annual result of 9 days.
- 1 Local Government Act activity application was determined.
- One land and 2 strata applications were processed, being consistent with the quarterly averages for 2006/07.
- 8 new fire safety statements and 190 annual fire safety statements were registered.
- 10 Fire Safety Orders were issued, with 5 Fire Safety Orders finalised.
- 130 Notices and Orders were issued for the rectification of work/unauthorised uses/unauthorised works, being about 42% above the quarterly average for 2006/07.

At the Council meeting of 26 November 2007 the following 'Notice of Motion' was moved by Councillors Comino and Boskovitz;

“That Council bring a report to the appropriate Committee with a view to recommending amendments to the Environmental Planning and Assessment Act relating to issue of Building Certificates. The purpose of such amendment(s) being to protect Councils against being stopped from taking action, where it is subsequently discovered the survey (on which the Building Certificate application was based) was materially incorrect revealing encroachments on Council or other property.”

A report was presented to the Urban Planning Committee meeting of 28 April 2008 on the matter, where it was resolved as follows;

*“That Council write to the Director General of the NSW Department of Planning formally seeking an amendment of Section 149E of the Environmental Planning and Assessment Act 1979 so that any building certificate that has been issued in reliance on an inaccurate or incorrect survey report, is set aside and in such circumstances a council is **not** prevented;*

- “(a) from making an order (or taking proceedings for the making of an order or injunction) under this Act or the Local Government Act 1993 requiring the building to be repaired, demolished, altered, added to or rebuilt, and*
- (b) from taking proceedings in relation to any encroachment by the building onto land vested in or under the control of the council”.*

In accordance with the above resolution, a submission was sent to the NSW Department of Planning during the period.

7. Management and Administration

During the quarter a new on-line certificate system was implemented. The new electronic system will improve our service to those customers requiring planning, rates and notices and orders certificates.

All planning, rates and notices and outstanding orders certificates were issued within the applicable time frames.

Major achievements during 2007-2008

Environmental Planning, Heritage Conservation and Urban Design – major achievements during 2007-2008

- Explanatory reports and/or submissions on the following State Government planning projects:
 - Draft East Subregional Strategy
 - Discussion Paper - *Improving the NSW Planning System*
 - Environmental Planning and Assessment Amendment Bill 2008 and Building Professionals Amendment Bill 2008
 - Draft NSW Housing Code and Draft NSW Commercial Building Code – exempt and complying development codes
- Approval and commencement of the White City DCP.
- Approval and commencement of the Paddington HCA DCP 2008.
- Approval of the Neighbourhood Centres DCP and completion of the Draft LEP to Parliamentary Counsel stage.
- Approval and commencement of changes to Woollahra Residential DCP (Am. No.2) relating to roof terraces, air conditioning units and mechanical parking devices.
- Approval and commencement of changes to Woollahra Section 94 Contributions Plan 2002, Double Bay Centre DCP and the DCP for Off-street Car Parking and Servicing Facilities to introduce new car parking provisions and contributions.

- Incorporation of the Double Bay Partnership and completion of a memorandum of understanding between the Partnership and the Council.
- Completion of research into the work of architect John R. Brogan in the context of potential heritage items in Woollahra.

Development Control – major achievements during 2007-2008

For the seventh consecutive year there have been no successful class 4 challenges to any development consent demonstrating that our investment in quality policies and procedures is working effectively.

We have had a very high rate of success in Land and Environment Court appeals as reported to the Legal Sub-Committee.

There has been no significant increase in the total number of outstanding applications and there has been a significant improvement in determination times under staff delegation.

A management review of the Development Assessment Review Committee has been completed and will be reported to the DCC. As a consequence of this report, changes have been implemented to the committee and internal referral procedures.

Our process of continuous improvement in the Development Control Section over the full year reporting period has included:

8.2.1 Staff development - the quality of assessments and reports depends on the skills of our officers

- (a) monthly section meetings including briefings by State government authorities and internal and external experts on contemporary issues affecting development assessment to promote consistent assessment and reporting of development applications,
- (b) professional development training, especially with respect to the application of Land and Environment Court planning principles and court practice directions,
- (c) review of Class 1 judgments to promote better application of development standards and controls directly relevant to Woollahra and the expanding list of Court planning principles,
- (d) promoting staff with appropriate experience to represent Council in planning, building, environmental health and heritage evidence in class 1 and class 4 matters before the Court, thus reducing dependence on consultants.

