

**GR2 – Moving to a Digital Wollondilly Local Environmental Plan**

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**EXECUTIVE SUMMARY**

- The purpose of this report is to seek Council support to retire the hard copy map sheets which form part of the Wollondilly Local Environmental Plan 2011 and move to a new digitised version.
- A digital local environmental plan is significantly beneficial and will reduce time and cost to Council and will provide better and more accurate information to the public and other stakeholders.
- It is recommended that Council:
  - Support moving to a digital local environmental plan and, if required;
  - Support the preparation of a planning proposal to retire the map sheets which form part of the Wollondilly Local Environmental Plan 2011;
  - Replace these with a digital format.

**REPORT**

The *Wollondilly Local Environmental Plan 2011* is made up of a written document and accompanying maps. The written document and maps are consistent with guidelines issued by the NSW Government.

At present the accompanying maps include map sheets in PDF file format at an A3 scale. When amendments are made to the local environmental plan that change any of the maps (for example by rezoning the land) a replacement map sheet is prepared.

There are currently 176 map sheets that accompany the *Wollondilly Local Environmental Plan 2011* and this is likely to increase over time.

When land is rezoned it typically requires an amendment to 4-5 map sheets and approximately 2-3 days (half a day per map sheet) of staff time over the course of a planning proposal. However, the recent heritage housekeeping amendment to the heritage map series required amendments to 37 map sheets.

Moving to a digital local environmental plan removes the need to prepare map sheets and presents a number of benefits for Council, community and other stakeholders.

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These include:

- **Decreasing Council resources required for planning proposals** by significantly reducing the time required for manual processes to manage the spatial data. This would free up staff to do more in terms of map-based solutions for staff and to the public,
- **Providing more flexibility in land use planning** by removing artificial administrative barriers that tend to restrict the scope of changes that can be considered for land.
- **Improving efficiency** by bringing all of Councils spatial data together on a single spatial cadastre,
- **Encouraging innovation by enabling open access to data** which is fit for purpose in terms of quality and integration with external datasets such as e-planning as well as professional users.
- **Removing duplication of work** by both Council and the NSW Government.
- **Increasing the accessibility of the local environmental plan to the community and other stakeholders** by enabling access to accurate information in a format they can use. Removing the need to navigate map sheets which is cumbersome.
- **Reduction in the risk of human error by reducing the sheer number of changes required and only amending the data subject to change.**

As recently reported to Council, compared to other Councils in NSW, Wollondilly is currently considering the highest number of active planning proposals with Gateway determinations in the area. In addition, Council has a proportionately large number of planning proposals at pre Gateway stage.

In addition, over the next couple of years Council is required to undertake a comprehensive review of the *Wollondilly Local Environmental Plan 2011* which has been triggered by the release of the Sydney Region Plan and the Western City District Plan along with the recent City Deals announcement.

While there is likely to be substantial work required to retire the pdf map sheets, moving to a digital local environmental plan as early as possible is considered to have merit as it will significantly reduce Council resourcing requirements to progress the ongoing planning proposal burden as well as our upcoming statutory commitments.

**BROADER ORGANISATION BENEFITS; MOVING TOWARDS A SINGLE LAND CADASTRE**

Moving to a digital local environmental plan would provide significant benefits to Council and the community beyond the Local Environmental Plan. At present Council's internal Corporate GIS uses two (2) spatial cadastres which don't align.

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A "cadastre" is an official register of property showing boundaries. All Council's spatial data is based on the NSW Digital Cadastral Database (DCDB) except for the *Wollondilly Local Environmental Plan 2011 maps* which are based on the old unmaintained Wollondilly Cadastre. The DCDB is updated every 24 hours and provides an up to date spatial representation of land and property boundaries in NSW.

By comparison, the local environmental plan map sheets are a snapshot in time based on the Wollondilly Land Cadastre which was last updated in 2014. Because the local environmental plan is based on map sheets it is prepared in accordance to technical standard scaling system set by the NSW Government. What this means is that when maps are prepared, for example to identify heritage items and land zones, the maps are prepared based on scale and not on fine detail. In some cases this can make it difficult to interpret how the local environmental plan affects particular lots.

Using two spatial cadastre poses the following problems:

- Increases the risk of **errors** on planning certificates which can have significant monetary costs to Council if compensation is due.
- **Interpretation difficulties** with Council's internal Corporate GIS across all sections of Council which has the potential to result in poor decision making.
- Provides a **barrier to innovation**, for example it prevents the automation of data validation and therefore automation of planning certificates.

There is a "cost" associated with these problems in additional staff time, potential need for compensation if there are errors, poor decision making in planning applications and poor customer service.

**MOVING TO A DIGITAL LOCAL ENVIRONMENTAL PLAN**

At present the *State Environmental Planning Policy (Coastal Management) 2018*, which came into place in March 2018, is understood to be the only environmental planning instrument in NSW which has moved to a digital format.

The recently amalgamated Central Coast Council has a planning proposal to consolidate all existing environmental planning instruments into a single local environmental plan. As part of this process Central Coast Council is working with the NSW Government on the pilot Digital Environmental Planning Instrument (DEPI) joint project which seeks to remove the need for numerous map sheets to be prepared and improve access to local environmental plan information.

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Moving to a digital local environmental plan is a new process and the pathway has not yet been clearly established. From a recent discussion with the Planning Policy, Strategy & Governance Division of the NSW Department of Planning & Environment, Council staff understand that it may need to be tied to the statutory planning proposal process.

This could potentially be as an 'expedited amendment' under section 3.22(b) of the *Environmental Planning & Assessment Act 1979* as the amendment is considered to fall within the description of 'consequential, transitional, machinery or other minor nature'. If this is not possible, then the traditional Gateway process would be prepared.

Either way there would be no environmental impacts in land use terms as the amendment would not change any provisions within the local environmental plan, except possibly to change the way the maps are referenced. It is therefore considered appropriate to request for the requirement for community consultation to be waived.

Subsequently, this report seeks support to prepare a planning proposal for submission to the Greater Sydney Commission with a request for a Gateway determination if required.

**FINANCIAL IMPLICATIONS**

In the short term this project may require significant resources in terms of staff time, however this will be accommodated within Council's adopted budget and this matter has no impact on Council's adopted budget or forward estimates.

The report highlights the administrative benefits once a digital mapping system is in place.

**ATTACHMENTS**

Nil

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**RECOMMENDATION**

1. That Council support moving to a digital local environmental plan.
2. That if required, Council support the preparation of a Planning Proposal to retire the map sheets which form part of the Wollondilly Local Environmental Plan 2011 and replace these with a digital format.
3. That the Planning Proposal be forwarded to the Greater Sydney Commission for a Gateway Determination.
4. That, given moving to a digital local environmental plan will not change any provisions within the instrument and is considered to have no environmental impacts that Council request that the requirement for community consultation is waived under section 3.34(c) of the Environmental Planning and Assessment Act 1979.
5. That Council request delegation to make the amendments to the Wollondilly Local Environmental Plan 2011 in accordance with Section 3.36 of the Environmental Planning and Assessment Act, 1979.