



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 18 February 2013*

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).

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.

Delegated Authority (“D” Items)

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- 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 above.
- Statutory reviews of Council's Delivery Program and Operational Plan.

Committee Membership:

7 Councillors

Quorum:

The quorum for a committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

14 February 2013

To: His Worship the Mayor, Councillor Andrew Petrie ex-officio
Councillors Greg Levenston (Chair)
Ted Bennett
Luise Elsing
Elena Kirillova
Katherine O'Regan
Matthew Robertson
Toni Zeltzer

Dear Councillors

Urban Planning Committee Meeting – 18 February 2013

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 **Thornton Room (Committee Room), 536 New South Head Road, Double Bay, on Monday 18 February 2013 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 Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 4 February 2013	1
D2	Delivery Program 2009 to 2013 and Operational Plan 2012/13 (DPOP) Quarterly Progress Report December 2012 against Goal 4 – Well Planned Neighbourhoods – 1229.G	2

Note: Annexure 1 has been Distributed Under Separate Cover

**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 4 February 2013**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 4 February 2013 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 4 February 2013 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee

Subject: **Delivery Program 2009 to 2013 and Operational Plan 2012/13 (DPOP) Quarterly Progress Report December 2012 against Goal 4 - Well planned neighbourhoods**

Author: Allan Coker - Director Planning and Development
Chris Bluett - Manager Strategic Planning
Patrick Robinson - Manager Development Control

File No: 1229.G

Reason for Report: To review the status of the Priorities and Actions in Council's Delivery Program 2009 to 2013 and Operational Plan 2012/13 for the three months ending 31 December 2012.

Recommendation

- A. THAT the December 2012 Quarterly Progress Report on Goal 4 (Well planned neighbourhoods) of Council's Delivery Program 2009 to 2013 and Operational Plan 2012/13 be received and noted.
- B. THAT priority be given to the completion of the Woollahra Principal LEP and Comprehensive DCP.

1. Background

Council adopted its Delivery Program 2009 to 2013 and Operational Plan 2012/13 (DPOP) in June 2012 in accordance with the Integrated Planning and Reporting Legislation for NSW Local Government. The Delivery Program and Operational Plan are two of the key strategic planning documents that comprise Council's Integrated Planning and Reporting Framework.

It is a requirement under the Integrated Planning and Reporting Legislation that Council report on the progress of its Delivery Program at least every six months. In response to this requirement, and in order to ensure that Council's reporting to the community is transparent, timely and manageable under the legislation, progress reports on the DPOP are presented to Council quarterly for the periods ending 30 September, 31 December, 31 March and 30 June each year.

The framework for quarterly progress reports is consistent with the structure of the Delivery Program and Operational Plan developed around the following interrelated themes and supporting goals:

Theme: Community well-being
Goal 1: A connected and harmonious community.
Goal 2: A supported community.
Goal 3: A creative and vibrant community.

Theme: Quality places and spaces
Goal 4: Well planned neighbourhoods.
Goal 5: Liveable places.
Goal 6: Getting around.

Theme: A healthy environment
Goal 7: Protecting our environment.
Goal 8: Sustainable use of resources.

Theme: Local prosperity
Goal 9: Community focused economic development.

Theme: Community leadership and participation
Goal 10: Working together.
Goal 11: A well-managed Council.

Annexure 1 to this report is Council's Quarterly Progress Report for the period 1 October to 31 December 2012 for Goal 4, being most relevant to the Urban Planning Committee.

Progress comments for all Delivery Program priorities and Operational Plan actions are provided in the tables of **Annexure 1**. Council staff provide updates on these comments on an ongoing basis for internal management purposes, with the comments then collated at the end of the quarter for reporting to Council and the community. Generally, actions included in the Operational Plan relate to the current financial year. However, there are a number of actions that extend beyond June 2013, as indicated in the target date column.

A tick in the final column of the tables in **annexure 1** headed "Updated Comments" indicates that the comments relating to that action have been updated since the previous quarterly report to Council. The purpose of the tick is to enable Councillors and other readers of the report to easily identify where an action status has been updated.

