

23 August 2012

Dear Councillor/Sir/Madam

You are invited to attend an **ORDINARY MEETING** of Ashfield Council, to be held in the Council Chambers, Level 6, Civic Centre, 260 Liverpool Road, Ashfield on **TUESDAY 28 AUGUST 2012** at **6:30 PM**.

SEE ATTACHED AGENDA

ORDINARY MEETING - 28 AUGUST 2012

AGENDA

- 1. OPENING**
- 2. ACKNOWLEDGEMENT OF LOCAL ABORIGINAL COMMUNITY**
- 3. APOLOGIES/REQUEST FOR LEAVE OF ABSENCE**
- 4. CONDOLENCE AND SYMPATHY MOTIONS**
- 5. MOMENT OF PRIVATE CONTEMPLATION**
- 6. DISCLOSURES OF INTEREST**

Disclosures to be made by any Councillors who have a pecuniary / non-pecuniary interest in respect of matters that are before Council at this meeting.
(28/08/2012)

- 7. CONFIRMATION OF MINUTES OF COUNCIL/COMMITTEES**

ORDINARY MEETING - 14/08/2012
BUDGET & OPERATIONS REVIEW COMMITTEE – 21/08/2012
WORKS & INFRASTRUCTURE COMMITTEE – 21/08/2012
ABORIGINAL CONSULTATIVE COMMITTEE – 16/08/2012
WORKS & INFRASTRUCTURE COMMITTEE – 19/06/2012
SENIORS' ACTION COMMITTEE – 12/06/2012

- 8. MAYORAL MINUTES**

MM22/2012 GENERAL MANAGERS PERFORMANCE ASSESSMENT 2011/12

- 9. NOTICES OF MOTION**

NM37/2012 OFFER BY ASHFIELD POLISH CLUB TO PROVIDE EXTRA
PARKING SPACES FOR RESIDENTS

- 10. STAFF REPORTS**

- 10.1 DEVELOPMENT APPLICATION: 10.2011.139.1
185 NORTON STREET, ASHFIELD
- 10.2 DEVELOPMENT APPLICATION: 10.2012.146.1
37 DUDLEY STREET, HABERFIELD
- 10.3 DEVELOPMENT APPLICATION: 10.2012.145.1
41 BOOMERANG STREET, HABERFIELD
- 10.4 DEVELOPMENT APPLICATION 10.2010.018.4

59 LIVERPOOL ROAD, ASHFIELD

- 10.5 UNAUTHORISED TREE REMOVAL - 2-32 SMITH STREET, SUMMER HILL (FORMER ALLIED MILLS SITE)
- 10.6 FOURTH QUARTER REVIEW AGAINST THE MANAGEMENT PLAN 2011 - 2015
- 10.7 SUNDRY GRANTS - REQUESTS TO COUNCIL FOR FINANCIAL ASSISTANCE
- 10.8 NSW PLANNING SYSTEM GREEN PAPER
- 10.9 COUNCIL RESOLUTIONS UPDATE - JANUARY - JUNE 2012
- 10.10 COMMUNITY PROGRAMS AND SERVICES
- 10.11 ENHANCING COUNCIL'S MURAL PROGRAM VIA THE USE OF 'STREET ART' TO DISCOURAGE GRAFFITI

11. GENERAL BUSINESS

12. CLOSED (PUBLIC EXCLUDED) COMMITTEE

13. CLOSE

PERSONNEL

MAYORAL MINUTE

GENERAL MANAGERS PERFORMANCE ASSESSMENT 2011/12

The General Manager's Performance Assessment Committee has completed its review of the General Managers performance for 2011/12.

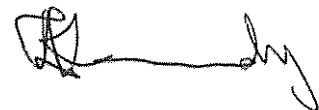
Please see attached our finding for discussion in Closed Committee.

ATTACHMENTS

- Attachment 1** GM Review Letter 2012 - - **CONFIDENTIAL** 1 Page
ATTACHMENT - Confidential - *It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that personnel matters concerning particular individuals.*

RECOMMENDATION

That the review findings be noted.



COUNCILLOR L KENNEDY
Mayor

Parking

NOTICE OF MOTION OF WHICH DUE NOTICE HAS BEEN GIVEN BY

COUNCILLOR MORRIS MANSOUR

OFFER BY ASHFIELD POLISH CLUB TO PROVIDE EXTRA PARKING SPACES FOR RESIDENTS

To move Notice of Motion No. NM37/2012

The issue of commuter parking in residential streets, especially those close to Ashfield Station, has been one of the hottest problems facing the Council. The residents of Joseph Street, Holden Street, Rose Street, A'Beckett Avenue, Hugh St and Carlisle Street for example have felt the brunt of this problem for too long.

Only last month, Ashfield Council granted consent to Ashfield Mall to change the use of their free carpark to a paid parking operation. It is expected that hundreds of cars will seek free parking in the already crowded residential streets.

There are some encouraging signs that Council is moving in the right direction by unanimously supporting my motion in June 2012 which called for the introduction of a residents parking scheme and lobbies the State Government to build a multistorey carpark on top of the existing street level carpark at Ashfield Station. I am also aware of Council's own parking study and the Mayor's Minute calling for a report on the issue.

These are steps that may take some time to bear fruit. I am therefore pleased that the Polish Club, who currently have 35 car spaces at 75 Norton Street and could increase this capacity to 90 spaces, have approached me and offered to work with Ashfield Council to provide these facilities for the benefit of residents.

This is a golden opportunity that we must pursue with the Club urgently.

ATTACHMENTS

Attachment 1 Letter dated 8 August 2012 from Polish Club Ltd

1 Page

Accordingly, I move:-

That the General Manager approach the Polish Club as a matter of priority to explore its offer further and report to Council about the outcome of the discussions.



Morris Mansour



Councilor Morris Mansour
2/13-15 Tintern Rd,
Ashfield, NSW 2131

8th of August 2012

Dear Councilor Mansour,

The Polish Club in Ashfield would like to approach the Ashfield Municipal Council regarding the free residents parking scheme.

The local community is important to us and we would like to contribute to it. We have parking that we can make available to residents for the next 2-4 years at 75 Norton St. We are hoping that it can be achieved with a mutual benefit if you would be interested in making us an offer for lease.

75 Norton St consists of 35 parking spaces and a currently unused building. We are evaluating an option of demolishing that building and increasing the number of parking spaces to 90.

If you would like to take this matter further and discuss details, please do not hesitate to contact me.

Vice President

Roman Kokoszka
The Polish Club
73 Norton St
Ashfield NSW 2131
Ph: 02 9798 7469
M: 0422 958 988
Email: polishclubltd@optusnet.com.au

Subject **DEVELOPMENT APPLICATION: 10.2011.139.1**
185 NORTON STREET, ASHFIELD

File Ref 10.2011.139.1

Prepared by Philip North - Specialist Planner

Reasons Matter requires Council determination

Objective For Council to determine the application

Overview of Report

1.0 Description of Proposal

Pursuant to Clause 82A(1) of the Environmental Planning and Assessment Act 1979 (as amended) this application seeks a review of Council's determination of Development Application No. 10.2011.139.1 for the demolition of the existing structures on the site, and the construction of a 6 unit in-fill residential flat building at 185 Norton Street, Ashfield.

The proposal has been submitted pursuant to the 'in-fill housing' provisions of Division 1 of State Environmental Planning Policy (SEPP) – Affordable Rental Housing 2009.

Plans of the proposal are included as **Attachment 1**.

2.0 Summary Recommendation

This proposal was originally refused by Council on 14 February 2012.

The applicant has submitted amended plans to Council under the provisions of s82A of the Environmental Planning and Assessment Act, which substantially address the reasons for the previous refusal of the application.

The amended proposal now satisfies the requirements of Ashfield DCP 2007 with the exception of the car parking provisions. Nevertheless, the proposal complies fully with the car parking requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009 and Council is consequently unable to refuse the application on this basis.

The applicant has, however, failed to provide documentation demonstrating finalisation of a stormwater drainage easement through the downstream property. To address this, Council's stormwater engineer has recommended the application of a deferred commencement condition such that stormwater drainage matters must be resolved prior to the activation of any consent.

Given this, the development is recommended for Deferred Commencement approval.

Background

3.0 Application Details

Applicant	:	Mr B Rofail
Owner	:	Mr B Rofail
Value of work	:	\$1,500,000
Lot/DP	:	LOT: 1 DP: 1007091
Date lodged	:	17/06/2011
Date of last amendment	:	2 May 2012
Building classification	:	2
Application Type	:	Local
Construction Certificate	:	No
Section 94A Levy	:	No

On the 30 May 2011 the NSW Government (the Department of Planning and Infrastructure) implemented revised controls for the Affordable Rental Housing SEPP. For in-fill residential developments, these revisions to the Policy include:

- In-fill residential developments need to be compatible with the design character of the area in which they are located;
- Residential flat buildings will no longer be allowed in low-density residential areas;
- In-fill residential developments will be subject to a more stringent public transport test;
- Higher parking standards are required for in-fill residential developments; and
- The 'affordable housing' component of any in-fill residential development needs to be provided as a percentage of the total floor space rather than as a proportion of units.

With the exception of the first point's 'character test', the amendments to the Policy are transitional (or are not relevant) and therefore have no bearing on the submitted proposal.

This application was referred to the Ordinary Meeting of Council on Tuesday, 8 November for determination with a recommendation for refusal. The applicant, however, requested that the application be deferred so that it could address the reasons for refusal and Council subsequently resolved at this meeting that it defer determination of the application until the following Council meeting of 13 December 2011.

A meeting was held with the applicant on 17 November 2011 at which the applicant was advised that any additional information or amendments would need to be received by Council no later than 28 November 2011.

As no further information had been received by that date, the application was again referred to Council for determination at its meeting of 13 December 2011. At this meeting, Council again resolved that consideration of the application be deferred until the first

Council meeting of February 2012.

A further meeting was held with the applicant's planning consultant and architect on 18 January 2012. At this meeting, amended plans were presented which appeared to resolve many of the issues with the proposal. Notwithstanding this, the applicant was advised that the changes proposed were so extensive that they could not be considered as part of the current application. It was also advised, however, that it would be possible to consider these amendments under a section 82A review resulting from refusal of the present application. The applicant's planning consultant agreed that this would be the most suitable way forward.

Amended plans along the lines presented were received by Council on 27 January 2012. As discussed, the amendments contained therein were so extensive that they could not be considered under the original development application. Council subsequently refused consent to the application on 14 February 2012.

Nevertheless, these plans formed part of ongoing discussions with the applicant which were directed towards the resolution of the outstanding issues through the submission of a section 82A review

Subsequent to this, the amended proposal was submitted to Council under 82A on 2 May 2012 and is the subject of this assessment.

4.0 Site and Surrounding Development

The subject site is located on the northern side of Norton Street, bounded by Milton Street to the West and Miller Avenue Street to the east. The site area is approximately 933 square metres. An existing multi-unit housing building is located on the site. Surrounding development comprises residential and commercial buildings. Refer to **Attachment 2** for a locality map.

5.0 Development History

Previous building and development applications submitted to Council for the subject site include:

NO.	DATE	PROPOSAL	DECISION
6.8628/1938	25/10/1938	Dwelling – change of use	Approved
6.8914/1939		Garage	
6.3946/1962	06/03/1962	Garage	Approved
6.5333/1965	02/02/1965	Multi-unit housing	Approved
6.9401/1974	30/08/1974	Garage	Approved
6.9711/1975	06/05/1975	Alterations and additions to dwelling	Approved
10.285/2006	11/09/2007	Unauthorised work – conversion of garage to unit	Refused

Assessment

6.0 Zoning/Permissibility/Heritage

- The site is zoned 2(a)-Residential under the provisions of Ashfield Local Environmental Plan (LEP) 1985.

The proposed development is prohibited under the provisions of the Ashfield LEP but may be considered for approval subject to the provisions of the Affordable Rental Housing SEPP. See Section 7.1.3 of this report for a discussion on permissibility.

7.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 1985 (as amended)

The subject site is zoned 2(a)-Residential and the proposed in-fill residential development comprises a residential flat building as defined under Ashfield LEP 1995. Residential flat buildings are not permissible within the 2(a)-Residential zone pursuant to Table 10 of the Ashfield LEP. As such the proposal is prohibited under the Ashfield LEP.

Nevertheless, the development may be considered for approval subject to the provisions of the Affordable Rental Housing SEPP. See Section 7.1.3 of this report.

7.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 1 – Development Standards

Not applicable.

Clause 17(2) and its associated table outline a maximum floor space ratio (FSR) of 0.75:1 for buildings within the 2(a)-Residential zone. However, as detailed in Clause 17(1), for the purposes of this clause the definition of a building does not include a residential flat building.

State Environmental Planning Policy No. 6 – Number of Storeys in a Building

The proposed residential flat building would be defined as a two-storey building under this Policy.

Whilst not strictly applicable, Clause 17A(3)(a) establishes a maximum ceiling height of 6m for residential flat buildings within the 2(b)-Residential zone. Whilst the proposed development is located within the 2(a)-Residential zone, the provisions of this clause have been considered on the basis that they establish a maximum height for what would generally be appropriate for a two-storey high residential flat building.

The proposed development has a maximum ceiling height of 7.3m at its highest point and would therefore fail to satisfy this control if it was applicable.

State Environmental Planning Policy No. 55 – Remediation of land

Given its residential history, there is no evidence to suggest the site is contaminated. On this basis remediation is not required prior to the carrying out of the proposed development.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

For the purposes of this Policy a ‘residential flat building’ is defined as a building that “*comprises or includes:*

- (a) *3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) *4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),*

but does not include a Class 1a building or a Class 1b building under the Building Code of Australia”.

The proposal is not defined as a residential flat building under this Policy as it consists of no more than two storeys.

State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 1 of the Affordable Rental Housing SEPP outlines the controls for in-fill residential developments, including those for residential flat buildings. A table detailing the proposal’s level of compliance with this Policy is included below:

Affordable Rental Housing SEPP				
Section 10 – Land to which Division applies				
	SEPP Control	Requirement	Proposal	Compliance
Building Height	Clause 10(1)	The land must be within a specific zone, including the R2-Low Density Residential zone	The site has a 2(a)-Residential zoning, which is equivalent to R2-Low Density Residential	Yes
Public transport – Accessibility	Clause 10(2)	The land must be located in close proximity to public transport, including within 800m walking distance of a railway station	The site is located approximately 260m to the closest bus stop	Yes
Section 11 – Development to which Division applies				
	SEPP Control	Requirement	Proposal	Compliance
Building height (residential flat buildings not permissible within zone)	Clause 11(a)(i)	The building height is not to be more than 8.5m above the natural ground level	The proposed residential flat building is to have a maximum height of approximately 8.3m at its highest point	Yes
Percentage of Affordable Housing (residential flat buildings not permissible within zone)	Clause 11(a)(ii)	A minimum of 50% of the dwellings must comprise 'affordable housing' because residential flat buildings are not permissible on the lands otherwise than because of the SEPP.	The SEE supplied proposes only that 50% of the dwellings will comprise affordable housing units.	Yes
Section 14 – Standards that cannot be used to refuse consent				
	SEPP Control	Requirement	Proposal	Compliance
Density and scale (low rise development)	Clause 14(1)(a)(i) and (ii)	The proposal cannot be refused on 'density or scale' grounds if it has a FSR of not more than 0.75:1	The proposal has an FSR of 0.69:1	Yes
Site area (low rise development)	Clause 14(1)(b)	The proposal cannot be refused on 'site area' grounds if it has an area of at least 450m ²	The subject property has a site area of 933m ²	Yes
Landscaped area (low rise development)	Clause 14(1)(c)(ii)	The proposal cannot be refused on 'landscaping' grounds if at least 30% of the site is landscaped	The proposal will provide a landscaping percentage of 44% for the site	Yes
Deep soil zones – Area (low rise development)	Clause 14(1)(d)(i)	The proposal cannot be refused on 'deep soil' landscaping grounds if at least	The proposal will provide a deep soil landscaping percentage of at least 31% for the site	Yes

		15% of the site comprises deep soil landscaping		
Deep soil zones – Width (low rise development)	Clause 14(1)(d)(ii)	The proposal cannot be refused on 'deep soil' landscaping grounds if the deep soil zones have minimum dimensions of 3m	All deep soil areas have a minimum width of 3m.	Yes
Deep soil zones – Location (low rise development)	Clause 14(1)(d)(iii)	The proposal cannot be refused on 'deep soil' landscaping grounds if at least two-thirds of the deep soil zone is located to the rear of the site where practicable.	Two-thirds of the deep soil zone is located to the rear of the site	Yes
Solar access (low rise development)	Clause 14(1)(e)	The proposal cannot be refused on 'solar access' grounds if the living rooms and private open spaces of a minimum of 70% of development's dwellings are provided with a minimum of three (3) hours sunlight between 9am and 3pm in mid-winter	84% of the units satisfy this provision.	Yes
Parking	Clause 14(2)(a)(ii)	The proposal cannot be refused on numerical 'parking' if a minimum of 0.5 car spaces are provided for each dwelling	Based on the requirements of this Policy, a minimum of 3 parking spaces would be required given that six units are proposed. A total of 3 parking spaces are proposed	Yes
Dwelling size	Clauses 14(2)(b)(i) and (iii)	The proposal cannot be refused on 'dwelling size' grounds if a minimum gross floor area of: <ul style="list-style-type: none"> - 50m² is provided for a one bedroom unit or larger; and - 95m² is provided for a three bedroom unit or more. 	All units comply with these requirements.	Yes

Section 17 of the Affordable Rental Housing SEPP outlines that a “*consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:*

- (a) *for 10 years from the date of the issue of the occupation certificate:*
 - (i) *the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and*
 - (ii) *all accommodation that is used for affordable housing will be managed by a registered community housing provider, and*
- (b) *a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met”.*

The applicant’s Statement of Environmental Effects states that three of the six units would be proposed for use as affordable housing. Although no documentation has been submitted with the application to indicate that the applicant has an agreement with a community housing provider, such a condition would be applied should the application be approved.

In this instance, it is recommended that a condition be imposed requiring the registration of a restriction-of-user on the property title covering the use of three of these units for the purpose of affordable housing. The recommended condition would outline a mixture of unit types be used for this purpose (Units 1, 2 and 6 – the latter being the adaptable unit).

7.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

Draft Ashfield Local Environmental Plan 2012 (Draft ALEP 2012) was placed on public exhibition on 27 June 2012 and is a matter for consideration. The following table summarises the compliance of the application.

Draft Ashfield Local Environmental Plan 2012 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Compliance
2.2	Zoning	Zone R3 Medium Density Residential	Multi dwelling housing	Yes
4.1	Minimum subdivision lot size	500m ²	933m ²	Yes
4.3	Height of buildings	9.5m	8.3m	Yes
4.4	Floor space ratio	0.7:1	0.69:1	Yes
5.10	Heritage Conservation	Not located in a heritage conservation area or listed as a heritage item.		

As demonstrated above, the application generally complies with the provisions of Draft ALEP 2012.

7.3 The provisions of any Development Control Plan.

The proposal has been considered against the provisions of the Ashfield Development Control Plan (DCP) 2007:

C1	ACCESS AND MOBILITY	See comment below.
C3	ASHFIELD TOWN CENTRE <i>Refer also to the ASHFIELD TOWN CENTRE STRATEGY that supplements Part C3.</i>	Not applicable.
C4	ASHFIELD WEST AREA	Not applicable.
C5	MULTI-UNIT DEVELOPMENT IN RESIDENTIAL FLAT ZONES	See comments below.
C7	HABERFIELD HERITAGE CONSERVATION AREA	Not applicable.
C10	HERITAGE CONSERVATION	Not applicable. The subject property is not a heritage item or located within a conservation area.
C11	PARKING	See comments below.
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	The proposal was notified as a major development in accordance with the Public Notification DCP (Part C12 of the Ashfield DCP). See Section 7.7 of this report.

Ashfield DCP 2007 – Part C1 – Access and Mobility

The Access and Mobility DCP (Part C1 of the Ashfield DCP) does not strictly apply to this development as it is only applicable to residential flat buildings in 2(b) and 2(c) zones.

Notwithstanding this, the proposal generally complies with this part and is considered acceptable.

Ashfield DCP 2007 – Part C5 – Multi Unit Development in Residential Zones

Part C5 of Ashfield DCP - Multi Unit Development applies to residential flat buildings located within the 2(b) and 2(c)-Residential zones. As discussed previously the subject property is zoned 2(a)-Residential and as such the DCP does not strictly apply to this proposal. However, given that it outlines Council's standards and controls for residential flat buildings, the provisions of the Multi Unit Development DCP has been in used in a merit-based assessment of this proposal.

COMPLIANCE TABLE – DCP PART C5 – MULT UNIT DEVELOPMENT	
SECTION 1 Objectives	This section of the DCP does not technically apply to the proposed development.
SECTION 2 Residential Design Process	No site analysis has been submitted.
SECTION 3 Preferred development	<p>3.2, 3.3 Ashfield's Housing Character Section 3.2 of the Plan outlines that <i>"Ashfield's housing heritage ... includes flats, which have been built in considerable numbers since the 1920s... During the 1960s and 1970s, when many of these flats were built, the standard of design and siting was poor. A characteristic of many streets in Ashfield is poor flat design in conflict with the previously established suburban streetscape. The existence of the poor design is not to be taken as a precedent for further poor design"</i>.</p> <p>The section of Norton Street between Hampden Street and King Street is a largely single storey street consisting of detached dwellings except for two residential flat buildings of two and three stories respectively; the rear entry of Ashfield RSL Club is also adjacent the site. The opposite side of the street from the subject site consists of the Hampden Street Heritage Conservation Area.</p> <p>The proposal's general form and appearance and the massing of its elements is generally consistent with this established character and is considered appropriate.</p> <p>3.4 Streetscape and Landscape The proposed two storey building is of a sympathetic scale to both adjacent single storey buildings. As such, it is in character with the existing streetscape and landscape character and is appropriate.</p> <p>3.5 Building Appearance and Character Apart from two residential flat buildings probably dating from the 1960s and 1970s, this part of Norton Street consists of a mixture of Victorian, Federation and Californian Bungalow dwellings, largely with steeper roof pitches, dry pressed face brick cladding and slate or terracotta tile roofs. It also contains two local heritage items.</p> <p>The proposed building is generally consistent with the character of the streetscape.</p> <p>3.6 Fences and Walls The application proposes a 1.2m high picket front fence which is considered appropriate in the streetscape.</p> <p>3.7 Heritage Conservation The development sits opposite the Hampden Road Conservation area. It is considered to be sympathetic to the character of this adjacent conservation area.</p>
SECTION 4 Housing Density	<p>4.6 Floor Space Ratio The application proposes an FSR of 0.69:1 which would fail to comply with the FSR controls (0.5:1) of the Plan. However, the Affordable Rental Housing SEPP overrides the FSR controls in this instance.</p>

	<p>4.10 Subdivision Not applicable. No subdivision is proposed.</p> <p>4.11 Maximum dwelling size Complies. None of the proposed units have an area in excess of 125m².</p>
<p>SECTION 5 Building Envelope, siting and solar access</p>	<p>5.4 Front Setback Complies. The front setback of the proposal is generally consistent with the setbacks of the adjoining buildings.</p> <p>5.2 Orientation and Siting Section 5.2 of the Plan outlines that <i>“as a general rule, as many units as possible in new developments should be given a northerly orientation, subject to urban character considerations, and the desirability of avoiding “carriage style” development and excessive overshadowing”</i>. Does not comply. Only one out of the six units has a northerly orientation (i.e. unit 6). Nevertheless, due to the orientation of the site this is considered acceptable, especially given that all units have an easterly orientation.</p> <p>5.9-5.14 Building Height Complies.</p> <p>Solar Access 5.15 Windows: Does not comply. Only one out of the six units have a northerly orientation (i.e. unit 6). Nevertheless, due to the orientation of the site this is considered acceptable, especially given that all units have an easterly orientation.</p> <p>5.16(b) Courtyards: Complies.</p> <p>5.16(a) Adjacent Properties: Complies. Sunlight will reach at least 50% of the private open space on adjoining sites for a minimum of three (3) hours between 9am and 3pm on 21 June.</p> <p>5.16(c) Windows of Adjacent Properties: Complies. Existing solar access is maintained to at least 40% of the glazed area of north facing windows of the dwellings on adjoining sites.</p>
<p>SECTION 6 Privacy, views & outlook</p>	<p>6.3 Visual privacy Generally Complies: A condition has been included which requires obscure glazing to upper level east facing bedroom windows. The previous scheme had living areas facing this boundary so the changes have significantly improved privacy impacts.</p> <p>6.5 Acoustic privacy Complies.</p> <p>6.8 - 6.10 Views and Outlook 6.9 Neighbours' Outlook: Complies.</p> <p>6.10 Outlook of Development: Complies.</p>
SECTION 7	Superseded.

Car-parking	
SECTION 8 Open Space and Landscaping	8.7 – 8.8 Private Open Space Complies. The private open space areas of all units are of adequate size and proportion. 8.10 Communal Open Space Complies A communal open space is proposed to the rear of the site with an area in excess of 120m ² . 8.11 – 8.12 Landscaping Complies.
SECTION 9 Safety and Security	Complies. It is considered that the proposed development satisfies the provisions of this part. A number of the units overlook the main pedestrian access route providing satisfactory passive surveillance.
SECTION 10 Design for climate	Energy and Water Conservation BASIX certificates have been submitted as required. The installation of rainwater tank is proposed. Air movement Complies. Services, lighting and appliances BASIX certificates have been submitted as required. Noise on traffic routes N/A
SECTION 11 Stormwater drainage	Comments with respect to stormwater have been received from Council's Design and Development Engineer.
SECTION 12 Site Facilities	12.2 Waste management Complies. 12.6 Contaminants There is no evidence to suggest that the site contains contaminates. Remediation of the site is not required prior to the carrying out of the proposed development. 12.8 Storage Complies. All units contain adequate storage of 8m ² . 12.9 Mailboxes Complies. The proposed location of mailboxes satisfies the provisions of this part. 12.10 Clothes Drying Complies. The proposed location and size of the open air, communal clothes drying area is considered to satisfy the provisions of this part.

As detailed above the proposal generally complies with Part C5 of Ashfield DCP 2007
And it is considered that the application generally satisfies its objectives.

Ashfield DCP 2007 – Part C11 – Parking

The Parking DCP (Part C11 of the Ashfield DCP) outlines the following parking controls for residential flat buildings:

- One (1) car space per unit,
- Plus one (1) additional space for every five (5) 2 bedroom units,
- Plus one (1) additional space for every two (2) 3 bedroom units,
- One (1) visitor space required per five (5) units,
- Plus one (1) car wash bay, and
- One (1) accessible car parking space is to be provided for each accessible/adaptable residential unit.

Based on the number and layout of the proposed residential flat building, a minimum of 12 parking spaces (9 resident spaces, 2 visitor spaces and 1 wash bay) would be required under the Parking DCP.

The proposal fails to comply with these requirements as it only provides 3 spaces, none of which is accessible.

However, Council is unable to refuse the proposal on numerical parking grounds as it fully complies with Clause 14(2)(a)(ii) of the Affordable Rental Housing SEPP (see Section 7.1.1 of this report).

Section 4.2 and Table 2 of the Parking DCP outlines that bicycle parking should be provided in a communal area. Although no bicycle parking has been shown, it can be accommodated on the site. A condition has been recommended accordingly.

7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered in the assessment of this application.

7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have no significant adverse environmental, social or economic impacts upon the locality.

7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development. The proposed development is considered suitable in the context of the locality.

7.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants and Councillors from 23 July 2012 until 13 August 2012.

7.7.1 Summary of submissions

Four submissions (**Attachment 4 – circulated under separate cover**) were received during the notification of the development application:

The matters raised in these submissions are detailed below followed by a response from the assessing officer:

Submission Issue	Assessing Officer's Comment
In adequate parking.	Although the proposal does not comply with the minimum number of parking spaces required by Ashfield DCP 2007, it provides the minimum number of parking spaces required by the SEPP (Affordable Rental Housing) 2009. Council is unable to refuse the application if it complies with the provisions of the SEPP.
Amended plans address previous concerns.	This is agreed. The amended design resolves the majority of the issues which resulted in the previous refusal of this application.
Overshadowing of 183 Norton Street.	The rear of both no 183 and the subject site face north and, as such, there is no likelihood that the proposal would interfere with solar access to the north facing windows of no. 183, as required by the DCP. This is demonstrated by the shadow diagrams provided with the application.
Noise.	The pedestrian access path of the proposal has been located on the opposite side of the development from no. 183 to avoid the creation of noise impacts upon that neighbour. In addition, the elements of no. 183 that interface directly with the subject site are car parking structures and a driveway which are not elements which are sensitive to noise and also provide a degree of separation. Conditions have been recommended which would also set minimum standards to control excess noise

	during construction. It is thus considered that excess noise is likely to be a concern.
Overdevelopment - several granny flats nearby.	These do not impact upon the permissibility of the proposal on this site and are, in any case, a very minor intensification of development in the area.
Trees to be removed.	Although the landscape plan shows the removal of 4 palm trees in the front setback area, it also shows significant additional planting including numerous low shrubs (to 3m in height) and two canopy trees (blue berry ash) with a mature height of 8m. In addition, 8 new canopy trees are proposed in other locations on the site.

7.8 The public interest

Given the demand for low cost rental accommodation and the satisfactory urban design resolution of the proposal, it is considered to be broadly in the public interest.

8.0 Referrals

8.1 Internal

The application has been referred internally as follows:

Referral	Comments	Support
Stormwater Engineer	Due to the lack of finalisation of a downstream easement for the disposal of stormwater, Council's stormwater engineer has recommended that application of a deferred commencement condition requiring that the easement be finalised to Council's satisfaction prior to activation of the consent.	Supported subject to deferred commencement conditions.
Environmental Health	Supported.	Supported subject to conditions.
Heritage	"I have looked at the plans sent to me for the latest proposal for this site. They seem to be the most careful and responsive of the proposals we have seen to date. I have no specific heritage comments to offer except to note that the materials and colours of such a large building will be important and influential in context".	Satisfactory subject to conditions.

9.0 Other Relevant Matters

Stormwater Pipes

Council's stormwater map does not indicate that the subject property is burdened by any Council or Sydney Water stormwater pipes.

10.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

Financial Implications

Section 94 Contributions:

The following condition would be applied in respect of Section 94 Contributions should the application be approved:

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

	CONTRIBUTIONS (NEW DEVELOPMENT)			ALLOWANCE FOR EXISTING DEVELOPMENT		TOTAL
	Residential Accommodation between 60-84sqm GFA	Residential Accommodation greater than 84sqm GFA	Sub-Total	Residential Accommodation between 60-84sqm GFA	Sub-Total	
Number of Dwellings / Beds or GFA	1	5	N/A	3	N/A	N/A
Number of deficient car parking spaces	0		0	N/A	N/A	0
Local Roads	\$138.74	\$886.38	\$1,025.12	\$416.21	\$416.21	\$608.91
Local Public Transport Facilities	\$684.35	\$4,878.52	\$5,562.87	\$2,053.04	\$2,053.04	\$3,509.82
Local Car Parking Facilities	\$0.00	\$0.00	\$0.00	N/A	N/A	\$0.00
Local Open Space and Recreation Facilities	\$12,034.64	\$85,791.50	\$97,826.14	\$36,103.92	\$36,103.92	\$61,722.22
Local Community Facilities	\$743.40	\$5,299.49	\$6,042.89	\$2,230.20	\$2,230.20	\$3,812.69
Plan Preparation and Administration	\$546.80	\$3,897.98	\$4,444.77	\$1,640.40	\$1,640.40	\$2,804.38
TOTAL	\$14,147.93	\$100,753.86	\$114,901.78	\$42,443.78	\$42,443.78	\$72,458.01

Other Staff Comments

See Section 8.1 of this report.

Public Consultation

See Section 7.7 of this report.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act 1979 with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The amended proposal has addressed the issues raised with the previous submission and is therefore recommended for deferred commencement conditional approval.

COMPLIANCE TABLE - ASHFIELD LOCAL ENVIRONMENTAL PLAN 1985	
CLAUSE 2 Aims, objectives etc. This plan aims to: (a) promote the orderly and economic development of the local government area of Ashfield in a manner consistent with the need to protect the environment; and (b) retain and enhance the identity of the Ashfield area derived from its role as an early residential suburb with local service industries and retail centres; and containing the first garden suburb of Haberfield (now listed as part of the National Estate).	Complies. It is considered that the carrying out of the proposed development will meet the aims and objectives of Ashfield LEP 1985.
CLAUSE 10 Zoning	Complies. The property is zoned 2(a) and the proposal is permissible with Council consent.
CLAUSE 17 Floor space ratios (1) In this clause “building” does not include a building used exclusively as a dwelling- house or residential flat building, but includes a building or buildings comprising 2 dwellings only on the same allotment. (2) A person shall not, upon an allotment of land within a zone specified in Column I of the Table to this clause, erect a building with a floor space ratio that exceeds the ratio set out opposite the zone in Column II of that Table.	Complies. Site Area = 933m ² Gross Floor Area = 644.6m ² Proposed FSR = 0.69:1 Maximum FSR = 0.75:1
CLAUSE 17A Height of residential flat buildings (1) This clause applies to land within Zone No. 2(b) or 2(c). (2) In this clause – “height” in relation to a building, means the greatest vertical distance (expressed in metres) between any level of the natural surface of the site area on which the building is, or is to be, erected and the ceiling of the topmost habitable floor of the building; “natural surface”, in relation to a site area, means the level determined by the council to be the natural surface of the site area. (3) The maximum height to which a residential flat building may be erected on land to which this clause applies shall be – (a) in the case of a building within Zone No. 2(b) – 6 metres; and (b) in the case of a building within Zone No. 2(c) – 9 metres. (4) This clause does not apply to land within Zone No. 2(c) shown edged heavy black and lettered “2(c)” on the map marked “Ashfield Local Environmental Plan 1985 (Amendment No. 79)”.	Complies Proposed Height = 5.3m Allowable Height = 6m
CLAUSE 37 Development in vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Complies. It is considered that the carrying out of the proposal will have no adverse impact upon the heritage significance of any heritage items, conservation areas, archaeological sites in its vicinity.
MODEL PROVISIONS	
5(1) - Aesthetic appearance of proposed development from waterway, main or arterial road, railway, public reserve or land zoned for open space.	Streetscape appearance is considered satisfactory.
5(2) – Car impacts a) adequate exits and entrances so as not to endanger persons and vehicles using public roads b) adequate car-parking c) compliance with RTA representations	

d) adequate area for loading, unloading and fuelling vehicles and for the picking up and setting down of passengers	
17 – Residential flat buildings - setbacks Boarding houses or residential flat buildings shall not be located closer than 9 m to a main or arterial road.	N/A

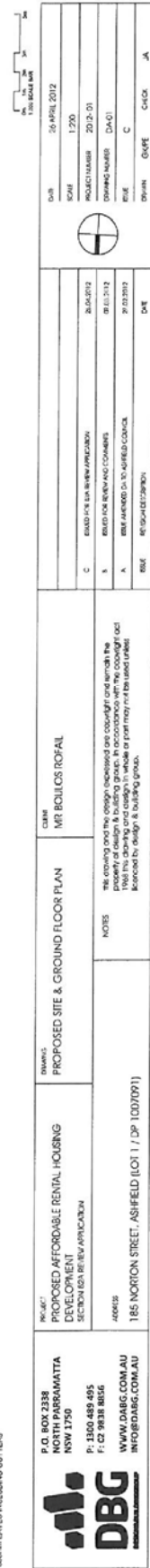
ATTACHMENTS

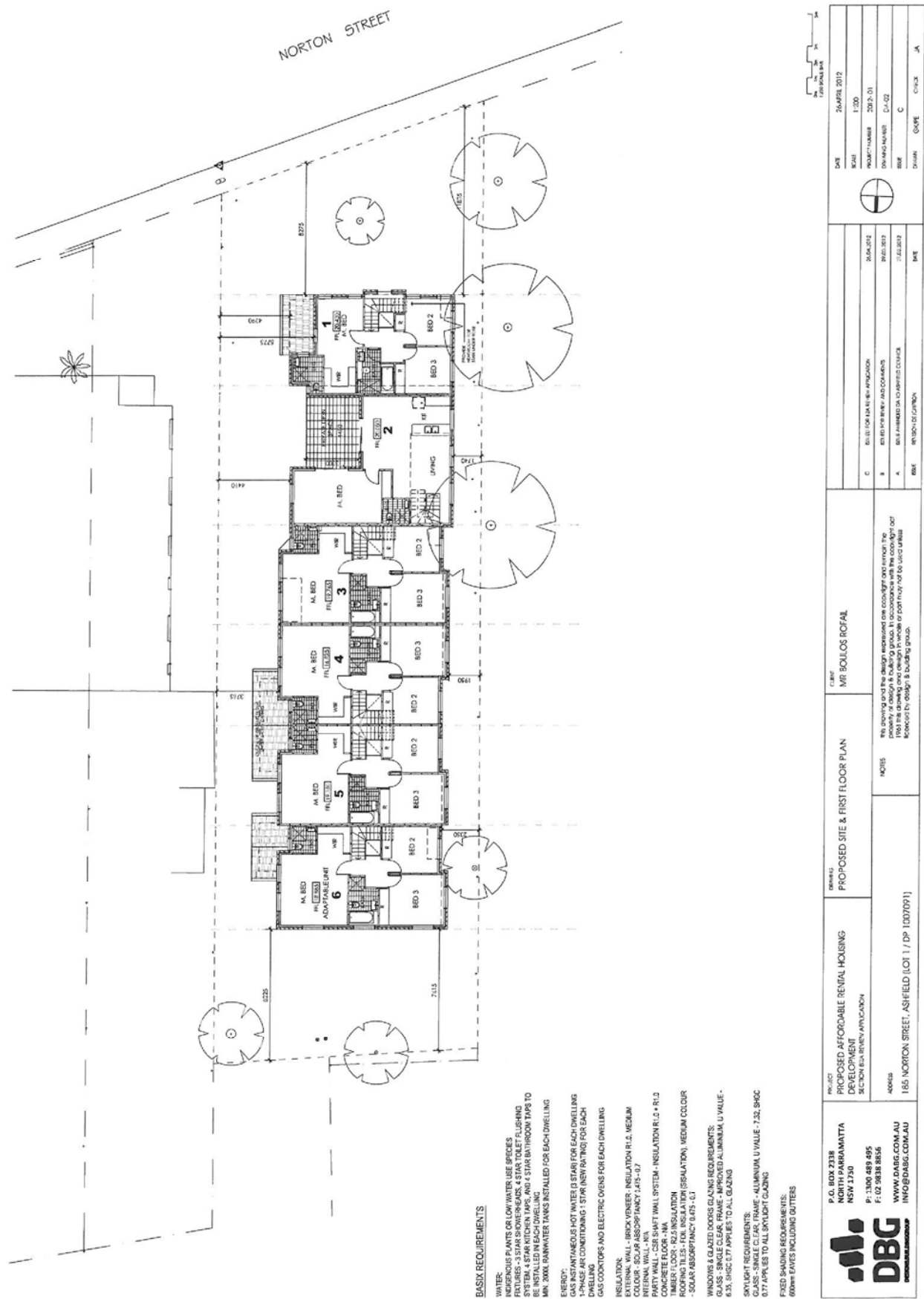
Attachment 1	Plans of the Proposal	5 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Conditions	16 Pages
Attachment 4	Submissions - Circulated under separate cover	4 Pages

RECOMMENDATION

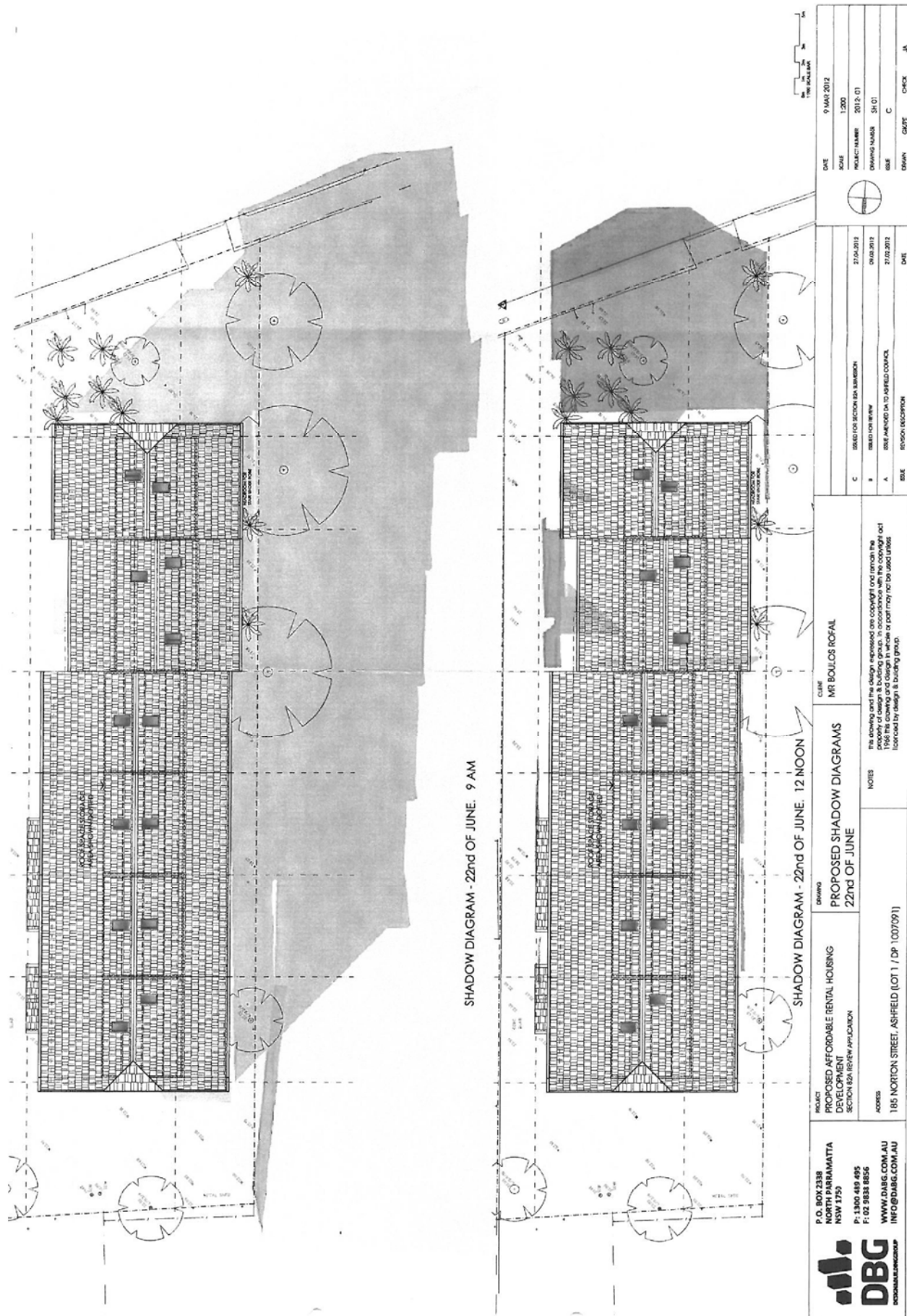
That Council as the consent authority pursuant to Clause 80(3) and 82A of the Environmental Planning and Assessment Act 1979 (as amended) issue a “Deferred commencement” consent for Development Application No. 10.2011.139.1 for the demolition of the existing structures on the site, and the construction of a 6 unit in-fill residential flat building on Lot 1 in DP 1007091, known as 185 Norton Street, Ashfield, subject to the attached conditions.

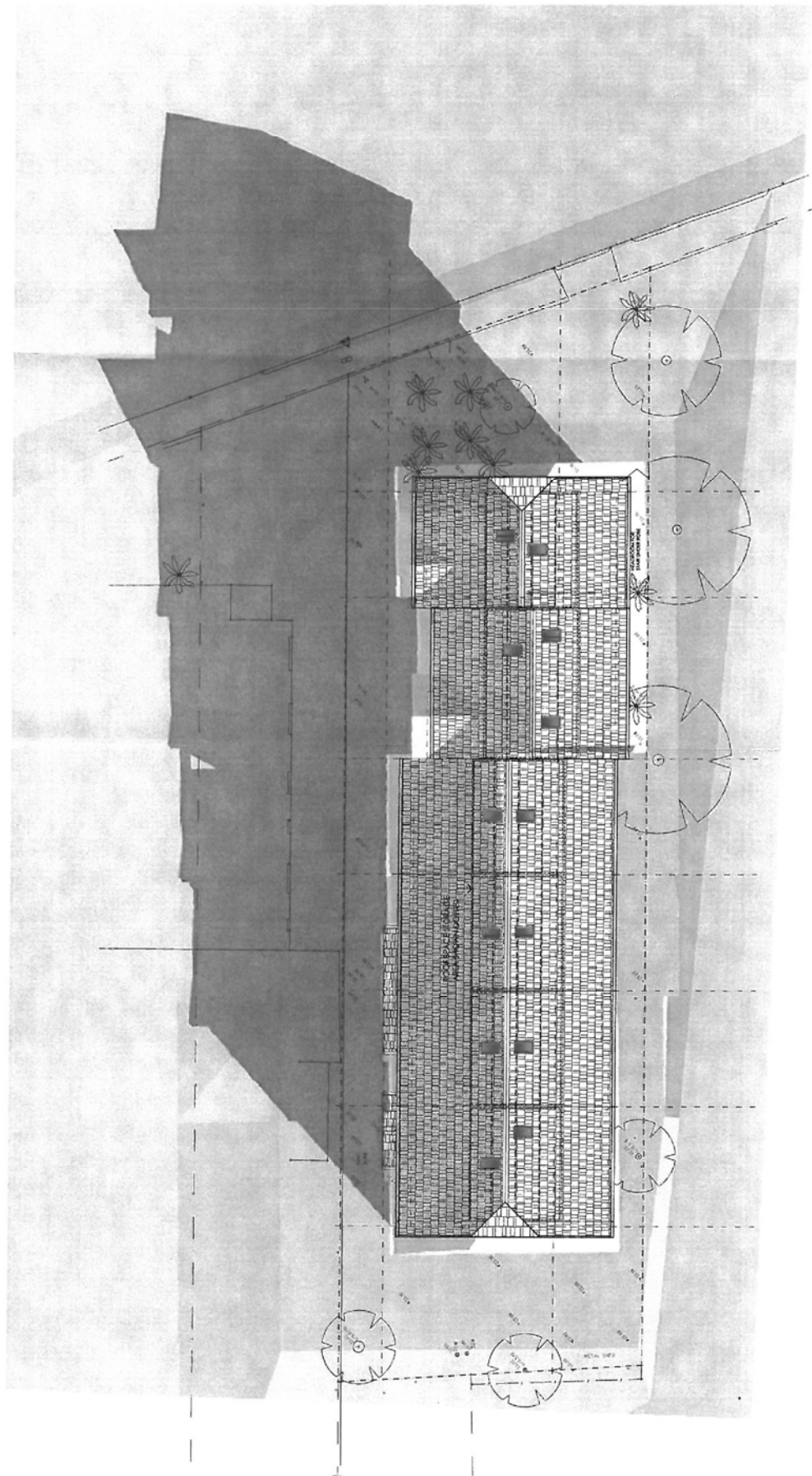
PHIL SARIN
 Director Planning and Environment





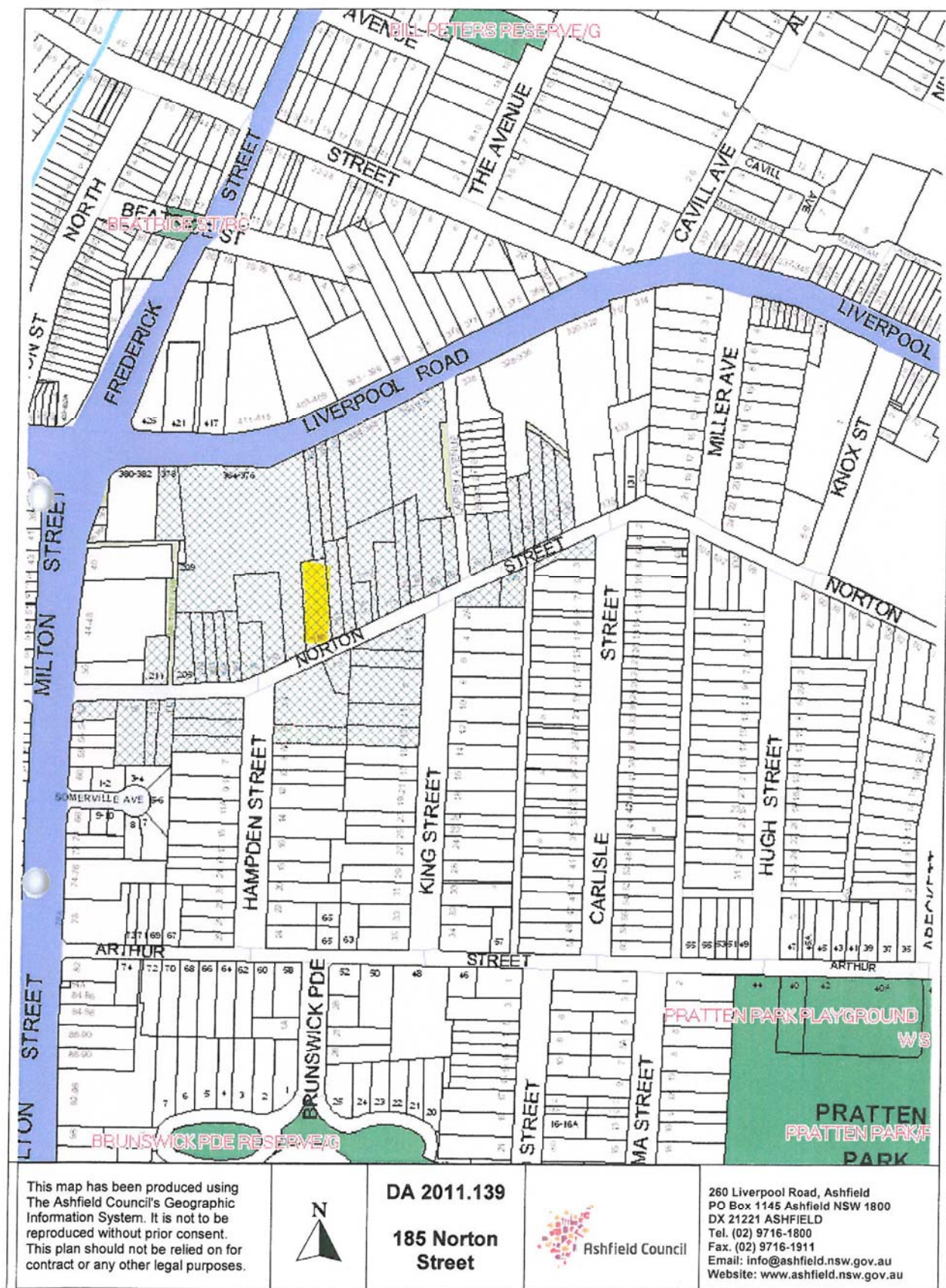






SHADOW DIAGRAM - 22nd OF JUNE, 3 PM

P.O. BOX 2338 NORTH HARRAMATTA NSW 2750 P: 1300 489 495 F: 02 9638 8556 WWW.DBG.COM.AU INFO@DBG.COM.AU		PROJECT PROPOSED AFFORDABLE RENTAL HOUSING DEVELOPMENT SECTION RIA REVIEW APPLICATION		DRAWING PROPOSED SHADOW DIAGRAMS 22nd OF JUNE		CLIENT MR BOULLOS ROFAL		DATE 9 MAR 2012	
DBG DESIGN BUILD GROUP		NOTES This drawing and the design expressed are copyright and remain the property of design & building group. In accordance with the copyright act 1968 this drawing and design in whole or part may not be used unless approved by design & building group.		ISSUED FOR SECTION RIA SUBMISSION 27 JUN 2012		SCALE 1:200		PROJECT NUMBER 2012-01	
ADDRESS 185 NORTON STREET, ASHFIELD (LOT 1 / DP 1007091)		ISSUED FOR REVIEW 29 JUN 2012		ISSUED FOR REVIEW 29 JUN 2012		ISSUED FOR REVIEW 29 JUN 2012		ISSUED FOR REVIEW 29 JUN 2012	
ISSUE ISSUE AMENDED TO 1007091 COUNCIL		ISSUE ISSUE AMENDED TO 1007091 COUNCIL		ISSUE ISSUE AMENDED TO 1007091 COUNCIL		ISSUE ISSUE AMENDED TO 1007091 COUNCIL		ISSUE ISSUE AMENDED TO 1007091 COUNCIL	
REVISION DESCRIPTION C		REVISION DESCRIPTION B		REVISION DESCRIPTION A		REVISION DESCRIPTION C		REVISION DESCRIPTION C	
DATE 27 JUN 2012		DATE 29 JUN 2012		DATE 29 JUN 2012		DATE 29 JUN 2012		DATE 29 JUN 2012	
DESIGNER DBG		DESIGNER DBG		DESIGNER DBG		DESIGNER DBG		DESIGNER DBG	
CHECKED DBG		CHECKED DBG		CHECKED DBG		CHECKED DBG		CHECKED DBG	



CONDITIONS

DA 2011.139.1

185 Norton Street ASHFIELD 2131

Description of Work as it is to appear on the determination:

Demolition of the existing structures and the construction of a 6 unit in-fill residential flat building.

PART A**Deferred Commencement conditions to be satisfied prior to activation of consent:**

This consent shall not operate until such time as the following additional/revised information is provided to and approved by Council:

1. Storm water drainage is to be carried out in accordance with Ashfield Council's Stormwater Management Code. A Stormwater Drainage Concept Plan demonstrating the proposed stormwater drainage system is to be submitted.
2. An easement in favour of the development site lot shall be obtained over any downstream properties traversed by the gravity drainage line connecting to the kerb and gutter in Liverpool Road. The cost of creating the easement will be at the applicant's expense.
In accordance with Council's Stormwater Management Code, the easement width is to be the pipe, box, or channel section width plus 1.0m.

The above deferred commencement conditions are to be satisfied within 12 month from the date of determination of this deferred commencement consent. Failure to satisfy those conditions within the specified time frame will cause this consent to lapse despite any other statement on this consent.

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement condition are to form part of this consent.

Providing the above matters are satisfied by Council by the specified date, general conditions of consent are:

PART B**A General Conditions****(1) Approved plans stamped by Council**

The development must be carried out only in accordance with the plans and specifications set out in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Title	Prepared by	Amendment Date
2012-01/DA-01	Site & Ground Floor Plan	Design Building Group	26.04.2012
2012-01/DA-02	Site & First Floor Plan	Design Building Group	26.04.2012
2012-01/DA-03	Site & Roof Plan	Design Building Group	26.04.2012
2012-01/DA-04	Elevations & Cross Section	Design Building Group	26.04.2012
12006DA1/B	Landscape Concept Plan	Vision Dynamics Pty Ltd	26.04.2012

B Design Changes**(1) Privacy**

In order to preserve the privacy of adjoining properties, the following amendments are necessary:

- (a) First floor east facing window panels that are less than 1.5m above floor level must be fitted with obscure glass.

Details of the above privacy measures are to be submitted with the application for a Construction Certificate.

C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate**(1) Construction and Site Management Plan**

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway, or
- use part of Council's road/footpath area,
- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

(2) Erosion & sedimentation control-management plan

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environmental Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- (a) "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.
- (b) "*Soil and Water Management for Urban Development*" - Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer
Environment Protection Authority
Inner Sydney Region
Locked Bag 1502
BANKSTOWN NSW 2200

(3) Home Building Act 1989 Insurance

Compliance with Part 6 of *Home Building Act 1989* is required. A copy of either the Builder's Indemnity Insurance OR a copy of the Owner-Builder's Permit shall be submitted to Council.

(4) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building works in excess of \$25,000.00 are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(5) Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of an occupation or subdivision certificate.

(6) Lighting to basement/pedestrian routes-safety

Lighting which meets the relevant Australian Standard of 40 lux., spaced at appropriate intervals to provide the required surveillance shall be provided to the vehicular basement parking area and along pedestrian access routes for safety and security purposes during the evenings.

Details to be shown on the construction certificate.

(7) Services adjustment or relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to council with the Construction Certificate under Section 68 of the *Local Government Act, 1993*, for construction of the development

(8) Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of \$7,000 is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an **original with no end date** and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

(9) Footpath/laneway- photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpath at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage, which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

(10) Stormwater disposal-calculations

- (a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with **Council's Stormwater Management Code** and submitted to, and approved by, Council prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

- (i) Roof areas.
 - (ii) Paved areas.
 - (iii) Grassed areas.
 - (iv) Garden areas.
 - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.
- (e) All garbage and waste areas must drain to the sewer and not the stormwater system.
- (f) All stormwater drainage lines including lines which connect to rainwater tanks are to be via gravity means.

(11) Stormwater detention storage facility

- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council prior to the release of the Construction Certificate.
- (b) All on-site stormwater detention pits must be located on areas classified as Common Property within the site.

- (c) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:

- where the storage and silt arrestor pits are located
- which parts of the system need to be accessed for cleaning and how access is obtained
- description of any equipment needed (such as keys and lifting devices) and where they can be obtained
- the location of screens and how they can be removed for cleaning
- who should do the maintenance (i.e. commercial cleaning company)
- how often should it be done

The abovementioned maintenance schedule is to be submitted to and approved by Ashfield Municipal Council prior to the release of the Occupation Certificate.

(12) Colours and Finishes

Details of the proposed colours and finishes (including colour/material names and/or code numbers) are to be submitted, preferably as a colour, A4 or A3 sheet, dated and numbered as part of the drawing set. These are to be approved by Council's heritage advisor prior to the issue of the Construction Certificate.

D Conditions that must be complied with before work commences

(1) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
- (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(2) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(3) Building location - check survey certificate

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

- (i) location of the building with respect to the boundaries of the site;
- (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
- (iii) site coverage of the buildings on the site.

(4) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(5) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

(6) Support for neighbouring buildings and notice to adjoining owners

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

- (i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.
- (ii) allotment of land includes a public road and any other public place.

(7) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during construction e.g. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted to Council and approved prior to the release of the Construction Certificate.

(8) Section 94 Development Contributions

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

	CONTRIBUTIONS (NEW DEVELOPMENT)			ALLOWANCE FOR EXISTING DEVELOPMENT		TOTAL
	Residential Accommodation between 60-84sqm GFA	Residential Accommodation greater than 84sqm GFA	Sub-Total	Residential Accommodation between 60-84sqm GFA	Sub-Total	
Number of Dwellings / Beds or GFA	1	5	N/A	3	N/A	N/A
Local Roads	\$138.74	\$886.38	\$1,025.12	\$416.21	\$416.21	\$608.91
Local Public Transport Facilities	\$684.35	\$4,878.52	\$5,562.87	\$2,053.04	\$2,053.04	\$3,509.82
Local Car Parking Facilities	\$0.00	\$0.00	\$0.00	N/A	N/A	\$0.00
Local Open Space and Recreation Facilities	\$12,034.64	\$85,791.50	\$97,826.14	\$36,103.92	\$36,103.92	\$61,722.22
Local Community Facilities	\$743.40	\$5,299.49	\$6,042.89	\$2,230.20	\$2,230.20	\$3,812.69
Plan Preparation and Administration	\$546.80	\$3,897.98	\$4,444.77	\$1,640.40	\$1,640.40	\$2,804.38
TOTAL	\$14,147.93	\$100,753.86	\$114,901.78	\$42,443.78	\$42,443.78	\$72,458.01

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_c = \frac{\text{\$C}_p \times \text{CPI}_c}{\text{CPI}_p}$$

Where:

$\text{\$C}_c$ is the amount of the contribution for the current financial quarter

$\text{\$C}_p$ is the amount of the original contribution as set out in this development consent

CPI_c is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

CPI_p is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

E Conditions that must be complied with during construction or demolition

(1) Signs to be erected on building and demolition sites

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

(2) Demolition/excavation/construction - hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

(3) Demolition requirements/standards

Demolition of is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.

- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(4) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

(5) Waterproofing materials/installation – BCA/Australian Standards

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction

of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

(6) Safety Glazing - BCA

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

(7) Fire Detection/Alarm System installation and certification

Smoke alarms must be installed in dwellings in accordance with Clause 3.7.2.3 of the Building Code of Australia (BCA) and AS 3786 on or near the ceiling in -

- (a) any storey containing bedrooms -
 - between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786:1993.

(8) Clothes Hoist Provision

Clothes hoists or clothes lines shall be provided in the approved screened position comprising minimum 7.5 metres of line per flat in the building.

(9) Laundry facilities - BCA

Clothes washing facilities to be provided on the premises in accordance with the relevant requirements of Clause F2.1 of the *Building Code of Australia*.

(10) Finished ground levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary.

(11) Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for at the following stages:

- (i) after excavation
- (ii) after the erection of formwork and placement of reinforcement and prior to pouring of concrete

- (iii) after placement of road base course
- (iv) after completion of any pits
- (v) after pipes have been laid and prior to backfilling
- (vi) on completion of the works

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

(12) Road opening permit – Council controlled lands

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc for the construction of services, stormwater pipes, kerb works, bitumen works, footpath works etc. It is *separate* from a Damage Deposit as listed elsewhere in these Conditions of Consent.

(13) Spoil and building materials on road and footpath

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

(14) Surface run-off

Allowance shall be made for surface run-off from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

(15) Surface overflow paths – storm recurrence event

Surface overflow paths shall be provided to allow for the 1 hour 1 in 100 year storm recurrence event, and any more intense events.

Should it not be possible to provide an overland escape route for excessive stormwater an increase of 50 % in the required volume of stormwater storage will be required.

(16) Footpath, kerb and gutter reconstruction

The public footpath, verge, and kerb and gutter outside the site shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(17) Footpath, kerb and gutter protection (e082)

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense

(18) Vehicle access driveways

The existing vehicular access driveway shall be reconstructed in accordance with Council's standard drawing and specifications. The driveway shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The driveway shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of the Occupation Certificate.

(19) Stormwater runoff-collection/discharge

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the street gutter at a maximum discharge of 15 L/sec for the 1:100 ARI.

(20) Adaptable housing construction

Dwellings that are nominated as ***adaptable and accessible dwellings*** on the approved plans must be constructed to comply with *Adaptable House Class A* of AS 4299, AS 1428.1 and the requirements Section 5.2.2 of the Ashfield Development Control Plan for Access and Mobility (Tel. 9716 1800 for a free copy).

F Conditions that must be complied with prior to installation of services

nil

G Conditions that must be complied with before the building is occupied**(1) Affordable housing Restriction**

Before the date of the issue of the occupation certificate, a restriction is to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the [Conveyancing Act 1919](#), that will ensure that:

For 10 years from the date of the issue of the occupation certificate:

- (i) Units 1, 2 and 6 must be used for the purposes of affordable housing, and
- (ii) those units are to be managed by a registered community housing provider.

(2) Approval to use/occupy building

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(3) Engineering conditions to be satisfied prior to issue of occupation certificate

When the on-site building works are completed there are three (3) conditions that must be satisfied before Council's Engineering Department will recommend that an Occupation Certificate be issued:

They are:

(a) Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the

works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material ie. PVC or EW etc
- orifice size (if used)
- trash screen at orifice

(b) *Engineer's Certificate*

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- * the soundness of the storage structure;
- * capacity of the detention storage;
- * the emergency overflow system being in place;
- * works being constructed in accordance with the Council approved plans; and
- * the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's *Stormwater Management Code*.

(c) *Restriction-As-To-User*

Prior to the release of the strata or subdivision plan for a development a "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that any works which could affect the function of the stormwater detention system shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

(4) Positive Covenant – stormwater detention/surface flow paths - occupation certificate

A Positive Covenant under Section 88E of the *Conveyancing Act* shall be created on the title of the property providing that during the lifetime of the building constructed pursuant to this consent:

- (i) the stormwater detention facility as described in the approved plan and the conditions of consent shall not be altered or removed in whole or in part without the written approval of Ashfield Municipal Council;
- (ii) the registered proprietor at its expense is to maintain, renew and repair the stormwater detention facility so that it functions in a safe and efficient manner and keep it clean and free of silt, rubbish and debris;
- (iii) Ashfield Municipal Council employees are to be entitled upon reasonable notice to access the land to inspect the facility;
- (iv) the registered proprietor is to comply with any notices issued by Ashfield Municipal Council regarding maintenance, renewal and repair of works (and, in default of same, Council and/or its authorised agents may enter and carry out the specified work and recover the costs from the registered proprietor);

- (v) the registered proprietor shall not modify or permit modification of finished ground and/or pavement levels within the flow path in whole or in part without the written approval of Ashfield Municipal Council; and
- (vi) the registered proprietor shall ensure that at all times the stormwater surface flow path is kept unobstructed by fences or any physical structures or barriers.

The wording in the Instrument shall be submitted to and approved by Ashfield Municipal Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

In order to ensure that the on-site detention system is properly maintained the owner of the site shall each year provide Council with a Certificate from a practicing civil engineer stating that the on-site detention system is functioning correctly and has not been compromised in any manner.

H Conditions that are ongoing requirements of development consents

(1) Garbage bin storage/placement for collection - strata title plan

All garbage/recycling bins are to be kept in the garbage bin storage area in the main block. Bins are only to be placed in the designated pick up area on the day of garbage collection and are to be returned to the storage area immediately after collection. This requirement is to be incorporated into the Strata Title of the property.

(2) Use as affordable housing

For 10 years from the date of the issue of the occupation certificate:

- (i) Units 1, 2 and 6 are to be used for the purposes of affordable housing must be used for the purposes of affordable housing, and
- (ii) all accommodation that is used for affordable housing is to be managed by a registered community housing provider.

I Advisory Notes

(1) Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.

Note: An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.

(2) Works and requirements of other authorities

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.

- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

(3) Application for a Construction Certificate

The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is also a criminal offence which attracts substantial penalties and may also result action in the Land and Environment Court and orders for demolition.

(4) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

Subject	DEVELOPMENT APPLICATION: 10.2012.146.1 37 DUDLEY STREET, HABERFIELD
File Ref	10.2012.146.1
Prepared by	Haroula Michael - Development Assessment Officer
Reasons	Council determination-Heritage Item
Objective	For Council to determine the application

Overview of Report

1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent for alterations and addition to the existing dwelling including an attic and new swimming pool.

Plans of the proposal are included at **Attachment 1**.

2.0 Summary Recommendation

The proposed works fails to meet the aims and objectives of the Ashfield Local Environmental Plan 1985, the Ashfield Development Control Plan 2007 particularly Part C7 Haberfield Conservation Area and the Draft Local Environmental Plan 2012 and therefore the development is recommended for refusal.

Background

A Provisional Development Application was lodged with Council on the 4 June 2012.

On the 14 June 2012 a letter was sent to the applicant requesting additional information. A further letter was sent to the applicant on the 12 July 2012 advising the concerns raised by Council's heritage adviser and requesting a meeting to discuss alternate possibilities to the roof form.

A meeting between Council staff, Council's heritage adviser and the applicant was held on 23 July 2012. Council's heritage adviser raised issues with the roof form and advised that a revised roof form be considered.

On the 24 July 2012, a letter was sent to the applicant with the heritage comments from the meeting held on the 23 July 2012.

The applicant lodged the application on the 24 July 2012, with no further amendments.

3.0 Application Details

Applicant : Filmer Architects Pty Ltd
Owner : Mr M D Ritchie & Ms R F Allen
Value of work : \$550,000.00
Lot/DP : LOT: 2 SEC: 4 DP: 5908
Date lodged : 24/07/2012
Date of last amendment : 24 July 2012
Building classification : 1a, 10a and 10b
Application Type : Local
Construction Certificate : No
Section 94A Levy : Yes

4.0 Site and Surrounding Development

The subject site is located on the eastern side of Dudley Street, bounded by Crescent Street to the north and Learmouth Street to the south. The site area is approximately 695.6 square metres. An existing dwelling house is located on the site. Surrounding development comprises of residential development. Refer to **Attachment 2** for a locality map.

5.0 Development History

Previous building and development applications submitted to Council for the subject site include:

NO.	DATE	PROPOSAL	DECISION
10.2003.101	19/8/2003	Alterations and additions to garden shed	Approved
6.1965.5498	22/7/1965	Carport	Approved

The previous consents were noted in the assessment of this application.

