

Planning for Non Planners

Convenor:
Peter Phibbs
p.phibbs@uws.edu.au

Module 1 – Introduction

REDWatch
Redfern, Eveleigh, Darlington & Waterloo Watch Group

Planning Basics for Residents

What is urban planning?

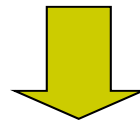
- “Strategic Planning” (forward planning) - policy formation
- “Development Control” – policy implementation

Planning in Australia

- Limited Commonwealth involvement
- State governments traditional source of land use law
- Local governments – beholden to States and State legislation
 - subdivision, building control and infrastructure
 - planning and development assessment
 - Degree of local discretion

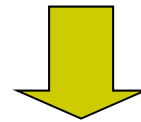
NATIONAL LEVEL

(Tax, international treaties, foreign trade, matters of “national environmental significance)



STATE / TERRITORIAL LEVEL

(Environmental planning and assessment, environmental protection, natural and cultural heritage, transport, roads, education, housing, agriculture, forestry etc.)



LOCAL LEVEL

(Detailed local land use planning, development assessment, water and sewer, local community services and infrastructure, waste management)

Role of State Governments

- Responsible for planning legislation
 - e.g. NSW EPA Act
 - Assent date Dec 21 1979
- Also responsible for Local Government

Basic Planning Process

1. Strategic Planning
2. Development Control

1. Strategic planning (forward planning)

- Objectives
- Land allocation – land use zones or categories (eg. rural, industrial, residential, commercial, special, mixed, environmental conservation; places or precincts)

Strategic Planning (cont)

- Rules to control types of development within zone / area
 - What is / is not permissible



3. Consultation

- Public exhibition of plan



2. Development Consent

Development application

- Private or public developer lodges application with responsible planning authority
- Authority assesses against rules
- Consultation with public
- Approval / refusal/Review of decision?

Exercise

- ❑ Discuss with the person next to you an interaction you have had with planners and the planning system (it could be at home or work)
- ❑ Was your experience positive or negative?
- ❑ Why?
- ❑ Did it involve a strategic planning issue or development control?

Questions

Module 2 – How things fit together

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Planning Basics for Residents

Overview

1. What is strategic environmental planning?
2. Strategic environmental planning under the Environmental Planning and Assessment Act (EPAA)
3. Local Environmental Plans
4. Development Control Plans

1. What is strategic environmental planning?

- Basis for achieving desired future of a place:
 - Articulating shared vision / objectives
 - Establishing a framework to guide future decisions and actions consistent with these objectives
- Underpins development assessment
- Tension between specifying rules in advance and providing for flexibility / merit assessment

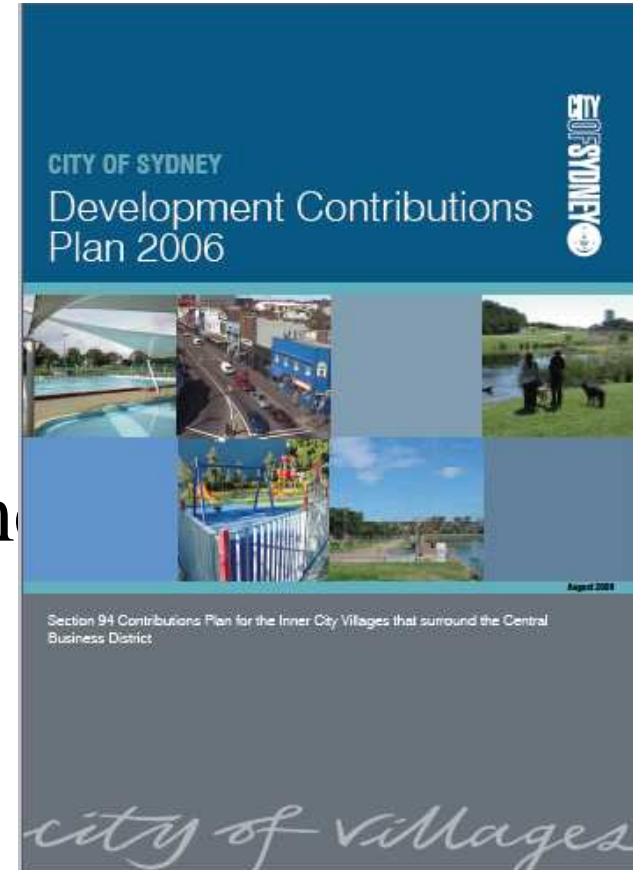
2. Strategic environmental planning under the EPAA

