

DA Service Integration Submission Summary

Issues Raised	Response
Submissions regarding Draft IAP Charter	
<ul style="list-style-type: none"> 'Healthy built environment expertise' be required within Northern Beaches Independent Assessment Panel (NBIAP) membership That the NSW Healthy Planning Expert Working Group would be an appropriate 'healthy built environment body' to recommend suitable candidates for NBIAP 	<p><i>Noted. NBIAP panel members require broad based expertise and this may include healthy built environment expertise. The list of experts provided is suitable and consistent with other Councils IAPs.</i></p>
<ul style="list-style-type: none"> Believes that the GM removing a panel member without notice is a 'denial of natural justice' Wants included in meeting procedures a provision for a second panel to be formed or alternate members be available should the monthly workload require it. Suggests in the absence of a legal Chair and their alternate there should be provision for a vote by remaining members for the appointment of a Chair for that meeting. Questioned the ability of the panel to be able to visit all sites on a single day. In terms of practical application it would be impossible for the Panel on site visits to travel the length and breadth of the Northern Beaches. A 'north' and 'south' area may work when planning visits on different days. At the conclusion of the public meeting there should be a specific time set aside immediately for Panel members to consider additional written material (if any) lodged at the meeting. The additional material should be considered as part of the Panel deliberations. Professional input from planning staff should be sought at this time. The resulting minutes should be in "draft" form only and distributed to members early on the following day. Members should advise of any suggested changes within 24 hours; including the content of any 'minority' report. The final minutes should be endorsed by all members prior to public release. 	<p><i>The procedure for the appointment of panel members is at the discretion of the Chief Executive Officer.</i></p> <p><i>A set of operational guidelines is being prepared to provide administrative and operational procedures for the NBIAP, this will include how to deal with issues associated with the distances between sites. This feedback will be used in the development of these guidelines.</i></p>

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<ul style="list-style-type: none"> • In order to avoid matters being considered far too quickly in the evening / night, the Panel should attend site meetings in the morning to be followed by a public meeting thereafter and then Panel consideration as currently occurs at the NBIAP (South). • Once the decision as to which developments are to be considered by the Panel is made, there should be an assessment as to how much work for the Panel will be required. • Based on this workload, an assessment will be required as to the likely number of Panel meetings. Some six to eight matters per meeting maximum should be planned. • Strongly suggests that deputy members be appointed so that when required, two Panels can work concurrently. This was the practice used at Canterbury from time to time and it worked well. • If deputies are not appointed then a larger pool of members should be formed in order to tackle the workload. This is particularly relevant when some members work full-time and may not always be available. • Although community members are not appointed on all Independent Hearing & Assessment Panel's (IHAP's) they have been a most useful addition to the old Manly Independent Assessment Panel (MIAP) because they bring local knowledge to the table. This also gives the community some comfort in knowing that they have a voice in the decision making process. • Preparation of tighter guidelines is the way to go but with sufficient flexibility for those cases where view loss and privacy loss, etc., is significant. In those instances the whole Northern Beaches community will still expect a "fair go" to argue their case in front of an independent panel. 	
<ul style="list-style-type: none"> • Believes the NBIAP is a toothless tiger. 	<p><i>The report recommends that the NBIAP has full discretion in determining applications. The NBIAP is an independent panel consisting of experts with delegation to determine applications i.e. refuse or approve.</i></p>
<ul style="list-style-type: none"> • Concerned with the proposed new trigger that a DA will go to the Panel if it is over \$2 million in value and there are "three or more unresolved objections". • Prefers the Warringah definition of 'relevant objection' rather than the new proposed 	<p><i>The operational guidelines are being developed which will specify the appropriate officer who will make the decision on unresolved objections. This is proposed to be the Executive Manager of Development Assessments.</i></p>