Assessment

6.0 Zoning/Permissibility/Heritage

- The site is zoned 2(a) - Residential under the provisions of Ashfield LEP 1985.
- The property is located within the Haberfield Heritage Conservation Area.
- The property is a heritage item.

The proposed works are permissible with Council consent.

7.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 1985 (as amended)

Section 32- Protection of heritage items, heritage conservation areas and relics states that:-

(5) *“When determining a development application for land within a heritage conservation area, the Council must make an assessment of”:*

(a) *“the relationship of the proposed development to the general pattern of development within the conservation area”, and*

Comment:

The proposed development has maintained the general pattern of development of the heritage conservation area.

(b) *“the pitch and form of the roof, if any”, and*

Comment:

The proposal incorporates a rear Dutch gable with a gable window and fixed timber louvres over the gable window. Council’s heritage adviser raised concern with the proposed roof form and it was advised that a hipped form roof would be preferable *“without the contested gable”*. Given the significance of the site and its individual heritage listing the proposed rear Dutch gable end is considered to be unsympathetic with the dwelling-house and not consistent with the objectives of this part.

(c) *“the style, size, proportion and position of the openings for windows or doors, if any”, and*

Comment:

The windows and doors to the ground floor are generally meet the objectives of the heritage conservation area. However, the rear gable window i.e. Dutch gable end finish to the attic room is considered to compete the significance of the subject dwelling house and surrounding area. Council’s heritage adviser also raised concern with the rear roof form.

(d) *“whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of any building or work are compatible with those of the materials used within the heritage conservation area”, and*

Comment:

The proposal refers to rendering and painting of sections of the proposed new walls, which is not compatible with the general external finishes of the Haberfield Heritage Conservation Area.

(e) *“the style, size, proportion, position and layout of paths, walls, fences, gates, garden beds and plantings”.*

Comment:

The proposed positions of paths and plantings are generally in accordance with the requirements of the heritage conservation area.

Section 35- Haberfield Heritage Conservation Area

(2) *“The Council shall not grant consent to the alteration, extension or erection of a dwelling-house within the Haberfield Heritage Conservation Area where”:*

(f) *“the application includes dormer or gablet windows”.*

Comment:

The proposal will result in a rear gablet window, however, the applicant has not provided a State Environmental Planning Policy No. 1 (SEPP No.1) objection to vary the Development Standard and provide information as to why it is unnecessary or unreasonable to comply with the development standard.

Therefore, having considered the proposal against the provisions of Clause 32(5) of the Ashfield LEP it is considered that the proposed roof form would be unacceptable within the Haberfield Heritage Conservation Area and the proposal would not meet the objectives of the Ashfield LEP 1985.

7.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 1 – Development Standards

A SEPP No.1 objection is required, however, has not been provided for the proposed rear gablet window as per Clause 35(2)(f) of the ALEP 1985 which does not permit “dormer or gablet windows”. Refer to part 7.1.1 of this report for details.

State Environmental Planning Policy No. 55 – Remediation of land

Remediation of the site is not required prior to the carrying out of the proposed development.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Not applicable. The proposed works cannot be defined as ‘exempt’ or ‘complying’ development.

7.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

Draft Ashfield Local Environmental Plan 2012 (Draft ALEP 2012) was placed on public exhibition on 27 June 2012 and is a matter for consideration. The following table summarises the assessment made against the Draft LEP.

Draft Ashfield Local Environmental Plan 2012 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Compliance
2.2	Zoning	Zone R2 Low Density Residential	Alterations to existing dwelling house (permissible with consent)	Yes
4.1	Minimum subdivision lot size	500m ²	696.8m ² (existing site area)	Yes
4.3	Height of buildings	7m	7.3m (existing building height). 6.9m (proposed rear addition)	Yes
4.4	Floor space ratio	0.5:1	0.41:1	Yes
5.10	Heritage Conservation	Located in: • Haberfield Conservation Area C42 and an Individual Item L441		
5.10(4)	Effect on heritage significance	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the	A Heritage Impact Statement has been submitted with the application. Council's Heritage Adviser raised concerns with the proposal and this is further addressed in part 8.1 of this report.	No

DEVELOPMENT APPLICATION: 10.2012.146.1**37 DUDLEY STREET, HABERFIELD**

		heritage significance of the heritage item or heritage conservation area concerned.		
6.1(2)	Development in the Haberfield Heritage Conservation Area	Development consent must not be granted to development for the purposes of a dwelling house on land to which this clause applies unless the consent authority is satisfied that:	Consent is sought	Yes
6.1(2)(a)	Development in the Haberfield Heritage Conservation Area	If the development involves the addition of gross floor area above the ground floor of a dwelling house the additional gross floor area is contained entirely within the roof space of the dwelling house.	The proposed gross floor area above the ground floor area is contained within the main roof space and within the proposed roof area within the rear extension.	Yes
6.1(2)(b)	Development in the Haberfield Heritage Conservation Area	If the development involves the additional gross floor area below the ground floor of the dwelling house – the additional gross floor area does not exceed 25 percent of the gross floor area of the dwelling house and does not require significant excavation.	No additional gross floor area is proposed below the ground floor.	N/A
6.1(2)(c)	Development in the Haberfield Heritage Conservation Area	The development does not involve the installation of dormer of gablet windows.	A gablet window is proposed.	No
6.1(2)(d)	Development in the Haberfield Heritage Conservation Area	A minimum of 50% of the site is available for landscaping.	296.305sqm (42.5%) due to the new standard LEP definition of landscape area – i.e. a swimming pool cannot be included as landscape area.	No

An assessment of the proposal was considered against the Draft LEP 2012. The proposal fails to comply with two of the above development standards being the proposed construction of a gablet window and the minimum landscaping area, therefore, given the non-compliances, the proposal is not supported.

7.3 The provisions of any Development Control Plan.

The proposal has been considered against the provisions of the Ashfield Development Control Plan (DCP) 2007:

C7	HABERFIELD HERITAGE CONSERVATION AREA	Refer to comments and table below.
C10	HERITAGE CONSERVATION	The heritage controls were considered in the assessment of this application.
C11	PARKING	The proposal does not alter the parking arrangements on the site. The site accommodates a car space to the front of the site and as a result of the proposed works the proposal does not alter the

		existing parking arrangements on the site.
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	The proposal was notified in accordance with Council's notification policy. Refer to part 7.7.1 of this report for further details.
C15	HOUSES & DUAL OCCUPANCIES	Refer to comments below
D1	PLANNING FOR LESS WASTE	A waste management plan has been submitted with the application.

Part C7 Haberfield Heritage Conservation Area:

Building Form:

2.6 Controls

“a) Alterations to the original main part of a building (other than a non-conforming building), including front and side facades, verandahs and roof forms, are not permitted.”

The proposal seeks to demolish part of the rear existing dwelling to allow for a rear addition which will include a new bathroom, laundry, study, kitchen, dining and family room. The proposal does not seek to alter the front verandah, however, the proposal does incorporate internal alterations to the main part of the dwelling house and the blocking of an existing window to the southern elevation and creating a new window opening to the proposed new ensuite.

The proposal also potentially outlines two “windows” in the new attic area within the main roof area. It is unclear from the elevations if the new glass areas will form part of the smaller existing gable ends to the main dwelling house, which would result in a change to the original roof of the dwelling house. Such a change to the main roof would not be supported.

“b) Where a building, other than a non-conforming building has undergone limited change, restoration and repair of the original front of the building is encouraged”.

The proposal seeks internal alterations to the main section of the dwelling house to create a walk in robe, an ensuite, a new bathroom and new stairs leading to the attic area.

“c) Where a building, other than a non-conforming building has suffered major alteration, reinstatement is encouraged. When no surviving physical or documentary evidence of the original can be found, reconstruction similar to the neighbouring or other original Haberfield houses is encouraged”.

The front of the existing dwelling is in good condition, and therefore the re-construction of the front façade would not be required in this instance.

“d) Extensions shall not conceal, dominate or otherwise compete with the original shape, height, proportion and scale of the existing buildings”.

Despite the rear roof being set lower than the main roof, the Dutch gable end to the rear addition will create a roof form which is uncharacteristic of houses in Haberfield. The rear extension roof form is considered to dominate and compete with the original shape, height, proportion and scale of the existing dwelling-house and is not supported.

“e) Extensions are permitted only to the rear. In certain circumstances (where there is inadequate rear land) modest side extensions may be allowed where this does not alter or overwhelm the original front façade or the presentation of the house from the street”.

The proposed addition is located to the rear of the existing dwelling-house and incorporates a lateral extension to the northern side of the site. Generally, lateral extensions are only permitted where there is inadequate rear land, however, given the built form of the main dwelling and the location of the gazebo along the front of the premises, the lateral extension would be obscured from the street. In addition, there is no vehicular access to the site as the southern side setback is 1390mm and the octagonal gazebo is located to the northern side of the site with a setback of 1200mm to the boundary.

The proposal also includes a swimming pool in the far north eastern corner of the site.

“f) Where extensions are involved, new roofs are to be lower than the main roof form with a maximum height considerably less than the principal ridge point”.

In this regard it is noted that the DCP refers to the main roof form and principal ridge point. The proposal maintains the height of the proposed secondary roof below the main roof form and therefore consistent with the requirements of the DCP.

“g) The overall length of any extension is to be less than, and secondary to, the original house”.

The proposed rear addition is considered to be secondary in length to the original dwelling house

“h) New roof shapes may include gables and gablets where these are related to shapes already present in the main roof, and where they are subordinate to the main roof shape. Dormer windows, Juliet balconies and similar protrusions will not be permitted”.

The proposed gablet window to the rear and the roof form it will produce is not support by Council’s heritage adviser. It is also to be noted that gablet windows are not permitted under 35(2)(f) of the ALEP 1985 and a SEPP No. 1 objection to vary the development was not provided to Council.

“i) Attic rooms can be built within the main roof shape where they do not involve alteration of the roof shape. They are to be modest in scale and comprise one (1) or at the most two (2) rooms capable of habitation. Attic windows in the front or side faces of the main roof are not permitted”.

The proposal seeks to create a storage room within the existing main roof area. The proposal also appears to outline glazing in the new attic area within the original roof area. It is unclear from the elevations if new glazing will form part of the smaller gable ends to the main dwelling house. Such a change would not be supported. In addition, the proposed storage room does not require light and ventilation and therefore the requirement for glazing to this area would not be required.

“j) Rear extensions containing an attic may be considered where the attic does not cause the extension to compete with the scale and shape of the main roof and is not visible from a public place”.

The rear extension area seeks accommodation within the proposed rear roof form, and will produce a Dutch gable end, which will result in a scale and shape that would compete with the main roof. Given the significance of the dwelling and its individual heritage listing the proposed roof form for the rear attic is not considered to be in keeping with the significance of the dwelling and heritage conservation area nor is it supported by Council's heritage adviser.

“k) Where attics are permitted, their windows shall be located in rear gable ends or gables. They shall be discreet in scale and appearance and cannot be visible from a public place. Where extensions to existing roofs are being undertaken, modest sized in-line skylights may be considered in the side and rear planes or the extension only, and limited to one such window per roof plane”.

The applicant proposes three new skylights to the new rear roof - one on each roof plane to service bedroom 3 and the third skylight on the lower roof plane servicing the kitchen area. This is consistent with the DCP provisions.

“l) Extensions shall not employ any major or prominent design elements that compete with the architectural features of the existing building”.

The proposed rear gablet to the attic area provides a prominent design element that is considered to compete with the significance of the heritage listed dwelling-house. Council's heritage adviser has stated that a hipped roof form would be preferable, given the significance and distinctive qualities of this cottage.

Roof Form

2.9 Controls

“a) Since roof shapes are integral with building shape, this section should be read in conjunction with Clauses 2.4 - 2.6 of this Plan”.

Noted, and clauses 2.4-2.6 of this plan have been considered in the assessment of this application.

“b) Roof extensions are to relate sympathetically and subordinately to the original roof in shape, pitch, proportion and materials”.

The proposed rear roof extension as stated above will result in a prominent design element that is considered to compete with the significance of the heritage listed dwelling-house and is not considered to be a subordinate to the original roof form.

“c) New buildings are to have roofs that reflect the size, mass, shape and pitch of the neighbouring original roofs”.

The proposed roof form to the rear extension will create a dominant roof form design which is not consistent with neighbouring original roof forms. Given the location of the subject site the proposed rear roof area will be visible from Learmonth Street.

“d) Roof extensions are to be considerably lower than the original roof and clearly differentiated between the original and the new section. (See Clause 2.6)”.

The proposed rear roof has been set lower than the main ridge point by 400mm.

“e) Replacement roof materials are to match original materials or are to employ approved alternative materials. Suitable roof materials are: unglazed terra cotta Marseilles tiles; Welsh slate; approved fibrous cement tiles; and at the rear, corrugated non-reflective galvanised steel sheeting (painted or natural)”.

The roof material to the rear extension has been nominated as colourbond custom orb roof sheeting.

f) Roof details such as finials, ridge capping, are to be maintained, repaired and reinstated where necessary.

The roof details to the main dwelling such as the finials and ridge cappings are not being altered as part of this application. Should the application be approved a condition is to be imposed to ensure that the details to the main roof area are not be altered or removed.

Part C15 Houses and Dual Occupancies:

Scale and bulk

The proposal consists of alterations and additions to the existing dwelling with an attic, an in ground swimming pool and landscaping works. The overall height and bulk of the rear addition is generally acceptable, however, the proposed rear roof is considered to create a form which is not consistent with the built upon area within its vicinity.

Clause 2.3 of the ADCP 2007 requires visual heights to have a maximum wall height of 6 metres as measured from the existing ground level.

The rear addition has a wall height (at the height point) of approximately 3.8 metres which meets the numerical requirements of this part and is within the FSR requirements.

The subject site has a maximum FSR requirement of 0.5:1. As a result of the proposed works the floor space ratio is (285sqm) 0.41:1 and therefore consistent with the ADCP 2007.

Aesthetics:

The proposal consists of alterations and additions to the existing dwelling with an attic, and an in ground swimming pool and landscaping works.

The Ashfield Development Control Plan requires new development to be sympathetic to the context of the site, and have a high standard of architectural composition. There are varying architectural forms of development within the vicinity of the site, comprising of mainly single storey dwellings. The proposal is not considered to be sympathetic in context of the site and adjoining dwellings in relation to the rear roof form.

Landscape and Site Layout:

The ADCP requires that the site provides a landscaped area of 50% of the site area at a minimum and that 70% of the minimum landscaped area be deep soil planting.

As the subject site is within a heritage conservation area the definition of "Landscaped Area" is defined under Part 4 Clause 31 of the Ashfield Local Environmental Plan 1985 which reads "Landscaped area does not include hard surfacing on a site or areas less than 900mm in width".

The subject site requires a minimum of 50% of the site area to be landscaped area at ground level i.e. 348.4sqm. As a result of the proposal the proposed soft soil landscaped will be increased from 310.7sqm (44.6%) to 352.8sqm (50.6%).

The proposal seeks to remove a Mango tree. Council's tree technical officer did not raise any objections to the removal of this tree. Council's heritage adviser raised concerns with the location of the rear addition in relation to the existing Jacaranda tree. Refer to part 8.1 of this report for details.

Amenity for neighbours:

The ADCP requires solar access to at least 50% (or 35m², whichever is lesser) of the principal private area at ground level of the private open spaces of the adjacent properties is not reduced to less than three hours between 9am and 3pm on the 21 June.

The ADCP also requires that solar access be maintained to at least 40% of the glazed areas of any neighbouring north facing living room/dining room windows.

The proposal complies with these requirements.

Neighbour's Privacy: The proposal is not considered to impact the privacy of the adjoining properties.

Ecological Sustainable Development:

A BASIX certificate was submitted with the application.

Ancillary Design Matters

Solid Fuel Heating

Council does not support solid fuel heating due air pollution. The proposal includes a new fire place within the living area. It is not clear if the intention is to burn solid fuel or use this fire place heat the living area by some other means.

Summary

It is considered the application does not meet a number of the aims and objectives of the Ashfield DCP.

7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered in the assessment of this application.

7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have an adverse environmental impact on the character of the area.

7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development. The site is suitable for residential development of this type.

7.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants, the Haberfield Association and Councillors from 26 July 2012 until 14 August 2012.

7.7.1 Summary of submissions

Two submissions (**Attachment 4 - circulated under separate cover**) were received during the notification of the development application:

Submissions
Mr and Mrs. A Sufferini
Dr. R H Woog

The matters raised in these submissions are detailed below in italics, followed by a response from the assessing officer:

The submission by Mr and Mrs Sufferini did not raise any objections to the proposed new works, however, concerns were raised with the applicant's existing Jacaranda tree causing damage to their property.

This issue is not a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and is one which needs to be resolved between the affected parties.

The submission by Dr R H Woog raised the following concerns:

“.....what is proposed here amounts to virtually a second storey addition, and the creation of a hugely extended and very high roof space where none existed previously. Anyone who cares to look at the height of the chimneys currently on this property will note that they are very high, and from the plans submitted, that will be the height of a new and extensive roof space which will be covering the entire house. This would seem to me entirely out of keeping with other houses in this area, none of which have amounts to a second storey addition at chimney height”.

The proposal includes a new roof form to provide additional accommodation to the rear of the existing roof area. Upper level attics are permissible where the new roof ridge is below the main roof ridge and is sub-ordinate to the existing main roof. The roof to the rear has been set below the existing ridge height by 400mm and not in line with the chimneys on the site.

However, the roof form proposed with the rear Dutch gable produces a mass and bulk which is not in keeping and consistent with the existing dwelling-house or adjoining properties.

Construction noise, dust, trucks, obstructing of driveway by trades people, etc

Should the application be approved conditions will be imposed to nominate construction hours and the control of dust to minimise the nuisance to the area. Applications which involve building work/demolition are conditioned with restricted hours of work and dust control.

In relation to obstruction of the driveway, any construction workers would need to follow parking and road regulations which are applicable to everyone.

Neglected rear garden and overhanging vegetation

The matter of general tidiness of the property is not a matter for consideration under the Environmental Planning and Assessment Act 1979.

Unauthorised tree house

The matter of the unauthorised tree house was investigated at the time of complaint in July 2010. The tree house was subsequently removed and no further complaints were received.

7.8 The public interest

The matters of the public interest have been taken into consideration in the assessment of this application. The proposal has a number of deficiencies as outlined in the report and does not warrant Council approval.

8.0 Referrals

8.1 Internal

Heritage Adviser: *"I would confirm that the basis of my recommendations based upon my interpretation of the DCP is as follows:*

The recommendation of the DCP on gables and gablets are very specific and emerge from the concerns that adaptation of Haberfield Houses should not produce characteristics which confuse and eventually change the typology of houses in the conservation area.

- While gablets usually with louvre vents are quite common as features of transverse ridges on large main hipped roofs, rear facing gablets as the termination of hipped ends are not common and are in my opinion are a difficult element when proposed in conjunction with new attic areas. They change the appearance, scale and bulk of new longitudinal hipped forms which are increasingly replacing rear skillion roofs, usually to introduce large attic areas.*
- The attics which the DCP facilitate are in themselves a concession conceived by Council in order to balance ground floor extensions, which would otherwise be larger, with the need to maintain landscaped garden area.*
- The subject house with its distinctive corner turret, is well known as a prime Haberfield cottage and it would be doubly regrettable if it were to be altered in an unsympathetic way.*
- As discussed with Mr Filmer, it would be preferable for the proposed hipped form, without the contested gablet, to extend a little further rearwards in order to deliver the desired bedroom size. It is appreciated this will likely require the rearmost roof form to be modified from the present design, but a simpler more economic roof form might be achievable through this.*

With some reconsideration along the above lines, a good outcome should be secured through this proposal".

Comments from Council's Heritage Adviser are included at **Attachment 3**.

Building: Council's Construction Assessment Team Leader raised a concern with non-compliance with the heights to bedroom 3 and the bathroom area in terms of the Building Code of Australia. Conditions have also been provided.

Engineering: No objections raised, subject to conditions.

Environmental Health: No objections raised subject to a condition to delete the flue to the proposed family room as it does not comply with the ADCP.

Tree Management Officer: *“The alts to the dwelling need to ensure that the existing branch and root system of this tree is retained and protected. Consideration should be given to amending the design after the applicant has obtained an amended Consultant Arborist Report. The Arborist Report should address the tree management issues consistent with the Australian Standards for tree protection on construction sites.*

The new swimming pool will be significantly impacted by debris from this tree potentially creating conflict with Council when they find the pool maintenance more onerous than they expected. The swimming pool design will need to be amended to provide for an integrated removable pool cover”.

9.0 Other Relevant Matters

Section 94A Contribution Plan

Based on the estimated value-of-works of \$550,000.00 a Section 94A Contribution fee of \$5500.00 would be payable to Council should the application be approved.

Haberfield Conservation Study 1986

The Haberfield Conservation Study 1986 was noted and considered in the assessment of this application.

Stormwater Pipes – Have you checked the Drainage Map for affectation by pipes?

Council’s stormwater map does not indicate that the subject property is burdened by any Council or Sydney Water stormwater pipes.

10.0 Building Code of Australia (BCA)

The proposal was referred to Council’s Construction Assessment Officer, who provided comments.

Financial Implications

Nil.

Other Staff Comments

See Section 8.1 of this report.

Public Consultation

See Section 7.7 of this report.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act 1979 with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal is unacceptable for reasons outlined in the report and is therefore recommended for refusal.

ATTACHMENTS

Attachment 1	Plans of the Proposal	10 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Heritage Advisor Comments	2 Pages
Attachment 4	Submissions - Circulated under separate cover	2 Pages

RECOMMENDATION

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) refuse Development Application No. 10.2012.146.1 for Alterations and addition to dwelling including an attic and new swimming pool on Lot 2 in DP: 5908, known as 37 Dudley Street, Haberfield for the following reasons:

Reasons for Refusal

1. The proposal will detract from the character, distinctive qualities and significance of the Haberfield Heritage Conservation Area.
2. The development fails to comply with the Ashfield Local Environmental Plan 1985.
3. A State Environmental Planning Policy No 1 Objection has not been submitted to vary Clause 35(2)(f) of the Ashfield Local Environmental Plan 1985.
4. The development fails to comply with the policy of Part C7-Haberfield Conservation Area in the following terms:
 - the proposal does not keep the general building form of development;
 - the proposal will create a roof form (Dutch gable) which will be contrary to the controls of this part. Council's heritage advisor also does not support the proposed roof form.
 - The proposal will result in a modification to the existing main roof with the inclusion of glazing areas - "glass over".
 - the proposal will result in part of the new walls being rendered and painted which is contrary to the Controls of 2.15.
5. The development fails to comply with the objectives of Part C15 Houses and Dual Occupancies of the Ashfield Development Control Plan 2007 in particular the proposal will not result in a sympathetic building scale.

6. The Arborist Report does not address the tree management issues as required by the Australian Standards for tree protection on construction sites as the alterations to the dwelling need to ensure that the existing branch and root system of the Jacaranda tree is retained and protected.
7. The plans are inconsistent as south-western elevation indicates four windows, however the floor plan indicates three windows and an existing opening to be blocked off.
8. The proposal fails to comply with Draft Local Environmental Plan 2012.
9. The proposal is not in the public interest.

COMPLIANCE TABLE - ASHFIELD LOCAL ENVIRONMENTAL PLAN 1985	
CLAUSE 2 Aims, objectives etc. This plan aims to: (a) promote the orderly and economic development of the local government area of Ashfield in a manner consistent with the need to protect the environment; and (b) retain and enhance the identity of the Ashfield area derived from its role as an early residential suburb with local service industries and retail centres; and containing the first garden suburb of Haberfield (now listed as part of the National Estate).	Does not Comply. It is considered that the carrying out of the proposed development will not meet the aims and objectives of Ashfield LEP 1985.
CLAUSE 10 Zoning	Complies. The property is zoned 2(a) Residential and the proposal is permissible with Council consent.
CLAUSE 10A Development consent required for change of building use and subdivision	Not applicable.
CLAUSE 11 Dwelling houses – residential allotment size (1) Except as provided by subclause (2), the council shall not consent to development for the purposes of a dwelling-house on an allotment of land within Zone No. 2(a), 2(b) or 2(c) unless- (a) where the allotment is hatchet shaped – it has an area of not less than 700 square metres; or (b) in any other case – (i) the allotment has an area of not less than 500 square metres; and (ii) the allotment is not less than 15 metres wide at the front alignment of the proposed dwelling house. (2) The council may not consent to the erection of a dwelling-house on an allotment of land which does not comply with subclause (1) where the allotment was in existence as a separate allotment on the appointed day. (3) For the purposes of subclause 1(a), in calculating the area of a hatchet-shaped allotment, the area of any access corridor shall be disregarded.	The allotment was in existence on the appointed day.
CLAUSE 12: Number of floors in dwelling-houses (1) In this clause, “floor” means any separate level within a building but does not include a level used exclusively for car parking. (2) A person shall not erect a dwelling house which contains more than – (a) in the case of land within Zone No. 2(a) or 2(b) – 2 floors; or	No. of floors = 2

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(b) in the case of land within Zone 2(c) – 3 floors, except with the consent of the council.	
CLAUSE 13 Dwelling houses – dual occupancy	Not applicable.
CLAUSE 17 Floor space ratios (1) In this clause “building” does not include a building used exclusively as a dwelling- house or residential flat building, but includes a building or buildings comprising 2 dwellings only on the same allotment. (2) A person shall not, upon an allotment of land within a zone specified in Column I of the Table to this clause, erect a building with a floor space ratio that exceeds the ratio set out opposite the zone in Column II of that Table.	Not applicable.
CLAUSE 17A Height of residential flat buildings (1) This clause applies to land within Zone No. 2(b) or 2(c). (2) In this clause – “height” in relation to a building, means the greatest vertical distance (expressed in metres) between any level of the natural surface of the site area on which the building is, or is to be, erected and the ceiling of the topmost habitable floor of the building; “natural surface”, in relation to a site area, means the level determined by the council to be the natural surface of the site area. (3) The maximum height to which a residential flat building may be erected on land to which this clause applies shall be – (a) in the case of a building within Zone No. 2(b) – 6 metres; and (b) in the case of a building within Zone No. 2(c) – 9 metres. (4) This clause does not apply to land within Zone No. 2(c) shown edged heavy black and lettered “2(c)” on the map marked “Ashfield Local Environmental Plan 1985 (Amendment No. 79)”.	Not applicable.
CLAUSE 17B Development of Ashfield Business Centre - Zone No. 3(a) floor space ratio (1) This clause applies to land within Zone No 3(a) that is shown edged with an unbroken (or, if fronting Elizabeth Avenue, a broken) heavy black line on Sheet 2 of the map marked “ <i>Ashfield Local Environmental Plan 1985 (Amendment No 72)</i> ”. (2) The Council must not grant consent for buildings on land to which this clause applies if the floor space ratio of the building would exceed the base floor space ratio shown for the land on Sheet 2 of the map marked “ <i>Ashfield Local Environmental Plan 1985 (Amendment No 72)</i> ”, except as provided by subclause (3). (3) The Council may consent to a building on a site of land to which this clause applies which is also land shown edged with a broken or unbroken heavy black line on Sheet 3 of the map marked “ <i>Ashfield Local Environmental Plan 1985 (Amendment No 72)</i> ” that will result in the gross floor area of the buildings on the site being greater than that allowed by that base floor space ratio by no more than an amount equivalent to the site area, subject to subclause (4). (4) The Council may grant consent pursuant to subclause (3) only if it is satisfied that the additional floor area will be developed as referred to on Sheet 3 of that map in relation to the land concerned and only if the Council is satisfied that the additional development will not result in an adverse impact on any of the following: (a) the scale and character of the streetscape, (b) the amenity of any existing or potential residential units on neighbouring land,	Not applicable.

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sunlight access to surrounding streets, open space and nearby properties, (d) wind flow pattern to surrounding streets, open space and nearby properties.	
CLAUSE 18 Development for the purpose of advertisements	Not applicable.
CLAUSE 20 Clubs	Not applicable.
CLAUSE 21 Motor showrooms	Not applicable.
CLAUSE 22 Industrial uses 4(b)	Not applicable.
CLAUSE 23 Setbacks 4(b)	Not applicable.
CLAUSE 24 Parking in Zone 4(b)	Not applicable.
CLAUSE 25 Development of land within Zone No. 6(a)	Not applicable.
CLAUSE 27 Acquisition of land	Not applicable.
CLAUSE 28 Suspension of certain laws	Not applicable.
CLAUSE 29 Provision for public amenities and services	The demand for public amenities and public services is not likely to increase as a result of this proposal.
CLAUSE 29A Classification and reclassification of public land as operational	Not applicable.
CLAUSE 30 Heritage provisions – aims The aims of this Part are: (a) to retain the identity of Ashfield by conserving its environmental heritage, which includes the first garden suburb of Haberfield now listed as part of the National Estate; and (b) to integrate heritage conservation into the planning and development control processes; and (c) to provide for public involvement in the conservation of Ashfield's environmental heritage; and (d) to ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings as well as landscapes and streetscapes and the distinctive character that they impart to the land to which this plan applies.	Does not comply. It is considered that the carrying out of the proposed development will not meet the aims of the heritage provisions of Ashfield LEP 1985.
CLAUSE 32 Protection of heritage items, heritage conservation areas and relics	

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1. <i>Requirement for development consent</i>	Complies. The proposal requires development consent and this has been sought in the appropriate manner.
2. <i>Development consent not required</i>	Not applicable.
3. <i>Assessment of impact on heritage significance</i>	Does not comply. It is considered that the carrying out of the proposed development will have an adverse impact upon the heritage significance of the conservation area and heritage item.
4. <i>Requirement for conservation plan or heritage impact statement</i>	A heritage impact statement has been submitted and has been used in the assessment of the application.
5. <i>Assessment criteria for development of land within heritage conservation areas.</i>	These matters have been considered in the assessment of the application and are further discussed in part 7.1.1 of this report.
CLAUSE 34 Notice to Heritage Council	Not applicable.
CLAUSE 35 Haberfield Heritage Conservation Area	
(1) The Council must not grant a consent required by clause 32 for land within the Haberfield Heritage Conservation Area unless: (a) where the application proposes to add accommodation to a dwelling, the Council is satisfied that, in addition to the other requirements of this Part, such accommodation will be: (i) if in a level above the main floor, contained wholly within the existing roof form of the dwelling; and (ii) if arranged as an attic room within part of an extension to an existing dwelling, contained wholly within the roof form of the extension, and	Complies. The proposed attic accommodation will be contained wholly within the existing roof form of the dwelling.
(1) The Council must not grant a consent required by clause 32 for land within the Haberfield Heritage Conservation Area unless: (b) where it is proposed to use the natural slope of the land to add habitable accommodation in a level below that of an existing house, the Council is satisfied that such basement accommodation: (i) does not require major excavation of the site to achieve the accommodation or access; and (ii) does not change the setting of the existing house; and (iii) does not have doors and windows visible from a public place, whether or not alternative means are used to screen the accommodation; and	Not applicable.
(1) The Council must not grant a consent required by clause 32 for land within the Haberfield Heritage Conservation Area unless: (c) the Council is satisfied that in all respects the existing house retains the appearance of a single storey dwelling when seen from any public place; and	The dwelling will appear as a single storey dwelling when seen from any public place.
(1) The Council must not grant a consent required by clause 32 for land within the Haberfield Heritage Conservation Area unless: (d) where the application applies to a shop or a commercial building, the Council is satisfied that such development: (i) is sympathetic to, and does not detract from, the form and character of the building and its setting; and (ii) retains the original features of facade, including all details	The proposal retains the original features of the facade and will not detract from the form or character of the existing building or its setting.

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above and below the awning level; and	
(1) The Council must not grant a consent required by clause 32 for land within the Haberfield Heritage Conservation Area unless:	Complies. It is considered that the proposed work does not constitute a danger to any person.
(e) the Council has made an assessment of whether the building or work constitutes a danger to its users or occupiers, or to the public.	
(2) The Council shall not grant consent to the alteration, extension or erection of a dwelling-house within the Haberfield Heritage Conservation Area where:	Site Area = 696.8sqm Gross Floor Area = 285sqm FSR = 0.41:1
(a) the floor space ratio exceeds 0.5:1; or	
(2) The Council shall not grant consent to the alteration, extension or erection of a dwelling-house within the Haberfield Heritage Conservation Area where:	Site Area = 696.8sqm Existing soft landscape = 310.7sqm (44.6%) Proposed soft landscape = 352.8sqm (50.6%)
(b) the landscaped area of the site of the dwelling house is less than 50% of the total area of the allotment on which it is situated; or	
(2) The Council shall not grant consent to the alteration, extension or erection of a dwelling-house within the Haberfield Heritage Conservation Area where:	The landscaped areas are compatible with the garden setting of Haberfield.
(c) the landscaped areas located at the front, side and rear of the house are not compatible with the character of the garden setting of the site and of other properties within its vicinity; or	
(2) The Council shall not grant consent to the alteration, extension or erection of a dwelling-house within the Haberfield Heritage Conservation Area where:	The dwelling house is visually compatible in height to adjacent houses.
(d) the dwelling house is not visually compatible in height to other houses; or	
(2) The Council shall not grant consent to the alteration, extension or erection of a dwelling-house within the Haberfield Heritage Conservation Area where:	The proposed attic will consist of two rooms.
(e) the development proposed would create a new room partly above a room in the dwelling house that existed when this paragraph commenced, unless:	The storage room is contained wholly within the existing roof form of the dwelling and the new bedroom and bathroom are proposed within the new roof area.
(i) the development consists of no more than two habitable rooms; and	The requirements for health, daylight and ventilation for the proposed rooms are provided by skylights and a gablet window.
(ii) the development is contained within the existing roof form and the existing eaves line is retained; and	
(iii) in the case of alterations and additions, the construction of any attic room is contained within the roof form of the addition which in all respects complies with the aims and objectives of this Part; and	
(iv) all requirements for health, daylight and ventilation for any attic room involved can be provided by in-plane roof lights facing the rear of the property; and	
(v) all requirements for health, daylight and ventilation do not entail the use of more than one in-plane roof light per roof face; or	
(2) The Council shall not grant consent to the alteration, extension or erection of a dwelling-house within the Haberfield Heritage Conservation Area where:	The proposed development includes a gablet window to the rear roof form. A State Environmental Planning Policy Number 1 to vary this standard has not been provided with this development application.
(f) the application includes dormer or gablet windows.	
CLAUSE 36	Not applicable.
Development of known or potential archaeological sites	

Ashfield Council – Report to Ordinary Meeting held on Tuesday 28 August 2012 **CM10.2**
DEVELOPMENT APPLICATION: 10.2012.146.1
37 DUDLEY STREET, HABERFIELD

CLAUSE 37 Development in vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Does not comply. It is considered that the carrying out of the proposal will have an adverse impact upon the heritage significance of heritage items, conservation areas, archaeological sites or potential archaeological sites in its vicinity.
CLAUSE 37A Conservation incentives	Not applicable.
CLAUSE 38 Development of land known as 476 Parramatta Road Ashfield	Not applicable.
CLAUSE 38A Multiple dwellings on certain land	Not applicable.
CLAUSE 38B Development of land known as Lot 1 (adjacent to Brown Street and Markham Avenue Ashfield)	Not applicable.
CLAUSE 39 Development of land known as 4 Parramatta Road, Summer Hill and 47 Dover Street, Summer Hill	Not applicable. This clause has been superceded by LEP amendment no. 76 that rezones the properties to General Business 3(a).
CLAUSE 39A Temporary car park–Liverpool Road and Elizabeth Avenue, Ashfield	Not applicable.
CLAUSE 39B Mixed development in commercial zones – generally	Not applicable.
CLAUSE 40 Mixed development on certain land – floor space concessions	Not applicable.
CLAUSE 41 Development of land known as No. 91A Smith Street, Summer Hill	Not applicable.
CLAUSE 42 Development of land adjacent to Liverpool Road and railway line, Ashfield	Not applicable.
CLAUSE 43 Development of community centre at Smith Street, Summer Hill	Not applicable.
CLAUSE 44 Development of land known as No. 60 Dalhousie Street, Haberfield (Haberfield Post Office)	Not applicable.
CLAUSE 45 Development of land adjacent to Liverpool Road and railway line, Ashfield	Not applicable.
CLAUSE 48 Development of land known as the Ashfield Public	Not applicable.

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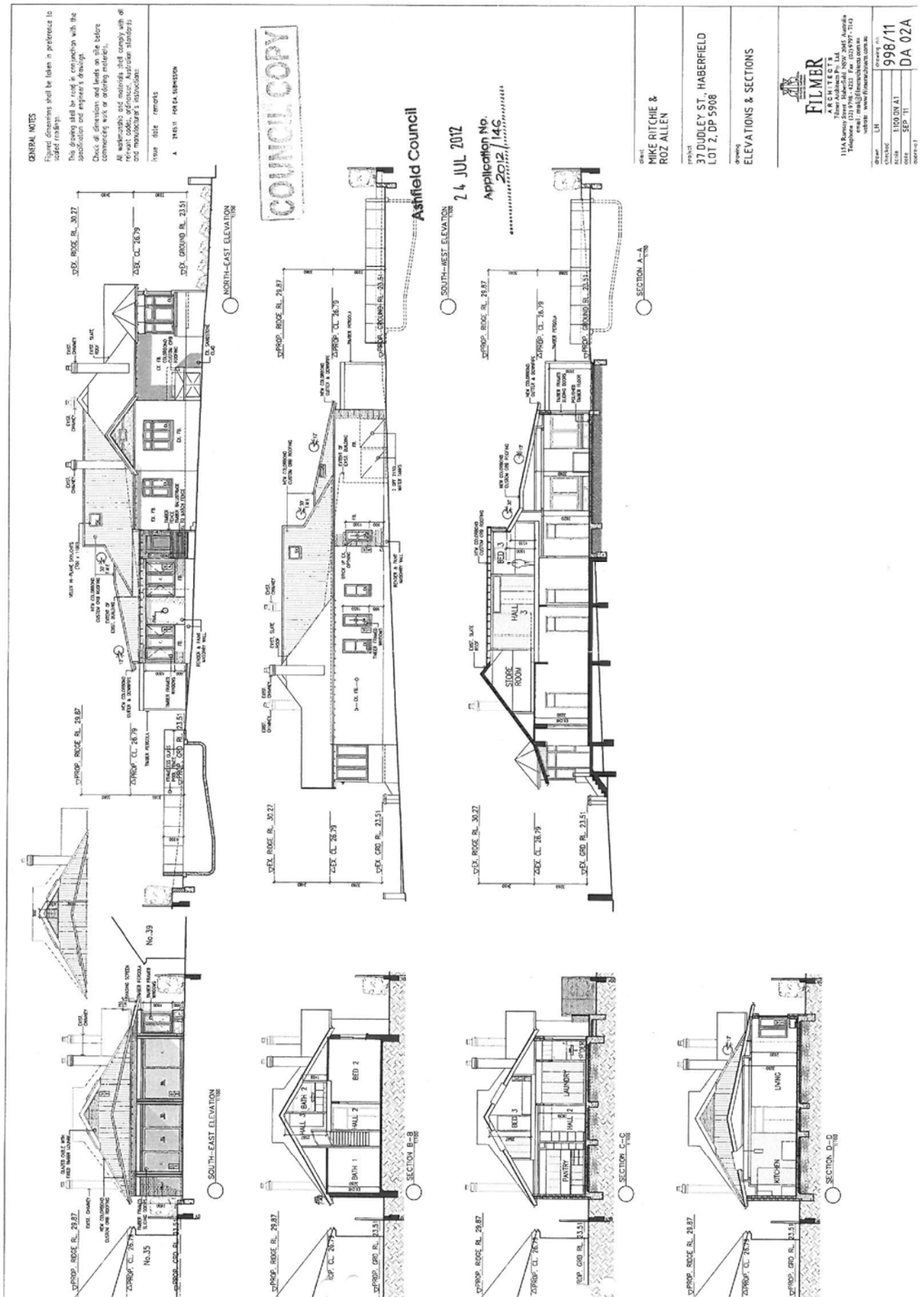
School Playing Fields Site, 3 Orchard Crescent and 209 Liverpool Road, Ashfield	
CLAUSE 49 Development of land known as 191 Ramsay Street, Haberfield	Not applicable.
CLAUSE 51 Development of land known as 93 Milton Street, Ashfield	Not applicable.
CLAUSE 52 Development of land known as 412–416 Liverpool Road, Croydon	Not applicable.
CLAUSE 53 Development of land known as 3 Carlton Crescent, Summer Hill	Not applicable.
CLAUSE 54 Development at 11–13 Hercules Street, Ashfield	Not applicable.
CLAUSE 55 Development of certain land at Milton Street and Park Avenue, Ashfield	Not applicable.
CLAUSE 56 Development of certain land at Queen Street, Ashfield	Not applicable.
CLAUSE 57 Development of certain land known as 55–75 Smith Street, Summer Hill	Not applicable.
MODEL PROVISIONS	
5(1) - Aesthetic appearance of proposed development from waterway, main or arterial road, railway, public reserve or land zoned for open space.	Not applicable.
5(2) – Car impacts a) adequate exits and entrances so as not to endanger persons and vehicles using public roads b) adequate car-parking c) compliance with RTA representations d) adequate area for loading, unloading and fuelling vehicles and for the picking up and setting down of passengers	Not applicable.

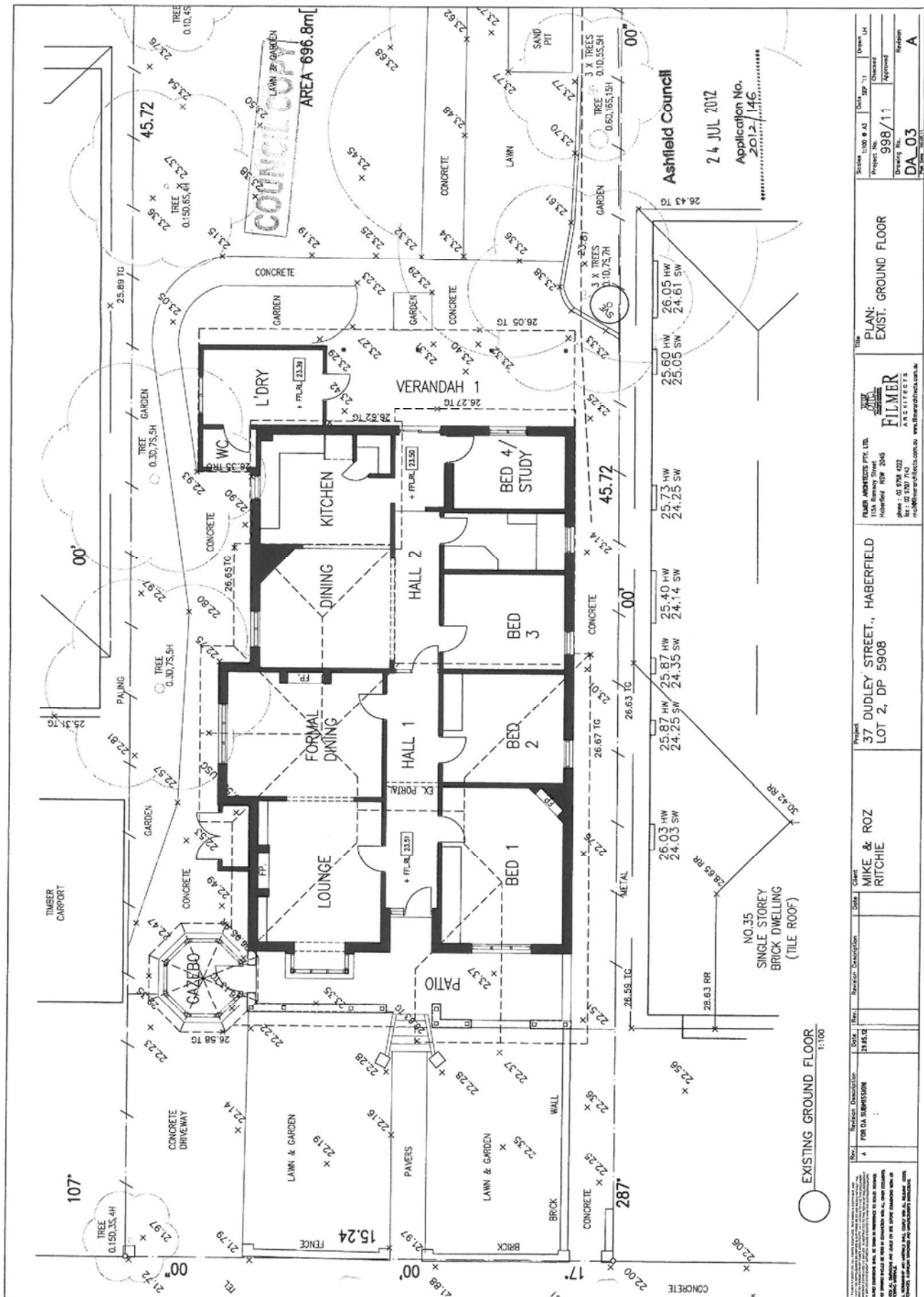
COMPLIANCE TABLE – DCP PART C7 – HABERFIELD HERITAGE CONSERVATION AREA	
2.3. Pattern of Development	The general pattern of development is being maintained. The new grass strips to the existing front hard stand area is not considered to impact the Heritage Conservation area. The subject site has no other alternatives for onsite parking, however the proposal does not seek to alter the existing parking area.
2.6. Building Form	The proposed works fails to comply with a number of controls in particular the proposed rear roof form is considered to be unsympathetic and suggested glazing to the attic storeroom would involve changes to the main roof area. This clause is further discussed in part 7.3 of this report.
2.9. Roof Forms	Refer to part 7.3 of this report for further details.
2.12. Siting, Setbacks & Levels	The proposal seeks to maintain the pattern of the front and side setbacks. The proposal does seeks a lateral extension, this is further discussed in part 7.3 of this report. The proposal does not incorporate a substantial difference in floor levels from the adjacent properties.
2.15. Walls	The proposal seeks to render portions of the new rear walls on the north east and south western elevations which is contrary to the objectives of this control which only allows rendering of external walls if it is for authentic restoration works. The controls also state the unpainted surfaces shall not be painted.
2.18. Chimneys	The proposal seeks to retain the existing chimneys.
2.21. Joinery	The existing joiner is be maintained to the main dwelling house.
2.24. Windows and Doors	The windows and doors proposed are generally consistent with the existing windows. The gable window has been further discussed in the report.
2.27. Window Sunhoods, Blinds and awnings	Not applicable.
2.30. Verandahs	The proposed verandah to the rear of the dwelling has been kept of a simple design and does not challenge the presentation of the house.
2.33. Garages and Carports	Not applicable.
2.36. Garden Sheds/Store Sheds/etc	Not applicable. The proposal is not seeking approval for the construction of any outbuildings.
2.39. Colour Schemes	A colour scheme has been provided with the application. However, the plans indicate that section of the new walls are nominated to be rendered and painted which is contrary to this clause.
2.42. Fences & Gates	Not applicable. The proposal does not seek to alter the front fence. The proposal seeks a pool fence which is located to the rear north eastern corner of the site.
2.45. Garden Elements including paving, driveways, pergolas & pools	The proposal seeks to increase the soft landscaping area, and seeks to provide a new grass strip to the front hard stand area.
2.47. Treatment of Non-Conforming Houses	Not applicable.
SECTION 3: Planning Measures for Commercial	Not applicable.

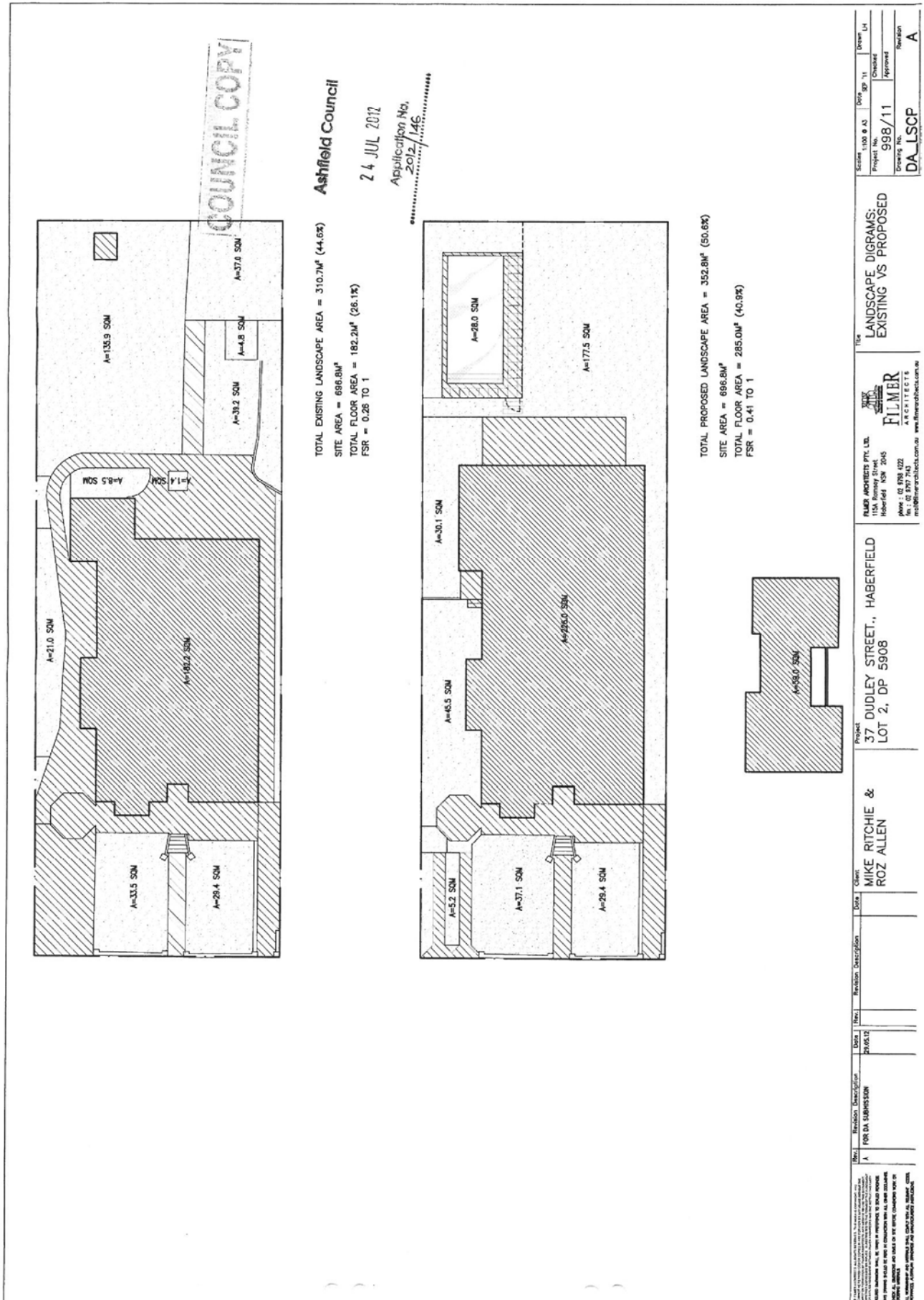
Ashfield Council – Report to Ordinary Meeting held on Tuesday 28 August 2012 **CM10.2**
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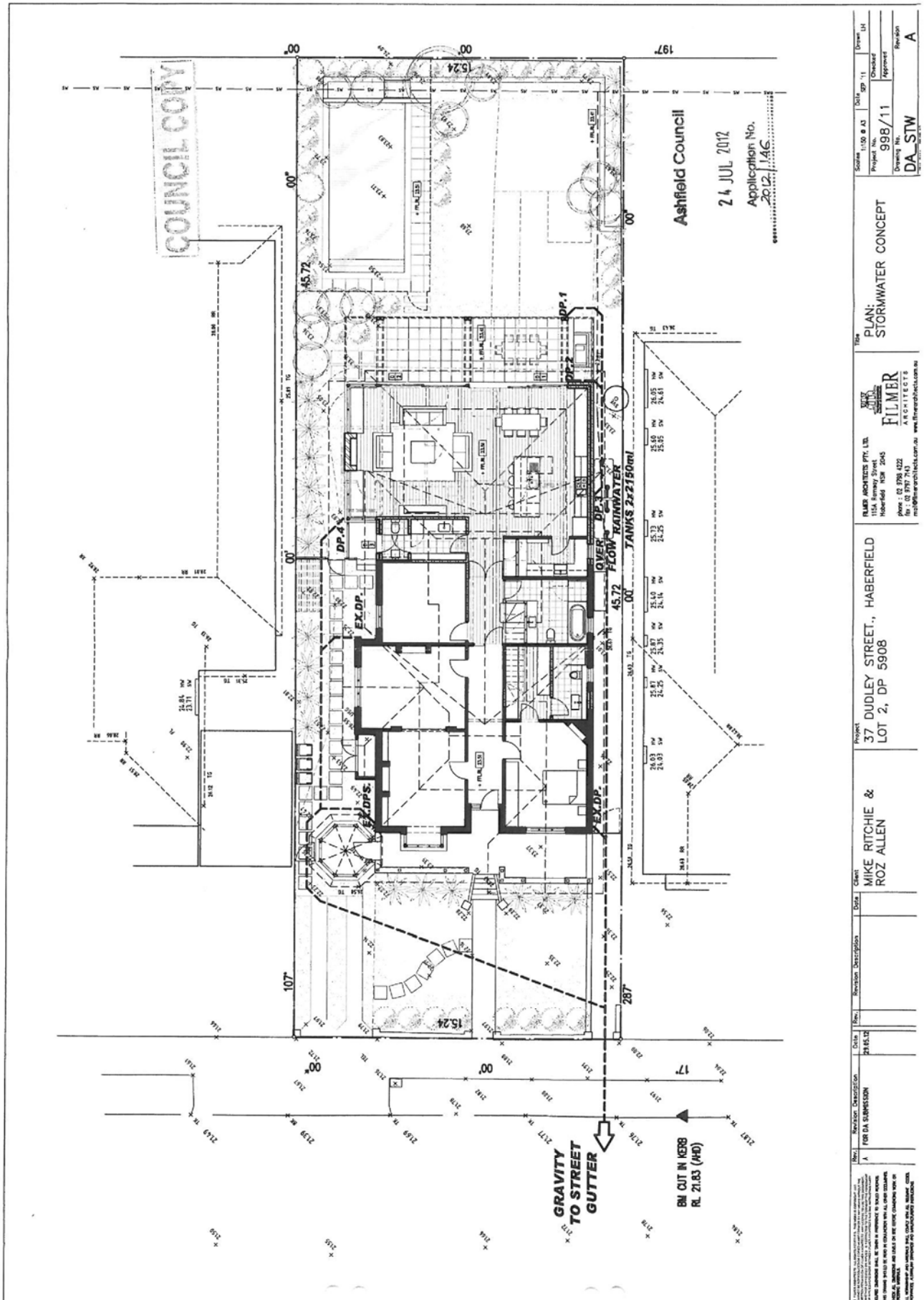
Properties	
SECTION 4: Miscellaneous	
4.2. Modern Technological Developments	Not applicable.
4.4. Dual Occupancy	Not applicable.

PHIL SARIN
Director Planning and Environment











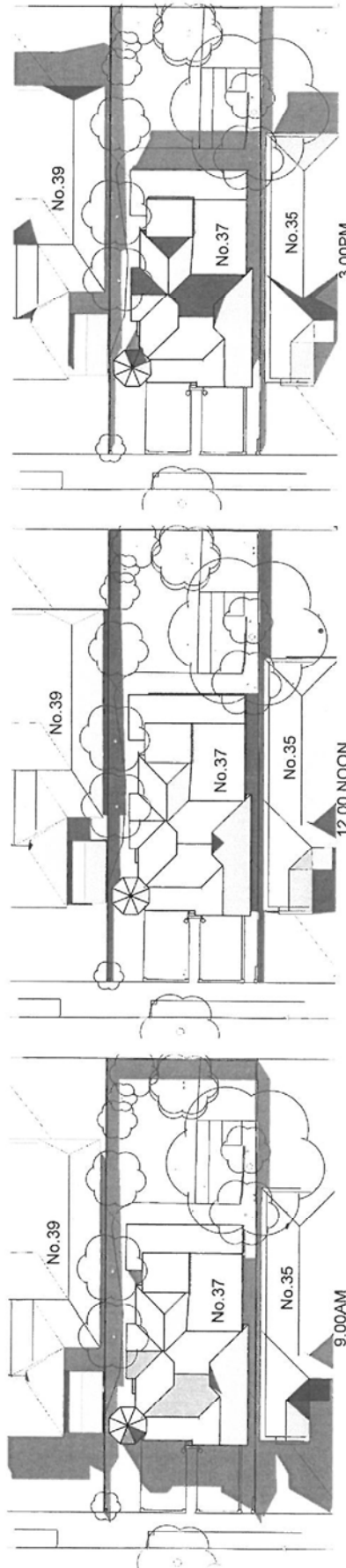


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EQUINOXES 22 MARCH/SEPTEMBER
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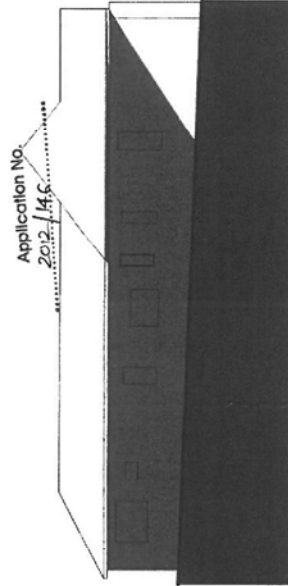
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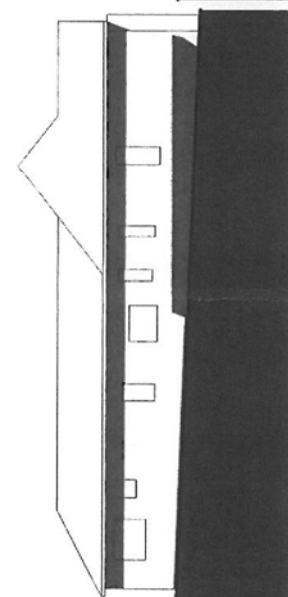
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Application No.
2012/146



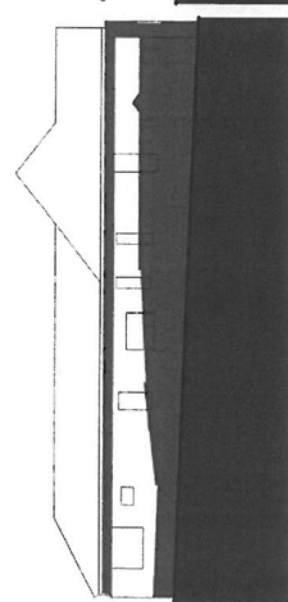
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12.00 NOON

NORTHERN WALL @ No.35

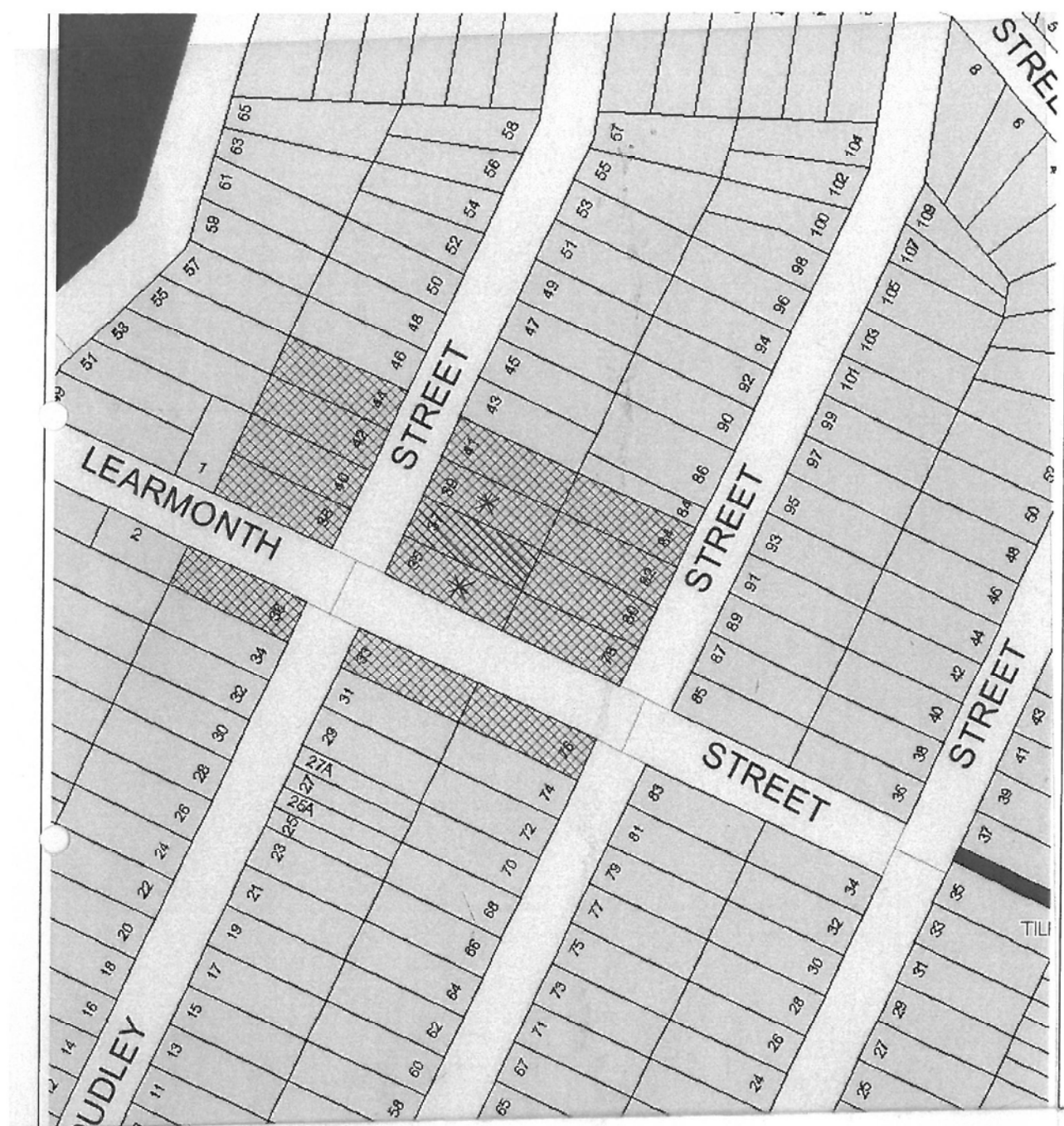


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NORTHERN WALL @ No.35

<p>Scale: 1:100 & 1:200 & A3</p>	<p>Project No. 998/11</p>	<p>Drawn By: DA SHD03</p>	<p>Check By: A</p>	<p>Date: 20/11/11</p>	<p>Sheet: 11</p>	<p>Project: 37 DUDLEY STREET., HABERFIELD LOT 2, DP 5908</p>	<p>SHADOW DIAGRAMS: PLANS+ELEVATIONS EQUINOXES 22MARCH & SEPTEMBER [EXISTING]</p>	<p>Project: 37 DUDLEY STREET., HABERFIELD LOT 2, DP 5908</p>	<p>Client: MIKE RITCHIE & ROZ ALLEN</p>	<p>Drawn: 15.07.12</p>	<p>Revised: 15.07.12</p>	<p>Revised: 15.07.12</p>	<p>Revised: 15.07.12</p>	<p>Project: 37 DUDLEY STREET., HABERFIELD LOT 2, DP 5908</p>	<p>Client: MIKE RITCHIE & ROZ ALLEN</p>	<p>Drawn: 15.07.12</p>	<p>Revised: 15.07.12</p>	<p>Revised: 15.07.12</p>	<p>Revised: 15.07.12</p>	<p>Revised: 15.07.12</p>
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[illegible]



Location Plan

Site



Notification Area



Objectors





**DEVELOPMENT SERVICES
HERITAGE ADVISOR'S REFERRAL COMMENTS**

ADDRESS:	37 Dudley Street, Haberfield	File No:
ADVISOR	Robert Moore	PDA
DATE:	23 July 2012	17.2012.135

Further to this morning's meeting with Mr Colin Filmer, Architect, I would confirm that the basis of my recommendations based upon my interpretation of the DCP is as follows:

The recommendation of the DCP on gables and gablets are very specific and emerge from the concerns that adaptation of Haberfield Houses should not produce characteristics which confuse and eventually change the typology of houses in the conservation area.

- While gablets usually with louvre vents are quite common as features of transverse ridges on large main hipped roofs, rear facing gablets as the termination of hipped ends are not common and are in my opinion are a difficult element when proposed in conjunction with new attic areas. They change the appearance, scale and bulk of new longitudinal hipped forms which are increasingly replacing rear skillion roofs, usually to introduce large attic areas.
- The attics which the DCP facilitate are in themselves a concession conceived by Council in order to balance ground floor extensions, which would otherwise be larger, with the need to maintain landscaped garden area.
- The subject house with its distinctive corner turret, is well known as a prime Haberfield cottage and it would be doubly regrettable if it were to be altered in an unsympathetic way.
- As discussed with Mr Filmer, it would be preferable for the proposed hipped form, without the contested gablet, to extend a little further rearwards in order to deliver the desired bedroom size. It is appreciated this will likely require the rearmost roof form to be modified from the present design, but a simpler more economic roof form might be achievable through this.

With some reconsideration along the above lines, a good outcome should be secured through this proposal.

Robert Moore



**DEVELOPMENT SERVICES
HERITAGE ADVISOR'S REFERRAL COMMENTS**

ADDRESS:	37 Dudley Street, Haberfield	File No: 17.2012.135
ADVISOR	Robert Moore	
DATE:	4 June 2012	
STATUS	HCA	
DESCRIPTION	Alterations & additions to dwelling house	
PREVIOUS COMMENTS	N/A	

The application has been reviewed in respect of heritage issues and has been assessed as follows:

<input type="checkbox"/>	Acceptable as lodged
<input type="checkbox"/>	Acceptable with the following Conditions of Consent Applied:
<input checked="" type="checkbox"/>	Acceptable with the following amendments to the application: <ul style="list-style-type: none"> • A hipped end and skylight to be substituted for the proposed glazed louvered gablet at the rear. <input checked="" type="checkbox"/> Application to be returned to Heritage Advisor for review after amendments <input type="checkbox"/> Planner may assess amendments
<input type="checkbox"/>	Additional information is required as follows:
<input type="checkbox"/>	Not acceptable
Discussion: This will probably require a meeting with the architect for further discussion of alternative possibilities.	

Robert Moore

Subject	DEVELOPMENT APPLICATION: 10.2012.145.1 41 BOOMERANG STREET, HABERFIELD
File Ref	10.2012.145.1
Prepared by	Daisy Younan - Development Assessment Officer
Reasons	Matter submitted to Council for determination
Objective	For Council to determine the application

Overview of Report

1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent for alterations and additions to an existing dwelling house including the demolition of an existing garage, alterations and addition to dwelling house, removal of 8 trees, construction of an underground garage within the rear courtyard area with an enclosed carport style garage entry at ground level and a first floor attic addition.

Plans of the proposal are included at **Attachment 1**.

Background

As part of its pre-lodgement services, Council, in its letter dated 16th December 2011 and 16th March 2012 (included in **Attachment 3**), has raised a number of issues with a previous development application, being 10.2012.73 for what appears to be the same development proposed by the current application. The issues previously raised include, among other items, the proposed underground garage. This application was withdrawn by the applicant.

Despite the pre-lodgement advice no modifications have been made to the proposal and the issues which have been raised previously remain unresolved.

2.0 Summary Recommendation

The main issue with the proposal is the 147m² underground car park in the rear yard of the site which can accommodate at least four vehicles and a workshop area. This will involve significant excavation of the rear yard which is not in keeping with the planning controls for Haberfield. These controls clearly state that site excavation should be kept to a minimum and should only be allowed where site gradients naturally permit lower levels. The subject site is relatively level sloping up towards the rear so the extent of excavation needed to achieve appropriate clearances will be substantial.