- EPAA provides for state, regional and local Environmental Planning Instruments (EPIs):
 - State Environmental Planning Policy (SEPP) – Deals with an issue of “state significance”
 - Regional Environmental Plan (REP) – Deals with an issue of “regional significance” (but these are being phased out)
 - Local Environmental Plans (LEP) – Main

Other important local documents

Under EPAA:

- ❑ Development Control Plans (DCPs)
- ❑ Contributions Plans
- ❑ Voluntary Planning Agreements (VPAs)



Voluntary Planning

Agreements - Adopted

On May 2005 the Environmental Planning and Assessment Amendment (Development Contributions) Bill 2005 was passed which allowed collection of development contributions via two additional means

- voluntary planning agreements, or
- fixed development consent levies.

These means are in addition to the standard Section 94 Development Contributions.

For more information please read the attached Department of Planning [circular](#) which outlines the changes.

VPA - SMB Developments - LEP 45 - Seven Mile - Published: 02 Mar 2007

SMB Developments made an offer to Great Lakes Council in mid 2006 to enter into a Voluntary Planning Agreement in connection with Draft Great Lakes Local Environmental Plan – Amendment No. 45.

Content of EPIs

- Environmental planning instruments can relate to any matter consistent with the objectives of the EPAA (s. 5)

Status of EPIs

- ❑ Legally binding on developers, councils & other public authorities
- ❑ Provisions for legal action for breaches of EPAA & EPIs
- ❑ Hierarchical relationship between SEPPs, LEPs, DCPs
- ❑ Minister not bound by EPIs / DCPs if declares “Major Project” or “critical infrastructure project”

2001

Marrickville Local Environmental Plan 2001

Consolidated 1 March 2007



Administrative Centre 2-14 Fibnah Street, Petersham
PO Box 18 PETERSHAM NSW 2046 | Phone 9550 2222
COUNCIL@marrickville.nsw.gov.au | www.marrickville.nsw.gov.au



3. Local Environmental Plans

1. **Principal–decision making framework for an entire place – typically a local government area**
2. Amending – legally changes another LEP – eg. to change zoning of a particular site or to introduce new development control provisions

PLANNING circular

PLANNING SYSTEM

Local planning

Circular	PS 08-019
Issued	04 September 2008
Revised	PS 08_00A, PS 08_029

Changes to the standard instrument for principal local environmental plans

This circular is to advise councils of recent changes to the standard instrument for principal local environmental plans.

Introduction

On 1 September 2008 the Standard Instrument (Local Environmental Plans) Amendment Order 2008 (the amending Order) was gazetted. The amending Order makes a number of changes to the standard instrument for principal local environmental plans as set out below.

Summary of changes

The amending Order:

- inserts a new provision in the standard instrument relating to the administration of sites

The changes to the standard instrument are effective immediately.

