

2nd June 2009

The Director
Standing Committee on State Development
Parliament House
Macquarie St
Sydney NSW 2000



Dear Sir / Madam

Inquiry into the NSW Planning Framework

I am writing in response to the additional questions submitted to Albury City Council following our presentation before the NSW State Development Committee for the Public Hearing into the NSW Planning Framework held on 29 May 2009.

In reply I would like to offer the following responses:-


- 1) *What is your understanding of the role Parliamentary Counsel has with approving a LEP? Does Parliamentary Counsel overly legalise LEPs?*

My understanding of the role of Parliamentary Counsel in the LEP process is that they are a significant force in determining whether or not an LEP is approved or returned. This is based on 15 years experience in Local Government and interaction with the rigours of Parliamentary Counsel through the Department of Planning and the LEP development, exhibition and adoption process.

It is not uncommon for a Draft LEP to be returned with numerous grammatical corrections or changes due to interpretation and current favoured phraseology.

The time and resources required in the preparation, formulation and then submission of a draft LEP is significant for all parties concerned. In most instances Council's rely on advice previously received and endorsed by PC only to have a change occur midstream or at the very end of the process.

From the outside there appears to be very little accountability for their decisions and reasoning and whilst there may well be sound and logical reasoning the particular details and dalliances that appear to have been endorsed create confusion and frustration for many.

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- 2) *If you had the opportunity to re-write the process for approving developments of state significance what would you include?*

Albury City has not experienced the 'State Significant' development system first hand at this point in time so comments are prefaced on the basis that we have not benefited from or identified any significant concerns based on our experiences to date.

I do believe that it is appropriate for a planning system to include a regulated hierarchy of decision making bodies based on the relevance of assessment and expertise with the level of complexity and significance of the development proposed. However I would stress that Local Government must not be excluded from the process, regardless of the level of significance.


Where development is proposed that is of 'State Significance' then appropriate priority and a detailed level of assessment with appropriate expertise should be made available. This should not be at the expense of regional or local representation. Regional interests and especially local concerns must be protected and recognised.

Any assessment system should be transparent and accountable. The move away from sole responsibility and signoff resting with the Minister is supported.

- 3) *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?*

Following the recent Local Government Elections in September 2008 Albury City Council staff prepared and presented a workshop seminar for all Councillors including newly elected and existing on the NSW Planning System. This included detail on statutory and development assessment provisions.

There has been very little other opportunity or promotion of opportunities for Councillors to learn and discover the peculiarities of the NSW Planning System. I find this to be a significant challenge for all concerned, from the applicant right through to the objector, a lack of understanding and appreciation can create enormous problems and confusion for all concerned.



As with any public role, but especially one such as a Councillor that requires a significant amount of time for very little reward and therefore must be balanced against other careers or employment, the opportunity to travel to Sydney and attend short courses or seminars on planning is not viable. Therefore any opportunity for training to be provided on a regional basis would be gladly welcomed and supported.

Whilst there is no guarantee that following elections new councillors will be elected the opportunity exists for a refresher course on the planning system and especially given the continual rollout of planning reform / review and amendments to legislation. I would therefore suggest that a program of training / seminars be provided after each local government election as a minimum. This would offer the government an opportunity to interact directly with elected officials on the planning system.

Once again I would like to thank the State Development Committee for holding a public hearing in Albury and inviting the community to participate in this important review. Should you wish to discuss any aspect of this response please feel free to contact me at your convenience.

Yours faithfully



Michael Keys

Director Planning and Economic Development