The following compliance table outlines the proposal's performance against the Council's FSR, landscaping and height controls:

Table1

Items	Required	Existing	Proposed	Does proposal comply?
Total/Soft Landscaped Area	Minimum required landscaped area 50% of total site area (583m ²)	Approximately 28.35% (330.55m ²)	Approximately 49% (571.45 m ²) Note: applicant has calculated this area to be 50.01%	No ¹
Floor Space Ratio	Maximum 50% (583m ² of gross floor area)	Approximately 24.11% (281.09m ² of gross floor area)	Approximately 40.34% (470.38m ² of gross floor area)	Yes
Height	Maximum permitted height for 2 storeys (6m)	Single storey dwelling house	Single storey rear addition and underground garage	Yes

1. Upon Council's request a landscaped area calculation plan has been submitted to determine soft landscaped area included in the calculation of landscaped area. This plan shows that some hard paved area such as access paths in vegetable garden "shown on proposed ground floor plan" and other hard paved areas at the front of the property "shown on the landscape plan" have been included in the applicant's calculation on landscaping area which is contrary to the landscaped area definition of Clause No. 31 of Ashfield LEP. It is acknowledged that the proposed development results in an improvement to the existing landscaped area, however, no approval has been granted for the extent of the existing hard paved area on site as it stands. Whilst the variation sought is considered minor and could have been supported in a different circumstances had a SEPP1 objection been submitted, in this instance, Council officers unable to support the proposal in its current form for other reasons included in the report.

The proposed development will set an undesirable precedent which is not one that can be considered characteristic to Haberfield and as such the development is recommended for refusal.

3.0 Application Details

Applicant : Filmer Architects Pty Ltd
Owner : Ms T J Gavegan
Value of work : \$650,000
Lot/DP : LOT: 18 SEC: 1 DP: 5908
Date lodged : 24/07/2012
Date of last amendment : N/A
Building classification : 1A
Application Type : Local
Construction Certificate : No

Section 94A Levy : Would be required were the proposal recommended for approval.

4.0 Site and Surrounding Development

The subject site is located on the eastern side of Boomerang Street, bounded by Learmonth Street to the north and Waratah Street to the south. The site area is approximately 1166 square metres. An existing single storey dwelling house is located on the site. Surrounding development comprises detached dwellings. Refer to **Attachment 2** for a locality map.

5.0 Development History

Previous building and development applications submitted to Council for the subject site since 1990 include:

NO.	DATE	PROPOSAL	DECISION
10.2012.73	22/05/2012	Alterations and additions to the existing dwelling house	Withdrawn
6.1991.27	25/02/1991	Fences	Approved
1990.109	15/05/1990	Alterations and additions to existing dwelling house	Refused
1990.224	06/11/1990	Alterations and additions to existing dwelling house	Approved

Assessment

6.0 Zoning/Permissibility/Heritage

- The site is zoned 2(a) - Residential under the provisions of Ashfield LEP 1985.
- The property is located within the Haberfield Conservation Area.

The proposed works are permissible with Council consent.

7.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

7.1 The provisions of any Environmental Planning Instrument

7.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 1985 (as amended)

Clause 35(1)(b)(i)(ii) of Ashfield LEP 1985 states that the Council must not grant a consent required by clause 32 for land within the Haberfield Heritage Conservation Area unless, where it is proposed to use the natural slope of the land to add habitable accommodation in a level below that of an existing house, the Council is satisfied that such basement accommodation:

- *does not require major excavation of the site to achieve the accommodation or access, and*
- *does not change the setting of the existing house, and*

Officer's comments

The intent of the above clause is to minimise excavation and changes to the setting of the site. This can be proven by the impact this clause is seeking to avoid. The excavation for an underground garage will not have less impact than the impact of excavation for habitable accommodation.

This clause allows basement accommodation, **only when the natural slope of the land allows for such accommodation**, and does not suggest that other sites, where the natural slope does not accommodate such excavation should be utilized in such a way.

Council's heritage adviser has commented that *"the use of such excavated garages is somehow quite out of character with Haberfield, in which garages have traditionally been on grade at the rear of properties, and as outbuildings usually more modest than the houses they serve"*.

Clause 35(2)(a) of Ashfield LEP 1985 states that Council shall not grant consent to the alteration, extension or erection of a dwelling-house within the Haberfield Heritage Conservation Area where the floor space ratio exceeds 0.5:1.

Officer's comments

The floor space ratio, is defined, under Clause No 6 of Ashfield LEP as follows:

floor space ratio, in relation to a building, means the ratio of the gross floor area of the building to the site area of the land on which that building is or is proposed to be erected.

Gross floor area is defined, under Clause No 8 of Ashfield LEP as follows

gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400 millimetres above each floor level excluding:

- (i) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall,*
- (ii) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts,*
- (iii) car-parking needed to meet any requirements of the council and any internal access thereto,*
- (iv) space for the loading and unloading of goods.*

From the definition above, car-parking areas **needed** to meet any requirements of the council and any internal access thereto can be excluded from the calculation of the gross floor area. Any additional area within a garage can be included in the gross floor area calculation.

The total basement floor area is approximately 141.14sqm (not including the access ramp). An area of 36sqm being an area that is equal to 6m x 6m (for two car-parking space, has been deducted from the total basement floor area). The additional basement floor area being 105.14sqm has been included in the calculation of gross floor area.

The resulting Floor Space Ratio is approximately 40.34% (470.38m² of gross floor area) which complies with Council's Floor Space Ratio controls under clause 35(2)(a) of Ashfield LEP 1985.

Clause 35(2)(b) of Ashfield LEP 1985 states that Council shall not grant consent to the alteration, extension or erection of a dwelling-house within the Haberfield Heritage Conservation Area where the landscaped area on site is less than 50% of the total area of the allotment on which it is situated.

Officer's comments

The landscaped area as defined by Clause 31 of Ashfield LEP is as follows:

"Landscaped area does not include **hard surfacing** on a site or areas less than 900mm in width".

Even though the area located above the proposed underground garage contains a shallow area of soil which will be planted with lawn it has not been included in the calculation of landscaped area because it is a structure and cannot be used in the a traditional way for landscaping purposes.

The proposed landscaped area is approximately 571.45 m² (49%) which does not comply with Council's landscaped area controls under clause 35(2)(b) of Ashfield LEP 1985. An objection in accordance with the provisions of State Environmental Planning Policy No.1 has not been submitted justifying the variation to the landscaped area requirements of Clause 35(2)(b) of Ashfield LEP 1985 (this is largely because the applicant has calculated the area slightly differently and come up with a figure of 50.1% - refer to comments in section 2.0).

Under the draft LEP currently on public exhibition, which includes the standard instrument definition for landscaped area, the wording is as follows:

"Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved areas".

Under this definition the proposed gravel surfaced driveway area, which has been included as landscaped area under the current LEP definition, is no longer included and the resulting change is landscaped area of 38.6% which is well below the 50% requirement.

Clause 32(3) of Ashfield LEP 1985 requires Council, when determining a development application, to assess the heritage significance of the heritage item or heritage conservation area, and to take into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.

In addition, Clause 32(5) of Ashfield LEP 1985 requires Council, when determining a development application for land within a heritage conservation area, to make an assessment of:

- (a) the relationship of the proposed development to the general pattern of development within the conservation area, and*
- (b) the pitch and form of the roof, if any, and*
- (c) the style, size, proportion and position of the openings for windows or doors, if any, and*
- (d) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of any building or work are compatible with those of the materials used within the heritage conservation area, and*
- (e) the style, size, proportion, position and layout of paths, walls, fences, gates, garden beds and plantings.*

The proposed development is considered to have a detrimental impact on the heritage significance of the area, refer to Clause 2.0 and clause 7.5 of this report for further comments.

It is considered that the proposal does not comply with the provisions of the Ashfield LEP 1985.

7.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

7.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 1 – Development Standards

The proposed development does not comply with the landscaped area controls of Clause No. 35(2)(b) of the Ashfield Local Environmental Plan 1985 and an objection in accordance with the provisions of State Environmental Planning Policy No.1 has not been submitted justifying the above none compliance, further comments are provided under Clause No. 7.1.1 of this report.

State Environmental Planning Policy No. 55 – Remediation of land

Remediation of the site is not required prior to the carrying out of the proposed development.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A Basix certificates in accordance with Clause No. 3(1)(a) of the SEPP (BASIX) 2004 has been submitted as part of this application.

7.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

Draft Ashfield Local Environmental Plan 2012 (Draft ALEP 2012) was placed on public exhibition on 27 June 2012 and is a matter for consideration under S79C of the EPA Act 1979. The following compliance table outlines the proposal's performance against the provisions of the Draft instrument.

Table 3

Draft Ashfield Local Environmental Plan 2012 Summary Compliance Table				
Clause No.	Subject	Standard	Proposed	Compliance
1.2	Aims of Plan	<p>(1) This Plan aims to make local environmental planning provisions for land in Ashfield in accordance with the relevant standard environmental planning instrument under section 33A of the Act.</p> <p>(2) The particular aims of this Plan are as follows:</p> <p>(a) promote the orderly and economic development of the local government area of Ashfield in a manner consistent with the need to protect the environment,</p> <p>(b) retain and enhance the identity of the Ashfield area derived from its role as an early residential suburb with local service industries and retail centres; and containing the first garden suburb of Haberfield,</p> <p>(c) to identify and conserve the environmental and cultural heritage of</p>	The proposed development, in modifying the setting, the uniform building setbacks and the site coverage by which Haberfield area is characterised, is contrary to the aims and objectives of the Draft Ashfield LEP 2012.	No

Draft Ashfield Local Environmental Plan 2012 Summary Compliance Table				
Clause No.	Subject	Standard	Proposed	Compliance
		<p>Ashfield,</p> <p>(d) to provide increased housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,</p> <p>(e) to strengthen the viability and vitality of the Ashfield Town Centre as a primary centre for investment, employment, cultural and civic activity, and to encourage a majority of future housing opportunities to be located within and around the centre,</p> <p>(f) to protect the urban character of the Haberfield, Croydon and Summer Hill urban village centres whilst providing opportunities for small scale, infill development that enhances the amenity and vitality of the centres,</p> <p>(g) to encourage the revitalisation of the Parramatta Road corridor in a manner that generates new local employment opportunities, improves the quality and amenity of the streetscape, and does not adversely impact upon adjacent residential areas,</p> <p>(h) to ensure that development has proper regard to environmental constraints and minimises any off and on site impacts on biodiversity, water resources and natural</p>		

DEVELOPMENT APPLICATION: 10.2012.145.1**41 BOOMERANG STREET, HABERFIELD**

Draft Ashfield Local Environmental Plan 2012 Summary Compliance Table				
Clause No.	Subject	Standard	Proposed	Compliance
		landforms, (i) to require that new development incorporates the principles of ecologically sustainable development and water sensitive urban design.		
2.2	Zoning	Zone R2 Low Density Residential	Dwelling House	Yes
4.1	Minimum subdivision lot size	500m ²	N/A	N/A
4.3	Height of buildings	7m	Max 5.1m (carport style garage entry)	Yes
4.4	Floor space ratio	0.5:1 (50%)	40.34%	Yes
5.10	Heritage Conservation	Located in: • Haberfield Conservation Area C42		
5.10(4)	Effect on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	The proposed development has been reviewed by Council's heritage adviser and a number of issues have been raised relating to the proposed development. Refer to heritage adviser's comments in Attachment 4 .	Yes
5.10(5)		The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land	A Statement of Heritage Impact has been submitted as part of the application. Please refer to previous comments.	Yes

Draft Ashfield Local Environmental Plan 2012 Summary Compliance Table				
Clause No.	Subject	Standard	Proposed	Compliance
		referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.		
6.1(2)	Development in the Haberfield Heritage Conservation Area	Development consent must not be granted to development for the purposes of a dwelling house on land to which this clause applies unless the consent authority is satisfied that:		
6.1(2)(a)		If the development involves the addition of gross floor area above the ground floor of a dwelling house the additional gross floor area is contained entirely within the roof space of the dwelling house.	The proposed development involves creating an attic within the roof form.	Yes
6.1(2)(b)		If the development involves the additional gross floor area below the ground floor of the dwelling house – the additional gross floor area does not exceed 25 percent of the gross floor area of the dwelling house and does not require significant excavation.	The proposed development involves additional gross floor area below the ground floor of the dwelling house of 105.14 (37.4%) and it requires major excavation.	The proposed development fails to comply with the requirements of Clause 6.1(2)(b) of Part 6 of Ashfield Draft LEP 2012.
6.1(2)(c)		The development does not involve the installation of dormer or gablet windows.	No dormer or gablet windows are proposed.	N/A
6.1(2)(d)		A minimum of 50% of the site is available for landscaping.	Approximately 38.6% of total site area.	No, refer to comments under Clause No. 7.1.1 of this report.

7.3 The provisions of any Development Control Plan.

The proposal has been considered against the provisions of the Ashfield Development Control Plan (DCP) 2007:

Table 4

C7	HABERFIELD HERITAGE CONSERVATION AREA	Refer to comments provided under Clause 7.5 of this report.
C11	PARKING	The proposed development involves modifications to the existing car-parking settings on site. Refer to comments provided under Clause 7.5 of this report.
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	See Clause No. 7.7
C15	HOUSES & DUAL OCCUPANCIES	<p>The proposed development involves the demolition of an existing garage, alterations and addition to the dwelling house comprising a first floor addition within the roof space. It also involves the construction of underground garage within the rear courtyard area with an enclosed carport style garage entry at ground level</p> <p>Garages</p> <p>The proposed development fails to comply with Clause No. 3(3.8) of Section 2 – Part C15 of Ashfield DCP 2007 which states that basement garages, and driveways to access those garages, which are visible from the street, will not be supported.</p> <p>Solar access</p> <p>On 21 June, the shadow cast in the morning, midday and afternoon by the proposed extended roof above outdoor area will fall towards the adjoining properties located at 39 Boomerang Street mainly within the shadows cast by existing structures located on the subject site. Therefore, solar access impacts are acceptable.</p> <p>Building Setbacks</p> <p>The proposed development involves the construction of a carport style structure at garage entry with a 200mm setback from the north property boundary and a set of stairs, to be constructed within the southern setback, to access the basement garage. Those proposed structures do not comply with the 450mm setback requirements of Clause No. 4.6 of</p>

		<p>Section 2.0 - Part C15 of Ashfield DCP 2012.</p> <p>Privacy</p> <p>The proposed development will not have an unacceptable impact on adjoining neighbours.</p>
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Part C7 Haberfield Heritage Conservation Area

Site coverage, Sitting, Setbacks and Levels

As per Part C7 of the DCP, the uniform pattern of **site coverage** and **setbacks** is one of the most significant aspects of Haberfield, demonstrating Stanton's Garden Suburb ideals and establishing the principles for Australian suburban development. Most houses are free standing with car access down one side, and a traditional tradesmen's path down the other.

The proposed development will result in modifications to the established pattern of side setbacks because the basement garage essentially extends the full width of the allotment. This is contrary to the requirements of Clause 2.12(a) which requires the established pattern of side setbacks to be kept.

It will also result in modifications to the established pattern of site coverage by the construction of a remote basement level within the rear garden resulting in non-compliance with the minimum landscaped area requirements which is contrary the requirements of Clause 2.12(c) of section 2 - Part C7. Rear gardens are a very important element of the character of Haberfield so their potential use for large excavated basement car parks is clearly not in keeping with the intent of the area's 'garden suburb' status.

The proposed development does not comply with the requirements of Clause 2.12(e) of section 2-Part C7 which allows, **where natural land slope allows**, sub-floor and basement development for use as laundries, storerooms, workrooms or garages. The natural slope of the site does not allow a basement level to be accommodated in accordance with this objective as the site slopes up towards the rear not downward. The end result is a much more significant excavation to achieve appropriate clearances for access to the basement car park - refer to the submitted survey plan included in **Attachment 5**.

The proposed development does not comply with the requirements of Clause 2.45(c) of section 2-Part C7 which requires paving, hard surfacing and **secondary outbuildings** to be kept to an absolute minimum on individual sites.

The proposed development involves the replacement of existing concrete driveway with gravel. This does not comply with the requirements of Clause 2.45(e) of section 2- Part C7 which requires driveways to consist of two (2) strips of hard surface paving with grass, garden or gravel in between.

Garages

As per Part C7 of the DCP, garages, in Haberfield, were utility buildings, designed to be less important than the house; they often had roofs of a pitch lower than the house.

The proposed basement garage fails to comply with Clause 2.33 of section 2- Part C7 of Ashfield DCP 2007 which requires garages to be of simple utilitarian design, to be free standing (not buried) and, when they form part of a basement level attached at the rear of the house and not be visible from a public place and not conflict with other considerations in the Plan.

The roof form proposed for the garage entry structure, being curved, is not sympathetic to the traditional outbuildings in Haberfield.

Earthwork-excavation

The extent of the excavation for the proposed basement garage is not consistent with the provisions of clause 35(1) of Ashfield LEP 1985. Issues in that regard have been raised by Council's heritage adviser. Refer to clause 7.1.1 for further comments.

Design

The proposed attic rooms do not comply with Clause 2.6(i) of section 2 – Part C7 which requires attic rooms to be modest in scale and comprise one (1) or at the most two (2) rooms capable of habitation. Their total floor area is close to 80m² and represents a significant proportion of the footprint of the original dwelling.

The proposed development, in extending the existing roof over the proposed rear veranda and partly enclosing it with a 2.4m high wall, does not comply with the requirements of Clause 2.30 (c) of section 2- Part C7 of Ashfield DCP 2007 which requires verandah additions to be simple in design, not to compete with the importance of the original verandah and to be generally simpler than the front main verandahs.

It is considered that the application does not comply with the parts as indicated above and does not achieve the aims or objectives of the Ashfield DCP 2007.

7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

Fire safety matters have been considered in the assessment of this application. The application is recommended for refusal for the reasons included in the report.

7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

The proposed development will have an adverse environmental impact on the locality for reasons outlined in the report.

7.6 The suitability of the site for the development

The natural slope of the land does not allow a basement garage to be accommodated without involving major excavation. The proposed development is not considered suitable in the context of the locality for the reasons included in the report.

7.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants, the Haberfield Association and Councillors from 26 July 2012 until 14 August 2012.

7.7.1 Summary of submissions

No submissions were received during the notification of the current development application.

7.8 The public interest

The proposed development is not considered to be in the public interest for the reasons outlined in this report.

8.0 Referrals

8.1 Internal

Heritage Adviser

The proposed development has been reviewed by Council's heritage advisers who have raised a number of issues in the pre-lodgement stage as well as during the assessment of the current development application. Those issues have not been adequately addressed. As advised previously, Council's heritage adviser has stated that "*the design poses a precedent of a potentially very serious nature, because of the impact which such structures, cumulatively, might have on the area, its houses and their planning context*".

Full details are included at **Attachment 4**.

Building

The application was referred to Council's building surveyor and issues have been raised relating to the proposed development. However, Council's building surveyor is satisfied that the technical aspects of compliance with the BCA can be addressed at the CC stage and hence the relevant conditions of consent have been provided.

Engineering

The application was referred by Council's engineering department (Hydraulic and Traffic engineers). No issues have been raised and relevant conditions have been provided.

Tree Management Officer

No issues have been raised in relation to the proposed removal of the trees numbered 1,2 & 3 identified in the submitted arborist report prepared by Pat Mckibbin dated 25 May 2012.

9.0 Other Relevant Matters

Council's stormwater map does not indicate that the subject property is burdened by any Council or Sydney Water stormwater pipes.

10.0 Building Code of Australia (BCA)

A Construction Certificate will be required in the event that the application is approved.

Financial Implications

The proposal will attract contributions under S94A if it is approved.

Other Staff Comments

See Section 8.1 of this report.

Public Consultation

See Section 7.7 of this report.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act 1979 with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal is unacceptable for reason outlined in the report and is therefore recommended for refusal.

ATTACHMENTS

Attachment 1	Plans of the Proposal	4 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Council's previous letters	4 Pages
Attachment 4	Heritage Advisor Comments	8 Pages
Attachment 5	Survey Plan	1 Page

RECOMMENDATION

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) refuse Development Application No. 10.2012.145 for alterations and additions to an existing dwelling house including the demolition of an existing garage, alterations and addition to dwelling house, removal of 8 trees, construction of an underground garage within the rear courtyard area with an enclosed carport style garage entry at ground level and a first floor attic addition on Lot 18 in DP: 5908, known as 41 Boomerang Street, Haberfield, for the following reasons:

Reasons

1. The proposed development fails to comply with the minimum landscaped area requirements of Clause 35(2)(b) of Ashfield LEP 1985.
2. An objection in accordance with the provisions of State Environmental Planning Policy No.1 has not been submitted justifying the variation to the landscaped area requirements of Clause 35(2)(b) of Ashfield LEP 1985.
3. The proposed development fails to comply with the requirements of Clause 2.3(b) of Section 2- Part C7 of Ashfield DCP 2007 which requires extension to an existing building to produce site coverage similar in pattern and size to the site coverage established by the original development of the suburb.
4. The proposed basement garage fails to comply with Clause 2.33 of section 2- Part C7 of Ashfield DCP 2007 which requires garages to be of simple utilitarian design, to be free standing (not buried) and, when they form part of a basement level attached at the rear of the house and not visible from a public place and not to conflict with other considerations in the Plan.
5. The proposed development fails to comply with Clause No. 3(3.8) of Section 2 – Part C15 of Ashfield DCP 2007 which states that basement garages, and driveways to access those garages, which are visible from the street , will not be supported.
6. The proposed carport style structure at garage entry, to be constructed at 200mm setback from the north property boundary, and the stairs, to be constructed within the southern setback to access the basement garage, do not comply with the setback requirements of Clause No. 4.6 of Section 2.0- Part C15 of Ashfield DCP 2012.
7. The roof form proposed for the garage entry structure is not sympathetic to the traditional outbuildings in Haberfield.
8. The proposed attic rooms do not comply with Clause 2.6(i) of section 2 – Part C7 which requires attic rooms to be modest in scale and comprise one (1) or at the most two (2) rooms capable of habitation.

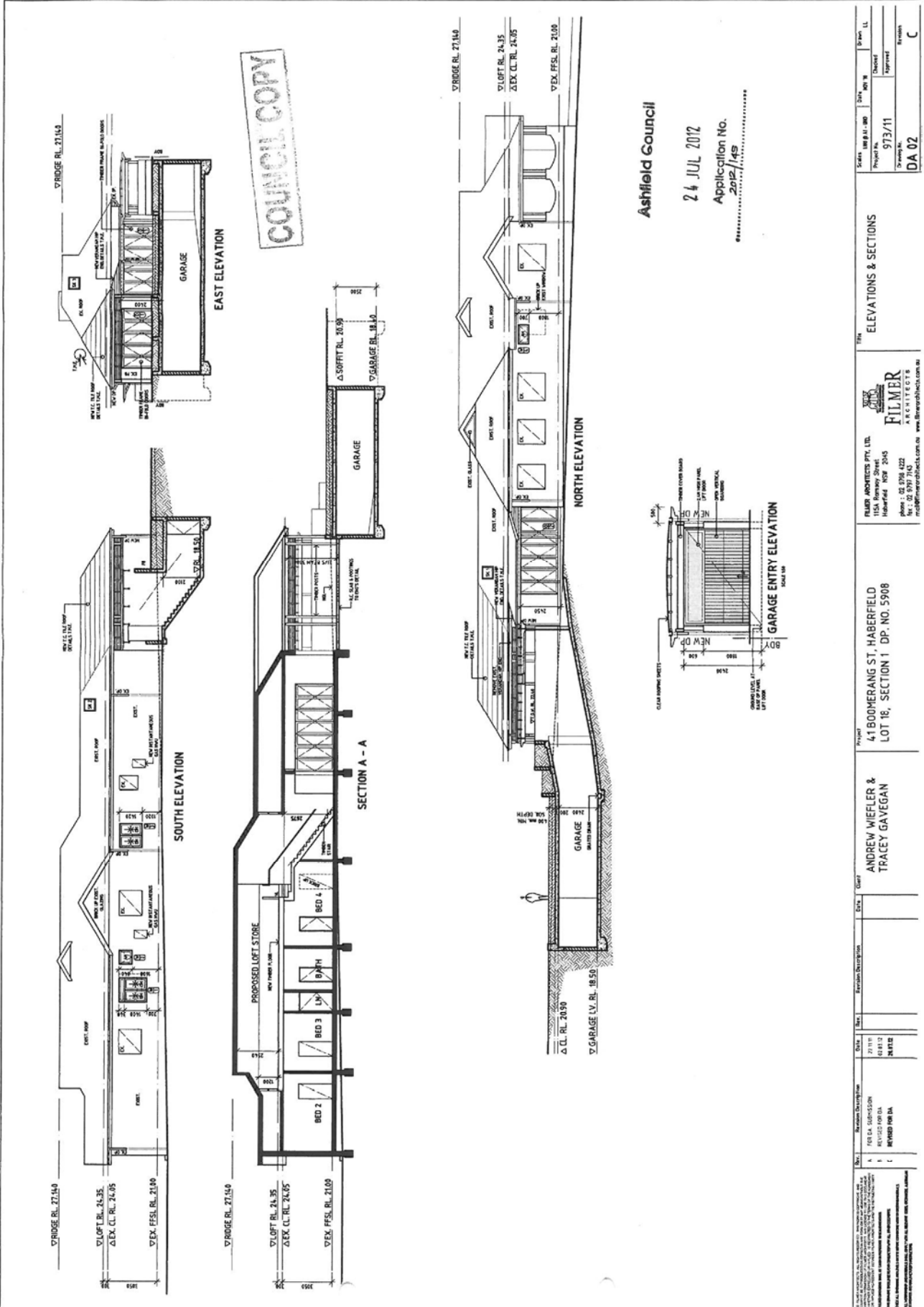
DEVELOPMENT APPLICATION: 10.2012.145.1

41 BOOMERANG STREET, HABERFIELD

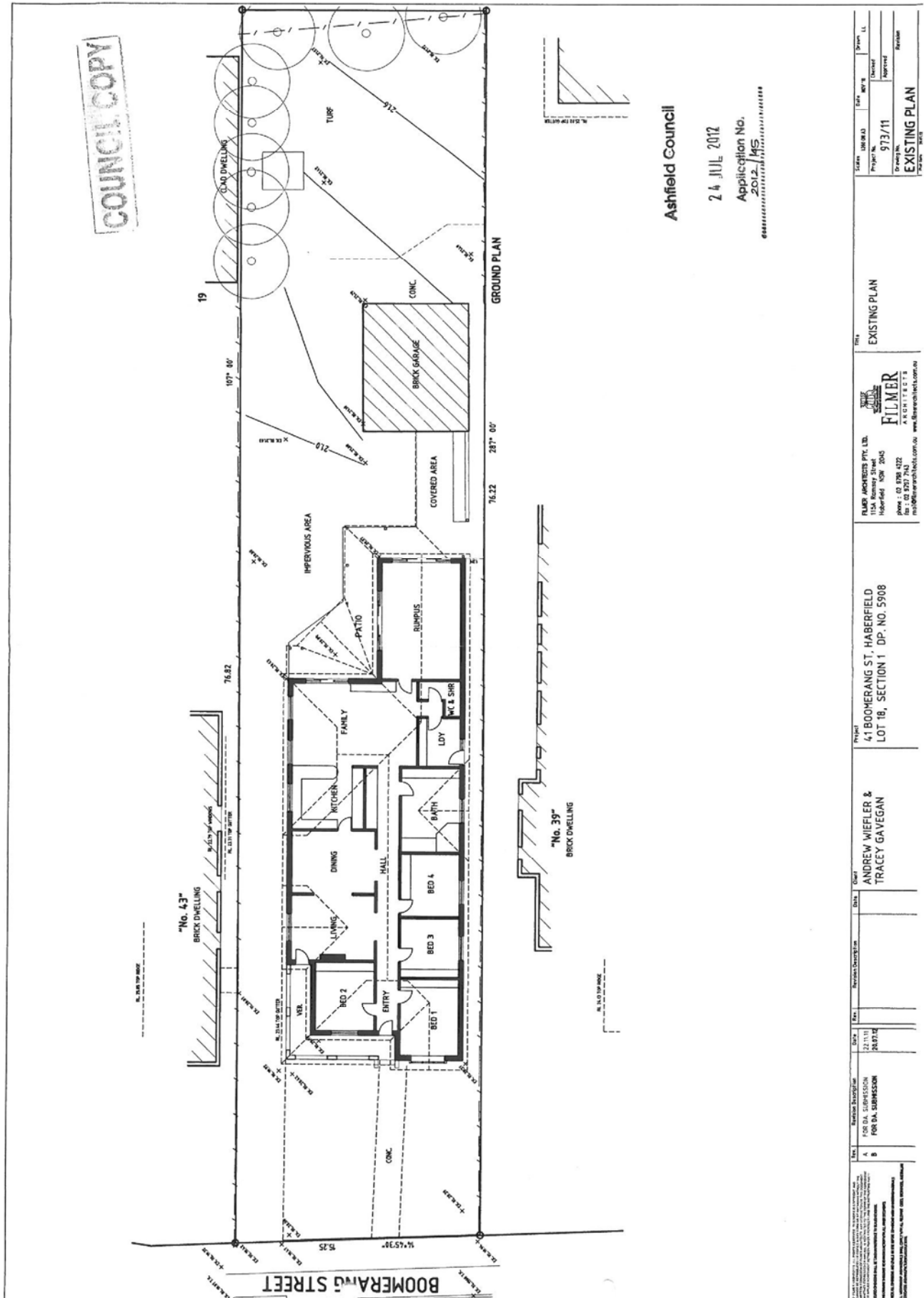
9. The proposed development does not comply with the requirements of Clause 2.12(e) of section 2- Part C7 which allows, only where natural land slope allows, sub-floor and basement development for use as laundries, storerooms, workrooms or garages.
10. The proposed development, in extending the existing roof over the proposed rear veranda and partly enclosing it with a 2.4m high wall, does not comply with the requirements of Clause 2.30 (c) of section 2- Part C7 of Ashfield DCP 2007 which requires verandah additions to be simple in design, not to compete with the importance of the original verandah and to be generally simpler than the front main verandahs.
11. The proposed development is not in the public interest.

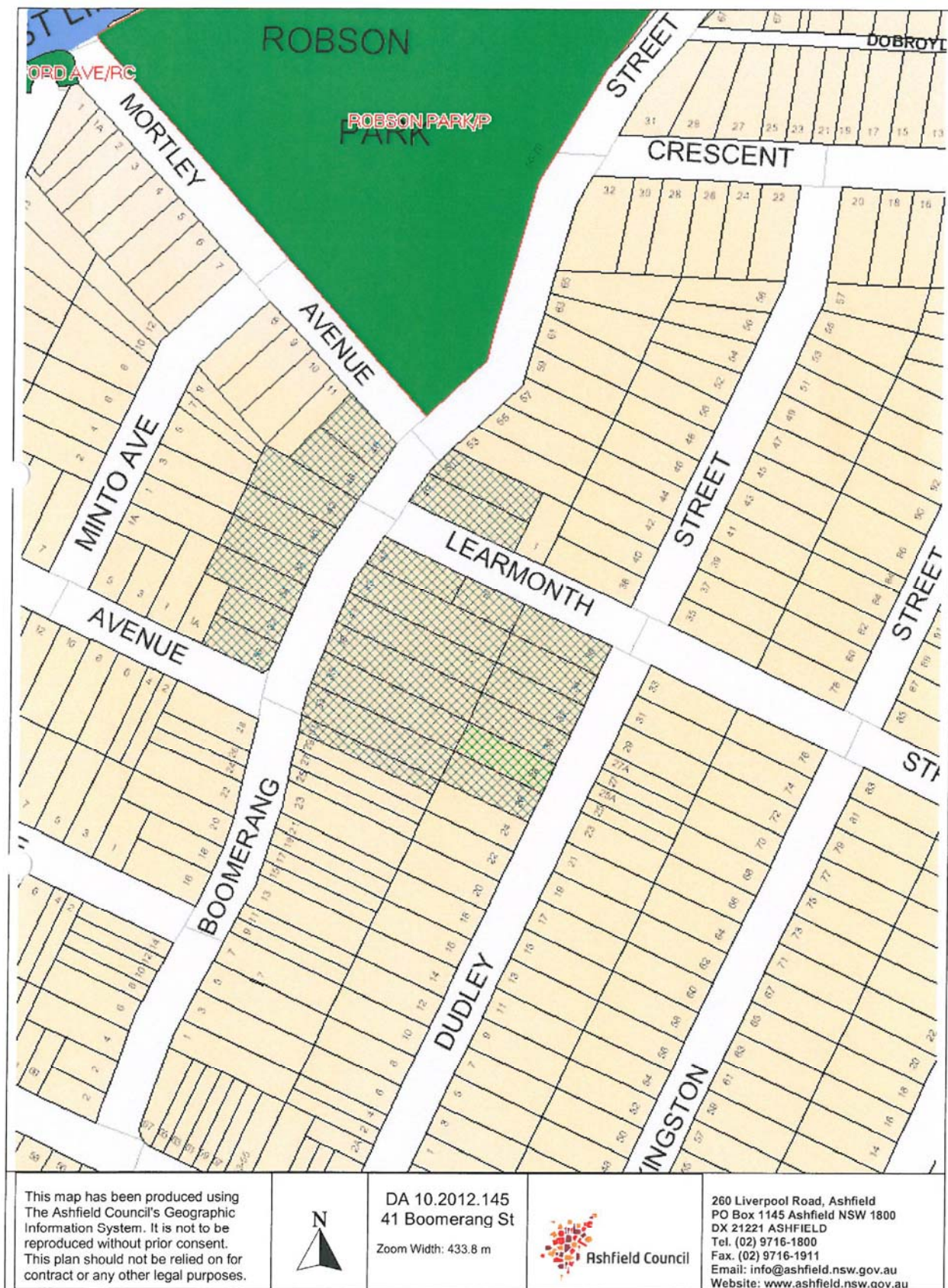
PHIL SARIN
Director Planning and Environment













Ashfield Council

Contact: P North
Phone: 9716-1978

16 December 2011

Filmer Architects Pty Ltd
115A Ramsay Street
HABERFIELD NSW 2045

Dear Sir/Madam

Provisional Development Application No: 17.2011/325
Address: 41 Boomerang Street HABERFIELD

I refer to your recent submission seeking Council approval for alterations and additions to a dwelling house, construction of a swimming pool and below ground garage at the above address.

I advise that your submission has been checked against Council's requirements and wish to advise that the following information is required -

- Council's Heritage Advisor has reviewed the proposal and has raised the concerns contained within the attached comments. Please provide amended plans that address and resolve these concerns.
- The proposed underground car parking does not comply with the requirements of Ashfield LEP 1985 as basement areas are only allowed under the existing dwellings where there is adequate slope and extensive excavation is not required. Council officers will not support underground car parking.
- The proposed basement is out of character with the established garden suburb character of the area.
- The proposal does not comply with the landscape area requirements of Clause 35(2)(b) of Ashfield LEP 1985 as the area above the underground car parking is considered to be hard surface and not to be counted as landscape area.
- The submitted SEPP No 1 Objection to the development standard for Clause 35(2)(b) is considered unsatisfactory and should follow the form determined by the relevant Land and Environment Court judgement.

In view of the above, consideration should be given to an alternate design proposal which does not include underground car parking and also resolves the issues raised by Council's Heritage Advisor. You may however wish to lodge the application in its current form by paying the following fees. Please note that Council officers will recommend refusal in this instance.

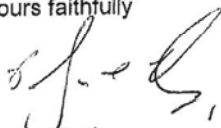
Development Application Fee:	\$1,500.00
NSW Plan First Fee:	\$368.00
Microfilming:	\$72.30
Advertising:	\$695.00
Total	\$2 635.30

Please note that your submission can not be formally processed until the required information and fee is made.

The required fees can be made by Eftpos, cash, cheque or credit card (MasterCard, Visa or AMEX only). All payments by Eftpos, cash or credit card can only be made in person at Council's Customer Service Centre only between the hours of 8.40am and 4pm, Monday to Friday. Credit card payments are subject to a 1% merchant fee surcharge, which will be added at the time of payment.

Should you require any further assistance, please do not hesitate to contact me on 9716-1978.

Yours faithfully



Phillip North
Specialist Planner



Ashfield Council

Contact: S Mushtaq
Phone: 9716-1979

16 March 2012

Filmer Architects Pty Ltd
115A Ramsay Street
HABERFIELD NSW 2045

Dear Sir/Madam

Provisional Development Application No: 17.2012/51
Address: 41 Boomerang Street HABERFIELD

I refer to your recent submission seeking Council approval for Demolition of the existing garage, removal of concrete paving and alterations and additions to the existing dwelling-house and a new garage below ground at the above address.

I advise that your submission has been checked against Council's requirements and wish to advise that the proposal in its current form cannot be supported for the following reasons: -

- The concept design of the proposal is substantially the same as that of Provisional Development Application 17.2011.325. As previously advised in Council's letter of 16 December 2011, the proposed underground car parking does not comply with the requirements of Ashfield LEP 1985. It is also contrary to the established character within Haberfield Conservation Area and therefore unlikely to be supported in its current form.
- Council's Heritage Advisor has also reviewed the proposal and reiterates his concerns with the current design proposal that incorporates an underground car parking due to its impacts on its context of the site and the conservation area. Concern is also raised that the proposed extension of the rear wing of the house to cover an open sitting area as well as the access to the proposed garage underground would make an extremely long house, even longer and its appropriateness within the context of the conservation area.

In addition to the above, your application is deficient in relation to the following information:-

- An arborist report for the removal of trees has not been submitted.
- A SEPP No 1 Objection to the development standard for the Clause 35(2)(b) – Landscape area has not been submitted

In view of the above Council maintains its position that consideration should be given to an alternate design proposal which does not include underground car parking and also resolve concerns of Council's Heritage Advisor as summarised above and those provided during discussions and with Council's letter of 16 December 2011.

It is therefore requested that within 7 days of the date of this letter you withdraw your submission or advise Council that you wish to have your submission formally accepted for determination in its current form. Please be aware that determination in its current form would result in refusal of the application. If this is your intention, please advise Council in writing, submit the outstanding information and pay the following fees:

260 Liverpool Road Ashfield NSW 2131
PO Box 1145 Ashfield NSW 1800

DX 21221 Ashfield
ABN 11211068961

Tel (02) 9716 1800
Fax (02) 9716 1911

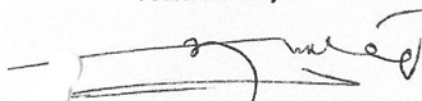
info@ashfield.nsw.gov.au
www.ashfield.nsw.gov.au

Development Application Fee:	\$1,500.00
NSW Plan First Fee:	\$368.00
Microfilming:	\$72.30
Advertising:	\$695.00
Total	\$2,635.30

The required fees can be made by Eftpos, cash, cheque or credit card (MasterCard, Visa or AMEX only). All payments by Eftpos, cash or credit card can only be made in person at Council's Customer Service Centre only between the hours of 8.40am and 4pm, Monday to Friday. Credit card payments are subject to a 1% merchant fee surcharge, which will be added at the time of payment.

Should you require any further assistance, please do not hesitate to contact me on 9716-1979.

Yours faithfully



Shakeeb Mushtaq
Specialist Planner



**DEVELOPMENT SERVICES
HERITAGE ADVISOR'S REFERRAL COMMENTS**

ADDRESS:	41 Boomerang Street, HABERFIELD	File No: DA 10.2012 145
ADVISOR	Ed Beebe	
DATE:	6 August 2012	
STATUS	Haberfield HCA	
DESCRIPTION	Single Family residence.	
PREVIOUS COMMENTS	Yes. – Previous DA band PDAs	

The application has been reviewed in respect of heritage issues and has been assessed as follows:

<input type="checkbox"/>	Acceptable as lodged
<input type="checkbox"/>	Acceptable with the following Conditions of Consent Applied:
<input type="checkbox"/>	Acceptable with the following amendments to the application:
<input type="checkbox"/>	Application to be returned to Heritage Advisor for review after amendments
<input type="checkbox"/>	Planner may assess amendments
<input type="checkbox"/>	Additional information is required as follows:
<input checked="" type="checkbox"/>	Not acceptable
<p>Discussion:</p> <p>Robert Moore's following comments dated 12 March 2012 are reiterated.</p> <p><i>There are two issues for discussion with this application.</i></p> <p><i>The first is the extensive underground car parking proposed, for which concerns were raised with the applicant and architect in previous discussions. The structural and drainage implications of the car park together with the precedent that it would establish, remain significant heritage concerns in the context of the site and the conservation area.</i></p> <p><i>The second is a proposed extension of the rear wing of the house to cover an open sitting area, as well as the access to the proposed garage underground.</i></p> <p><i>This would make an extremely long house even longer and its appropriateness within the context of the conservation area is raised.</i></p> <p><i>No objection is raised to the creation of a proposed extensive storage area within the</i></p>	

main roof of the dwelling. Skylights are proposed for one small rear section of the store, noted as a secure store. It was indicated to the applicant that additional skylighting to the storage area would not be supported."

In addition with reference to the DCP 2007 Part C7 Haberfield Conservation Area, the proposed basement car parking would substantially reduce the amount of deep soil planting on site which is not in accordance with the DCP provisions Part 2.45 (c). Although the basement garage purports to be concealed its impact on the landscaping is as if the garden above is paved. This is because only grass or low shrubs can be grown.


Robert Moore





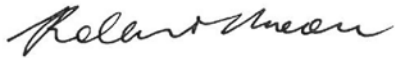
DEVELOPMENT SERVICES HERITAGE ADVISOR'S REFERRAL COMMENTS

ADDRESS:	41 BOOMERANG STREET, HABERFIELD	File No:
ADVISOR	Robert Moore	
DATE:	2012	
STATUS	HCA	
DESCRIPTION	Single Family residence.	
PREVIOUS COMMENTS	Difficulty with the underground garage. Explained to applicant.	

The application has been reviewed in respect of heritage issues and has been assessed as follows:

<input type="checkbox"/>	Acceptable as lodged
<input type="checkbox"/>	Acceptable with the following Conditions of Consent Applied:
<input type="checkbox"/>	Acceptable with the following amendments to the application:
<input type="checkbox"/>	Application to be returned to Heritage Advisor for review after amendments
<input type="checkbox"/>	Planner may assess amendments
<input type="checkbox"/>	Additional information is required as follows:
<input checked="" type="checkbox"/>	Not acceptable
<p>Discussion:</p> <p>There are two issues for discussion with this application.</p> <p>The first is the extensive underground car parking proposed, for which concerns were raised with the applicant and architect in previous discussions. The structural and drainage implications of the car park together with the precedent that it would establish, remain significant heritage concerns in the context of the site and the conservation area.</p> <p>The second is a proposed extension of the rear wing of the house to cover an open sitting area, as well as the access to the proposed garage underground.</p> <p>This would make an extremely long house even longer and its appropriateness within the context of the conservation area is raised.</p> <p>No objection is raised to the creation of a proposed extensive storage area within the main roof of the dwelling. Skylights are proposed for one small rear section</p>	

of the store, noted as a secure store. It was indicated to the applicant that additional skylighting to the storage area would not be supported.



Robert Moore



**DEVELOPMENT SERVICES
HERITAGE ADVISOR'S REFERRAL COMMENTS**

ADDRESS:	41 Boomerang Street, Haberfield
ADVISOR	Robert Moore
DATE:	15 December 2011

I remain of the views I expressed in my previous minute of 11 August 2011. the development proposed would constitute an effective overdevelopment of the site and set a dangerous precedent for further possibly more impactful proposals of the same kind.

The application also includes a rear extension of the dwelling to create a roofed outdoor living area. This extension of the rear hipped wing would make a large dwelling even larger and while not visible from the street, could be achieved without the need to make the existing roof even longer. A detached garden structure, such as a roofed pergola, should be preferred. Concurrent with this review, consideration should be given to reduction of the extent of paved areas shown on the plan, which are so extensive as to be out of character with the significant development of the conservation area.

The proposals also include the creation of extensive storage areas within the roof. These areas could not be utilised for habitable purposes without further devices such as skylights to achieve light and ventilation. This could not be done without further adverse heritage impact.

Robert Allan Moore

Robert Allan Moore
15/12/2011



**DEVELOPMENT SERVICES
HERITAGE ADVISOR'S REFERRAL COMMENTS**

ADDRESS:	41 Boomerang Street, Haberfield
ADVISOR	Robert Moore
DATE:	11 August 2011

I refer to the meeting held with the owner Mr. Wiefler and his architect Mr. Filmer on 5th August 2011. A plan was brought for discussion, its purpose being to seek consideration of heritage issues raised by the concept of excavating a large, completely subterranean garage in the rear of the property, the idea (explained by Mr. Wiefler) being to avoid the presence in the back garden of any garage structure - either the existing, which he considers to be excessive in scale and bulk, or a typical new "large" garage structure combining the two car spaces he requires, and a third space, possibly for a boat.

The drawings showed various areas of the existing house but mainly, the plan and a section drawing of the garage and access ramp with screening "carport" over. Although other features were depicted in relation to the house and notably, a large extensive attic, these could not be properly understood without better clarification as to extent, height etc that might come with elevation drawings and further sections – Mr. Filmer acknowledged this and that the specific purpose of the drawing brought was to assist discussion of the garage.

The garage is shown as being of concrete slab floor and 200mm walls (blockwork?) with concrete roof and minimum 400mm soil depth on top thereof. The step-up of the slab roof over the ramp for "headroom" is to be concealed by two garden terraces and a "carport". What appear to be three rooflights in the lawn surface over the garage are shown in line with the "carport". Setbacks are noted as 500mm from northern boundary, 1000mm from southern boundary and 2000mm from the rear boundary. The main garage area of parking spaces and turning space would be some 9m x 13.3m. The line of the northern wall is shown as exactly coincident with the line of some five (5) trees along the northern boundary. Two (2) trees in the eastern rear setback would be so close as to probably lose half their root structure and therefore become unstable and need removal.

Mr. Filmer sought to know where, if anywhere in the DCP text, excavated garages were prohibited or excluded. In the meeting I said that my recollection would be that the DCP has not really addressed fully excavated garages remote from houses in the HCA. It seeks to minimize excavation of basement garages and undercroft spaces by suggesting these should not require “major” excavation, and since Council’s experience of recent Court decisions, the need to incorporate more specific control of such basement excavations has been apparent. This is being addressed in the current review of the DCP for Haberfield. In such extensions the concern and intention of the DCP have been to avoid inappropriate scale emerging in such additions, affecting the settings of Haberfield houses, as well as their collegiate scale and character, and to preclude the need for windows and doors which also conflict with the single storey scale and significance of the suburb and HCA.

To my knowledge, a fully excavated, wholly “subterranean” garage has not been previously proposed in Haberfield, and to date the controls have not addressed this eventuality or potential. A subterranean structure partially excavated into a rear yard was proposed for a sloping, constrained site in Crescent Street, by Mr. Filmer on behalf of a client, and I attach a copy of my advice in that instance. That proposal was refused by Council.

The current proposal

The design now being explored by Mr. Filmer for his client poses a precedent of a potentially very serious nature, because of the impact which such structures, cumulatively, might have on the area, its houses and their planning context. While it would not be expected that every property owner in the HCA would wish to put the substantial monies involved into such a garage, the potential impact of such structures, even if intermittent and dispersed, has to be considered. These would perhaps be categorized into the seen and unseen impacts. Just because a structure might be underground does not mean that its presence will be undetectable or without influence.

Seen Impacts

The issues that first spring to mind are the impact of such potentially expansive and deep excavations in their construction – the current proposal would require a truly massive hole to be dug, potentially threatening the ground stability of the adjoining properties and structures unless full shoring and retention measures were implemented. The drainage of such subterranean volumes also becomes a concern. Although this structure is shown completely roofed, with the “carport” covering the entrance ramp area, the prospect of flooding and management of inflowing water by pump-out would have to be accepted by Council.

While in this instance the entry to the ramp down is shown a long way from the street frontage, this could not be the case on all properties, and fitting in the necessary ramp lengths and entrances could be difficult, with attendant impacts.

The presence of the garage, once complete and with topsoil and lawn in place, would be apparent by the absence of substantial vegetation over the structure. The large open empty lawn produced, devoid of any features other than grass, is not truly characteristic of the suburb's back yards. Deep soil planting to support larger shrubs and even small trees would be limited to the perimeter of the rear lawn, which in this present case, is of insufficient width on one side (500mm) to allow such planting. If any semblance of boundary and garden planting of shrubs and small trees was to be achieved, setbacks of at least two (2) metres would be required on all sides, in my opinion.

Unseen Impacts

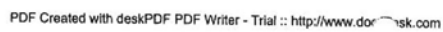
Just as concerning as the impacts above would be, the less apparent concerns are also potentially problematic. The impact of such large excavated structures upon the water table of the Area is a matter for specialists to analyse, but it would surely change the foundation circumstances of many houses, if such intrusions and pump-outs were to be introduced. Most of Haberfield's older houses have sandstone or brick masonry foundations which rely for their integrity and continuity upon the stability of the site levels at which their unit-structure base courses are founded. This, and the health of established trees of the locality dependent on ground water would likely be affected by the depletion or change of water tables caused by underground garages.

Trying then to reach a conclusion in these circumstances, I have to say that I am concerned by what promises to be a "precedent project" with a potentially great impact upon Haberfield, the interest of one individual, in this interest, giving rise to what might be a challenging array of similar proposals across the HCA and whose scope and individual variants and issues cannot be foreseen. For instance, the later desire to build surface accommodation above such structures might be covertly planned from the start and present future problems of development intensity.

The use of such excavated garages is somehow quite out of character with Haberfield, in which garages have traditionally been on grade at the rear of properties, and as outbuildings usually more modest than the houses they serve, they are part of the structuring visual character of the suburb and its development. I would not agree with the suggestion that they are uniformly unsightly or prejudicial to the heritage value of their context – instead, they are part of the ways in which the character of the suburb is manifest and a diverse amenity within its back yards is created by the presence of garages, workshops, and outbuildings which shape the open space and landscaping of Haberfield's backyards.

For the moment, in the current instance, the excavated structure proposed is expansive in area to the point of excess in my opinion, and in the effect of its inadequate setbacks, unacceptable in its limitation of practical deep-soil planting opportunities.

Robert Allan Moore



Subject **DEVELOPMENT APPLICATION 10.2010.018.4**
59 LIVERPOOL ROAD, ASHFIELD

File Ref 10.2010.018.4

Prepared by Atalay Bas - Manager Development Services

Reasons Matter requires Council determination

Objective Council to determine the application

1.0 DESCRIPTION OF PROPOSAL

- 1.1 An application pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979*, as amended seeks Council's approval to delete condition 12 of the consent applicable to a boarding house development which has recently been completed at 59 Liverpool Road, Ashfield. The condition reads as follows:-

"12. Use of the premises as a boarding house

The premises must be used as a boarding house as defined in Section 516(1A) of the Local Government Act 1993, being a building wholly or partly let as lodging in which each letting provides the tariff-paying occupant with a principal place of residence. Each tariff charged must not exceed the maximum tariff for boarding houses or lodging houses for the time being determined by the Minister by order published in the Government Gazette.

For information concerning the current maximum tariff the Department of Local Government can be contacted on 02 4428 4100 or at www.dlg.nsw.gov.au."

This condition relates to the rental charges that can be applied to the rooms of the boarding house and was imposed, through agreement by all parties, earlier this year by the Land & Environment Court during court proceedings to determine whether or not an additional bedroom could be added to the boarding house on the subject land.

The applicant has a current action (appeal) in the Land & Environment Court in relation to another condition of consent (condition 7) and is seeking to have the matter of deletion of condition (12) also included in these proceedings.

2.0 SUMMARY RECOMMENDATION

- 2.1 It is recommended that the condition be deleted given the advice that has been provided by Council's solicitors (provided under separate cover).
- 2.2 It is considered that the proposed amendment does not substantially alter the nature of the original proposal and that the proposal complies with the *Ashfield Local Environmental Plan 1985* (as amended) the applicable development control plans and State Environmental Planning Policy Affordable Rental Housing 2009 SEPP(ARH).

3.0 BACKGROUND

- 3.1 On 11 May 2010 Council granted approval for demolition of existing structures and construction of a three storey building to be used for the purposes of a boarding house, subject to conditions.
- 3.2 On 11 October 2011 a Section 96 application was lodged seeking Council approval for the construction of an additional one (1) boarding room to the western side of the second floor of the building. The Section 96 application was refused by Council on 13 December 2011, however, it was subsequently approved by the NSW Land and Environment Court (LEC) on 10 April 2012. During the appeal proceedings Council was required to prepare conditions of consent in respect to the proposal.
- 3.3 A set of conditions was drafted and sent to the applicant's solicitor for comment and review (LEC conditions provided at **Attachment 1**). The applicant's solicitor did not raise any concerns or issues with the conditions during the appeal and as such these conditions were provided to the LEC and accordingly a court order was issued to the applicant to comply with the conditions.

4.0 DISCUSSION & COMMENTS

- 4.1 The applicant now claims that condition 12 is not applicable, should not have been imposed, is beyond Council's powers to impose and as such should be deleted. The applicant in the Section 96 application has provided the following justification, seeking deletion of condition 12:-

"It is considered that this condition is not applicable to a boarding house or one to be imposed upon an entire boarding house when consent was only sought for 1 additional room under the Section 96(2) modification.

Furthermore, such condition could only be viewed as beyond power.

It is considered that the condition is unreasonable and unnecessary as no rent capping is contemplated nor required by the SEPP (Affordable Rental Housing) 2009 under which the application was lodged and approved.

The provisions of the SEPP which relate to Boarding Houses have no reference to rent capping nor do any of the accompanying fact sheets published by Planning NSW.

It is considered that no rent capping can be lawfully applied as boarding houses by virtue of their room sizes ensure that such developments are 'affordable'.

This is consistent with other development approvals issued by Councils and the Land and Environment Court of NSW whereby no such restriction/condition has been imposed.

It is understood that it is the choice of the boarding house provider as to whether the tariffs are provided below the Government imposed tariff to achieve a land tax exemption or to qualify for a certain rate categorisation."

- 4.2 Condition 12 imposes a requirement that the operator of the boarding house cannot charge more than the set maximum tariffs to the occupants. The maximum tariffs are determined by the Minister for Local Government on a yearly financial basis.
- 4.3 It is acknowledged that during the determination of the initial application in 2010 a condition in respect to charging boarders maximum tariffs was not imposed. It is understandable that the applicant is now of the view that such a condition should not have been imposed for the reason that it caps the rental return for the boarding house development.
- 4.4 Given the advice from Council's solicitors it is recommended that the condition be deleted.

5.0 APPLICATION DETAILS

Applicant	Prasino Pty & John Galatis
Owner	Mr J Galatis & Prasino Pty Ltd
Lot/DP	LOT: 7 SEC: 10 DP: 439
Date lodged	13 August 2012
Application Type	Local
Construction Certificate	No
Section 94 Levy	No

6.0 SITE & SURROUNDING DEVELOPMENT

The subject site is located on the northern side of Liverpool Road, bounded by Gower Street to the north and Pembroke Street to the south. The site area is approximately 855.6sqm. A three storey boarding house building is constructed on the site. Surrounding development comprises residential accommodation of single dwelling-houses, residential flat buildings, commercial uses and a motel.

Refer to **Attachment 2** for a locality map.

7.0 DEVELOPMENT HISTORY

Previous building and development applications submitted to Council for the subject site include:

NO.	DATE	PROPOSAL	DECISION
10.2010.18.2	10 April 2012	Increase the number of boarding rooms from 31 to 32	Approved by Land and Environment Court
10.2010.18.1	11 May 2010	Construction of a three storey boarding house	Approved
10.2004.106	10/09/2004	Change of use from existing squash centre to shelving and display warehouse	Approved
10.1997.112	19/08/1997	Replacement of Sign on front pole	Approved
6.1992.384	24/12/1992	Alterations to Squash Court	Approved

DEVELOPMENT APPLICATION 10.2010.018.4

59 LIVERPOOL ROAD, ASHFIELD

6.1989.373	23/11/1989	Verandah Enclosure	Withdrawn
6.1989.278	03/08/1989	Carport	Approved
6.1957.2323	26/11/1957	Unknown	Unknown
6.1957.2102	19/02/1957	Unknown	Unknown

8.0 ZONING

The site is zoned Part 2(c) - Residential and Part 9(c) County Road Widening Reservation under the provisions of Ashfield LEP 1985. The proposed modification is permissible with Council consent.

9.0 SECTION 96(1a) ASSESSMENT

9.1 Is the proposed modification of minimal environmental impact?

The proposed modification to delete condition 12 will not adversely affect the site or the neighbouring properties as there is no change in use or intensification of the use of the property and is therefore considered to have no further environmental impact.

9.2 Is Council satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified(if at all)?

The modification to delete the condition 12 does not substantially alter the development and it is considered that the modification will result in substantially the same development.

9.3 Has the application been notified in accordance with the regulations or the DCP is so required?

Clause 2.26 (c) of Part C12 Council's notification policy exempts notification of applications for amendment of consents in relation to technical conditions of consent.

9.4 Has council considered any submissions made concerning the modification?

Not applicable.

10.0 SECTION 79C ASSESSMENT

10.1 The provisions of any Environmental Planning Instrument

10.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 1985 (as amended)

The proposal does not alter compliance with the LEP.

10.1.2 Regional Environmental Plans

Not applicable.

10.1.3 State Environmental Planning Policies

State Environmental Planning Policy Affordable Rental Housing 2009 SEPP(ARH)

The proposal does not alter compliance with SEPP(ARH) 2009.

10.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

The subject site is proposed to be zoned R3 Medium Density Residential use pursuant to Draft Ashfield Local Environmental Plan 2012. The proposed modification is permissible with consent.

10.3 The provisions of any Development Control Plan.

The proposal does not alter compliance with relevant DCPs.

10.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

Not applicable.

10.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed alterations will have no adverse environmental impacts upon the locality.

10.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development.

10.7 Any submissions made in accordance with this Act or the regulations.

Clause 2.26 (c) of Part C12 Council's notification policy exempts notification of applications for amendment of consents in relation to technical conditions of consent.

10.8 The public interest

The public interest would not be served by refusal of this proposal.

11.0 REFERRALS

Not applicable.

12.0 OTHER RELEVANT MATTERS

Not applicable.

13.0 BUILDING CODE OF AUSTRALIA (BCA)

The proposed changes do not alter compliance with the Building Code of Australia.

14.0 CONCLUSION

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section 79C (1) Clauses (a) to (e) and Section 96(1a) have been taken into consideration.

There is no provision under the SEPP requiring the imposition of tariffs. Council controls also do not require such a requirement and given the additional advice that has been received it is recommended that the condition be deleted.

ATTACHMENTS

Attachment 1	LEC Consent Conditions	4 Pages
Attachment 2	Locality Map	1 Page
Attachment 3	Legal Advice - - CONFIDENTIAL ATTACHMENT - <i>Confidential - It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.</i>	8 Pages

RECOMMENDATION

That Development Application No. 2010.18 4 for construction of a boarding house at 59 Liverpool Road Ashfield be modified in accordance with section 96(1a) of the Environmental Planning and Assessment Act 1979 by deleting Condition 12.

PHIL SARIN
Director Planning and Environment

1. Approved plans

The development must be carried out only in accordance with the approved plans and specifications set out on the drawings in the table below and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Title	Prepared by	Amendment Date
1.	DA 01 Issue C – Site Plan	Jamisa Design Pty Ltd	22 September 2011
2.	DA 02 Issue C – Ground Floor	Jamisa Design Pty Ltd	
3.	DA 03 Issue B – First Floor Plan	Jamisa Design Pty Ltd	
4.	DA 04 Issue C – Second Floor	Jamisa Design Pty Ltd	22 September 2011
5.	DA 05 Issue C – Elevations	Jamisa Design Pty Ltd	22 September 2011
6.	DA 06 Issue C – Sections	Jamisa Design Pty Ltd	22 September 2011
7.	DA 07 Issue B – Construction Management Plan	Jamisa Design Pty Ltd	
8.	DA 10 Issue C – Landscape Plan	Jamisa Design Pty Ltd	

9. Section 94 Development Contributions

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

	CONTRIBUTIONS (NEW DEVELOPMENT) TOTAL	
	Boarding Houses	Sub-Total
Number of Dwellings / Beds or GFA	1	1
Local Roads	\$46.22	\$46.22
Local Public Transport Facilities	\$338.60	\$338.60
Local Community Facilities	\$367.81	\$367.81
Plan Preparation and Administration	\$270.54	\$270.54

TOTAL	\$1023.17	\$1023.17
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If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_C = \frac{\text{\$C}_P \times \text{CPI}_C}{\text{CPI}_P}$$

Where:

$\text{\$C}_C$ is the amount of the contribution for the current financial quarter

$\text{\$C}_P$ is the amount of the original contribution as set out in this development consent

CPI_C is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

CPI_P is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

10. Privacy Screening

The lower sections of the window (1.5m from the ground level) for proposed boarding room No.26 shall be fixed and translucent.

11. Site manager details

Prior to the issue of any Occupation Certificate a signage identifying a contact person for complaints/emergencies etc must be erected on the site in a location which allows the information to be read by a person standing on the footpath. The sign must not exceed 1m² in area.

A copy of the Plan of Management and telephone contact details for the caretaker are to be forwarded to the Strata Managers or owners of adjoining neighboring properties.

12. Use of the premises as a boarding house

The premises must be used as a boarding house as defined in Section 516(1A) of the Local Government Act 1993, being a building wholly or partly let as lodging in which each letting provides the tariff-paying occupant with a principal place of residence. Each tariff charged must not exceed the maximum tariff for boarding

houses or lodging houses for the time being determined by the Minister by order published in the Government Gazette.

For information concerning the current maximum tariff the Department of Local Government can be contacted on 02 4428 4100 or at www.dlg.nsw.gov.au.

13. Boarding house – use and operation

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 1991 and requirements thereunder and Council's Boarding House Development Control Plan.

14. Caretaker/manager – accommodation

Unit number 8 is to be utilised as the on-site Managers residence. The on-site Manager is to manage the premises in accordance with the approved Plan of Management and conditions imposed in the Development Consent. Any variation to the on-site management of either/both properties is only to be carried out with the prior approval of Council by way of a formal application to amend the Plan of Management.

The name, room number and contact particulars of the on-site manager shall be displayed at all times in a prominent location on the inside face of the front door to the premises.

15. Maximum number of residents

The number of residents is not to exceed 40 persons at any one time.

The use of the rooms shall be:-

Single Occupancy Rooms	Double Occupancy Rooms
1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 16, 18, 19, 20, 22, 24, 25, 26, 28, 30, 31 and 32	9, 11, 15, 17, 21, 23, 27 and 28

Double occupancy rooms shall not exceed 2 persons and single occupancy rooms shall not exceed 1 person.

16. Air conditioners

To preserve the streetscape, air conditioners or any plant equipment shall not be placed along the street façade or any place/part of the building that is visible from the public domain.

17. Annual fire safety

An annual Fire Safety Statement must be given to Council and the New South Wales

Fire Brigade commencing within twelve (12) months after the date on which the initial Interim / Final Fire Safety Certificate is issued

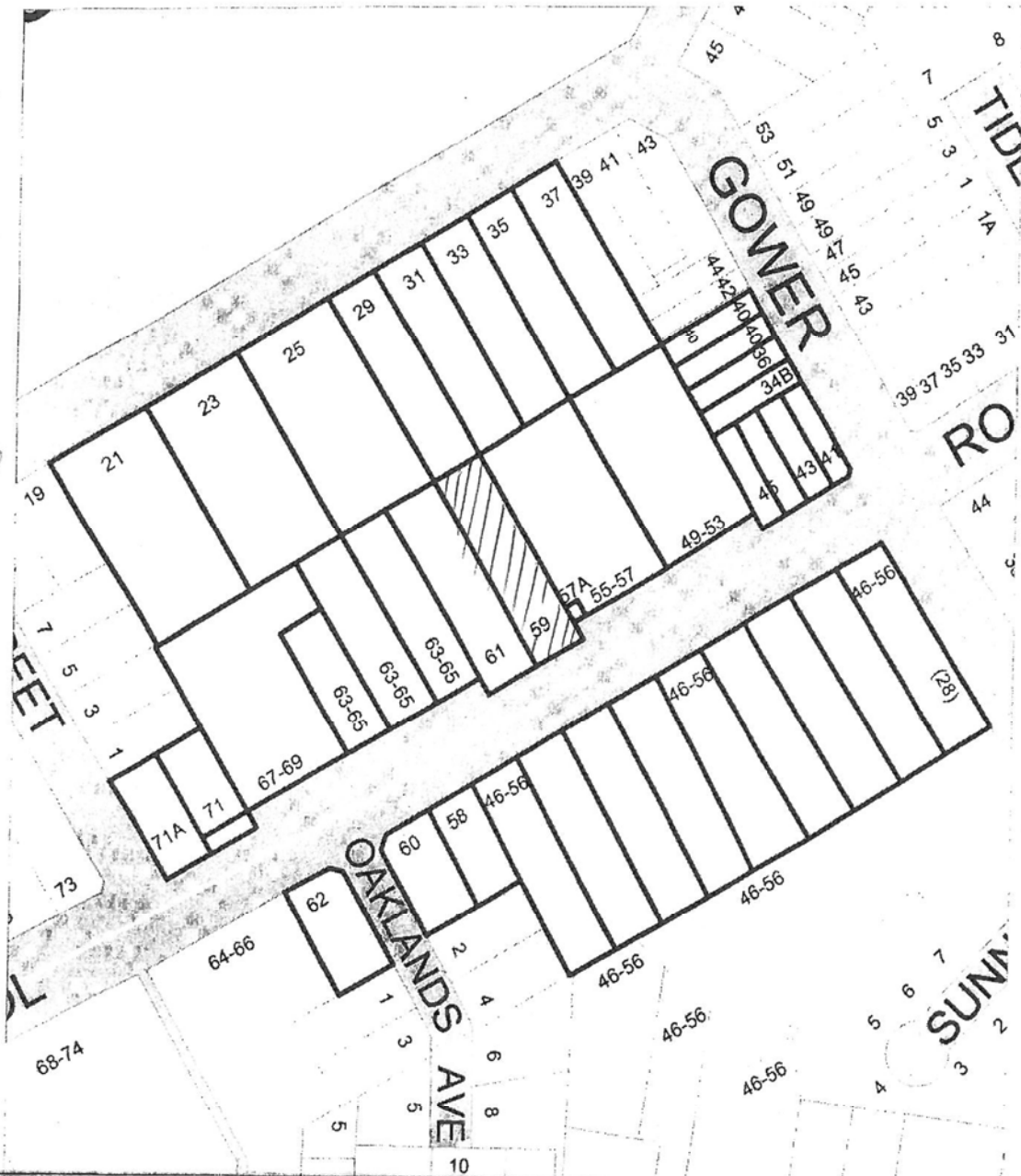
18. Outdoor lighting

All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and must comply with, where relevant, Australian Standard AS 1158.3:2005 Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements and Australian Standard AS 4282:1997 Control of the obtrusive effects of outdoor lighting.

19. Plan of Management

The premises are to be managed and operated strictly in accordance with the agreed Plan of Management attached to this consent in attachment **A**. Any variation to the plan of management may only be made with the written consent of Council.

DA 2010.018-59 Liverpool Road, Ashfield



Location Plan

Site  Notification Area  Objectors NIL



Subject	UNAUTHORISED TREE REMOVAL - 2-32 SMITH STREET, SUMMER HILL (FORMER ALLIED MILLS SITE)
File Ref	2-32 Smith Street, Summer Hill
Prepared by	Phil Sarin - Director Planning and Environment
Reasons	Update Council on matter
Objective	For the information of Council

Overview of Report

This report outlines the status of the removal of three significant trees from the former Allied Mills site without Council authorisation and the action that has been taken in relation to the matter to date.

1.0 Background

In late July Council became aware that a number of trees had been removed from the former Allied Mills site. The information was provided by a local resident who had witnessed a contractor working on the site and removing the trees.

Council's Ranger – Development Compliance inspected the site in late July and confirmed that three trees had been removed and what remained in place were three large stumps. The three trees were located at the southern end of the former Allied Mills site near the rear boundary of properties fronting Edward Street (nos 42 and 44) – refer to photographs provided in **Attachment 1**. Council's Ranger contacted management at the site and was informed that they would get in touch with the contractor who had removed the trees and then get back to him with further information. They subsequently contacted him and advised that according to the contractor Council consent had been sought and granted for the trees to be removed. A check of Council's records revealed that no such consent had been sought nor issued for the removal of the trees under Council's Tree Preservation Order (TPO).

