

enquiries refer
Matthew Wood
in reply please quote
NSW Planning Reforms



26 June 2009

The Director
Standing Committee on State Development
Parliament House
Macquarie Street
SYDNEY NSW 2000

statedevelopment@parliament.nsw.gov.au

Attention: Ms Kate Harris – Committee Officer

Dear Madam

Re: Inquiry into the NSW Planning Framework

I refer to your letter dated 4 June 2009 in relation to the appearance of Council officers, Matthew Wood and Kate Singleton, at the State Development Committee on 26 May 2009.

Please find enclosed a copy of the transcript of evidence with amendments marked in red pen.

Attachment A provides a response to questions taken on notice and the additional questions from members of the Committee forwarded with your letter.

I would like to thank you for the opportunity for Ballina Shire Council representatives to appear before the Inquiry and I am pleased to report that the Council officers found the experience to be a very positive one. Should you require any further information in relation to the attached response please do not hesitate to contact Matthew Wood on telephone (02) 6686 1284.

Yours faithfully

Stephen Barnier
Group Manager
Strategic Services Group

Enc Reviewed transcript of evidence
Attachment A - Responses to questions

ATTACHMENT A: RESPONSE TO QUESTIONS TAKEN ON NOTICE AND THE ADDITIONAL QUESTIONS FROM MEMBERS OF THE COMMITTEE

Additional Questions

1. *What training has been provided to your staff and councillors on the NSW planning arrangements?*
 - a. *Has the training been sufficient / adequate?*
 - b. *Should there be more training for staff and councillors?*

In general terms, the 'training' provided by the Department of Planning has comprised briefing sessions rather than training in the traditional sense. As far as Council is aware, there have been a very limited number of sessions held since mid-2005 in the North Coast Region, including the following:

- August/September 2005 – Technical briefing session regarding recent amendments to the EP&A Act. This session covered amendments to Parts 3 and 4, changes to LEPs, DCPs and staged DAs, new Part 3A assessment for Major Projects, the Major Projects SEPP, regulations and guidelines, development contributions, and the new LEP template.
- May/June 2008 – NSW Codes workshop held as part of the exhibition of the draft NSW Housing Code and draft NSW Commercial Building Code. The workshops explained the design principles behind the codes.
- February 2009 – NSW Housing Code workshop held to explain the NSW Housing Code and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- June 2009 – Joint Regional Planning Panels (JRPPs) information session. This session explained the role of the JRPPs.

The sessions have generally been held over a few hours, depending on the particular topic being covered. The training has generally comprised an 'overview' of the issues associated with the particular reform(s) followed by the opportunity for questions.

The training has been lacking in terms of the detail covered, and is usually provided immediately prior to, or post, the introduction of the particular reform. The training in relation to Part 3A Major Projects was particularly inadequate and there has been very limited follow up to the overview session held in 2005.

In relation to the timing of the training, there was a workshop regarding the amendments to Part 3 of the EP&A Act and the 'Gateway' process for rezoning proposals held on 25 June 2009. It is noteworthy that the provisions are effective from 1 July 2009.

While the frequency of the workshops has significantly increased in the past 12 months, Council remains concerned about the timing of the training in relation to the introduction of the reforms.

It is also considered that training specifically targeted at elected Council representatives would be beneficial.

In addition to training, it is Council's view that the opportunity for meaningful consultation and the involvement of local government in the drafting of the reforms is critical.

Questions Taken on Notice

CHAIR: Your submission lists some examples of developments or projects in your area that were centrally managed by the Department of Planning, namely, the North Angels Beach residential development, the Pacific Pines Estate master plan, the Survey Street residential development, the Ballina Gateway mixed use development and the Ramada Hotel. Were these developments able to be progressed more expeditiously and is Council satisfied with the outcomes?

A review of Council's records indicates that it can generally be stated that the developments referred to above were not progressed more expeditiously than they would have been if the Council had been the consent authority. The assessment timeframes for the Department include approximately 11 months for the North Angels Beach development, approximately 14 months for the Survey Street development, approximately 15 months for the Pacific Pines Master Plan and 8 months for the Project and Concept Approval, and approximately 18 months for the Ballina Gateway proposal.

In comparison, a review of the 5 development applications received by Council between 1 January 2007 and June 2009, with a construction value of more than \$10 million dollars, indicates that all but one of the applications were determined within a period of 3 to 7 months. The application that is the exception remains undetermined pending the resolution of issues associated with RTA approval of access to the site.

In relation to the issue of Council satisfaction with the outcomes of the above applications it can be said that Council is generally satisfied with the determination of the development proposals. However, there were issues with several of the applications that were not resolved to Council's satisfaction. Examples include the failure of the initial approval of the Master Plan for North Angels Beach to require the provision of a pedestrian underpass under Angels Beach Drive, despite very strong submissions made by Council and support from the Roads and Traffic Authority. Fortunately, this issue was resolved satisfactorily with the imposition of a condition on the subsequent development application.

Other examples include the approval of a building 6 storeys in height in the case of the Ballina Gateway development, despite strong representations from Council regarding the preservation of the longstanding local height controls which effectively restrict the height of buildings to 5 storeys. In the case of the approval of the Ramada development the Department also failed to take into consideration Council concerns regarding a shortfall in car parking provision.

It should also be noted that in the assessment of all of the above applications there have been significant issues which Council has been required to strongly argue in order to achieve acceptable outcomes. A general concern is held that insufficient weight is given to planning controls and Council policies in the assessment of development proposals by the Department.