In considering the September DPOP Quarterly Progress Report at its meeting held on 19 November 2012, the Corporate and Works Committee requested that statistics be included in future Quarterly Progress Reports summarising the status of DPOP Actions. The Committee will note the inclusion of this additional information on page 3 of **annexure 1**.

2. Adopted notices of motion and other decisions of the Council

To further improve the efficiency and transparency of Council's Integrated Planning and Reporting procedures, notices of motion and other decisions of the Council which are strategic and/or project based are now included as additional actions in the DPOP and reported on through the Quarterly Progress Report.

Adopted notices of motion which are non-strategic in nature, such as placement of an additional agenda item on a meeting or writing a letter to an organisation, will be monitored administratively.

During the period 1 October to 31 December 2012, one new notice of motion and one decision arising from an existing project have been identified as strategic and/or project-based in nature. Details of these new actions are provided below.

ACTION ARISING FROM A NOTICE OF MOTION	
Action number in 2012/13 Quarterly Progress Report	Action description
4.1.1.36	Prepare a report on the heritage significance of the Rose Bay Sea Wall, Balustrade and Promenade and whether the structure meets the criteria for state heritage listing. [Refer NOM 22/10/2012].
4.1.1.37	Prepare a site-specific DCP for 9A Cooper Park Road, Bellevue Hill

3. Woollahra Principal LEP

The Woollahra Principal LEP is one of the two main projects within the DPOP. The other project is the Comprehensive DCP. Within the DPOP there are numerous projects which are being carried out as part of the Principal LEP and Comprehensive DCP. Many of those projects have arisen from adopted notices of motion and decisions of Council relating to other projects.

The Principal LEP is required as part of the previous State Government's planning reform program. The requirement has been actively embraced by the new Government. Timeframes for completing Principal LEPs by councils within NSW were originally set by the State Government in 2006 when the *Standard Instrument (Local Environmental Plans) Order 2005* was introduced. Woollahra was originally given a completion date of 31 March 2011 and then a new date of 31 March 2013.

The current State Government has placed a high priority on councils completing their principal LEPs. Consequently, in the past three months the Council has received two letters from the Minister for Planning and Infrastructure, the Hon. Brad Hazzard MP, regarding the progress of our Draft LEP.

The first letter, dated 8 November 2012 (**annexure 2**), referred to a decision made by the previous Council on 27 August 2012 requiring staff to not proceed with further statutory drafting of the LEP until clarification of the State Government's Green Paper reforms is known.¹ In responding to that decision, the Minister stressed the priority he places on completing the LEPs. He encouraged Council to continue work on the Draft LEP to enable its completion by 31 March 2013. In the event that this timeframe was not achievable the Minister asked Council to provide a project plan with key milestones.

We prepared a report on the Minister's letter for consideration by the Urban Planning Committee on 10 December 2012. The report (**annexure 3**) included a revised project plan (**annexures 4**). Our revised timeframe showed a commencement date for the LEP in May 2014. This date was based on a number of steps including:

1. The need to complete workshops with Councillors through the Strategic Planning Working Party.
2. Finalising the content of the Draft LEP with the Department of Planning and Infrastructure (DPI) and the Parliamentary Counsel, in particular, the transition of local provisions from Woollahra LEP 1995.
3. Obtaining a certificate from the DPI to enable public exhibition of the Draft LEP.
4. Conducting the public exhibition process and a public hearing for reclassification of public lands.
5. Assessing submissions and making changes to the Draft LEP.
6. Reporting to Council on submissions and the results of the public hearing.
7. Reconsideration of the Draft LEP by the DPI prior to its approval and gazettal.

Steps 2, 3 and 7 involve considerations by the DPI and the Parliamentary Counsel. Because the timing for these steps is outside the Council's influence we have only been able to provide estimates. Any time savings in these steps would need to be discussed with the DPI.

On 10 December 2012 the Council resolved:

¹ The Green Paper is a discussion paper on changes to the NSW planning system, notably the introduction of a new planning act.

- A. That Council notes the timeframe for preparing the Woollahra Principal local environmental plan as provided in the project plan in Annexure 2 to the report to the Urban Planning Committee on 10 December 2012.
- B. That the project plan is submitted to the Department of Planning and Infrastructure in response to the Minister's letter.