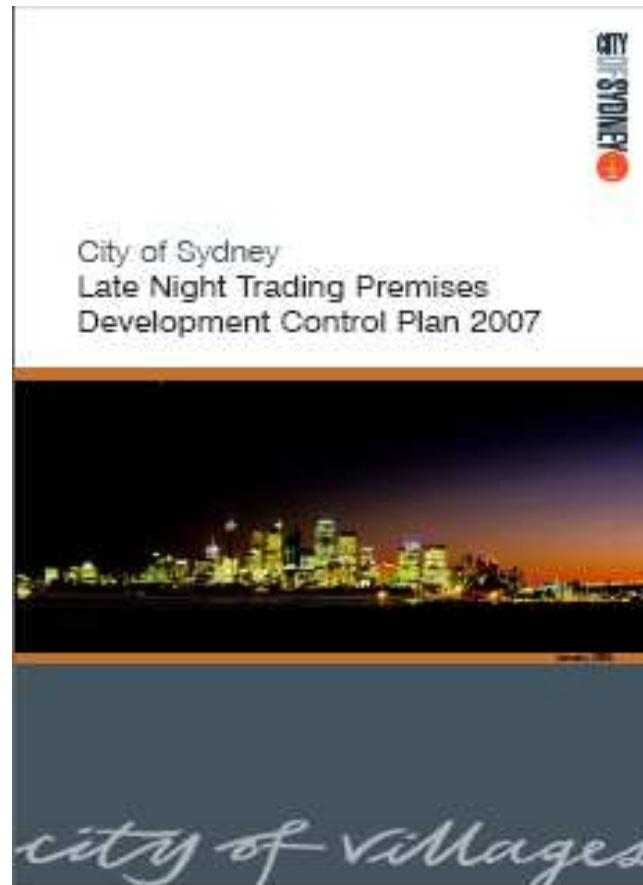
Further information

An updated version of the standard instrument, incorporating the changes set out in the amending Order, is available on the NSW Parliamentary Counsel's office website:
www.legislation.nsw.gov.au under "Browse A-Z in Force". A copy of the amending Order is also available on the legislation website under "Browse A-Z by Matter".

Standard Instrument

- ❑ Prescribed format
- ❑ 34 standard zones (inc. standard zone objectives and mandatory permitted / prohibited uses)
- ❑ Standard definitions
- ❑ Standard clauses

4. Development control plans (DCPs)



Development Control Plans

- ❑ Same issues as EPIs, but much more detail
- ❑ Must be consistent with applicable EPIs
- ❑ Wide variety in scope and format
- ❑ Place based or issue based (soon just place based)
- ❑ Wide range of purposes – development standards, land use, landscaping, procedures for DAs
- ❑ Made by resolution of Council (following exhibition, submissions)
- ❑ Provisions not legally binding – but given weight by Court

