

Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 23 July 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

19 July 2007

To: The Mayor, Councillor Keri Huxley, ex-officio
Councillors Geoff Rundle (Chair)
 Isabelle Shapiro (Deputy Chair)
 John Comino
 Christopher Dawson
 Wilhelmina Gardner
 David Shoebridge
 John Walker

Dear Councillors

Urban Planning Committee Meeting – 23 July 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 23 July 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 9 July 2007	1
D2	Built Environment Principal Activity – Fourth Quarterly Management Plan Review – 827.G 05-08	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 9 July 2007**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 9 July 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 9 July 2007 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
Brett Daintry – Manager Development Control

File No: 827.G 05-08

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 2007 and to provide an overview of achievements during the 2006-07 financial year.

Recommendation

That the status of projects for the Built Environment principal activity be noted.

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 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 fourth quarter of 2006-2007. It also provides an overview of our achievements for the 2006-2007 year. 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.

Uncompleted notices of motion which have a major impact on approved Management Plan core activities and projects have been carried over to the 2007-2010 Management Plan to facilitate the changing of priorities in an orderly and transparent manner.

2. Fourth quarterly review

An overview of issues that have influenced our projects and work activities during the year is provided below. We also provide a commentary, by each sub-activity, on projects undertaken during the fourth quarter.

2.1 Issues influencing projects

Two issues have been particularly influential on our work program and core activities.

Planning reforms

We have been informed by the Department of Planning that further changes are likely to occur to the *Standard Instrument (Local Environmental Plans) Order 2006* as councils work through the preparation of their new comprehensive LEPs. One change, which included amendments to mapping requirements and land use tables, was gazetted on 1 September 2006. The unknown scope of future changes and their possible policy implications will make it difficult to proceed with certainty in the preparation of our new LEP.

The ability to carry out minor LEP amendments, which are essentially matters of local planning importance, is still very restricted by the operation of Department's LEP criteria and LEP Review Panel. During the year we experienced delays with the Draft Neighbourhood Centres LEP due to several requests from the Department for further information and justification.

Staff resources

Staff shortages in the Strategic Planning Section, Urban Design Unit and Compliance Section have continued. At present, there is one vacancy in Strategic Planning, one in Urban Design and three in Compliance. We are operating the Strategic Planning position and one position in Compliance with part-time replacements. Our ability to fill these positions in the longer term and on a permanent basis is being affected by a shortage of specialists in the market place.

2.2 Environmental Planning

2.2.1 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 three main projects.

Draft Woollahra LEP 1995 (Amendment No. 61)

This Draft LEP deals with an amendment to the definition of community facility. The need for the Draft LEP arose from a decision of the Court of Appeal in *Cranbrook School v Woollahra Council [2006] NSWCA 155*. The Court declared that development proposed by Cranbrook School for a preparatory and junior school on the former Rose Bay Bowling Club site was development which constituted a community facility and was permissible with consent under Woollahra Local Environmental Plan 1995 with the Open Space Zone applying to the site.

We reported to the Urban Planning Committee on 30 April 2007 with the results of the public exhibition of the Draft LEP. On 14 May 2007 the Council resolved to forward the Draft LEP to the Minister for Planning for approval and gazettal. We have recently received a response from the Parliamentary Counsel and will now refer the Draft LEP to the Minister for approval and gazettal.

Woollahra Comprehensive LEP and DCP consolidation

Our work with this project has continued and is being partly funded from grants under the Federal Government's Regulation Reduction Incentive Funding Programme. Discussions have commenced with Civica, the company which currently provides our property and rates data bases. We will need to introduce new software for the electronic delivery of the consolidated property-based LEP and DCP.

Double Bay Commercial Centre and Oxford Street Paddington business management

Hill PDA and URBISjhd completed and submitted their retail reports on Double Bay and Oxford Street Paddington. Their findings were presented to the Working Parties and chambers of commerce. The final reports, with recommendations, were presented to the Urban Planning Committee on 14 May 2007. The Council endorsed the actions set out in both plans and also resolved that further reports be submitted on funding options and the steps needed to appoint centre managers.

During the quarter the following reports were presented to the Urban Planning Committee.

