

# Kogarah City Council

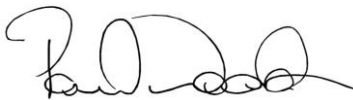
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21 March 2016

## PLANNING AND ENVIRONMENTAL SERVICES WORKING PARTY MEETING

Council will hold its next Planning and Environmental Services Working Party Meeting in the Council Chambers, 2 Belgrave Street, Kogarah on Monday, 21 March 2016, commencing at 6:30pm.

I enclose your Agenda for the Meeting.



Paul Woods  
**General Manager**

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### AGENDA:

**A. Apologies**

**B. Disclosures of Interest**

**C. Reports from Officers**

- C1. Amendment to Section 94A Development Contributions Plan - Update to Works Schedule ..... 1
- C2. Commencement of the establishment of the Greater Sydney Commission. ....5

### Members of the Working Party

Cr Sam Stratikopoulos (Chairperson)	Paul Woods (General Manager)
Cr Nick Katris	Rod Logan (Director Planning and Environmental Services)
Cr Kathryn Landsberry	
Cr Lachlan McLean	
Cr Jacinta Petroni	
Cr Michael Platt	
Cr Nathaniel Smith	
Cr Annie Tang (Deputy Mayor)	

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# Kogarah City Council

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## **To attend as required**

George Andonoski (Manager Planning and Development)

Rita Vella (Coordinator Strategic Planning)

Jason Kneipp (Manager Environmental Health and Regulatory Services)

Lynne Denham (Minute Secretary)

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**Item C1: Amendment to Section 94A Development Contributions Plan -  
Update to Works Schedule****Author:** Rod Logan - Director Planning and Environmental Services (RV)**Reason for report:** To provide details of the proposed changes to the Works Schedule contained in Kogarah City Council Section 94A Development Contributions Plan.**Recommendation:**

- a) That the amended Works Schedule in the Section 94A Development Contributions Plan, as outlined in the body of the report, be endorsed for the purpose of public exhibition.
- b) That the amendments referred to in (a) above, be exhibited in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and Regulations.
- c) That a further report be prepared and submitted to a future Planning & Environmental Services Working Party meeting at the conclusion of the exhibition period to allow consideration of any submissions received.

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**Background**

1. The Planning and Environmental Services Working Party, at its meeting on 17 November 2014 considered a report on the Kogarah City Council Section 94A Development Contributions Plan (s94A Plan).
2. Subsequently, Council at its meeting on 24 November 2014 resolved (Min No. 137/2014):
  - a) *That the draft Kogarah City Council Section 94A Development Contributions Plan 2014, annexed to this report, be adopted.*
  - b) *That following adoption of the draft s94A Plan, the Minister be notified in accordance with Section 94EA (4) of the Environmental Planning and Assessment (EP&A) Act 1979.*
3. Council's s94A Plan came into force on 1 January 2015. The s94A Plan is the principal method enabling Council to levy contributions for facilities and services required as a consequence of development that is not subject to a separate s94 contributions requirement.
4. The s94A Plan allows contributions to be levied in established urban areas where development is mainly 'infill development'. The other benefit is that it does not require a nexus to be established between the works being funded by the s94A Plan and the type or intensity of the development which pays the contribution.

**PLANNING AND ENVIRONMENTAL SERVICES WORKING PARTY MEETING**

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**Item C1 (cont.)**

5. A component of the s94A Plan is the inclusion of a Works Schedule which is linked to the Kogarah 2030 Community Strategic Plan, in particular the four year Delivery Program. The Works Schedule in the current s94A Plan applies to the 2013 – 2015 financial years.

