



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 25 February 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

21 February 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 – 25 February 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 25 February 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 11 February 2008	1
D2	Built Environment Principal Activity – Second Quarterly Management Plan Review – 827.G 07-10	2

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

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 11 February 2008**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 11 February 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 11 February 2008 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee

Subject: Built Environment Principal Activity – Second Quarterly Management Plan Review

Authors: Allan Coker – Director Planning and Development
Chris Bluett – Manager Strategic Planning
Tim Tuxford – Manager Compliance
Peter Kauter – Acting Manager Development Control

File No: 827.G 07-10

Reason for Report: To review the status of projects and services for the Management Plan principal activity of Built Environment for the three months ending 31 December 2007.

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 second 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 Planning
- 1.3 Urban Design
- 1.4 Development Control
- 1.5 Compliance
- 1.6 Management and Administration

Included as annexures to this report are:

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

Double Bay Commercial Centre and Oxford Street Paddington business management

Following the Council's endorsement of a centre management model on 27 August 2007 we carried out a number of actions. Discussions were held with representatives from the Double Bay business community and with consultants engaged by the Oxford Street Paddington Chamber of Commerce.

The Director of Planning and Development attended a meeting of the Oxford Street Paddington Chamber of Commerce on 21 November 2007.

The Double Bay Chamber of Commerce discussed the centre management proposal at a meeting on 10 October 2007 and provided comment to Councillors and staff at a breakfast meeting on 26 October 2007. We reported these meetings and their outcomes to the Urban Planning Committee on 26 November 2007. On 17 December 2007 the Council agreed to establish a Double Bay Centre Management Working Party. The Council's decision required certain actions to be carried out for and in association with establishment of the working party. The working party has been established and is currently working through the draft documentation for the proposed centre management partnership.

Rezoning request for 4A Nelson Street Woollahra

Further work was undertaken on the rezoning request by Jewish Care in response to a decision of the Council on 9 July 2007 and 27 August 2007. A report was considered by the Urban Planning Committee on 8 October 2007. On 29 October 2007 the Council resolved to prepare a draft LEP to rezone the site to Residential 2(a). The draft LEP process has commenced with correspondence to the applicant in accordance with the Council's adopted fees and charges requirements.

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

We reported to the Corporate and Works Committee on 19 November 2007 and the Urban Planning Committee on 17 December 2007. Council on 29 January decided to change those provisions of the plan relating to car parking within the Double Bay commercial centre.

Woollahra Housing Strategy review

A revised draft Residential Market Analysis report has been completed by the consultant firm BIS Shrapnel. We have reviewed the report and a final version is expected in February 2008. We will report to the Urban Planning Committee when the final report is submitted.

Woollahra Comprehensive LEP

We provided a progress report to the Urban Planning Committee on 12 November 2007. The Council resolved on 26 November 2007 to prepare a draft comprehensive LEP for the Municipality. We have completed the initial statutory notification to the Department of Planning. Further work on this project will initially be directed through the Strategic Planning Working Party. Progress reports will then be prepared for the Urban Planning Committee.

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 two projects.

Paddington DCP review

Our work on this project during the quarter was carried out in three stages. First, we reported the outcomes of the Draft DCP Peer and Community Review Panel to the Urban Planning Committee meeting on 29 October 2007. On the same night the Council resolved to re-exhibit the Draft DCP, limiting public submissions to the clauses dealing with excavation and internal changes to the principal building form. These clauses were the focus of the review undertaken by the Panel.

The second stage of our work involved re-exhibition of the draft controls. The exhibition concluded on 21 December 2007. We will report the findings of the exhibition to the Urban Planning Committee in February 2008.

Thirdly, we presented a report on proposed controls for lofts over garages to the Committee on 26 November 2008. The Council resolved on 17 December 2007 to re-convene the Paddington DCP Working Party to review the proposed controls. The Working Party met on 7 February 2008.

The work of John R Brogan, architect and 17 Ian Street Rose Bay

This project involved substantial research and the preparation of a very detailed report on the work of the architect John R Brogan in the Municipality. Part of the project also involved an assessment of the heritage significance of 17 Ian Street, a building which was designed by John R Brogan.

Other Heritage projects were delayed due to fact that the position of Strategic Heritage Officer was vacant for most of the quarter.

3.2 Core activities

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

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 two projects.

Neighbourhood Centres DCP and LEP (including William Street Paddington)

We prepared a report on submissions received following exhibition of the Draft Neighbourhood Centres DCP and LEP in May and June. The report was considered by the Urban Planning Committee on 8 October 2007. On 29 October 2007 the Council endorsed the next stage of the project by resolving to submit the Draft LEP, with minor alterations, to the Department of Planning. The Council approved the Draft DCP. At the same meeting a decision was made to amend the Paddington Heritage Conservation Area DCP to include controls for buildings in William Street Paddington which may be used for non-residential purposes.

The Draft LEP was submitted to the Parliamentary Counsel for comment. We reported the Parliamentary Counsel's comments to the Urban Planning Committee on 17 December 2007. The Council on 29 January 2008 adopted the Committee's recommendation to proceed with the Draft LEP but to defer the William Street Paddington provisions.