Council's TPO requires consent to be sought for removal of trees which have a height greater than five (5) metres, but does exempt certain species, subject to conditions as follows:

CATEGORY B - The trees listed below are exempt from the Tree Preservation Order subject to the following conditions:

- a) The tree must be less than 10 metres in height or have a trunk diameter less than 450mm when measured 1.5 metres from ground level.
- b) The tree must be within 3 metres of a dwelling or sewer line and causing damage. Dwellings do not include structures such as carports and pergolas.

Trees in this category are: • Camphor Laurel • Willow • Liquidambar • Poplar

The three trees in question were Camphor Laurels, which are potentially exempt from the TPO, however, their size was well in excess of the standards outlined above so consent was required for their removal under the TPO.

2.0 Current Action

A team of officers has been assembled to carry out an investigation into the matter. This team comprises officers from regulatory services and parks and gardens. Council's solicitor has also been briefed on the matter and inspected the site. Council has also engaged the services of a qualified arborist to provide a report on the age and condition of the trees following a recent inspection of the remaining tree stumps.

Discussions have also occurred with persons responsible for managing the site and engaging the contractor who carried out the removal of the trees. The contractor alleged to have removed the trees has also contacted the Council to explain his actions.

Once all the evidence has been collected it will be forwarded to Council's solicitor for evaluation and advice on what options are available to Council in terms of further action. This could include the issue of fines, prosecution or some other form of legal action.

Council officers have reviewed the most recent concept plans and supporting documents for the Allied Mills site proposal which is currently before the State Government's Planning Assessment Commission for determination. These plans show that the subject trees are not proposed to be retained and the area in which they are located is intended to be used for a new internal road with on-street car parking.

3.0 Financial Implications

In the event that some form of legal action is pursued costs will obviously be incurred to mount such an action. This will be resourced from Council's current legal budget. Council's solicitor will provide further advice concerning costs and likely prospects in due course.

4.0 Conclusion

This matter represents a serious breach of Council's TPO and an appropriate response needs to be made to discourage other property owners from taking similar action in relation to the removal of significant trees. Councillors will be kept informed of what further action will be pursued following the conclusion of the investigation and the evaluation of the evidence that is collected.

ATTACHMENTS

Attachment 1 Photographs

4 Pages

RECOMMENDATION

That Council note and receive the report.

PHIL SARIN
Director Planning and Environment



TREES REMOVED







Subject	FOURTH QUARTER REVIEW AGAINST THE MANAGEMENT PLAN 2011 - 2015
File Ref	Governance>Management Plan 2011
Prepared by	Gabrielle Rennard - Manager Governance
Reasons	To fulfil statutory reporting requirements according to the Local Government Act 1993 and the Local Government Amendment (Planning and Reporting) Act 2009
Objective	To update Council on progress towards delivery of the 2011/2015 Management Plan

Overview of Report

The report (attachment 1) reflects actions and achievements undertaken during the fourth quarter (April – June 2012) in relation to performance targets as determined in the Management Plan 2011/2015.

Background

This is the fourth and final quarterly review presented against the Management Plan 2011/2015.

Detailed information on performance against each initiative listed in the management plan is provided for this quarter in the attachment to this report. The report indicates that, overall, good progress was made towards finalising the delivery of programs/initiatives that Council committed to for the 2011/2012 year.

Financial Implications

These have been outlined in the fourth quarter Budget review report that is being presented to Council in correlation with this report.

Other Staff Comments

All Program Managers and Directors have contributed to the review through the delivery of their operational plans.

Public Consultation

Not specifically required for this report, however on-going community consultation is undertaken in order to meet the aims and objectives of the various individual actions as noted. The quarterly review is also made available for viewing and downloading by the community on Council's website.

Conclusion

This fourth quarter review provides detail regarding each of the actions in the management plan and reflects the performance against each initiative listed as undertaken over this period.

ATTACHMENTS

Attachment 1 Fourth Quarter Review 2011/12

30 Pages

RECOMMENDATION

That Council's performance over the Fourth Quarter 2011/12 be noted and the report be published on Council's website.

NELLETTE KETTLE
Director Corporate & Community Services



Ashfield Council

Management Plan

2011 – 2015

Fourth Quarter Review
April – June 2012

✓	Achieved or substantially achieved
↑	On track to be delivered
X	Not achieved

CREATIVE & INCLUSIVE COMMUNITY

NAIDOC Week Celebrations in Ashfield

NAIDOC stands for the National Aborigines and Islanders Day Observance Committee. Its origins can be traced to the emergence of Aboriginal groups in the 1920's which sought to increase awareness in the wider community of the status and treatment of Aborigines.

Council celebrated NAIDOC week with a number of special events connected with projects planned in Ashfield's Reconciliation Action Plan 2012 – 12.

Activities included an educational bus trip to Ku-ring-gai Chase National Park and a program of library activities for kids and adults.

Her Excellency Marie Bashir AC VO, Governor of New South Wales officially opened and named the new Civic Centre Activity Rooms. These rooms have been named after the four Aboriginal foundation members of the Aboriginal Consultative Committee (ACC) being Therese Heffernan; Patricia Blackman; Irene Williams and Peter Cross.

The launch of the new Brown Street mural was also included in the evening's program. This mural has been painted by Aboriginal artist Danny Eastwood and has been installed on the facade of the Brown Street car park. The site has been identified as near a 'gateway' into the LGA and as such was chosen in the RAP to depict Aboriginal symbolism.

The artwork contains depictions of family, animals, dwellings, dreamtime, canoe and fishing among others. The colours are earthy ochres with hints of modern urban Aboriginal tones.



Deliverables in the next Quarter include:

- Present Council with a Reconciliation Action Plan 2013 to 2015
- Establish a partnership agreement for the Ashfield Youth Centre
- Undertake at least two Ashfield CBD cultural tours
- Undertake further negotiations with Area Health Service regarding occupation of spaces within the Ashfield Civic Centre
- Continue to make efforts to have an Aboriginal artist take up a residency at Thirning Villa

Highlights

- Launched the first 'gateway' mural as per Council's Reconciliation Action Plan
- The Ashfield Civic Centre Activity Rooms were named after four foundation members of the Aboriginal Advisory Committee
- Hosted a range of programs to celebrate the National Year of Reading
- Hosted the Annual Youth Week Art Exhibition
- The Disability Employment Program conducted street beautification around Ashfield Station and Brown Street in Ashfield town centre and in local parks and reserves
- Council's Settlement service provided assistance to newly arrived migrants with over 400 migrants accessing these services through individual and group sessions
- Hosted a successful program of events and activities to celebrate NAIDOC Week
- Library has been trialling cooperative purchasing options for niche collections: Talking Books and English Learning Collections. This has been successful and has resulted in our customers having access to quality materials which have been cost effective to Council
- Established free 'Friday Night Movie Nights' screenings for high school aged teenagers living in the local area
- Celebrated Library and Information Week with tours, technology classes, storytime and locals studies workshop

CREATIVE & INCLUSIVE COMMUNITY

DELIVERY PROGRAM	STATUS	COMMENT
Foster reconciliation and implement the recommendations of the Reconciliation Action Plan	✓	The Aboriginal Consultative Committee continues to oversee the implementation of the Reconciliation Action Plan recommendations. Some of the recent actions include: - the official opening and naming of the Civic Centre Activity Rooms which were attended by the Governor of New South Wales, Her Excellency Professor Marie Bashir AC CV. The Activity Rooms are named after four foundation members of the Aboriginal Advisory Committee. The Aboriginal flag will fly permanently in front of the Civic Centre. Photographs of four of the foundation members of the Aboriginal Committee are displayed in the Civic Centre. A mural depicting Aboriginal design features has been installed on the Brown Street Car park facade. This location was identified as one of two 'gateway' sites. The 'sister community' relationship with Peak Hill Aboriginal community has progressed. The Mayor and two Aboriginal Consultative Committee members visited Peak Hill to discuss the idea. The headmistress of the Peak Hill Central School came to Ashfield as a return visit during NAIDOC Week. Photographer, Ms Amanda James recently donated a Margaret Adams artwork to Council to express acknowledgement of the work that Council has undertaken toward reconciliation. Margaret Adams is an esteemed Kamilorio artist and elder from the Moree area. All of her work is based on the Mehi River Dreaming and the history of the Moree camps along the river. Her work offers a unique vivid style and this gift is a valuable asset to the Ashfield Council art collection.
Outreach to residents of boarding houses to ensure they are linked to social support networks	✓	The Newtown Neighbourhood Centre Boarding House Project has expanded their outreach project into the Ashfield Local Government Area and Council continues to network with this service regarding issues of unlicensed boarding houses in the area and will be supporting an upcoming occupants and owners forum. The number of Home Library members is 176 which is up by 1 person this quarter and the loans were 2,444 which is an increase of 150 from the last quarter.
Review and analyse the Ashfield Local Government Area social profile	×	No specific action has been undertaken this quarter; however the online Ashfield Local Government Area community profile is regularly updated.
Convene annual forum to develop mutually beneficial networks with local schools, TAFE and Department of Education to increase access to facilities and programs within schools	↑	No specific action undertaken this period with respect to an annual forum, however Preschool Rhyme Time sessions delivered by Council staff continued with the program solidly booked. Council staff have also written to all primary and secondary local schools to advise that specialist staff are able to visit to talk about the services of the likes of Ashfield Library and Council is interested in collaborating with local schools and to complete more outreach work, especially with young adults. Council invited a community information officer from Department of Education and Training in June to run a Transition to School Seminar for Mandarin speaking parents whose children are starting school soon. It went successfully with 24 parents attending.
Prepare a Library Strategic Plan and marketing strategy	↑	Draft Library Strategic Plan has been revised after being presented to Council in March and further staff feedback sought. This revised plan will be presented to Council in the 1 st quarter 2012/2013 with a period of public display and consultation to follow before implementation. Aspects of this plan have informed projects for the 2012/2013 Library Operational Plan. The creation of a Library Marketing Plan has been included as a priority program action in the 2 nd quarter 2012/2013 Library Operational Plan.

CREATIVE & INCLUSIVE COMMUNITY

DELIVERY PROGRAM	STATUS	COMMENT
Produce and implement an annual calendar of events to celebrate diversity including Youth Week, Seniors Week, Harmony Day, Disability Awareness, Family Week, NAIDOC Week, International Women's Day etc	✓	This quarter Council celebrated NAIDOC week with a bus trip of 32 people from Aboriginal, Chinese, Indian, Indonesian and Nepalese backgrounds and 4 Aboriginal Consultative Committee members joined the trip. Council in partnership with Metro MRC hosted a series of activities to recognise the 'Senior Month in July' initiative. The activities organised included a Walk Safely workshop, Diabetes and Falls Prevention seminar, Senior Social Morning Tea, Music Therapy for carers and a Dementia Awareness information session. The Merry Month of May included a series of free lunch time performances in front of the new Civic Centre, the concerts showcased local musicians and dancers from a range of backgrounds including performers from Senegal and the colourful Chinese Carefree Group performers. These free concerts provide a unique opportunity for local residents, shoppers and workers to experience international music and dance in an intimate setting. A Families Week Expo was held jointly with Families NSW and Burwood Council during National Families Week in May. The Expo featured 6 workshops, guest speakers and information stalls and it was attended by almost 100 parents and professionals in the child and family sector.
Continue to support and further develop activities of the Ashfield Youth Committee	✓	The Ashfield Youth Committee worked on providing advice to Council on, and assisting with operations on the night for the monthly Teen Movie Nights, assisting with Youth Week Art Exhibition Opening Night, increasing the number of follower and generating more interest on the Ashfield Youth Committee Facebook page with an additional 15 new likes on the page and more interaction/dialogue.
Develop a local studies collection including digitisation of historical photographs	↑	The historical postcard collection is being scanned and catalogued for access on the website via Portfolio and the local studies collection is currently in transition with Councils archives collection having limited accessibility whilst the Civic Centre is undergoing refurbishment with all of Council Historical Archives having been boxed and migrated out of the basement. Historical Rate books were scanned & indexed & transferred to State Records.
Implement the 'sport a month' program with the community	✓	The last of the Sport a Month program was held in January 2012.
Ashfield Youth Theatre (AYT) to continue delivery of programs in Ashfield and with partners across the Inner West region	✓	The 2012 Major production for the Ashfield Youth Theatre, titled 'The Migrant Project: Juncture' was performed at PACT Theatre to very positive feedback, with the production investigating the migrant stories and celebrating the cultural diversity of the Ashfield and the Inner West. This project involved a team of young people from Sydney's Inner West with ancestries from across the globe. The show brought these people together to share their stories and investigate what happens in the space where cultures and identities collide. Over 200 people attended the four shows held at the PACT Theatre in Erskineville. The current Youth Theatre project – CreAYT Showreel - has developed from the major production 'The Migrant Project: Juncture'. Young people are learning filming techniques to record their piece, capture it on film and send it out to the world! At the end of the workshop series, participants will have a DVD of their own work. The website www.ashfieldyouththeatre.com and social media plan trial continues successfully.
Prepare a strategy for the new Ashfield youth centre	↑	A framework for operation of the new youth centre has been drafted for internal consultation and for ideas and concepts to be workshopped with the Ashfield Youth Committee.

CREATIVE & INCLUSIVE COMMUNITY

DELIVERY PROGRAM	STATUS	COMMENT
Develop a marketing strategy for the Artist in Residence program	↑	Whilst no specific action was taken this quarter with respect to the development of a marketing strategy, Artist in Residence for April to September 2012 Laine Hogarty from Ocean Grove in Victoria, has held drawing sessions for adults, for Chinese people, for young adults and has also held 'signal box' design workshops for young people. The work produced in the drawing workshops will be displayed in an exhibition in September. The designs produced for the 'signal boxes' will be installed in the September school holidays on three identified boxes on Liverpool Road. Specific efforts continue to be made to access an Aboriginal Artist for a residency. The Peak Hill 'sister community' has verbally expressed an interest in the April 2013 to March 2014 program and this interest will be pursued. Ms Xie Jihong, a mainland Chinese artist has been confirmed to undertake a residency from January to April 2013. A component of this residency will be instruction in traditional Chinese painting using brushes, Chinese ink, ink stones and pigment. The website continues to be updated on a regular basis and a marketing strategy including for Expressions of Interest, Audience Development and Networking is in progress. Outdoor drawing sessions continue to be popular with an average of 12 people attending each session. This quarter also included two Judy Cassab oil paintings being gifted to Council. Ms Cassab is celebrated for her haunting, desert landscapes as well as her portraits. Council will receive 'Spirit of the Gorge' dated 1991, oil on canvas and 'Marina – model with Red Cape', dated 2009, oil on board. Ms Cassab has won the Archibald Prize twice and has work held in major collections in Australia, Britain and Europe.
Host the Ashfield Carnival of Cultures	✓	A very successful Carnival of Cultures was held on Sunday 18 March, with an estimated 20,000 to 25,000 people attending and enjoying various cultural performances, the international food stalls, market and community stalls, 'Poetry in the Park', barefoot bowls, art workshops, a Medieval combat display. This year Council and AshBUG provided a free bicycle valet service which was well used and the event had an emphasis on healthy outdoor activities that were free for the whole family including, AFL skills, crazy cricket, badminton, mini tennis, and table tennis, pony rides, the giant slide and a jumping castle. As always the native plant giveaway for residents proved once again to be incredibly popular.
Undertake an Ashfield Ageing Strategy	X	Whilst no specific action has been undertaken this quarter on the development of an ageing strategy, Council continues to facilitate a diverse range of programs for seniors, this quarter these included: - Seniors Bus Outings Program 2012 continues to be in high demand with each monthly outing booked well in advance with waiting lists created for each. In the last three months the outings have been to Botany Bay National Park, Bundeena and Cobbitty Wines. Weekly over 55's yoga classes are well attended; Weekly Aquatic Fitness classes continue to be offered to women and men living on a low income. Council in partnership with Metro MRC has coordinated a series of activities to recognise the 'Senior Month in July' initiative. The activities organised include a Walk Safely workshop, Diabetes and Falls Prevention seminar, Senior Social Morning Tea, Music Therapy for carers and a Dementia Awareness information session.

CREATIVE & INCLUSIVE COMMUNITY

DELIVERY PROGRAM	STATUS	COMMENT
Implement a Council Volunteer Program including training workshops, recruitment drive and support and partnership arrangements	✓	This quarter included Council hosting a volunteer luncheon as part of National Volunteer Week celebration. It was an opportunity for Council to recognise and thank Council volunteers for their dedication and commitment to Ashfield Council. It was a huge success with almost 70 volunteers attended the event. The Justice of the Peace volunteers continue to be busy at both libraries, with a total for this quarter of 6,558 documents signed, with an incredible year to date total of 12,805 documents signed. Council's application for the Department of Immigration and Citizenship's Settlement Grants Program was successful. The proposal seeks to run a volunteer program for newly arrived migrants in the Ashfield Council area to assist them to become self reliant and participate equitably in Australian society as soon as possible after arrival.
Produce and coordinate an annual calendar of activities to celebrate Library initiatives including Sydney Writers Festival, Big Read, Poetry events and monthly Author talks	✓	Authors at Ashfield this quarter included Susannah Fullerton giving two illustrated; former NSW Parliamentarian Andrew Tink talked about his second history book about Lord Sydney; Professor Fred Watson gives an illustrated lecture 'Greening the Universe'; Tony Taylor : <i>Fishing the River of Time</i> ; Mette Jakobsen : <i>The Vanishing Act</i> . Ashfield Library for the eleventh year was proud to once again host an event as part of the prestigious Sydney Writers' Festival. The event 'SR14 Durban Legend: Malla Nunn's Life of Crime' this year award-winning crime writer Malla Nunn visited with a new gripping tale 'Silent Valley' set in the violent underworld of Durban, where murder, witchcraft, tribalism and taboo collide. Ashfield Library celebrated Library and Information Week in May with a program of activities including Library tours; Technology classes; e-book demonstrations; a workshop on Local Studies Rediscovered; A special 'Simultaneous Storytime' on <i>The Very Cranky Bear</i> by Nick Bland and a National Sorry Day talk with local Aboriginal resident Patricia Blackman. National Sorry Day in May saw local Aboriginal woman Patricia Blackman talk about her life experiences of the Stolen Generation to an audience of 21 who were frequently in tears during the telling of her moving true story. Patricia also sold copies of her collection of poetry. The library created a display of books and brochures for Refugee Week in June. Knitting Groups at Ashfield and Haberfield are very popular with over 100 knitters attending sessions at Ashfield and Haberfield Libraries this quarter.
Provide financial assistance to local community groups through the annual community grants program	✓	Council allocated over \$39,000 through the Council Annual Community Grants to 40 local initiatives during third quarter. For the first time in this Grants Program, Council also created a sub-category with a separate amount of \$5,000, for the funding of environmental initiatives. This quarter Ashfield ClubGRANTS scheme received 90 applications using the new online application form Smarty Grants. The scheme was promoted in the Inner West Courier, La Fiamma, Koori Mail and Australian Chinese Daily newspapers. Three clubs participated in the scheme, Wests Ashfield Leagues, Club Ashfield and Ashfield RSL. A total pool of just under \$300,000 is to be allocated through this grant scheme.

CREATIVE & INCLUSIVE COMMUNITY

DELIVERY PROGRAM	STATUS	COMMENT
Promote a family friendly community through the development and provision of programs for children, young people and parents including parent education, playgroups, holiday programs, a free Child Minding Service to patrons of the Ashfield Aquatic Centre, book groups, Youth Zone, free immunisation clinic, etc	✓	This quarter included continuing weekly fitness session for women with babies in Yeo Park; the Red Bug playgroup continued to be well attended with an average of 65 children and parents, grandparents and carers at each gathering during April-June and the Ashfield Aquatic Centre Childminding Service recording a daily average of 12. A three-week parenting program called 'Bringing Up Great Kids' was held in June with 16 parents attending each week. <i>In Charge of My Money</i> program, which aims to educate culturally and linguistically diverse women budget and manage money, was run for 3 weeks in May. It was a joint project between the Infants Home, Wesley Mission and Council. In May Council hosted a Questacon Science Play as part of National Families Week celebration. Around 30 preschool-aged children with their parents and carers attended and enjoyed a range of science activities, interactive stories and songs. Council conducted a free child restraint safety check event in June with a grant from NRMA Insurance. A total of 12 families had their child car seats correctly fitted. In June Council invited a nutritionist from Nutrition Australia to conduct healthy cooking demonstrations for families with school-aged children. Almost 30 people attended the workshop and learned budget-friendly, healthy recipe ideas. Council has initiated a 'Well Baby Clinic' in partnership with the Infants Home to provide new parents with an opportunity to meet an early childhood nurse and ask questions about child development. The first clinic was held in Ashfield in June and will be held in Summer Hill and Haberfield in July and August. A diverse April school holiday program was well attended. Settlement services provided assistance to newly arrived migrants, with more than 400 migrants accessing this service through individual and group sessions. Council started holding special 'Friday Night Movie Nights' screenings starting in June for high school aged teenagers living in the local area.
Provide and promote a diverse range of literacy related programs and initiatives including the establishment of 'Dreamtime Storytime'	✓	<i>National Simultaneous Story Time</i> was held on 23 May during Library Week. It involved every participating library and book shop in Australia reading the same book aloud at the same time, and this year, the book was the hysterically funny <i>The Very Cranky Bear</i> by Nick Bland with over 100 children and parents/carers attending sessions at both Ashfield and Haberfield Libraries. Ashfield residents are being offered a fantastic opportunity to take part in 'Free' English classes as part of a special program partnered between Ashfield Library and Mission Australia. The program has been initiated to mark the National Year of Reading www.love2read.org.au . Under the program, Mission Australia will be holding free monthly literacy classes throughout the year in Ashfield Library three days per week. The Story Time and Rhyme Time programs continue to be a highlight of our children's programming. The programs help encourage early literacy and a love of reading. Currently, there is a Rhyme Time or Story Time program run every single day of the week to meet the demand. Attendances this quarter: Ashfield: Rhymetime: 1,416 Storytime: 330 Haberfield: Rhymetime: 424 Storytime: 326. Rhymetime at Summer Hill Share Centre: 646. English conversation classes continue to run in the community activity rooms; 5 bilingual tutors were trained this term to meet the needs of increased Chinese students especially for those at beginner level. Wednesday mornings see Children's and Youth library staff embarking on preschool outreach trips all across the LGA. Visits are in high demand and include a storytime/rhymetime program and a chat about the library and its uses. The visits encourage lifelong learning and a love of the library.

UNIQUE & VIBRANT NEIGHBOURHOODS

Ashfield LEP Update

The Ashfield Local Environmental Plan (LEP) sets the framework for the land use structure of Ashfield. The plan includes a set of land use zones and provides detailed requirements for development such as maximum permitted building heights and floor space. It also establishes what types of development may be permitted on a particular parcel of land with the permission of Council.

Our current LEP was approved back in 1985 and is in need of an overhaul. Council has been working with the community and the Department of Planning and Infrastructure (DOP&I) over the past two years to implement a new LEP.

The Draft LEP is an innovative plan to guide Ashfield's growth for the next ten years. It was prepared in close consultation with our community. An important aim of the LEP is to protect residential amenity and our unique heritage. The Plan will also play a key role promoting a sustainable, prosperous future for the Ashfield Local Government Area by encouraging mixed use development in Ashfield Town Centre and designating a proposed "Enterprise Zone" along Parramatta Road to Promote this area as an "employment hub" in the inner west.

After extensive consultation, Council has had received approval from the Department of Planning and Infrastructure to place the Plan on exhibition for further community consultation before its finalisation and adoption.

Council has prepared and approved a comprehensive communication strategy to ensure that the whole community is made aware of the draft LEP and given every opportunity to comment.

The draft plan is currently on exhibition. An LEP website information portal has been established at <http://ashfieldlep.com.au/>, and workshops and information sessions are being held across the local government area. The draft plan is currently on exhibition.



The Aquatic Centre indoor pool wet decking under repair

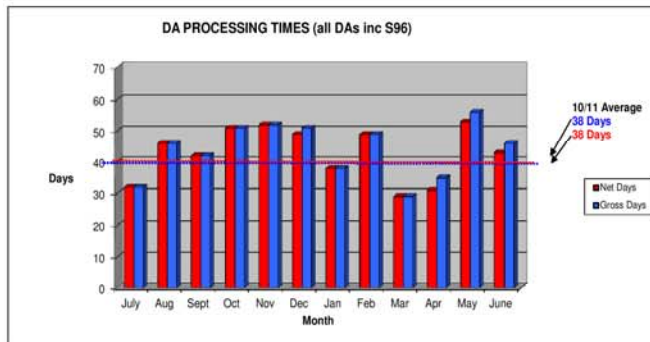
Deliverables in the next Quarter include:

- Continue to lobby Heritage Office to progress listing of Haberfield on State Heritage register
- Complete Draft DCP Part for Enterprise zone
- Collate and analyse submissions following exhibition of Draft Ashfield Local Environmental Plan and report to Council
- Roll out new DA form and checklist
- Finalise three inserts for the Development Application kit

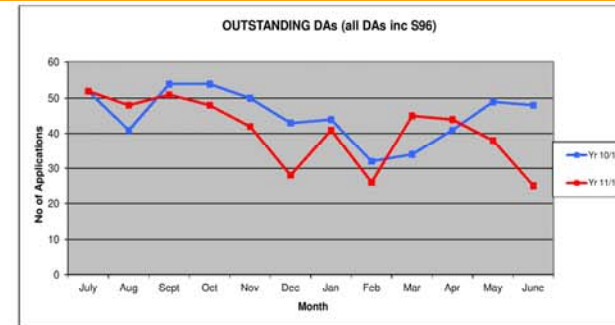
Highlights

- Draft Ashfield Local Environmental Plan endorsed by Council and placed on public exhibition
- Completed 3 Local Environmental Court appeals
- At the end of the 4th quarter the number of outstanding development applications was at 25
- Completed major applications such as Ashfield West Club and Brescia Site
- Provided a submission on the Allied Mills site to the Department of Planning and Infrastructure
- Preliminary assessments are being carried out for Provisional Development Applications and initial letter sent to applicants within 10 days. Council has received new Authority software and testing is currently occurring.
- Department of Planning and Infrastructure agreed to a Memorandum of Understanding amendment agreement for DCP Part – Enterprise Zone

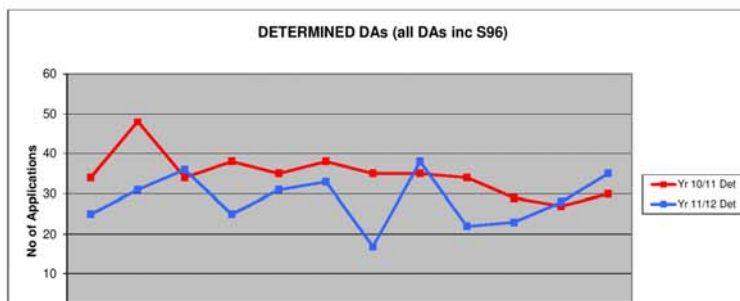
UNIQUE & VIBRANT NEIGHBOURHOODS



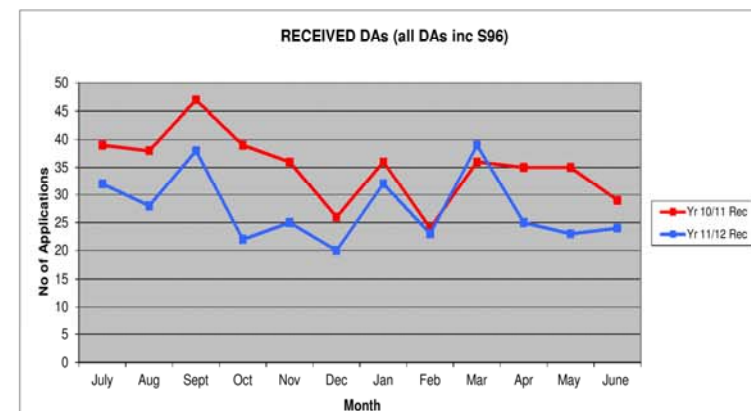
For the 4th quarter there has been an increase in DA processing times for new DA's compared to last year specifically for the month of May 2012. The average processing times for 2010/11 was 38 days whereas the average processing time has risen to 48 days to date. Despite the fact that the average processing times is up by 10 days from last year's performance, the overall performance is exceptionally outstanding given that:- Increase in the number of Local Environmental Court appeals and Council deferring a number of development applications.



It is evident from the above chart that during the 4th quarter there has been a yoyo effect where by the number of outstanding DA's fluctuated rapidly from month to month. However at the end of the 4th quarter there were 25 outstanding DA's which is 50% less than our target amount of 50 DA's.



Current trends in determination times are significantly different to that for the same period last year and for the last quarter. The reason for this is that we are receiving more planning appeals and the deferral of a number of applications by the Council has also added to the overall increase in turnover times. As illustrated determinations occur in spurts from month to month as DA's are ready for determination.



During the 4th quarter Council received less applications compared to previous quarters. There is an opportunity for the Development Services team to be on track whilst we are receiving fewer applications, however it is also important to note that Council is receiving more Local Environmental Court appeals which require extensive project management.

UNIQUE & VIBRANT NEIGHBOURHOODS

DELIVERY PROGRAM	STATUS	COMMENT
Finalise the Local Environmental Plan review	↑	Council and the Department of Planning & Infrastructure (DOP& I) resolved to publicly exhibit the Draft Ashfield Local Environmental Plan (LEP) until 21 August 2012. A Conditional Section 65 Certificate was received 28 March 2012 with a report prepared for Council. The exhibition period includes a comprehensive community engagement process to ensure that many and varied opportunities will be made available for local residents and the business community to respond to the draft LEP this has included the establishment of a Ashfield LEP website and information sessions. The LEP will affect all of the land within the municipality of Ashfield. All heritage items identified in previous heritage review are included in the Draft Principal LEP however the DOP&I did not agree to sustainability clauses; however staff will pursue this objective further pending the review of the National Building Energy Rating Scheme.
Restructure and review Ashfield Development Control Plans (DCP) prior to and following adoption of the Local Environment Plan (LEP)	↑	The draft Development Control Plan (DCP) for the Parramatta Road Enterprise Zone is to be completed by end July 2012 to align with the Memorandum of Understanding amendment agreement for DCP Part – Enterprise Zone. A further report to be prepared regarding the Ashfield DCP review resourcing and this review is to be completed within six months of gazettal of the Draft Ashfield Local Environment Plan (LEP).
Develop a plan of management for graffiti removal on public property and undertake community education	↑	This quarter staff continued to work on a Crime Prevention Project to reduce malicious damage at hot spot locations in the Council area. Staff are currently working on developing a Plan of Management regarding graffiti with a draft version expected to be completed next quarter.
Removal of dumped rubbish on Council's streets and continue to implement projects to reduce illegal dumping incidents	↑	Dumped rubbish is pro-actively removed and in response to advice received patrolling officers and customer requests. Work was completed at the Carlton Crescent site and the number of illegal dumping incidences has decreased significantly. Council continues to provide information to the community on illegal dumping through a variety of avenues. Council also participated through 43 households in the Garage Sale Trail program in an attempt to provide residents with another option for disposal of their unwanted items.
Incorporate neighbourhood precinct events in the annual Calendar of arts and cultural events	↑	This quarter included Rhymetime being held each Tuesday at the Summer Hill Community Centre and is overwhelmingly popular. Youth Week Art Exhibition was held at NTK gallery in Croydon. The Merry Month of May program of performances and Eco Kids Festival were held in the Ashfield town centre.
Operate the home library services across the Municipality	↑	The Home Library Service continues to be a well utilised program with the number of Home Library members currently at 176 which is up by 1 person this quarter and the loans were 2,444 which is an increase of 150 from the last quarter.

UNIQUE & VIBRANT NEIGHBOURHOODS

Continue to implement the State affordable housing policy and participate in the Inner City Mayors forum	↑	An affordable housing incentives clause has been included in the draft Local Environment Plan and this has been agreed to by the Department of Planning and Infrastructure and Council. This plan is currently on public exhibition.
Lobby for State heritage listing for Haberfield	↑	Listing of Haberfield for State heritage is still under consideration by the Heritage Office. Staff continue to contact the Heritage Office regularly for updates, however as yet no timeline has been set for the report to the Heritage Council on the listing of Haberfield. Regular representations will continue to be made to the Heritage Office pressing for more progress on this matter. All heritage items identified in previous heritage review are included in the Draft Local Environment Plan (LEP). An additional clause has been included in the draft with respect to Haberfield to prevent excavation and maintain landscaping.
Explore opportunities to create the Parramatta Road enterprise zone as part of the LEP	↑	The working draft Parramatta Road Enterprise Zone Development Control Plan has been produced and is expected to be finalised by end July 2012. A Memorandum of Understanding with the Department of Planning and Infrastructure has been agreed to for the amendment to the Development Control Plan Part – Enterprise Zone.
Lobby for the completion of a plan of management for Yasmar	↑	In June, Council received a presentation from the Department of Primary Industries, Land and Property Information on the draft Plan of Management and Conservation Plan for Yasmar. Both of these plans are now on public exhibition. Council is currently working with Land and Property Information and the Haberfield Society to hold an open day at Yasmar in July for the community to view the historic cottage and gardens.



Armstrong resheeting works



Hillcrest Avenue



New foot path restorations at Parramatta Road and Sloane Street

SAFE, CONNECTED & ACCESSIBLE PLACES

New Cycling Map for Ashfield Launched

A new Cycling Map and Guide has been produced by Ashfield Council to encourage local residents to get out and about on their bikes.

Mayor Kennedy officially launched the new Map, noting that there were a number of great cycleways in the local area, including the Richard Murden Reserve in Haberfield which links up with the Bay Run, a 7km stretch of dedicated shared path and cycle way.

Cycling is a great recreational activity, an excellent transport option and a fantastic way to stay fit and healthy. It also offers a host of environmental benefits including reducing air pollution and traffic congestion.

The map details the series of cycle ways in the area and contains advice and other useful information for bicycle users such as tips for safe cycling, information about bike maintenance, bike safety and road rules and information on the GreenWay corridor.

The Cycling Map details the on-road cycle routes with low to medium traffic volumes, the roads with high traffic volumes as well as designated off-road cycle routes, non-designated cycle routes and proposed cycle ways.

To raise awareness of cyclists and cycle routes, Ashfield Council has placed over 300 bicycle road markings on local roads that make up Ashfield's bicycle network to remind drivers to watch out for cyclists.

Copies of the Map are available from all Council's Customer Service locations and can be downloaded from the website: www.ashfield.nsw.gov.au



New Planter Beds at Robson Park

Deliverables in the next Quarter include:

- Prepare a Communication strategy around the development of a Flood Survey
- Installation and opening of the Equal Access Playground in Ashfield Park
- Ongoing implementation of 'Car Security' project funded by NSW Department of Justice and Attorney General
- Appoint a Stormwater Engineer and Operations Manager
- Develop a communication strategy regarding Council establishing the Aquatic Centre Swim School
- Dog park fencing planned for Bede Spillane Gardens

Highlights

- Ongoing implementation of 'Car Security' project funded by NSW Department of Justice and Attorney General
- Lawn mowing tender advertised and contractor determined to provide lawn mowing within the Ashfield Local Government area for a period of up to 5 years
- Attendance at the aquatic centre for this quarter was 28,247 patrons, with an income of \$107,929 with extensive work on pool shell including the replacement of over 200 tiles
- Installed safety kerbside pedestrian fence at Elizabeth Street and undertook cleaning of the Summer Hill village pavers
- Undertook resheeting program for Mackay St, Hunt St, Norton St, Bland St, John St, Tideswell St, Comet St, Palace St, Deakin Ave, Armstrong and Loudon Streets
- Works completed at the Aquatic Centre to renew the waterproofing membrane, replace the old worn out water make up control, repair the broken water return channels and coat them with a water proof membrane for the indoor pool
- Launched the new Ashfield Cycling Map
- Ashfield Access Committee involved in final design process of a new Equal Access Playground in Ashfield Park
- Completed construction of accessible footpaths in Centenary Park, Robson Park and Pratten Park
- Traffic and Parking Study Scope workshop held with Councillors and stakeholders

SAFE, CONNECTED & ACCESSIBLE PLACES

DELIVERY PROGRAM	STATUS	COMMENT
Implement the safer community compact plan	✓	Another very successful number plate fitting session was held as part of the ongoing implementation of 'Car Security' project funded by NSW Department of Justice and Attorney General. Again Council worked closely with the State Emergency Services on this initiative and were also assisted by Ashfield Police. A series of safety audits have also been undertaken at key hotspots within the local government area.
Council continue to work with State Government and neighbour Councils on developing the Light Rail project in conjunction with the Greenway project	↑	The GreenWay Project continues to liaise with Transport NSW regarding the GreenWay Project and the Lightrail extension. The GreenWay Active Transport Strategy and Action Plan have been adopted a significant period of public exhibition. The Strategy was prepared to encourage more people to take up healthier transport options such as walking and cycling in the GreenWay. It sets out a range of short and long-term initiatives that encourage more people to use the GreenWay and make it attractive and convenient for users of all ages. GreenWay Hubs are proposed as central places for GreenWay activity. The GreenWay Sustainability Project will implement a targeted program of initiatives before it concludes in September 2012. Council staff have also been liaising with Transport NSW on the Cooks River to White Bay Active Transport Strategy and the Light Rail Heritage Interpretation Study.
Undertake a comprehensive audit of private swimming pools, maintain an active data base and undertake water awareness programs and education	✓	Routine inspections of swimming pools are undertaken as they are drawn to Councils attention by way of building certificate application, development application and complaints. The swimming pool register is continually updated and awareness programs advertised.
Survey stormwater infrastructure with CCTV and maintain active data base of findings and maintenance program	✓	10 pipes were surveyed during this quarter, with work orders being raised to carry out repair and replacement of pipes as they are identified. Servicing of stormwater infrastructure is up to date with CCTV survey.
Prepare and implement changeover of bus shelters contract	↑	Council appointed the successful tenderer as Adshel to implement the changeover of bus shelters contract.
Install cycle stands across the local government area	↑	Bicycle parking has been installed at the Esplanade and is currently being planned for the civic centre forecourt area. A comprehensive plan will be developed in 2012/13.
Develop a Recreation Strategy	X	No specific action was undertaken this quarter.
Prepare and publish an Ashfield bicycle map linked to the SSROC Regional Strategy	✓	The Ashfield bicycle map has been completed and has been published and distributed to the public and is available on Council's website.

SAFE, CONNECTED & ACCESSIBLE PLACES

DELIVERY PROGRAM	STATUS	COMMENT
Implement integrated Infrastructure and Asset Management Plans	✓	This quarter Council adopted the suite of Infrastructure and Asset Management Plans with Maturity Assessment to be prepared and Infrastructure and an Asset Management Strategy and Policy is to be finalised. Hawthorne Canal Pedestrian Bridge opened after repair work completed by Ashfield and Leichhardt Councils. In order to maintain the structure safely for pedestrians and bikers, work was undertaken to extend the life of the bridge for a further three years. This will enable the Councils to discuss the provision of a new bridge, which is being investigated by Transport NSW as part of the light rail proposal.
Develop and lobby for responsive levels of accessible public transport	↑	Council has undertaken a review of other Council's Sustainable Fleet Policies and research regarding different benchmarks for 'green' vehicles with a staff working to develop a Sustainable Fleet Policy for Council. The final Active Transport Strategy as part of the GreenWay Project will be reported to Council for adoption next quarter. The GreenWay Project Manager and Project Officer have been liaising with the partner Councils to get substantial active transport actions underway prior to completion of the grant project. Each Council has submitted a proposal for works within their Local Government Area and will be working with the Senior Project Officer to coordinate these actions until the project ends in September.
Undertake a traffic and parking study, including strategies to prevent traffic and parking intrusion into residential areas	↑	Council commissioned Lyall Marshall and Associates to prepare the scope for the Ashfield Traffic and Parking Study. The study will identify hot spots, traffic rat runs and demand areas for resident parking schemes. This will include analysis of key issues, constraints and opportunities as evidenced through: review of previous Local Area Traffic Management Studies; Analysis of Council's collated traffic and parking issues data base, including Traffic Committee reports; Workshops with Councillors our Local Traffic Committee members and relevant Council staff. Traffic and Parking Study Scope workshop was held in May 2012 with Councillors and stakeholders for their input into the study. Also considerable input by staff to provide information and data as requested by consultant. A report has been developed outlining the findings of the preliminary study including a scoping document that includes further studies needed, timeframes and estimated costs. Public consultation/notifications undertaken for various Traffic and parking matters this quarter included Brown Street Bus stop relocation; Lapish Avenue parallel parking and general Traffic Committee resolution items and installed a safety kerbside pedestrian fence at Elizabeth Street.
Progress the development and implementation of the Ashfield Aquatic Centre master plan	↑	Community consultation on the proposed development of the Ashfield Aquatic Centre master plan is currently on hold, however a report was presented to Council on the proposed time lines and funding strategies.
Encourage accessible and adaptable design for developments	x	No specific action has been undertaken this quarter.

SAFE, CONNECTED & ACCESSIBLE PLACES

Implement Plans of Management for Algie, Centenary and Hammond Parks	↑	This quarter included sending letters and indicative drawings to residents and stakeholders for the installation of accessible pathways in Centenary Park and Robson Park. Installing a pathway through Kensington Rd Reserve, including regrading and stormwater pits to drain. Completed construction of accessible footpaths in Centenary Park, Robson Park and Pratten Park. Council undertook a tender process for a Mowing Contract for the local government area and Pratten Park oval and turf wicket maintenance.
Continue to implement the 'Ashfield Village Access Project' to promote and encourage access in commercial precincts	✓	Completion of this project was sooner than proposed. Outcomes included raising awareness in the Italian Community regarding disability issues that are particular to the built environment in Haberfield commercial precinct. An additional aspect of this project resulted in the Pedestrian Access and Mobility Project 2006 being audited and incomplete works addressed.
Complete stage 3, Croydon central business district streetscape program	↑	Survey and preliminary design completed ready for community consultation.



Accessible Pathway Centenary Park



Robson Park Accessible Pathway



Pratten Park after completion of Drainage Works

LIVING SUSTAINABLY

Residents turn out in force for GreenWay debate

Over 70 inner west residents attended the GreenWay debate at State Parliament in May.

The much anticipated debate on the GreenWay, the five kilometre green corridor that links the Cooks River to Sydney Harbour at Iron Cove, dealt with the State Government decision to axe the project.

State members Lynda Burney, Carmel Tebbutt, and Jamie Parker all spoke in support of the GreenWay.

Transport Minister Gladys Berejiklian and Member for Drummoyne John Sidoti reiterated that the GreenWay proposed shared pathway for cyclists and pedestrians would not be resurrected.

"To add to our disappointment, the State Government announced this week that \$170m would go towards building two multi-level commuter car parks in southern Sydney with a total of 1,200 spaces. This works out to be \$140,000 per car space, noted Councillor Hanna of Marrickville.

"The money is coming from a \$770m 'transport access program'. With the GreenWay originally costed at about \$30m, it's hard to see how this is an effective use of funding to solve Sydney's traffic congestion and support active and integrated transport solutions," Councillor Hanna said.

The Mayor of Leichhardt Rochelle Porteous thanked the 70 local residents who turned up to hear the GreenWay debate at State Parliament.

"There is wide community support for the GreenWay and this was evidenced once again at the debate in NSW Parliament. The GreenWay is the critical missing link in the active transport network in the Inner West and Leichhardt Council will continue to lobby strongly to ensure GreenWay funding is fully reinstated by the State Government," she said.



Handover of 10,500 GreenWay signatures to members of parliament

Deliverables in the next Quarter include:

- Finalise the Sustainable Event Policy and Sustainable Fleet Program
- Finalisation of the GreenWay Sustainability Project and final grant report prepared
- Develop the Compost Revolution program
- Recruitment of new staff for the Sustainability Team
- Final State of the Environment Report

Highlights

- GreenWay Sustainability Project were Finalists in the UNAA World Environment Day Awards Program
- Finalised the GreenWay Active Transport Strategy
- Council celebrated Ashfield Eco Kids Festival with a week long program of free activities
- Participated in the Garage Sale Trail with 43 sites registered
- Submitted the Final report for the Sustainability Plan Grant to the Environmental Trust
- Held three successful residential Electronic Waste Collection Days
- The draft Community Gardening Policy is currently on public exhibition
- Submitted the final report to the Environmental Trust on the GreenWay Sustainability Project
- Facilitated 3 workshops of the Treading Lightly Workshop program
- Continued to actively support environmental education programs including Treading lightly, Eco-challenge, E-waste, Garage Sale Trail and Eco kid's festival
- Energy efficiency upgrades were undertaken at the Brown St Car Park
- Held the GreenWay Arts Exhibition and hosted the first GreenWay Hub Day

LIVING SUSTAINABLY

DELIVERY PROGRAM	STATUS	COMMENT
Implementation of the integrated Water Management Plan for Ashfield	↑	The staff Water and Energy Management Group continues to meet in order to further improve energy and water management into the future. Staff undertook lighting upgrades at the Brown Street carpark. List of tasks to be implemented over the 2012/13 year have been extracted from the Integrated Water Management Plan and encompassed into the annual operational plan.
Facilitate creation of Cooks River to Iron Cove GreenWay sustainability project initiative – creating an environmental and active transport corridor. Establish a governance model and determine a model for funding of ongoing maintenance	✓	Ashfield Council is committed at all levels to pursuing the completion of the GreenWay in its entirety and we will continue to advocate strongly for this important community asset. The four participating GreenWay Councils have been engaged in lobbying for recommitment to constructing the path. This quarter included the GreenWay being debated in parliament after a petition containing 10,500 signatures was presented to three of our local members of parliament. Council partnered under the Federal Governments Biodiversity Fund to obtain funding to continue the GreenWay project. The GreenWay Macquarie University Governance Project completed, with a lunchtime presentation on the outcomes of this project being held at Ashfield Council in May 2012. GreenWay Sustainability Project were Finalists in the UNAA World Environment Day Awards Program. The final report on the Governance Project has been received by the GreenWay Project Team and the key findings from this study will be presented to Council next quarter. A Memorandum of Understanding is currently being drafted by our governance partner and will be used to support the financial commitments made by each of the GreenWay Partner Councils. The GreenWay education program has been accredited as a statewide environmental and sustainability program. Council staff have been actively supporting the preparation of the Cooks River Alliance Strategic Plan. The GreenWay Bushcare continued this quarter at Richard Murden Reserve and Cadigal Reserve. Extensive liaison has also occurred with Transport NSW to regain access to the bushcare sites within the rail corridor. A future program for the GreenWay Bushcare has been devised and will see the program continue. A successful GreenWay Arts exhibition was held in June 2012, along with a GreenWay Hub day was held at Lords Road in June as part of the Active Transport Strategy Implementation, cycle courses, GreenWay Information and bling your bike activities were held. The GreenWay volunteer training has been undertaken and the Biodiversity strategy is well developed and will be presented to Council for public exhibition next quarter. The GreenWay website and Facebook page continue to be utilised to promote GreenWay events and the GreenWay newsletter continues to be published in six weekly intervals. The Interpretative Signage project is in its final stages with final artwork currently underway.
Implement Council's Environmental Levy Projects including the installation of rainwater tanks, support of community gardening, facilitation of community workshops and implementation of energy efficiency initiatives	↑	The Treading Lightly Treading Lightly free workshop series – Eco-Living in the Inner West continued to be well attended during fourth quarter with 50 participants attending three workshops. The workshops covered topic including 'How to reduce your bills'; 'the GreenWay Eco History Walk'; and 'Growing Food in small spaces'. Staff have also prepared the calendar of workshops to be held during 2012/13 with planning and advertising taking place in July. Council adopted the draft Community Gardening policy which is currently on public exhibition. Energy efficiencies have been undertaken at the Brown Street carpark, recycling has been introduced at the Aquatic Centre, the Ashfield Bicycle Map has been published and actions have been implemented to improve waste management at Haberfield Library.

LIVING SUSTAINABLY

DELIVERY PROGRAM	STATUS	COMMENT
Install water efficient fixtures within Council Park Amenities	↑	During fourth quarter lighting upgrades were undertaken at the Brown Street carpark. A complete update of the Energy Masterplan was also undertaken as part of the WaSIP requirements. Majority of the parks have the water saving device all park toilets have these devices.
Implement projects to reduce illegal dumping	↑	Staff continue to work on prevention measures including landscaping small areas of land that are often hot spots for illegal dumping. Our Parks Team recently completed a landscaping and beautification project at one of our known illegal dumping hotspots on Carlton Crescent. We have found that caring for small areas of land in this way acts as a real deterrent to illegal dumping at these sites. Prevention through physical barriers is a key action within Councils illegal dumping action plan. Three very successful E-waste collections were undertaken this quarter. Staff are working with SSROC to obtain via tender a permanent service provider for mattress collection and disposal.
Undertake a State of the Environment (SoE) Report	✓	The final State of Environment Report was delivered in conjunction with the annual report.
Undertake a School Education and awareness program on environmental issues including school holiday activities	✓	Council partnered with Ashfield Mall to deliver a week of activities to celebrate the Eco Kids festival during the April school holiday period. This festival continues to be a great success with over 1500 children attending the festivals activities. Transpacific Cleanaway visited 6 schools, educating over 1500 students during the year on waste management and recycling. This excellent program will be continued during 2012/13. The Sustainable Story time program is complete with 4 story times being supported with topics including 'Tapstar Saves Water Show'; 'Mic Conway Rubbish Show'; 'Know Your Rubbish Show' and 'Insektus'.
Coordinating Eco-challenge– a home sustainability program	✓	The Eco Challenge is an initiative which encourages all sorts of households to reduce their impact on the environment through making a few changes in the home and everyday life. The new round of eco-challenge was widely promoted, through local newspapers, the media boards in the Ashfield Mall on Council's website and through the quarterly newsletter and sustainability e-news. This period households completed the 'Energy Savings Challenge'. New challenges will be issued during next quarter with the program ending in November 2012.
Regulation of noise, air, land, water pollution control, feral animals, noxious weeds and exotic flora and fauna	✓	Council officers continue to regularly investigate pollution complaints this quarter included 39 inspections being undertaken. Measures reporting is underway with Planet Footprint to be completed during the next quarter regarding the progress to achieve Council's carbon and water reduction targets.
Promote water sensitive urban design on both public and private land	↑	The Department of Planning and Infrastructure did not agree to sustainability Clauses being included in the draft Local Environment Plan (LEP). However pending review of the National Building Energy Rating Scheme (NABERS) the future Development Control Plan will address sustainability issues in the short term to align with agreed content of Draft LEP and in the longer term will carry out a more comprehensive review to align with the review of NABERS. Staff continue to monitor Councils energy and water performance with such active monitoring enabling the identification of a leak at the Aquatic Centre and subsequent repairs occurring during this quarter.

LIVING SUSTAINABLY

DELIVERY PROGRAM	STATUS	COMMENT
Educate and encourage the community to use alternative transport mechanisms and reduce car use, including car share options, cycling and walking	↑	Council designed, produced, published and distributed the Ashfield Bicycle Map. Staff are currently producing a brief to undertake a bicycle signage audit and study for Ashfield. The Active Transport Strategy and Action Plan continued in this period.
Educate the community on environmental issues to actively encourage the community in working towards environmental sustainability and improved outcomes	✓	Treading Lightly program was well attended with three workshops being held this quarter with 50 participants attending three workshops. The workshops covered topic including 'How to reduce your bills'; 'the GreenWay Eco History Walk'; and 'Growing Food in small spaces'.
Improving provision of domestic and commercial waste, recycling, e-waste and green waste collections	✓	The monthly e-waste collections continue with great success, the recorded numbers for the events held in the fourth quarter include 111 individual car drop offs to the Depot with a total of 9220kg of e-waste material being collected since the collection started in December 2011. Ashfield Council participated in the first national Garage Sale Trail during May. The Garage Sale Trail is a community event aimed at encouraging as many sales as possible on one day. Council provided free packs for Ashfield residents who officially registered on the site. Participants got to make a bit of pocket money and get rid of unwanted items that may otherwise go to landfill as waste. Council determined to undertake additional programs during 2012/13 that will aim to increase the amount of recyclables and food organics from Council's residential waste stream. Recycling Calendars for 2012/13 were distributed to all households.
Develop sustainable objectives for the draft Local Environmental Plan	↑	Sustainability objectives were included in the Draft Principal LEP and incentive clauses were included for Ashfield Town Centre development to achieve "Green" buildings. However the Department of Planning and Infrastructure did not agree to sustainability clauses being included in the plan. Staff will pursue this objective further pending the review of the National Building Energy Rating Scheme.
Ensure that all new buildings, renovation and additions meet high standards of environmental performance and promote adaptive re-use of existing buildings	↑	Council's Clearing House Team is reviewing all Provisional Development Applications with a view to promote accessible and adaptable design for relevant developments, adaptive re-use of existing buildings and water sensitive urban design on both public and private land. In addition where warranted external consultants are engaged to provide comments. With large scale projects referrals are being made to the Sustainable team.
Organise and participate in Clean Up Australia Day, National Recycling Week, Earth Hour, Ride to Work Day and Walk to Work Day	✓	Council actively participated in the Clean Up Australia Day in March at locations including Corner Park Ave and Shepherd Lane Ashfield; Haberfield Rowing Club and Cadigal Reserve, Summer Hill. Ride to Work Day is currently being advertised and Council participated in the National Garage Trail Sale with 43 registrations.



Ashfield Eco Kids Festival



Garage Sale Trail



GreenWay Finalists Award

THRIVING LOCAL ECONOMY

Ashfield Business Leader of the Year Award

The great service which Ashfield LGA's businesses deliver to our community was highlighted at the recent Inner West Local Business Awards, where Ashfield LGA produced 10 Winners. Congratulations to Thomas Jin of Tongli Supermarket on winning the inaugural Ashfield Business Leader of the Year Award.

This year Ashfield Council sponsored the Inner West Local Business Awards and initiated the Award for Ashfield Business Leader of the Year. The Award acknowledges an outstanding Business Leader from Ashfield LGA according to the criteria of business growth, entrepreneurship, innovation and contribution to the local community.

Thomas won from a very competitive field of eight Finalists. He has expanded the Tongli Supermarket group from its initial store in Ashfield to a chain of nine Sydney stores and made many generous contributions of time and money to worthy causes and to the local business community. He is a very worthy Ashfield Business Leader of the Year.

For sustainable success, business people need to be passionate about the value their product or service can deliver. That passion drives the effort, attention to detail and innovation needed to run a modern business, comply with complex regulations and, most importantly, generate and maintain customers. Hearty congratulations also to all the businesses in Ashfield LGA who made the finals and to the Category Winners:

- Youth Award - Jean Paixao, The Kids Patch, Ashfield
- Beauty Services – Paris Pearl Hair & Beauty Lounge, Ashfield
- Cafe – Envy Cafe & Gallery, Summer Hill
- Florist – Lucy's Florist, Summer Hill
- Hairdresser – OZ Hair, Ashfield Mall
- Jewellery Store – Radiant Jewellers, Ashfield Mall
- Restaurant – Taste of Shanghai, Ashfield
- Wedding Services – Nilla Reception Lounge, Ashfield
- New Business – R3 Education Centre, Summer Hill



Deputy Mayor Councillor Lucille McKenna presenting Thomas Jin of Tongli Supermarkets with the inaugural Ashfield Business Leader of the Year Award.

Deliverables in the next Quarter include:

- Participate in Inner West Small Business Expo
- Prepare and deliver 3 Ashfield Feast of Flavours events in the Sydney International Food Festival
- Distribute the fourth edition of Ashfield Business Update to a wide audience
- Support Big Splash Media in production of an Ashfield Dining Guide

Highlights

- Distributed the third edition of the Ashfield Business Update to a wide audience
- Presented the Ashfield Business Leader of the Year Award to Thomas Jin of Tongli Supermarkets and 10 Ashfield Businesses won Inner West Local Business Awards.
- Commenced detailed planning for Ashfield "Feast of Flavours" events
- Engagement of Big Splash Media to conduct feasibility assessment on production of an Ashfield Dining Guide
- Introduction of new Outdoor Dining and Footpath Trading Policy
- Workplace Health & Safety Laws Workshop at Civic Centre Activity Rooms with NSW Workcover and Business Enterprise Centre
- Produced a new Business Bulletin *Ashfield Business Update Vol.3.* for distribution to the local Chamber of Commerce

THRIVING LOCAL ECONOMY

DELIVERY PROGRAM	STATUS	COMMENT
Adopt an Economic Development Strategy for Ashfield	X	The Business Relations and Events Coordinator role is focussed on a role which assists communication and partnerships between Council and local business, Council events in commercial/ business centres and promotion and marketing support for local businesses. It has been determined that the development of an Economic Development Strategy is no longer relevant following Council's decision to establish the new role in August 2011, with a new program of activities presented to Council in March 2012.
Participate in the Sydney International Food Festival program	✓	In conjunction with local business, Council hosted a very successful Ashfield's Feast of Flavours Food Festival during second quarter. This years activities included 3 separate events being 'Ashfield's Taste of Asia', 'Haberfield's Primavera' and 'Summer Hill Grand Food Bazaar'. Ashfield Council and the Ashfield Business Chamber (Ashbiz) were proud to present a third year of Feast of Flavours food festivals attracting thousands of people out onto our 'eat streets' to taste delights served up by our local food retailers. The festival showcased local food retailers serving tasting plates from stalls outside and near their premises and included themed entertainment. Dates have been set for the 2012 Feast of Flavours festivals, (Summer Hill 7 October, Ashfield 12 October and Haberfield 14 October) and detailed planning has commenced. A planning committee of representatives from interested food outlets has been formed to assist promotion and organisation of the events.
Undertake a program of seminars, activities and networking opportunities to assist the skills development of local businesses	✓	This quarter included holding a workshop on new Workplace Health & Safety Laws in the Civic Centre Activity Rooms in partnership with NSW Workcover and Business Enterprise Centre.
Support the Inner West Small Business Expo	✓	The Inner West Small Business Expo was held during second quarter at Homebush. The theme was around i-Business and showcased how small businesses can benefit from the recent developments in social media in particular. The exhibition was larger than previous years with at least twice as many participating. Council publicised the event through its new Business Update Bulletin, Councils website and the Weekly News page of the Inner West Courier. The next Expo will be held on 3 August 2012 and promotion to potential exhibitors and visitors has commenced.
Produce a Dining Guide	↑	Council engaged Big Splash Media to conduct feasibility work to assess the financial viability of producing an Ashfield Dining Guide booklet to be launched at the 2012 Feast of Flavours Festivals. Interest from a potential major sponsor indicates good prospects for proceeding with this project.
Undertake a Business Confidence Survey	X	The third edition of Ashfield Business Update was delivered to about 1000 businesses using email data sourced from the Australian Business Register. The regular Update should provide a vehicle for conducting future Business Survey questions to provide feedback on Council programs and policies impacting business.



THRIVING LOCAL ECONOMY

DELIVERY PROGRAM	STATUS	COMMENT
Provide and support sustainability initiatives with local businesses	↑	No substantial actions this quarter, though discussions with Sustainability and Greenway teams regarding possible collaborations have been held. Ashfield Council's Sustainability team has partnered with Canterbury Council to apply for a grant to provide a sustainable business program in 2013. Staff have also provided advice and support to Ashfield Mall on waste management signage and sustainability programs.
Promote the Business Achiever Awards in conjunction with Ashfield Business Chamber and identify, acknowledge and promote outstanding local businesses	✓	With support of Ashfield Business Chamber, Council sponsored the 2012 Inner West Local Business Awards. Deputy Mayor Lucille McKenna presented the Ashfield Business Leader of the Year Award to Thomas Jin of Tongli Supermarkets. A committee judged Thomas the winner according to criteria of business growth, entrepreneurship, innovation and community contributions. Nine other Ashfield businesses from the Ashfield Local Government Area won awards and 36 were finalists.
Expand and maintain momentum of Ashfield Business Chamber through targeted actions and projects	✓	The Business Relations and Events Coordinator has continued to hold frequent consultations with the Ashfield Business Chamber. The Coordinator has also attended a Croydon Park Chamber of Commerce networking function and held discussions with the Chamber regarding prospects for Council or other agency funding for their activities.
Develop regional partnerships and projects with neighbour Councils, agencies and business for mutual economic benefit	✓	Discussions have been held with Burwood Council and Canterbury Council regarding funding and signage requests from the Croydon Park Chamber of Commerce. The Business Relations and Events Coordinator has worked in collaboration with Strathfield Council and Big Splash Media to seek sponsor funding for a series of Inner West Dining Guides and for Food Festival activities. A training session on new Work Health Safety Laws in partnership with NSW Work Cover and the Business Enterprise Centre was held at the Civic Centre Activity Rooms in June.
Coordinate, expand and promote the business directory website www.ashfieldbusiness.com.au	X	The Ashfield Business Website (www.ashfieldbusiness.com.au) was established and funded by Council as an element in programs run by the previous Economic Development Manager. With the shift in resources endorsed by Council's decision in August 2011 to focus on business liaison and event programs, maintaining the site's content was beyond the resources of the Business Relations and Events Coordinator's role. Ashfield Business Chamber did not take up an offer to run a simplified version of the site. It has therefore been taken off the web and the Business Relations and Events Coordinator and Communications Unit will focus on enhancing the business content on Council's own site.
Develop strategies to support and encourage corner stores in neighbourhoods	X	No specific action was undertaken during this quarter.
Encourage diversity in business enterprises including the creative arts industries	↑	The Business Relations and Events Coordinator assisted establishment of a location agreement between owners of vacant property on Norton St Ashfield and local film producer Rolling Shutter Films to film a "Police SWAT team" raiding the house at dawn.

ATTRACTIVE & LIVELY TOWN CENTRE

Official Opening of Ashfield Civic Centre Activity Rooms

The Governor of New South Wales, Her Excellency Professor Marie Bashir AC CV, officially opened the new Activity Rooms in Ashfield Civic Centre.

Council was honoured that the Governor had agreed to open the new rooms which were a valuable asset for the whole community and would serve as a valuable community resource.

The Civic Centre project was the biggest undertaking of its kind in the history of Ashfield and it is very fitting that the new Activity Rooms are to be opened by the Governor who is patron of hundreds of community organisations and is deeply involved in community events.

Located in the heart of Ashfield, the brand new fully accessible multi-purpose built rooms will provide a much needed meeting space for the community to learn, build new friendships and to participate in civic life.

The facility will help build community participation, bring people together through art and craft groups, musical groups, education and training workshops, and school holiday programs. The rooms have a capacity of up to 130 people and apart from being used for community activities, Council and corporate events, will also be available to hire with discounts for non-profit organisations.

The Opening of the Activity Rooms is the latest phase of the new Civic Centre which has involved years of planning, consultation and decision making, and has provided residents with enhanced facility and improved local services.

In a moving ceremony, Her Excellency unveiled a plaque commemorating the naming of the new Civic Centre Activity Rooms after the four Aboriginal foundation members of Council's Reconciliation Action Plan Working Group: Therese Heffernan; Patricia Blackman; Irene Williams; and Peter Cross.

Her Excellency also unveiled a plaque commemorating the Gateway mural in Brown Street. The mural was painted by well known Aboriginal artist Danny Eastwood. Both these initiatives are part of Council's Reconciliation Action Plan.



The Governor of New South Wales, Her Excellency Professor Marie Bashir AC CV at the opening of the Activity Rooms

Deliverables in the next Quarter include:

- Continue community consultation and road safety education around Liverpool Road precinct
- Select consultants to prepare Public Domain Plan for Ashfield Town Centre
- Raise profile of town centre improvement scheme
- Continue to host an expand the Ashfield CBD and business cultural tours

Highlights

- Council continued to participate in the 'Scores on Doors' pilot program to assist with food safety compliance, along with undertaking a program of regular inspections
- Council endorsed the development of a Town Centre Public domain plan
- Council signed a lease agreement with the Metro Migrant Resource Centre for the use of ground floor space in Civic Centre over the next five years
- Council continued the Pedestrian Road Safety Project 'Save your own Life. Follow the Road Rules' to raise awareness of pedestrian and road safety particularly in the town centre. The project is in conjunction with RTA works to install pedestrian safety fencing in this area
- Council finalised the allocation of the Ashfield Civic Centre activity rooms for the use to various groups
- Ongoing implementation of 'Car Security' project funded by NSW Department of Justice and Attorney General with number plate fitting sessions held and audits of crime hot spots carried out
- New Activity Rooms on upper ground civic centre activated and operational and a leaflet created and distributed about hiring the activity rooms

ATTRACTIVE & LIVELY TOWN CENTRE

DELIVERY PROGRAM	STATUS	COMMENT
Continue regular inspections of food shops and implement regular food safety education programs	✓	Council continues to participate in the 'Scores on Doors' program to assist with food safety compliance, along with undertaking a program of regular inspections. This quarter included 41 inspections of beauty salons, 95 food shop inspections and 2 inspections of boarding houses in the area. Rubbish around CBD is regularly inspected and action taken as appropriate. Staff continue to educate, communicate and enforce the new Food Safety Supervisor Certificate requirements with proprietors of only 20 remaining premises to be certified.
Develop a futures strategy	↑	A project plan was scoped to prepare a Public Domain Plan for Ashfield Town Centre with a report presented to Council outlining the concepts. Meanwhile individual properties are assessed in conjunction with Development Applications to ensure unauthorised structures and any improvements are considered.
In conjunction with the local business community undertake activities to celebrate community festivals in the town centre such as Lunar New Year	✓	Lunar New Year celebrations were successfully conducted in collaboration with Ashfield Mall and Ashfield shopkeepers. A Lion Dance was held in the commercial precinct and the Mayor hosted a reception for community and business leaders. The Merry Month of May program of performances and Eco Kids Festival were held in the Ashfield town centre.
Implement initiatives for graffiti and poster removal and undertake education to business owners	↑	Council continues to remove illegal graffiti from the town centre as a matter of priority with all incidences this quarter being removed within 48 hours of being reported.
Develop a Public Art Strategy reflecting cultural inclusiveness	x	No specific action has been undertaken this quarter to develop a public art strategy, the action has been rescheduled for second quarter of 2012/13.
Link to services for homeless people to ensure they are linked to social support networks	✓	Council staff held meetings with Newtown Neighbourhood Centre Boarding House Outreach Team to further explore options for supporting people who are homeless, risk of homelessness and living in low-cost accommodation. The exercise group held weekly at the Exodus Foundation, Ashfield continues to be well attended. The Disability Employment Program continued to provide ongoing maintenance and planting of planter boxes in the town centre.
Undertake a parking and traffic study that includes the scoping of options for commuter and town centre visitor parking	↑	Council commissioned Lyall Marshall and Associates to prepare the scope for the Ashfield Traffic and Parking Study. The study will identify hot spots, traffic rat runs and demand areas for resident parking schemes. Traffic and Parking Study Scope workshop was held in May 2012 with Councillors and stakeholders and a report has been developed outlining the findings of the preliminary study including a scoping document that includes further studies needed, timeframes and estimated costs.
Promote and activate the use of the new Civic Centre library, youth space, town centre plaza and establish the town hall as a regional activity hub	↑	Council adopted fees and charges for the new activity rooms, produced and distributed a brochure for the use and hire of the activity rooms and undertook an expression of interest for community use of the rooms and made allocations and audio visual equipment for the rooms has been installed. Council has formalised lease arrangements with the Metro Migrant Resource Centre and a Cafe/Bistro on the ground floor of the civic centre. Ashfield Library had over 99,516 loans during this quarter which is up significantly from the previous quarter. The number of new members was 1,176 with Ashfield a close second amongst the SWIFT libraries for number of new members.

