
ITEM: 10.2
SUBJECT: PROPOSED CHANGES TO NSW PLANNING LEGISLATION
FILE/INDEX: STRATEGIC PLANNING
PRESENTED BY: DANIEL BENNETT, ACTING MANAGER LAND USE SERVICES

001/17

RESOLVED (Cr Wright-Turner/Cr Harrison)

That Council makes a submission to the NSW Department of Planning and Environment (DP&E) requesting that the following matters be taken into consideration as part of the public exhibition of proposed reforms to the NSW planning system.

1. That Council advises the DP&E that it supports the proposed amendments to the objectives of the Act.
2. That Council objects to any mandatory requirement to notify development and that this is left as a matter for local determination and discretion.
3. That Council advises the DP&E that the mandatory public notification of the reasons for a determination is not supported and that if it is proposed, it should be restricted to major and complex applications only, or matters determined by the elected Council, so as to not provide an additional impediment to the processing of routine and low impact local developments under delegated authority.
4. That Council is informed as to whether the mandatory public notification of the reasons for a determination would require publication in a local newspaper, and what financial support will be provided to Councils to implement this additional notification requirement.
5. That Council advises the DP&E that it has no objection to the inclusion of Local Strategic Planning Statements as a new element in the strategic planning framework, no objection to the requirement for LEP's to be reviewed every 5 years, and no objection to the development of a standard DCP format and model DCP provisions.
6. That Council advises the DP&E that it considers that the new requirements for strategic planning and community participation proposed by the planning reforms should be accompanied by a funding package to assist small Councils in developing the necessary plans, as occurred with the Standard LEP implementation process.
7. That Council advises the DP&E that it does not support any change in the regulatory process concerning neighbour consultation that would require Council to perform any function beyond assessing a submission made in response to the exhibition of an application.
8. That Council advises the DP&E that it considers that the relentless reshuffling of State government agencies, loss of agency expertise and relevant points of contact is a further factor that has attributed to delays in the Integrated Development and Concurrence parts of the planning system.
9. That Council recommends that the DP&E investigate the possibility of allowing Councils to assume concurrence in the event that response timeframes for Integrated Development and Concurrences are not complied with by State agencies.
10. That Council advise the DP&E that it does not support the requirement for certifiers to give Council a copy of a proposed Certificate and accompanying documents because this will create a perception that Council will undertake an assessment of compliance. The private certification system should be able to stand independently as a reliable and credible sector without the need for Council oversight, should it continue to operate in NSW.
11. That Council advises the DP&E that it does not support the sub-categorisation of

Complying Development into sensitive and non-sensitive development and that any development perceived as sensitive, or requiring subjective interpretations of impact, should not be categorised as complying development in the first place.

12. That Council advises the DP&E that it supports the introduction of a Compliance Levy on CDC's and DA's to assist with the costs of monitoring compliance.
13. That Council advises the DP&E that it supports reforms to standardise Local Planning Panel procedures, however considers that any decision to introduce new powers for the Minister to impose Local Planning Panels on Council should be deferred until such time as the specific circumstances when this power would be exercised can be publicly exhibited and submissions considered.
14. That Council advises the DP&E that it supports efforts to ensure that a construction certificate must be consistent with the development consent, and that the Court can declare it invalid if an inconsistency is discovered.
15. That Council advises the DP&E that it awaits the commencement of the more detailed public consultation phase for the "Design-led Planning Strategy". At this time, Council will need to consider the degree to which practical and realistic options can be developed that are relevant in a regional context, and will not act as a significant disincentive to investment in the creation of additional housing stock in the short term.

UNANIMOUS