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<p>definition as it 'was specific as to who was to make the decision on "relevant" and there was no need for that person (the Deputy General Manager) to decide whether the objections were "valid", just whether they were material.'</p> <ul style="list-style-type: none"> • Thinks that the new policy gives an unnamed Council officer unfettered power to decide if an objection is "valid". • Believes that a particular staff member (or management level) should be nominated in the policy to have the power to make the decision on forwarding and the definition of "unresolved objection" should be much closer to the old Warringah one. • Subdivision of land with a net increase of one or more lots can have a significant impact, particularly for non-urban land. The subdivision of land warrants referral to NBIAP when it does not comply with the minimum lot size or is located in non-urban land. • The subdivision of land is likely to incur a cost that is considerably less than the \$2 million minimum referred to in clause a) above. A separate clause for subdivision is warranted. However, the criterion of "a net increase of 5 or more lots" fails to capture subdivisions (with a net increase of one to four lots) that on non-urban land that have a significant impact, or are non-compliant. • Concerns about the definition of 'unresolved objection'. The draft definition would exclude an objection if 'appropriate conditions can be applied to resolve the objection'. In many cases, conditions can be imposed to mitigate adverse outcomes, but they do not satisfactorily resolve the initial objection. • An objection may be 'unresolved' even when conditions are applied, as the effective implementation of those conditions is often dependent on other variables, which are not reliable. The Precautionary Principle needs to be applied to conditions of consent as part of the assessment process. • The decision as to whether the objection can be resolved through the imposition of appropriate conditions is partly dependent on subjective opinion. • The Council officer responsible may also have conflicting demands and be inclined to 	<p><i>The use of this is likely to be rare and will be used in a conservative manner.</i></p> <p><i>Small subdivision applications are relatively simple in terms of planning issues and are appropriate for delegated authority.</i></p> <p><i>Submissions from organisations on behalf of many people are considered as one submission.</i></p> <p><i>Where a submission is resolved by condition it is appropriate that a lower determination level be used.</i></p>

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<p>dismiss objections that can be resolved via conditions to improve efficiency.</p> <ul style="list-style-type: none"> • An objector should be given a fair opportunity to address the Panel on whether the condition imposed adequately addresses the issue raised, particularly if that issue is significant. • The definition of former Warringah Council of relevant objection is preferred. The word 'relevant' is preferable to 'valid'. 'Relevant' has a clear meaning that can be easily understood and interpreted. Whereas the meaning of 'valid' is vague, not clearly defined and hints at a legal interpretation that is not transparent. • For the word 'VALID' the dictionary definition (Collins English Gem 1974) is: sound, capable of being justified, binding force in law. This definition relies on the further interpretation of words i.e. 'sound' or 'justified'. The 'binding force in law' is implied, but not relevant in this instance. • The draft charter relies on the opinion of the individual council officer, who is likely to have more detailed knowledge of the issues relating to the application. However, reliance on the opinion of the deputy manager is likely to achieve a more consistent outcome and take advantage of the wisdom of experience. • It is assumed that objections from Not For Profit (NFP) groups count as one objection, even if the organisation has many members. NFP groups may have a vested interest in the development or represent broader environmental or community interests. • In the Warringah policy, this criteria for defining a 'relevant objection' is clear and unambiguous. The criterion is less reliant on a subjective interpretation but does exclude, by implication, minor objections that can be satisfactorily resolved via conditions. • The definition implies that objections that can be addressed without "significant changes or restrictions on the proposed development" may not be relevant for the purpose of the Panel. • This is similar to the clause in the current draft, in which objections can be resolved "through the imposition of appropriate conditions", with the proviso that the specific 	