**Update of the works schedule**

6. Since the s94A Plan was first adopted a number of works listed in the plan have been completed or are no longer considered a priority. In developing the Works Schedule, projects have been identified from the following sources:
1. Actions from plans or programs (e.g. roads program, floodplain risk management plans).
  2. Priority projects identified by staff.
7. The Works Schedule has been separated under the Key Strategic Directions identified in Council's Community Strategic Plan.
8. Table 1 below provides an overview of the changes proposed to the Works Schedule identified in the s94A Plan:

**Table 1 – Works schedule for new community infrastructure for which levies will be sought (2015-2017)**

Works	Cost	Staging	Status
<b>1. A Clean, Green and Sustainable City Catchment and Waterways</b>			
Baldface Point bank stabilisation – Blakehurst	\$20,000	Short	Completed – delete from Schedule
Carss Park Bay Walk - foreshore restoration and bay walk with disabled access	\$1,500,000	Ongoing	Retain in Schedule
Carss Park Foreshore Lighting	\$200,000	Short	Retain in Schedule
Foreshore Stabilisation - Dover Park west - Blake Ave - Sans Souci	\$100,000	Long	Completed – delete from Schedule
Kerb and Gutter Replacement Program	\$500,000	Ongoing	Retain in Schedule
Kogarah Bay Creek rehabilitation (Harold Fraser Reserve)	\$550,000	Medium	No longer required – delete from Schedule
Sans Souci foreshore upgrade	\$200,000	Long	Retain in Schedule
Street Tree Removal and Replacement as per Street Tree Management Plan	\$500,000	Ongoing	Retain in Schedule
Carss Bush Park Channel Naturalisation	\$800,000	Medium	New project
<b>Subtotal</b>	<b>\$3,700,00</b>		
<b>2. A Liveable and Connected City</b>			
Footpath renewal and access	\$1,700,000	Ongoing	Retain in Schedule

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## Item C1 (cont.)

<b>Works (cont.)</b>	<b>Cost</b>	<b>Staging</b>	<b>Status</b>
Hurstville - Kogarah Cycleway	\$1,510,000	Long	Retain in Schedule
Street Name Sign Replacement	\$170,500	Ongoing	Retain in Schedule
Streetscape works for shopping villages (Allawah, Blakehurst and Carlton)	\$300,000	Long	Increase cost from \$180,000 to \$300,000 and retain in Schedule
Park Furniture renewal	\$300,000	Ongoing	Retain in Schedule
Park Signage renewal	\$100,000	Ongoing	New project
<b>Subtotal</b>	<b>\$4,080,500</b>		
<b>3. A Thriving and Prosperous City</b>			
Kogarah CBD Streetscape Upgrade	\$1,000,000	Long	Retain in Schedule
Kogarah CBD undergrounding of cable infrastructure	\$2,000,000	Long	Retain in Schedule
Kogarah CBD Traffic and Pedestrian Study	\$722,000	Long	Retain in Schedule
Oatley Village Centre Improvement Plan	\$2,000,000	Ongoing	Retain in Schedule
The Strand Penshurst Railway Station	\$40,000	Long	No longer required – delete from Schedule
<b>Subtotal</b>	<b>\$5,722,000</b>		
<b>4. A Vibrant, Safe and Inclusive City</b>			
Disability Discrimination Act Capital Works based on Access Audit	\$100,000	Ongoing	Retain in Schedule
Public Art and Memorial Installations	\$100,000	Ongoing	New Project
<b>Subtotal</b>	<b>\$200,000</b>		
<b>5. An Active and Healthy City</b>			
<b>Community Facilities</b>			
Carss Park – Shade structure, Life Savers Hall upgrade, expand community gardens	\$190,000	Short	Completed – delete from Schedule
Carss Park – Todd Park Community Recreation Facility	\$1,800,000	Medium	Retain in Schedule
Harold Fraser Oval amenities block replacement - Carlton	\$450,000	Medium	Increase cost from \$300,000 to \$450,000 and retain in Schedule
Harold Fraser Oval cricket practice wickets - Carlton	\$75,000	Long	Retain in Schedule
Hogben Park Skatepark – Kogarah	\$250,000	Medium	Retain in Schedule
Oatley early childhood centre upgrade	\$10,000	Short	Completed – delete from Schedule
Sans Souci pool upgrade and filtration replacement	\$970,000	Medium	Retain in Schedule
School of Arts internal upgrade - Kogarah	\$75,000	Short	Completed – delete from Schedule.

**PLANNING AND ENVIRONMENTAL SERVICES WORKING PARTY MEETING**

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## Item C1 (cont.)