ATTRACTIVE & LIVELY TOWN CENTRE

DELIVERY PROGRAM	STATUS	COMMENT
Improve Pedestrian safety around the town centre	↑	The RTA is funding the erection of a fence long Liverpool Road from Murrell Street to Miller Avenue. A Project Officer continues to implement a community education strategy focussed on pedestrian safety along Liverpool Road and Hercules Street in conjunction with the installation of the pedestrian safety fencing in this area.
Engage stakeholders to improve the amenity of the town centre	↑	Council management teams are currently discussing possible actions for improvement of the town centre amenity with the intention of undertaking consultations with business owners and the broader community. A report was presented to Council suggesting a methodology to achieve upgrading of the public domain within the Ashfield Town Centre. Meanwhile individual properties are assessed in conjunction with development applications to ensure unauthorised structures and any improvement are considered and council is vigilant regarding rubbish and graffiti removal around the town centre to assist to maintain a positive visual amenity. Conditions have been imposed on development consents banning air-conditioners above awnings. Shopping Trolley working party convened and meeting with trolley owners held and will reconvene for ongoing work. Regular patrols of area are undertaken including inspections of unsafe awnings and imposition of conditions on Consents.
Promote the town centre Façade Painting project	✓	Council continues to encourage property owners to be involved and take advantage of the town centre Façade Painting project. Further information can be found on Council's webpage on the scheme. Reminder letters have been sent to property owners in the town centre advising availability of incentives. At this stage Council has determined not to provide financial incentives for involvement in the scheme.
Continue to expand and implement Ashfield CBD cultural tours	✓	This quarter included two cultural tours of the Ashfield town centre.
Undertake an awareness program to reduce stealing from motor vehicles	↑	Ongoing implementation of the 'Car Security' project funded by NSW Department of Justice and Attorney General with number plate fitting session continuing to be held and audits of crime hot spots carried out.
Advocate for expanded levels of outreach health services in the new civic centre	✓	The Settlement Grants program provides casework one day per week at the Civic Centre, and also has developed volunteer program for newly arrived migrants. This new service is providing case work to refugees, family stream migrants and dependents of skilled migrants, with assistance provided regarding employment, education, training, volunteering and language skills. Discussions held with Dementia Advisory Service at Croydon Health Centre regarding potential programs which could be conducted at the Civic Centre. Agreement with Area Health Service on Early Childhood Family Centre Hub to be pursued further next quarter. Staff met with Youthblock, a government funded youth health organisation, to discuss the potential for Youthblock to run their program in the Ashfield Youth Centre, with both parties agreeing, in principle, to work together.

Ashfield's Valuable JP Service

Justices of the Peace (JPs) are valuable members of the community. The two main functions of a JP are to witness the signing of documents such as affidavits and statutory declarations and to certify copies of documents. These documents may be required in court proceedings, needed for people to access benefits or to meet their legal responsibilities. All this is done free of charge.

Each month, volunteer JPs from the Ashfield-Burwood Branch provide some 65 services for the general public across eight Community Desks. The three main locations for Ashfield residents are: Ashfield Library: Monday, Tuesday, Wednesday, Saturday (10.00am – 12 noon); Haberfield Library: Monday, (10am – 11am) and Ashfield Mall: (Last Sunday in the month) (1.00pm – 4.00pm).

You don't need any legal qualifications to become JP. You only need to be an Australian citizen, of good character and registered on the electoral role.

If you are interested in becoming a JP, you can pick up an application form at our libraries and Council's Customer Service Centre. You can also find out more about becoming a JP by visiting www.jp.nsw.nsw.gov.au.



- Produce the Workforce Strategic Plan
- Adopt the Equal Employment Opportunity Plan
- Produce a sustainable Motor Vehicle Policy
- Undertake a review of Delegations
- Hold the Local Government Elections in conjunction with the NSW Electoral Commission
- Farewell outgoing Council and prepare Councillor Inductions for incoming Council

- The Governor of New South Wales, Her Excellency Professor Marie Bashir AC CV opened the activity rooms in the Civic Centre, named after four of the foundation members of the Aboriginal Advisory Committee
- Tender process for Civic Centre Stage 3 process undertaken and builder appointed
- Administered 28 Council and committee meetings
- After a period of public exhibition Council adopted the Council Plan 2012 – 2016
- Distributed 8 media releases regarding Council matters and produced and delivered a Community Newsletter to residents
- Adopted a 'Social Media Policy'; 'Community Gardening Policy', currently on public exhibition
- After a period of public consultation and exhibition Council adopted the fees and charges for 2012/13
- Council adopted the Integrated Planning Resourcing Strategy Plans including the Long Term Financial Plan; Asset Management Plans and Workforce Plan
- Finalised restructure of the Corporate and Community Services directorate
- Commenced Authority software upgrade
- Produced a draft Equal Employment Opportunity Plan

ENGAGING & INNOVATIVE LOCAL DEMOCRACY

DELIVERY PROGRAM	STATUS	COMMENT
Undertake regular consultation and engagement with the community	✓	Council continues to consult with and keep the community informed of various issues including traffic and parking changes, the development of the Light Rail and seeking support for the continuation of the GreenWay and its Active Transport Strategy, this quarter included undertaking the GreenWay Sustainability Survey; proposed developments including the McGill St precinct and the Summer Hill flour mills. Extensive communication continues to be undertaken with the community regarding strategic town planning documents. The development of the Draft Local Environment Plan has included an extensive community engagement process with the plan currently on public exhibition. Public consultation/notifications were undertaken for various traffic and parking matters this quarter included Brown Street Bus stop relocation; Lapish Avenue parallel parking and general Traffic Committee resolution items and miscellaneous parking matters. The results of the community satisfaction survey on Council were presented to Council this quarter. Aqua Aerobics Flyers are being distributed at the Aquatic Centre
Complete Council's first Workforce Plan	✓	Completed and Council adopted the Workforce Plan and a draft Workforce strategy has been developed. A total of 14 positions were advertised for recruitment during the quarter.
Prepare an organisation wide Risk Management Plan	✓	Council adopted the Risk Management Policy and procedures. This quarter included reviewing and building upon the Council Risk Register.
Undertake a review of operational and business planning processes encompassing best value practices	↑	This quarter included adopting the 'Council Plan 2012 – 2016' and Operational Plan 2012-13 and reporting on the third quarter review against the Management Plan 2012-16. Council also received a positive report from the independent consultants who undertook the community satisfaction survey to seek feedback on Council operations.
Educate and improve processes for providing information to the community through the Government Information Public Access Act	✓	Council updated the GIPA publication to reflect the new Agency Guide requirement. Council continues to implement initiatives and processes in order to ensure compliance with the Government Information Public Access Act (GIPA) including revising material on council's website. 57 GIPA requests have been responded to this quarter.
Integrate Council's long term financial plan within the corporate planning framework	✓	After a period of consultation including workshops with Councillors a template was developed which identified many of the financial policies which will impact the financial modelling. Council adopted the first Long Term Financial Plan and also as part of the new quarterly budget report a financial model was prepared which ties together Council's budget, long term financial plan and annual financial statements.
Undertake a review of Council's communication mechanisms	↑	Updating of website being undertaken and all publications continually being improved and tweaked to meet Council's Corporate identity. This quarter Council adopted the <i>Social Media Policy</i> and staff are currently researching the possibility of establishing a Councillor information portal. Social media training has been undertaken and an investigation started into a new e-newsletter system which will lay the foundations for new social media.

ENGAGING & INNOVATIVE LOCAL DEMOCRACY

DELIVERY PROGRAM	STATUS	COMMENT
Investigate opportunities for shared services, participation and partnership with SSROC and others	✓	Ashfield continues to be active in several regional project groups such as Swift, RFID and GreenWay. Council continued our partnership with SSROC for the Internal Audit and Strategic Procurement Services. Council continued to actively participate in joint SSROC projects including landfill services tendering process; regional waste audit; asphalt and resurfacing program; management of e-waste through the new Product Stewardship Program. Other local partnerships this quarter have included Mission Australia, Ella Centre, Wesley Youth Outreach to run Youth Zone, Infants Home and HACC services providers to integrate transport and food services in the planning of 'Turning Point Café', a multicultural support group for people with dementia, their families and friends. Council partnered with Ashfield Mall to deliver the Ashfield Eco Festival and Council partnered in two joint funding applications for the Federal Government Biodiversity Fund regarding the GreenWay and the Parramatta River Catchment Area. SSROC Libraries met in May to revise the SSROC Cataloguing and Processing Specifications. This was in response to feedback from suppliers in regard to inconsistencies and difficulties in interpreting sections of the Specifications. A Cooperative Purchasing meeting was with other SSROC libraries to schedule the selecting, collections and budgets for the 12/13 purchasing. A table was devised to decide which libraries would like to be involved; when selecting will take place; the budgets to be allocated; and which suppliers are to be evaluated for each collection. Botany and Ashfield Libraries are going to lead the project. The Co-operative purchasing project has achieved real cost saving benefits. Food Authority and Public Health Unit, working with Local Area Command community safety & drug destruction, SSROC Regulatory Services as well as cooperative approach with other Council's to share information.
Deliver a new Equal Employment Opportunity Plan	✓	Council adopted the Equal Employment Opportunity Plan after the document had undergone a period of staff consultations.
Undertake a Community Customer Service Satisfaction Survey	✓	Council had an independent survey firm conduct a survey to find out what people think about Council's performance across a range of areas from community services to parks and footpaths. The survey findings were reported back to Council with an overall positive result for Council.
Implement the Information Technology Strategic Plan	↑	This quarter included undertaking final testing and configuration of the Library Public PC's; Authority 6 testing for upgrade is well under way and the new server has been built and Civica are in the process of installing the new environments and software. A draft project plan has been written for Council's Information Technology and Information Disaster Recovery Plan and will be reviewed by the Business Continuity Working Party as part of the overall Plan. The review of the multi-function devices will commence once the hardware roll-over has been implemented and any issues resolved. InfoCouncil (Electronic Business Paper) Upgrade completed. 355 calls were received on the IT Helpdesk within this quarter.

ENGAGING & INNOVATIVE LOCAL DEMOCRACY

DELIVERY PROGRAM	STATUS	COMMENT
Undertake a review of Council's policies, plans and procedures	✓	This quarter Council adopted the Community Plan; Council Plan 2012 – 2016; Operational Plan 2012 – 2013; <i>Leasing Policy</i> ; <i>Social Media Policy</i> ; <i>Community Gardening Policy</i> ; <i>Agency Information Guide</i> – updated. Staff also produced the following working draft policies:- <i>Draft Recognition of the Aboriginal Community</i> ; <i>Draft Aboriginal Cultural Recognition</i> ; <i>Draft Charity Street Stalls & Street Collection Policy</i> ; <i>Draft Filming Policy</i> and <i>Draft Commercial & Mobile Street Vending Vehicles Policy</i> . Procedures for all library program areas have been completed and updated as necessary; new library staff training program was created this quarter to improve the learning outcomes. Reviewed the Aquatic Centre Fees and Charges and benchmarked against similar Council Operated facilities. An outline of Council's approach and policy review was presented to a recent meeting of the Internal Audit Committee.
Plan for, develop and train our staff in a range of safety and professional development areas	✓	Corporate development and training this quarter has included ICAC corruption prevention for Managers, Performance Management training; Rewarding Reading training; e-Resources exposed database training at the State Library of NSW, Cultural Awareness training, fire warden and first aid training, pool lifeguard training and computer skills training across a variety of applications. Staff have attended various education and information sessions regarding the changes in planning legislation. Social media training has been undertaken and an investigation started into a new e-newsletter system which will lay the foundations for new social media. A long-term mentoring relationship was established for a female staff member through the LGMA, following an Expression of interest process.
Support and enhance publications and communication with residents	↑	This quarter has included producing 8 media releases regarding Council matters, advertising the weekly column and Mayoral column in the local newspaper. Staff also produced the third quarter review for 2011/12; prepared and delivered the June community newsletter to residents, to provide residents and key stakeholders with a summary of the activities and achievement undertaken by Council. Staff produced and distributed April, May and June editions of Council's monthly publication, 'Spl@sh' to inform staff about operational news, events and staff related news and issues and managed Council's website content with regular updates. Other reporting to the community has included producing the Public Interest Disclosures 6 monthly report and adopting the Community Plan; Council Plan 2012 – 2016 and Operational Plan 2012/13.
Develop, support and maintain information technology systems to assist the community access and monitor DA processing, pay rates on-line and undertake customer requests	↑	AAPT has completed its work with upgrading Haberfield Library to the new AAPT 10mb internet service. Relocated SIP phone system from Depot to Library giving them a digital portable phone system. Quotes have been sought for the provision of Council's mobile phone fleet while SSROC are working on their proposal to the group. A project plan has been produced regarding Disaster Recovery for IT Infrastructure and an organisational hardware roll-over is complete.

ENGAGING & INNOVATIVE LOCAL DEMOCRACY

DELIVERY PROGRAM	STATUS	COMMENT
Council to show policy or advocacy leadership on issues impacting on and of concern to the community	↑	Ashfield Council is committed at all levels to pursuing the completion of the GreenWay in its entirety and we will continue to advocate strongly for this important community asset. The four participating GreenWay Councils continue to be engaged in lobbying for recommitment to constructing the path and the GreenWay. Council also determined to oppose coal seam gas exploration and mining until it can be proved to be sustainable and not interfere with aquifers. We also resolved to call on the Premier of NSW to ban Coal Seam Gas Mining and Exploration entirely in the Sydney basin and to write to our local members of parliament seeking support for Council's position. Ashfield will now join other Councils in NSW in campaigning on this matter and will be vigilant in scrutinizing the environmental protection measures and community consultation process to be put in place by the NSW government. Various committees of Council met this quarter to discuss a range of issues and strategic priorities. Staff continue to liaise with the community regarding the improvement of pedestrian safety in the Ashfield town centre. Council has continued to keep the community educated and informed of Safe Food Handling management, Swimming Pool Safety and Fencing and run a local campaign on Road Safety Rules. Ashfield Council recently resolved to ask the Federal Minister for Infrastructure and Transport to instruct Air Services Australia to meet the agreed noise sharing targets contained in the Long Term Operation Plan (LTOP) for Sydney airport. Council has determined with respect to the ongoing debate around a second airport for Sydney that this alternative should not be secondary to the existing airport but replace it. Given the impact on residents living under the flight paths, it is Council's position that the new airport should be outside the Sydney basin away from heavily populated areas and linked to the city via a high speed rail link. Council has also made submissions to the Department of Planning and Infrastructure regarding the ongoing review of planning legislation.
Continue the Internal Audit Program	✓	The Internal Audit committee adopted an action plan following 'The integrity of the electronic document management system' audit has resulted in the review and updating of various working draft policies created including the establishment of a Business Continuity Working Group. The audit undertaken of the 'review of management of leases' has resulted in the development and adoption of a 'leasing policy'. The Governance Fraud & Corruption Audit this quarter has involved the updating of the GIPA Publication Guide – now known as the Agency Information Guide and creating a corporate calendar with reminders for Strategic Tasks.
Implement an integrated Complaints Management Policy	↑	A draft Complaints Management Policy has been produced and is currently undergoing internal consultation. It is anticipated that the policy will seek Council adoption during the next quarter.

Subject **SUNDRY GRANTS - REQUESTS TO COUNCIL FOR FINANCIAL ASSISTANCE**

File Ref Financial Assistance - Grants from Council

Prepared by Gerard Howard - Team Leader Community Services

Reasons To respond to requests for financial assistance

Overview of Report

This report provides Council with information on recent requests for financial assistance.

Background

Council has received requests for financial assistance or sponsorship from two local residents and a request from De La Salle College, Ashfield.

1. Applicant One (1) has requested financial assistance to attend the 2012 National Student Leadership Forum on faith and values hosted by the Australian Parliament.
2. Applicant Two (2) has requested financial assistance from Council to attend the National Youth Science Forum in Perth in early 2013.
3. De La Salle College Ashfield has written to Council seeking assistance towards a Walkathon on 31st August to help raise funds for education equipment.

Under Council's adopted procedures for determining 'sundry' requests for financial assistance from organisations and individuals, Council can consider applications for financial assistance from individuals and groups/organisations in the following categories:

- a) Individual residents living in the Ashfield Council area. Residents must provide proof of residency with their application.
- b) Locally based groups, teams and organisations, requiring assistance for projects and activities for the benefit of residents of Ashfield Municipality. Such organisations must be located in the Municipality of Ashfield or provide benefits for a significant proportion of the residents; and established as not-for-profit, community based and/or charitable organisations (i.e. not commercial or profit-driven entities, including registered clubs).
- c) Other groups and organisations requiring assistance for humanitarian or community concerns consistent with Council's social and/or other policies.

Preference for funding will generally be given to groups/organisations with limited sources of funding or fund-raising. In cases where individuals and teams apply for assistance they should provide support documentation from their club or association and peak body.

Council may consider applications or proposals involving financial assistance of the following nature:

- An initiative which strengthens formal and informal support networks, reduces isolation and increases community participation and opportunities especially for people with the greatest need.
- A special event servicing the local community, which is not provided for in Council's events programs.
- Establishment of a new service where no other source of funding exists
- State or national representation in chosen field, including academic, cultural, artistic and sporting endeavours, where people require financial assistance to attend or compete.
- A team or individual from a disadvantaged background in pursuit of a unique cultural, academic or sporting experience and which will produce considerable social capital for those involved.
- Requests for use of Council facilities, which involve either waiving of charges or reduction of fees and charges at a level below the scheduled amounts in Council's Annual Management Plan Fees and Charges.
- Donations towards humanitarian or community concerns consistent with Council's social and/or other policies.

Applications for a Sundry Grant will not be considered in cases where they:

- Are eligible to apply for an Ashfield Council Community Grant or have already been granted assistance from another Council assistance program.
- Will gain a personal financial benefit from the grant.

Current Requests

All requests which have been received are worthy endeavours. In the case of the request for assistance from Applicant One, it is considered to be consistent with a "State or national representation in chosen field, including academic, cultural, artistic and sporting endeavours, where people require financial assistance to attend or compete". The National Student Leadership Forum is the initiative of Members and Senators of the Federal Parliament, supported by business and community leaders. The cost to each student in attending is \$1,050 and a donation from Council of \$300 would seem in order.

The request for assistance from Applicant Two is also consistent with a "State or national representation in chosen field, including academic, cultural, artistic and sporting endeavours, where people require financial assistance to attend or compete". Ms Chandra has been selected to attend the National Youth Science Forum in Perth on 26 January, 2013 and needs to raise a further \$1,695 to attend.

The correspondence indicates that 432 students were selected from nearly 2000 applicants around Australia. Applicant Two has also outlined her particular circumstances and the associated financial implications. With this in mind, along with the local voluntary contribution at the Exodus Foundation she has outlined, it is considered that a donation from Council of \$600 is warranted.

In the case of the request from De La Salle College, it can be seen to be consistent with “a special event servicing the local community, which is not provided for in Council’s events programs”. The Walkathon also serves to strengthen and build the capacity of a local school. Therefore, a Sundry grant donation from Council of \$200 to the school would seem reasonable on this occasion.

Financial Implications

Sundry donations such as those recommended in this report will be sourced from available funds within the existing Councillors’ Donations vote. There is currently \$15,000 remaining within this vote.

Other Staff Comments

Nil

Public Consultation

N/A

Conclusion

Council regularly receives requests for financial assistance. On this occasion three requests have been received and each is recommended for some level of support.

ATTACHMENTS

- | | | |
|---------------------|--|---------|
| Attachment 1 | Applicant One - Sundry Grants - - CONFIDENTIAL ATTACHMENT - Confidential - <i>It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that personnel matters concerning particular individuals.</i> | 3 Pages |
| Attachment 2 | Applicant Two - Sundry Grants - - CONFIDENTIAL ATTACHMENT - Confidential - <i>It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that personnel matters concerning particular individuals.</i> | 2 Pages |
| Attachment 3 | De La Salle College - Sundry Grants | 1 Page |

RECOMMENDATION

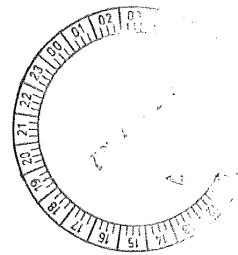
- 1/4 That Council note the information contained in the report.**
- 2/4 That Council provides \$300 to Applicant One to assist with her attending the National Student Leadership Forum.**
- 3/4 That Council provide \$600 to Applicant Two to assist with her attending the National Youth Science Forum in Perth.**
- 4/4 That Council provide \$200 to De Le Salle Ashfield to assist with the August Walkathon Fundraiser.**

NELLETT KETTLE
Director Corporate & Community Services



2 August 2012

Ashfield Council
PO Box 1145
ASHFIELD NSW 1800



To Whom It May Concern

RE: DE LA SALLE COLLEGE – WALKATHON FUNDRAISER


The College is committed to providing an education for young men in year 7 – 12, that is built on a 300 year old Lasallian Tradition, an education that is academically rigorous, spiritually challenging and physically exciting. We believe that this education develops young boys into men of action, integrity, compassion and self-discipline.

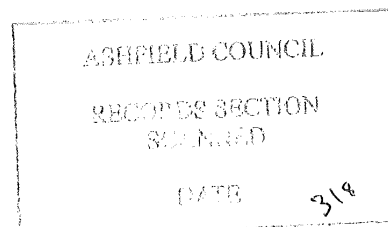
A Walkathon is being held on Friday, 31 August 2012 to help raise funds to assist the College in purchasing further Education equipment for the College.

The students of the College obtain sponsorship by asking family and friends to sponsor them for this walk. The College is asking you to assist in this fundraising event by a donation of goods or services to be used as prizes or a monetary donation to help fund the required resources for the students.

Thanking you in anticipation.

Kind regards


Michael Barrington
Principal



Educating young men of faith, action and compassion since 1916

Subject	NSW PLANNING SYSTEM GREEN PAPER
File Ref	GREEN PAPER
Prepared by	Ron Sim - Manager Strategic Planning & Projects
Reasons	Inform Council of important exhibited legislative proposals affecting the NSW Planning System and suggest a Council response.
Objective	Provide constructive comment that will assist the ongoing legislative review process prior to closing date of exhibition (14 September 2012).

Overview of Report

The purpose of this report is to outline the NSW Government's proposals for the comprehensive reform of the State's planning system and elicit a response from Council.

1.0 Background

As recently reported in the media, the key thrust of the Green Paper (see *Paper at Attachment 1* and *FAQ's for Councils at Attachment 2*) is a new focus on up-front strategic land use planning, coupled with a more streamlined development approval process for individual projects. However, the Green Paper also contains a number of specific proposals that will be significant to landowners and developers. This report summarises the big picture, as well as some of the specific measures that will have ramifications for property development.

2.0 Synopsis

Legislative milestones

The Green Paper proposes the following:

- a White Paper (a final set of broad policy proposals) and draft legislation will be released before the end of 2012.
- legislation will pass through State parliament in the first half of 2013.
- the Metropolitan Plan for Sydney and the eight sub-regional strategies (including one for the inner west) will be replaced with a new metropolitan growth strategy and regional growth strategies.
- within two years of the finalisation of the relevant growth strategy, subregional delivery plans be prepared for areas within Sydney, and other areas of change. These documents will be subject to new, comprehensive levels of community consultation.

Key Objectives

The high-level objectives of the new planning system are to be: simple, certain, transparent, efficient, effective, integrated and responsive.

The Green Paper consistently emphasises the need to ensure that:

- there is flexibility to respond to change
- markets are competitive; and
- market demand is able to be satisfied.

Public Participation

The Green Paper suggests participation by the public at an earlier stage of the planning process when strategic planning for development is taking place. The methods by which the planning system will enable this are by a series of changes, which notably include the implementation of a *Public Participation Charter* and better access to the planning process through e-technology. The Public Participation Charter is slated to be an "integral part of the planning system" to encourage community participation when deciding how and where development is going to take place.

Subregional delivery plans

Significant reforms are linked to the preparation of new subregional delivery plans for areas likely to experience growth, including all of Sydney. Subregional delivery plans will be the principal planning tool for effecting land use change and for the setting of development parameters and criteria within a region. It is intended that the most decisions about transport capacity and patterns of infill and Greenfield development will be made at the subregional planning level.

Subregional delivery plans will be prepared for a *group* of local councils. Sub-regional boundaries have not yet been specified. Responsibility for overseeing the preparation will be given to a regional planning board composed of public servants representing the relevant local councils and state government agencies. The Department of Planning and Infrastructure will provide support services - although local councils will also play an important role. It is subregional delivery plans that will apportion housing, employment and retail targets across local government areas (not the metropolitan-wide strategy as is currently the case).

The subregional delivery plans will include:

- a series of "sectoral strategies" on subjects such as housing, employment, retail, environment, etc
- growth infrastructure plans which will detail the state government's infrastructure commitments to support the anticipated growth.

Unlike previous subregional strategies there will be little or no lag time between the finalisation of subregional delivery plans and the rezoning of land. The finalised subregional delivery plans will, themselves, directly rezone high priority growth areas, including urban release areas.

The Green Paper anticipates that subregional strategies will be finalised within two years of the relevant metropolitan/regional growth strategy. If it is assumed that Sydney's metropolitan growth strategy is finalised at the end of 2012, the new subregional delivery plans are expected to be completed by the end of 2014. However, there is no guarantee that this will happen if, for example, councils and government officials cannot reach an agreement on the plan.

In this context, it is worth noting that subregional delivery plans are intended to simultaneously:

- be informed by a consideration of the economic and market drivers of investment;
- reflect home buyer and business preferences
- be based on an understanding of financial feasibility
- provide a genuine opportunity for communities to shape the growth of their local areas; and
- “empower” councils.

Local land use plans to replace LEP's and DCP's

The existing system of local environmental plans and development control plans will be **replaced** by new “local land use plans”, once the subregional delivery plans have been finalised.

These local land use plans will have four parts:

- **Part A** - A “clear, simple plain English” explanation of what the plan is trying to do.
- **Part B** - A spatial land use plan, which will zone land, in accordance with a “more flexible” standard instrument.
- **Part C** - An outline of local, regional and state infrastructure to be provided to support development.
- **Part D** - Development guidelines and performance measures.

Strategic Planning Emphasis

The Green Paper emphasises strategic planning as a cornerstone of the new planning system. This will be reflected in a new, upfront planning regime which will involve community members at an early stage. Communities will be able to decide and comment on the types of development considered appropriate in an area at the initial stages of drafting a strategic plan.

However, once the strategic plan has been decided, it will be a green light for development in areas agreed upon in the strategic planning stages similar to current Housing and Commercial Codes.

Parts B and D are the portions of the plan that will be most relevant to the statutory planning process (they will replace existing local environmental plans and development control plans).

In this regard the Green Paper strongly criticises the existing system of development standards and development control plans which it sees as rigid and inflexible. Of the new system it says that “guidelines should facilitate outcomes desirable to the market, not dictate solutions that preclude choice and flexibility”.

It also says that development guidelines will focus on performance based outcomes and will not merely be a compendium of rules. Under the new plans, development guidelines may contain prescriptive standards where those provisions are ‘deemed to satisfy’ a performance based outcome. If a proposal complies with either a prescriptive standard in a guideline - or is an acceptable alternative solution - then the proposal will get a tick on that issue.

The Green Paper says that the zoning framework in the new planning system will contain greater flexibility to provide for a broader range of uses within a given zone. This approach will allow a larger number of compatible land uses to be undertaken in a particular area with limited regulatory requirements, while segregating out those activities that are truly incompatible.

Three new zones are proposed. Namely:

- An “enterprise zone” - which is about employment-related development, but also could provide opportunities for mixed use housing investment. These are intended to have little, if any, development controls, provided there are no significant adverse environmental impacts.
- A “suburban character zone” - which appears to be a more restrictive version of the current Standard Instrument’s “Zone R2 Low Density Residential”. It is likely that this new zone will largely replace the R2 zone (and its equivalents).
- A “future urban release area zone” – is about formally designating land for future Greenfield development when state and local governments are not ready to deliver the necessary infrastructure.

Other overall major structural changes proposed to all levels of the current planning take the following form:

- NSW Planning Policies (State Government) – NSW Planning Policies will replace State Environmental Planning Policies (SEPPs) and 117 Directions, which currently number upwards of 48 documents on areas including housing supply and affordability, employment, biodiversity conservation,

retail development, coastal management and regional development, and reduce the volume of policy documents to between 10 and 12.

- Metropolitan/Regional Growth Plans (State Government) – including the current Metropolitan Plan for Sydney will be drafted for regional areas in NSW and focus on integration.
- Subregional Delivery Plans (Regional Boards) – to be prepared in partnership with Local Government, state agencies and stakeholders.
- Local Land Use Plans (Local Councils) – to replace Local Environmental Plans (see above).
- New Zones – to divide areas into different development opportunities.

Different levels of government will be responsible for devising and implementing the above strategies and policies.

New **governance initiatives** including a Chief Executive Officer's Group, Regional Planning Boards, mandatory performance monitoring and organisational reform are all proposed to deliver the above structural changes.

Integrated Infrastructure Planning

The Green Paper proposes to implement **Growth Infrastructure Plans** which will integrate land use, infrastructure and transport planning. Within this system, the Green Paper outlines plans to minimise or repeal the use of Voluntary Planning Agreements and substitute a new, fairer and simplified system for infrastructure contributions that will aim to support housing areas with rapid growth. The cost of infrastructure will be borne by both government and private industry through a system of levies. These levies have been an aspect of the paper which has been publicised fairly heavily, particularly with Councils or consent authorities which for the purpose of the authority's own fiscal considerations. The Green Paper proposes to abolish "hoarding" or "banking" of infrastructure levies by public authorities and establish a fairer, simpler and more affordable system for infrastructure contributions.

Some general principles are articulated and an option is floated with three levels of infrastructure contribution as follows:

- local infrastructure identified in a plan – limited to local roads, local drainage works and land for community facilities (not land for open space or drainage);
- a fixed levy per residential development (both in Greenfield and infill) to fund the acquisition of:
 - land for local and regional open space
 - land for local and regional drainage; and

- biodiversity offsets.

- a regional infrastructure contribution for new and upgraded regional roads, land for health and education and emergency service facilities.

Strategic compliance

The Green Paper acknowledges that there will be a lag between the introduction of the metropolitan/regional growth plans and the finalisation of subregional delivery plans. This lag could be lengthy if, for example, a regional planning board struggles to agree on a subregional delivery plan. Any delay in the finalisation of the subregional delivery strategy, will also delay the new local land use plans. The paper addresses this problem by proposing a new “strategic compatibility certificate”.

It is stated this will enable good development that implements metropolitan or regional strategies to be considered straight away, before the local land use plan catches up.

Applications for a strategic compatibility certificate will be made to the Director-General of the Department of Planning and Infrastructure. If granted, the certificate will authorise the assessment of a strategy-consistent development proposal, where the provisions of the existing local plan prevent the implementation of the strategy. If dissatisfied with the decision that the Director-General makes in response to such an application, the applicant, or Council will be able to seek a review of that decision from the relevant Joint Regional Planning Panel.

Demand and needs assessment

According to the Green Paper, the planning system should facilitate investment and development and if a proponent is willing to invest in a proposal then that is the measure of whether a proposal is viable within the market. As a result, the Green Paper proposes that, if a particular land use is allowed under the zone, a consent authority should not be allowed to refuse an application on the grounds of competition.

Reviews of spot rezoning decisions

The Green Paper recognises that the proposed reforms will not eliminate the need for spot rezoning. It also proposes more accountability for decision-makers who are dealing with spot rezoning.

As a consequence, the Green Paper supports:

- **Pre-gateway reviews of rezoning applications** - may be requested by a proponent because a local council refuses or delays preparation of a planning proposal. Subject to meeting strict eligibility requirements, including consistency with strategies, the pre-gateway review would be undertaken by the relevant Joint Regional Planning Panel.

If the proposal is considered to have merit, it would proceed to the Department of Planning and Infrastructure for a gateway determination.

- **Gateway reviews of rezoning applications** - would apply where the proponent or the Council do not agree with the Gateway determination. Gateway reviews may be requested by a council or proponent following a gateway determination, but before community consultation on the planning proposal has commenced. In these instances, planning proposals would be reviewed by the Director-General of the Department with advice from the Planning Assessment Commission.

Site compatibility certificates

At present, site compatibility certificates are commonly used in relation to seniors housing. Under the proposed reforms, there will be a new ability for local councils to seek a review by a Joint Regional Planning Panel of any Departmental decisions to issue a site compatibility certificate.

Streamlining Development Approvals

The Green Paper proposes an overhaul of development assessment and compliance as follows:

Independent expert decision-making

The stated aim is to “depoliticise decision making”: allowing independent and expert panels to make decisions on development applications. The Planning Assessment Commission (PAC) and the Joint Regional Planning Panel (JRPP) will continue to assess State and regional-scale development. The Green Paper proposes bringing JRPPs into the assessment process more by:

- involving JRPPs in pre-lodgement meetings;
- allowing both the council and the applicant to regularly brief the JRPP;
- considering the provision of dedicated staff to JRPPs.

Local government will be part of the planning process in the making of Regional Growth Plans, Local Land Use Plans and Subregional Delivery Plans and as part of Regional Planning Boards. It is also going to be part of the assessment process of State Significant Development and Priority Infrastructure Projects as well as retaining its role as the consent authority for merit assessment of development and merit related issues.

However, all Councils will be encouraged to follow the lead of some 11 councils who have already implemented independent expert panels with delegated authority to determine development applications to ensure a faster turnaround for planning decisions. The panels would be comprised of planning experts, architects, scientists and lay residents and is lauded as “key to depoliticising the planning process”.

A significant change is proposed for the existing system of local council reviews of decisions concerning development applications and modification applications (known as “section 82A” reviews and “section 96AB” reviews respectively). Many applicants have no confidence in a process where Council is merely asked to review its own decision. Presumably that is why, when development applications are refused, applicants often proceed direct to the Land and Environment Court and ignore the option of having a local council conduct an internal review.

The Green Paper proposes a change, so that where a decision:

- was made by an elected council - the joint regional planning panels will now conduct the review; and
- where a decision was made by council staff under delegation – a mechanism to be established where senior staff of the adjoining council(s) undertake the review or there will be a small appeals tribunal similar to the City of Sydney model.

Existing appeal rights to the Land and Environment Court are to be retained.

This will give applicants greater choice in how they respond to adverse decisions. It will allow them to go through a more cost-effective review administrative process, rather than rushing off straight to Court.

There will continue to be no review mechanism for decisions initially made by a joint regional planning panels or the Planning Assessment Commission (other than the traditional right of appeal to the Land and Environment Court).

Joint regional planning panels

There will be a greater capacity for the panels to be engaged in the assessment process early on, including in pre and post development application meetings with applicants. Consideration is to be given to providing Joint Regional Planning Panels with their own dedicated staff to assist with the assessment and determination process.

Expansion of Code assessable development

There will be a new system of code assessable development. This form of assessment will be triggered either via the subregional delivery plans/local land use plans or via the grant of a concept (stage 1) development consent.

The new system mandates the approval of development applications for apartments, office buildings and shopping centres when they fully comply with the requirements of the relevant plan or concept (stage 1) development consent.

For developments of this scale the approval authority will be the local council or the joint regional planning panel. The approval must be given within pre-set timeframes. Sitting alongside that system will be a merit assessment stream.

Development that does not reflect the building envelopes and agreed land uses set out in a subregional delivery plan may still be approved against the strategic objectives of the plan. This might occur, for example, if market conditions have changed and the prescribed envelopes and land uses are no longer appropriate for desired development outcomes. This form of merit assessment stream is different to current “SEPP 1” variations. The current SEPP 1 does not apply to prohibitions (only development standards), and changes in market conditions are rarely accepted as grounds for a SEPP 1 variation.

A development that partially satisfies the code will be code-assessed on the compliant component of the development and subject to a limited merit assessment on the non-compliant portion.

Consent conditions

Under the new system, development consent conditions must be clear, reasonable, cost effective and proportionate in addressing the assessment issue. They will not be allowed to duplicate other conditions or matters that are dealt with through building certification. They will only be imposed to ensure that the development is actually carried out as proposed and to mitigate unacceptable adverse impacts of the proposed development.

The Government says it will establish clear principles about the types of development consent conditions that are appropriate, ensuring that they do not duplicate other regulatory requirements and facilitate the development of standard conditions, possibly on a regional basis so that there is consistency across Councils.

Removing duplication between the different stages of the development approval process

The government is proposing to constrain development assessment, so that it does not attempt to duplicate other parts of the process. This means, when assessing development applications, consent authorities cannot raise or pursue matters that can be adequately dealt with in the construction certificate stage.

Similarly, when development applications are *staged*, matters dealt with in a concept (Stage 1) development consent will not be able to be revisited by a consent authority in its assessment of subsequent applications. Likewise, the scope of the assessment for a Stage 1 consent will not be able to intrude into matters that can be adequately addressed in the subsequent applications.

State significant development

The considerations that the Planning Assessment Commission needs to take into account when dealing with state significant development will be broadened beyond just local issues, to embrace state and regional impacts (noting that “impacts” can be positive, as well as negative).

Reforms are also proposed to ensure that the Planning Assessment Commission does not develop its own planning policies, but, where more general issues arise, turns to the Minister and Director-General for input.

Similarly the State Government's planning principles would need to be taken into account by the Commission as they "provide a better strategic framework in which to assess proposals, rather than that provided by purely local land use plans".

The Green Paper flags that the government will consider a recommendation by Tim Moore and Ron Dyer (who conducted the independent review) to extend the scope of the State Significant Development stream to include:

1. projects of a retail and/or commercial nature of a project value of \$75 million and:
2. residential developments with a planned yield of 500 dwellings or more (including staged development underpinned by concept plans or master planning to such an anticipated yield).

However, the government's response on this point will only be determined following a consideration of community submissions. The Green Paper also proposes that consultants preparing environmental impact statements will need to be chosen from an accredited panel.

Voluntary planning agreements

Voluntary planning agreements are to be phased out or "significantly modernised" and simplified. The Green Paper says the intention of such agreements is for them to be linked to larger precinct developments. The paper also proposes clear minimum benchmarks for voluntary planning agreements, including defined negotiations time frames and a greater use of in-kind contributions.

3.0 Implications of the prospective legislation for Ashfield Council

It is clear that the current planning system is overly complex and bureaucratic. However, precise details of how the proposed changes will be implemented are not yet available in the Green Paper. It is evident that there is move towards significant change and this will affect all stakeholders including developers, local government and community interest groups.

It is fair to say that that:

- The proposed new planning system gives priority to making the process more streamlined and efficient for developers;
- Local government, currently the main approval authority, will take on a significantly reduced role in the planning process and JRPP's/private certifiers will have a correspondingly increased role. There will also be more "State Significant" developments dealt with by the State Government .

- A Code based assessment system may result in “bland” development and adverse outcomes for neighbouring properties if design requirements are absent in the Codes. The current complying development housing codes do not address design because by their very nature they must rely on simplistic numerical development standards that can be easily measured. This is an inherent flaw of a “Codes” approach and exists because good design is impossible to quantify. Large developments need to meet high standards of urban design and it is difficult to see how a codes based assessment system will achieve this.
- The move towards greater code based assessment is of some concern in circumstances where private certifiers rather than Council deal with the application. The current building industry accountability structure is arguably dysfunctional and lacking in force. The Green Paper also does not deal with the problems associated with enforcement when development is not carried out in accordance with a consent.
- Local communities and interest groups, including environmental groups, may be critical of the lack of emphasis on urban design, sustainability and the protection of social and environmental outcomes. Whether current environmental law will be able to adequately address this perceived gap may be a matter for comment before the final White Paper is released.

References:

- i) DOP&I web site >> <http://www.planning.nsw.gov.au/a-new-planning-system-for-nsw>
- ii) Gagens Lawyers.
- iii) Lindsay Taylor lawyers.

Financial Implications

N/A.

Other Staff Comments

This report was peer reviewed.

Public Consultation

Being undertaken by State Government- closing date for comments 14 September 2012.

4.0 Conclusion

The Green Paper focuses on a streamlined and efficient planning system to ensure a delivery culture for new development proposals and aims to depoliticise the planning process. There seems to be a preferred further shift to a “tick the box” code complying development once strategic plans have been prepared. The new planning system would ostensibly be simpler and clearer for developers when undertaking the planning process and decisions are more likely to be arbitrated by independent panels rather than local government.

The jury is out concerning the quality of development that will result and whether the community will feel it is adequately consulted and have a fair say in decision making. Further details will be released in the upcoming White Paper and Exposure Bill before planning laws are altered and a new planning system implemented.

A further report will be prepared once more detail is known through the white paper process.

ATTACHMENTS

Attachment 1	NSW PLANNING SYSTEM REVIEW GREEN PAPER	91 Pages
Attachment 2	FREQUENTLY ASKED QUESTIONS FOR COUNCILS	5 Pages

RECOMMENDATION

- 1/2 That the State Government be commended for initiating a comprehensive review of the NSW Planning System.**
- 2/2. That Council advise the State Government prior to the close of the public exhibition period on 14 September 2012 that any legislative review needs to address the following:**
- i. Retain a meaningful role for local communities through their Councillors to be involved in the development assessment and decision making process.**
 - ii. Incorporate mechanisms to ensure the community is adequately consulted and represented in the strategic plan making process and that this process needs to be the subject of further discussion with local government.**
 - iii. Code based assessment systems only be Implemented if they can achieve good urban design outcomes and incorporate detail design controls agreed to by the community “upfront” as distinct from purely numerical standards.**
 - iv. Ensure that Code based assessment processes for substantial developments should only be undertaken by suitably experienced qualified professionals who have a sound appreciation of urban design issues.**
 - v. Allow applications for substantial developments to be determined by Council but subject to referral to a Joint Regional Planning Panel where refusal of the application is proposed by Council and prior to final determination.**
 - vi. Ensure determination of State Significant proposals adequately considers environmental impacts at the local level and that local Council representation on panels convened to assess such proposals is desirable to provide a balanced approach to decision-making.**
 - vii. Require reviews of rezoning decisions to be subject to a rigorous assessment process to ensure that medium and longer strategic land use planning objectives previously agreed with the community are not fragmented or compromised for short term expediency.**
 - viii. Reconsider proposals to establish an “enterprise zone” which does not have meaningful planning controls and apply appropriate development standards to ensure that good standards of urban design are achieved and adverse environmental impacts avoided.**

JULY 2012

A NEW PLANNING SYSTEM FOR NSW GREEN PAPER





A NEW PLANNING SYSTEM FOR NSW GREEN PAPER

July 2012

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HAVE YOUR SAY

The Green Paper will be on public exhibition until Friday 14 September 2012 and submissions and feedback are encouraged.

www.planning.nsw.gov.au

MINISTER'S FOREWORD

Overhauling the entire NSW planning system



The NSW Government is creating a planning system for the 21st century. A planning system focussed on the public interest. A planning system that places people and their choices at the heart of planning decisions about their future.

The release of this NSW Government *Green Paper—A New Planning System for New South Wales*, is a bold step in the development of a new planning system for the State.

The *Green Paper* responds to and builds on the work undertaken by The Hon Tim Moore and the Hon Ron Dyer of the Independent Planning System Review and their report, *The Way Ahead for Planning in New South Wales*. I thank the Independent Panel for their detailed and comprehensive examination of the current planning system, and their recommendations for reform.

When it was first introduced, the *Environmental Planning and Assessment Act 1979* was reforming and innovative planning legislation. Over the past 30 years, the Act has been amended over 150 times in an effort to keep up with community expectations and changes in economic conditions.

Unfortunately, the system has become complex and legalistic, focussed heavily on process and not on the outcomes that users of the system are seeking to achieve. Comprehensive reform is needed.

From managing our strategic agricultural land to reserving land for biodiversity and to developing our urban renewal sites, the planning system must work effectively and efficiently for all users.

The new planning system must support the Government's priority to facilitate NSW being the number one choice for business investment, enable the sustainable growth of our cities and towns as great places to live and ensure that planning and environmental outcomes reflect the expectations of the community.

Our focus will be on good upfront strategic land use planning and removing the red tape from development assessment.

The Government is placing community participation at the forefront of planning policy and I encourage you to have your say on the Green Paper.

Following community and industry feedback on the Green Paper, the Government will be releasing a White Paper/draft legislation later this year which will invite further community input.

In early 2013 it is the Government's intention to present the new legislation to the NSW Parliament.

Finally, thank you to all the community who have helped the Government to this point in developing a new, strategic approach to planning.

The Hon Brad Hazzard MP

MINISTER FOR PLANNING AND INFRASTRUCTURE
MINISTER ASSISTING THE PREMIER ON
INFRASTRUCTURE NSW

OVERVIEW

The NSW Government is proposing transformative changes to the planning system in NSW with a significant shift to a more strategic and streamlined system that facilitates economic growth and upfront community participation.

The transformative changes will move us from an overly regulated and prescriptive system to a simpler, strategic and more flexible performance based system. The new planning system will be based on transparency in process and decision making. The new planning system will deliver sustainable outcomes and improve people's quality of life.

Blueprint for change

The NSW Government's blueprint for change to the planning system is based around four fundamental reforms:

- **Community Participation**

The major shift in the new planning system is to engage communities as an integral part of making key planning decisions that will affect the growth of their communities.

- **Strategic Focus**

A major shift to evidence based strategic planning in terms of planning effort, community and stakeholder engagement and decision making.

- **Streamlined Approval**

A shift to a performance based system in which duplicative layers of assessment have been removed, decisions are fast and transparent, and code complying development is maximised.

- **Provision of Infrastructure**

A genuine integration of planning for infrastructure with the strategic planning of land use so that infrastructure that supports growth is funded and delivered.

The achievement of these four fundamental reforms will necessitate substantial operational and cultural changes for planning practitioners at all levels. Therefore, an additional component of the 'blueprint for change' will be an increased focus on delivery and the creation of a more facilitative planning culture.

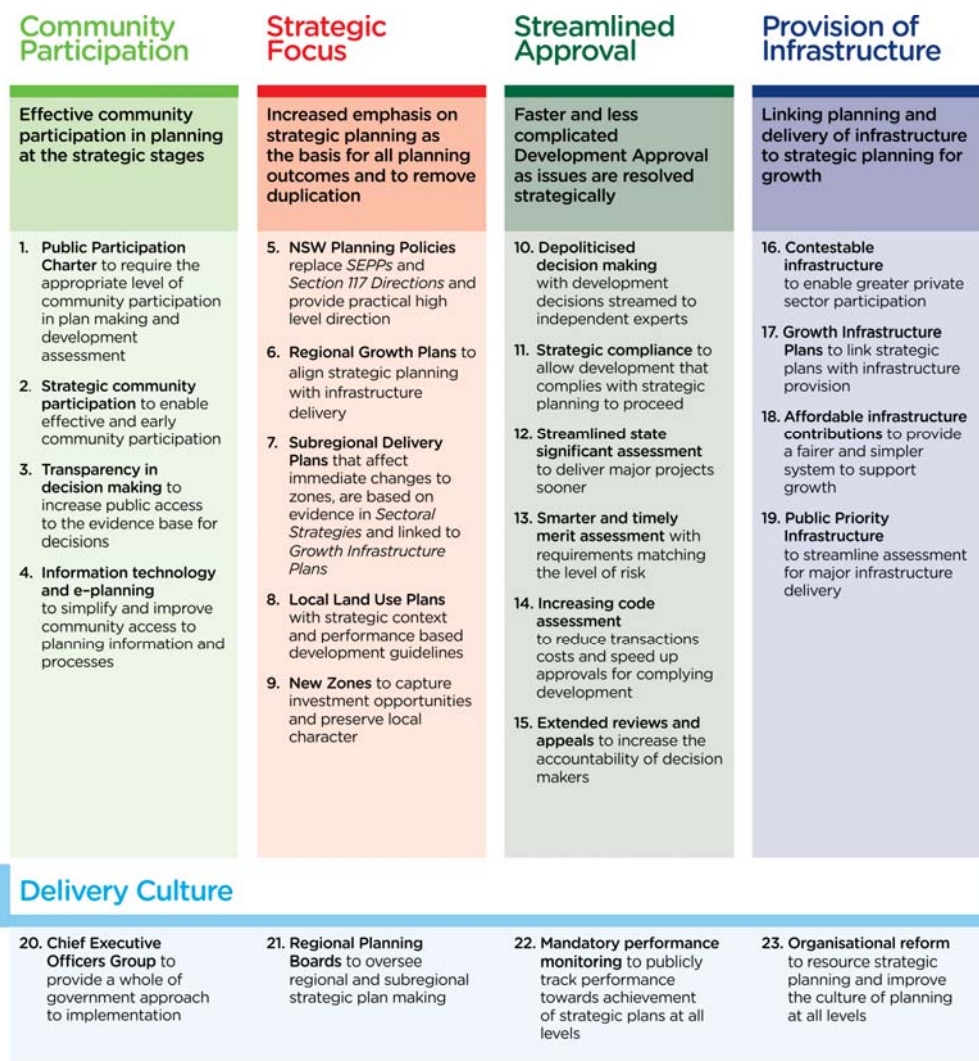
The 23 transformative changes proposed in this *Green Paper* are summarised in Figure 1 and detailed in the sections of the Paper.

A new Planning Act

The new legislation will be an 'enabling' Act which will establish the broad framework for the planning system. The Act will not include detailed prescriptive controls, instead these details will be covered by guidance and good practice advisory notes.

The objectives of the Act will emphasise in particular the role of planning in facilitating and managing growth and economic development.

FIGURE 1 BLUEPRINT FOR CHANGE: A NEW PLANNING SYSTEM FOR NSW



Community participation is at the centre of the new planning system

All parts of the community—individuals, organisations and businesses—will be able to participate to ensure we achieve the best possible local planning outcomes.

To empower communities in the decision making process it is proposed to engage the community early at the strategic planning stages in the setting of the overall planning outcomes for an area.

Decision making will be more transparent and community confidence in decisions will be increased through:

- evidence based decision making with full participation by communities
- a clear strategic context for decisions to be made and a clear line of sight through the hierarchy of plans
- readily accessible planning information with plans at all levels written in plain English
- public tracking of the decision making processes and public reporting of time frames.

The community will be better informed and able to access information and decision making through use of electronic planning, notification and engagement tools.

The NSW Government proposes a *Public Participation Charter* to require appropriate community participation to occur in plan making and development assessment.

Strategic planning will become the cornerstone of all planning decisions

There will be major structural change at all levels of the planning system.

NSW Planning Policies will articulate the NSW Government's policy direction and position on major planning issues and will inform strategic plans at all levels. The *NSW Planning Policies* will replace the myriad of *State Environmental Planning Policies* and *117 Directions* currently in place, modernising and simplifying the current system.

Regional Growth Plans will become integrated growth plans, linked with the *NSW Long-Term Transport Master Plan* and the *State Infrastructure Strategy*. *Growth Plans* for the regional areas of NSW will be strengthened and include provisions to facilitate growth.

Subregional Delivery Plans will be prepared in growth areas in partnership between state and local government and stakeholders and in consultation with the community. The *Subregional Delivery Plans* will be underpinned by a series of evidence based *Sectoral Strategies* and linked to *Growth Infrastructure Plans*. Once approved, the *Subregional Delivery Plan* will directly deliver zoning outcomes in the *Local Land Use Plans*.

Local Land Use Plans will include four parts—a strategic context, spatial land use zones, an infrastructure growth and service delivery component and development guidelines and standards. There will be new zones to maximise flexibility, provide opportunities for investment capture, and protect suburban character in certain circumstances.

Importantly, it is proposed that all levels of strategic plans—regional, subregional and local—will now have common elements including:

- strong community and stakeholder engagement upfront and involvement in decision making
- a framework to facilitate investment and effectively manage change
- integration of land use and infrastructure
- a strong evidence base and understanding of financial feasibility
- operational components to deliver infrastructure and services
- incorporation of all government agency requirements hence switching off concurrence or referrals at the zoning or development application stage
- opportunities for streamlined decision making at development stages, including exempt/complying development and code assessment development
- KPIs, performance monitoring and public reporting of outcomes.

Strategic planning will deliver better environmental and conservation outcomes

Evidence based strategic planning at the regional and subregional planning level will deliver improved biodiversity and environmental outcomes instead of the ad hoc case-by-case assessments. Cumulative impacts and corridor protection will secure improved conservation outcomes, better integration with catchment management and better protection of valuable agriculture land.

Development assessment will be streamlined

Development that is consistent with the strategic plan will be able to proceed in a timely and straightforward manner and development that exceeds base standards can still be considered based on merits and in the context of plan objectives. Code complying development will be maximised and where more detailed assessment is needed, the level of assessment will match the level of impact.

To depoliticise decision making, it is proposed that development applications be streamed to appropriate independent and expert decision makers. State and regional scale development will be assessed by the Planning Assessment Commission and the Joint Regional Planning Panel. One option being considered by the NSW Government is for local level development applications to be considered by an independent expert panel.

A series of changes are proposed to improve timeframes and processing of state significant proposals and to increase integration with other state agency approvals.

To ensure smarter and timely merit assessments, any matter that has been adequately dealt with at another stage of the approval process must not be reassessed. There will be targets set for timeframes for different types of assessment and the achievement of these targets will be monitored and reported, with implications for poor or inefficient decision making.

Infrastructure delivery will be integrated with strategic planning

There are major changes proposed to the planning system relating to infrastructure delivery.

Growth Infrastructure Plans will be prepared to identify the infrastructure needed to support development in high growth areas of the state. *Growth Infrastructure Plans* will link strategic planning with infrastructure planning and provision, hence strengthening certainty and accountability for delivery. There will be opportunity for increased private sector participation in the delivery of infrastructure that supports growth.

The NSW Government is proposing a fairer, simpler system of infrastructure contributions to support the rapid supply of housing and improve affordability.

The new planning system will streamline the delivery of major infrastructure projects through a new process for Public Priority Infrastructure which will involve the community early in the planning process and providing upfront certainty that the project will proceed.

Delivering the new planning system

To improve the delivery of the planning system four governance initiatives are proposed:

- **Chief Executive Officer's Group** to integrate and drive implementation
- **Regional Planning Boards** to advise on regional and subregional strategic plan making, infrastructure and planning issues
- **Mandatory performance monitoring** against clear indicators with regular public reporting and review
- **Major organisational reform program** to address the structure and culture of planning at all levels and within both the public and private sectors.

Developing the detail for the White Paper and Exposure Bill

The next phase of the reform is developing a *White Paper* firming the scope of the legislative scheme as well as an *Exposure Bill* for public consultation. In the phase of developing the *White Paper* and *Exposure Bill*, much attention will need to be given to detail what needs to be included in the *Bill*, a process that goes beyond the broad policy outline set out in this *Green Paper*.

One of the outcomes that the Independent Panel was able to achieve as a consequence of the extensive community and stakeholder consultation process that it undertook, was to consider and make recommendations about a significant range of detailed matters that need to be considered in preparation of legislation for a reformed planning system.

Whilst this *Green Paper* takes a somewhat different broad path in its proposed framework, the consideration of detail for the *Exposure Bill* will need to consider the same topics of operational detail that have been traversed in the two volumes of the Independent Panel's *Review Report*.

As a consequence, whilst neither endorsing nor rejecting their matters of detail, the two volumes of the Panel's *Review Report* provide an indication of the range of detailed implementation topics that will need to be considered. As a consequence, the next stage—moving to a *White Paper* and *Exposure Bill*—will also need to consider those matters of detail. The *Review Report* prepared by the Independent Panel will provide a useful platform to assist with that process.

HAVE YOUR SAY

This Green Paper is the NSW Government's initial response to the recommendations of the Independent Panel and more than 600 submissions provided by the community and stakeholders.

The NSW Government invites you to be involved in the next steps of this important reform, the preparation of a White Paper and draft legislation. Register your interest and participate in our online forum at www.planning.nsw.gov.au

FIGURE 2 COMMUNITY AND STAKEHOLDERS WILL HAVE A KEY ROLE IN IMPLEMENTING THE NEW SYSTEM

Community	<p>A <i>Public Participation Charter</i> will be an integral part of the planning system</p> <p>Community participation will be key and legislatively provided for in the making of <i>NSW Planning Policies</i>, <i>Regional Growth Plans</i>, <i>Subregional Delivery Plans</i> and <i>Local Land Use Plans</i></p> <p>Community representatives will be invited on Regional Planning Boards</p> <p>Community participation will occur for State Significant Development, Merit Assessed Development, Priority Infrastructure Projects and merit-related issues and design matters for Code Assessment Development</p> <p>Through 'e-Planning', the community will have access to zonings and other key development controls via 'Google style' viewer</p> <p>The community will have electronic access to planning system requirements, public tracking of decision process and public reporting of timeframes</p> <p>All members of the public will have electronic access to annual planning performance reports related to the planning and delivery of the number of dwellings and jobs, the area of environmental land protected and the delivery of major growth infrastructure</p> <p>Appeal rights to the Land and Environment Court will be maintained</p>
Local Government	<p>Local government will be key participants by legislation in the making of <i>Regional Growth Plans</i> and <i>Subregional Delivery Plans</i></p> <p>Local government be key participants on Regional Planning Boards</p> <p>Local government will be responsible for making <i>Local Land Use Plans</i></p> <p>Local government will participate in the assessment of State Significant Development and Priority Infrastructure Projects</p> <p>Local government will be the consent authority for Merit Assessed Development and merit-related issues and design matters for Code Assessment Development</p>
Environmental Groups	<p>Environmental groups will be consulted by law in the making of <i>NSW Planning Policies</i>, <i>Regional Growth Plans</i>, <i>Subregional Delivery Plans</i> and <i>Local Land Use Plans</i></p> <p>Environmental groups will participate in the assessment of State Significant Development, Merit Assessed Development, Public Priority Infrastructure and merit related issues and design matters for Code Assessment Development</p> <p>Representatives will be invited to participate on Regional Planning Boards</p>
Stakeholders & Industry	<p>Stakeholders and industry will be consulted in the making of <i>NSW Planning Policies</i>, <i>Regional Growth Plans</i>, <i>Subregional Delivery Plans</i> and <i>Local Land Use Plans</i></p> <p>Key stakeholders (e.g. Catchment Management Authorities) and industry will sit on Regional Planning Boards to guide the development of growth plans</p> <p>Stakeholder engagement will be provided for in legislation</p>

1

INTRODUCTION

The NSW Government aims to build a world class planning system that facilitates sustainable growth and establishes NSW as the best place to live, work and do business.

A successful planning system promotes sound economic outcomes, facilitates sustainable growth and effectively connects people and places. It provides adequate and affordable housing and employment, aligns land use with infrastructure provision and protects our greatest natural assets. It facilitates sustainable development by balancing competing outcomes without getting bogged down in red tape.

To be successful, the planning system must also fully engage people in the decisions that will shape their local areas and economies. People care deeply about new development and how it changes their neighbourhood. All members of the community must be able to have their say on the decisions that affect them.

The NSW Government believes in good planning supported by an unwavering focus on delivery. It is our priority to work with the community, businesses and stakeholders to build a better planning system for NSW.

NSW 2021 A Plan to Make NSW Number One

The Government's *Review of the Planning System* and *Green Paper* for reform are based on the strategies and goals outlined in *NSW 2021—A Plan to Make NSW Number One*. *NSW 2021* is a 10 year plan to guide the Government's policy and budget decision making and, in conjunction with the *NSW Budget*, to deliver on community priorities. It sets long-term goals and measurable targets, and outlines immediate actions that will help us achieve these goals. These reflect the Government's commitment to whole of state growth and delivery, to improve opportunities and quality of life for people in regional and metropolitan NSW.

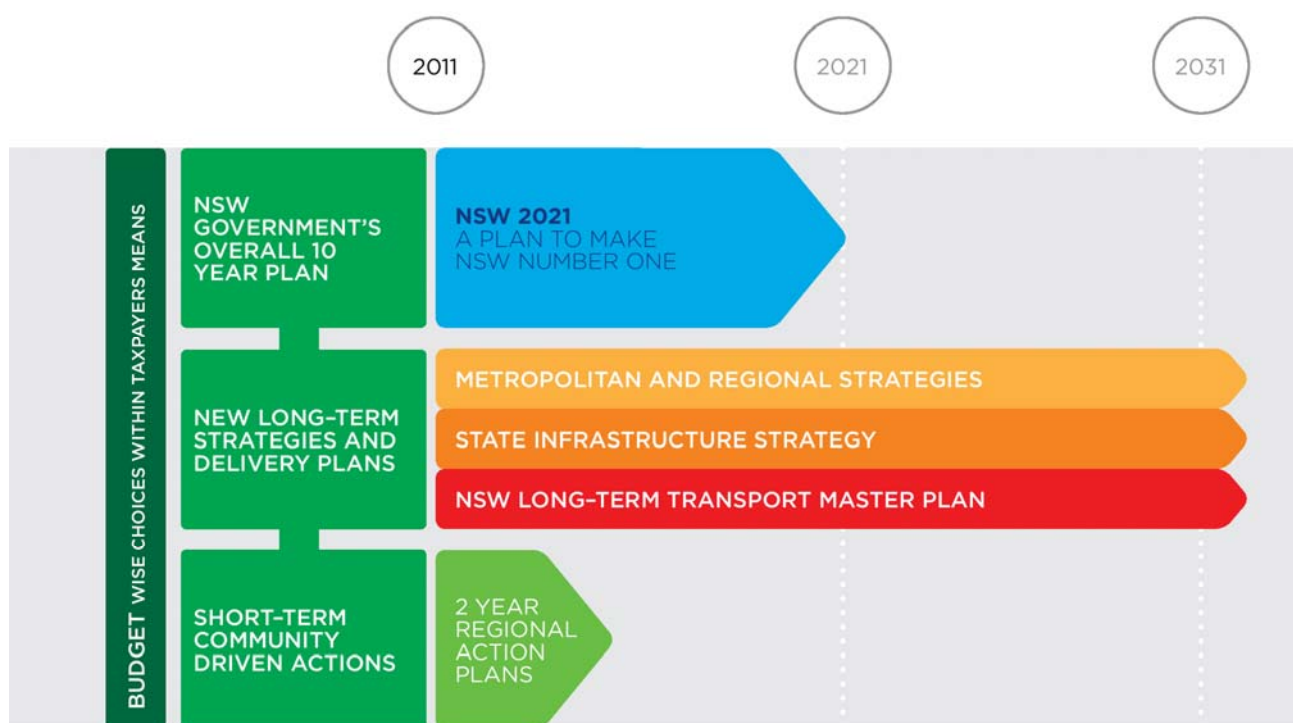


FIGURE 3 LINKING STRATEGIC NSW REFORMS

NSW 2021 is based around five strategies:

Rebuild the economy

Restore economic growth and establish NSW as the 'first place in Australia to do business'

Return quality services

Provide the best transport, health, education, policing, justice and family services, with a focus on the customer

Renovate infrastructure

Build the infrastructure that makes a difference to both our economy and people's lives

Strengthen our local environment and communities

Improve people's lives by protecting natural environments and building a strong sense of community

Restore accountability to government

Talk honestly with the community, return planning powers to community and give people a say on decisions that affect them

Each of the five strategies outline a number of goals, targets, and priority actions that are being integrated into the machinery of government, setting the priorities for funding, guiding decisions and focusing the day to day work of the public sector.

These Strategies have informed the development of the *Green Paper* and will be the basis for the new NSW planning system to provide for the achievement of the goals and priority actions for NSW. Through the delivery of *NSW 2021*, industry and the community can have confidence that the reform to the NSW planning system is linked to and reflects other connected strategic reform activities including:

- **Regional Action Plans**
- **NSW Long-Term Transport Masterplan**
- **Sydney Metropolitan Strategy**
- **State Infrastructure Strategy**
- **Review of the Local Government Act, 1993**

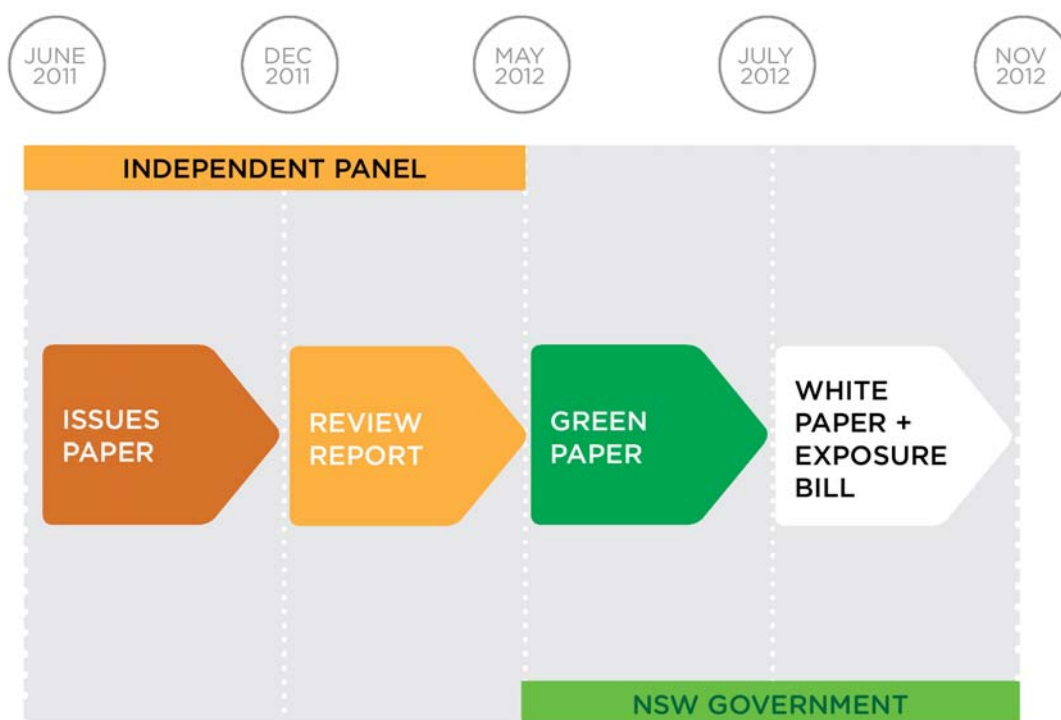


FIGURE 4 PLANNING REVIEW AND REFORM PROCESS

The process for reviewing the NSW planning system

In June 2011, the Government established an Independent Panel to undertake the *NSW Planning System Review*. Led by the Hon. Tim Moore and the Hon. Ron Dyer, the Review was conducted with full public participation. Nearly 2,000 people attended 91 community forums held in towns right across NSW.

The NSW Government particularly values the work of the Independent Panel and the ideas provided by private individuals, community groups, local government, business and industry organisations. Over 600 submissions were received in response to the *Issues Paper* released in December 2011 by the Independent Panel. The depth and detail in these submissions reinforces the need for significant reforms.

Based on this consultation, the Independent Panel has now completed its Review and produced an extensive and detailed Report with 374 recommendations for consideration by the NSW Government.

This *Green Paper* is the next step on the pathway to a new planning system as illustrated in Figure 4 above. It is the NSW Government's initial response to the *Independent Report*.

The *Green Paper* sets out the NSW Government's fundamentals for reform, drawing extensively on the Independent Panel's Report. It includes transformative changes to create a new planning system for NSW that is focused on effective strategic planning and removes duplication and uncertainty that is a feature of the present system.

In preparing the *Green Paper*, the recommendations of the Productivity Commission, the COAG Reform Council, and the NSW Legislative Council *Inquiry into the NSW Planning System* have all been considered.

The *Green Paper* seeks to present the community with high level directions for reform before moving forward with a *White Paper*. The preparation of the *White Paper* will involve a series of targeted forums held over the remainder of the year. Comments received in response to proposals in this *Green Paper* will be considered in the subsequent steps of the development of the new planning system. All stakeholders including the community, experts and businesses will be consulted in developing the detail to be included in the *White Paper* and the new *Planning Act for NSW*.

International best practice in planning law

The NSW Department of Planning and Infrastructure has commissioned a *Review of International Best Practice in Planning Law* to inform, and provide a reference for, the preparation of this *Green Paper*. The Review was conducted by Leslie Stein, Scholar in Residence, Centre for Environmental Legal Studies, Pace University School of Law, New York.

The *International Review* provides an objective analysis of world's best practice in relation to plan making and development control.

'Best practices have evolved within different historical contexts. In the United States, for example, the planning system developed from a fixed set of building standards for tall buildings in New York without a requirement for planning permission. In the United Kingdom, planning law emerged as a system of development control to correct unhealthy living conditions. However, planning law is never static and there is, in all countries, a constant attempt to innovate and experiment with new ideas to accomplish effective planning and this has led to practices that have proved successful.'

—Leslie Stein¹

The findings of the *Review of International Best Practice* have informed the development of this *Green Paper* and are referenced throughout this document. The full Review is available on the website www.planning.nsw.gov.au

2

THE CASE FOR CHANGE

The most widespread sentiment in submissions to the Review was a lack of confidence in the current planning system. Fundamental reform is needed to reduce complexity, costs and delays and to improve transparency in decision making.

At the time it was made, the *Environmental Planning and Assessment Act, 1979*, was considered best practice in Australia. What was then innovative legislation that transformed town planning practices into the broader environmental planning framework has now become overly complex and legalistic.