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<p>issues do not relate to “significant changes or restrictions”.</p> <ul style="list-style-type: none"> Subdivision of land with a net increase of one or more lots can have significant impacts, particularly for non-urban land. The subdivision of land warrants referral to NBIAP when it does not comply with the minimum lot size or is located in non-urban land. 	
Submissions regarding Draft DA Management Policy	
<ul style="list-style-type: none"> Does not support Council's Policy of Management for handling Development Applications. The application process is very time consuming and expensive, particularly in comparison to other Councils. Pre lodgement meetings take too long to arrange and to receive the outcomes and minutes vary considerably to what was discussed. This creates up to a three month delay to the lodgement of the application. Prefers Council adopt the previous Pittwater approach rather than the Warringah process. Believes the three issues are completely separate and should not be combined. 	<p><i>Adoption of the policy is necessary to achieve state government targets for determination times and provide a consistent, equitable and efficient service.</i></p> <p><i>Council is working to improve the Development Assessment timeframes and the application of the policy will benefit those applications which are complete and appropriate.</i></p> <p><i>Council is improving its pre-lodgement service to provide feedback that is more useful to customers and in a timely manner.</i></p>
Submissions regarding Draft Development Control Plan (DCP)	
<ul style="list-style-type: none"> Raises concerns about taking detail out of the DCP and putting it in a checklist. Reports may be missed at the design/development stage when the DCP is consulted. A DA checklist is usually the last document consulted as a final check prior to DA submission. Concern that Council documents not in a DCP, not treated as a DCP and not advertised and exhibited every time they are amended (as if they were in a DCP) has met with a situation where a Commissioner of the Land and Environment Court is able to justify not giving any weight to such documents in their judgement. Does not consider that seeking consistency between DCP's justifies removing these provisions from all DCP's. The same outcome (i.e. consistency) could be achieved just as easily by inserting the same provisions in each DCP. If there is no other 	<p><i>Council is currently developing an integrated checklist which is intended to assist applicants who may need to amend their processes to consider the checklist earlier in the process and attend pre-lodgement meetings if the proposal is complex.</i></p> <p><i>Consistent handling of development applications requires the amendment.</i></p> <p><i>Applications will be rejected or withdrawn if they do not meet requirements.</i></p> <p><i>The LEC is largely concerned with assessing the impacts of development and requires the information to consider those impacts.</i></p>

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reason for it then it should not be done.	
<ul style="list-style-type: none"> Does not support changes to Warringah DCP 2000 as it removes advertising requirements in B2 Oxford Falls valley locality and C8 Belrose north locality - this removes advertising requirement of Clause 23 of WLEP 2000. These development types have merit as advertised development. Add 'location', as the suitability of a development proposal is dependent on its location as well as type and form. 'Land use' could also be added. The removal of trees subject to a tree preservation order should be notified. An extension of the 14 day notification period is appropriate for complex applications with numerous reports, as additional time is needed to read the documents. The public notice should be located near to Council notices, so it can be seen. A public notice located at random can easily be missed. Consultation would be helpful, as not all relevant applications are notified or advertised. If a community group is not informed they do not get an opportunity to respond. A trigger to identify the domain of interest would allow the group to be notified. In relation to advertised development the reference to 'residential areas' is not clear and could be assumed to apply only to urban areas. Child-care centres in non-urban areas should be included as advertised development and child-care centres in non-residential zones may also warrant advertising. Development involving subdivision to create 2-4 lots would proceed 'under the radar', regardless of the consequences or impacts on the surrounding area. Subdivision that is located in non-urban land, or is non-compliant, or is likely to have a significant impact, should be advertised. With relation to the demolition of heritage items, delete the word 'complete', as it provides an escape clause. The word 	<p><i>An advertising requirement has been inserted in the proposal for "All development listed in Clause 23 of Warringah LEP 2000 (for land under WLEP 2000 only)."</i></p> <p><i>Council is adopting a Single Policy for advertising and Notifying Development Applications, to provide consistent service levels.</i></p> <p><i>The objective of the proposed DCP clause within Appendix A has been amended to include 'location'.</i></p> <p><i>Tree applications are only notified to surrounding residents when the removal results in a significant streetscape impact. The existing words are considered adequate.</i></p> <p><i>Submissions are considered up until determination; more complex applications such as those considered by the Sydney North Planning Panel have a 21 day notification period. Nominated Integrated Development, Designated Development and Threatened Species Development have a 30 Day notification period in accordance with the Environmental Planning and Assessment Regulations.</i></p> <p><i>Council's signs will be coloured to make them easily identifiable.</i></p> <p><i>Community groups are able to use online services such as Council's website, or third party sites such as 'planning alerts' to keep instantly informed of applications.</i></p> <p><i>The location of Council's advertisement is subject to the constraints of the newspaper and space is not always available adjacent to other notices.</i></p> <p><i>Council Officers will use discretion and public interest considerations when determining additional advertising beyond requirements.</i></p> <p><i>Additional signs may be required to be placed</i></p>

