



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 12 November 2007*

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

8 November 2007

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 – 12 November 2007

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 12 November 2007 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 29 October 2007	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Woollahra Comprehensive Local Environmental Plan – 1064.G	2
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 29 October 2007**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 29 October 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 29 October 2007 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Woollahra Comprehensive Local Environmental Plan**
Author: Chris Bluett - Manager Strategic Planning
File No: 1064.G
Reason for Report: To respond to a request from the Mayor, Councillor Rundle, about the progress of work on the Comprehensive LEP.

Recommendation:

That the report on the Woollahra Comprehensive LEP be received and noted.

Background

Under the planning reform package initiated by the NSW State Government all councils in NSW are required to prepare a comprehensive local environmental plan (LEP) based on the *Standard Instrument (Local Environmental Plans) Order 2005*, which was gazetted on 31 March 2006. The Order comprises a template LEP with compulsory and optional provisions.

We have provided information to Council about the Standard Instrument through a report to the Urban Planning Committee on 31 October 2005 and through quarterly reviews of the Management Plan.

All Councils have been allocated timetables in which to complete comprehensive plans. Generally, these range from two to five years. Woollahra is required to have its comprehensive LEP in place by 31 March 2011.

Methodology and progress

The following table sets out a summary of work to be undertaken in preparing the comprehensive LEP. The listed stages may vary or increase as the project advances.

Phase and stage	Purpose	Comments
Phase 1 Background review		
Stage 1 Comparison of Standard Instrument with Woollahra LEP 1995	To understand scope of change in converting Woollahra LEP 1995 to the Standard Instrument	Review commenced. Variations identified.
Stage 2 Identify key policy changes and gaps	To understand scope of policy changes and additional work imposed by compulsory provisions of Standard Instrument	Not commenced.
Stage 3 Discussion paper summarising required policy changes and further actions	To inform Council of scope of additional work, particularly the nature of policy change	Not commenced.

Phase 2 Statutory plan making process		
Stage 1 Decision to prepare draft LEP	To fulfil requirements of the <i>Environmental Planning and Assessment Act 1979</i> (the Act)	Not commenced.
Stage 2 Section 54 notice to Department of Planning	To fulfil requirements of the Act	Not commenced.
Stage 3 Section 57 environmental study	To inform provisions of a LEP Statutory requirement of the Act	Requirement for full environmental study is to be determined after discussions with Department of Planning. Housing Strategy review underway. Revised draft residential market analysis submitted by consultants. Further work on Housing Strategy dependent on discussion with Department of Planning.
Stage 4 Section 62 consultation with public authorities, including neighbouring councils, and other persons as may be determined	To allow input by public authorities and others to the preparation of the LEP.	Consultation with major service authorities, government departments and Waverley and City of Sydney Councils. Other organisations and people may be consulted at this time.
Stage 5 Prepare draft LEP – with input from Strategic Planning Working Party	To enable Councillor input to the preparation of the draft LEP	Council has resolved that preparation of the draft LEP be overseen by the Strategic Planning Working Party. All Councillors are invited to participate.
Stage 6 Section 64 submission of draft LEP to Department of Planning	Statutory requirement of the Act	This step will require a report to the Department's LEP Review Panel.
Stage 7 Section 65 certification by Director General, Department of Planning	Statutory requirement of the Act	Issue of certificate is subject to the outcome of consideration by the LEP Review Panel.
Stage 8 Section 66 public exhibition	Statutory requirement of the Act	Exhibition is likely to be extensive. An eight week exhibition period is recommended.
Stage 9 Section 68 consideration of submissions	Statutory requirement of the Act	Subject to the number of submissions, reporting to Council may need to be done in stages.

Stage 10 Parliamentary Counsel opinion	Required LEP step. PC provides opinion that draft LEP may legally be made by the Minister for Planning.	An advice from the PC is normally limited to matters of legal drafting, but may contain conditions requiring further consideration by Council.
Stage 11 Section 69 reporting to Director General	Statutory requirement of the Act	A detailed report on the exhibition process and consideration of submissions is provided to the Department's subregional branch.
Stage 12 Gazettal	Completion of statutory process	This step will coincide with a range of administrative steps.

Preparation of the draft LEP follows a statutory process which involves mandatory steps. Certain steps can require considerable work and therefore influence the overall timeframe for completion of a LEP. For instance, preparation of a full environmental study can involve substantial research. We have discussed the need for full environmental study with the Department of Planning, but have not confirmed whether such a study will be required. Ultimately it is the Department's role to inform Council whether an environmental study is necessary.

We have commenced a review of the Housing Strategy as it is integral to the comprehensive LEP, particularly in view of the housing target set down in the Draft East Subregional Strategy. At this time we do not know whether the full target or a revised figure will be provided in the approved Strategy. When the Strategy is approved we will be able to gauge the impact on the comprehensive LEP. For instance, we may need to consider a range of changes to the planning provisions to facilitate housing growth.

It is possible to run elements of phase 2 parallel to phase 1. For instance, stages 1, 2 and 3 of phase 2 (the plan making process) can be commenced without implication to work undertaken in phase 1.

Timetable

A precise timetable for the project has not been prepared at this stage. Our ability to advance the project has been affected by several issues. These include:

- current commitments to the completion of projects prioritised by Council,
- delays with the release of the East Subregional Strategy and uncertainty with the approval date for the Strategy,
- staff resignations.

We do not consider that the LEP will be gazetted before the end of 2008. However, it is possible to make significant advances if the issues that have impacted on progress to date can be resolved.

Preparation of the comprehensive LEP is a major undertaking which involves a greater amount of work than the smaller LEPs that have been prepared by the Council over the past decade. Some of the major steps which will contribute to the project's lengthy timeframe are:

- consultation with public authorities (section 62) and the public (section 66),
- likely discussions with the Department of Planning regarding flexibility with inclusion of local controls in the draft LEP,

- reporting to Council on possible policy issues, including potential to meet required housing targets
- sign off by the Department of Planning at particular stages (section 65 certification and section 69 reporting to the Minister),
- preparation of electronic LEP maps.

Concurrent with the preparation of a new comprehensive LEP, Council will be required to consolidate its DCPs. We have commenced this project under the RRIF Commonwealth grant. Our emphasis has been on the delivery of controls in an electronic format. This will allow property owners, applicants and others to obtain a list of controls by property address and by development type. Resources with this project will need to be co-coordinated with those used for the comprehensive LEP and other projects within the Management Plan.

Identification of income and expenditure

All work is being undertaken using in-house resources with the exception of the residential market analysis, which is being carried out by consultants. All expenditure for this financial year is being met by allocations within the 2006-2007.

Conclusion

Preparation of the new comprehensive LEP for Woollahra has commenced and is progressing under current resources and in the context of other projects within the Management Plan. Important elements of the LEP are dependent on the final version of the East Subregional Strategy and discussions with the Department of Planning. In view of the substantial work involved in preparing a comprehensive LEP gazettal is not likely to occur before the end of 2008.

Chris Bluett
Manager Strategic Planning

Allan Coker
Director Planning and Development