

PLANNING REFORM ENQUIRY QUESTIONS

Q1 Problems with the plan making process.

- Too slow to respond to applications to amend LEPs
- This is largely due to the volume of 'spot rezonings' in the system, lack of resources in DOP to process them leaving less time to deal with major plan making initiatives (i.e. comprehensive LEPs).
- Lack of early feedback from DOP on LEP amendments – quite often proposals are well advanced before a Council becomes aware that there are likely to be issues with a plan amendment (from the State Government's perspective).
- Complexity of the system – referral requirements to other State agencies (time taken for responses), referrals to parliamentary counsel for checking, etc.

Q2 'Non-complying development category' as an alternative to 'spot rezonings'

Potential benefits:

- Spot rezonings are essentially a mechanism by which land use controls can be varied for a specific site to accommodate alternative uses and development potential.
- An alternative approach, which is widely used in other States, is to have a category of development known as 'non-complying development'. This potentially allows any form of development to be considered for a site - the process involves lodging a development application which requires both Council and State Government consent to proceed (i.e. concurrence must be achieved). The zoning of the site is not altered and there are no appeal rights against a refusal or a consent subject to conditions.
- By effectively issuing a development approval the use of the site is restricted to what is proposed/approved rather than the NSW system where the land use controls for the site are changed through an LEP amendment and therefore remain with 'the land' and not a specific development. There are many examples where councils have approved a spot rezoning which includes a complying 'concept' proposal but when the rezoning is completed the complying scheme does not eventuate and a DA is submitted which may bear no resemblance to what was submitted with the rezoning application.
- The potential removal of spot rezonings from the plan making system would free up considerable resources in DOP to focus on major plan making initiatives e.g. comprehensive LEPs.

Q3 Incorporating SEPPs into LEPs

- The current arrangement whereby the State Government can introduce a state-wide, regional or local SEPP creates another tier of controls that are not readily understood, accessible or integrated.
- There is no reason why (other than it would create more work to implement) a SEPP cannot be integrated into an individual council LEP. This would then consolidate all key and relevant planning controls into one principal document rather than the present situation where a developer needs to go to different sources to obtain all relevant information affecting a parcel of land.

Q 4 Standards incorporating climate change initiatives

- There should be a mix of 'standards' - both mandated and recommended for new climate change initiatives. The current BASIX system is a mixture of both and appears to be well received. A target or standard is set and various options are available for an individual to choose from to achieve the mandated target.
- Such a system needs to be constantly reviewed to remain relevant as new technology emerges and higher standards of compliance are set.
- It is also important to recognise the cost impact of environmental initiatives on housing affordability so the approach needs to be one that is balanced.

Q 5 Land acquisition policies – government as a player in the market

- The co-ordination authorities set up in other states are not development agencies as such but use compulsory acquisition powers to assemble and consolidate large broad acre parcels of land which can then be on sold to developers for development in a co-ordinated way.
- Land release is generally conducted in a way which follows approved 'structure plans' to ensure that all appropriate infrastructure is developed and integrated in the process. This includes all relevant utilities agencies i.e. roads authorities, water, power, human services, education, etc.
- The government does become a player in the sense that it is intervening in the market to deliver co-ordinated services and infrastructure and the controlled release of land to ensure supply is always available thereby ensuring land prices are kept as low as possible.