

Hawkesbury City Council

ordinary meeting business paper supplementary

date of meeting: 11 March 1997

location: Council Chambers

time: 7.30pm

ITEM	SUBJECT	PAGE
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SUPPLEMENTARY AGENDA

No Mayoral Minutes Were Submitted

No Notices of Motion Were Submitted

No Notices of Motion of Rescission Were Submitted

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No Reports of Committees Were Submitted

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ORDINARY

Meeting Date: 11 March, 1997

Item: 192

ITEM: 192 **Leave of Absence - Councillor P J Minturn**

FILE NUMBER: GA030/014/GMA/ORC11LAX.G22

REPORT:

An application for leave of absence for the General Purpose Committee meeting to be held on 25 March and the Ordinary Meeting on 8 April 1997 has been received from Councillor Peter Minturn. Councillor Minturn will be out of the area during this period.

RECOMMENDATION:

That leave of absence from Council meetings be granted to Councillor Peter Minturn for the period 25 March to 8 April 1997 inclusive.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF ITEM 192 Oooo

 ITEM: 193**Integrated Development Assessment - White Paper and Exposure Draft Bill****FILE NUMBER:** GT090/001Pt02/EVD/ORC11LBX.V23**REPORT:**

Since this matter was reported to the General Purpose Committee on 25 February 1997 the Branch Manager and Director have had the opportunity to attend a seminar at Parramatta on 26 February 1997 and also to discuss the principles with three Victorian outer metropolitan Councils on 5 March 1997.

Both the seminar and discussions with Victorian Councils confirm the view expressed in the General Purpose Committee business paper that the proposed reforms are unlikely to achieve their stated goal of simplifying and streamlining the existing development and building assessment process.

They are unlikely to be successful because the extent to which they are applied will vary significantly from Council to Council and, secondly, the administrative process by which it is proposed to introduce complying development through local environmental plans is extremely cumbersome.

The following is a critique of the Environmental Planning and Assessment Amendment Bill 1997. Comments on the White paper and Bill are required by 27 March 1997.

Section 75 - Development Assessment

Section 75 provides for public notification of development proposals and for public participation in the development assessment process to an "appropriate" extent having regard to the nature of the development proposed.

This provision will continue to allow Councils to notify minor development. This is in stark contrast to the Victorian system where dwellings and dwelling extensions complying with a code are not notified to adjoining owners.

It is considered that the Government should be proactive and restrict the notification process to development not complying with general codes or development that is not usual in the applicable zone.

Section 76 - Development that does not need consent (exempt development)

This section provides that a local environmental plan (environmental planning instrument) may declare development to be exempt development. What the provision requires is that Council define types of development to be exempt. It is likely that most Councils will either accept a suggested minimum number of activities as exempt development or, alternatively, will separately define exempt development. Therefore it is unlikely that there will be any consistency across local

government areas and, secondly, the process of defining exempt development in individual local environmental plans across 176 Councils is administratively cumbersome.

Section 76A - Development that needs consent

The proposed arrangements for complying development suffer the same problems as exempt development. The draft bill proposes that individual Councils define in their local environmental plans, the types of development which may be certified by either Council or an accredited certifier.

In essence, this will require individual Councils to document in their local environmental plans model performance criteria within which development may be certified.

It is likely that the 176 Councils in New South Wales will specify different model provisions and also potentially double the length and complexity of the existing local environmental plans. The local environmental plan process is also extremely slow and cumbersome and it is unlikely that complying development provisions could be introduced within six months of a Council resolving to prepare a draft local environmental plan to allow complying development.

The dilemma faced by the Government would seem to be balancing the desire for local autonomy versus the economic benefits of consistent regulation. Both are laudable objectives however it is difficult to rationalise why the specifications for complying development for a detached garage, house, or farm shed should be any different in Hawkesbury than in Penrith, Baulkham Hills or Camden local government areas.

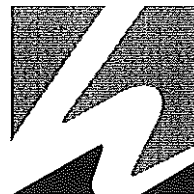
Further, in providing a high degree of local autonomy in determining complying development, the potential exists that many Councils may allow very little complying development and essentially continue with the status quo. Such an outcome will significantly reduce demand for private accredited certifiers and hence affect other local government areas which may be more proactive in introducing complying development and encouraging external certification.

Section 78A - The development consent process

It is recommended that owner's consent no longer be required for applications, this being one of the major causes of delay in application processing. For example, an application will not be accepted if the property is in joint names and only one of the owners have signed the form. Similarly, it is not considered that accredited certifiers should require written owners consent.

Section 79 - Public Participation - Consultation - Concurrence

As previously discussed, it is considered that the State Government should define some classes of development or activities which are not to be subject to public notification. Following on from the Porter case in Hornsby and the Local Government Act 1993, a culture has developed in New South Wales where development, completely consistent with zoning and reasonable expectations is subject to public participation. As a consequence, there are unnecessary costs and delays and often unnecessary conflict. Further, an increasing focus by Councils on the determination of individual applications (sometimes inconsistently) has been at the expense of a focus on policy development and implementation.



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meeting

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