

ITEM 8.4	REVIEW OF WARRINGAH DEVELOPMENT CONTROL PLAN 2011 SECTION A.7 NOTIFICATION AND WARRINGAH DEVELOPMENT CONTROL PLAN 2000 SECTION 2.6 NOTIFICATION
REPORTING MANAGER	GROUP MANAGER DEVELOPMENT AND COMPLIANCE SERVICES
TRIM FILE REF	2014/253216
ATTACHMENTS	1 Proposed Amendments to Warringah Development Control Plan 2011 A.7 Notification 2 Proposed Amendments to Warringah Development Control Plan 2000 2.6 Notification

EXECUTIVE SUMMARY

PURPOSE

To seek a decision of Council in relation to the notification of Development Applications and other associated applications under Warringah Development Control Plan 2011 (WDCP 2011) and Warringah Development Control Plan 2000 (Notification) (WDCP 2000).

SUMMARY

In relation to the notification of Development Applications, Council currently operates two different Development Control Plans, including the WDCP 2000 and WDCP 2011. This is because Council is still operating with two Local Environmental Plans, the Warringah Local Environmental Plan 2000 (for Deferred Lands only) and the Warringah Local Environmental Plan 2011 (the new Standard Instrument LEP).

Council is notifying development applications, modification applications and review applications to adjoining property owners in accordance with these plans to provide the opportunity for public participation in the assessment of such applications.

The manner in which applications are notified is contained in Section 2.6 "*Notification and Advertising Process for Applications*" for WDCP 2000 and Section A.7 "*Notification*" for WDCP 2011, which includes requirements in relation to the written notice and accompanying A4 size plans of the building, which usually comprises a site plan and elevations.

However, based on a review of Council's best business practice in 2014 and moving forward into the new technological era, it has been determined that the A4 plans should be deleted from the written notice and move our processes closer to our online service delivery strategy.

A review of other councils in the Sydney metropolitan area revealed that Willoughby City Council, Sydney City Council and Pittwater Council have moved to an online service delivery mode in relation to the resident's accessibility to the A4 size plans of proposed buildings.

Based on the anticipated improvements in efficiency, reliability, environmental sustainability, streamlining of processes, cost savings and reduced legal exposure to Council, it is recommended that the existing provisions of WDCP 2000 and WDCP 2011 be amended to delete the requirement for A4 plans to be sent with the written notice.

FINANCIAL IMPACT

It is estimated that the deletion of the A4 plans from the written notice will save between \$150,000 and \$200,000 per annum in printing and associated staff costs.

POLICY IMPACT

No impact on Council's current policies as the proposed amendments to WDCP 2000 and WDCP 2011 relate to the notification component only of development applications assessed under the provisions of the EP&A Act, 1979.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Amend Section A.7 "Notification" of the Warringah Development Control Plan 2011 to delete the requirement to attach an A4 size site plan and elevations to the written notice.
 - B. Amend Section 2.6 "Notification and Advertising Process for Applications" of Warringah Development Control Plan 2000 (Notification) to delete the requirement to attach an A4 size site plan and elevations to the written notice.
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REPORT

BACKGROUND

The notification and advertising of development applications and other associated applications (including Section 96 Modification of Consent and Section 82A Review of Determination applications) is controlled under the EP&A Act 1979 and the EP&A Reg 2000.

The standard practice of Warringah since the introduction of the EP&A Act in 1979, has been to provide A4 size plans of the building with the written notice (notification letter) of the proposed development when a Development Application (and S96 and S82A Application) is lodged with Council.

Move to Online Service

However, in the last 5 years, there have been significant advances in the provision of information on all types of applications via our online service, known as “E-Services”. This has meant the local community has access to the most up to date information in a readily accessible and convenient form, with greatly enhances reliability and accuracy.

As a result of this change, there is an opportunity to review our current practices in relation to the notification of applications. Annually, Council processes approximately 1500 Development Applications and the vast majority of those applications require public notification in accordance with the legislative requirements of the EP&A Act, 1979 and EP&A Reg 2000, which are also contained in our Development Control Plans.

The requirement for A4 size plans is contained in Clause 56 of the EP&A Reg 2000, which states that an “extract” of the Development Application is to be made available to interested persons either free or on payment of reasonable copying charges. The manner in which the A4 size plans are to be provided is contained in Schedule 1 of the EP&A Reg 2000, which states that the plans must indicate the height and external configuration of the building in relation to its site.

The decision as to whether the A4 size plans are attached to the written notice rests with Council. Therefore, it is a decision for Council as to whether to cease the provision of such plans with the notification letters on Development Applications.

Need to Amend Two Development Control Plans

As Warringah is still operating under two Local Environmental Plans, the Warringah Local Environmental Plan 2000 (for Deferred Lands only) and the Warringah Local Environmental Plan 2011 (the new Standard Instrument LEP), presently there are two different DCPs which apply, being the WDCP 2000 (Notification) and WDCP 2011.

The provisions of both of these DCPs require that applications are notified to adjoining properties in the form of a written notice outlining the proposal, the address, how to obtain access to the application, how to make a submission and that A4 size plans of the building be attached, which usually comprises a site plan and elevations.

It is noted that the repeal of the WDCP 2000 for the Deferred Lands, being the Belrose North Locality and the Oxford Falls Locality is imminent. Once the WLEP 2000 is repealed, the WDCP 2000 will be redundant. Nevertheless, the decision to change our notification practices must relate to both DCPs as they are both still operational.