<b>Works (cont.)</b>	<b>Cost</b>	<b>Staging</b>	<b>Status</b>
School of Arts – roof refurbishment	\$200,000	Short	New project
State Emergency Services main building upgrade - Carlton	\$50,000	Short	Completed - delete from Schedule
The Green - amenities block replacement - Kyle Bay	\$250,000	Medium	Retain in Schedule
Children’s Playground – Shade Structures	\$300,000	Short	Increase cost from \$200,000 to \$300,000 and retain in Schedule
Oatley Senior Citizens Building Upgrade	\$150,000	Short	New project
<b>Subtotal</b>	<b>\$4,445,000</b>		
<b>6. An Innovative and Efficient Council</b>			
Civic Centre façade upgrade - Kogarah	\$100,000	Medium	Retain in Schedule
Kogarah City Works Depot Amenities upgrade - Carlton	\$110,000	Medium	Retain in Schedule
Photovoltaic installations - various	\$250,000	Medium	Rename works from “Solar panels shaded carpark – Carss Park” to “Photovoltaic installations – various”
Kogarah Bay Creek Stormwater Harvesting	\$300,000	Medium	New project
<b>Subtotal</b>	<b>\$760,000</b>		
<b>Grand total</b>	<b>\$15,207,500</b>		<b>Reduce grand total from \$15,922,500 to \$15,207,500</b>

9. It is recommended that the s94A Plan, which incorporates an amended Works Schedule, be exhibited in accordance with the Legislation. Following exhibition a further report will be presented to the Planning and Environmental Services Working Party.

### Conclusion

10. The Works Schedule in Council’s s94A Plan currently applies to the 2013-2015 financial years. The amendment proposes to update the s94A Plan to include a 2015-2017 Works Schedule as outlined in the body of the report.

### Operational Plan Budget

11. The s94A Plan has significant implications on existing budget lines and future funds generation as outlined in the report.

### Attachments/Annexures

Nil.

**End of Report**

- Item C2:** **Commencement of the establishment of the Greater Sydney Commission.**
- Author:** Rod Logan - Director Planning and Environmental Services (RV)
- Reason for report:** To provide an overview of the establishment of the Greater Sydney Commission by the State Government.
- Recommendation:**

That the report on the commencement of the establishment of the Greater Sydney Commission be received and noted.

## Background

1. Council on 11 February 2016 was formally advised by the Department of Planning and Environment (DP&E) of the establishment of the Greater Sydney Commission (the Commission).
2. The Commission was established on 27 January 2016 to coincide with the commencement of the *Greater Sydney Commission Act 2015 (GSC Act)* and the *Environmental Planning and Assessment Amendment (Savings and Transitional) Regulation 2015*.
3. The Commission is now the relevant strategic planning authority for the Greater Sydney Region and is responsible for preparing and reviewing strategic plans for the region. Strategic plans include both Regional and District plans.

## Structure of the Commission

4. The structure of the Commission is represented in the figure below:



**Item C2 (cont.)**

5. The four Greater Sydney Commissioners have been appointed including:
  - Chief Commissioner – Lucy Turnbull AO;
  - Deputy Chief Commissioner and Economic Commissioner – Geoff Roberts
  - Social Commissioner – Heather Nesbitt; and
  - Environment Commissioner – Rederick Simpson
  
6. There will also be six District Commissioners, nominated by Sydney councils to advocate their needs. Four District Commissioners have been appointed to date. They are:
  - Edward Blakely – West Central;
  - Maria Atkinson – Central;
  - Deborah Dearing – North; and
  - Sean O’Toole – West.
  
7. The District Commissioners for the South and South West districts have not yet been announced.
  
8. There will also be three key government heads from the Department of Planning and Environment, Transport for NSW and NSW Treasury.
  
9. The Commission is supported by a Finance and Governance Committee, Infrastructure Delivery Committee, Strategic Planning Committee and Sydney Planning Panel.
  
10. The Commission is supported by CEO Sarah Hill, and a small staff agency.
  
11. Information on the Commissioners and District Commissioners is included in the Annexure - Fact Sheet - Commencement of the Greater Sydney Commission Act 2015 annexed to the report.