The context for land use planning and development control has changed significantly and substantially greater expectations have been placed on the planning system to manage rapid growth and long-term change across NSW.

Since the *Environmental Planning and Assessment Act, 1979* was introduced it has been amended some 150 times with most of the changes aimed at addressing process issues as they emerged. As a result, the Act has become overly legalistic and difficult to navigate.

The *Independent Review* identified a deep cynicism toward the current planning system during their community consultations. The Independent Panel findings show that public confidence in the system has been eroded by the perception that politics can determine decision making. They found a significant lack of community confidence in the integrity of the planning system, particularly in relation to decisions about larger developments.

The need for reform of the NSW planning system has also been highlighted in recent performance benchmarking by the Productivity Commission which found that the NSW planning system underperformed in a range of leading practices.

The New South Wales Legislative Council Standing Committee on State Development inquiry in 2009 into the New South Wales Planning System also concluded that:

‘On the basis of the weight of evidence it received from practitioners and users of the current planning system, the Committee finds that there is a need for a fundamental review of the overall planning framework in New South Wales’

— *NSW Legislative Council Standing Committee on State Development*²

The hundreds of submissions by business, the community and practitioners of the planning system consistently raised the following issues that are the focus for this planning review:

- reduce complexity and costs
- increase the focus on strategic planning
- focus on better economic outcomes
- engage with the community effectively and early
- streamline development assessment
- improve infrastructure funding and integration.

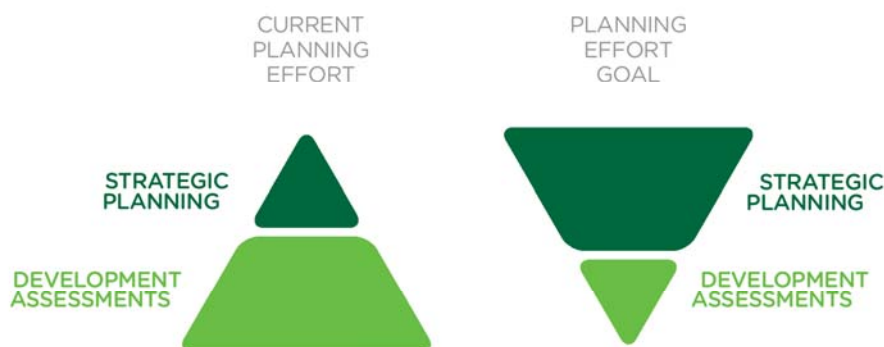


FIGURE 5 PRODUCTIVITY COMMISSION SUGGEST CHANGING THE FOCUS OF PLANNING EFFORT

Reduce complexity and costs

An overriding criticism has been the lack of clarity arising from the complex nature of the Act.

'The current NSW planning system has been undermined by a combination of sweeping ad hoc changes and a constant flow of amendments, circulars, alterations to regulations and other minor changes, leading to confusion and uncertainty for councils, communities and developers and often resulting in a range of unintended consequences'

—*Western Sydney Regional Organisation of Councils*

Submissions called for an Act that is clearer and more user friendly, and which delivers certainty and transparency.

'It is generally accepted that the Environmental Planning and Assessment Act specifically, and the planning system in general requires substantive streamlining and simplification. Complexity in the planning system is not only onerous for developers and consultants but for Council Officers trying to navigate. Unnecessary levels of complexity cause delays and increase costs to all involved.'

—*Dubbo City Council*

Increase the focus on Strategic planning

Many submissions highlighted the need for significantly greater emphasis to be placed on strategic planning in NSW with proper links between land use and infrastructure planning and delivery.

'Proper strategic planning is fundamental to a successful Planning Act.'

—*Planning Institute of Australia*

It was repeatedly suggested in the submissions that if more effort was put into the strategic planning phase of the process, the development assessment process could be simplified and streamlined.

The Productivity Commission also noted the need to shift the current preoccupation with development assessment to strategic planning as illustrated in Figure 5.

Focus on better economic outcomes

The planning system, through determining the allocation of land uses and managing processes around development assessment, can be an important facilitator of economic growth. A sound planning system is a necessary condition for a strong, flexible and responsive economy.

Evidence presented in a number of submissions illustrated that the current New South Wales Planning System could perform better against a number of key economic indicators, including:

- **Housing supply**

Housing completions in New South Wales have fallen to record lows, with impacts on house prices, population and economic growth.

- **Commercial development**

Commercial office rents in the Sydney Central Business District are among the highest in Australia, which reduces the capacity for firms to grow and innovate and reduces the economic benefits of agglomeration.

- **Retail development**

There is a lack of competition in some retail sectors in part because of planning restrictions, with impacts on grocery prices and accessibility for consumers.

Better consideration of the performance of the planning system against economic, social and environmental goals will ensure that decisions promote the appropriate balance between protecting local communities and promoting economic growth.

Engage with the community effectively and early

Engaging with the community at the earliest stages of the planning process was also identified as a critical issue.

'In order to improve awareness and transparency and certainty to the community and industry, consultation with the local community, stakeholders and industry should be conducted during the strategic planning and plan making stage with issues identified and resolved, including economic benefits, necessity and viability.'

— Urban Development Institute of Australia

Better and more effective community participation at the strategic level was seen as enabling the community to participate in formulating the vision for a region or subregion, providing for simpler and more focussed community involvement at the later stages.

'The NSW Government needs to ensure community input is meaningful and appropriate, with a focus on overall desired community outcomes in high level planning documents, rather than individual projects.'

— Australian National Retailers Association

Streamline development assessment

Strong support was also outlined in submissions for the depoliticisation of the decision making process. There was support for the introduction of a 'track'—based assessment system which would align the impact of a development with the level of assessment undertaken.

Support was also evident for a development assessment framework to enable the State to deliver projects of genuine state significance particularly where backed by a government mandate.

'Public sector projects are generally delivered on the basis of net-benefit for the community and aim to produce returns for the greater good. For this reason they ought to be assessed under alternative criteria to those developments with purely profit seeking motives'.

—Infrastructure Partnerships Australia

Improve infrastructure funding and integration

The submissions pointed to the need for greater consistency and coordination in the infrastructure planning and delivery system. Local councils raised concerns regarding the current cap on Section 94 contributions for housing and requested that the cap be removed or alternative forms of funding for infrastructure be identified.

In addition, the issue of lack of coordination between strategic plan and infrastructure funding was highlighted as a significant issue for both the development industry and government at both the local and State level. Greater clarity around the costing, funding and delivery of infrastructure identified in strategic plans was seen as fundamental.

'Infrastructure plans need to be integrated into the planning system and supported with funding. The system should enshrine a new whole-of-government approach to the provision and planning of infrastructure which is a fundamental component to the acceptability of increased densities in both residential and commercial development.'

—Parramatta City Council

3

OBJECTIVES

The new planning system will support the achievement of the NSW Government's priority to drive economic growth. It will facilitate NSW being the number one choice for business investment, enable the sustainable growth of our cities and towns as great places to live, support high quality developments and ensure that planning outcomes reflect the community's expectations.

Purpose of the planning system

The overarching purpose of the new planning system for New South Wales is to:

- promote economic development and competitiveness
- connect people and places
- protect the environment
- improve people's quality of life
- resolve land use trade-offs based on social, economic and environmental factors
- effectively manage growth and change.

Objectives of the planning system

To meet these challenges the planning system will need to be:

- **Simple**—reduce complexity and remove red tape
- **Certain**—provide predictability and certainty about how decisions are made for both investors and the community
- **Transparent**—base decisions on strong community participation and evidence
- **Efficient**—achieve time frames for completion of planning processes through increased accountability for efficient decision making
- **Effective**—planning strategies facilitate investment and manage change
- **Integrated**—promote greater cooperation and partnerships between all levels of government, and balance environmental protection with economic growth
- **Responsive**—provide flexibility to respond to change and ensure markets are competitive.

These are the objectives of the broader planning system but they also inform the objectives of the new Act. The achievement of sustainable development will remain the main objective of the Act.

Proposed development that accords with standards in an up-to-date plan should be approved and development that seeks to exceed base standards can still be considered based on its merits and in the context of plan objectives.

The new Act will be an ‘enabling’ Act which will establish the broad framework for the planning system rather than contain detailed prescriptions for how land use planning and development assessment is to be carried out. Under this model, land use planning and development assessment policies will still be provided but will be in the form of delegated instruments or practise notes and guidelines. This approach provides the Act with the flexibility to respond to change without the need to amend the Act whenever there is a shift in policy. Rapid change is increasingly a feature of our society and the need to quickly and effectively respond to change is critical if NSW is to grow its economy and maintain the quality of life for its community.

Principles for reform

The principles driving the reform of the NSW planning system are:

- the community is entitled to relevant, timely and accurate data on which to make decisions on planning issues
- robust and evidence based strategic planning will provide the foundation for certainty and integrity in decision making
- communities value their neighbourhoods, heritage and local environment, and have a right to be involved in decisions that shape their community
- where a proposal meets agreed requirements there is a presumption in favour of a right to develop
- time frames for development assessment and referrals must be clear and enforceable and set leading benchmarks amongst Australian planning systems
- planning decisions should be made by the level of governance capable of doing so, taking into account the economic and geographical area influenced by the decision
- individuals and markets are best placed to deliver diverse choices, vibrant communities and strong and sustainable economies.

4

COMMUNITY PARTICIPATION

Community and public interest will be at the centre of the new planning system. All parts of the community—individuals, organisations and businesses—will be able to participate to ensure we achieve the best possible planning outcomes.

The NSW Government aims to restore community confidence and integrity in the planning system by making planning information accessible and planning decisions transparent. Public participation will be genuine and occur earlier in the strategic stages of the process.

Four changes are proposed by the NSW Government to empower the community in the decision making process:

• **A Public Participation Charter**

The NSW Government proposes a *Public Participation Charter* to require appropriate community participation to occur in plan making and development assessment.

• **Strategic community participation**

The community will be engaged early at the strategic planning stages in the setting of the overall planning outcomes for an area. This is important so that decision makers can fully articulate the trade-offs involved in strategic planning decisions.

• **Transparency in decision making**

Community confidence in decisions will be increased through:

- evidence based decision making with full community participation
- a clear strategic context for decisions and a clear line of sight through the hierarchy of plans
- readily accessible planning information with plans at all levels written in plain English
- public tracking of the decision making processes and public reporting of time frames.

• **Use of information technology and electronic planning**

The community will be able to access planning information and decision making through use of electronic planning, notification and engagement tools.

Independent Panel recommends early community participation

Careful and early engagement is necessary to eliminate public concern that what is presented is a 'top down' approach rather than a 'bottom up' one. Many in our community forums regarded a participatory process in the early stages of plan development as a positive and necessary precursor to placing a draft plan on public exhibition and seeking public comment on it. What was seen as desirable was obtaining a strong community foundation for drafting a plan, prior to the actual preparation of a draft plan.

Submissions identified the need for more effective community participation

The need for better communication and effective community participation was a constant issue raised in community and stakeholder submissions.

'Genuine and meaningful public participation has the benefit of empowering local communities, improving decision making by assisting decision makers in identifying public interest concerns and utilising local knowledge.'

— *Nature Conservation Council, Environmental Defenders Office and Total Environment Centre*

Many submissions included support for an increase in consultation at the strategic planning level.

'At the early strategic planning stage, local communities must be very involved in helping shape the character of their local area.'

— *Urban Taskforce of Australia*

The Productivity Commission also supports the effectiveness of more community involvement in strategic planning:

'Engaging the community more fully in developing strategic land use plans and subsequent changes can achieve better community buy-in for plans and their amendments. Responses to surveys indicated that a number of councils and state and territory agencies regard consultation primarily as a way to inform communities about their plans rather than engaging residents with a view to building plans around informed community opinions and preferences.'

— *Productivity Commission*³

NSW Government supports early and genuine engagement of local communities in strategic planning

International best practice in community participation

The *International Review of Best Practise in Planning Law* found that public participation at its fullest extent makes the citizen's role as important as that of the plan making authority. Key to consultation is making the proposals clear to those participating. Best practise for community participation in plan making was found to involve a number of components:

'Express a general objective for participation in the legislation, require the development of a community participation plan in the legislation and produce guidelines (including formatting guidelines), and require that the participation guidelines be followed. Set out in the completed plan the consultation that has taken place'

— *Leslie Stein*⁴

An international study of city planning by the Grattan Institute found that early, genuine, and deep public engagement was a key success factor in the implementation of hard decisions in strategic metropolitan planning.

'...Early, genuine, sophisticated, sustained, and deep engagement was a recurring theme—particularly in cities that needed to make hard decisions and succeeded in doing so. Engagement seems to make tough decisions possible, and make them stick.'

— *Grattan Institute*⁵

The NSW Government seeks to empower local communities through genuine community participation in plan making.

The community feels disempowered under the current system

The current approach, while consultative, has regularly fallen short of delivering effective community participation. The planning process can be so long and complicated that few community organisations or businesses with an interest can afford to sustain their interest. The community perception is that engagement in the planning process requires deep pockets and great stamina.

In addition, the legalistic nature of some planning procedures prohibits effective participation of community members who do not have the specialist knowledge. As a result, consultation fatigue fosters a climate of cynicism where the community often conclude that their effort is a waste of time.

The new community participation framework will respond to these issues and feature a broad spectrum of techniques, designed not only to share information or elicit views but to effectively involve the public in timely, strategic decision making.

Engaging effectively with the community on whose behalf we operate is integral to the successful transformation of planning.



CHANGE 1 A Public Participation Charter

The NSW Government proposes a new *Public Participation Charter* to require that appropriate community participation occurs in plan making and development assessment.

A priority for the NSW Government is to ensure a strong democracy that is accountable to its community. This includes talking honestly with the community about our challenges and engaging people in decisions that affect them. The participation of all interested and affected community members in planning processes must be promoted, and all community members must have the opportunity to develop the understanding necessary to equitably and effectively participate.

NSW Government proposed reforms

To this end, the NSW Government supports the recommendation of the Nature Conservation Council, the Environmental Defenders Office and the Total Environment Centre to include a *Public Participation Charter* in the new planning system for NSW. Such a charter would assist in the creation of new community participation strategies and could include:

- recognition that the community expects and has a right to participate in the plan making and development assessment
- requirement to provide information that is easy to understand as the basis for consultation
- support for new methods of engagement and interactive participation
- provision for clear feedback in response to issues raised prior to a decision being made.

A *Public Participation Charter* will set standards of community participation depending on the planning issue under consideration. The NSW Government aims to establish a framework that not only benchmarks minimum requirements, but encourages best practice and innovation. To transform the planning system to one that is understood and respected, all players will have to supply information in plain English, meet standards of consultation that are underpinned in law and engage in a richer dialogue with the community.



CHANGE 2 Strategic Community Participation

The NSW Government will effectively engage communities early at the strategic planning stages in the setting of the overall planning outcomes for an area.

There is currently no explicit statutory requirement for consultation on strategic planning documents and these will significantly increase in importance in the new planning system. The current approach often sees key issues being revisited by the community at various subsequent development assessment stages. This is generally a counter-productive exercise, avoidable under a framework that has a much stronger focus on community participation at the strategic planning stage.

NSW Government proposed reforms

Under the new planning system, there will be genuine engagement with the whole community in the development of *Subregional Delivery Plans*. This will involve communities participating in the strategic planning for an area along with Local Government, NSW Government agencies and stakeholders. A strong evidence base for decisions will be prepared and made available to all and the trade-offs explained clearly. Planning objectives and scenarios for local growth and change will be tested publicly. Further detail on the proposal for *Subregional Delivery Plans* to be developed with genuine community participation, is provided under Change 7.

CASE STUDY

Leading international practice in community participation

- In **Vancouver, Canada**, residents worked with developers and the City Council to develop a *CityPlan*. The benefits included quick action on behalf of Council to implement the changes, strong feedback and increased credibility in the process.
- **Seattle, USA** established a *Neighbourhood Planning Office*. The allocation of the planning budget placed a strong emphasis on community engagement, funding for neighbourhoods to develop their vision and particular effort on communication (language and technology used). This resulted in a high level of neighbourhood input and acceptance.
- **Portland, USA** developed a *Regional Framework Plan* with the assistance of public meetings, household surveys and collaboration between interest groups, city officials, retailers, property owners and neighbourhood groups.

Summary taken from Environmental Defenders Office (EDO) Submission to the Review of the NSW Planning System (November 2011)

The community participation that is currently undertaken by local councils in the preparation of their *Community Strategic Plans* is recognised as an effective model in local level strategic planning. Existing successful techniques such as these, as well as new community driven approaches, will be adopted to engage the community early in strategic planning at the subregional and local level.



CHANGE 3 Transparency in decision making

The NSW Government proposes to increase community confidence in decisions made under the new planning system by developing a strong evidence base, improving access to planning information and providing accountability and a strategic context for decisions.

The Independent Panel found that communities across NSW lacked confidence in the integrity of the planning system. A major contributor was the perception that decision making under the current system was politicised.

The Independent Panel also received feedback that the lack of transparency in decision making was confounded by the complexity of the current Act and planning processes. Many communities experience difficulty understanding how plans would affect their lives.

'Providing plain language community guides for the development assessment and determination process is essential to help restore trust in the planning process.'

—Independent Panel

The NSW Government supports this recommendation and the new planning system will aim to restore community trust in decision making and increase access to all planning information.

NSW Government proposed reforms

Communities will be supported to engage effectively with planning processes through the provision of clear, relevant and accurate information. Greater public access to information will foster collaboration and increase efficiency. NSW aims to become a public sector leader in valuing and sharing information.

Under the new planning system, all planning documents will be accompanied by plain English explanatory material and communities will be able to readily access information on:

- what is being proposed and why
- the anticipated outcomes, impacts, benefits and costs of proposals and plans

- the evidence on which decisions and plans will be based
- how communities can participate and who is making the decision
- details of the process and time frames.

Accountabilities for decisions will be increased with public tracking of decision making processes, public reporting of time frames for decision making and performance assessment of planning outcomes.

Under the new planning system decisions will be evidence based not political. There will be a strong and public evidence base to inform strategic planning through the preparation of detailed *Sectoral Strategies*. There will be a clear strategic context for decisions and a clear line of sight through the hierarchy of plans right from the state level policy through to local land use controls.

To depoliticise decision making, the NSW Government is proposing that decisions on development applications will be streamed to appropriate independent and expert panels. State and regional scale development will continue to be assessed by the Planning Assessment Commission and the Joint Regional Planning Panel. In addition, one option being considered by the NSW Government is for local level development applications to also be considered by a local expert panel. Further information on this transformative change is provided under Change 10 in this *Green Paper*.

Ultimately, the measure of success will be the increased trust between the community and the government in relation to planning decisions and processes.



CHANGE 4

Use of information technology and electronic planning

The NSW Government proposes that under the new planning system most interactions with the planning system can be conducted online.

Community involvement can take many forms and encompass a range of activities and techniques. Consultation techniques have to be selected to suit the circumstances and particular characteristics of a community. However, 'e-planning' solutions and social media engagement offer the opportunity to improve access and convenience for community members.

When the current Act was passed in 1979, most people accessed information through a daily newspaper and many homes did not have a telephone. Now, one metropolitan newspaper is sold for every 30 to 40 citizens, over 80% of Australian homes are on the internet and millions log on to social media several times a day. Recognition of the fundamental changes to how we communicate, access information and engage must be an essential tool for creating a transparent and inclusive planning system.

Independent Panel supports 'e-planning'

The *Independent Review* has identified clear support from state agencies, local government, professional practitioners and community groups for greater integration of the planning system with electronic systems.

NSW has fallen behind other States and territories in the delivery of online planning and development services. The creation of planning spatial datasets, the establishment of a planning portal and an electronic register of consents, and the creation of online codes assessable development will transform how people come to understand and use the planning system.

NSW Government proposed reforms

The requirement for the provisions of all strategic plans and policies and information relating to any development application or approval to be provided and accessible online will be included in the new planning system.

Electronic planning ('e-planning') involves making the planning system, from development applications through to strategic plans and local zoning, available online. A comprehensive 'e-planning' network will not only ensure the entire development application process and relevant materials are online, but will also allow for the user to view all plans, planning documents and applications that apply to any one development site or piece of land.

The NSW Government intends to establish an online planning portal with a 'Google style' viewer that will provide users with access to the planning spatial datasets relating to zoning and the other key development controls, including floor space ratio, height of building, heritage conservation areas and heritage items, minimum lot size, key sites and land reservation acquisition. Users will be able to search for a property using the cursor, the street address or the Lot and DP number. The view will be able to be customised by choosing which spatial datasets are shown.

These changes will drive innovation and form the cornerstone of the NSW Government *ICT Strategy 2012*. They also mark a shift toward the establishment of a new service culture. For the first time, current, reliable and accurate electronic planning data for the whole State will become available to the public online 24 hours a day. The provision of accurate, real-time information online will also make the planning system more transparent and rebuild confidence in the system.

5

STRATEGIC PLANNING

Strategic planning will become the cornerstone of all planning decisions. Strategic planning at all levels will be evidence based, prepared collaboratively with local councils with strong community participation and completely integrated with infrastructure provision. Strategic Plans will be approved by the whole of government removing the need for subsequent concurrences.

The new planning system will substantially and significantly shift its emphasis and provisions to a strategic planning framework. The NSW Government is proposing a transformative approach both in scope and in application with statutory recognition of strategic plans at the regional, subregional and local levels.

Major structural change is proposed at all levels of the planning system to remove complexity and duplication:

- **NSW Planning Policies** will articulate the NSW Government's policy direction and position on major planning issues—such as housing and housing affordability, employment, mining, coastal planning, conservation—and will inform strategic plans at all levels. The *NSW Planning Policies* will replace the myriad of *State Environmental Planning Policies* and *117 Directions* currently in place, modernising and simplifying the current system.
- **Regional Growth Plans**, including the current Metropolitan Plan for Sydney, will become integrated growth plans, linked with the *NSW Long-Term Transport Master Plan* and the *State Infrastructure Strategy*. Growth Plans for the regional areas of NSW will be strengthened and include provisions to facilitate growth and change.
- **Subregional Delivery Plans** prepared in growth areas based on groupings of local councils will be:
 - underpinned by a series of *Sectoral Strategies* that will provide a strong evidence base for housing, employment, retail, environment, rural, mining and other areas of focus
 - linked to *Growth Infrastructure Plans* which will provide a costed, funded infrastructure pipeline to support growth within the subregion
 - prepared in partnership with Local Government, state agencies and stakeholders and in consultation with the community
 - able to directly deliver the new zones once approved
 - based on new subregional boundaries that will group local councils based on economic growth patterns, natural resource boundaries and infrastructure catchments.
- **Local Land Use Plans** will include four parts
 - a strategic context, spatial land use zones, an infrastructure growth and service delivery component and development guidelines and standards.
- **New Zones** to maximise flexibility, provide opportunities for investment capture, and protect suburban character in certain circumstances.

FIGURE 6 MAJOR STRUCTURAL CHANGE AT ALL LEVELS OF THE PLANNING SYSTEM



The new strategic focus will mean more decisions regarding land use, zoning and development control will be made in the strategic stages of the planning process, improving transparency and certainty for proponents and the community.

Strategic plans at all levels will be informed by cost benefit analysis and an understanding of economic, social and environmental impacts.

Importantly, it is proposed that all levels of strategic plans—regional, subregional and local—will now have **common** elements including:

- strong community and stakeholder engagement upfront and mechanisms for involvement in decision making
- a strong evidence base incorporating research and data to support credible strategic outcomes
- financial feasibility that reflects market demand and feasibility of development outcomes
- integration of land use and infrastructure planning
- operational components to deliver infrastructure and services
- incorporation of all government agency requirements hence switching off concurrence or referrals at the zoning or development application stage
- opportunities for streamlined decision making at development stages, including exempt/complying development and strategically complying development
- performance measures, monitoring and public reporting of outcomes.

Independent Panel recommends a legislative framework to implement strategic planning

The Independent Panel has identified the need for strategic planning to be implemented through legislation.

Two propositions were also near universally supported across the spectrum of interests:

- express provision should be made for strategic planning in any new legislative framework
- such legislative provision should be accompanied by practical measures to encourage community participation with, and participation in, the development of such strategic plans.

A reformed planning system requires adopting strategic planning in both the legislative and implementation processes. It is clear that facilitating sustainable growth is one fundamental tension that must be addressed in the process of strategic planning. When implementing strategic planning:

- the objects must promote ‘triple bottom line’ outcomes
- it must be compulsory to take into account the outcomes of strategic planning in subsequent detailed local planning and in assessing and determining development proposals
- it must be a process that is gradually implemented in partnership between State and local governments, the development industry, conservation and social advocacy networks.

Submissions support an increased emphasis on strategic planning

Submissions to the *NSW Planning System Review* highlighted the need to place significantly greater emphasis on strategic planning with the provision of proper links between land use and infrastructure planning and delivery.

'When a robust, inclusive and comprehensive strategic plan-making process is implemented the next step, the formation and implementation of Local [Environmental] Plans ... can be conducted in a manner that is similarly robust and dependable but also efficient.'

— *Urban Development Institute of Australia*

The NSW Government agrees with the importance of strategic planning in providing clear strategic directions and coordination of issues. Already there is a commitment to better integrate strategic planning through coordinated review and delivery of the *Metropolitan Strategy for Sydney*, the *NSW Long-Term Transport Master Plan* and the *State Infrastructure Strategy*.

Currently strategic intent is lost in the complexity

The current Act as it provides for strategic planning, principally deals with the preparation of environmental planning instruments at the state and local level. Environmental planning instruments provide the framework for land use and economic development in NSW through the zoning of land for particular purposes and the application of controls for development on that land.

The existing approach to the preparation of environmental planning instruments has been reactionary rather than visionary and has ultimately resulted in a myriad of controls, great complexity and significant uncertainty. In many cases the strategic basis for development controls has been lost in the process and rigid planning decision making has resulted.

In addition, existing *Environmental Planning Instruments* cover a broad range of issues from site specific concerns to state wide policy matters and in some cases, contain overlapping and contradictory controls. There is currently no mechanism to prioritise planning requirements in particular contexts or locations. All this complexity has inevitably resulted in blockages in the system and has frustrated the delivery of quality outcomes. In the absence of a strategic context, decision makers at all levels are not informed of the basis or significance of ensuing controls resulting in inefficient decision making processes.

Previous reviews of the planning system have aimed to address these issues but have focussed on streamlining the 'plan making' process not on setting a strategic context within which planning and investment decisions can be readily communicated and made.

While past strategic plans have provided policy and actions, they have not included clear responsibilities and delivery mechanisms. Also, they have not been tied to a costed and funded infrastructure delivery plan.

The Government is committed to addressing these challenges by placing a greater emphasis on integrated strategic planning in the new planning system.



CHANGE 5

NSW Planning Policies

The NSW Government proposes to streamline and simplify the way in which state development controls and policy guidance is provided. All *State Environmental Planning Policies (SEPPs)* and *Section 117 Directions* will be repealed and replaced with a succinct series of *NSW Planning Policies*.

The current system of State Government planning controls and directions is cumbersome and can be complex for many users of the planning system. Existing *State Environmental Planning Policies* and *Section 117 Directions* do not provide a clear and simple articulation of the Government's policy objectives in key areas.

'SEPPs in particular have played a significant role in the delivery of planning policy in NSW and have been a major source of conflict and confusion.'

— *Local Government and Shires Association*

The Independent Panel recommends rationalising state level controls

The Independent Panel identified the need to change the way that state level planning controls are established and administered. The *Independent Review* includes the following recommendations:

'A review is to be undertaken of the present range of State Environmental Planning Policies to determine which policies should be retained.'

— *Independent Panel, Recommendation 15*

'After the completion of the review, those controls that should remain and which cannot be incorporated in a digitally mapped form are to be collapsed into a single well indexed document to be known as the State Development Controls'

— *Independent Panel, Recommendation 17*

While there is considerable merit in rationalising state controls and consolidating those policies to be retained into a single document, the NSW Government believes that a new approach is required to bring the process of articulating state planning objects in line with leading practice.

International best practice is to consolidate state planning policies

The *International Review of Best Practice in Planning Law* evaluated the current *State Environmental Planning Policy* approach. It noted that many of the *State Environmental Planning Policies* have competing priorities and are overly complex. It is also noted that there is a need for the State to provide leadership and policy guidance regarding issues of significance in implementing the planning and development agenda of the NSW Government.

'Best Practice for Consolidating State Policies is to combine policies into one document as much as possible and reduce its size.'

— *Leslie Stein*⁶

NSW Government proposed reforms

NSW Planning Policies will be introduced to provide plain English, clear and practical high level planning direction for key policy areas which are of interest to the state. These policies will provide the policy setting and framework for planning outcomes to be delivered in regional, subregional, and local plans.

The policies will guide spatial and sectoral planning outcomes in key areas such as:

- **Housing Supply and Affordability**
- **Employment**
- **Biodiversity Conservation**
- **Agricultural Resources**
- **Mining and Petroleum Extraction**
- **Coastal Management**
- **Retail Development**
- **Tourism**
- **Regional Development**
- **Infrastructure**

CASE STUDY

INTERNATIONAL COMPARISON

UK National Planning Policy Framework

The *National Planning Policy Framework* came into force in March 2012 in England. This was in response to a specific commitment by the new UK Government to streamline the planning system.

Previously, a complex system of Planning Policy Guidance Notes, Planning Policy Statements, Circulars and other guidance applied at the national level. This comprised some four thousand pages of guidance documents and was widely regarded as being cumbersome and overly complex.

The body of the new *National Planning Policy Framework* is 47 pages of succinct policy guidance. This document sets out the UK Government's planning policies for England and how these policies should be applied. The framework is explicit in stating that these represent the totality of the Government's requirements for the planning system to the extent that they are 'relevant, proportionate and necessary'. All the former guidance documents have been repealed.

There will be a limited number of state level planning policies (approximately 10–12) which will:

- be updated and approved by Cabinet as required to reflect the NSW Government's policy
- provide a statement of policy principle outlining the Government's policy setting and priorities for how planning will deliver outcomes across the State for particular sectors
- not be statutory planning instruments in themselves but will be identified in the *Act* and given effect through the development of strategic regional, subregional and local plans
- be developed in consultation with the community and stakeholders.

Where existing *State Environmental Planning Policies* include important development control provisions these controls will be collapsed into *Local Land Use Plans* and associated development standards and guidelines or adopted in the development of the relevant *Subregional Delivery Plans*.



CHANGE 6

Regional Growth Plans

The NSW Government is proposing to strengthen regional level strategic planning with an improved evidence base, strong links to infrastructure delivery, increased community and stakeholder engagement, and performance based implementation.

The NSW Government currently undertakes metropolitan and regional strategic planning through a series of plans and strategies including:

- **Sydney Metropolitan Strategy**
currently being reviewed
- **Regional Strategies**
currently prepared for eight of 14 regions across NSW
- **Draft Strategic Regional Land Use Plans**
currently prepared for the Upper Hunter and New England—North West.

International best practice for measuring success of plans

The *International Review of Best Practice in Planning Law* found that in relation to plan making:

'Best practice is to create specific indicators to measure the success of policies and have periodic reviews of the fulfilment of the expressed goals'

— *Leslie Stein*¹⁰

Changes are needed to make sure our strategic plans at the regional level are delivered.

Currently, regional strategic planning is not well aligned with infrastructure funding and this has weakened both industry and community confidence that the regional plans will be achieved. The current plans have also not realistically reflected home buyer and business preferences, which has limited their success in providing guidance for private sector investment.

Previous plans have had poor delivery mechanisms, lacked accountability for performance, and this has been exacerbated by a clear lack of institutional support within Government for the delivery of outcomes within the regional strategies.

Finally, there has been debate over the targets incorporated in existing regional plans that specify the number of new homes and jobs. Rigidly applied housing and employment targets are prone to failure, particularly when supporting infrastructure is not delivered in the required time frame. Detailed investigation is needed to validate the actual capacity of a nominated precinct to accommodate the stated dwelling or employment numbers.

National reviews recommend regional plans be more facilitative and effective

COAG highlighted the need for mechanisms to ensure that strategic plans are delivered. In their review of the strategic planning undertaken to date for Sydney, COAG found:

'The system contains strong planning and policy content, however, it lacks the hard-edged accountability, performance and implementation measures to drive these policies.'

—COAG Reform Council⁸

The Productivity Commission advises that planning at a regional level should focus on being facilitative, rather than prescriptive about how growth will occur over time.

'Plans need to be regularly updated because the elements that underlie them—such as demographics, population growth and social and political goals—are constantly changing and it is a rare plan which accurately predicts these changes.'

—Productivity Commission⁹

Independent Panel recommends cumulative impacts be addressed in strategic plans

The Independent Panel made the following recommendations in relation to strategic planning processes:

'Strategic planning processes are to investigate the cumulative impacts of presently operating and approved development, both within and outside the footprint of the strategic planning area, which are contributing directly to impacts within the strategic planning area.'

—Independent Panel—Recommendation 12

'In the designation of areas for future development, the processes are to take into account in the designation of areas for future development the potential to add to the existing and likely future cumulative impacts within that strategic planning footprint.'

—Independent Panel—Recommendation 13

The NSW Government agrees with these recommendations and is going further to ensure that good strategic planning at a metropolitan and regional scale is supported by infrastructure and reinforced by a plan for implementation.

NSW Government proposed reforms

The new *Regional Growth Plans* will provide the principal direction on how the Government expects a region to grow over a 20 year period. The delivery of *Regional Growth Plans* will be supported by the inclusion of clear accountabilities for delivery of actions, links to funding for infrastructure, performance measures and annual reviews of performance.

It is proposed for the *Regional Growth Plans* to incorporate the following key components:

- a broad spatial planning framework to guide regional growth over a 20 year period based on goals and targets within *NSW 2021—A Plan to Make NSW Number One*
- a range of population growth scenarios with the current rate of population growth to be used as the baseline
- the use of market and feasibility data to determine the likely pattern of development in the future
- policy objectives, priorities and 10 year growth targets for subregions to guide the future preparation of *Subregional Delivery Plans*
- spatial interpretation of planning outcomes required to support growth, based on the *NSW Planning Policies*
- detailed key actions required to provide for housing supply and affordability, employment, urban renewal, natural resources, biodiversity conservation and other areas of regional focus
- a consideration of cumulative impacts in setting the parameters for growth and change
- alignment between future land use changes and the planning and programming of infrastructure and services
- clear accountabilities for delivery and annual reporting of performance including implementation of actions
- a requirement for review every five years.

In particular, the NSW Government will strengthen strategic planning efforts to facilitate growth in regional and rural NSW. *Regional Growth Plans* for these regions will be a priority in the roll out of the new planning system.

The *Regional Growth Plans* will be referred to in the new Act, but will not be statutory instruments. The Act will include (amongst other things) provisions for:

- making, reviewing and updating *Regional Growth Plans*
- scope and content of the Plans
- the metropolitan area and the regional boundaries
- a whole of government integrated framework
- involvement of the community, Local Government and stakeholders
- coordinated implementation
- the process for measuring and reporting performance against achievement of the Plan.

It is proposed that *Regional Growth Plans* identify accommodating scenarios based on a validated set of development capacities. Targets or allocations could then be expressed as a range, with infrastructure dependencies clearly identified. These targets or allocations must be clearly evidence based. The process of deriving targets needs to be collaborative involving relevant State Government agencies and the applicable local councils. Once these targets have been agreed and adopted into subregional delivery plans and local land use plans then the plans and instruments can be interpreted by the market with some confidence. However, they also need to be flexible enough to accommodate change or adjustment as required.

CASE STUDY

Addressing cumulative impacts and natural resource planning

It is at the *Regional Growth Plan* level that we can best plan for the conservation and sustainable management of the State's natural resources and can consider cumulative impacts of development.

Under the current planning system, the complex trade-offs between the many elements for consideration is often left until the later stages of the planning process. At the DA stage the options for achievement of multiple outcomes are more limited and it is difficult to assess cumulative impacts. The NSW Government supports the recommendation of the joint submission from the Nature Conservation Council, Environmental Defenders Office and the Total Environment Centre to integrate environmental considerations and natural resource management much earlier in the planning system.

As noted in their submission:

'There are wide benefits in prescribing a clear legislative framework for strategic planning that includes environmental assessment and public participation. These benefits include:

- *long-term sustainability of a region*
- *acceptance and support of local communities*
- *early assessment of land use suitability and identi-*

fication of areas for urban development

- *agricultural land and environmental conservation areas*
- *improved assessment of cumulative impacts, and*
- *reducing costs in the long term by pre-empting intractable land-use conflicts and court challenges'*

In the new planning system natural resource management will be integrated with land use planning through:

- A clear *NSW Planning Policy* focused on the achievement of natural resource outcomes
- Spatial interpretations of high level principles and targets for environmental outcomes at the regional scale, which is underpinned by a strong and shared evidence base to inform strategic regional planning
- *Subregional Delivery Plans* will put into action how those principles and targets will be achieved in that context
- Translation into statutory provisions in the local plan and guiding local decisions.

Sydney's drinking water catchment lands are a good example where this new approach would offer significant benefits.



CHANGE 7

Subregional Delivery Plans

The NSW Government is proposing to fundamentally transform the role and function of subregional planning to ensure the effective and timely implementation of strategic planning at the local level.

Subregional Delivery Plans will be the new transformative delivery tool for high growth areas in NSW by:

- directly rezoning land in key areas, avoiding where possible the need for local plans to be separately and continuously amended
- providing a framework for code based assessment in key areas for subsequent development
- consolidating NSW Government agencies requirements for development in the subregion in a timely manner thereby reducing subsequent referral and concurrence requirements
- linking subregional planning to infrastructure planning and delivery, ensuring that communities that are planned to grow can expect support through infrastructure investment.

Subregional Delivery Plans will also be informed by a consideration of the economic and market drivers of investment.

Under the existing planning system, a key challenge is that statutory planning controls at the local level do not always reflect the strategic planning done at the regional level resulting in complexity for practitioners of the system and inconsistent planning outcomes. If the lag between the introduction of a new Metropolitan or Regional Strategy and the update of a local plan is too long, the value of the strategy in providing a reliable guide for growth and investment is diminished.

For example, the *Metropolitan Strategy for Sydney: City of Cities—A Plan for Sydney's Future* was first released in 2005 and provided guidance on the growth of Sydney over a 25 year period. Nearly seven years after its introduction, the majority of *Local Environmental Plans* in the Sydney region still do not reflect the *Metropolitan Strategy*. This is also true in regional areas, with considerable lag times between *Regional Strategies* being prepared and *Local Environmental Plans* being updated to reflect the strategic planning.

'The lack of clear nexus between strategic and statutory plans leaves NSW highly exposed when attempting to plan for and manage urban growth.'

—NSW Business Chamber

International best practice effective state intervention for growth areas

The *International Review of Best Practice in Planning Law* found that priority should be given to funding infrastructure projects in growth areas. Development is not restricted outside these growth areas but state funding will not be available thereby creating an incentive for localities to drive growth in established or identified growth areas.

'Give priority funding to projects in established areas (for infill) and also the nominated growth areas.'

—Leslie Stein⁷

NSW Government proposed reforms

Subregional Delivery Plans will provide the implementation mechanism for the objectives and priorities outlined in the *Regional Growth Plans* and will be the key to guaranteeing consistency between strategic planning and local land use plans.

Subregional Delivery Plans will be the principal planning tool for effecting land use change and for the setting of development parameters and criteria within a region. They will be prepared for areas within Metropolitan Sydney and growth centres within the Hunter and Illawarra. Additional subregions will also be identified in areas of change.

The *Subregional Delivery Plans* will:

- determine the distribution of the targets defined in *Regional Growth Plans* (e.g. housing affordability and growth, employment, retail, environment protection) taking into account the state of the market and development feasibilities
- identify the required supporting infrastructure and inform the preparation of a *Growth Infrastructure Plan* (refer to Change 17 for further detail) for the subregion
- identify key growth centres, precincts, and corridors which will be required to support increased growth
- identify key biodiversity conservation areas/ corridors, environmental protection or prime agriculture land to be protected
- identify priority growth areas where change is key for delivery of the *Regional Growth Plan*. For each priority growth area, provide the necessary planning framework to facilitate its delivery.
- rezone key areas and provide for streamlined assessment of development in these areas
- provide for integrated approvals in line with development parameters and guidelines.

CASE STUDY INTERNATIONAL BEST PRACTICE

State of Maryland

Reflecting strategic planning objectives in local controls

Unlike most systems where there is a growth management plan that simply overrides local plans, the State of Maryland has developed a more effective system under the Maryland's *Priority Funding Areas Act* that provides for the flow of State funds for 'growth related projects' to existing communities and areas where growth is planned if the areas meet criteria for residential density and other matters relating to infrastructure.

Development is not restricted outside these growth areas but State funding is not available therefore creating an incentive for growth to occur within existing communities.

It has been found that the greater the State subsidy of a project under this system, the more likely the local authority will comply with the State initiative.^{11 & 12}

Community participation in strategic planning

One of the principal aims of the new planning system is to shift community participation to the strategic planning stage of the development process where communities will have a real opportunity to influence how their area will grow and how change will be accommodated.

The current approach to strategic planning performs poorly in this respect.

The new *Subregional Delivery Plan* process will ensure that subregional planning translates to outcomes on the ground and therefore provides a genuine opportunity for communities to shape the growth of their local areas.

Empowering councils in subregional delivery planning

The *Subregional Delivery Plan* framework will provide opportunities for local councils to work with their communities to propose strategic planning solutions they most prefer to deliver regional growth outcomes.

A possible approach to consider is for councils within a subregion to 'trade' their allocated growth requirement between them to meet growth outcomes. Some councils may be eager to accommodate more growth and thereby share in the benefits that this can bring. Alternatively other communities may wish their council to plan for a smaller share of housing supply and employment opportunities, in turn accepting a smaller share of new infrastructure investment from the State Government, and the prospect of lower economic growth in their areas.

The *Subregional Delivery Plans* will be supported by a strong evidence base and detailed infrastructure planning.

Sectoral Strategies will be prepared for each of the drivers of growth in the subregion and will form part of the *Subregional Delivery Plans* to enable a more outcome based plan. *Sectoral Strategies* will be highly evidence based and will provide the basis for integrated zoning and development criteria wherever applicable. These could range from land release and housing precincts in urban areas, to major employment generating uses within a subregion. *Strategic Regional Land Use Plans* are proposed to become *Sectoral Strategies* given they largely cover sectoral issues.

Growth Infrastructure Plans will be a component of the *Subregional Delivery Plans*. These will be integrated and funded infrastructure plans agreed by the NSW Government (more detail is provided in Chapter 7).

The key benefits of the new subregional planning approach is that the NSW Government will work together with local councils to ensure that the key strategic planning objectives and key local matters are reflected in statutory planning controls effective immediately upon approval of

the *Subregional Delivery Plans*. This will provide greater certainty for the community and investors regarding how an area will grow over time.

The preparation of the *Subregional Delivery Plans* will be informed by the *NSW Planning Policies* and the applicable *Regional Growth Plan*. The way each subregion chooses to meet its obligations under these higher order plans will be determined by a Regional Planning Board with input from communities and reflecting home buyer and business preferences.

In particular the *Subregional Delivery Plans* will account for cumulative impact considerations and other opportunities to secure conservation areas/corridors within a strategic context hence substantially improving biodiversity and ecological protection. This will avoid land use conflicts or offsetting mechanisms that add no value or are poorly derived.

'The movement towards cooperation and consensus and away from schemes that are only regulatory and impose State control is a fundamental feature of modern European and North American planning.'

—*Leslie Stein*

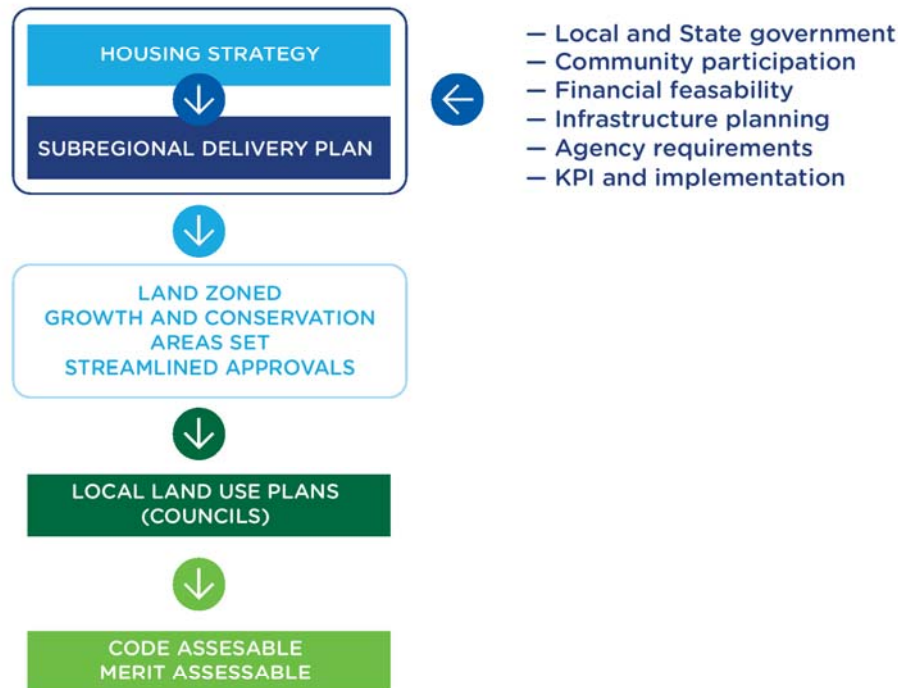


FIGURE 7 HOUSING DELIVERY UNDER THE NEW PLANNING SYSTEM

Local councils will be placed at the centre of the *Subregional Delivery Plan* process, in partnership with each other, and working together with State agencies, key stakeholders and their communities to cooperatively develop the plans. Communities themselves will have greater opportunities to participate in this process. There will be community reference groups for each subregion during the process and the community will be encouraged to put themselves forward to participate in those groups.

The Regional Planning Boards (discussed further under Change 21) will comprise:

- An independent chair
- Key stakeholders with relevant experience
- The General Manager or Director of Planning of each of the Local Government Areas within the subregion
- Senior representatives of NSW Government Departments including Planning and Infrastructure, Transport, DTIRIS, Office of Environment and Heritage, and Infrastructure NSW.

The preparation of *Subregional Delivery Plans* will require resourcing and will be given the highest priority within the Department of Planning and Infrastructure. It is anticipated that *Subregional Delivery Plans* for all identified subregions be completed within two years of the introduction of a *Regional Growth Plan*.

Importantly, local communities will be engaged in the development of *Subregional Delivery Plans*. Local councils within the subregion will lead the engagement with their local communities to determine how growth and change (identified in the *Regional Growth Plans*) should be accommodated.

The subregional delivery plan process will focus the community's attention at the early stages of the strategic planning process where real change can be effected. The fact that these plans will translate to real changes on the ground (through zoning, infrastructure provision etc.) will provide a real incentive for communities to be engaged and to consider how their area will accommodate growth within the overall subregional context.



CHANGE 8 Simplifying Local Land Use Plans

The NSW Government proposes to reform local planning by moving away from rigid development controls to local plans that provide strategic context and deliver fast, merit-based planning decisions and strategically based development standards and guidelines.

Existing *Local Environmental Plans* are rigid statutory instruments with development controls that often lack strategic context. Their lack of flexibility and responsiveness to change, and the lack of consideration of unintended financial impacts of decisions (e.g. house prices and retail competition), has meant that in many cases they have inhibited the achievement of good planning outcomes and have been unable to accommodate innovation to the detriment of local communities. Key issues in relation to the existing *Local Environmental Plans* are:

- lack of clear link between the strategic intent and statutory planning controls
- lack of consistency with, and clarity of, state and regional strategies or priorities
- narrow focus on measurable development controls (e.g. heights, floor space ratios) rather than merit-based planning outcomes
- the time and resources taken to prepare including even minor amendments to existing instruments and resultant impact on investment decisions (opportunity loss). Around 109 amendments to *Local Environmental Plans* are currently processed every year in NSW
- the lack of technical basis or justification for many of the existing controls
- time delays and resources taken up in referrals and concurrences on *Local Environmental Plans* to a multitude of government agencies for little benefit.

In addition the ever increasing use of planning controls within *Development Control Plans* adds another layer of complexity and regulation which has further exacerbated dysfunctions in the system.

A number of previous reforms have attempted to incrementally address some of these issues. Notable reforms have included the introduction of a gateway process to improve upfront certainty regarding *Local Environmental Plans* preparation and amendment and the imposition of statutory time frames. The most significant reform was the introduction of the Standard Instrument *Local Environmental Plans* with the adoption of standard land use definitions.

While the above reforms have been appropriate, the NSW Government now proposes to take the reform of local planning further.

FIGURE 8 PROPOSED CHANGES TO LOCAL ENVIRONMENTAL PLANS



Independent Panel recommends greater consistency between plans

In relation to local planning the *Independent Review* recommended:

The proposed Sustainable Planning Act is to require that Local Land-Use Plans must be consistent with relevant strategic plans.

—Independent Panel, Recommendation 11

The NSW Government agrees with this recommendation and the new integrated hierarchy of strategic plans will ensure that regional and sub-regional planning is given effect at the local level.

International best practice for local planning

The *International Review of Best Practice in Planning Law* (supplement) notes the need to provide a strategic context to planning controls.

The most significant problem with a system of development control is that decision makers do not know the intention of the plan makers except by interpretation of the regulatory instruments and policies. As the regulatory instrument is fundamentally one of restriction and control, it is not a fulsome explanation of the basis of planning for a locality.

‘The best practise examples of local planning provide as much information for the decision makers as possible as to the reason for the regulatory controls and the vision for the area and its interrelationship with the region. The only means to do this is to make this planning process and its outcomes part of decision making. In the US, Canada and most of Europe this is accomplished by giving the strategic, spatial plan primacy and making the regulatory controls the consequence of the plan and not the basis for the plan’.

—Leslie Stein¹³

In addition the *International Review* advises on best practice for state intervention in local planning:

‘Explain in the legislation in clear terms the responsibilities of the State, any named agency, and local governments.’

—Leslie Stein¹⁴

There is a sliding scale internationally as to the degree of state intervention in local planning ranging from a completely imposed state regime to one where there is absolute local autonomy.

As there is no ideal balance between State intervention and local autonomy, the best practice appears to be to explain in the Act exactly what arrangements are contemplated and why, when the State will intervene, when the local authority has autonomy.

NSW Government proposed reforms

Local Land Use Plans will become plain English spatial land use plans that reflect the State, regional, and local priorities for growth and community expectations.

The changes proposed are:

- an upfront focus on providing a clear explanation of the strategic intent of the plan to facilitate growth, including the desired development outcomes to meet state and local planning objectives
- integration of future land use and local infrastructure provision
- guidance on desired development standards, with a focus on merit based assessment
- full delegation to councils to undertake amendments to plans that are consistent with *NSW Planning Policies*, applicable *Regional Growth Plans* and *Subregional Delivery Plans*
- no concurrence and referrals as key issues will be addressed at the regional or subregional level (except in exceptional circumstance)
- provisions to ensure performance is monitored
- allowing for development that is consistent with the strategic plan to proceed in a timely and straightforward manner, and development that seeks to exceed base standards can still be approved based on its merits in the context of plan objectives.

Local Land Use Plans will comprise four parts: a strategic section, a statutory spatial land use plan, a section on delivery of infrastructure and services and finally a section providing development guidelines and performance monitoring requirements.

The strategic section within the *Local Land Use Plans (Part A)* will be comparable to the existing approach to *Community Strategic Plans* which are currently prepared by councils. The existing *Community Strategic Plans* set high level objectives for land use planning that are translated into zonings in the *Local Environmental Plan*. *Community Strategic Plans* will, as applicable, provide the necessary input and if necessary be adjusted to reflect the strategic intent.



FIGURE 9 INTEGRATION OF LOCAL GOVERNMENT PLANNING WITH THE NEW PLANNING SYSTEM

Strategically focussed development guidelines and standards

The *Subregional Delivery Plans* and the *Sectoral Plans* will set the applicable development parameters and criteria. These will be translated in the *Local Land Use Plans*, as the relevant development controls and guidelines for development assessment. This approach is more appropriate than the current practice of defining controls that often lack evidence based foundation.

The legislative scheme should provide for development controls and standards to be clearly applied by way of guidance. The current practice of implementing *Development Control Plans* as statutory instruments results in lack of flexibility and can inhibit viable outcomes. The complexity and layering of the controls combined with their inflexible application increase compliance costs and stifle innovation. Non-compliance with the controls should not be construed as prohibition. A merit assessment of the development proposals should be undertaken to fully justify the basis of non-compliance. This approach is consistent with the recommendations of the *Independent Review*.

The Government's clear intent for this area of development assessment is that guidelines should facilitate outcomes desirable to the market, not dictate solutions that preclude choice and flexibility. Development guidelines will guide development through merit assessment but will not mandate a result.

Standards will not be applied inflexibly during the assessment. The guidelines will provide a context for the development of proposals and a context for their merit assessment. Development guidelines will focus on performance based outcomes and will not merely be a compendium of rules. Moving towards a performance based approach will make development guides simpler, clearer and easier to navigate than many development control plans are today.

The guidelines will allow alternative design solutions and will encourage proponents to innovate when formulating a development proposal. Development guidelines may contain prescriptive standards where those provisions are 'deemed to satisfy' a performance based outcome. If a proposal does comply with a prescriptive standard in a guideline or is an acceptable alternative solution then the proposal will get a tick on that issue. This cannot be revisited.

Unlike development control plans, development guidelines will be fully integrated within the *Local Land Use Plan*. There will be much better linkages between the provisions of the development guidelines and the other parts of the Plan. The guidelines will be instrumental in implementing the strategic, spatial and infrastructure and services components of the Plan.

LOCAL LAND USE PLANS

PART A Strategic	PART B Spatial Land Use Plan	PART C Infrastructure and Services	PART D Development Guidelines and Performance Monitoring
<p>This part will provide:</p> <ul style="list-style-type: none"> a clear, simple, plain English explanation of the strategic framework that the plan is trying to implement. It will reflect: <i>NSW Planning Policies</i> <ul style="list-style-type: none"> —regional (including metropolitan) and subregional planning outcomes —Local council strategic direction —Community expectations —concise statements on the desired planning and development outcomes to be achieved across the local government area <p>This part will draw on the existing <i>Community Strategic Plans</i> prepared by councils</p>	<p>This part will provide:</p> <ul style="list-style-type: none"> Standardised zoning based on a reformed more flexible standard instrument Local land use allocation to reflect strategic planning 	<p>This part will provide:</p> <ul style="list-style-type: none"> An outline of infrastructure (local, regional and State) to be provided to support development including timing and delivery mechanism This part will be closely linked to the local infrastructure funding plan 	<p>This part will provide:</p> <ul style="list-style-type: none"> All necessary guidelines/ performance measures for development. Development guidelines/ performance measures will inform and provide context to assist in the assessment of development proposals Provisions for code assessable development Key performance indicators and monitoring requirements to assess the Plan's performance in achieving the planning and development outcomes articulated in Part A

FIGURE 10 PROPOSED STRUCTURE OF LOCAL LAND USE PLANS



CHANGE 9

New zones and greater flexibility within zones

The NSW Government proposes to introduce three new zones:

- **Enterprise Zone** to capture investment opportunities
- **Future Urban Release Zone** to indicate future use prior to programming infrastructure investment
- **Suburban Character Zone** to give greater certainty in areas where the local community want to preserve local character.

Three new zones are proposed to address problems with the current zoning framework

Firstly, the current approach can have the effect of inhibiting innovation and investment with the process for changing land uses through an LEP time consuming, difficult to navigate and inefficient. Zoning which allows a broad range of uses and which encourages innovation has not been readily embraced by the NSW planning system to date. Previous efforts to capture one off investment opportunities have focussed on bypassing existing inflexible local planning controls. Understandably, these attempts have proven unpalatable to councils and their communities. A new zone is needed which prevents innovative development from being stifled by over regulation or restrictive development control practices.

Secondly, the current practice for future urban release area planning requires that zone boundaries for the release area be identified at the initial rezoning process for the first stage of the development. Many release areas develop over extended periods of time and decisions in relation to the location of local centres, and higher density areas can change in response to market preferences and requires a statutory zone boundary adjustment or spot rezoning.

Under the new planning system, high priority growth areas in a Council area, including urban release areas will be zoned at the subregional planning stage. The result is that some future urban release areas will be zoned, but not yet ready to be developed for housing. An interim zoning is

required to indicate the future use, but not commit the Government or Council to programming infrastructure investment until appropriate.

Finally, there are many complaints from community members about the impact of new development on the existing local character of a suburban area. The current zoning framework includes a low density residential zone, but legally provides for development opportunities that community members believe negatively impacts on the character of an area. There is a need for a new zone that gives greater certainty about what can and can't be developed in an area the local community want to preserve because of the importance of the urban character.

International best practice is to indicate what the zone is like and how it operates

The International Review of Best Practice in Planning Law considered the best way to express goals in the planning scheme:

'Best practice is to explain the goals for the area in a narrative form and to include illustrative maps to indicate what the zone is like and how it operates.'

— *Leslie Stein*¹⁵

In the United States, many zoning ordinances (the regulatory part of the comprehensive plan) explain in narrative form the reason for the zone and the goals that are to be achieved, drawing from a summary of the comprehensive plan or elaborating on

specifics for particular districts. This is in addition to the details for the area in the comprehensive plan. This has the advantage of explaining the purpose of the zoning and the goals for each area when the zoning ordinance is read.

NSW Government proposed reforms

Greater flexibility within zones

In its benchmarking report on zoning, planning and development assessment, the Productivity Commission notes that the prescriptiveness of particular zones should be reduced, with the objective of limiting incompatible uses and allowing greater scope for complementary uses to develop

and compete. In practice, this approach should facilitate new retail and commercial formats to locate in business zones provided there are no major adverse impacts, and would provide more flexibility for residential developments to respond to changing preferences.

The zoning framework in the new planning system will provide greater flexibility to provide for a broader range of uses within a prescribed zone. This approach will allow a larger number of compatible land uses to be undertaken in a particular area with limited regulatory requirements, while segregating out those activities that are truly incompatible.

Enterprise Zones

To proactively provide for innovative investment and to boost employment generation, the NSW Government will introduce a new land use class called an 'Enterprise Zone'. *Enterprise Zones* will be characterised by very little, if any, development controls providing they do not result in any significant adverse environmental impacts. Enterprise zones will generally be targeted to attract employment generating development but could provide opportunities for mixed use housing investment. In this regard, Enterprise Zones will constitute a more flexible zone.

The designation of *Enterprise Zones* will need to be consistent with the *NSW Planning Policies* and is not to compromise other state or local policy objectives. In addition to reduced regulation, additional incentives could be utilised to attract investment to an *Enterprise Zone*. Some financial incentives could include:

- Local rate or land tax relief for a prescribed time frame
- Exemption from development levies, and/or
- State or Local Government investment in infrastructure provision or the like to support the area.

It is envisaged that Enterprise Zones could be identified through *Regional Growth Plans*, *Subregional Delivery Plans* or through *Local Land Use Plans* and would be given effect by a zoning change. Local government and community support would be fundamental to the success of this initiative. Enterprise zones could vary in size from precincts (e.g. North Ryde, North Eveleigh, Norwest Business Park) to whole local Government areas that are eager to attract investment in employment.

Future Urban Release Area Zone

The new planning system will provide greater flexibility for a Council to identify an area as a future urban release area without having to detail zone boundaries for the future land uses at an early stage in the process.

It is proposed to introduce a *Future Urban Release Area Zone* for growth areas that have been identified by the Council. This will provide a clear indication of a Council's intention to provide housing in designated greenfield locations over time, but does not necessarily require immediate infrastructure coordination and delivery.

The process of identifying future urban release areas will also provide greater certainty for industry and the community about where growth is likely to occur.

Suburban Character Zone

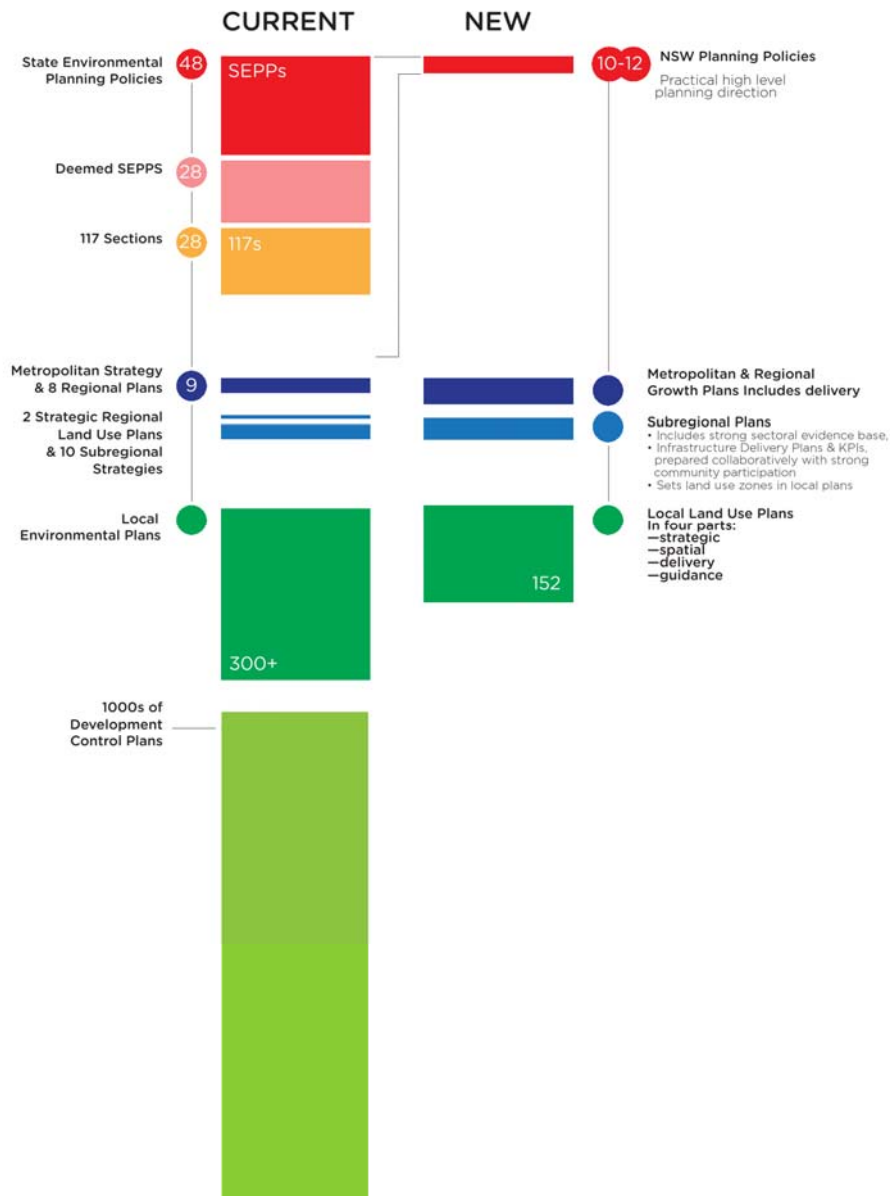
While the NSW Government's agenda is to increase the supply and diversity of housing opportunities, the planning system should also provide for urban outcomes that reflect the whole community's priorities and values.

There may be some locations within a local government area that the Council and the whole community want to preserve because of the proven significance of the urban character or because of its established development patterns and amenity. The NSW Government is proposing to introduce a *Suburban Character Zone* that can be applied to an area that will explicitly preclude development that adversely impacts on the local character.

Many landholders are supportive of planning controls that restrict development in particular areas, but also recognise the inherent value in development potential that a zoning on their property can provide. However, if there is clear evidence in support for the character of an area to be preserved, Council will have the capacity to apply a zone that will ensure the preservation of the character of that area by excluding medium or high density development.

The proposed shift to subregional planning to provide a strategic approach to delivering housing and employment opportunities will mean that some areas may not be required to support adverse increases in housing density. The introduction of a *Suburban Character Zone* can give greater certainty about what can and can not be developed in an area that has been designated for preservation.

FIGURE 11 REDUCING COMPLEXITY AND DUPLICATION IN THE HIERARCHY OF PLANS



6

DEVELOPMENT ASSESSMENT & COMPLIANCE

Development that is consistent with the strategic plan will be able to proceed in a timely and straightforward manner, and other development will be assessed on its merits against strategic outcomes. Code complying development will be maximised and where more detailed assessment is needed, the level of assessment will match the level of impact.

A significant shift is required in how we undertake development assessment in NSW to successfully meet the challenges of promoting economic competitiveness, managing growth and change, and improving people's quality of life. Development assessment in NSW is too complex, too lengthy, too process-driven, too detailed and too adversarial.

'Development assessment should generally be led by strategic planning, not lead it. This creates certainty and consistency at the assessment stage for developers and communities.'

— Planning Institute of Australia

Good development assessment processes are characterised by rules and processes for approval which are clear and predictable. It is equally important that the extent and type of assessment that is carried out reflects, and is proportional to, the complexity of the proposal, its environmental impacts, and the level of public interest in the proposal. The new planning system must stream the assessment of proposals into tracks based on the environmental, social and economic significance of the proposal.

The 'transformative ideas' for development assessment and compliance, outlined over the page, seek to make demonstrable changes to the way a planning approval may be obtained in NSW. The key ideas are aimed at providing certainty and clarity to the system so that an applicant knows what the assessment path will be, what the requirements for lodgement and assessment will be and who will determine the application. Many of the concepts will have added improvements which are not outlined in detail.

The NSW Government proposes transformative changes for streamlined development assessment within the new planning system:

Depoliticising decision making so that decisions on development applications are made based on evidence by independent expert panels.

Strategic compliance to reduce costs and speed up delivery of development that is consistent with strategic planning including:

- Introducing a strategic compatibility certificate so that good development, implementing metropolitan or regional strategies can be considered straight away, before the local land use plan catches up
- Providing that councils and other consent authorities cannot refuse a proposal that complies with detailed building envelopes and standards developed through subregional planning—code assessment with any remaining components to be merit assessed by the consent authority.
- Removing concurrences through strategic planning by:
 - switching off concurrences and referrals in the local land use plan once regional or subregional strategic planning is complete
 - integrating the assessment of regional development in the same way as State significant development—removing the need for separate agency approvals by involving the agencies in the single, timely, comprehensive assessment
 - allowing Councils to deem State agency approvals in accordance with standard conditions and guidelines if no response within time frames.

Reforming State significant assessment to deliver major projects sooner to drive economic growth:

- By exploring new opportunities for further integration of assessment—including agencies working together in new ways to complete major assessments
- Improving environmental impact assessment processes
- Ensuring State planning principles and state and regional issues are considered, along with local impacts.
- Facilitating strategic level approvals—and tailored assessment for subsequent stages
- Streamlining measures—including matching the level of assessment to the stage of the approval, case management, and standard requirements

Smarter and timely merit assessment to promote economic growth through all levels of development assessment:

- Matching information requirements to the assessment stage
- Speedy assessments
- Bringing Joint Regional Planning Panels into the assessment process
- Adopting an amber light approach
- Letting the market bear the risk
- Smart consent conditions.

Increasing code assessment (complying development) to reduce transaction costs and speed up approvals:

- Increasing the range of development types that are exempt from any approval
- Extending the development types that can be approved by accredited certifiers
- Allowing councils to vary standards for specific applications
- Expanding the electronic housing code
- Working with councils, industry and planning and building professionals to make code assessment simpler and more user friendly.

Extend reviews and appeals to make government and councils more accountable

- Allow proponents to seek an independent review of a council's decision on whether a rezoning should go ahead
- Allow councils and proponents to seek an independent review of the Department of Planning and Infrastructure's decision on whether a rezoning should continue
- Allow proponents to seek an independent review of the Department of Planning and Infrastructure's decision to issue a *Strategic Compatibility Certificate* or a *Site Compatibility Certificate*
- Ensure more independent post approval reviews.

The current Act has been extensively modified since it was introduced. The result is a convoluted five stream approval system that requires an expert to navigate the relevant parts even for something as basic as the construction of a new house.

Since the most recent reforms in 2008 our stakeholders have been asking for a complete rewrite of the planning legislation and a review of the planning system so that NSW is equipped to drive forward economically, to house its growing population affordably and to deliver badly needed infrastructure in a rational and planned way.

Development assessment in NSW is seen by many as a cumbersome process which adversely impacts on the viability of development and ultimately affordability.

