



NSW Legislative Assembly Hansard

Environmental Planning Legislation Amendment Bill

Extract from NSW Legislative Assembly Hansard and Papers Tuesday 24 October 2006.

Second Reading

Mr FRANK SARTOR (Rockdale—Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [11.33 p.m.]: I move:

That this bill be now read a second time.

The Environmental Planning Legislation Amendment Bill is another step in the Government's reform of the New South Wales planning system. During the year the Government made significant operational reforms in the planning system which include introducing an expert panel to vet local environmental plans at an early stage to avoid time being wasted on proposals that could not be supported in principle; introducing a standard local environmental plan to govern the format of all future local environmental plans, which will reduce and standardise zonings and definitions across the State and cut the number of plans; working with councils for new plans for the city centres of six regional cities—Wollongong, Gosford, Liverpool, Penrith, Parramatta and Newcastle; devising a new local government standard performance reporting system which will inform councils, government and the community about the 125,000 applications received annually and identify bottlenecks in the system; and streamlining the development assessment process.

In 2005 the Government introduced a major legislative reform of the planning system that was continued earlier this year in the budget session of this Parliament by the introduction of the Environmental Planning and Assessment Amendment Act and the Environmental Planning and Assessment Amendment (Reserved Lands Acquisition) Act. I now bring forward the final piece of the Government's reform agenda for this term. The Environmental Planning Legislation Amendment Bill is a housekeeping measure of targeted amendments that will improve the operation of the planning system. This bill will amend six pieces of planning and building legislation. Schedule 1 to the bill will amend the Environmental Planning and Assessment Act 1979. Schedule 2 to the bill will amend the planning-related provisions of the City of Sydney Act 1987. Schedule 3 to the bill will amend the Local Government and Environmental Planning and Assessment Amendment (Transfer of Functions) Act 2001, the Building Professionals Board Act 2005, the Strata Schemes (Leasehold Development) Act 1986 and the Strata Schemes (Freehold Development) Act 1973.

The bill has been developed to address issues raised by stakeholders and practitioners in eight separate areas of the planning and building system. It is a practical measure and is a commonsense response to those issues. First, the bill will amend the Environmental Planning and Assessment Act 1979 to strengthen the existing enforcement provisions for all development, including major projects. It will bring developments into line with other existing environmental legislation, such as the Protection of the Environment Operations 1997. Secondly, the bill will amend the Environmental Planning and Assessment Act 1979 to clarify the administration of certain provisions relating to developer contributions. It will also enable construction of the Boyd Street overpass to the Tugun bypass to be undertaken from developer contributions collected by the Tweed Shire Council for that purpose—another important piece of infrastructure that will benefit the residents of the Tweed.

Thirdly, the bill will make clear that in issuing occupation, construction, subdivision and compliance certificates under the Environmental Planning and Assessment Act 1979, accredited certifiers and councils must have regard to an objective test that is based on reasonableness rather than the current subjective tests. Mirror amendments will be made to strata legislation relating to the issue of strata subdivision certificates. The bill will also clarify provisions relating to the appointment of principal certifying authorities by developers and owner builders. Fourthly, the bill will reduce the time limits for Crown development applications under part 5A of the Environmental Planning and Assessment Act 1979 to speed up the delivery of government infrastructure. Fifthly, the bill will make a range of amendments to the provisions of the Environmental Planning and Assessment Act 1979 relating to major projects. These amendments flow from a review of the major projects system after its first year of operation. They will improve operational efficiency and simplify the administration of major projects' environmental assessments.

Sixthly, the bill will amend the City of Sydney Act 1987 to simplify the appointment of the existing four members of the Central Sydney Planning Committee who represent independent or government interests, and their alternative representatives. It will make no change to the existing council membership of that committee or to the lord mayor's role as chair of the committee. The total membership of the committee will remain unchanged at seven. The bill will also make a number of commonsense changes to the planning provisions of that Act. Seventhly, the bill will make necessary amendments to the Local Government and Environmental Planning and Assessment Amendment (Transfer of Functions) Act 2001. This will enable the reform of regulations for places of public entertainment and temporary structures to be completed.

Finally, the bill makes minor amendments to the Environmental Planning and Assessment Act 1979 relating to the environmental assessment requirements for routine activities, modifications to reduce environmental impact and activities that have already been assessed by a determining authority, the lapse of the development consents that are inoperative because of an unsatisfied deferred commencement condition and fees in connection with plan making, and other functions including the planning for State significant sites to standardise powers under the Environmental Planning and Assessment Act 1979 with council fee-making powers under the Local Government Act 1993. The bill also updates various out-of-date references. Over the past year there have been significant legislative and operational reforms to the New South Wales planning system. However, there is always more to be done. New South Wales is already on the pathway toward achieving the most efficient and effective planning system in Australia. This bill is an important step in that process. I commend the bill to the House.