Council's decision and the revised timetable were sent to the DPI. The Minister has provided a response in a letter dated 16 January 2013 (**annexure 5**). Whilst the Minister acknowledged that a March 2013 completion date was not achievable because the plan had yet to be exhibited, he expressed disappointment that Council's timeline showed a completion date of May 2014.

The Minister mentioned the Department's commitment to assisting Council in completing the LEP and suggested Council may make an application for funding towards this process through the current round of the Planning Reform Fund. We have considered this suggestion, but do not feel it is a practical option due to the advanced status of the Draft LEP. We consider the best assistance lies in quick and consistent responses from the Department during its role in the LEP process.

We have reviewed the timeframe and consider there may be areas where savings could occur. These are:

1. Reducing the public exhibition period from 12 weeks to 10 weeks.
2. Reducing the period for assessing submissions, consulting with the Strategic Planning Working Party and reporting to Council.
3. Reducing the time for processes carried out by the DPI and Parliamentary Council.

Because the Draft LEP is the major local statutory planning document applying to the Municipality, we are reluctant to recommend a reduction in the public exhibition process.

Savings may occur with our assessment of submissions, but this is subject to the number and complexity of submissions and the scheduling of items on Committee agendas. Therefore, it is not possible to predict precise savings in these steps.

Our timeframe allocated approximately five months to tasks undertaken by the DPI and the Parliamentary Council. We note that the Minister has not indicated whether this estimate is realistic. We feel there is scope to discuss potential savings in these areas with the DPI.

Our ability to finalise the two major projects within the DPOP is also dependent on three related factors:

1. The amount of work within the program.
2. The priorities given to other projects.
3. Our staff resources.

The Council may amend the DPOP by adding projects and changing priorities through formal decisions, including an adopted notice of motion. Many projects have been added by the latter step. In amending the DPOP by whatever means, the Council will need to consider the potential impact on its two major planning projects, particularly in light of the recent correspondence from the Minister. Furthermore, we emphasise that our ability to respond in a timely manner to changes within the DPOP is also a function of current staff resources.

4. Development activity

Annexure 6 provides graphical presentations of development activity turnaround times for the March quarter supporting the Progress Comments relevant to Priority 4.1.2 – Deliver high quality and timely development assessment.

5. Comparative Performance

Annexure 7 provides a comparative performance of Development Application Determinations by Delegation.

6. Conclusion

It is recommended that the December 2012 Quarterly Progress Report on Goal 4 (Well planned neighbourhoods) of Council's Delivery Program 2009 to 2013 and Operational Plan 2012/13, be received and noted.

We note the response from the Minister for Planning and Infrastructure in his letter of 16 January 2013 regarding our timeframe for completing the Principal LEP. We consider there is potential for savings within this timeframe in a number of steps. However, some of those savings will not become evident until we know the number and complexity of submissions to the Draft LEP. Aside from that, we consider discussion should occur with the DPI to identify savings for those steps within its responsibility.

In the context of projects within the DPOP, we consider the Council should resolve to apply top priority to the Principal LEP and Comprehensive DCP.

Chris Bluett
Manager Strategic Planning

Patrick Robinson
Manager Development Control

Allan Coker
Director Planning and Development

Annexures

1. DPOP Quarterly Progress Report December 2012 for Goal 4 (Well planned neighbourhoods) – *distributed separately.*
2. Letter from the Hon. Brad Hazzard MP, Minister for Planning and Infrastructure, dated 8 November 2012.
3. Report to Urban Planning Committee meeting on 10 December 2012 regarding Principal LEP timeframe.
4. Project timeframe for Woollahra Principal LEP December 2012.
5. Letter from the Hon. Brad Hazzard MP, Minister for Planning and Infrastructure, dated 16 January 2013.
6. Graphical presentation of development activity turnaround time for the December quarter.
7. Comparative Performance of DA Determinations by Delegation.

**POLITICAL DONATIONS DECISION MAKING FLOWCHART
FOR THE INFORMATION OF COUNCILLORS**