For state significant development, all public and agency submissions should be provided and considered by the Department of Planning and Infrastructure before advice is provided to the Commission. There should be clear processes that inform and allow Ministers and Departments to provide submissions on relevant matters and the agency consultation process should be integrated and streamlined.

Submissions support a new approach to development assessment

The submissions by stakeholders and the community emphasised the need to rethink key aspects of the development assessment streams.

'The difficulty inherent in devising a new DA system is to balance the expectations for citizen engagement occurring at the right time, getting the right DA track for the assessment, ensuring that all of the necessary merit and technical issues are considered, ensuring that probity and openness is observed and ensuring that a determination is not delayed by bureaucracy.'

— *Planning Institute of Australia*

While there are some parts of the system that are working well these parts need to be cohesively integrated into a system that has regard to sound strategic planning and that matches the level of assessment with the level of 'risk' and impact of a development.

Independent Panel supports leading practice model

The *Independent Review* looked to the work of the Development Assessment Forum (DAF) as well as the recommendations of the Productivity Commission's *Performance Benchmarking of Australian Business Regulations: Planning, Zoning and Development Assessment 2011*.

'The processes for development assessment that are adopted across Australia have varied widely but there has been a significant degree of convergence over the last decade. Much of this has arisen from studies commissioned by the Development Assessment Forum....The Forum adopted a leading practice model for development assessment in 2005.'

— *Independent Panel*

The NSW Government proposes that development applications would be streamed into their appropriate assessment 'tracks' that correspond with the level of risk and impact of the development and therefore the level of assessment attention required to make an appropriately informed decision. This is consistent with leading practice model advocated by the DAF and the Productivity Commission.

'[This approach will]...both speed up most development applications and release assessment resources to focus on those proposals which are particularly technical and complex or may significantly impact on neighbouring residents or the local environment.'

— *Productivity Commission*¹⁶

Consistent with the recommendations of the Independent Review Panel the new planning system will adopt an assessment track approach.

Ultimately the focus of this chapter is to improve the development assessment system so that an application is linked back to the strategic plan and is integrated with the broader context for a region and its cohesive development. Critically, by engaging the community at the strategic phase in the planning process it is possible to achieve outcomes that are truly reflective of what a community considers beneficial to their area.

'... As a result of better community engagement and consequently better public ownership of the strategic plans, the prospective assessment of any future development in the locality can be undertaken in accordance with the resulting plan.'

— *Productivity Commission*¹⁷



CHANGE 10 Depoliticised decision making

The NSW Government strongly supports a fundamental shift in the planning system that will see decision making on development applications streamed to appropriate, independent, and expert decision makers. State and regional scale development will continue to be assessed by the Planning Assessment Commission and the Joint Regional Planning Panels.

The Government is proposing that all councils follow the lead of a number of major councils in adopting the use of independent experts to determine development applications.

On coming to office, the NSW Government moved swiftly to repeal *Part 3A* of the *EP&A Act*, and implement a new framework for State significant development which ensures that those proposals are determined by the independent Planning Assessment Commission. The Government's reforms to restore independent, transparent, and merit based decision making to state significant development proposals is fundamental to restoring public confidence in the integrity of the NSW planning system.

There have been strong calls from the community and key stakeholders that this approach should be applied for all development proposals in the planning system. There are strong arguments for ensuring that all development proposals, big or small, should be entitled to be judged exclusively on their merits, by those with appropriate expertise, and free from political influence.

A fundamental shift towards this approach was foreshadowed by the now Premier in March 2010,

'We need a system that allows State and local government the ability to plan ahead for their share of a larger Australia and a larger NSW and to be able to deliver on those plans. And we understand that constraining, or limiting politics, is important in providing this certainty. Development approvals should be determined on the basis of planning rules and merit—not on the vagaries, whims or politics of either councils or State Government.'

— **Barry O'Farrell**
Speech to Property Council of Australia

Statistics collected annually by the NSW Government on the processing of development decisions reveal that in 2010, only three per cent of development decisions made in NSW were determined by the elected council, and these are generally larger applications with more significant implications for economic growth, and potential to impact the local area. In contrast 84 per cent of all decisions on development applications are made by council staff under delegated authority with almost 13 per cent made by accredited certifiers¹⁸. This includes minor development applications which account for the vast majority of development activity in NSW.

In the last decade a number of major councils have established independent expert panels to determine development applications including Liverpool, Warringah, Wollongong and Sutherland. These councils have moved the focus of elected councillors from individual projects which must conform to strategic planning policies to the development of the strategic planning policies themselves.

This enables those councils to better reflect their communities' wishes in shaping the future growth of their areas strategically, and not focussing on individual development applications. This is consistent with the reform agenda outlined in this Green Paper. This Green Paper seeks to focus and effort on the development of good strategic planning, and to move away from the site specific conflicts that are symptomatic of a lack of good, upfront policy development involving active community participation.

As those councils with independent panels understand, use of independent expert panels also helps remove individual councillors from potential corruption risks which can arise when elected officials are responsible for making decisions on private development proposals. When elected officials are not involved determining development applications they are much less likely to be exposed to lobbying, and political pressures that can influence decision making.

Recently, Lane Cove Council observed in adopting an independent expert panel to determine locally significant development proposals:

'Over the past 10–15 years Council has steadily streamlined the determination of development applications by improving processing times, increasing delegations and reducing legal costs.'

'It is now time to consider improving the situation further by the establishment of an IHAP to ensure that those few particularly complex, contentious or Council specific development applications, currently determined by the elected Council, are able to be determined in a non-political environment by a highly qualified expert panel with community representation.'

—Report to Lane Cove Council

To restore public confidence in the planning system and merit based decision making, the Government considers a shift towards independent expert decision making as highly desirable. The Government strongly supports those councils which are already using independent expert panels and encourages all other councils to consider and implement this reform, initiated by local government, in the transition to new planning system for NSW.

The move towards independent expert panels for development decision making reflects a change in community attitudes about how decisions on development should be made and the role of elected councillors.

A survey of over 1000 homeowners across NSW undertaken in 2011 by Auspoll from the Property Council of Australia (*Auspoll for the Property Council of Australia, 2011, Homeowner attitudes to local councils, the planning process and NSW Joint Regional Planning Panels, 2011*) in relation to attitudes towards the local councils and the planning process found that:

- 78 per cent of people want independent experts in charge—and only 22 per cent want local councillors making decisions
- 83 per cent think independent panels keep politics and self-interest out of planning
- 88 per cent agree that independent panels can help keep decisions consistent, transparent and honest.

This shift will involve elected councillors assuming a strong leadership role in engaging with the community and advocating for their policy and planning priorities.

The Government's agenda for greater involvement from councils in regional and subregional planning will also necessitate more frequent and thorough engagement by the elected councillors with the local community. The shift towards engaging the community to think about planning beyond local government boundaries will depend on strong council leadership. That is best delivered by those people elected to serve the community.

Independent Panel supports delegated decision making

The *Independent Review* supported the continued role of elected councillors as decision makers but encouraged councillors to delegate decision making to council staff or independent expert panels.

'It is recommended that the new planning legislation retain the right of the elected council to make decisions about particular classes of development. However we do consider it important that decisions are made on proper planning grounds and not as the result of populism or political expediency. Thus, it is desirable that decisions are delegated to as often as possible to council staff or to an independent expert panel.'

—Independent Panel

The NSW Government agrees it is desirable for decisions to be evidence based and made by independent experts. One approach to achieve this is for all local and regional development applications to be determined by an independent expert panel or by Council staff under delegation as appropriate and reflective of the level of community interest.

Hierarchy of decision makers

The delegation of decision making to independent expert panels, council staff and senior officers of the Department of Planning and Infrastructure depending on the level of community interest will be essential to delivering an efficient development assessment system and building greater public confidence in the planning system. The NSW Government proposes development assessment decisions be streamed as follows:

DEVELOPMENT TYPE	DECISION MAKER
State Significant Infrastructure <i>including Public Priority Infrastructure</i>	<i>Minister for Planning and Infrastructure</i>
State Significant	<i>Planning Assessment Commission/Department of Planning and Infrastructure</i>
Regional	<i>Joint Regional Planning Panel</i>
Local	<i>Council General Manager and Staff Under Delegation/Local Expert Panel</i>
Code Assessable	<i>Council/Accredited Certifier</i>

Importantly the *Independent Review* examined the threshold for considering development to be state significant concluding that the existing thresholds should be carried forward with two new additions:

'Projects of a retail and/or commercial nature of a project value of \$75 million and over are also to be designated State significant development.'

— Independent Panel, Recommendation 37

'Residential developments with a planned yield of 500 dwellings or more (including staged development underpinned by concept plans or master planning to such an anticipated yield) are to be regarded as State significant development.'

— Independent Panel, Recommendation 38

The Government will consider the Independent Panel's recommendations in the context of the other initiatives in this paper following response to community submissions.

State and regional decision makers

The *Independent Review* recommended that the Joint Regional Planning Panels should remain part of the NSW planning system. The *Independent Review* endorsed the continuation of the Minister for Planning and Infrastructure's role in determining major infrastructure proposals while reaffirming the continued need for an independent expert body like the Planning Assessment Commission (PAC) to decide proposals of State significance. The *Independent Review* recommended that the PAC become a quasi-judicial body in the new planning system.

The NSW Government's main objective is to strengthen the PAC and Joint Regional Planning Panels to equip them to carry out their enhanced roles effectively and transparently. This includes strengthening their procedures and codes of practice, how they engage with the community, performance monitoring and how they receive feedback, particularly from stakeholders through user groups.

In the light of operational experience the PAC's role to make decisions on State significant proposals on behalf of the Minister for Planning and Infrastructure will be more focussed. As a decision maker the PAC will evaluate the evidence based merit assessment carried out by the Department of Planning and Infrastructure, particularly in response to the issues raised in submissions and the proponent's responses to those issues, rather than reassessing a proposal itself.

Decisions made on state significant proposals will be made consistently or in accordance with established strategic planning and principles, and government endorsed policies and technical standards. In cases where the consideration of a proposal raises some issues about strategic directions or planning or endorsed policies and technical standards these will be referred to the Minister or the Department for consideration in a State-wide policy context, rather than adopting a new principle, policy or standard ad hoc in determining a particular application.

The NSW Government considers that the current provisions regarding reserve powers for state significant development proposals are appropriate and should be retained in the new planning system.

The Government sees the role of the PAC as separate and distinct to that of the Land and Environment Court. The Court focuses on the review of development assessment decisions, and the enforcement of legal rights. The Government is keen to ensure that the PAC's approach becomes more practical and outcomes focussed, does not become legalistic in its processes and procedures, and most importantly does not become an alternative Court.



CHANGE 11 Strategic Compliance

The NSW Government is proposing that a development that is consistent with a strategic plan that has been prepared with community involvement may proceed in a streamlined way.

Strategic Planning and Development Assessment

At present, there are many layers in the development process. This process is unwieldy, extremely slow and costly and often does not lead to better outcomes. The many layers of assessment and determination are very confusing for the community and provide very little certainty for applicants.

However, if there is a strong focus on strategic planning which clearly sets the parameters for development in an area, involves genuine community participation and is endorsed by State and local government, then a more streamlined approval system could be put in place for development which is consistent with that strategic plan. Therefore, if a strategic plan has been endorsed for an area and has involved meaningful consultation with the community then any development proposal which conforms to the parameters set out in the strategic plan should be allowed to proceed. By making clear to the community that development that is consistent with an endorsed strategy is likely to proceed will further encourage community participation at the strategic planning phase.

Once a whole of government strategy has been endorsed then referral and concurrence at the zoning or development application stage will be removed.

‘Once communities have participated in the strategic planning phase of plan making and have agreed on the key drivers of the character of a precinct, including the setting of development standards such as height, setbacks and floor space controls, there is no reason why more development could not be considered as code assessable and removed from the merit assessment stream.’

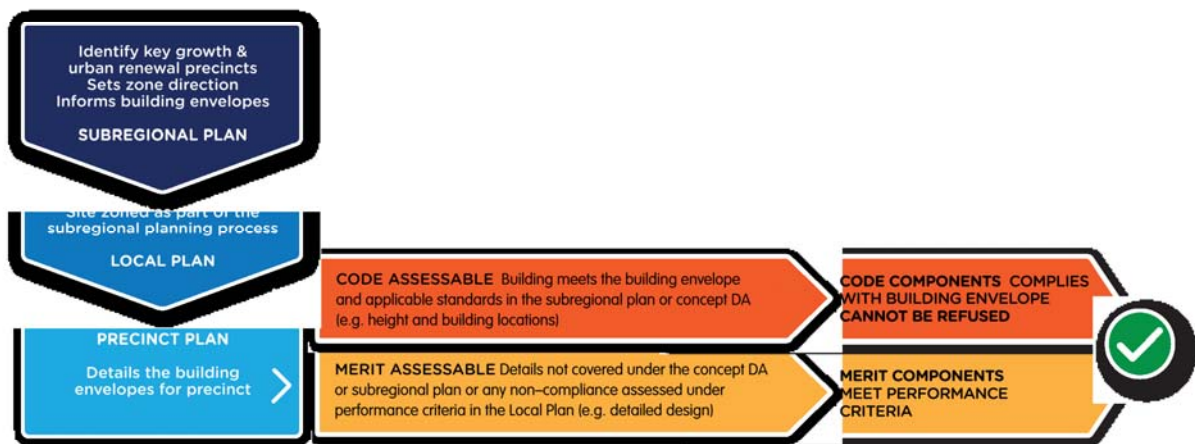
— Urban Taskforce Australia

Strategic compliance before Subregional Delivery Plans are complete

One of the key challenges these reforms seeks to meet is the delay or failure to implement metropolitan and regional strategic planning at the local level. Chapter 5 explains how the necessary changes to the *Local Land Use Plan* will take place as a key component of the subsequent *Subregional Delivery Plan* process.

While this will speed up the implementation of metropolitan and regional strategies it still leaves a period between the finalisation of these strategies and completion of subregional delivery planning. In this period the provisions of local land use plans may not reflect metropolitan and regional strategic directions and may even actively work to prevent the delivery of those strategic outcomes.

FIGURE 12 GROWTH AREA AND PRECINCT PROCESS FOR CODE COMPLYING DEVELOPMENT



The consideration of development proposals that deliver on the metropolitan or regional strategies should not have to wait until the *Subregional Delivery Plans* have been done. In this period the focus must also be on delivering on the ground outcomes of that strategic plan. Where local land use plans do not reflect metropolitan and regional strategic planning outcomes following a strategic planning process with community participation, applications should be assessed primarily against those strategies, rather than out of date controls in the existing local land use plan.

A proponent with a strategy consistent development proposal that will deliver metropolitan or regional strategic planning outcomes before the subregional planning process is complete will be able to seek a *Strategic Compatibility Certificate* from the Director General of the Department of Planning and Infrastructure. That certificate will authorise the assessment and consideration of a strategy consistent development proposal where the provisions of the local land use plan prevent the implementation of the strategy.

If dissatisfied with the Director General's decision a proponent or council will also be able to seek a review of the Director General's decision from the relevant Joint Regional Planning Panel.

If a certificate is issued by the Director General or the Joint Regional Planning Panel the proponent can lodge an application for the development proposal with the appropriate consent authority and it will be determined by the usual decision maker after the consideration of community views.

Streamlining development assessment where Subregional Delivery Plans are in place

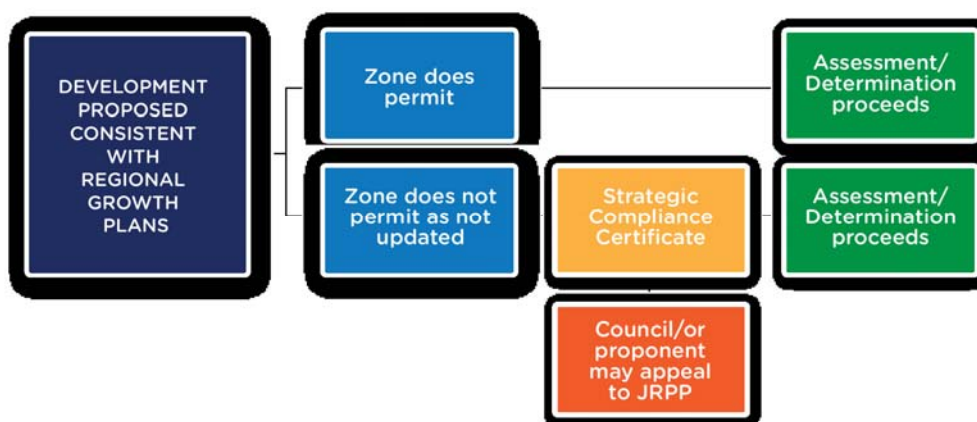
Subregional Delivery Plans will be developed for an area with meaningful community consultation. Once the Plan is endorsed then it should be clear that any development proposal that conforms to the standards and requirements set out in the plan will go ahead. Making it clear to the community that a development proposal that is consistent with the plan will go ahead encourages better community participation in the strategic planning phase—when the *Subregional Delivery Plan* is being developed.

The assessment of development proposals identified in the *Subregional Delivery Plan* will be streamlined through a code assessment. Consistent with the *DAF Leading Practice Model* development which conforms to the standards and requirements set out in the *Subregional Delivery Plan* must be approved.

There will be two types of code assessment in the new planning system. The first is code assessment where the consent authority, generally the council, will make the decision. The second is where an accredited certifier, whether private or council employed, decides.

Consent authority code assessment will be carried out by the council, or other consent authority, like the Joint Regional Planning Panel. The development proposal which may be a residential flat building, office building or shopping centre, would be assessed against the zones, standards and requirements of the *Subregional Delivery Plan*, such as building envelopes and car parking. If the proposal meets the standards and requirements in the Plan, it must be approved within prescribed time frames.

FIGURE 13 PROCESS FOR DEVELOPMENT CONSISTENT WITH STRATEGIC PLAN



In some cases it may not be possible to provide for all necessary standards and requirements in the *Subregional Delivery Plan*. In those circumstances the consent authority will conduct a combined code assessment and merit assessment for the proposal against strategic objectives in the plan. The code assessment will be against all the predetermined standards and requirements in the Plan. The proposal cannot be refused if it meets the standards and requirements in the Plan.

The consent authority's merit assessment will be strictly limited to those areas where there are no predetermined standards and requirements in the Plan. The merit assessment will not be an opportunity to re-open discussion on the standards and requirements set by the previous strategic planning exercise. This will be a flexible regime that allows standards and requirements to be tailored to local circumstances through strategic planning. It will not be a one size fits all approach.

Over time market conditions may change and the envelopes and land uses set out in a *Subregional Delivery Plan* may no longer provide for desired development outcomes. In that case a proponent may come forward with a proposal that seeks to vary some of the standards and requirements set out in the Plan. If so, the consent authority's merit assessment will extend over those areas where the proponent seeks to vary the standards as well as those areas where standards have not been developed.

It may not always be possible to develop the necessary standards and requirements for consent authority code assessment when the *Subregional Delivery Plan* is developed. It is proposed to allow those standards and requirements to be developed through a subsequent concept development application in which the community will be involved. Once granted, subsequent stages of the development would also be approved through code assessment.

Removing concurrences through strategic planning

The strategic planning phase provides an opportunity for individual government agencies to identify and resolve key matters relating to future development. At present, there are concurrence and approval requirements in 101 local and State statutory instruments, including various pieces of planning and non-planning legislation. While these approval arrangements can play an important role, many seem unnecessary particularly if matters can be resolved with agencies at the strategic planning phase.

For example, the Standing Committee on State Development, in its inquiry into the planning system, was advised that 87 per cent of the applications referred by local councils are unnecessary as they meet the Planning for Bushfire Protection guidelines. Assistant Commissioner Rogers said he did not know if this was because councils were adopting a risk management strategy, but it did cause an unnecessary overload of referrals for the Rural Fire Service.

'Government agencies should also be required to be actively involved during these [strategic planning] stages of the planning process to ensure that all issues are identified and resolved and the need for concurrences is avoided. Applications for planning consent should not be the stage at which to resolve State Agency issues.'

— *Urban Development Institute of Australia*¹⁹

CASE STUDY

Central Park (former Carlton United Breweries site), Broadway, Chippendale

In February 2007, the then Minister for Planning approved the *CUB Concept Plan* and development controls by a *State Significant Site* rezoning in the *Major Development SEPP*. The *Concept Plan* incorporated a masterplan for a residential, commercial, retail and public open space development with a capital investment value of around \$1.3 billion. Since then, seven Project Applications for subsequent stages have been determined by the Department and a further four Project Applications are in the pipeline. This process has been costly, unnecessarily time consuming, and has resulted in a number of duplicative applications effectively reviewing the same aspects of the proposal at each stage of the development process.

The CUB site is one of the most important urban renewal sites in Australia, yet has been frustrated by overlapping and duplicative assessment procedures, lack of cooperation between state and local government, and a lack of certainty of process and outcome for investors.

To avoid this happening in the future, in the new planning system, a streamlined code-based assessment process could be introduced once the original concept plan and development controls have been established. This would ensure that planning considerations are not revisited in subsequent assessment stages of the development and the developer can have confidence that a timely determination can be achieved.

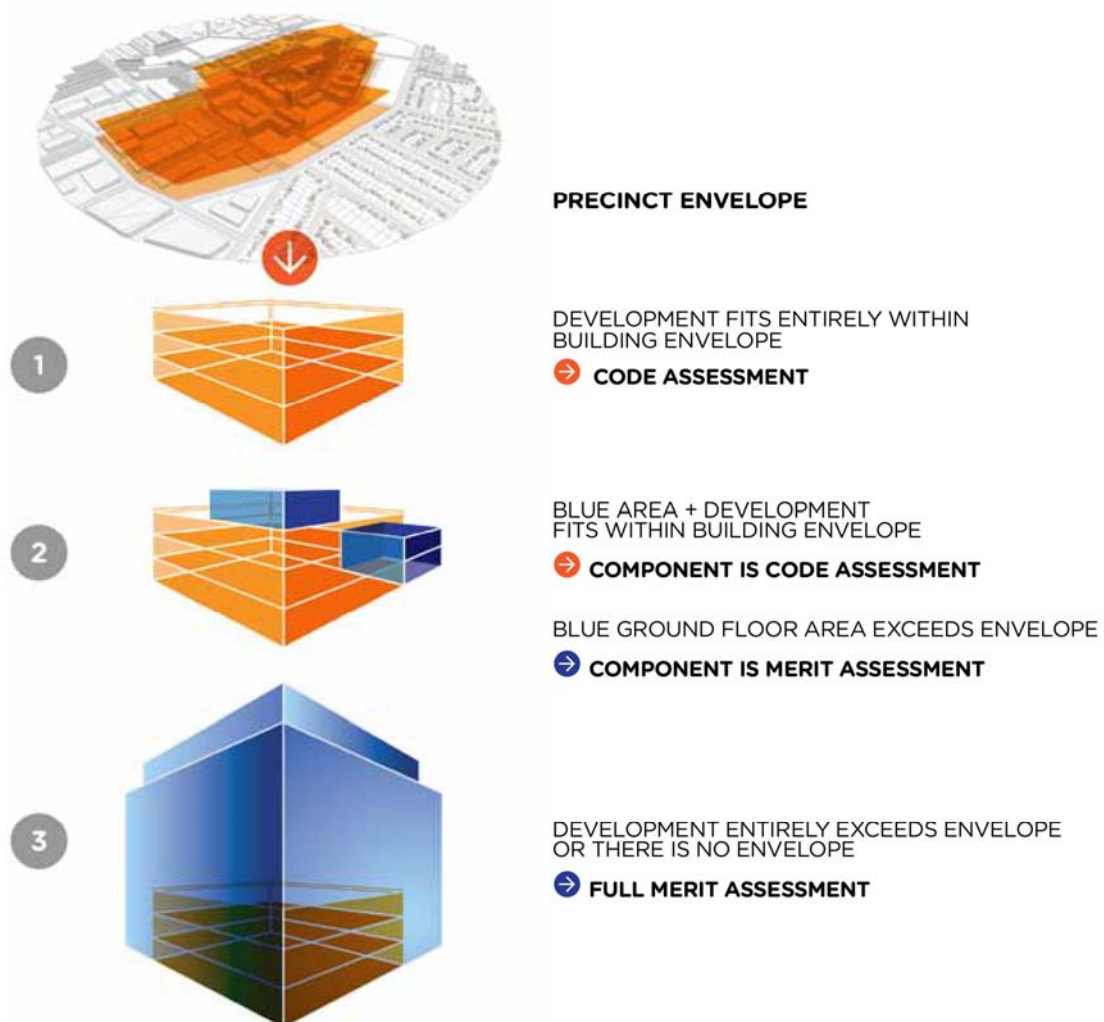
Provided that comprehensive strategic planning has occurred in conjunction with the relevant government agency, there is no need for a government agency to be consulted about a particular development proposal which is consistent with a strategic plan. In this way, the need to refer matters to government agencies at a later stage can be avoided.

Specific requirements to address agency concerns could, if necessary, be included in the *Local Plan*, removing the need for later referral of development applications to the agency. Alternatively the Department of Planning and Infrastructure could notify consent authorities of standard conditions for certain developments that should be included in development consents to address agency issues. In any event once the strategy is resolved, and any agency requirements or standard conditions are in place, concurrences will be switched off by the legislation.

In exceptional cases specific approval from other government agencies will still be required. For development considered by JRPPs, the existing arrangement in relation to integrated approvals for State Significant Development could be adopted. Under this arrangement, certain agency approvals would no longer be required (e.g. Fisheries permits and Native Vegetation), while some other approvals would need to be issued by the state agency consistent with the planning approval (e.g. environment protection license, *Road Act* approval). State agencies will be consulted during the assessment of the proposal in the same way they are for State significant development and any resulting conditions imposed on approval.

To further streamline integrated approvals and concurrences, the Government is proposing that consent authorities should assume state government agency approval in line with standard conditions if a concurrence or approval body does not respond within the statutory time frame. Under this circumstance, the consent authority will be obliged to assume that the particular agency has no objection to the development and apply standard conditions.

FIGURE 14 CODE AND MERIT ASSESSMENT





CHANGE 12 Reforming state significant development

The NSW Government is proposing a suite of reforms to streamline assessment of state significant development including integration with state planning principles and streamlining concurrence requirements.

The following changes are proposed to improve and streamline the assessment of state significant proposals.

Considering state planning principles

Generally it is important that decisions regarding state significant proposals take into account broad economic, social and environmental considerations, not just those local matters prescribed currently under *Section 79C* of the Act. State significant proposals by their very nature have State and regional impacts and it does not make sense that these impacts are not integral considerations in the assessment process.

As discussed in Chapter 7, the introduction of state planning principles will provide a better strategic framework in which to assess state significant proposals, rather than that provided by purely local land use plans. State planning principles should be taken into account by the decision-maker for state significant proposals (i.e. the PAC in any determination it makes).

Improving environmental impact statement procedures

Under the current system, *Environmental Impact Statements* give consent authorities information and evidence on the environmental implications of a development. Information provided in Statements includes impacts on water, threatened species, heritage and bushfires.

Many submissions raised issue of environmental impact assessment procedures, including:

- impartiality of consultants undertaking *Environmental Impact Statements*
- significant resources, time and costs to prepare an *Environmental Impact Statement*
- duplication of analysis undertaken in *Environmental Impact Statements*.

The NSW Treasury submission to the Planning Review suggested the following:

'Information requirements should be streamlined where possible to minimise the regulatory burden on applicants. To improve the confidence of the system, planning reports should be provided by consultants or bodies that are pre-approved or certified by the NSW Government.'

— *NSW Treasury*

The NSW Government proposes that consultants that provide *Environmental Impact Statements* should be chosen from an accredited panel, and required to meet certain standards regarding the impartiality and quality of their work. The NSW Government is also considering options to codify/streamline *Environmental Impact Statements* requirements where appropriate.

Seeking greater opportunities for integration in assessment

The NSW Government will maintain the current level of integration in the state significant assessment processes and look for additional opportunities to integrate other relevant State agency approvals. For example it is proposed to integrate the aquifer interference approval under *section 90* of the *Water Management Act 2000* in the new State significant assessment system.

The Government will bring together assessment expertise from different agencies to work as a team in undertaking the assessment of major infrastructure and private sector projects to work in outcome focussed teams until the assessment is completed. This will build better integration across agencies and enable speedy resolution of inconsistent agency requirements. This will also build better understanding about the whole of government assessment of State significant projects once staff return to their agencies.

A series of changes are proposed to improve time frames and processing of state significant proposals:

- strategic level approval—enabling the approval of a concept plan and the design of individual approval regimes for subsequent stages once the overarching approval is in place. This could be through a mix of subsequent applications, post approval management planning and code assessable development as appropriate
- matching the assessment to the stage of the development assessment process—focussing the assessment on matters that have not already resolved strategically and ensuring that the information that is required to accompany an application matches with the complexity and stage of that application
- case management—introducing a case management approach to application assessment for proponents, councils and other agencies, to deliver expected outcomes
- streamlining *Director General Requirements* (DGRs)—ensuring that DGRs are succinct and appropriate, reducing the 28 day consultation period if not required and developing standard DGRs for different types of development.



CHANGE 13 Smarter and timely merit assessment

The NSW Government is proposing to speed up and improve development assessment by setting assessment timeframes, involving decision making Panels early, and providing applicants the opportunity to redesign their proposal prior to a refusal.

Matching information requirements to the assessment stage

There is often an excessive amount of supporting information required to be submitted at every stage of a development process. Some of this material may not be relevant to the matter under consideration. This practice unnecessarily increases the costs of seeking approval and the complexity of the assessment

The Productivity Commission identified that this as an issue that should be addressed, noting that the range of reports that must accompany an application should be limited to:

‘...those essential for planning assessment, including referrals, leaving the need for other reports (e.g. such as for construction site management and most engineering and drainage) until after planning approval is obtained.’

— *Productivity Commission*²⁰

The Government is proposing to specify a requirement that at each development stage any matter that has been or will be adequately dealt with at another stage of the approval process must not be reassessed. Duplication will be avoided. This will apply equally to staged applications and building certification stages.

Speedy assessments

‘Complaints regarding delays in obtaining planning approval ... have been a recurring theme among developer interests in [the Productivity Commission study]. Planning approval delays can lead to significant costs for business including increases in land holding costs, lost revenue, interest costs, higher input costs (on materials and labour) and contractual penalties for exceeding agreed delivery times ... In some cases, the likelihood of delays may even prevent certain projects from proceeding in some locations’.

— *Productivity Commission*²¹

Where there are delays experienced in the assessment of development applications there are significant costs to both developers and the community at large. The Productivity Commission has noted that average approval times are influenced by a range of factors including the nature of the planning controls, complexity of the proposal, mix of development types, quality of the development applications, government agency requirements and resourcing levels within consent authorities. Many of the recommendations in this *Green Paper* are aimed at addressing these issues.

There is currently no accountability for timely determination of approvals by consent authorities. Therefore, there is no incentive to determine applications quickly.

The Department will be implementing measures to increase accountability for decision makers to expedite the assessment of applications without sacrificing appropriate levels of assessment. These measures could include alternative determination pathways for proposals once prescribed assessment time frames have been exceeded, and sanctions for continued inefficient or poor quality assessment and determination processes.

The proposed changes will set leading benchmarks amongst planning systems.

Bringing JRPPs into the assessment process

At present JRPPs operate at ‘arms length’ from the DA assessment process, with this process being effectively separated from the determination process which is the responsibility of the JRPPs.

A development application process is often iterative, with applicants and councils negotiating improvements to the project during the assessment process. However, JRPPs are not party to this process and may have contrary views to that which arise as a consequence of dialogue between the applicant and the council’s staff.

This can be frustrating for applicants who have made design changes to reduce the impact of their proposal and address the concerns of council staff, only to find that the changes are not supported or sufficient for the JRPP.

To address this issue, it is proposed that there will be appropriate opportunities for:

- JRPPs are involved in pre-lodgements meetings or briefings or at least issue identification early in the assessment process
- there are regular briefings to the JRPPs between the council and the applicant so that the JRPP can hear both sides of the story, similar to the conciliation method used by the Land and Environment Court to have everyone talking in the room
- consideration be given to providing dedicated staff to the JRPPs assessment process to assist with input into the assessment/determination interface.

Greater involvement of JRPPs in the DA assessment process does raise issues of transparency. It is also important that the decision makers are not

involved in designing proposals. However, it is considered that this can be managed through briefings with protocols.

Adopting an ‘amber light approach’

In the current practice of development assessment, some consent authorities, whether they be a council, Joint Regional Planning Panel, or the PAC, will provide an opportunity for a proponent to modify a development application in a way that will make the proposed development, which without amendments would be refused, acceptable for approval. This provides for a much more collaborative approach to facilitating development outcomes that are acceptable to the community, as opposed to formal court proceedings, particularly when the instances of objection to a proposed development often apply to aspects of a proposal that can easily be modified.

This approach is not formally required under the current Act, nor is it an approach that all consent authorities choose to follow.

The *Independent Review* has described this process as the ‘amber light approach’ to development assessment, and recommends that the new planning system formalise an obligation on consent authorities to provide advice to an applicant where a proposal may be refused and allow the proposal to be modified.

Specifically, the *Independent Review* recommends the following:

‘The assessment processes in the proposed Sustainable Planning Act are to impose an obligation on consent authorities to advise applicants of amendments to an otherwise unacceptable development that would, if adopted, render the proposal acceptable and no assessment report recommending refusal is to be finalised without providing the applicant with an opportunity (within 14 days) to adopt any recommendations made.’

The NSW Government agrees with this recommendation and proposes to adopt it in the new planning system. The NSW Government agrees with the *Independent Review* that:

‘An attitude that facilitates acceptable development—or development capable of being made acceptable—is an essential part of the cultural change that must accompany legislative reform.’

Letting the market bear the risk

In NSW there have been instances where a development proposal has been refused on the grounds that the market could not support a particular development. This is an example of market intervention by planners who are making decisions based on their assessment of demand. If a particular land use is allowed under the zone then a consent authority should not be able to refuse an application on the grounds of perceived insufficient demand. The planning system should facilitate investment and development and if a proponent is willing to invest dollars into a proposal then that is the measure of whether a proposal is viable within the market.

The *Barker Review of Land Use Planning (2006)* outlines this point:

*'Planners should not be attempting to determine if there is sufficient 'need' for a given application—rather the applicant, who is bearing the risk, should be responsible for assessing that likely demand is sufficient to make the development viable.'*²²

*'It is not the role of local planning authorities to turn down development where they consider there to be a lack of market demand or need for the proposal. Investors who are risking their capital and whose business it is to assess likely customer demand are better placed than local authorities to determine the nature and scale of demand.'*²³

— *Kate Barker*

Smart consent conditions

Currently in NSW it is not enough to get a development consent. You also have to have regard to what constraints, sometimes onerous, have been placed on the approval by way of a condition of consent. While there are legitimate reasons for imposing conditions, in many cases the conditions are superfluous or are not directly related to the development.

Conditions are an important and necessary part of development consents. They ensure impacts are mitigated and amenity is maintained. Inconsistent, duplicative and unreasonable conditions add complexity to development assessment in NSW and pose risks for developers and the community, particularly in terms of compliance costs.

Development consent conditions must be clear, reasonable, cost effective and proportionate in addressing the assessment issue. They should not duplicate other conditions or matters that are dealt with through building certification. They should only be imposed to ensure that the development is actually carried out as proposed and to mitigate unacceptable adverse impacts of the proposed development.

The Government will establish clear principles about the types of development consent conditions that are appropriate, ensuring that they do not duplicate other regulatory requirements and facilitate the development of standard conditions, possibly on a regional basis so that there is consistency across councils.

Standard conditions should be made publicly available (published on council website) to enable proponents to view the likely conditions to be imposed on their proposed development.



CHANGE 14

Increasing the use of code complying assessment

The NSW Government is proposing to maximise the proportion of complying developments by introducing a new mechanism for considering variations from the standards for an otherwise compliant house.

A 10 day code approval reduces costs for new home buyers and for industry

This development assessment track will be significantly expanded in the new planning system. Like consent authority code assessment it may be developed through a strategic planning exercise, like a *Subregional Growth Plan* or through a concept development approval. The Government will develop targets for code complying assessment development types strategically through the *NSW Planning Policies*.

It will also be expanded through state-wide codes possibly with regionally variation. These codes will be embedded in the new local plan.

Developed in consultation with industry, councils, professional bodies and technical experts, and with community involvement, codes provide for a 10 day fast track code approval for low risk low impact development.

The NSW Government will work with councils, industry and the community to extend the existing codes to new low risk low impact development types. The Government will look at extending the codes to new industrial buildings on industrial land, additions to those buildings, additions to existing commercial buildings, townhouses, terrace housing and villas and housing on smaller lots. In expanding the codes the Government will work with stakeholders to ensure the codes respond better to local conditions.

The NSW Government will also continue expanding the *electronic housing code* (EHC). The EHC is a pilot partnership between the Local Government and Shires Associations and the Department of Planning and Infrastructure. It is a shared, integrated electronic platform for the end-to-end processing of complying development applications under the *NSW General Housing Code*. The EHC allows online inquiries, lodgement and even determination.

Last year the Government committed additional resources to expand the EHC to 33 local government areas, additional accredited certifiers and to include the *NSW Commercial and Industrial Code*.

Finally the Government will work with councils, industry, professional associations, planning and building professionals, and the involving the community, to make code assessment simpler and easier to use. It will take stock and examine a range of measures to remove the impediments to more people obtaining the benefits of a 10 day approval.



FIGURE 15 PROCESS FOR CODE COMPLYING ASSESSMENT IN THE NEW PLANNING SYSTEM

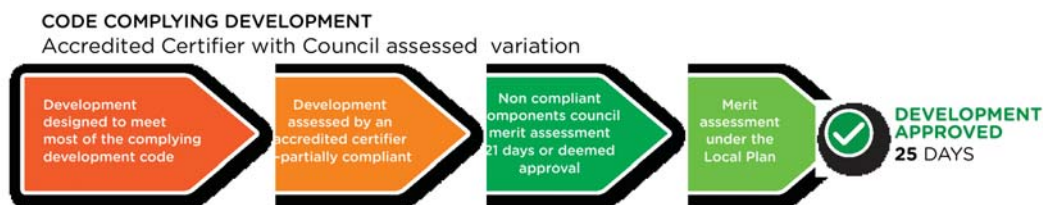


FIGURE 16 PROCESS WHEN DEVELOPMENT IS PARTIALLY COMPLIANT



FIGURE 17 PROCESS WHEN DEVELOPMENT IS NON COMPLIANT

Building regulation

NSW stakeholders have identified issues in the building industry, including:

- accountability of builders and other building practitioners
- liability of those builders and other practitioners
- quality of building outcomes
- cost and effectiveness of consumer protection measures
- confidence of investors and builders
- consistency of regulation.

The Government is proposing to undertake a review to identify improvements to building regulation, policy, systems and responsibilities.

The Building Professionals Board is currently setting up a cross-department group that will investigate the regulatory framework of building in NSW.

To ensure that such a review is independent and focuses on policy fundamentals, the review will be independently overseen with the Building Professional Board providing appropriate input.



CHANGE 15

Right of review for rezonings
and merit appeals**Matching information
requirements to the
assessment stage**

There is often an excessive amount of supporting information required to be submitted at every stage of a development process. Some of this material may not be relevant to the matter under consideration. This practice unnecessarily increases the costs of seeking approval and the complexity of the assessment.

The NSW Government believes that it is important that those parts of the planning system where strategic planning intersects with development assessment on a site specific level are made more accountable. This means allowing proponents to seek a review by independent expert bodies like the PAC and Joint Regional Planning Panels pre and post gateway for rezonings, for strategic compliance certificates, and for site compatibility certificates. In recognising the review focus of these bodies will be expanded, it will be necessary to ensure that the membership of these bodies have sufficient skills in this area.

Review of rezoning proposals

The decision by a council whether to pursue a rezoning proposal by a proponent should be more transparent and more accountable. The Government is proposing to formalise the existing practice of seeking independent reviews for some rezoning proposals in line with the recommendations of the Independent Panel.

‘The administrative based rezoning application process announced by the Minister for Planning and Infrastructure on 27 March 2012 be incorporated as a statutory scheme in the proposed Sustainable Planning Act.’

— Independent Panel, Recommendation 40

The plan making reviews proposed are:

- **Pre-gateway Reviews**—which may be requested by a proponent before a planning proposal has been forwarded for Gateway determination. This may occur where a council refuses or delays preparation of a planning proposal. Subject to meeting strict eligibility requirements, including consistency with strategies, the pre-gateway review would be undertaken by the relevant JRPP and if considered to have merit, the proposal would proceed to gateway.
- **Gateway Reviews**—would apply where the proponent or the council do not agree with the gateway determination. Gateway reviews may be requested by a council or proponent following a gateway determination, but before community consultation on the planning proposal has commenced. In these instances, planning proposals would be reviewed by the Director General of the Department with advice from the PAC.

Developer proposed rezoning

The new planning system aims to significantly reduce the need for spot rezonings through a shift to good, upfront strategy in planning.

There will however be instances where as part of the planning for a subregion, individual sites will not be specifically identified for growth or change because the future needs for that site may not have been made known. In these instances there still needs to be a process for rezoning on a site by site basis, characterised by transparency, accountability, probity, community participation and clear timeframes.

Joint Regional Planning Panels have a role in undertaking merit reviews of rezoning proposals that are not approved. These reviews should be based on clear processes and criteria, including an overriding public net benefit, informed by cost benefit analysis.

Review of Strategic Compatibility and Site Compatibility Certificates

As set out in Chapter 7 a proponent will be able to seek a review of the Director General's decision to issue a strategic compatibility certificate by the appropriate independent Joint Regional Planning Panel. Similarly it is also proposed to allow a proponent to seek a review of the Director General's decision to issue a site compatibility certificate, also from the Joint Regional Planning Panel.

Review of DAs and modifications

'The right of review to the consent authority, such as currently provided by section 82A of the EP&A Act, should continue in a new Act. Section 82A is working. An application for review of a decision is less costly than court proceedings and allows the applicant and consent authority to maintain control of the process and outcome. Barriers to applications for internal review should be removed.'

— *Planning Institute of Australia*

Existing s82A and s96AB review mechanisms are proposed to be retained and expanded. Reviews must be undertaken by an expert not involved in the original decision making where the original decision is to be confirmed and as set out below:

- Where decision was made by Department staff—Planning Assessment Commission to review
- Where decision was made by elected council—Joint Regional Planning Panels to review
- Where decision was made by council staff—a mechanism to be established where senior staff of the adjoining council(s) undertake the review —'jury duty' or establishment of a small appeals tribunal similar to the City of Sydney model
- Where decision was made by Joint Regional Planning Panels or Planning Assessment Commission—no review mechanism
- No review on Public Priority Infrastructure.

It is proposed that existing appeal rights under the Act be retained.

7

INFRASTRUCTURE PLANNING & CO-ORDINATION

The new planning system will align the funding and delivery of infrastructure with strategic planning to support growth across NSW.

The timely delivery of infrastructure is critical to achieving our strategic plans for growth. The new planning system will align planning and infrastructure delivery to provide certainty to the community, development industry and infrastructure agencies.

The NSW Government has already progressed a number of significant reforms to improve infrastructure planning and delivery, including:

- establishing Infrastructure NSW to prepare a 20-year *State Infrastructure Strategy*, five year infrastructure plans and project implementation plans for major infrastructure
- contributing to a rolling national infrastructure pipeline of committed major projects with Infrastructure Australia
- establishing Transport for NSW, an integrated transport agency that is leading the development of the *NSW Long-Term Transport Master Plan* for the entire state
- supporting reforms to local government service and infrastructure planning through implementation of the integrated planning and reporting framework by the office of local Government

The major changes proposed to the planning system relating to infrastructure delivery are:

- **Contestable infrastructure** provision to enable greater private sector participation in the delivery of infrastructure that supports growth
- **Growth Infrastructure Plans** to link strategic planning with infrastructure planning and provision, hence strengthening certainty and accountability for delivery
- **Fairer, simpler system of infrastructure contributions** to support the rapid supply of housing and improve affordability
- **Public Priority Infrastructure** to streamline assessment for major infrastructure delivery and provide upfront certainty accounting for increasing public private delivery models.

Independent Panel supports provisions for state significant infrastructure

The NSW Government supports the recommendation of the *Independent Review* to retain a process that enables the integrated planning and streamlined assessment of infrastructure projects that are of importance to NSW. The *Independent Review* recommended the following:

‘Provisions contained in the State Environmental Planning Policy (State and Regional Development) 2011 concerning State significant infrastructure and critical State significant infrastructure are to be retained and carried forward into the new planning system’

— *Independent Panel, Recommendation 39*

Priority infrastructure projects that are of genuine state significance will continue to be assessed by the Department of Planning and Infrastructure and determined by the Minister for Planning and Infrastructure (or delegate).

Submissions support the integration of infrastructure and strategic planning

Stakeholder submissions to the *Independent Review* have confirmed the need to bring together infrastructure and strategic land use planning with the following clear messages:

- strategic land use plans should be prepared in the context of existing and planned infrastructure. Where new infrastructure is required for the plan’s success, clear infrastructure delivery programs need to be developed
- State agencies should demonstrate a stronger sense of common purpose, and be focused on providing infrastructure essential for the success of government strategic land use plans
- the provision of State infrastructure should not ignore regional towns
- infrastructure contributions should be simpler, more transparent and cheaper.

‘The provision of infrastructure should be made central to the new planning legislation.’

— *Western Sydney Regional Organisation of Councils*

The submissions reflect the current sub-optimal arrangements for integrating strategic land use planning with infrastructure provision. Delivery of infrastructure in NSW has failed to maintain pace with growth particularly within the Sydney metropolitan area. Key to this issue is the lack of alignment between growth and infrastructure delivery and the need for better coordination between State agencies in the provision of infrastructure.

Current approach has resulted in delays in housing supply and affordability issues

The current approach to infrastructure planning and financing has been subject to various amendments in an attempt to respond to market conditions over time. This has resulted in a system that is now unnecessarily complex and has been ineffective in stimulating growth.

Despite past policy efforts, examples can be seen across the State where there has been a series of failures to deliver timely infrastructure leaving residents facing significant congestion, travel costs and delays.

High and inefficient infrastructure charging costs have also contributed to delays in the supply in housing and reduced the competitiveness of house prices, and this has been particularly evident in Sydney, resulting in affordability issues as well as a lack of supply.

The NSW Government aims to minimise infrastructure delivery issues by prioritising the release and rezoning of lands that are best capable of accommodating housing. Other options to fund and deliver major infrastructure will be opened up. New policy in this area will be characterised by transparency and accountability and underpinned by early community participation.



CHANGE 16 Contestable infrastructure provision

The NSW Government is introducing accountability to development assessment, rezoning and site compatibility certificates through new appeal and review rights.

Individuals and markets are best placed to deliver diverse choices in all development outcomes including housing and local centres. In both infill and greenfields development, the Government should refrain from any policies and actions that constrain housing providers from meeting market expectations. Past policies which produced a 'cookie cutter' approach through government masterplanning and infrastructure specification added unnecessary costs and reduced housing diversity and affordability.

The reforms to improve infrastructure funding and delivery involve:

- embedding the principle of contestability into the core infrastructure planning and delivery process to maximise innovation, diversity, choice and best value
- subjecting all stages of infrastructure concept, design, construction and operation, to full contestability
- minimising cost, maximise efficiency and encourage innovation in the planning and delivery of infrastructure through performance based planning
- enable processes for transparent and ethical consideration of unsolicited proposals from developers on innovations (including planning agreements) to accelerate housing related and other infrastructure
- use of special purpose vehicles to drive more innovation including in-kind contributions to deliver more of our infrastructure requirements.

Contestability, Third Party Access and Public Private Partnerships

For growth precincts, the private sector should be given the ability to design, fund, deliver, manage and operate infrastructure networks, such as for the provision of road, waste water, communications and energy supply. This would mean new access arrangements would need to be established to open up private sector delivery and operations of major infrastructure networks.

For larger government infrastructure projects, greater consideration should be given to the value for money offered by holding competitive tenders for the private sector using an outcome specification. This approach offers potential to reduce to costs by encouraging innovation to meet the outcome specification whilst also defraying the upfront capital costs into annual availability payments so more projects can be delivered in the short to medium term.

The mechanism to signal these proposals should be through *Growth Infrastructure Plans* that are attached to approved *Regional* and *Subregional Growth Plans*, but the principle would extend to any infrastructure requirements.

Voluntary Planning Agreements

Voluntary Planning Agreements need to be phased out or significantly modernised and simplified.

It is evident that fragmented areas have been a limiting factor in the ability for growth areas to develop as individual landowners have not been large enough to take responsibility for the delivery of precinct scale infrastructure (such as drainage, open space, and key intersections). As a result, an expensive public infrastructure program was mandated across Sydney's growth centres which needed to be funded by local and state infrastructure development contributions, which required as much as \$70,000 per lot.

Voluntary Planning Agreements are intended to be linked to larger precinct developments. For major housing development proposals, the NSW Government will expeditiously negotiate bespoke agreements with proponents to boost supply of housing whilst also agreeing smarter cost sharing arrangements for delivery of infrastructure. *Voluntary Planning Agreements* can be complex and time consuming to execute as they are subject to negotiation between the State, proponent and possibly council. The intention here however, is to boost resourcing to ensure these new agreements are an efficient method to enabling more developments to be brought to market.

Clear minimum *Voluntary Planning Agreement* benchmarks should be established, that will feature:

- defined infrastructure performance outcomes (rather than simple lists of traditional assets) to enable the private sector to innovate and optimise scope
- defined negotiation time frames recognising holding costs and the need for urgent action to boost housing supply
- more developer contributions in-kind and innovations to improve cost effectiveness as well as the livability or amenity of these new communities so that they are more attractive and marketable to home buyers.



CHANGE 17

Growth infrastructure plans

The NSW Government is proposing new *Growth Infrastructure Plans* to integrate the planning and provision of infrastructure with strategic planning for growth. The *Growth Infrastructure Plan* will provide a single, evidence based capital program facilitating private sector contestability and improving certainty and accountability for infrastructure delivery.

The provision of infrastructure is essential to supporting growth.

Delivery of appropriate infrastructure in housing development areas needs to match over time housing production and be coordinated between agencies. This will ensure housing delivery is not unnecessarily delayed and will reduce the problem of infrastructure being left 'stranded' without housing development proceeding.

Currently, each infrastructure agency has its own budget and planning process and consequently has its own priorities in terms of infrastructure provision, subject to whole of Government Budget and regulatory processes. However, the result of multiple agencies operating within their separate processes have sometimes led to infrastructure provision decisions that appear disjointed, with impacts on development and efficient and timely infrastructure provision.

In the past, expenditure on the infrastructure needed to support growth has been a relatively minor consideration, with the agency's own specific business needs taking priority. This led to instances where some services are available for a development, but not others, and with the agency required to deliver services to an area having no knowledge of these requirements.

Another key problem is one of information availability and certainty for the community, development industry and local councils, which has increased uncertainty for housing development. Infrastructure agencies are often unable to make public commitments to particular projects beyond those listed in the Budget Papers, given that once information is available in the public domain, it can be perceived to constrain an agency's actions.

Developers, infrastructure agencies and councils need, and have sought, high quality, up to date information about planning status, progress with development activity and necessary infrastructure within a development area. This provides certainty and consistency and allows efficient planning, priority setting and infrastructure investment.

The NSW Government is addressing this issue in a number of key ways.

State Infrastructure Strategy

Infrastructure NSW is developing a 20 year *State Infrastructure Strategy*. It will be the first time that an integrated and long-term view of infrastructure has been delivered for NSW.

The final strategy, which will be released to the NSW Government in September 2012, will identify what infrastructure the state needs to achieve economic growth and how to activate both public and private sector resources to deliver it.

Infrastructure NSW will prioritise those sectors that drive productivity growth and have the greatest impact on economic growth and, ultimately, quality of life.

The strategy will go through a disciplined process that takes into account:

- 20 year forecasts of the NSW economy
- predicted population growth and demand for infrastructure and services
- the current state of infrastructure in NSW
- the NSW Government's long term objectives for sectors such as transport, water, electricity and telecommunications
- options for demand management and other policy, pricing and regulatory reforms
- investment policies and strategies to efficiently and effectively address infrastructure needs
- identify funding options and financing models for combined public and private sector investment.

Each year, InfrastructureNSW will publish a five-year *State Infrastructure Plan*, which identifies priority infrastructure projects to be delivered annually.

The outcome of Infrastructure NSW's work will be a clear pipeline of integrated infrastructure projects and/or reforms. The strategy will guide the right investment choices at the right time to drive the continued economic growth of the economy.

NSW Long-Term Transport Masterplan

The Government is preparing the *NSW Long-Term Transport Masterplan*, a comprehensive, integrated strategy for all modes of transport across NSW. The plan will identify a clear direction for the development of transport infrastructure of the next 20 years through addressing key challenges for the transport industry, such as population growth and job creation in order to maximise the benefits to the economy and align with land use strategy. The final Masterplan is scheduled to be released in late 2012. The *NSW Long-Term Transport Masterplan* will in particular integrate land use planning and hence facilitate growth strategic planning as advocated in this reform paper.

NSW Government proposed reform

New *Growth Infrastructure Plans* will be prepared by the Department of Planning and Infrastructure in consultation with infrastructure providers and agencies, including Infrastructure NSW, and will identify the infrastructure needed to support development in the high growth areas of the state.

Critically, the *Growth Infrastructure Plans* will take a spatial approach to infrastructure planning, rather than a sectoral approach. In other words, infrastructure planning will focus on an area of growth, rather than an individual infrastructure provider's business plan.

The Plans will be prepared in conjunction with *Subregional Delivery Strategies*, ensuring that future land use decisions are aligned with infrastructure planning and delivery.

The *Growth Infrastructure Plans* will be based on the most recent development activity and market evidence sourced from regular state monitoring, councils and developers. This will ensure that the infrastructure identified in the Plans will directly support development outcomes.

The primary purpose of this approach is to facilitate growth by ensuring that the right infrastructure is planned and provided in the right location at the right time to meet housing and employment development forecasts.

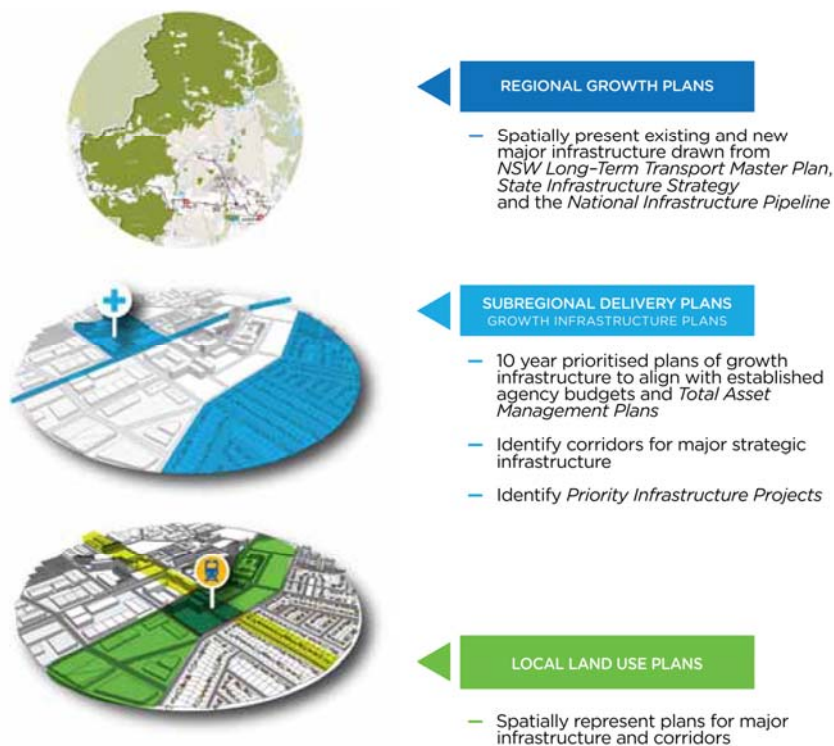


FIGURE 18

STRENGTHENING THE INTEGRATION OF LAND USE AND TRANSPORT AND INFRASTRUCTURE PLANNING

Growth Infrastructure Plans will be prepared for a five and 10 year horizon to align with the establishment budget and *Total Assessment Management plan* processes of Government. The Plans will be aligned with the *State Infrastructure Strategy*.

The Growth Infrastructure Program will:

- achieve better identification, prioritisation, coordination and delivery of growth infrastructure to meet housing delivery needs
- provide increased transparency about the growth infrastructure pipeline, allowing increased certainty for industry, councils, and the community.

The *Growth Infrastructure Plan* development will be based on four key steps as follows:

1. Develop evidence base with subregional snapshot of current planning and infrastructure issues
2. Identify current and future infrastructure needs in concert with subregional planning processes
3. Develop infrastructure delivery program and prioritise capital allocation
4. Appoint *Growth Infrastructure Plan* Delivery Managers to monitor, coordinate and troubleshoot on issues that impact on the timely delivery of infrastructure in the catchment.

Corridor reservations

Governments have traditionally been slow to protect the corridors needed for the future delivery of efficient infrastructure networks. A failure to reserve appropriate corridors for future infrastructure projects can significantly increase development and construction costs, which can impact on the viability of investment.

To address this issue, corridors for major strategic infrastructure will be identified in regional strategic planning processes and reflected in the relevant spatial plans, in particular, Local Land Use Plans, to provide certainty for infrastructure development and mitigate risks of encroachment from incompatible development.



CHANGE 18

Fairer, simplified and more affordable system for infrastructure contributions

The NSW Government is proposing a fair and affordable system for infrastructure contributions to support the rapid supply of housing in growth areas.

The approaches to development contributions in the past have been complex, inequitable, and inefficient. Successive reviews and reforms have not substantially improved the structure and operation of the levy framework.

Development contributions at a local council level have evolved significantly over the past two decades from the provision of baseline facilities immediately required to support growth, such as roads, and drainage, to the inclusion of more extensive community infrastructure, such as community centres, and recreational facilities. This shift has contributed to an increased cost of development contributions, and has impacted on the supply of housing, which has impacted on housing affordability.

Recent reforms to the local contributions framework, including reducing the scope of infrastructure funded through contributions, and the introduction of a cap on contributions amounts have not addressed the fundamental flaws in the system, and it remains a major issue for both the development industry, and local councils.

There are also issues with the levy framework for *State Infrastructure Contributions*, particularly in relation to the concentration of costs in greenfield areas, and the lack of transparency between levy revenue and infrastructure programming and delivery.

Submissions to the *Planning Review* identified problems with the development contributions system, many of which highlighted the impact of contributions on housing affordability.

Concerns in relation to the levy framework were also raised by the Independent Pricing and Regulatory Tribunal (IPART) in its submission to the Review:

'The large number of policy changes may have reduced investment certainty. Further, the rationale for the current allocation of costs between these parties is not clearly articulated. The system is fragmented, resulting in inequities in the allocation of the costs of development depending on the location and the ultimate owner of the infrastructure.'

— Independent Pricing and Regulatory Tribunal

The current situation is summarised as follows:

- new development generates demand for new facilities and infrastructure
- various tools are in place at the local and state level to ensure this infrastructure is funded, but these tools have not always worked in an equitable, timely or administratively efficient manner
- as a result, infrastructure provision has been delayed, has become more costly than necessary, is administratively complex and has contributed to pressures on housing affordability,
- in the context of a comprehensive reform of the wider planning system, a comprehensive reform to development contributions is warranted and necessary.

New principles for infrastructure levies

Infrastructure provision has costs, and the Government believes that both government and private sector infrastructure providers should be entitled to recover some of the costs associated with investing in the infrastructure required to support growth.

The Government will reform the development contribution framework for state and local government infrastructure, providing a fairer, more transparent, and more efficient scheme for the future. The framework will be based on a number of key principles as follows:

- levies should be based on principle of contributing to cost recovery
- levies must be competitive with comparable markets in other jurisdictions
- levies must not compromise housing affordability or inhibit housing delivery
- the ‘beneficiary pays’ principle and the principle of ‘avoidable cost’ suggested by the productivity commission and in the *Henry Tax Review* should apply in appropriate circumstances
- levies should demonstrate an element of ‘cost reflectivity’—demonstrating that the provision of infrastructure in some areas is higher than others, and the levies should reflect at least some of that cost
- levy contribution should spread costs to the broadest base of beneficiaries—including over time where possible

- levy framework should avoid any unnecessary concentration of costs on consumers
- levy system should support contestability
- levy system should encourage providers to cater for a diverse range of market expectations and demands for infrastructure and services
- some cross-subsidisation of infrastructure costs can occur where there is a government or council policy decision to concentrate growth and therefore costs in a particular area or costs arise as a result of general population growth
- there must be a clear, transparent link between levy revenue collection and infrastructure programming and delivery
- levy revenue must not be hoarded or banked to consolidate an authority’s fiscal position
- levy framework must be transparent and be able to be implemented efficiently.

The Government is considering a number of options for reform to implement the new principles for infrastructure levies and will be engaging with local government and the development industry to further develop these reforms. It is important that any reforms in this area are consistent with the principles outlined earlier, and are sustained over the long term to provide consistency for industry and the community.

One option that is under strong consideration that addresses a number of the key cost drivers for development contributions is proposed as follows:

1. Local Infrastructure identified in Local Infrastructure Plan

The local infrastructure needs required to support development would be identified in a Council's local infrastructure plan, and could include only the following scope of works:

- local roads
- local drainage works
- land for community facilities (not open space or drainage)

Councils would have two options for recovering costs from development to contribute to the cost of delivering the *Local Infrastructure Plan*:

- a contribution to the cost of delivering the local infrastructure which is apportioned evenly across the defined area, typically a greenfield release area; or
- a contribution to the cost of delivering the local infrastructure based on a percentage of the proposed capital investment value in carrying out the development—typically applied in areas where infill development occurs.

2. Regional Open Space Levy

A fixed levy per residential development in both infill and greenfield areas could be made to contribute to open space and drainage requirements across a region. Open space and drainage requirements may have broader benefits than just the immediate development and it is appropriate that this cost be spread more broadly. The *Regional Open Space Levy* will be used to fund the acquisition of:

- local, and regional open space land
- local, and regional drainage land
- biodiversity conservation offsets.

These acquisitions could be undertaken by Councils and the State Government, with ownership transferred to the most appropriate public or private body for ongoing management.

3. Regional Infrastructure identified in Growth Infrastructure Plan

Growth Infrastructure Plans will be prepared for high growth areas of the State to ensure that land use changes are supported by infrastructure planning and investment. To assist in the recovery of some of the costs of this investment, a contribution to regional infrastructure could be levied on new development to fund the following items:

- new and upgraded regional roads
- land for health and educational facilities
- land for emergency service facilities.

Similar to *Local Infrastructure Plans*, the cost of Regional Infrastructure could be supported by differential contributions in infill and greenfield areas. Regional infrastructure requirements will be identified in the *Growth Infrastructure Plans* and costs could be recovered through either:

- a contribution to the cost of delivering the regional infrastructure which is apportioned evenly across the defined area, typically in areas where there is high levels of greenfield development; or
- a contribution to the cost of delivering the regional infrastructure based on a percentage of the proposed capital investment value in carrying out the development—typically applied in areas where infill development occurs.

FIGURE 19 OPTION FOR DEVELOPMENT CONTRIBUTION REFORM

INFRASTRUCTURE	LOCAL INFRASTRUCTURE PLAN	REGIONAL OPEN SPACE FUND	GROWTH INFRASTRUCTURE PLAN	RESPONSIBLE DELIVERY AUTHORITY*
LOCAL ROADS	•			LOCAL COUNCIL
LOCAL DRAINAGE WORKS	•			LOCAL COUNCIL
LAND FOR COMMUNITY FACILITIES	•			LOCAL COUNCIL
LOCAL OPEN SPACE		•		LOCAL COUNCIL
LOCAL AND REGIONAL DRAINAGE LAND		•		LOCAL COUNCIL
REGIONAL OPEN SPACE		•		NSW GOVERNMENT
NEW AND UPGRADED REGIONAL ROADS			•	NSW GOVERNMENT
LAND FOR HEALTH AND EDUCATIONAL FACILITIES			•	NSW GOVERNMENT
LAND FOR EMERGENCY SERVICE FACILITIES			•	NSW GOVERNMENT

* MAY BE DELIVERED BY PRIVATE SECTOR

FIGURE 20 OPTION FOR DEVELOPMENT CONTRIBUTION REFORM

Calculating Growth Infrastructure Contribution	Greenfield Development	Infill Development
Local Infrastructure Contribution	Contribution amount identified in <i>Local Infrastructure Plan</i>	Contribution will be percentage of capital investment
Local and Regional Open Space Fund	Fixed Nominal Contribution	Fixed Nominal Contribution
Regional Infrastructure Contribution	Contribution amount identified in <i>Growth Infrastructure Plan</i>	Contribution will be percentage of capital investment

The need for simplified and strengthened administrative arrangements

There are a number of significant issues in relation to the administration of development contributions that the Government believes need to be addressed. These include:

- varying standard of administration of contribution revenue
- varying standard of financial modelling and accounting for contributions plans—some councils use the 'Net Present Value' financial model, and most others use a 'Return on Investment' approach
- the use of contributions revenue to consolidate an authority's fiscal position
- delays between contribution revenue collection and infrastructure construction
- a lack of appropriate reporting and accountability for contribution revenue collection and links to infrastructure programming and delivery
- the capacity within some councils to efficiently manage contributions plans and ensure strong links with revenue collection and infrastructure delivery.

The Government proposes to establish a Taskforce with local government to develop solutions to these key issues. The *White Paper* will detail the Government's proposed reforms.

Timing of development contribution payments

Many submissions to the Planning Review highlighted issues around the timing of payment of development contributions. The development industry has consistently contented that the payment of levies early in the development process exposes developers to holding costs, which are then transferred to consumers by way of higher house prices.

The new framework for development contributions will provide for payment of levies as late as practically achievable in the development process. The Government recognises the need to limit any unnecessary cost burdens on the development industry and will ensure that the new contributions system is consistent with this objective.

Linking development contributions to infrastructure planning and delivery

The budget process has never formally incorporated a mechanism for the allocation of development contribution revenue to the relevant agencies. This has provided both funding uncertainty for infrastructure agencies, and servicing uncertainty for industry and the community.

This has also contributed to a perception of a lack of transparency about how infrastructure contributions are used. Some stakeholders have complained of money disappearing into a 'black hole' within Government, and whether funds collected from developers are actually used to fund infrastructure provision in the areas where development is occurring.

At present, there is no visibility around where funds have been directed and what is in the pipeline.

To ensure greater transparency, clarity, and accountability in the state development contribution and budget process, the Government will implement the following reforms:

- Development contributions collected within a catchment will be spent on infrastructure within that catchment—ensuring that the 'beneficiary pays' principal is maintained
- Development contribution revenue will be directed, or hypothecated, towards infrastructure provision, rather than getting lost in consolidated revenue
- A clear reporting process through the Budget will show the value of development contributions collected, and how they have been allocated to infrastructure planning and delivery.



CHANGE 19 Public Priority Infrastructure

The NSW Government is proposing to simplify and streamline the delivery of Public Priority Infrastructure projects—which are major infrastructure projects of highest priority to the Government and the community.

These major projects will be identified in high level strategic documents, such as the *State Infrastructure Strategy* and the *NSW Long-Term Transport Masterplan*. They represent the NSW Government's agenda for infrastructure as they will result in wide economic and social benefits and will be essential to managing growth.

Currently, NSW has capability for efficient project construction however the delivery of major infrastructure has not been well aligned to growth or the changing priorities of government. Often there are long project development lead times, high project costs and ongoing backlog of essential infrastructure that is not yet planned or delivered. This has occurred during a rapid period of growth particularly within the Sydney Metropolitan area and has disadvantaged the community and the economy and damaged the State's reputation for infrastructure delivery.

The existing infrastructure assessment and delivery process is cumbersome and has impacted on economic growth and productivity. The current emphasis on requiring extensive investigations and detailed management plans and commitments prior to project approval has meant that after approval is finally given, it is often too difficult, costly and time consuming to adjust the project even if better solutions are presented by the private sector.

The current system does not fully account for private sector participation in the delivery of infrastructure as there is not up front certainty at the pre-tendering stage. In addition, the current system does not promote innovation in that changes post approval requires formal modification or subsequent approvals.