Project	Committee	Reasons for project
Sydney Grammar School Tennis Court rezoning	UPC 30.4.07	Response to notice of motion
Draft Woollahra LEP 1995 (Amendment No.61) – definition of community facility	UPC 30.4.07	Response to decision of Court of Appeal arising from action by Cranbrook School and interpretation of Woollahra LEP 1995 provisions
Oxford Street Paddington retail study findings	UPC 14.5.07	Response to notices of motion
Double Bay Commercial Centre retail study findings	UPC 14.5.07	Response to notices of motion
Rezoning request for 4A Nelson Street, Woollahra	UPC 25.6.07	Request by property owner

2.2 Heritage Conservation

2.2.1 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 review

During the quarter, meetings of the Draft DCP Peer and Community Review Panel were held on 4 April, 1 May and 8 May. A further meeting was held on 12 July 2007. Recommendations of the Panel are being co-ordinated and integrated with a revised Draft DCP. A report on the process and recommendations of the Review Panel will be prepared for consideration by the Urban Planning Committee in the first quarter of 2007-2008.

Deferred potential heritage items

Research for several potential heritage items was carried out. These potential items had been deferred from consideration in late 2006 for various reasons including concerns by property owners and community groups. We reported to the Urban Planning Committee on 25 June 2007 with recommendations for the potential item at 25 Hamilton Street, Rose Bay. Reports on the remaining deferred potential items and an archaeological site in Watsons Bay will be submitted to the Committee in the second quarter of 2007-2008.

Architecture of John Brogan

Research into the work of architect John Brogan has been completed and will be submitted to the Urban Planning Committee in the second quarter of 2007-2008. This project arose from our investigation of potential heritage items in the suburb of Woollahra. A deferred potential heritage item will be included in our report.

2.2.2 Core activities

The two heritage officers dealing with development applications processed 153 referrals during the quarter. Completion times for these referrals have largely met required time frames.

During the quarter the following report was presented to the Urban Planning Committee.

Project	Committee	Reasons for project
25 Hamilton Street Rose Bay - consideration as heritage item	UPC 25.4.07	Response to Council decision. Management Plan project

2.3 Urban Design

2.3.1 Management Plan projects

Annexure 1 contains a status summary of projects within the sub-activity. Work in this sub-activity was disrupted due to extended leave and, towards the end of the quarter, by a staff resignation. Our work in this program during the quarter was directed towards four main projects.

Neighbourhood Centres DCP and LEP (including William Street Paddington)

Exhibition of the Neighbourhood Centres DCP and LEP occurred in May and June. The Draft LEP included additional use provisions for properties in William Street Paddington. In addition to the normal advertising, notification letters and information brochures were sent to affected property owners and the owners of properties adjoining the centres.

White City DCP

A Draft DCP was considered by the Urban Planning Committee in March 2007. An officer's report was presented to the Council meeting of 16 April 2007 in response to a decision of the Council on 26 March 2007. At the Council meeting on 16 April, a decision was made to place the Draft DCP on public exhibition. The public exhibition occurred in May and June. A report on the exhibition will be submitted to the Urban Planning Committee in the first quarter of 2007-2008.

Amendment to Woollahra Residential DCP

This amendment focuses on provisions for roof terraces, mechanical parking installations and air conditioners. Further research was carried out in response to a decision of the Council on 28 August 2006. A set of amendments was submitted to the Urban Planning Committee on 30 April 2006. On 14 May 2007 the Council resolved to prepare and exhibit a draft DCP. The draft DCP has been exhibited and we will report to the Committee in the first quarter of 2007-2008.

Review of DCP for Schools and Colleges

We prepared a report with conclusions from our review of the DCP to the Urban Planning Committee meeting on 12 June 2007. The report addressed a range of issues including building setbacks from boundaries, on-site parking, recreation areas, student drop-off and pick-up, community use of school facilities, public access to school grounds and environmentally sustainable design. On 25 June 2007 the Council resolved to prepare a new DCP based on the conclusions set down in the UPC report.

2.3.2 Core activities

The two Urban Designers provided comments on major development applications and several of Council's capital works projects during the quarter.

During the quarter the following reports were presented to the Strategic and Corporate and Urban Planning Committees and the Council.