8.2.2 Performance reporting - ongoing performance depends on reporting performance of the department, teams and individual staff

- (a) detailed performance reports for the Development Control Section, with statistics, submitted to the DCC,
- (b) improved internal process performance reports to identify and address bottle necks in our processes and the performance of internal and external referral bodies,
- (c) improved weekly performance reporting to managers and team leaders on the performance of individual staff,

- (d) performance reporting to the Department of Local Government and the Department of Planning,
- (e) statutory reporting to the Australian Bureau of Statistics,
- (f) public performance reporting on our website.

8.2.3 Ongoing system maintenance - the quality and quantity of assessments and determinations depends on the quality of our systems

- (a) maintenance of over 300 template documents including letters, notices and reports to reflect changes in legislation, environmental planning instruments, development controls, the Building Code of Australia and Australian Standards,
- (b) review of DA guide and additional detailed annexures,
- (c) full review of all forms,
- (d) publication of updated guide and forms to website,
- (e) relational database maintenance linked to mapping systems underpinning assessment processes,
- (f) implementation of a new format for Notices of Determination and new standard conditions to provide applicants with significantly improved advice about what happens after consent has been issued,
- (g) continued review of standard conditions to keep up with legislative and policy change,
- (h) ongoing development of procedures database,
- (i) ongoing maintenance of legal advices database,
- (j) ongoing maintenance of legal case management database.

