

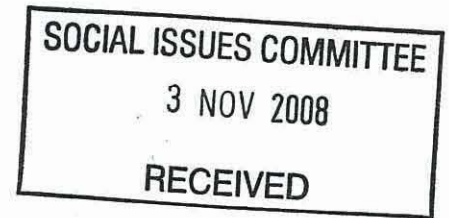
INQUIRY INTO NEW SOUTH WALES PLANNING FRAMEWORK

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Date received: 3/11/2008



30 October 2008

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



Dear Sir/Madam

Inquiry into the NSW Planning Framework

Please find below Council's submission with respect to the abovementioned Inquiry. Council's submission relates primarily to the first term of reference, being the need, if any, for further development of the NSW planning legislation over the next 5 years, and the principles that should guide such development.

Council believes the following principles should guide future legislative change.

1. Plan Making

Council seeks a move away from the centralised and standardised approach to plan making seen in recent years, eg Standard Instrument (LEP) Order and the proposed draft Housing and Commercial Codes.

Council is currently preparing its new LEP based on the standard instrument and the outcome is:

- An LEP similar to that which existed in the 1980s, more zones, more maps – more restrictive, less flexibility.
- An LEP which is not user friendly, particularly where local provisions have to be included to offset standard provisions not appropriate to the LGA eg the standard instrument does not permit rainwater tanks as exempt development in heritage conservation areas. Bathurst Regional Council seeks to include this activity as exempt development. One clause prohibits development, the next one will permit it.

Bathurst's current provisions for exempt and complying development extend far beyond that proposed in the draft Housing and Business Codes. Surely, it is a better outcome not to apply these codes to an LGA in these circumstances.

A far better solution is the development of templates/codes as a guide (toolkit) for Councils with mandatory use only required where Council's are not achieving the same or better result.

2. Private Certification

There remains a need to provide better checks on private certifiers. They are still getting it wrong and getting away with it. Councils should not be responsible for checking on the actions of private certifiers.

3. Accountability/Transfer of Powers

The proposed establishment of PAC, JRPP, IHAPS etc will take decision making powers away from local government. There appears to be a lack of transparency and accountability associated with these panels.

4. Accreditation of Council Building Surveyors

Concern is raised in relation to:

- Council's delegation procedures.
- Liability of officers.
- Maintaining high levels of accreditation and the attractiveness of local government as an employer.
- The inability for Council to refuse to assess a construction certificate even if it does not have the expertise to assess it.

I trust this information will be considered.

Yours faithfully

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