Project	Committee	Reasons for project
Expressions of interest for the Kiaora Lane Car Park	S&C 4.4.07	Response to Council decision
Draft White City DCP	Officer's report to Council 16.4.07	Management Plan project originating from development proposal and notices of motion
Amendment to Woollahra Residential DCP – roof terraces, mechanical car parking installations, air conditioners	UPC 30.4.07	Response to notices of motion
Submission on Draft SEPP 64 (Advertising and Signage)	UPC 14.5.07	Public exhibition of Draft SEPP
Review of DCP for Schools and Colleges	UPC 12.6.07	Response to notice of motion
Strategic Planning Working Party matters	UPC 12.6.07	Inform Council of recommendations made by the Working Party

Development Control

2.4.1 Core activities

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

We operate in an environment where the community demand and are 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 processes¹ 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.

A detailed seven year report was presented to the DCC on 2 April 2007. The following links provides access to that report and annexures:

http://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0005/20300/april2-07dccage.pdf

http://www.woollahra.nsw.gov.au/building_and_development/development_applications/our_performance

A detailed performance report is being written for the period 1 July 2006 to 30 June 2007 and will be reported to the DCC in August 2007. A summary for this period follows.

¹ http://www.woollahra.nsw.gov.au/building_and_development/development_applications/process_overview

The year 2006-2007 saw the lowest lodgements for DAs, s96 and s82A applications in the last seven years. The following table shows the seven year trend.

Lodged and Determined			
Year	In	Out	Net
2000	2088	2185	97
2001	2332	2314	-18
2002	2255	2337	82
2003	2365	2369	4
2004	2003	2077	74
2005	1747	1652	-95
2006	1498	1411	-87
2007 YTD	706	705	-1

2006-2007 Determinations are summarised below:

Woollahra Municipal Council 2006-2007 DA & s96 Determinations

Net Determinations by level	Number	% at each level	Average Days	Median Days
Approved by Staff	822	65.6%	67	53
Refused by Staff	102	8.1%	104	79
Approved by AAP	209	16.7%	154	133
Refused by AAP	7	0.6%	167	118
Approved by DCC	82	6.5%	190	163
Refused by DCC	7	0.6%	97	98
Approved by Council	12	1.0%	247	190
Refused by Council	6	0.6%	230	229
Rejected by staff	7	0.6%	4	4
Total	1254	100%	95	72

The time to determine applications jumps significantly from staff determinations to AAP, modestly increases again to DCC and increases again when they go to full Council. The volume of applications determined drops as the level of determination increases. This reflects the fact that more complex and controversial development applications receive a more rigorous assessment which takes longer as they are exposed to the higher levels of transparency afforded through the AAP, DCC and Council reporting process.

In the period 2006-2007 inclusive, 29.5% of applications were subject to requests for additional information. This is despite our best efforts and advice including provision of our pre-DA service², the publication of our 5 Steps DA Guide³ and all environmental planning instruments and development control plans being on our website⁴ free of charge.

The complexity of the development application process has increased with the implementation of site signs which has caused delays in processing some applications because applicants have failed to comply with the new requirements. The process⁵ has not otherwise changed during 2006-2007.

This quarterly report includes a review of performance for the last financial year to 30 June 2007. The Department of Local Government's last report was for the period 2005-2006. Likewise, the

² http://www.woollahra.nsw.gov.au/building_and_development/pre-development/pre-da_meetings

³ http://www.woollahra.nsw.gov.au/building_and_development/pre-development/development_application_guide

⁴ http://www.woollahra.nsw.gov.au/building_and_development/planning_rules

⁵ http://www.woollahra.nsw.gov.au/data/assets/pdf_file/0003/16923/Full_Development_Application_Process.pdf

Department of Planning collected very poorly classified sets of data from all NSW councils last year for the 2005-2006 period and have just published their state-wide performance report for 2005-2006.

We believe that the data published by the Department of Planning has serious validation issues and is unreliable. We advised the Department on numerous occasions before the data was collected and recently at a meeting with the LGSA and the Minister's representative, Mr Ron Baker, on 27 June 2007, that we believe the way the Department have classified the data means that it is unreliable.

The Department will not publicly admit that they have data validation issues but they have sought our input into the way the data should be collected for 2006-2007. We consider that the Department needs to work more closely with local government on setting the requirements for performance reporting since we need to ensure that we properly collect and code the required data so that we can readily provide the reports that will be required from our computerised data base.

In summarised terms, the **average** net for our assessment of development applications and section 96 applications for 2006-2007 was **95 days** with a **median of 72 days**.