Development assessment process

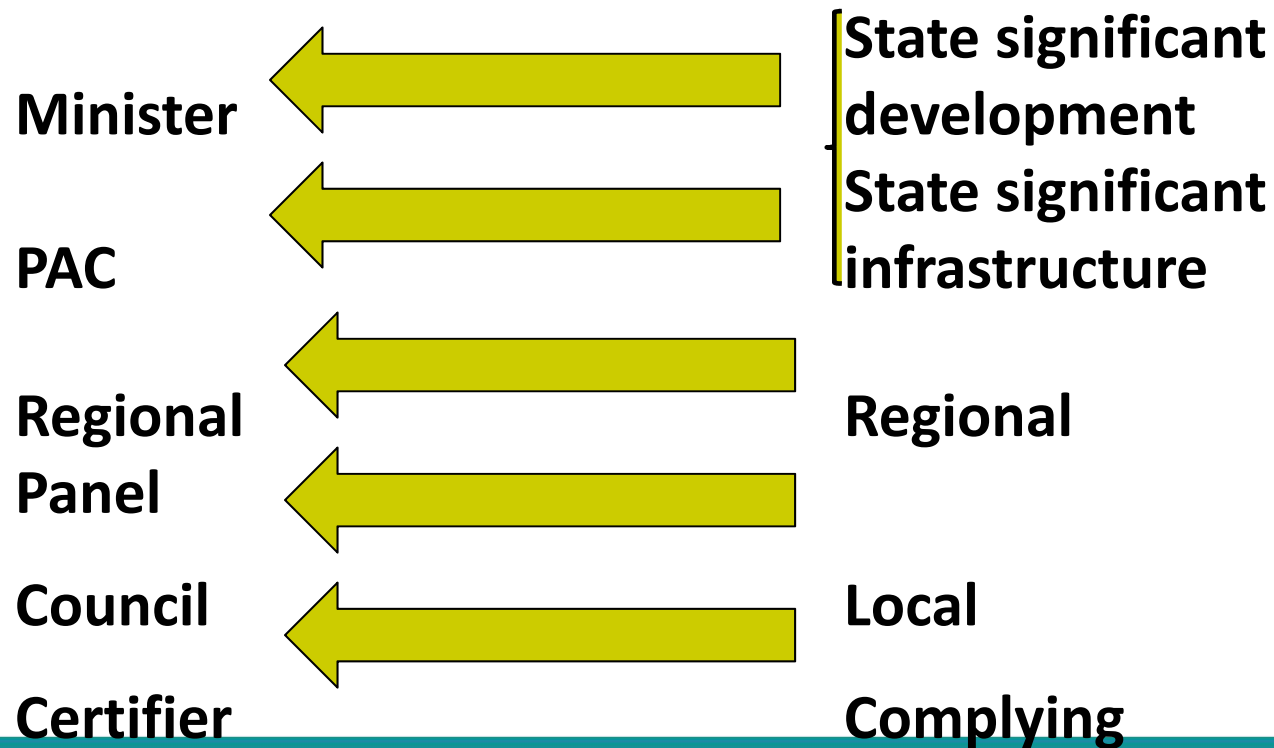
□ **Application Lodged**

The applicant lodges their development application, plans and supporting information (such as a statement of environmental effects or for designated developments an environmental impact statement) with the consent authority.

Approval to begin work

- ❑ If the development involves construction work the applicant must apply to the council, the Minister or an accredited certifier for a construction certificate.
- ❑ The construction certificate certifies that the work the applicant intends to do will comply with required standards. These must be consistent with the plans lodged with the DA and it must be clear that any building work will comply with the Building Code

Development assessment



Changes in 2011

- Part 3A has been repealed
- New system commencing on October 1
 - Increase decisions at the local level
 - Make the bar higher for state significant projects
 - Delegate more determinations to the PAC
 - Ensure that LEPs, including development standards are a consideration when assessing SSDs

What is State Significant Development

- A range of development types such as mines and manufacturing plants as well as warehousing, waste, energy, tourist, education and hospital facilities are considered to be SSD if they are over a certain size or located in a sensitive environmental area.

State Significant Development

- ❑ Some projects may also be considered SSD because they are located in precincts regarded as important by the NSW Government, including Sydney Olympic Park, Redfern-Waterloo and Barangaroo.
- ❑ Details are in a new SEPP – the State and Regional Development SEPP
- ❑ The Minister has less power to declare a SSD

Delegate decisions

- Establish Planning Assessment Panel to consider a large proportion of state significant DAs
- Important or cross boundary projects to be determined by Joint Regional Planning Panels

Home

Functions and Delegation

Members

Code of Conduct

PAC Register

Contact Us

Political Donations



Welcome to NSW Planning Assessment Commission

The NSW Planning Assessment Commission (the Commission) has been constituted and began operations on 3 November 2008, as part of the NSW Government's planning reforms.

The Environmental Planning and Assessment Act 1979 (EP&A Act) details the functions of the Commission which includes the determination of project applications, when those matters are delegated to it by the Minister for Planning. The Minister has issued an [instrument of delegation](#) to the Commission for the determination of a specific class of project applications.

Another function of the Commission is to provide advice to the Minister on a range of planning and development matters, as defined under the section 23D of the EP&A Act

[Download 2008 - 2009 Annual Report](#)

last changed 21-Jan-2010

Assessment – S79c

- Any EPI or draft EPI (SEP, REP, LEP)
- Any DCP, VPA
- the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- the suitability of the site for the development,
- any submissions made in accordance with this Act or the regulations,
- the public interest.