The NSW Government proposes a new approach that reduces the complexity of approvals without compromising community and environmental outcomes.

NSW Government proposed reform

The proposed new approach for Public Priority Infrastructure will provide for:

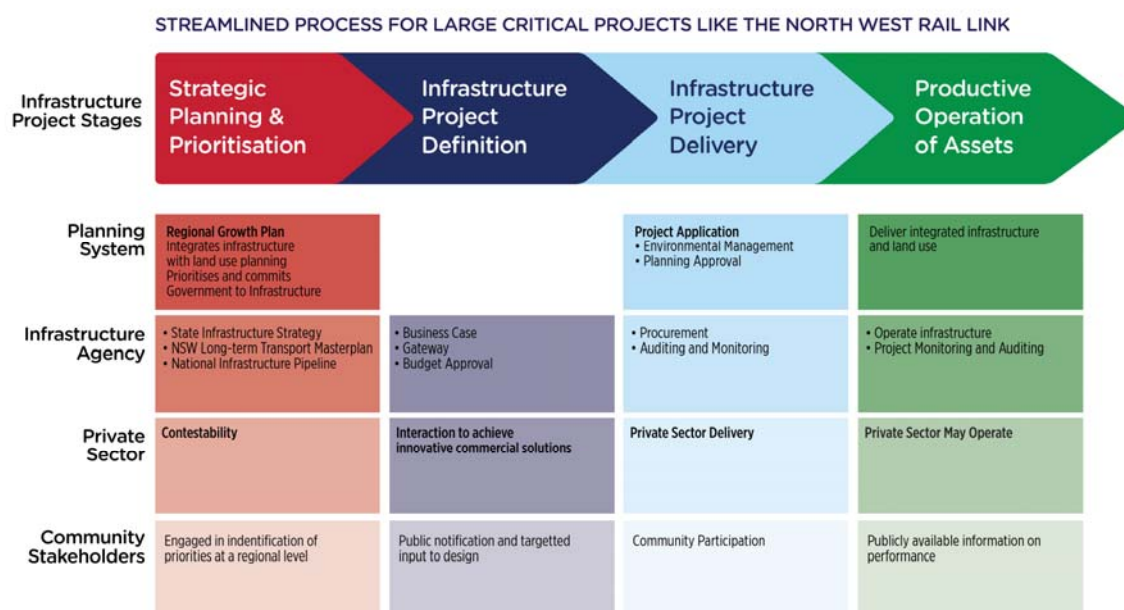
- improved community participation early in the planning process
- early certainty for the community, industry, planning, financing and land acquisition that the project will proceed
- faster delivery of infrastructure benefits to the community and the economy,
- greater opportunity for private sector involvement to improve innovation in design.

The NSW Government proposes to decide whether projects will go ahead at the relevant strategic planning level. The subsequent environmental assessment process will focus on how these projects will proceed and on managing the environmental impacts of the project rather than whether these projects will proceed.

The new planning system will address excessive cost, delay, duplication and uncertainty in delivery of essential State significant infrastructure. Public Priority Infrastructure will:

- provide early certainty to the community and industry
- expand meaningful opportunities for community input at the strategic level and in managing the environmental and amenity impacts
- deliver the world class infrastructure that NSW needs.

FIGURE 21 PROCESS FOR PUBLIC PRIORITY INFRASTRUCTURE



Currently a project cannot be approved for delivery until all elements of the project's environmental impact assessment and management is resolved in fine detail. The new framework will provide for early certainty, community participation and private sector involvement through:

- greater emphasis to the outcomes of strategic planning and allow early Government commitment to delivery of identified Public Priority Infrastructure projects. Once agreed at the strategic level, the legislation will clarify that those projects will proceed subject to environmental management rather than formal approval
- enabling Government departments to better engage early with industry and stakeholders and will allow greater flexibility in project development and modifications
- providing for early community comment on the project and allow industry, government and the affected communities to work together to develop management strategies that optimise outcomes and minimise and mitigate impacts on social amenity and the environment
- requiring all government agencies to work cooperatively and proactively for the common goal of minimising impacts and find the solutions required to efficiently and cost effectively deliver the infrastructure
- providing for explicit approvals at the concept stage, hence streamlining further duplicative processes and approvals.

To deliver this new framework, government has proposed 9 key elements to make it happen. These are:

- integrated and strategic assessment of the State's infrastructure needs, including publication of *Regional and Subregional Growth Plans* that identify and prioritise *Public Priority Infrastructure* projects (including alignment of *State Plan* objectives and *State Infrastructure Strategy* projects)
- early Government commitment to delivery of Public Priority Infrastructure projects, aligned with Cabinet and Treasury gateway and budget allocation processes
- early project definition phase that will include publication of a clear *Project Definition Report* (containing a business case) and a *Project Environmental Management Statement* describing how potential environmental impacts are to be minimised and managed during design and construction
- early and coordinated engagement of relevant government agencies so they can meaningfully input into project design considerations—allowing them to contribute to identifying and resolving environmental and social impacts at the design phase
- effective community participation at various phases including project development and detailed design phases—this will enable the community to focus on the issues that are most important at each stage of project
- early engagement with industry after the project definition phase, allowing innovations and ideas that may be critical in project development and delivery
- use of plain English guidelines and strategies to describe how environmental and social impacts are to be minimised, managed and mitigated during construction and operation
- avoiding multiple approvals and applying an outcomes focussed approach to assessment requirements and approval conditions
- more effective use of auditing and monitoring processes to ensure construction processes and project outcomes meet community and stakeholder expectations.

The new planning framework that will deliver Public Priority Infrastructure is designed to simplify and streamline the process from strategic planning to detailed design and delivery issues. It will be aligned to existing Government planning and Treasury gateway processes and will be structured to provide greater certainty and clarity. Engagement will be commenced earlier and will be more focused to enhance project outcomes. This will result in a more inclusive approach that retains transparency, certainty and focuses on cost effectiveness.

8

DELIVERING A NEW PLANNING SYSTEM

A good planning system must deliver what it sets out to achieve.

Delivery mechanisms and responsibilities must be clear and performance against measurable planning goals must be regularly monitored and communicated. Plans at all levels must be owned and driven by the whole of government, in partnership with local government and the community.

To improve the delivery of the planning system new governance initiatives are proposed:

- A Chief Executive Officer's Group to integrate and drive implementation
- Regional Planning Boards to advise on regional and subregional strategic plan-making, infrastructure and planning issues
- Mandatory performance monitoring against clear indicators with regular public reporting and review
- Major organisational reform program to address the structure and culture of planning at all levels and within both the public and private sectors.

In implementing a new planning system in NSW there will be a need for a number of transitional arrangements while subregional plans are being prepared. In addition, links to related legislation and regulations that cause planning red tape will also need to be reviewed. These transitional arrangements and related legislative reviews will be detailed in the White Paper.

Submissions supported strengthening implementation and performance measures

A key theme identified in submissions to the *Planning Review* from a range of stakeholders, was that implementation, monitoring and review are weaker elements of the current system. As it applies, the system has been criticised for a lack of accountability and poor implementation.

The COAG review of strategic planning in Sydney found:

*'The [strategic planning system for Sydney] contains strong planning and policy content, however, it lacks the hard-edged accountability, performance and implementation measures to drive these policies.'*²⁴

— *COAG Reform Council*

The NSW Government supports strategic plans having a clear operational component with performance measures, accountabilities for delivery of actions and budget commitments.

The importance of a 'whole-of-government approach' has also been identified as critical to the development and delivery of a successful new planning system for the State.

'Ensuring the strategic planning framework which emerges from this review is embraced across government, and that all government departments recognise the framework as the government's growth strategy, rather than just the Department of Planning's strategy is essential.'

— *Property Council of Australia*

In the past the planning system has been unable to keep pace with changing expectations and conditions. Accordingly a series of ad-hoc and time consuming legislative amendments have been pursued by various governments. This reactive approach has resulted in a complicated and multi-layered Act.

The NSW Government supports a more responsive approach with ongoing, high level monitoring and review to ensure that the system is delivering what it sets out to do. This process will allow failures in the system to be identified early and rectified in a coordinated way.

Any planning system—no matter what regulations or processes are in place—is only as good as the people who run it. There is a strong view that the planning profession is currently overly controlling and is highly risk-adverse. There are also concerns that the profession is solely focussed on how to stop outcomes, rather than how to facilitate good outcomes. This makes the planning profession appear unhelpful and excessively bureaucratic.



CHANGE 20 Chief Executive Officer's Group

The NSW Government will establish a formal NSW CEO Group with clear accountability for the delivery of approved strategic plans, including infrastructure coordination and provision across the State.

The CEOs Group would need to ensure a whole of government integrated approach in planning making at the strategic level, and in particular, in coordinating the delivery and implementation of the plans and associated infrastructure. In addition, in order to avoid duplicative processes, the CEOs Group would need to ensure all agencies interest and requirements are addressed at the relevant strategic level so as to prevent concurrence and referral at the development application stage and increase certainty.

Key features of the governance arrangements of the CEOs Group include:

- governance and functions will be provided for in legislation
- membership will include the CEO/Director General of: Department of Planning and Infrastructure; Department of Premier and Cabinet; Treasury; Transport for NSW; Department of Trade and Investment, Regional Infrastructure and Services and Infrastructure NSW.

Key functions of the CEOs Group would include:

- overseeing the whole of government input into the preparation of growth plans, planning policies and standards; and secure a coordinated integrated outcome
- signing off at the relevant strategic level on agencies relevant statutory requirements as applicable
- ensuring the integration and services in the strategic plans
- coordinating implementation, delivery and monitoring.



CHANGE 21

Regional Planning Boards

The NSW Government proposes to establish Regional Planning Boards (in Metropolitan and regional/rural areas of NSW) to provide a regional partnership of stakeholders, state and local governments to oversee regional and subregional planning initiatives.

The NSW Government proposes to establish Regional Planning Boards (in Metropolitan and regional/rural areas of NSW) to provide a regional partnership of stakeholders, state and local governments to oversee regional and subregional planning initiatives.

The emphasis on strategic planning and the adoption of a flexible approach to develop standards and planning practices necessitate strong governance arrangements and key stakeholder participation as an integral part of the planning process. Independent advice from expert stakeholders and close involvement of local government is essential in overseeing the system and its implementation.

The key functions of Regional Planning Boards would include:

- providing advice on the formulation and implementation of growth strategies, local land use plans, planning guidelines and practices
- providing an independent transparent source of advice to the Director General of Planning and Infrastructure and the Minister for Planning and Infrastructure on the functioning of the planning system and the adoption of growth plans at the regional and subregional levels.

Membership of the Regional Planning Boards would include:

- independent local chair
- key stakeholders with relevant experience (e.g. Catchment Management Authorities)
- representatives of local government
- *ex officio* members representing relevant NSW Government agencies.



CHANGE 22

Mandatory Performance Monitoring

The NSW Government is proposing the introduction of regular and mandatory performance measurement for strategic planning at all levels, with requirements to be embodied in the new Act.

A *Performance Monitoring Guideline* will be developed which includes *Key Performance Indicators* and accountabilities to be included in strategic and local plans. Performance measures will be developed and assessed annually against planning targets in regional, subregional and local level plans, including tracking the timely delivery of infrastructure.

In terms of measuring outcomes on the ground, the performance measures will include the number of dwellings and jobs planned for and delivered, the area of environmental land protected and delivery of associated infrastructure.

Quarterly reporting against the performance measures will be provided in a public report that includes this data and any action taken to remedy problems will be published annually.



CHANGE 23 Planning Culture

The NSW Government is proposing organisational reform to resource strategic planning and to improve the culture of the planning profession at all levels.

The Planning Institute of Australia identified that a cultural shift in planning is required first and foremost to set a foundation to enable a new act to be most effectively and efficiently implemented.

‘To be truly effective....the Planning Institute of Australia (PIA) believes the review should be broader reaching than the preparation of a new planning act. Whilst a new act could give the structure to a broader change, a review of the NSW Planning System should also focus on the ‘glue of planning—its culture—and how it could be improved.’

— Planning Institute of Australia

It is recognised that there needs to be a strengthening in the culture of the planning professional

There needs to be a shift of culture and resources to focus more on strategy, outcomes and innovation, and move away from statutory planning, repetitive processes and bureaucratic procedures. In particular, resources need to move toward a next generation of planners who can lead the integration of infrastructure and land use, and better understand land economics and growth management.

The NSW Government is proposing a major cultural change program led by the Department of Planning and Infrastructure in partnership with the Planning Institute of Australia, key local government and stakeholder representatives. A dedicated change manager will be appointed at a senior level within the Department to drive and champion organisational change programs.

9

NEXT STEPS

A White Paper and Exposure Bill will now be prepared in discussion with planning stakeholders including the profession, business and the community.

This next stage in the development of a new planning system for NSW will involve developing the detail and testing each of the supported proposals in the *Green Paper*. This is likely to be the most challenging stage of the Planning Review and its success will depend on appropriate resourcing and expertise.

The NSW Government invites you to be involved in the next steps of this important reform. Register your interest and participate in our online forum at www.planning.nsw.gov.au

Information about focused workshops to develop up the detail of proposals in this *Green Paper* will also be available on the website.

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ACKNOWLEDGEMENTS

I would like to thank the Hon Tim Moore and the Hon Ron Dyer for preparing a comprehensive, *Independent Report* on reforms to the Planning System. The extensive consultation undertaken by the Independent Panel in developing its Report for Government serves as a model for policy makers everywhere.

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A NEW PLANNING SYSTEM FOR NSW GREEN PAPER

Frequently Asked Questions

July 2012

Frequently asked questions for councils

WHY IS THE GOVERNMENT OVERHAULING THE NSW PLANNING SYSTEM?

- The legislation which provides the overarching framework for the planning system in NSW is over 30 years old.
- The legislation has been modified over 150 times to try to keep up with changes in the community, but it has reached a point where the State Government believes a new planning system is required.

WHAT ARE THE PROBLEMS WITH THE EXISTING SYSTEM?

- The current planning system has become too complex and difficult to understand for many users of the system.
- Businesses and community members have also expressed their frustration about the red tape and delays that impact on development applications for minor and major proposals.
- Environmental and biodiversity conservation issues and the protection of high value agricultural lands are managed in a piecemeal way, and are not proactively and appropriately catered for in current planning processes.

HOW DOES THE GOVERNMENT INTEND TO FIX THE PROBLEMS WITH THE EXISTING PLANNING SYSTEM?

- The Government is completely overhauling the planning system to make it more simple, user-friendly and better suited to the needs of the community and industry.
- Following extensive consultation with the community and industry throughout NSW, the Government has released a Green Paper – *A New Planning System for New South Wales*, which outlines major changes to the way the planning system will operate in New South Wales.

WHAT IS A GREEN PAPER?

- A Green Paper is a document which outlines the broad changes and reforms the Government intends to undertake for a major area of policy, in this case the NSW planning system.
- The Green Paper – *A New Planning System for New South Wales* is effectively the 'blueprint' for fundamental changes to the planning system and provides an outline of how the Government intends to deliver those changes.

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A NEW PLANNING SYSTEM FOR NSW GREEN PAPER

Frequently Asked Questions

July 2012

WHAT IS THE ROLE OF COUNCILS IN THE NEW PLANNING SYSTEM?

- Local councils will be taking a leadership role in the new planning system.
- Compared to the existing system, councils will have a greater focus on strategic planning. This is planning which caters for long-term growth, infrastructure provision and environmental protection across council areas and regions.
- For the first time local councils will be a partner in strategic planning at the regional and subregional levels, through the creation of Regional Planning Boards.
- The boards will provide independent advice to State and local government and have representatives from relevant local councils as well as State Government, stakeholders and community.

WHAT IS THE ROLE OF COUNCILLORS IN THE NEW PLANNING SYSTEM?

- The new planning system will engage councillors in strategic planning so they are involved in setting the broad direction for both their council area and its communities as well as the surrounding region.
- Councillors' role in making decisions on local development applications remains unchanged. However the Green Paper strongly encourages councillors to consider the option of delegating their decision making powers for local development applications to council staff or Independent Hearing and Assessment Panels established by Council. This approach is already being used by many councils in NSW, including around a quarter of all councils in the Sydney area.

HOW HAVE THE PREVIOUS SUBMISSIONS MADE BY COUNCILS TO THE INDEPENDENT PLANNING REVIEW BEEN CONSIDERED?

- The Green Paper builds on the recommendations of a review undertaken by an independent panel. The panel members were former Environment Minister the Hon. Tim Moore and former Public Works Minister the Hon. Ron Dyer. The panel's recommendations were based on feedback received as part of the listening and scoping workshops held across the State, meetings with local councils and the 600 submissions received on the panel's Issues Paper.
- Additionally, the department has reviewed all the submissions received, particularly from local councils, and used them to inform the transformative changes of the Green Paper.

HOW WILL LOCAL DEVELOPMENT APPLICATION DECISIONS BE DE-POLITICISED?

- Councils will be encouraged to establish independent expert panels to decide on the four per cent of local development applications currently determined by elected local politicians (councillors). A quarter of Sydney's councils have already established these panels.



A NEW PLANNING SYSTEM FOR NSW GREEN PAPER

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- This is consistent with moves to de-politicise decisions on regional and State significant development applications (through the introduction of joint regional planning panels and the Planning Assessment Commission).
- Research by the Property Council of Australia in January 2012 found that 78 per cent of people want independent experts in charge of local development application decisions.
- Council staff, under delegation, currently determine some 96 per cent of development applications. This will not change.

HOW WILL COUNCILS BE INVOLVED IN STRATEGIC PLANNING?

- Councils will have a key role in developing Regional Growth Plans and Subregional Delivery Plans in their regions. Through the Regional Planning Boards their local strategic planning will inform regional and subregional planning outcomes.
- Councils will be key partners in the development of sectoral strategies for housing, employment, environment and natural resources that will inform the Subregional Delivery Plans.

HOW ARE LOCAL LAND USE PLANS DIFFERENT FROM EXISTING LOCAL ENVIRONMENTAL PLANS (LEPS)?

- Currently, LEPS are highly prescriptive documents that tend to rigidly impose local development controls with little consideration for the broader strategic context. As a result, decision-makers must often approve or refuse individual developments with little, if any, guidance on how the area relates to its broader regional context.
- Local Land Use Plans, on the other hand, will form a key part of the overall strategic planning approach and ensure that local planning is consistent with the agreed direction set at the regional and subregional levels.
- They will be plain English documents that provide a clear explanation of the strategic focus for an area and establish appropriate development guidelines to assist with local decision-making.
- There will be one Local Land Use Plan per council area (152 in total) – compared with the more than 300 LEPS and thousands of development control plans (DCPs) currently – and will reflect community expectations and input.
- Importantly, every Local Land Use Plan will include a section on the delivery of infrastructure and services, ensuring this important aspect of planning forms a key part of local decision-making.

HOW WILL THE SYSTEM DEAL WITH INFRASTRUCTURE CONTRIBUTIONS AND PLANNING?

- The Green Paper acknowledges that, in the past, far too much of the burden of funding infrastructure has been placed on individual developments, which has made housing less affordable.



A NEW PLANNING SYSTEM FOR NSW GREEN PAPER

Frequently Asked Questions

July 2012

- Instead, the Green Paper includes a number of broad suggestions for a fairer and simpler system based on the idea that the cost of new infrastructure and services should, wherever possible, be shared by those who will benefit from them.
- As such, the Green Paper outlines some key principles for how infrastructure should be funded under a new system, including the issue of local Section 94 contributions which is an ongoing challenge for State and local government. These include principles such as that the levy system:
 - Should be based on the principle of contributing to cost recovery.
 - Must be competitive with comparable markets in other jurisdictions.
 - Must not compromise housing affordability or inhibit housing delivery.
 - Should spread costs to the broadest base of beneficiaries, including over time.
 - Should support contestability.
 - Must provide a clear, transparent link between levy revenue collection and infrastructure programming and delivery.

HOW CAN COUNCILS PROTECT LOCAL AREAS WITH SPECIAL CHARACTER AND ENCOURAGE HOUSING AND BUSINESS DEVELOPMENT?

- The Green Paper proposes three new land-use zones.
- One of these zones is a 'suburban character' zone. This zone would allow councils and the community to preserve some areas known for their urban character or established development patterns from higher density development.
- Additionally, an 'enterprise zone' which will provide a flexible planning approach generally to target employment-generating development. A 'future urban release area' zone will provide a clear intention to provide greenfield housing over time.

HOW WILL THE CHANGES HELP IN RETURNING PLANNING POWERS TO LOCAL COUNCILS?

- Since coming to office, the Government has handed back to local councils and communities a large number of applications that were previously dealt with by the State Government under Part 3A of the Environmental Planning and Assessment Act 1979.
- The new system will continue to return planning powers to local councils by making them key participants in the creation of new long-term regional and subregional plans, including sitting on Regional Planning Boards.
- Councils will also be responsible for developing Local Land Use Plans.

WILL THE NEW SYSTEM REQUIRE CULTURAL CHANGE IN LOCAL GOVERNMENT?

- The current system has inevitably bred a culture of legalistic regulation and prescriptive decision-making amongst those who administer the system. This needs to change.

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A NEW PLANNING SYSTEM FOR NSW GREEN PAPER

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- The Green Paper outlines the Government's commitment to engender an outcome based culture within planning in NSW that focuses on delivery.
- While many planners across NSW take this approach, including in local councils, there is a need for widespread cultural change within both State and local government. This is an opportunity to entrench greater efficiency, transparency and customer-service within our planning organisations.
- The Green Paper also proposes regular public reports outlining whether housing and job targets outlined in regional, subregional and local plans are being met. This additional information and accountability should also assist in cultural change.

HOW CAN YOU HAVE YOUR SAY?

- The Government encourages members of the community and local councils to have their say on the Green Paper and on issues raised by the independent review report.
- Following requests from some sectors of local government, the NSW Government has extended the time for local council consultation until 5 October 2012.
- An online consultation forum has been set up at www.haveyoursay.nsw.gov.au/newplanningsystem to allow for comments on each of the proposed changes to the system and online discussions.
- In addition to the online forum, a number of face-to-face and online events and workshops will also be held throughout the exhibition period for members of the public and industry representatives to provide their feedback.
- Any submissions on the Green Paper can be lodged online at www.haveyoursay.nsw.gov.au/newplanningsystem or be mailed to New Planning System Team, Department of Planning and Infrastructure, GPO Box 39, Sydney 2001.
- All submissions received will be placed online at www.planning.nsw.gov.au. Names and addresses can be withheld on request.

FURTHER INFORMATION

Department of Planning & Infrastructure website:

www.planning.nsw.gov.au

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Subject	COUNCIL RESOLUTIONS UPDATE - JANUARY - JUNE 2012
File Ref	Governance>Business Paper
Prepared by	Gabrielle Rennard - Manager Governance
Reasons	To keep Council informed
Objective	To update Councillors regarding the status of Mayoral Minutes and Notices of Motion resolution actions for January – June 2012.

Overview of Report

This report is provided to Council by way of informing Councillors as to the status of Mayoral Minutes, Notices of Motion and Staff Reports resolution actions for the first six months of 2012.

Background

As per the Code of Meeting Practice Councillors make various motions to Council in the form of Mayoral Minutes or Notice of Motion. It is also noted that actions result from the various resolutions determined following a staff member's report to Council.

This report is intended to provide Councillors with an update of the Council Mayoral Minutes, Notices of Motion and Staff Report resolution actions as noted for the period January – June 2012 and the status regarding the actions of the said resolutions **(Attachment 1)**.

In order to provide ongoing monitoring and reporting to Council with respect to the actions associated with resolutions of Council, staff intend to provide a bi-annual report to Councillors each year, showing the implementation status.

Financial Implications

Nil

Other Staff Comments

The Executive Management Group have provided direct input into the attached spreadsheet.

Public Consultation

Not necessary

Conclusion

The regular reporting and provision of information to Council is essential for the ongoing monitoring of Council resolutions and decisions.

ATTACHMENTS

Attachment 1 Council Resolutions January - July 2012 - status report 0 Pages

RECOMMENDATION

That Council receive and note the status report of Council resolution actions for January – June 2012.

NELLETT KETTLE
Director Corporate & Community Services

COUNCIL RESOLUTIONS - Mayoral Minutes and Notices of Motion to July 2012

Date	Minute #	Subject	Resolution	Directorate	Status	Comments
24-Jul-12	261/12	URBAN ACTIVATION PROGRAM	2/2 That the Director General of the Department of Planning and Infrastructure (or nominee) be advised that in Ashfield Council's opinion there are no suitable areas in the Ashfield Local Government Area that would meet the requirements for inclusion in the Urban Activation Program for the reasons as detailed in this report as noted on pages 218-224 of the business paper.	P&E	√	Council submission forwarded to DOP&I - 2 August 2012
10-Jul-12	235/12	BUCKLE BELT SITE 67-75 SMITH ST SUMMER HILL	That Ashfield Council engages the services of Senior Counsel to defend its refusal of DA 10.2012.051.1 67-75 Smith St in the upcoming hearing at the Land & Environment Court	P&E	√	Senior Counsel engaged. Appeal to be heard 30-31 August. Note: Recession motion on original NM 26 June 2012 put and lost
10-Jul-12	234/12	ASHBURY RESIDENT HONOURED IN QUEEN'S BIRTHDAY HONOURS LIST 2012 - PROF TREVOR CAIRNEY	That Council write a letter of congratulations to Professor Trevor Cairney and his family on the conferment of the Order of Australia Medal	GMO	√	Letter sent out on 11 July 2012
10-Jul-12	233/12	SWING MOORINGS IN SYDNEY HARBOUR	That Council support the recommendations and write to the Minister for Roads and Maritime, requesting a moratorium on swing moorings in Iron Cove	GMO	√	Letter sent out on 11 July 2012
26-Jun-12	225/12	ENHANCING COUNCIL'S MURAL VIA THE USE OF STREET ART TO DISCOURAGE GRAFFITI	3/4 That Council officers come back with a report to council within 10 weeks outlining strategies and locations where 'street art' programs can be implemented in the municipality	C&CS	√	An internal working group has been convened to progress this matter with a view to reporting back to Council 27 August.

26-Jun-12	208/2012	FOOTPATH TRADING	<p>1/3 That Council notes that the Outdoor Dining and Business use of Public Footpaths Policy, reinforces the principle that people who have visual impairment, people with disability, the elderly and the general public, should have adequate access and movement in the public domain, on the shoppide of footpaths. There is also support for business, as quoted from a minute by former mayor Cr Cassidy; Ordinary Council Meeting 22/6/2011: '221/11, MM25/2011 as noted below 1/3 <i>Council retain its existing 'Outdoor Dining and Footpath Trading Policy' and broaden its application to include other streets and areas as detailed in the draft 'Business Use of Public Footpath Policy. The amended policy be reported to Council as soon as practicable for its adoption for public exhibition purposes. 2/3 The moratorium on the enforcement of the current policy be lifted and traders be given three months within which to seek consent from the Council to continue their use of the footpath where no current approval exists and to bring current arrangements into compliance where approvals are still valid. 3/3 Council officers bring back a report to Council within three months which investigates the engagement of external design expertise to develop plans for more permanent solutions to the ongoing development of outdoor dining and footpath trading within the municipality with the initial focus on the areas of Haberfield and Summer Hill, followed by Ashfield and Croydon.'</i></p>	P&E	↑	<p>Item 1/3 - The "Outdoor Dining & Footpath Trading Policy" which is included as a policy item on Council's website has been approved by Council. This policy includes street maps of various suburbs and indicating various restrictions (if any) that may apply. Item 2/3 - A data base was prepared of all business premises using outdoor dining and/or business trading. Application forms and Permit documentation have been completed ready for the next stage of 'compliance'. Approximately 6 weeks ago, Council's Rangers visited all premises who previously had outdoor dining/business trading approval or were known to be operating without approval. A copy of the policy together with an attached standard letter (outlining the changes to the amended outdoor dining & footpath trading policy) were issued to each proprietor. Item 3/3 .It should be noted that the street maps and associated 'typical layout for various outdoor dining & footpath trading situations' as shown in the Policy were prepared by staff in-house. These "typical layouts" will be transposed as an indicative sketch on permits. Options for Engaging external design expertise will be investigated and reported to Council during September 2012.</p>
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		<p>2/3 From the above, action 3/3 remains incomplete, as are actions, by amendment to recommendation 10.5: Council Meeting of 28/2/2012, which strengthened Council's resolve to work with local businesses as noted with the following 4/9 – 8/9:4/9 <i>That terms of reference be developed to engage a design consultant for the formulation of a strategic plan to promote and enhance outdoor dining. The plan would begin with Summer Hill and Haberfield, thence Ashfield CBD, Croydon, Croydon Park and North Ashfield villages.</i> 5/9 <i>That these terms of reference, with costings for a survey, be submitted in time for consideration as part of Council's discussions to formulate the 2012/13 budget.</i> 6/9 <i>That, as previously moved, the terms of reference should include the investigation of access issues, protection in wet weather, opportunities for footpath widening in Haberfield, uniformity of street furniture and barrier design and the opportunity to create more permanent outdoor dining sites, within Council resources.</i> 7/9 <i>That Council relocate any street furniture, garbage bins and other structures, which would hinder the location of dining tables on the kerb, adjacent to businesses wanting to establish outdoor dining.</i> 8/9 <i>That Council relocate all other street furniture to the kerbside of the footpath.</i> 3/3 That Council implement all outstanding matters as listed above</p>	P&E	↑	<p>2/3 From the above, action 3/3 remains incomplete, as are actions, by amendment to recommendation 10.5: Council Meeting of 28/2/2012, which strengthened Council's resolve to work with local businesses as noted with the following 4/9 – 8/9:4/9 <i>That terms of reference be developed to engage a design consultant for the formulation of a strategic plan to promote and enhance outdoor dining. The plan would begin with Summer Hill and Haberfield, thence Ashfield CBD, Croydon, Croydon Park and North Ashfield villages.</i> 5/9 <i>That these terms of reference, with costings for a survey, be submitted in time for consideration as part of Council's discussions to formulate the 2012/13 budget.</i> 6/9 <i>That, as previously moved, the terms of reference should include the investigation of access issues, protection in wet weather, opportunities for footpath widening in Haberfield, uniformity of street furniture and barrier design and the opportunity to create more permanent outdoor dining sites, within Council resources.</i> 7/9 <i>That Council relocate any street furniture, garbage bins and other structures, which would hinder the location of dining tables on the kerb, adjacent to businesses wanting to establish outdoor dining.</i> 8/9 <i>That Council relocate all other street furniture to the kerbside of the footpath.</i> 3/3 That Council implement all outstanding matters as listed above</p>
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26-Jun-12	207/2012	PARKING STUDY	2/4 That the report's recommendations on page10 of the business paper be considered as part of the current Council Parking and Traffic Study scoping exercise to be reported back to Council within 3 months. 3/4 That a further recommendation be added to the Notice of Motion as noted on page 10 of the business paper, requesting that Milton Street and Farleigh Street be considered for angle parking. 4/4 That Ashfield Council lobby the State Government to build the multi story carpark on the RailCorp land at Ashfield Station.	W&I	√	2/4 A copy of the Notice of Motion was sent to Lylle Marshall & Associates for the recommendations to be considered as part of the current Council Traffic and Traffic Study scoping.3/4 Copy of minutes also sent so that Milton St and Farleigh St are considered for angle parking.4/4 Letter sent 31 July 2012
26-Jun-12	206/2012	YASMAR OPEN DAY	3/3 That the General Manager prepare a report to Council on the Draft Plan of Management and Conservation Management Plans for Council's consideration	P&E	√	Open Day Held. Report to Council 14 August 2012 re. Draft Yasmar Plan of Management
26-Jun-12	205/2012	2012 CIVIC CHURCH SERVICE	2/3 That the Mayor approach Reverend John Morrison at Ashfield Baptist Church to hold the Civic Church Service for 2013.	GMO	√	
12-Jun-12	194/12	GRAFFITI	That the Mayor write to the Premier of NSW Government and the State Members for Strathfield, Canterbury, Marrickville and Balmain requesting that legislation again be introduced to State Parliament giving local government and other state government authorities powers to effectively deter and abate graffiti from public and private property.	GMO	√	Letters sent out on 27/06/2012

12-Jun-12	193/12	COMMUNITY BUILDING PARTNERSHIP UNDER THREAT	4/5 Ashfield Council calls on the O'Farrell Government to reconsider its decision to cut the funding available through the Community Building Partnership in the 2012-13 State Budget. Ashfield calls upon the Government to reinstate the previous allocation of \$35 million per annum available for Councils and community groups to invest in local infrastructure. 5/5 That Council write to local Members of Parliament seeking their support to lobby the Government in reinstating the Community Building Partnership program	GMO	√	Letters sent 4 July 2012
12-Jun-12	192/12	PASSING OF LOCAL RESIDENT, BARBARA HOLBOROW OAM	That Ashfield Council immediately sends a letter of condolence to the family of Ms Barbara Holborow and make a donation (equivalent to the cost of flowers) to a charity nominated by the Holborow family	GMO	√	
12-Jun-12	191/12	SANDAKAN REMEMBRANCE & AND WREATH LAYING	That Council support the Sandakan Remembrance Service and donate \$250 towards the organisation of the ceremony	GMO	√	Letter sent out on 13/06/2012
22-May-12	169/12	INNER WEST LOCAL BUSINESS AWARDS	That letters of congratulations be sent to the winners of 2012 Inner West Local Business Awards	GMO	√	Letters sent out on 23/05/2012
22-May-12	164/12	PASSING OF REG WOODS, PRESIDENT PRATTEN PARK BOWLING CLUB	That a letter and flowers be sent to Mrs Wood expressing Council's heartfelt sympathy on the passing of Mr Reg Wood, President Pratten Park Bowling Club	GMO	√	Letters sent out on 23/05/2012
22-May-12	168/12	MR PHIL TUCKERMAN OAM	That Ashfield Council write to Mr Phil Tuckerman to congratulate him on being awarded the Order of Australia Medal	GMO	√	Letters sent out on 23/05/2012

08-May-12	157/12	STATE RECORDS RESEARCH ROOM AT GLOBE STREET, THE ROCKS CLOSURE 30 JUNE 2012	1/2 That Council write to the minister responsible for the State Records of NSW Hon Greg Pearce MLC, Minister for Finance & Services, Level 36 Governor Macquarie Tower, 1 Farrer Place, Sydney 2000 office@pearce.minister.nsw.gov.au and our local State Members, Hon. Carmel Tebbutt MP, Marrickville; Mr Jamie Parker MP, Balmain, Hon. Linda Burney MP, Canterbury and Mr Charles Casuscelli MP, Strathfield, raising our concerns about the closure of the State Records research room at Globe Street, The Rocks. 2/2 That a copy of the letter be forwarded to the Ashfield & District Historical Society and Councillors.	GMO	√	Letters sent out on 10/05/2012
24-Apr-12	146/12	PUBLIC DOMAIN PLAN - ASHFIELD TOWN CENTRE	2/6 Following receipt of submissions a report is submitted to Council recommending a preferred consultant and an anticipated work programme. 3/6 A future report to also canvass appointing interested Councillors to Working Party to guide the Public Domain Plan process and to monitor progress towards achieving plan objectives.	P&E	↑	Draft Brief and work programme completed and forwarded to GM for consideration. Consultants to be selected prior to a report to Council to establish a working party

24-Apr-12	137/12	THE SUMMER HILL FLOUR MILL PROPOSAL PREFERRED PROJECT REPORT	1/2 That Council authorise our officers to write a further submission to the Planning Assessment Commission in response to any Department of Planning and Infrastructure report to the Planning Assessment Commission including relevant analysis, as detailed in the report CM10.4 in the 24 April 2012 business paper. This submission could also contain relevant analysis of the proponent's replies to the Department of Planning and Infrastructure report, if available. 2/2 That Council authorise our officers to seek a meeting with the Planning Assessment Commission prior to any public hearing to directly submit Council concerns with the Flour Mill proposal, and authorise their attendance at any public hearing.	P&E	√	Report endorsed by Council and transposed as submission to DOP&I
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24-Apr-12	136/12	CONCEPT PLAN APPROVAL MP08_0195 78-90 OLD CANTERBURY ROAD LEWISHAM	1/3That Council write to the Hon Brad Hazzard MP, Minister for Planning and Infrastructure, requesting public availability and Council scrutiny of any amended concept plans for the Lewisham Estate by, for example, the placing of such amended plans on the Department of Planning and Infrastructure website and notification to both Ashfield and Marrickville Councils. 2/3That appropriate letters also be sent to local Members of Parliament and spokespersons for planning: The Hon Carmel Tebbutt MP, The Hon Linda Burney MP, (Shadow Minister for Planning) and Mr Charles Casuscelli MP. 3/3 That Council write to the Hon Brad Hazzard MP, Minister for Planning and Infrastructure, protesting the Lewisham Estate Concept Plan should not have been approved with conditions, but should have been rejected outright, due to the fact that it is a gross over-development of the site being 10 storeys in the heart of a single and two storey area, causing increased congestion in the already traffic grid locked streets, its unacceptable impact on the village of Summer Hill and its surrounds and contrary to the wishes of the local community	P&E	√	Letters sent dated 7 May 2012 Development has been approved by PAC/DOP&I subject to modifications.
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24-Apr-12	135/12	AIRPORT CAP SHOULD STAY, NEW AIRPORT BUILT AND SYDNEY AIRPORT CLOSED	1/2That Council write to the Federal Minister for Infrastructure and Transport and the Premier of NSW, with a cc to the Sydney Airport Community Forum Secretariat, calling on them to work constructively in the interests of the people of NSW to agree a suitable alternative site for Sydney airport. The airport should be located outside the Sydney basin and linked to Sydney by a high speed rail link. 2/2That the Federal Minister for Infrastructure and Transport be asked to instruct Air Services Australia to meet the agreed noise sharing targets contained in the Long Term Operation Plan (LTOP) for Sydney airport.	P&E	√	Letters sent dated 7 May 2012
10-Apr-12	122/12	IMPROVING OUR BUSINESS PRECINCTS	That Council officers provide a report during the quarterly financial review process on recommendations regarding spending the \$15,000 - \$20,000 for public domain areas of Haberfield, Summer Hill and Croydon as highlighted in the officers report on pages 79 – 111 of the Business Paper.	P&E	↑	Report being prepared for October Council meeting.

10-Apr-12	120/12	NSW LONG TERM TRANSPORT MASTER PLAN DISCUSSION PAPER	1/3 That Council prepare a submission to Transport for NSW on the NSW Long Term Transport Master Plan Discussion Paper. 2/3 That Council approach both the State Member for Transport and the State Member for Strathfield to discuss solutions to resolve crush loading and insufficient train services at Ashfield station during peak hours. That a delegation of interested Ashfield Councillors and appropriate staff request a meeting with both Ministers. 3/3 That further key issues of concern for discussion include 'rat runs' through residential streets and access to further commuter parking at the Brown Street car park.	WIS	√	1/3 & 3/3 Submission prepared and sent to Transport NSW on 26/4/12. Revised submission sent on 1/5/12. 2/3 Letters dated 1 May 2012
27-Mar-12	95/12	PROTECT ASHFIELD FROM COAL SEAM GAS MINING AND ITS EFFECTS	1/4 Oppose coal seam gas exploration and mining until it can be proved to be sustainable and not interfere with aquifers. 2/4 Call on the Premier of NSW to ban Coal Seam Gas Mining and Exploration in the Sydney basin. 3/4 Write to our local members of parliament (both state and federal) seeking support for Council's position. 4/4 Support other Councils in NSW in their opposition to Coal Seam Gas Mining.	P&E	√	Letters sent dated 19 April 2012

27-Mar-12	94/12	REVIEW OF COUNCIL COMMITTEES	1/3 That the General Manager prepare a discussion paper on Council Committees. 2/3 That the General Manager arrange a workshop of councillors to review our committee structure.	C&CS	√	A discussion paper was presented to a Councillor workshop on 14 June 2012. A report on changes to the committee structure is being considered by Council on 14 August 2012.
27-Mar-12	93/12	LEWISHAM ESTATE	1/4 That Council receive and note the report regarding Lewisham Estate as provided on page 4 of the business paper. 2/4 That Ashfield Council commend The No Lewisham Towers Committee for its effective and professional advocacy on behalf of residents in regard to the Lewisham Estate proposal. 3/4 That this commendation be conveyed in an appropriate letter to the Chair of the committee Ms Tamara Winikoff. 4/4 That the General Manager make enquiries with Marrickville Council on their intentions in relation to the decision of the PAC to approve the concept plan proposal.	P&E	√	Modified application was approved by PAC/DOP&I 19 July 2012 Councillors advised.
27-Mar-12	84/12	MCDONALDS - 141 Parramatta Road Haberfield	4/4 That the General Manager bring back to Council a report on how Council can engage with the community to maximise the effectiveness of the monitoring program.	P&E	√	Site is being monitored continuously and complaints dealt with expeditiously

14-Feb-12	6/12	DEVELOPMENT APPLICATION PROCESS	<p>2/3 That the General Manager provide Councillors with an outline of the survey including methodology, suggested questions and how the survey results are proposed to be used.</p> <p>3/3 That the General Manager ensure that the survey and methodology includes outreach to architects, owners, applicants and persons who have made submissions in the past five years.</p>	P&E	√	Report completed and referred to Council meeting on 27 March 2012. Council resolved to accept methodology but requested an expansion of the number of interviews.
13-Dec-11	572/11	Review of existing Management of Abandoned or Unattended Shopping Trolleys Policy	<p>1/4 That Council write to all trolley owners including their corporate offices and Ashfield Mall inviting them to meet with Council representatives with a view to forming an agreement on timelines and processes to introduce management of shopping trolley containment systems. This meeting to be held before the end of February 2012.</p> <p>2/4 That Council representatives advise trolley owners of its intended course of action should a satisfactory agreement not be reached.</p> <p>3/4 That Council obtain general legal advice on matters raised in the report.</p> <p>4/4 That a further report be prepared for Council by the end of March 2012 which details the outcome of the meeting held with trolley owners and other stakeholders and appropriate follow up actions.</p>	P&E	√	Council has had difficulty in securing the the interest of corporate officers in meeting on this issue. However, we have secured the interest of the new Ashfield Mall Centre Manager, from Abacus, who has accepted an invitation to join the Shopping Trolleys Working Party. We will continue to work towards a meeting but have scheduled the next Shopping Trolleys Working party for April 2012. We are waiting on receipt of legal advice. Meeting held with retailers on April 10 2012. Ashfield Mall to investigate a containment system and report back to further meeting of the group in six weeks. Outcome reported to shopping trolley working party meeting on 17 April 2012.

13-Dec-11	562/11	DRAFT PRINCIPAL LOCAL ENVIRONMENTAL PLAN 2012 AND ASHFIELD DEVELOPMENT CONTROL PLAN 2007	<p>1/7 Council authorise a Section 64 Report to be prepared and submitted to the Department of Planning and Infrastructure with a request that a Section 65 Certificate be issued to enable public exhibition of Draft Ashfield Local Environmental Plan 2012. That the submission to the DOPI clearly identifies, in detail, that the housing targets can be met within the 6 storey (23M) limit of the Ashfield town centre plan. i.e. that the extra 2 storeys are not factored into the calculations to achieve our housing targets.</p> <p>2/7 The Section 64 technical document referred to in 'Recommendation 1' above incorporate the officer recommendations detailed in Section 5 of this report and a copy of the Section 64 submission be circulated to Councillors for information prior to its submission to the Department of Planning & Infrastructure. That a full electronic copy of the Section 64 submissions be included for Councillors.</p> <p>3/7 A further report be provided to Council detailing the future response of Department of Planning and Infrastructure to Council's Section 64 submission including details of any conditions attached to the issue of a Section 65 Certificate by the Department prior to exhibition of the Plan.</p> <p>4/7 The additional report referred to in 'Recommendation 3' above outline an appropriate Council response to any conditions applied by the Department of Planning and Infrastructure to the Section 65 certificate including (where there are clear differences of opinion which Council considers the Ashfield community needs to</p>	P&E	v	<p>Section 64 Report endorsed by Council and accepted by DOP&I. Section 65 Certificate obtained and terms agreed by Council. Draft LEP is currently on exhibition. Review of Ashfield DCP 2007 has commenced</p> <p>Section 64 Report endorsed by Council and accepted by DOP&I. Section 65 Certificate obtained and terms agreed by Council. Draft LEP is currently on exhibition. Review of Ashfield DCP 2007 has commenced</p>
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		<p>be aware of) publicising Council's preferred policy stance in conjunction with public exhibition of Draft Ashfield Local Environmental Plan 2012.</p> <p>5/7An interim updated version of Ashfield Development Control Plan 2007 be prepared as soon as possible to align legislatively with the Draft LEP and a report be submitted to Council providing a synopsis of recommended changes as soon as practicable.</p> <p>6/7A report be submitted to Council in February 2012 detailing a proposed comprehensive community engagement strategy to effectively promote and manage consultation processes for the Draft Local Environmental Plan and interim updated Draft Ashfield Development Control Plan 2007.</p> <p>7/7That the proposed LEP building height controls may allow buildings higher than currently permitted. That in February 2012 a report be provided to Councillors with substantiated evidence demonstrating that buildings of 23 metres will be limited to 6 storey and buildings of 30 metres high will achieve no more than 8 storeys. Alternatively, if that is not possible, officers are requested to suggest an LEP clause, which would prohibit unintended increased storeys.</p>			<p>Section 64 Report endorsed by Council and accepted by DOP&I. Section 65 Certificate obtained and terms agreed by Council. Draft LEP is currently on exhibition. Review of Ashfield DCP 2007 has commenced</p>
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13-Dec-11	547/11	MONITORING 24 HOUR OPERATION OF MCDONALDS HABERFIELD	<p>1/3 That in early 2012, Council convenes a community meeting to consult and engage the community on strategies to be used to monitor the 24 hour trial operation of the McDonalds' Haberfield outlet.</p> <p>2/3 That the General Manager provide a report to the first meeting of Council in 2012 on the strategies which the Council will support for effective monitoring of the 12 month trial of 24 hour operation of McDonalds Haberfield.</p> <p>3/3 That the report include strategies for facilitating community involvement in reporting incidents and options for effective surveillance of the intersection of Parramatta Road and Dalhousie Street and Ashfield Park</p>	P&E	√	1/3 Meeting being arranged for February 2/3 & 3/3 Report was prepared for 14 February 2012 Council meeting. Various strategies adopted.
22-Nov-11	509/11	COMMUNITY CONSULTATION ON MEDIUM TERM LEASE PROPOSAL FOR COUNCIL SPORTSGROUNDS.	<p>3/4 That Council organise a workshop for interested Councillors after 14 February 2012 to prepare an amended sports parks proposal that:-</p> <p>a) acknowledges concerns raised in the submissions received in response to the medium term lease proposal for Council sportsgrounds,</p> <p>b) deletes the criteria for not for profit organisations and schools to competitively tender with other not for profit groups rental component of any lease and the value for money requirement.</p> <p>4/4 That the revised paper return to Council for consideration as soon as possible.</p>	C&CS	√	A strategy for continuing the medium term lease proposal was workshopped with Councillors on 29 March 2012 and a report with a proposal to progress this matter was considered and endorsed by Council on 10 April.
22-Nov-11	528/11	FINES FOR PARKING WITHIN 10 METRES OF AN INTERSECTION	1/6 That Council identify intersections where there is a high incidence of vehicles parking within 10 metres of the corner and install appropriate signage and/or line markings after consultation with local residents.	WIS/P&E	In progress	<p>1/6, 2/6 & 3/6 Task identified to be undertaken during 2012-13, in conjunction with the traffic & Parking Study work.</p> <p>4/6 Request sent to SSROC concerning regional parking fines</p>

			<p>2/6 That Council, in consultation with Roads & Maritime Services, identify corners where the 10 meter rule can be shortened and signpost these.</p> <p>3/6 That the General Manager report back to Council on options in the 2012/13 budget for accelerating the implementation of signage and road markings at intersections.</p> <p>4/6 That the Mayor approach SSROC to explore the option of establishing a regional Parking Fine Review Panel.</p> <p>5/6 That Council continue regular notices on the Council page and in newsletters reminding residents of the 10 meter rule.</p> <p>6/6 That Council acknowledges that this issue was first raised by Councillor Mansour on 9 December 2008 and again on 22 November 2011.</p>			<p>panel. Matter to be discussed in early 2012.</p> <p>5/6 Intersection diagrams included in most recent newsletter.</p>
8-Nov-11	496/11	JOHN PATON RESERVE - Wedding Ceremony Booking	2/2 That the General Manager provide Council with a further report on the process and policy position for bookings of similar events in the future	WIS	√	Report prepared for May 15 Works and Infrastructure Committee meeting. Recommendations adopted.
11-Oct-11	451/11	AMENDMENTS TO OUTDOOR DINING AND FOOTPATH TRADING POLICY	4/6 That upon completion of the public exhibition that a further report be prepared for final adoption. This report to include any suggested changes/amendments that may be identified during the public notification period.	P&E	√	Report prepared for February 28 Council meeting. Amended policy adopted.

11-Oct-11	447/11	VACANT LAND AT THE CORNER OF LIVERPOOL ROAD AND BRUCE STREET, ASHFIELD	<p>1/3 That Council seek an urgent meeting with Minister Duncan Gay MLC to further press the importance of the vacant land on the corner of Liverpool Rd./Bruce Street Ashfield on the immediate visual environment, open space amenity and welcoming image of the gateway to the Ashfield CBD.</p> <p>2/3 That Council make representation to local MP Charles Casuscelli to seek his support with Councils proposal to improve the visual impact and open space amenity of this highly visible vacant land located within his constituency.</p> <p>3/3 That Council lobby the RTA in order to convert the vacant land into a park.</p>	WIS	√	Meeting held on 9/12/11 with John Ajaka Parliamentary Secretary Hon Duncan Gay. Charles Casuscelli was also present at the meeting for his support. A further meeting was held in 16 March and agreed that Fredrick Street be passed to Council on a care and control basis temporarily, noted current discussion at RMS re: disposal of Liverpool Rd, Bruce Street properties and discussed Lewis Herman Reserve.
11-Oct-11	446/11	UPDATE ON SYDNEY AIRPORT AIRCRAFT MOVEMENTS	<p>1/1 That Council write to the Federal Minister for Infrastructure and Transport, with a cc to the Sydney Airport Community Forum Secretariat, expressing our concern at the noise sharing targets in the LTOP are not being met and request that steps be taken similar to those used to ensure that the maximum movement limit is not exceeded to remedy the situation.</p> <p>2/2 That the report on maximum movement limits at Sydney Airport be made accessible from Council's website.</p>	P&E	√	Letters sent to Federal Minister and SACF. Link on website being finalised. Advice from Minister received that LTOP targets are being met according to monitoring report from ASA.

27-Sep-11	419/11	WORKPLACE DIVERSITY	1/2 That a report be brought to Council comparing our performance in workplace diversity with other Councils who participated in the Census of Local Government Employees. 2/2 That the report include recommendations for promoting diversity within Council's workplace.	C&CS	√	This report was considered by Council at its meeting on 28 February 2012.
27-Sep-11	421/11	PLANNING SYSTEM REVIEW	5/6 That Council officers provide regular briefing reports/additional recommendations to Council concerning the review following the 11 November Ashfield information sessions and as required thereafter. 6/6 That Council Officers prepare a report that reflects Councils' views on the JRPP including the composition of the JRPP's.	P&E	COMPLETED	Further information provided to Councillors on the Planning System Review. Letter sent to Planning Minister regarding JRPP decisions. State Government currently reviewing JRPP operations and procedures. Report presented to Council in February and response forwarded. Further representations made to Planning Panel re. Standard Instrument and general review of legislation.

13-Sep-11	389/11	SECURITY ISSUE FOR CBD SHOPS.	<p>1/5 That Ashfield Council liaise with the Ashfield Police to provide a report on crime statistics in the LGA (and particularly in the CBD area).</p> <p>2/5 That Council seek feedback and liaise with local business with special emphasis on businesses in the Ashfield Town Centre.</p> <p>3/5 That this report be brought back to Ashfield Council within 12 weeks.</p> <p>4/5 That Council staff reissue the report on CCTV cameras that was previously provided to Council.</p> <p>5/5 That the report brought back to Council include costings on restoring the operation of the existing cameras including using more cost effective technology.</p>	WIS	√	Report presented to March 13 Council meeting
13-Sep-11	379/11	DEVELOPMENT APPLICATION: 10.2010.283.2 9 NORTHCOTE STREET HABERFIELD	2/2 That Council Officer's provide a further report on the stormwater management code regarding any proposed amendments.	WIS	In progress	Report is being prepared for August Works & Infrastructure meeting

9-Aug-11	330/11	IMPROVING EFFECTIVE USE OF INNER WEST SPORTING FIELDS.	<p>1/4 That Ashfield Council notes that Leichhardt Council has resolved to convene a meeting of Ashfield, Leichhardt, Marrickville, Canterbury, Burwood, Strathfield, Canada Bay, City of Sydney, Ryde and Hunters Hill Councillors/Mayors relevant Council staff and state and regional sporting bodies:</p> <ul style="list-style-type: none"> • To gain a more accurate understanding of regional demand for sporting fields from the sporting bodies and current supply from other councils. (Each council identifying how many playing fields (all codes), how many clubs, how many teams (numbers to be confirmed by Football Federation of NSW and other peak sporting bodies) and how many games are played each weekend). • To work towards managing that demand for sporting fields more effectively at a regional level. • With the sporting bodies to develop a state and federal lobbying strategy for increased funding to upgrade our sporting facilities across the region. <p>2/4 That the Mayor take this issue to SSROC and request that it be addressed at a regional level within that association.</p> <p>3/4 That Ashfield Council suggest to Leichhardt Council that prior to meeting of State and regional sporting bodies a meeting of Councillors, Mayors and relevant Council staff be held to scope the nature of the problem of excessive demand and insufficient availability of sporting fields.</p> <p>4/4 That nothing in this motion preclude the consideration of leases as outlined by minute number 175/11 of 14/6/11</p>	WIS	In progress	<p>The first meeting was held on 29-8-11 and it was coordinated and run by Marrickville Council. Peter Montague from Marrickville organised the meeting which included representation from a number of Councils in the inner west as well as the City of Sydney. Adam Hughes from Ashfield Council attended this meeting. The first meeting basically focused on recreational needs and cross boundary issues. Leichhardt Council will be organising the next meeting but no date set as yet. Leichhardt Council's Senior Parks Planner, Aaron Callaghan will be running this.</p>
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9-Aug-11	329/11	SPRUCING UP OUR TOWN CENTRES - IMPROVING AESTHETICS TO GROW BUSINESS OPPORTUNITIES.	<p>1/5 That Council recognises the excellent work of shopkeepers, business owners and Council's Community Services Department who have worked in tandem to create a successful business environment in the municipality.</p> <p>2/5 That Council officers reassess ways to improve our various Town Centres' presentation relating to:</p> <ul style="list-style-type: none"> a. placing of produce and other services on or near the Council footpath. b. Implement and encourage painting of shopfront facades and/or other areas of buildings which enhance the streetscape. c. Implement a Council preferred colour-palette/scheme for shop buildings and other structures in all town centre areas. <p>3/5 That Council officers report back to Council with recommendations within 10 weeks.</p> <p>4/5 That Council note the draft guidelines in the Ashfield Council DCP (Advertising and Advertising Structures) in relation to guidelines involving the use of temporary 3rd party advertising posters and the 30% coverage of glass shopfront windows</p> <p>5/5 That Council's planning officers liaise with Council's Community Services Department in the assessment and implementation of this process.</p>	P&E	v	Report prepared for April 27 Council meeting. Council resolved to engage services of a designer to investigate options for improving centres in Croydon, Haberfield and Summer Hill. Priority is currently being given to preparation of Public Domain Plan for Ashfield Town Centre.
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12-Jul-11	265/11	ABORIGINAL RECONCILITATION ACTION PLAN GATEWAY SITES	<p>1/2 That Council give in principle support to the installation of sculptures at the corner of Liverpool Road and Frederick Street that depicts Aboriginal themes as proposed by artist Jason Wing</p> <p>2/2 That Council give in principle support to the installation of a mural artwork on board to the Brown Street Carpark entrance as proposed by artist Danny Eastwood</p>	C&CS	In progress	<p>1/2 The cost of this proposal was in the vicinity of \$20,000 to \$30,000 per sculpture and there were three sculptures in the proposal. Funding for this work has not been available. The suggestion to the artist to gift the work to Council was not taken up. As a result, members of the Committee have proposed a large timber sign post indicating distances to significant Aboriginal land marks in Australia written in English and Dharug languages. Part funding from the Department of Environment and Heritage is currently being investigated. The next panel sitting for this funding is in August 2012 and the intention is to submit an application for funding that will include this project.</p> <p>2/2 The artwork component of this project is expected to be completed by the end of May. The Aboriginal Consultative Committee expects that the mural will be launched on Friday, 6 July as one of the events for NAIDOC Week being 1 – 8 July. The Council Depot staff will fix the painted panels on to the facade of the Brown Street Car park.</p>
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Subject	COMMUNITY PROGRAMS AND SERVICES
File Ref	COMMUNITY SERVICES
Prepared by	Nexhmije Shala - Group Manager Community Programs & Services
Reasons	Update on current services and programs

Overview of Report

This report updates Council on recent changes in the community programs and services area and provides an update on key areas of work.

Background

Council is aware that a restructure of the Corporate and Community Services Directorate is being progressively implemented.

Changes currently being implemented as they relate to community programs and services include:

Grouping together in one Department under a senior manager ; are our libraries, community development, customer service and business relations. This places all our external community/customer focused services together and makes for good practice in terms of the programs and services we currently provide and for delivering our future strategic directions under the Community Strategic Plan Ashfield 2022.

The integration of these functions ensure that we are maximizing the application of scarce resources; our activities are coordinated and complementary and not duplicating our efforts delivering and providing high quality programs and services to a broad section of our community.

Report

The new Group Manager Community Programs and Services, Ms Nexhmije Shala, commenced with Council on 9 July 2012.

Mr Gerard Howard has accepted the role of Team Leader Community Programs and will have primary responsibility for the aged and disability portfolio.

An update on key areas of work includes:

Community Strategic Planner

Creation of a new community strategic planner role provides specialist social planning expertise to our team. We have not had this expertise to date and this role will strengthen our CP&S staff practice to assess and understand changes in our community demographics, to develop evidence based programs and services in order to meet not only current, but anticipated future community needs.

This position will also provide social planning support for both the Council's Annual Community Grants program and the Ashfield Club Grants scheme.

Recruitment has commenced for the role of Community Strategic Planner.

Business Relations and Events Coordinator

Over the next two months the Business Relations and Events Coordinator aims to promote Ashfield as an attractive food and dining precinct. Opportunities to showcase our restaurant, shops and dining will be directed through the local community 'Feast of Flavours Food Festivals', held in Summer Hill with the Neighbourhood Feast (Sunday 7th October, 10am – 3 pm), Ashfield Taste of Asia (Friday 12th October, 6-9pm) and Haberfield Primavera (Sunday 14th October 10am-3pm).

Other promotions include a Ashfield Dining Guide, a directory of registered restaurants, quality provedores and coffee shops in the LGA. This is accompanied by editorial pieces and local advertising. The release of the publication is scheduled to occur at the same time of the Feast of Flavours Food Festivals.

The Business Relations and Event Co-ordinator also has an on-going role facilitating communications between business and Council on relevant local business issues. Topical issues currently include out-door dining policies and plans for pedestrian management on Liverpool Road.

Metro MRC

With the intention of attracting external programs and agencies into the new Civic Centre, the Director of Corporate and Community Services has negotiated a lease with Metro Migrant Resource Centre (MRC) for the use of the "commercial space" adjacent to the Civic Centre entrance. The purpose of this partnership service is to provide support to CALD, disadvantaged, emerging communities in the Ashfield LGA. Services provided include social orientation information sessions, housing pathways, conversation classes, resettlement and community education projects. Metro MRC have been operating out of Ashfield Library since March 2012 and will relocate to offices on the ground floor of the Civic Centre on 13th August 2012, from 9am to 5pm.

Library

The Library Marketing Team has been formed to create a marketing strategy for the Ashfield Library, to be implemented by November 2012.

New Local Studies Area

A Local Studies project team has been formed to direct and support the opening of the Local Studies room (located 2nd Floor). Within the Library Operational Plan 2012-13 , the aim for this group is to identify the purpose and scope of local studies, to identify public training projects in local studies, provide training for staff in local studies and implement and launch the local studies collections and programs. CP&S propose to have the service operational early next year.

Youth Centre

Presently, construction work is progressing on the Youth Centre and the building will be complete by early next 2013. Council staff are working closely with Councils' Youth Committee and Internal Youth Centre Advisory Committee to develop a Business Feasibility Plan, implement governance processes , build partnership and management structures, negotiate successful tenancies/co-locations, develop service delivery ,program plans and a communication and marketing strategy.

Activity Rooms

Since July 2012, the Activity Rooms continue to provide high quality meeting spaces for community residents and businesses . The function of the Activity rooms respond to key components of the Council Management Plan 2012-2016 and Community Strategic Plan objectives.

Presently, Council's activity rooms hire has increased over the past 2 months with both Council run programs, school holiday activities and local community groups. These have included ; migrant services, information sessions, social groups for CALD seniors, cultural performance groups and information classes regularly booking rooms.

Council also attracts various community ,education services, government and business seminars to its Activity rooms and is presently providing these venues fee competitive or at concessional rates. Customer Service are also responding to an increasing number of business inquiries. Security issues around weekend and night events continue to be an operational priority and to best deal with this access issue the CP&S Manager is discussing a strategy with all stakeholders.

Financial Implications

All positions/activities are funded in the 2012/13 budget.

Other Staff Comments

N/A

Public Consultation

N/A

Conclusion

With the implementation of the new CP&S structure, all staff have been considerate and mindful of the changes that have occurred and how these changes adapt upon their work practice. These consolidations allow for improved tools for customer relationship management, performance and service planning, business intelligence and reporting, financial management and increased document management.

These innovative adjustments enable Council to build upon a platform for the future, based on integrated strategic and operational planning where staff develop and assess community needs through evidence based practice, build upon their skills and expertise, review emergent trends and current community social plans, assist in improved processes and develop both Council and community reports that recommend community and financial best practice.

ATTACHMENTS

There are no supporting documents for this report.

RECOMMENDATION

That the information contained in the report be noted.

NELLETTE KETTLE
Director Corporate & Community Services

Subject	ENHANCING COUNCIL'S MURAL PROGRAM VIA THE USE OF 'STREET ART' TO DISCOURAGE GRAFFITI
File Ref	Community Services
Prepared by	Anthia Hart - Community Development Worker - Arts, Culture & Recreation
Reasons	To provide information as requested by Council
Objective	To provide information about 'street art'

Overview of Report

The purpose of this report is to provide information that is relevant to the implementation and recognition of 'street art' in the area and the engagement of young people in creative pursuits as an alternative to illegal graffiti and tagging activity. This report is in response to a recent Council resolution.

Background

What is street art?

Street art can be described as any art on the street that is not graffiti. It is art that is created for public spaces or streets, it is mostly visual art that is put on to walls, power poles, rubbish bins, roads etc, or any area that is understood to be a public domain. Street artists place their work in non art contexts and generally use their art to communicate to people socially relevant themes. It is an evolving culture that includes art practices such as traditional graffiti artwork, murals, sculptures, stencil graffiti, sticker art, wheat-pasting and street poster art, video projection, art intervention, guerrilla art, flash mobbing, yarn bombing and street installations.

The legal distinction between street art and public art - is permission. Most street art is unsanctioned unlike public art that is commissioned. We know from experience the negative repercussions and heavy financial implications to Council and property owners directly linked to illegal graffiti.

However, thoughtful and attractive street art can have regenerative effects on a precinct, wall, space or neighborhood. Obvious examples of this are the murals placed in and around the Ashfield area.

Forms of street art

Traditional – painting on the surfaces of private or public property. This form is usually artful and elaborate, covering the surface with a mural image painted with a brush, roller or spray paint.

Stencil – painting with the use of a stencil, usually a homemade cutout or paper painted with spray paint or roller.

Sticker – Homemade stickers are placed on surfaces, these usually promote a political agenda.

Mosaic – this is a large piece of art created by the assembly of smaller parts or pieces.

Video projection – an image projected onto a surface. Video projection – an image projected onto a surface.

Street installation- Street installations are a growing trend within the 'street art' movement. Whereas conventional street art and graffiti is done on surfaces or walls, 'street installations' use 3-D objects and space to interfere with the urban environment. Like graffiti, it is non-permission based and once the object or sculpture is installed it is left there by the artist.

Wood blocking- Artwork painted on a small portion of plywood or similar inexpensive material and attached to street signs with bolts. Often the bolts are bent at the back to prevent removal. It has become a form of graffiti used to cover a sign, poster, or any piece of advertisement that stands or hangs.

Flash mobbing - A large group of people who assemble suddenly in a public place, perform an unusual action for a brief time, then quickly disperse. The term *flash mob* is generally applied only to gatherings organized via telecommunications, social networking, and viral emails.

Yarn bombing - Yarn Bombing is a type of street art that employs colorful displays of knitted or crocheted cloth rather than paint or chalk. While other forms of graffiti may be expressive, decorative, territorial, socio-political commentary, advertising or vandalism, yarn bombing is almost exclusively about beautification and creativity and we have an example of this on a power pole in Frederick Street, see photograph below.



The use of street art to discourage graffiti

Ashfield Council proudly sponsors a mural program that has created public art in many locations throughout Croydon, Haberfield, Summer Hill and Ashfield for the enjoyment of residents and visitors to the area. Most of the murals are works that depict scenes of Australian landscape, flora and fauna that are readily identifiable to local people and emphasise the beautiful natural resources that make up our native landscape.

The murals not only beautify the area, they also act as a deterrent to illegal graffiti and tagging activity.

The most recent mural is installed on the facade of the Brown Street car park. This mural clearly acknowledges Aboriginal people, designs and totems and was created to be one of two landmarks or gateways into the Ashfield area. The facade of this car park has been a 'hot spot' for illegal graffiti and tagging activity for years. Through Council's quick response to removing graffiti or tagging we can expect overall longevity and appeal of the work.

In terms of engaging with young people around street art, Council is facilitating the 'Signal Box' project, an installation of community artwork on to signal boxes similar to Leichhardt Council. The Ashfield 'Signal Box' project is facilitated by Ms Laine Hogarty who is the current artist in residence and a highly skilled graphic artist. Laine has already held workshops with young people aged between 12 years and 18 years during the last school holidays to set about designing artwork for three signal boxes in Liverpool Road, between Holden and Knox Streets. Under the direction and guidance of Laine, the designs will be completed in the September school holidays and then applied by an artist.



Presently, Ashfield Council does not have a policy position on street art outside of the mural program; this will be addressed in the draft Public Art Strategy to be presented to Council at the end of this year. This plan will provide Council with a framework to engage young people, business and property owners in the development of Ashfield as a centre of creative arts and culture.

With the opening of the Ashfield Council Youth Centre, this will provide a pathway for Council to engage and support young people in arts projects. Through inclusive consultation strategies, Council will be well informed in regards to community expectations, project development and opportunities for stakeholders engagement. The first of these is a workshop that will be held on Wednesday, 22 August 2012 followed by a survey to young people that will look at needs, existing services and gaps.

Locations for street art

Local artists have identified sites that they consider would work well as surfaces for artwork. These are the basketball court walls in Kensington Street, the practice wall in Gower Street and the shopping centre wall backing on to the playground in Darrell Jackson Gardens.



The above is a compilation of photographs of the basketball area in Kensington Street. Minki, a well known street artist has offered to restore the 'Wish you are here' work in the Kensington Street site and project manage and mentor young artists to paint work on the surrounding walls. Minki is the artist of the 'Wish you are here' mural.

As an approach to emerging contemporary urban street art, Community Programs recognizes the need for a strategic approach that designates approved business and community precinct sites for 'street art', artist guidelines around content and its delivery and long term costs.

Financial Implications

There are no financial implications beyond existing funding allocations

Other Staff Comments

Public Consultation

Several consultations have been held with local artists.

Conclusion

That street art is a vibrant, meaningful means of creative expression.

ATTACHMENTS

There are no supporting documents for this report.

RECOMMENDATION

That Council endorse the Kensington Street basketball site for 'street art'.

NELLETT KETTLE
Director Corporate & Community Services