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<p>'complete' allows applicants to avoid advertised development by leaving a fragment of the heritage item intact and claiming that demolition or removal is not complete.</p> <ul style="list-style-type: none"> • A development application should be advertised if all or a significant part of an item of environmental heritage is demolished or removed. The word 'complete' is unnecessary, given that it is at the discretion of Council staff. In my view, development that is prohibited by the LEP should be advertised. • Category 3 developments in WLEP2000 should also be advertised, as required in Clause 23 WLEP2000. With relation to discretion to advertise, this should apply to Category 2 development in WLEP2000 that is not consistent with the desired future character. The translation process from WLEP2000 has identified many of these uses, in addition to Category 3 uses, as prohibited in the standard WLEP2011. • In relation to development adjacent to parks and bushland, advertising the development and a sign would notify people who use the adjacent public open space and might be affected by the development. • The subdivision of land could incur a cost that is considerably less than the \$2m minimum referred to in Clause a), which applies to any DA with an estimated cost greater than \$2m. A separate clause for subdivision is warranted. However, the criterion of "a net increase of 5 or more lots" does not capture subdivisions (with a net increase of one to four lots) that have a significant impact, that are non-compliant or that subdivide non-urban land. • The draft is to be an amalgamation of existing policy. However, it would be useful to introduce a few additional criteria. For example, advertise a proposed Change of Use or Sale of Government, Council or privately owned land that is used for a public related purpose. This would allow for public comment prior to the change in use or sale of that land. • Single dwellings are not normally advertised. However, in some circumstances wider notification is warranted. For example, for non-urban land when there is a significant 	<p><i>on sites at the discretion of Council staff. Signs located at the rear or side of properties adjacent to parks and open space are not as visible to effected persons as sign located at the front of a site.</i></p> <p><i>The sale of land does not require a change of use and advertising changes of use for permissible uses is not appropriate.</i></p> <p><i>The existing protects of the Local Government Act in relation to community land remain.</i></p> <p><i>The existing requitements for Nominated Integrated Development and Threatened Species Development insures that the where development is proposed that impacts the</i></p>

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environmental impact, non-compliance with the housing density control, or no entitlement for an additional dwelling.	
Submissions - Miscellaneous	
<ul style="list-style-type: none"> Impacts of overshadowing and non-compliance with greenspace rules in my street. Why can't we have standard setbacks and stick to green space rules? 	<i>Not effected by proposed amendment.</i>
<ul style="list-style-type: none"> Are further integrations planned here? Believes Manly Council tree removal policy is far out of line with Warringah and Sydney overall. The requirements are onerous. Inadequate provision is given to replanting. Would like replanting with appropriate, shorter and / or lower maintenance tree varieties. 	<i>Further integration will occur over time.</i>
<ul style="list-style-type: none"> This submitter has undertaken research at the University of Sydney on best practice in communicating development activity for the purposes of assessing planning outcomes. Council include the publication of development lifecycle data to a recognised standard and in a machine readable format, such as the Department Planning and Environment sponsored Application Tracking Data Interchange Specification (ATDIS). 	<i>Council is investigating using ATDIS.</i>
<ul style="list-style-type: none"> Height restrictions and developers applying for higher levels than permitted. Owner builders filling in applications for non-compliant work and getting away with it. Certifying authorities not carrying out thorough checks of Das. 	<i>The proposed amendments don't affect these issues.</i>
<ul style="list-style-type: none"> Insufficient safeguards in place for the community, neighbours and environmental protection. One size fits all does not adequately address atypical pockets in Pittwater. Questions experience level of Junior Planners. 	<i>The existing environmental protections will remain in place.</i>
<ul style="list-style-type: none"> Questions the consideration given to the human aspects and impacts of DA's v numerical compliance. 	<i>Council considers development applications subject to the requirements of planning law in relation to the impacts of a development, numerical compliance and consideration of the relevant objectives.</i>