

INQUIRY INTO NEW SOUTH WALES PLANNING FRAMEWORK

Organisation: Upper Lachlan Shire Council
Name: Mr Robert Mowle
Position: Director of Environment and Planning
Telephone: (02) 4830 1000
Date received: 19/01/2009



ABN 81 011 241 552

Upper Lachlan Shire Council

All correspondence addressed to the General Manager, PO Box 10, Crookwell NSW 2583

Crookwell Office: 44 Spring Street, Crookwell NSW 2583

p: 02 4830 1000 | f: 02 4832 2066 | e: council@crookwell.nsw.gov.au | www.upperlachlan.local-e.nsw.gov.au

Gunning Office: 123 Yass Street, Gunning NSW 2581

p: 02 4845 4100 | f: 02 4845 1426 | e: council@upperlachlan.nsw.gov.au

Taralga Office: Taralga Community Service Centre, Orchard Street, Taralga NSW 2580

p: 02 4840 2099 | f: 4840 2296 | e: taralgacsc@ceinternet.com.au

Please quote when responding: 15.1.26

7 January 2009

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



Re: Inquiry into the NSW Planning Framework

Dear Sir,

Please find attached Councils submission regarding the NSW planning framework.

Please contact me on 48301000 if you require any additional information or clarification.

Yours faithfully


Robert Mowle

Director of Environment and Planning

For

General Manager

Upper Lachlan Shire Council

SUBMISSION

INQUIRY INTO THE NSW PLANNING FRAMEWORK

The following comments are provided in respect to the particular terms of reference:

- (a) The need, if any, for further development of NSW planning legislation over the next five years, and the principles that should guide such development.

Comment:

The current NSW planning system is approx. 30 years old and despite continuous changes to the legislation, the system is very fragmented, resource dominated, complex and bureaucratic.

There is certainly a desperate need for the further development of the planning legislation in NSW.

Any changes should include strategies that encompass local provisions in the regulatory and non-regulatory systems which should be designed to simplify the planning processes.

The current systems appear to promote a "banning" rather than a "planning" philosophy and do not assist in the strategic development of local government areas in the state.

Changes to the planning legislation are also required to ensure Councils are "masters of their own destiny" particularly with respect to major developments which are currently being determined by the state government under Part 3A of the Environmental Planning and Assessment Act 1979.

Councils do possess the expertise to determine these major project development applications and are more capable of assessing the local implications and impacts of these developments.

- (b) The implications of the Council of Australian Governments reform agenda for planning in NSW.

No comment.

- (c) Duplication of processes under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and NSW planning, environmental and heritage legislation.

No comment.

- (d) Climate change and natural resources issues in planning and development controls.

Comment:

Impacts on climate change should be addressed in any environmental assessment for any proposed development.

Additionally, the impact and expected results of climate change should also be assessed as part of any proposed development particularly in coastal areas expected to be affected by a rise in sea levels and areas where climate changes are expected to affect weather patterns.

- (e) Appropriateness of considering competition policy issues in land use planning and development approval processes in NSW.

Comment:

Competition analysis should not be part of local planning decisions and not be factored into the planning system.

In a democratic society, competition is a natural feature of a free market economy and provides a self regulating mechanism which should not be controlled by the development approval process.

- (f) Regulation of land use on or adjacent to airports.

Comment:

The current arrangements for regulating land use on or near airports is not considered appropriate.

Land uses on or adjacent to airports should be regulated to ensure there is no long term conflict between the use of an airport and adjacent land uses.

Any conflict could adversely affect the viability of an airport which invariably has been developed with significant resources.

Additionally, the construction of large infrastructure projects (e.g. wind turbines) should not be permissible in areas which may potentially affect the operation and safety of any airport.

- (g) Inter-relationship of planning and building controls.

Comment:

The current relationship between the planning system and the regulation of building works is generally appropriate.

- (h) Implications of the planning system on housing affordability.

Comment:

The planning system most certainly has a significant impact on housing affordability through the contributions levied pursuant to s94 of the Environmental Planning and Assessment Act 1979 and s64 of the Local Government Act 1993.

Although it can be argued that residential development increases the demand for services which justifies the contributions, the impost on housing affordability could be ameliorated by increases in funds to local government from State and Federal governments to cover the cost of providing the necessary infrastructure for residential development.