



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Tuesday 29 January 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 January 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 – 29 January 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 Tuesday 29 January 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 17 December 2007	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Improving the NSW Planning System – Discussion Paper	2
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 17 December 2007**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 17 December 2007 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 17 December 2007 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Improving the NSW planning system - discussion paper**
Author: Allan Coker – Director Planning and Development
Chris Bluett – Manager Strategic Planning
Tim Tuxford – Manager Compliance
Peter Kauter – Acting Manager Development Control
Craig Jenner – Team Leader Compliance
Jacquelyne Jeffery – Team Leader Strategic Planning
File No: 696.G
Reason for Report: To inform Council about the Discussion Paper released by the Department of Planning on proposed changes to the NSW planning system.
To obtain Council's endorsement of a submission to the Discussion Paper.

Recommendation

That the Urban Planning Committee endorse the draft submission to the Department of Planning's Discussion Paper *Improving the NSW Planning System* provided at Annexure 2 of this report.

Background

On 27 November 2007 the NSW Department of Planning released a Discussion Paper called *Improving the NSW Planning System*. The paper is part of the State Government's planning reform program to promote a more efficient planning system.

The areas identified for reform fall broadly into the following categories, and form the basis for the Discussion Paper:

- Changing land use and plan-making
- Development assessment and review
- Exempt and complying development
- ePlanning initiatives
- Building and subdivision certification
- Strata reform for better planning
- Resolving paper subdivisions
- Other miscellaneous amendments.

A copy of the Discussion Paper was distributed to Councillors in late November 2007. The Department also published a Summary Paper (provided at **Annexure 1**). These are available on the Department's website at http://www.planning.nsw.gov.au/planning_reforms/index.asp.

The Department invited comments to the Discussion Paper. The closing date for submissions is 8 February 2008.

A draft submission to the Discussion Paper is provided at Annexure 2 for Council's endorsement.

The Department advises that following consideration of submissions, the reform proposals will be re-assessed and amended as necessary. An exposure Bill will be prepared early in 2008 and final legislation enacted by mid 2008.

Overview of discussion paper

The NSW land use planning system has undergone a number of evolutions since the introduction of the *Environmental Planning and Assessment Act* (EP&A Act) in 1979. This includes substantial reviews undertaken over the last 10 years, such as the introduction of integrated development assessment in 1997 and the standard model instrument for local environmental plans (LEPs) in 2006.

However, the State Government has concerns that the system is still inefficient and the planning process lengthy, complex and confusing for some proponents and other users of the system, particularly at the local level.

The Discussion Paper *Improving the NSW Planning System* attempts to investigate the cause of these problems and identify options for making the system more efficient and accountable, and easier for families and small business to navigate.

The State Government identifies that New South Wales (NSW) needs a more efficient planning system. In particular it identifies that:

- The approval process is too long and complex, particularly for minor and routine development.
- There are too many development applications (DAs) and too few complying development certificates, particularly for minor or routine developments.
- Plan making is too slow and the system does not differentiate between large and small amendments to LEPs in terms of the procedures required.
- Community input to the plan-making and DA can be ineffective.
- Process often seems more important than outcome.
- The planning system is complex and difficult to follow.
- The system is not consistent across the State and has led to widely different approaches to development control and assessment requirements between councils.
- Planning resources are not used effectively, with most resources taken up dealing with small residential development applications.

Extensive reforms across the planning and development assessment system are proposed. These will affect existing plan making, development assessment, certification and community consultation processes and are discussed in Woollahra Council's submission to the Discussion Paper.

Overview of submission on discussion paper

Woollahra Council's submission to the Discussion Paper is provided at **Annexure 2**, prepared by Council's Compliance, Development Control and Strategic Planning Sections of the Planning and Development Division.

The submission focuses on those reforms that have potential implications for Woollahra Council and its community.

Council supports, in principle, reforms that improve efficiency and confidence in the planning system provided such reforms do not—

- substantially erode Council's powers, responsibilities and input to planning decisions that affect our community, or

- compromise the quality of planning outcomes and opportunity for meaningful community involvement in the planning process.

To that end, though the intent of some proposals in the Discussion Paper has merit, Council cannot support specific recommendations in the Paper.

In particular the submission supports, in principle, reforms that will seek to—

- tailor the planning system to avoid the “one size fits all” approach, such as streamlining and tailoring the LEP making process and level of consultation consistent with the nature, scale and complexity of the proposal,
- allow Council to approve minor LEPs,
- extend the period for evaluating DAs consistent with the complexity of the proposal,
- restrict or eliminate conflict of interest in the private certification process,
- enhance Councils’ powers of enforcement for unauthorised work, and
- facilitate greater use of technology through ePlanning initiatives.

The submission identifies significant concern with proposals that seek to substantially erode Council’s role in local planning and decision making. Particular objection or reservation, due to the lack of detail on the Discussion Paper, is identified with proposals to—

- unreasonably take planning control away from elected local representatives through establishing a new development assessment regime,
- extend exempt and complying development provisions through the introduction of mandatory State-wide complying development codes,
- expand the private certification process commensurate with expanded complying development provisions,
- require Council to seek corporate accreditation in the private certification accreditation process,
- expand Council’s responsibility to enforce development consents, whether or not the principal certifying authority is an accredited certifier,
- establish a one stop shop for legal drafting of LEPs within the Department of Planning, removing LEP drafting responsibilities from Council’s planning officers,
- erode opportunities for community consultation, particularly at the development assessment stage, and
- generally establish arbitrary benchmark figures as a key performance measure of how well the planning system is operating in the absence of considering planning outcomes and community satisfaction.

The submission also raises concern with the short timeframe the Department of Planning has given Council and the community to consider the Discussion Paper, particularly given the scope of reforms and the lack of detail in the paper to allow a practical understanding of how some reforms would operate.

Question is also raised in relation to the capacity and intent of the State Government to genuinely have regard to matters raised in submissions considering its timeframe for drafting exposure Bill by early in 2008 and having final legislation enacted by mid 2008.

The lack of detail coupled with the pace of the proposed reforms significantly diminishes confidence in the reforms and the State Government’s agenda for planning.

The State Government needs to revise the timeframe for implementing the reforms and work more collaboratively with local government and the community in considering the scope of changes proposed and the approach in delivering the changes. This will ensure that the reforms are warranted, and balance improved system efficiency with good quality planning outcomes, local planning and decision making and provide genuine opportunities for community engagement.

Conclusion

The draft Woollahra Council submission broadly identifies and discusses key elements of the reforms proposed in the Discussion Paper *Improving the NSW planning system* particularly relevant to Council and its community.

The closing date for submissions is 8 February 2008. It is recommended that the attached submission is endorsed by Council and sent to the Department of Planning as soon as possible to enable consideration of Woollahra Council's concerns.

Council's planning staff will continue to liaise with the Department of Planning and take up opportunities to provide further input to the State Government's planning reform program as they arise throughout the year.

Allan Coker
Director Planning and Development

Chris Bluett
Manager Strategic Planning

Tim Tuxford
Manager Compliance

Peter Kauter
Acting Manager Development Control

Craig Jenner
Team Leader Compliance

Jacquelyne Jeffery
Team Leader Strategic Planning

Annexures

1. Department of Planning *Improving the NSW Planning System* Summary Paper, November 2007.
2. Draft Woollahra Council submission, January 2008, on the *Improving the NSW Planning System* Discussion Paper, November 2007.