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. The format and methodology for this project has been resolved in consultation with consultant Jo Kelly. The base inventory sheets have been completed for about 60% of the centre and surveys completed for a sample group of properties in New South Head Road and Bay Street.

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.

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 and 2nd quarters of 2007-2008 is compared to our performance during the 2006-2007 year:

	Year 06/07	1 st Qtr 07/08	2 nd Qtr 07/08
Nett median determination period	72	52.5	57
Gross median determination period	83	69	77
Delegated nett median		40.5	42.5
Delegated gross median		46	54
Number of Applications in hand at end of each period	464	372	395

Our performance in the 2nd quarter of 2007-2008 is very similar but not as good as the 1st quarter. This was due in large part to an increase in the number of applications lodged in November 07.

The net (gross minus 'stop the clock' days) median determination times for the 2nd Quarter 2007-2008 was 57 days and the gross median was 77 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 42.5 days and a gross median 54 days.

In the same quarter the number of outstanding DAs, s.96, s.82A and CCs increased slightly to 395.

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

While 395 applications compares favourably with previous years there are too many applications in the system. A concerted effort needs to be made to further reduce the number of applications in hand as well as our processing times. This is particularly important because of the increased focus on local government performance by the Department of Planning and the Minister for Planning in their annual performance monitoring reports.

Since the time to determine applications jumps significantly from staff determinations to AAP and again to DCC the following figures are also of interest:

	2006	2007
% Applications determined by staff	77	68
% Applications determined by AAP	13	22
% Applications determined by DCC	10	10

While the number of applications determined by the DCC has remained constant there has been an increase in the percentage of applications determined by the AAP. This is something that requires further consideration and will be addressed when we report back on Council's resolution of 17 December 2007 regarding the determination of applications for hotels.

A more detailed report on development control performance will be prepared and presented to a future meeting of the DCC following appointment of the new Manager Development Control.

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.

We have more recently made a number of changes to the structure and makeup of our development assessment teams and are working with administrative staff to expand the range of services they currently provide.

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.

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.

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:

- 32 construction certificates were determined, representing a market share of 16.2%. The number of construction certificates determined was more than 23% 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 14 days, representing a reduction of more than 36% on the 2006/07 annual result of 22 days.
- 2 complying development certificates were issued, representing a market share of 40%. The median turn-around time for complying development certificates was 15 days. The number of complying development certificates issued for the area is generally low at about 40 applications per year. The second quarter's market share result is in line with the annual results for 2005/06 and 2006/07 where Council issued about 50% of all complying development certificates. This is up from 12.5% from the first quarter.
- Council was appointed as the Principal Certifying Authority (PCA) for 21 new construction projects, representing a market share of 15.6%. The number of appointments was more than 31% below the quarterly average for 2006/07 and the market share for the quarter represented a fall of nearly 28% from the 2006/07 annual result.
- 60 building certificates were issued, with a median turn-around of 42 days. The number of building certificates determined was consistent with the quarterly average for 2006/07, while the median turn-around time was up from 32 days for 2006/07.
- 15 hoarding applications were determined, with a median turn-around of 6 days. The number of hoarding applications determined was more than 15% above the quarterly average for 2006/07 and the median turn-around remained below the 2006/07 annual result of 9 days.
- 6 Local Government Act activity applications were determined, being comparable with the quarterly average for 2006/07.

- 2 land and 1 strata applications were processed, being marginally below the quarterly average for 2006/07.
- 26 new fire safety statements were registered, being nearly 100% above the quarterly average for 2006/07.
- 184 annual fire safety statements were submitted, being about 12% above the quarterly average for 2006/07.
- 1 penalty infringement notice was issued for failure to submit an Annual Fire Safety Statement.
- 5 Fire Safety Orders were issued, with 5 Fire Safety Orders being finalised.
- 82 Notices and Orders were issued for the rectification of work/unauthorised uses/unauthorised works, being about 10% below the quarterly average for 2006/07.

7. Management and Administration

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

8. Conclusion

Our Environmental Planning, Urban Design and Heritage Conservation programs have proceeded in a satisfactory manner in the context of staffing difficulties experienced during the quarter. However, two of our four (4) vacancies within these sections remain unfilled:

- Team Leader Urban Design
- Senior Strategic Planner

We have recruited for these positions but we have not been successful in attracting suitable candidates.

The statistics presented for Development Control demonstrate a slight deterioration in turnaround times for DAs and associated applications, however, the overall longer term trends are in the right direction. A more detailed report and analysis of these trends will be presented to the DCC following the appointment of the new Manager Development Control.

The Compliance Section focussed on the delivery of its core services, generally meeting our service standards for most core activities. 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.

The median determination time for Building Certificates deteriorated during the quarter from 23 days to 42 days, exceeding 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.

Allan Coker
Director Planning and Development

Chris Bluett
Manager Strategic Planning

Peter Kauter
Acting Manager Development Control

Tim Tuxford
Manager Compliance

Annexures

1. December 2007 Quarterly Review of Principal Activity, Built Environment
2. December 2007 Quarterly Review of Outstanding Notices of Motion, Built Environment