Compliance – major achievement during 2007-2008

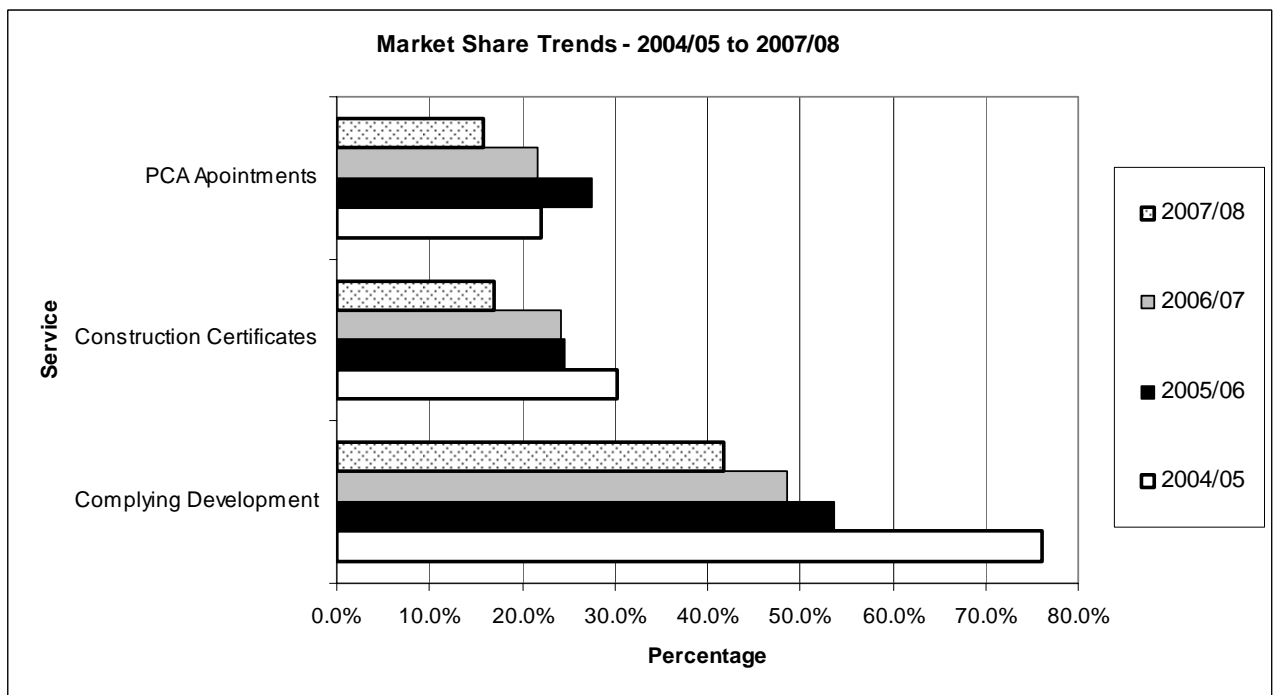
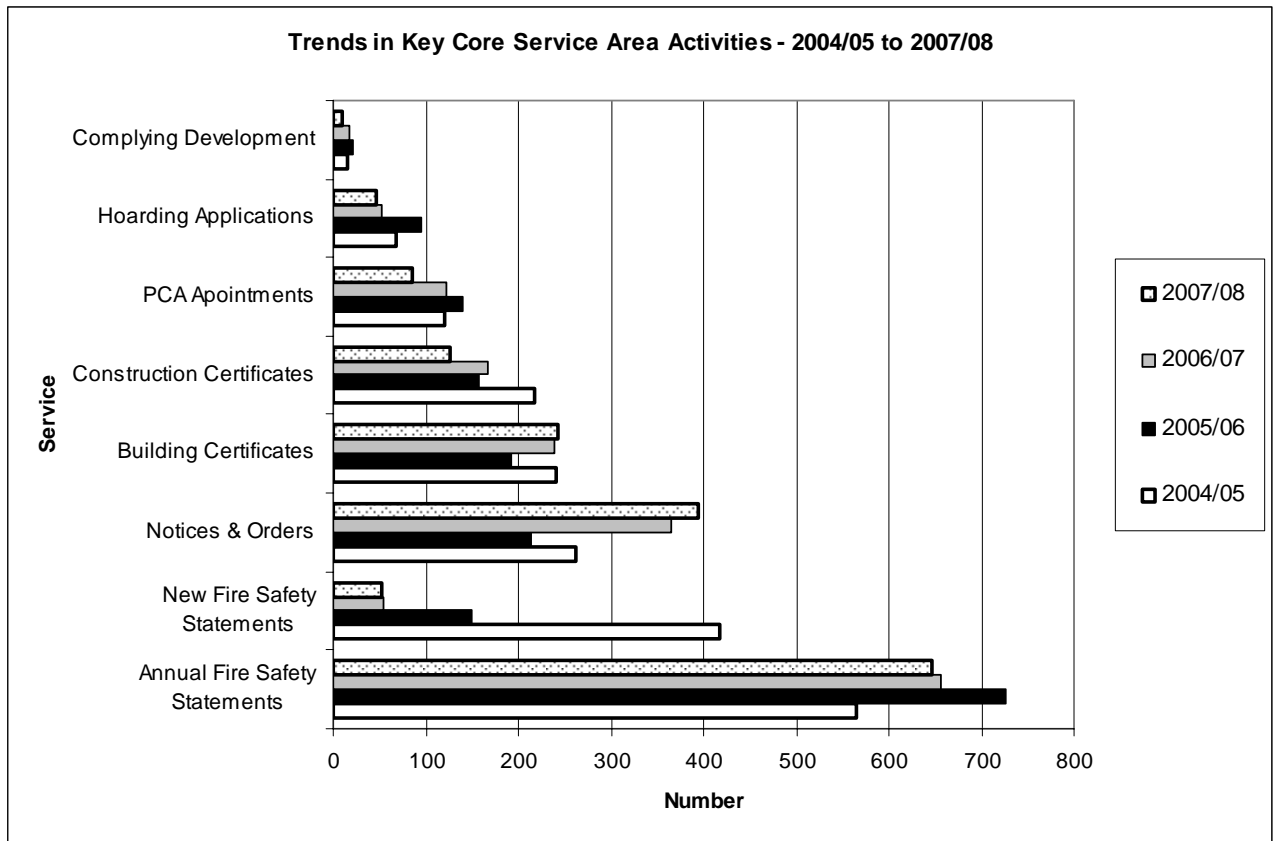
The Compliance Section provided the following core services for the year 1 July 2007 to 30 June 2008:

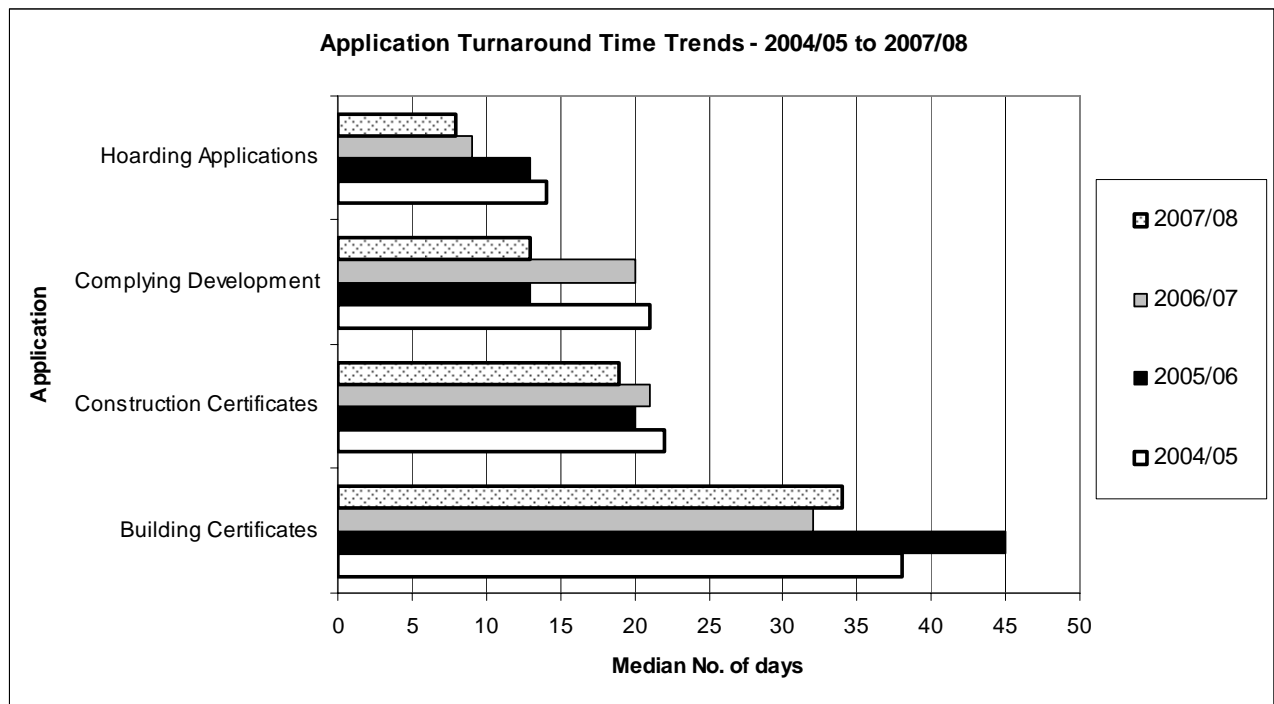
- 126 (167)* construction certificates were determined, being a decrease of approximately 24.5% on the previous year. The median turn-around time for construction certificates for the year was 19 days and our market share was 17%, falling from 24.2% in 2006/07.
- 10 (17)* complying development certificates were issued, being a decrease of 41.2%. The median turnaround time for complying development certificates for the year was 13 days, well below the 2006/07 result of 20 days and our market share was approximately 41.7%, falling from 48.6% in 2006/07. The overall number of complying development certificates issued for our Local Government area during the year was only 24.

- Council was appointed as the Principal Certifying Authority (PCA) for 85 (122)* new construction projects, being a decrease of approximately 30.3% on the previous year. Our market share for new PCA appointments also fell to approximately 15.9% from 21.6% in 2006/07.
- 242 (239)* building certificates were issued being consistent with the previous year. The median turn-around time for building certificates for the year was also consistent with our 2006/07 results of 32 days, coming in at 34 days. The median turn-around figure is affected by a small number of certificates which take longer to process due to the need for remedial work to be undertaken before the building certificate can be issued.
- 47 (52)* hoarding applications were determined being a decrease of over 9.6% on the previous year. The median turn-around time for hoarding applications for the year was 8 days.
- 16 (19)* activity applications were determined being a decrease of 15.8% from the previous year.
- 10 (12)* land and 7 (9)* strata applications were processed.
- 52 (54)* new fire safety statements were registered, in less than 7 days, representing a decrease of 3.7% from the previous year.
- 647 (657)* annual fire safety statements were submitted and registered, in less than 7 days, representing a decrease of approximately 1.5% from the previous year.
- 40 (22)* Fire Safety Orders were issued being an increase of 81.8% on the previous year.
- 26 (6)* Fire Safety Orders were completed, being an increase of over 400% on the previous year.
- 395 (366)* Notices and Orders were issued for the rectification of unauthorised uses and works. This represented an increase of more than 7.9% on the previous year.