We determined **74% by staff delegations. Of those granted consent, 65.6% took an average of 67 days and a median of 53 days.** These are the so called "mum and dad" applications with no objections or objections resolved by conditions of consent or amendments prior to determination. As the complexity of the application assessment process rises, so do the determination times.

We will be providing a more detailed report to the DCC in August 2007.

2.4.2 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 procedures

DA procedures are under constant review because new planning principles, controls, changes to environmental planning instruments, changes to State agencies and specific Land and Environment Court judgements affect the way we must assess development applications. Our procedures are maintained in database, which is accessible to all staff. Several procedures relating to Land and Environment Court case management and planning principles were added and updated during the fourth quarter.

Restructure standard conditions

The restructure of standard conditions has been completed and implemented.

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.

Public performance reporting

This has been completed and our public performance reporting data was published on our website: http://www.woollahra.nsw.gov.au/building_and_development/development_applications/our_performance. This web page will be updated following the completion of this report.

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.

Develop a post consent "DA Information Pack" for applicants

A draft package has been prepared for review by the Manager and Director prior to production and printing.

Induction program for planning and development staff

An induction checklist has been prepared to cover the divisional issues not dealt with through our corporate induction process.

Complete report and review on the pre-DA process

This project has been completed and the draft report is with the Director for review.

Review and document s.68 Activity Approval Process

This was not commenced due to the Executive Planner's development assessment workload in 2006-2007. This project has been rolled over into 2007-2008.

2.5 Compliance

2.5.1 Core activities

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

- 34 construction certificates were determined, representing a market share of 22.9%. The median turn-around time for these applications was 21 days.
- 5 complying development certificates were issued, representing a market share of 38.5%. The median turn-around time for these applications was 19 days.
- Council was appointed as the Principal Certifying Authority (PCA) for 33 new construction projects, representing a market share of 24%.
- 64 building certificates were issued, with a median turn-around of 28 days.
- 10 hoarding applications were determined, with a median turn-around of 11 days.
- 2 activity applications were determined.
- 2 land and 4 strata applications were processed.
- 15 new fire safety statements were registered.
- 223 annual fire safety statements were submitted.
- 6 fines were issued for failure to submit an Annual Fire Safety Statement.
- 13 Fire Safety Orders were issued.
- 1 Fire Safety Order was completed.
- 100 Notices and Orders were issued for the rectification of unauthorised uses/works.

2.6 Management and Administration

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

3. Major achievements during 2006-2007

3.1 Environmental Planning, Heritage Conservation and Urban Design – major achievements during 2006-2007

- Woollahra Section 94A Development Contributions Plan (Amendment No.1) – approved 29 January 2007, commenced 7 February 2007.
- Further progress on Woollahra Sustainability Plan.
- Completion of retail studies for the Double Bay Commercial Centre and Oxford Street Paddington Centre together with reporting to the chambers of commerce, working parties and Council.
- Completion and exhibition of the Draft Paddington DCP. Substantial work on the review of the Draft DCP by a peer and community panel to meet Council's decision on 18 December 2006.
- Completion of research and reporting on potential heritage items in the Woollahra HCA with a decision of Council on 9 October 2006 to prepare a draft LEP.
- Completion of research and reporting on potential heritage items in the Watsons Bay HCA with a decision of Council on 23 October 2006 to prepare a draft LEP.
- Completion of research and reporting on the Contemporary Heritage Item project with a decision of Council on 18 December 2006 to prepare a draft LEP.
- Preparation of new controls for air conditioning units, roof terraces and mechanical parking devices. Amendment to Residential DCP 2003 on public exhibition.
- Public exhibition of Draft Neighbourhood Centres DCP and associated Draft LEP (includes William Street Paddington).
- Review of DCP for Schools and Colleges and a Council decision on 25 June 2007 to prepare a new DCP.
- Public exhibition of revised Draft White City DCP.

3.2 Development Control – major achievements during 2006-2007

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 slight 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 will be 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:

3.2.1 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 judgements 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.

3.2.2 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 new website.

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

- (a) detailed 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) detailed 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.