**Role of the Greater Sydney Commission**

12. The Greater Sydney Commission is responsible for:
  - finalising district plans for each of Sydney’s six districts;
  - conducting regular reviews of councils’ Local Environmental Plans;
  - conducting all decision-making and plan-making on rezoning proposals currently undertaken by the Minister (or delegate), including gateway determinations and pre-gateway reviews;
  - taking on the current determinations of development applications and plan making functions of the Sydney Joint Regional Planning Panels, including rezoning reviews;
  - monitoring and reporting to Government on implementation of actions in *A Plan for Growing Sydney*; and
  - requiring councils to give effect to district plans (or the regional plan if a district plan is not in place) when amending their Local Environmental Plans.



**Item C2 (cont.)**

**Statutory strategic plans**

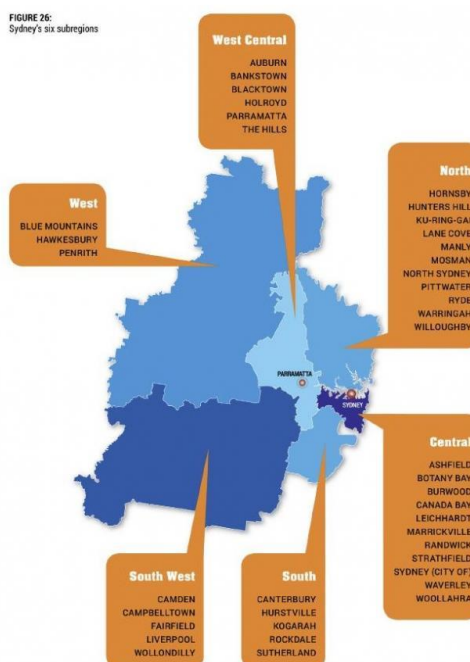
13. The legislation has inserted a new 'Part 3B' into the *Environmental Planning and Assessment Act 1979*. This new part is titled 'strategic planning'.
14. The legislation explicitly allows for 'regional plans' and 'district plans' to be made as **statutory** strategic plans.

**Regional plan**

15. Under the GSC Act, *A Plan for Growing Sydney*, is deemed to be the Regional plan for the Greater Sydney Region. It establishes the principles and sets out a framework for shaping Sydney's growth over the next twenty years. The Commission has responsibility for coordinating and driving the delivery of all actions in the Regional plan.
16. *A Plan for Growing Sydney* requires the Commission to establish a monitoring and reporting process on the delivery of the actions outlined in the plan.
17. The Commission will review *A Plan for Growing Sydney* before the end of 2017 and at the end of every subsequent five year period. The Commission will work with key stakeholders including councils to undertake the review and will contact councils in the future about its program.

**District plans**

18. Six planning districts are identified in *A Plan for Growing Sydney* and these were declared as districts for the Greater Sydney Region by the Minister for Planning, pursuant to section 75AB(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), on 27 January 2016.



**Item C2 (cont.)**

19. District plans are being prepared for each of the six districts and public exhibition of these plans are required to commence within twelve months after a district is declared. This means that all District plans will commence exhibition before 27 January 2017. The Commission will contact councils to provide input into this process.
20. Once District plans are in place, councils are required to review their Local Environmental Plans (LEPs) and give effect to the relevant District plan. In the interim, councils' planning proposals will need to give effect to the Regional plan, *A Plan for Growing Sydney*.
21. The Commission will oversee, monitor and report on the implementation of District plans in the Greater Sydney Region. The Strategic Planning Committee will assist the Commission in carrying out these functions and will seek support from councils.

**Operational Matters**

**Local Environmental Plan (LEP) making process**

22. The responsibility for all decisions on making LEPs (including the statutory steps for considering planning proposals that amend LEPs) has been transferred from the Minister to the Commission.
23. This includes undertaking rezoning reviews (formally pre-gateway reviews), issuing gateway determinations, delegating plan making functions and the making of LEPs.
24. In the interim, existing Ministerial delegations to the Department of Planning Environment (DP&E) and councils relating to the processing of planning proposals and the making of LEPs for areas in the Greater Sydney Region will continue. Any existing reference to the Minister in these delegations will now be taken as a reference to the Commission.
25. Councils have been requested to continue to undertake the existing steps in preparing planning proposals and submit them to the DP&E. Councils can still make LEPs under the existing delegations including liaising directly with the Parliamentary Counsel's Office if they have an authorisation from DP&E. These arrangements will remain in place until such time as the Commission alters them.
26. For LEPs that are mid-way through the plan making process, Clause 50 of the Regulation recognises that any actions undertaken before 27 January 2016 are still valid. Councils will not be required to begin the plan making process again and can continue without having to repeat steps.
27. In preparing and finalising planning proposals councils must satisfy Section 75AI of the EP&A Act, which requires planning proposals to give effect to the Regional plan, *A Plan for Growing Sydney*, until the District plans are made.