Questions

Module 3 – Redfern Waterloo stuff

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Planning Basics for Residents

Redfern-Waterloo

- ❑ Previously has its own Act which has been repealed
- ❑ Now processes occur the Growth Centres Act 1974 (The Sydney Metropolitan Development Authority)
- ❑ And a special State Environment Planning Instrument

State Environmental Planning Policy (Urban Renewal) 2010

Current version for 25 February 2011 to date (accessed 11 March 2012 at 16:27)

[Part 1](#) > Clause 4

[<< page](#) [>>](#)

4 Definitions

(1) In this Policy:

capital investment value of a development has the same meaning as it has in the [Environmental Planning and Assessment Regulation 2000](#).

potential precinct means land identified as a potential urban renewal precinct on any of the following maps:

- (a) [State Environmental Planning Policy \(Urban Renewal\) 2010 Redfern- Waterloo Potential Precinct Map](#),
- (b) [State Environmental Planning Policy \(Urban Renewal\) 2010 Granville Potential Precinct Map](#),
- (c) [State Environmental Planning Policy \(Urban Renewal\) 2010 Newcastle Potential Precinct Map](#).

the Act means the [Environmental Planning and Assessment Act 1979](#).

BEP 1

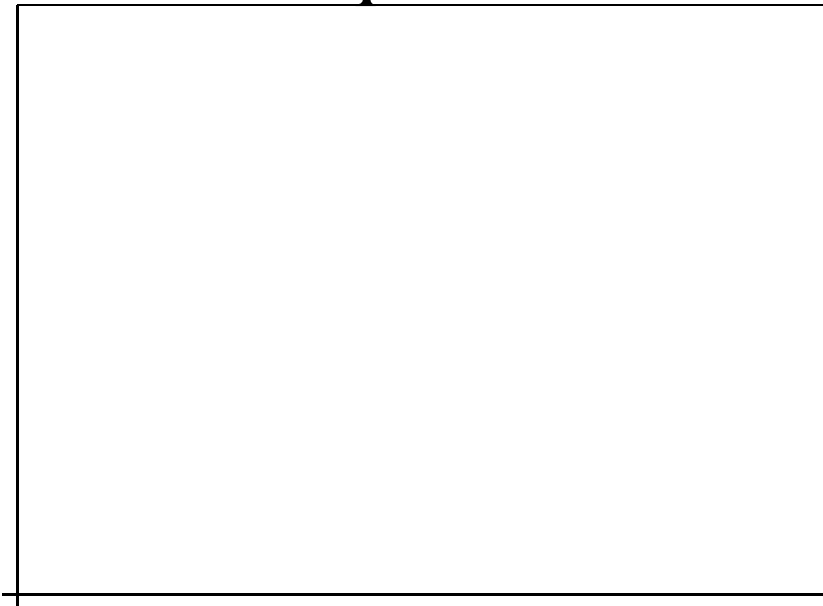
- The Built Environment Plan (1) proposes a planning framework to facilitate the renewal
- and revitalisation of RWA's strategic sites. The Plan is complemented by a State Environmental Planning Policy (SEPP) which gives statutory effect to the environmental planning aspects of the Plan. Both the draft Plan and the draft SEPP

North Eveleigh

A 'Mixed Use' zoning applies to this site to encourage business, cultural, residential and recreational activities and uses. A maximum floor space ratio of 2:1 is proposed for the eastern and western sections of the site and a maximum floor space ratio of 1:1 is proposed for the central section. In order to encourage job creation, the residential floor space ratio on the eastern section will be limited to a maximum of 1:1. The maximum residential floor space ratio 3 for the central section will be limited to 0.5:1. Heights will vary from 4 storeys in the vicinity of heritage buildings and existing residential development, up to 10 storeys adjacent to the railway line.

So what is FSR

- This lot is 1000 sq metres



Draft BEP2

The SMDA is currently considering the submissions received regarding the non-statutory exhibition of the Draft Built Environment Plan 2 (BEP 2) which occurred earlier this year. The SMDA is also arranging for a range of further studies and analysis to support the appropriate future controls for the Draft BEP 2 sites.

This forms part of an urban renewal study for the Redfern-Waterloo Precinct with priority for the Draft BEP 2 sites. When complete, these studies and draft planning controls will be exhibited.

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