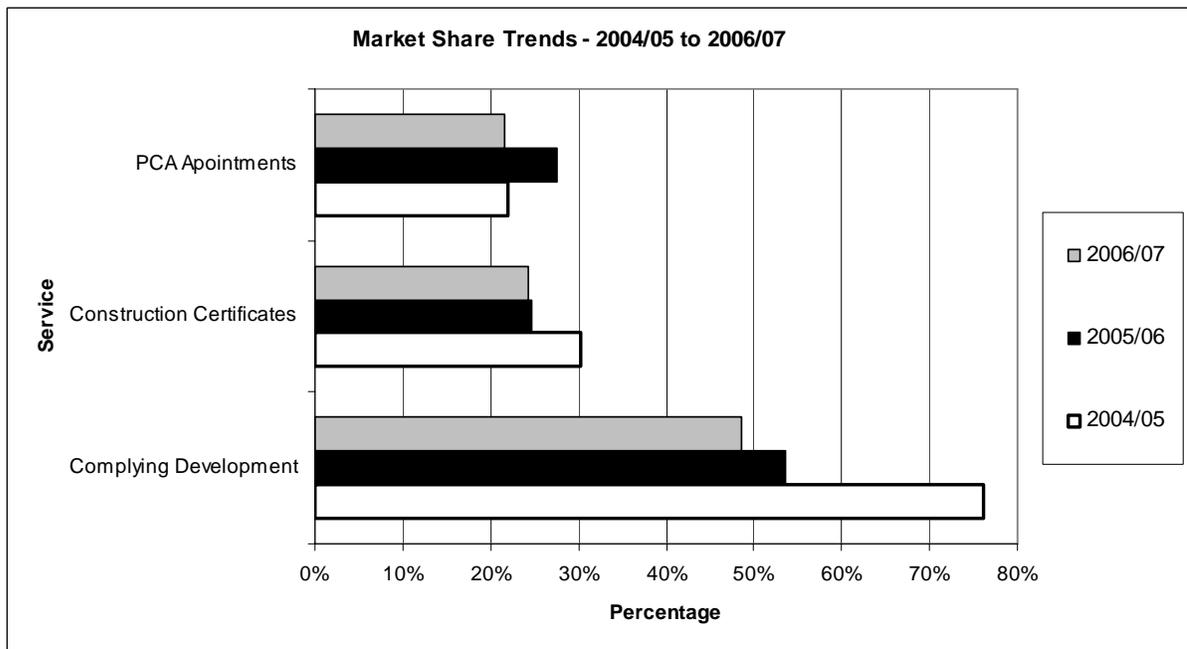
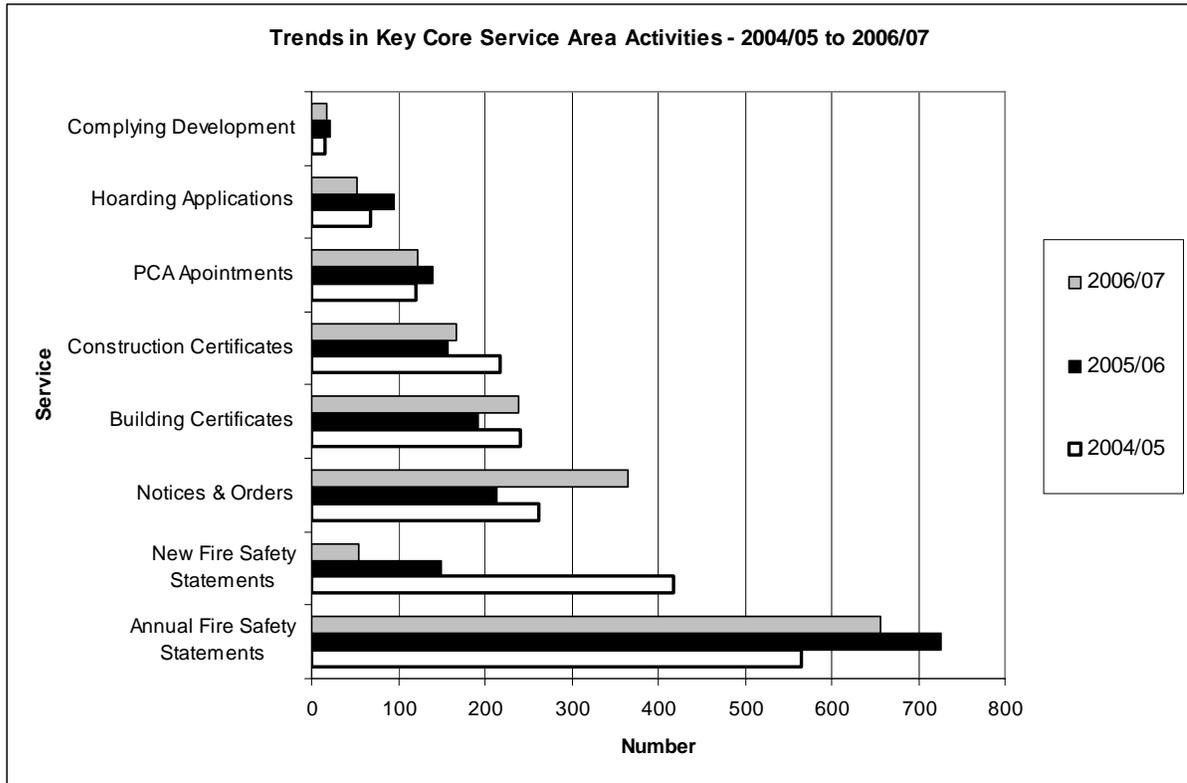
3.3 Compliance – major achievement during 2006-2007