Note*: Figures in () indicate results for the 2006/07 year.

A comparison of the Compliance Section's performance since 2004/05 in a number of the key core service areas is illustrated in the following graphs.





Staffing and the ability to recruit qualified building surveyors has continued to be a major issue for the Compliance Section during 2007/08 and is a problem that many metropolitan councils face. The private sector continues to drain experienced building surveyors from local councils.

Qualified casual and temporary staff are also difficult to find.

We have had a vacant Building & Compliance Officer position all year and during the year we lost our Fire Safety Officer, a Senior Building & Compliance Officer and a further Building & Compliance Officer. Our Compliance Section has been understaffed all year and at years end we only had 70% of our positions filled.

Pleasingly, a new Fire Safety Officer will commence duties before the end of July 2008 and interviews have been arranged to fill the other vacancies, although the number of qualified applicants are low.

We continue to lose market share in our certifier functions (falling from 30% to 17% in construction certificate determinations in the past 4 years) and this could be linked to our increased compliance activities. Since 2004/05, our Notices/Orders for compliance matters have jumped by more than 50%, as shown in the above graphs. It is considered our market share may decrease further when the State Government's recent legislative changes take effect over the coming years.

The 2007/08 annual results reflect the following major achievements:

- Our turn-around times for construction and complying development certificates are below our target of 40 and 21 days respectively.
- While our market share for complying development certificates has fallen from previous years it is still well above the target figure of 20%.

- Generally we achieved our turn-around target time for most applications except building certificates, even though we continue to experience significant problems attracting qualified staff.
- The criminal prosecution of a matter in the Land and Environment Court involving unauthorised works. The matter was heard over 5 days with final submissions taking a further day. The judgement has been reserved since 17 March 2008 and a decision is expected shortly.
- The successful civil prosecution of two Class 4 matters in the Land and Environment Court, with costs being awarded to Council.
- The obtainment of an interlocutory injunction, by consent, from the Land and Environment Court preventing the unauthorised operation of a commercial activity.

Conclusion

Our Environmental Planning, Urban Design and Heritage Conservation programs have proceeded in a satisfactory manner in the context of ongoing staffing difficulties experienced during the quarter and throughout the year.

The statistics presented for Development Control demonstrate a marked improvement in turnaround times for DAs and associated applications. These improvements will need to be built upon in the 2008/2009 period. The internal review found that officers are working at or near capacity as a result of the fast track work flow changes. Therefore, any further gains in processing times will need to be extracted from changes to procedures and processes.

The majority of staff vacancies in Development Control have now been filled. However, the recent loss of a team leader and an ongoing assessment officer vacancy may compromise productivity in the first quarter of 2008/2009. Replacements for those positions are currently being sought.

The Compliance Section focussed on the delivery of its core services, generally meeting our service standards for most core activities, even with staffing difficulties. However, it is evident that we are losing market share to accredited certifiers for the provision of core services including construction certificates and Principal Certifying Authority services. This could be linked to our increased compliance activity.

The median determination time for Building Certificates is consistent with our 2006/07 results, however at 34 days it still exceeds our target figure of 14 days. This departure is largely due to the fact that some building certificate applications are submitted to regularise illegal building work and, in many cases, we have to wait for works as executed plans, engineering certification and, in some cases, section 96 applications for retrospective approval. Furthermore, some building certificates have to be deferred pending the completion of required works. For this reason there is merit in developing more applicable targets recognising that building certificates submitted to regularise unauthorised work will take more than 14 days. On the other hand, building certificates which are submitted as part of the normal process associated with land transactions should not take longer than 14 days.

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Annexures:

1. June 2008 Quarterly Review of Principal Activity, Built Environment
2. June 2008 Quarterly Review of Outstanding Notices of Motion, Built Environment