Best Practice Review

As Council’s online service is providing a highly efficient and convenient means for residents to access the application documentation, there is an opportunity to review our processes and adopt a best practice approach to the notification of applications.

The physical attachment of plans to the written notice is time consuming, costly and increases the likelihood that the wrong plans or out-dated plans are sent to the resident with the notification letter. This can result in loss of confidence by the community, additional work for staff in rectifying incorrect notification practices and expose Council to potential legal action and associated costs.

The process is also labour intensive and means that staff time and resources is taken up attaching the plans to each letter before it can be placed in envelopes and sent in the mail.

Furthermore, the applicant currently has additional printing costs associated with supplying multiple copies of the notification plans, which can vary from 1 to 10 plans per set (7 sets required with each application) depending on the scale and nature of the project.

Level of Resident Access to Information

The ability for residents to access the information lodged with an application will not be significantly affected, as the plans, including the full set of plans and the “extract” of the full set of plans (A4 size site plan and elevations) will still be viewable via our “E-Services” facility on the website and the large scale plans will be viewable in hard copy at the Customer Service Centre in the Civic Centre during the notification period.

The only difference in the manner in which the application is lodged is the reduction in the number of copies of the A4 size plans from seven (7) copies to one (1) copy. Copies of the “extract” of the DA (reduced size site plan and elevations) will still be available upon request by an interested person for the costs of printing the document, as per Council’s Fees and Charges.

Review of Other Sydney Councils

A review of other Councils in the Sydney metropolitan area revealed that Willoughby City Council, Sydney City Council and Pittwater Council have moved to an online service delivery of A4 size “extract plans” of proposed buildings.

Therefore, the decision to cease the provision of the A4 size plans with the notification letter is consistent with the direction other Councils have already taken.

Costs of Providing Plans with Notification Letters

An analysis of the potential savings has been undertaken and the following costs of attaching plans to letters were identified:

Year	Number of Letters	Minimum number of Plans	Cost
2011-2012	51,905	3	\$85,643
2012-2013	37,094	3	\$61,205
2013-2014	32,201	3	\$53,131

The above figures do not include the cost to Council when colour plans are required; the time incurred and lost productivity in fixing paper jams in the photocopier and outsourcing the printing and attachment of the plans when there are more than 3 attached plans.

The average number of letters (with attached plans) sent to residents as part of the notification of development applications is ten (10); however some recent examples of larger notifications, which incur significantly larger costs, are as follows:

Development Proposal	Number of Notification Letters sent with attached plans
Dee Why Town Centre	2,416
Police and Citizens Youth Club (PCYC)	3,243
Cobalt Shop Top Housing (Dee Why)	2,022
Riverhill Seniors Housing (Forestville)	1,946
Freshwater Shop Top Housing (Albert Street)	646
Harbord Diggers Redevelopment	664

Further to the above, the average Development Application for a residential flat building will result in 50 to 100 letters with attached plans to be sent to adjoining landowners.

Therefore, the cost of printing A4 size plans to accompany applications, which can often be 2 or 3 double sided pages, is clearly a costly and time consuming exercise for staff and is an additional cost to the customer (Applicant). Also, as mentioned, this task occasionally needs to be outsourced to a printing company as Council's facilities cannot handle the very large notifications, which come at significant expense, and this is not cost recovered, rather it must be covered by the fees paid for the assessment/processing of the application.

It is important to also consider the issue of eliminating errors in the physical attachment of plans to the notification letter, including such outcomes as attaching the wrong plans, insufficient plans, no plans and the often complained about issue of illegible plans at the reduced size where text becomes difficult to read.

Conclusion

Therefore, based on the benefits outlined in this report, it has been determined that the A4 plans should be deleted from the written notice in accordance with the amendments to the two DCP's as contained in Attachments 1 and 2. This is consistent with Council's move toward an online service delivery strategy. It should be emphasised that the online viewing of the "extract" A4 plans or reduced size notification plans will be supported by the hard copies of the large scale plans which will still be available at the front counter and the continued ability to purchase the reduced size plans.

This will provide residents with a more efficient and reliable means of accessing the most up to date information relating to the application. For Council, this will provide a more streamlined and environmentally sustainable process which will result in cost and time savings, and eliminate the opportunity for errors to be made in the process and any legal action arising.

CONSULTATION

Under the EP&A Reg 2000, Council is required to give public notice in the local newspaper (Manly Daily) of the places, dates and times for inspection of this change to the WDCP 2000 (Notification) and WDCP 2011.

TIMING

The amendments to the respective DCPs must be publicly exhibited for a period of 28 days, which is scheduled to take place in November 2014.

After the exhibition period, staff will consider any submissions made in respect to the amendment and report this matter back to Council in December 2014 at which time Council will make a decision. The decision of Council must be given in the Manly Daily within 28 days from the date of the decision.

Additionally, Council's Strategic Planning Section will be informed of Council's decision and the amendments required to the respective DCPs will need to be made, public notice given of the commencement of the amended DCPs and notices given to the Secretary of the Department of Planning and Environment NSW.

The development application and other application forms will need to be amended to reflect these changes.

FINANCIAL IMPACT

It is estimated that the deletion of the A4 plans from the written notice will save between \$150,000 and \$200,000 per annum in printing and associated staff costs.

POLICY IMPACT

No impact on Council's current policies as the WDCP 2000 and WDCP 2011 relate to the notification component only of development applications and other associated applications, which are assessed under the provisions of the EP&A Act, 1979.