**Transition of Joint Regional Planning Panels (JRPPs) to Sydney Planning Panels (SPPs)**

28. JRPPs will continue to operate, with their membership being extended until the SPPs are established. The JRPP Secretariat will continue to support matters being considered by the JRPP and the SPPs when established.
29. Once established, membership of SPPs will be similar to the current membership of the JRPPs except for the JRPP chair being replaced by a District Commissioner, who will chair matters within their district. The SPPs will consist of five members including:
  - three members appointed by the Minister (the State members), one of whom is to be a District Commissioner (Chair for their District); and
  - two nominees of an applicable council (the council nominees) who are Councillors, members of council staff or other persons nominated by the council.
30. Until such time as the SPP is established, development applications are to continue to be lodged with the JRPP Secretariat. For re-zoning reviews, councils are to continue to submit these to the DP&E.

**Changes to the Minister's Role**

31. The establishment of the Greater Sydney Commission has resulted in a shift in decision-making away from the Minister for Planning, particularly in respect to LEPs. The Minister no longer has the power to 'make' LEPs, however the Minister still retains the power to introduce state environmental planning policies (SEPPs). These policies are able to amend existing LEPs.
32. This can happen when the Minister wants to change an LEP to deal with state or regional planning matters. (When the Minister decides to amend LEPs via a SEPP, there is no statutory requirement for a 'planning proposal' to be prepared or for a 'gateway determination' to be made.) The Minister no longer has a range of other powers associated with the making of LEPs in the Greater Sydney region.
33. One key change relates to the preparation of a 'planning proposal'. Under the new arrangements, the Minister no longer has any right to decide whether a local council should be displaced as a 'relevant planning authority'. This decision-making power has been handed to the Greater Sydney Commission. As before, a local council can be replaced as a 'relevant planning authority' because the proposed LEP change is of state or regional planning significance. This has now been extended to matters of planning significance to a district. That is, the Greater Sydney Commission can decide that a rezoning for a proposed development that meets the needs of a district should be progressed by the DP&E or a planning panel (instead of a local council), even if the development would not have any citywide significance.

**Item C2 (cont.)**

34. The Greater Sydney Commission has also inherited existing powers to remove a local council as a ‘relevant planning authority’ when there has been a successful pre-gateway review. These powers have been extended, so that there is no statutory requirement for a pre-gateway review to be conducted by a planning panel (or the Planning Assessment Commission). It is now legally possible for the pre-gateway review to be carried out by the Secretary of the Department herself (so long as it is then reported to the Greater Sydney Commission).
35. Additionally, existing powers to remove a local council that has failed to comply with its obligations have also passed to the Greater Sydney Commission. These obligations have also been strengthened. There is now an express statutory obligation on local councils to give effect to the metropolitan strategy (i.e. *A Plan for Growing Sydney*) when preparing planning proposals.
36. ‘Gateway determinations’ are now ultimately the responsibility of the Greater Sydney Commission, not the Minister. Also, if a ‘relevant planning authority’ decides that it no longer wishes to proceed with proposed LEP changes (after a gateway determination has been made), it must request that the Commission end the matter (rather than the Minister).
37. The Minister no longer has the power to direct a local council to make, amend or revoke a development control plan in connection with the finalisation of an LEP. This ministerial power has almost never been exercised in the past.

**Conclusion**

38. The legal machinery is now in place for the implementation of metropolitan and district strategic planning with oversight and direct management by the Greater Sydney Commission.

**Operational Plan Budget**

39. No budget impact for this report.

**Attachments/Annexures**

<a href="#">1</a>	Fact Sheet - Commencement of the Greater Sydney Commission Act 2015	4 Pages	Annexure
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**End of Report**