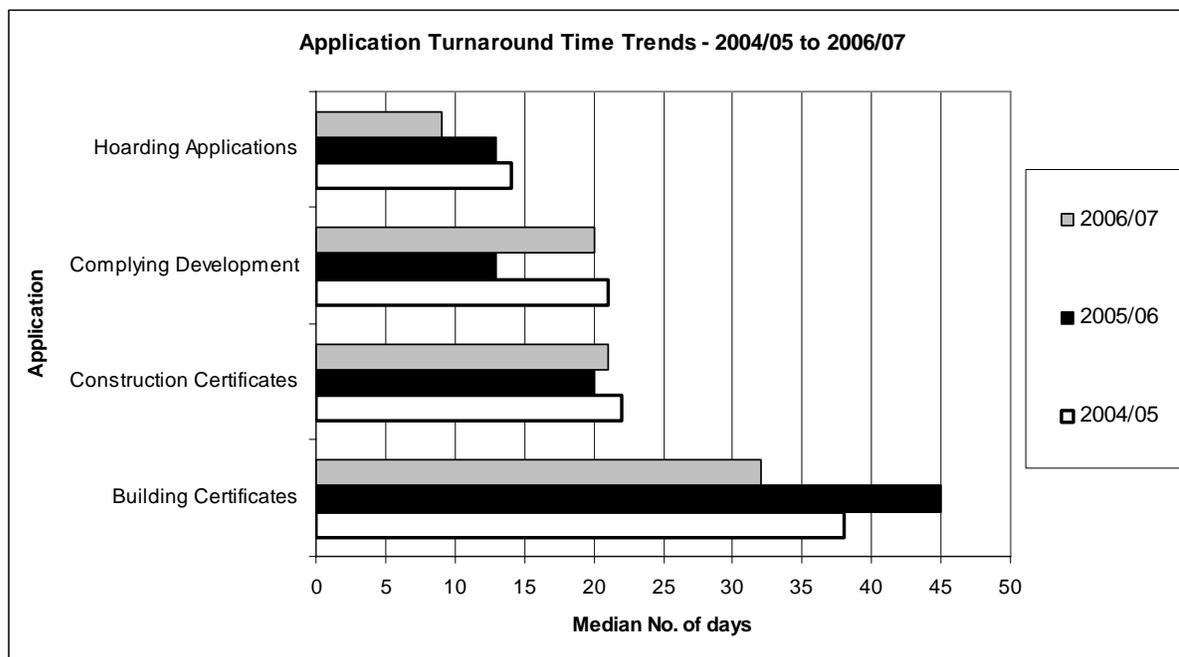
The Compliance Section provided the following core services for the year 1 July 2006 to 30 June 2007:

- 167 (158)* construction certificates were determined, being an increase of approximately 6% on the previous year. The median turn-around time for construction certificates for the year was 22 days and our market share was 24.2%, falling slightly from 24.6% in 2005/06.
- 22 (22)* complying development certificates were issued, being the same number as the previous year. The median turnaround time for complying development certificates for the year was 20 days and our market share was approximately 48.6%, falling slightly from 53.65% in 2005/06.
- Council was appointed as the Principal Certifying Authority (PCA) for 122 (140)* new construction projects, being a decrease of approximately 13% on the previous year. Our market share for new PCA appointments also fell to approximately 21.6% from 27.56% in 2005/06.
- 239 (192)* building certificates were issued being an increase of 24.5% from the previous year. The median turn-around time for building certificates for the year was down from 45 days in 2005/06 to 32 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.
- 52 (95)* hoarding applications were determined being a decrease of over 45.3% on the previous year. The median turn-around time for hoarding applications for the year was 9 days.
- 19 (13)* activity applications were determined being an increase of 46.2% from the previous year.
- 12 (12)* land and 9 (12)* strata applications were processed.
- 54 (149)* new fire safety statements were registered, in less than 7 days, representing a decrease of more than 65.1% from the previous year.
- 657 (726)* annual fire safety statements were submitted and registered, in less than 7 days, representing a decrease of approximately 9.5% from the previous year.
- 19 (68)* fines were issued for failure to submit Annual Fire Safety Statement, representing a decrease on the previous year of 72%.
- 22 (14)* Fire Safety Orders were issued being an increase of 57.1% on the previous year.
- 6 (24)* Fire Safety Orders were completed, being a decrease of 75% on the previous year.
- 366 (214)* Notices and Orders were issued for the rectification of unauthorised uses and works. This represented an increase of more than 71% on the previous year.

* Figures in () indicate results for the 2005/06 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 was a major issue for the Compliance Section during 2006/07 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. It is for this reason that our Compliance Section has been understaffed all year. It is estimated that the Compliance Section has operated, on average, at only 75% of the approved staffing level for the year.

The absence of a Fire Safety Officer during part of the year resulted in our Fire Control program experiencing below target results. However, the new Fire Safety Officer is settling in well and the last quarter results have significantly improved.

The 2006/07 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%,
- Our construction certificate market share has remained stable, even though the total number of applications has increased,
- 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 successful criminal prosecution of four matters in the Local and Land and Environment Courts involving unauthorised works resulting in significant penalties and payment of Council's legal costs, and
- The successful civil prosecution of four Class 4 matters in the Land and Environment Court.

Another major achievement for the year was the review of Council's previous 'Policy on Unauthorised Uses, Buildings and Works', resulting in the adoption of a new 'Enforcement Policy' by Council on 16 April 2007.

Conclusion

There has been satisfactory progress with many of the major projects within the Environmental Planning, Heritage Conservation and Urban Design Sub-activities despite disruptions to staff levels in the Strategic Planning, Heritage and Urban Design teams during the year.

Several extensive heritage conservation projects dealing with potential heritage items reached important milestones with decisions being made to prepare LEPs. These projects have involved years of research and consultation with property owners.

The complexity of many projects and the need to address matters arising from the public consultation processes have often resulted in further research and reporting. Consequently, expected timeframes have often not been achievable.

During the year we have been able to complete research on a number of minor projects that have arisen from adopted notices of motion. In the past, these projects have suffered due to the priority given to major projects and the availability of resources.

It is pleasing to report that the delivery of virtually all core activities within the Built Environment Principal Activity has been satisfactory.

The development control section focussed on the delivery of its core development assessment services. We had rolling vacancies throughout the year but maintained stable performance. The net median processing times decreased to 72 days, being better than our target of 75 days. Over 70% of all Land and Environment Court appeals were either dismissed or withdrawn. Among those upheld (approved by the Court), a majority were based on amended plans or attracted onerous conditions, which significantly addressed the concerns of Council and neighbours. The number of outstanding applications in the system (including construction certificates) remained in the 400 to 450 range all year. We are working to get the total back under 400 despite the fact that the number of outstanding applications is, in historic terms, low. Over the next year we will be focussing our effort on improving the efficiency of the referrals process and, as stated previously, we will be reporting changes to DCC.

The Compliance Section also focussed on the delivery of its core services, meeting our service standards for most core activities, except for Building Certificates and the Fire Safety program. The median determination time for Building Certificates has significantly improved over the past two years. However, at 32 days, it still exceeds our target figure of 14 days. This departure was largely due to the fact that many building certificate applications were submitted to regularise illegal building work and in many cases we have had to wait for works as executed plans, engineering certification and, in some cases, section 96 applications for retrospective approval.

With regard to the below target submission of Fire Safety Statements, this can be directly attributed to the resignation and recruitment of the Fire Safety Officer during the year. As the new Fire Safety Officer has settled in, the performance of this program area has shown improvement.

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Manager Strategic Planning

Brett Daintry
Manager Development Control

Tim Tuxford
Manager Compliance

Annexures

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