

Submission  
No 9

## INQUIRY INTO NEW SOUTH WALES PLANNING FRAMEWORK

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



Dear Committee Members

**RE: SUBMISSION – INQUIRY INTO THE NEW SOUTH WALES PLANNING FRAMEWORK**

Thank you for the invitation to comment on the above mentioned Inquiry. As a release area Council in Sydney's south-west, Liverpool Council has had input in a number of projects which has involved many State agencies and the application of various levels of legislation. As such Council would like to offer the following for your consideration.

**The need for further development of the New South Wales planning legislation over the next five years, and the principles that should guide such development**

The existing legislation primarily focuses on Development Assessment, with little consideration for Strategic Planning. Council Strategies should be given more legal weight, preferably through a "Strategic Planning Policy Document" which would provide background information to the Local Environmental Plan.

All statutory planning policies should be incorporated into the LEP Standard Instrument. Since the gazettal of Liverpool Local Environmental Plan 2008, there has been a lot of confusion in relation to permissible land uses. It is recommended that all permissible land uses be listed in the land use table, including those permissible under a State Environmental Planning Policy.

Further consideration also needs to be made to the upfront cost of planning studies and the funding of new areas. Urban release areas are needed to house approximately 30% of Sydney's growth over the next 20 years. In order to plan for these new areas at the local level, a proper funding mechanism needs to be put in place in order to assist Councils in planning these new release areas.

**Duplication of processes under the Commonwealth Environment Protection and Biodiversity Act 1999 and New South Wales Planning, Environment and Heritage**

There are elements of Federal and State legislation that often slow down the planning process, particularly in terms of environmental protection and biodiversity. Often Commonwealth issues are dealt with outside the scope of State processes; such duplication often leads to uncertainty and delays for Councils, land owners and developers.

The NSW government has recently issued Biodiversity Certification to the north-west and south-west growth centres areas, effectively switching off the Threatened Species Act, giving certainty to development outcomes, eliminating the need for site specific flora and fauna reporting saving the developer both time and money. This certification does not however affect the Federal level of protection, the EPBC Act. As such the certainty, time and money savings that was sought by the State level biodiversity certification has not been achieved through this process.

It would be preferable that when any certifications are given at the State level, the same documentation is also considered by the relevant Federal department with view to ensuring appropriate exemptions from legislation is obtained at all levels, to ensure that the intended streamlining is achieved.

### **Regulation of land use on or adjacent to airports**

Council has concerns about the regulation of land use on lands subject to the Airports Act, in particular, the detrimental impacts it may have on surrounding land uses.

For example, Council understands that a significant amount of landfill has been placed on the Bankstown Airport site. The impacts of the filling may well have contributed to an increase in flooding along sections of the Georges River.

In this regard, greater consultation with Council and the community is necessary; this will minimise detrimental impacts on surrounding land uses and increase transparency.

### **Implications of the planning system on housing affordability**

Urban release areas are needed to house approximately 30% of Sydney's growth over the next 20 years. In the planning of these release areas all State agency inputs are to be considered, which can combine to sterilise from development large areas of land, inflict large acquisition burdens on council as well as costly ongoing maintenance. There needs to be better recognition by State agencies that compromise is required to deliver a release area that is appropriately balanced to deliver outcomes that are economically, socially and environmentally responsible.

Council has concerns about the restrictive nature of some State government policies. A recent example of this is the policy of restricting the use of temporary access to classified roads. This policy has inadvertently delayed development within Edmondson Park when a restriction placed on property titles could be utilised to achieve appropriate outcomes. In this regard, greater flexibility should be considered, especially in light of a struggling economy.

There is also an apparent lack of economic modelling and cost impact analysis on State government policies and strategies impacting on affordable housing. In this regard, it is requested that details of any economic modelling / cost impact analysis be published and made accessible to the public.

In terms of the State Infrastructure Contribution levy, there appears to be little or no justification and no published list of works. These levies are driving up the cost of development and impacting on affordable housing. It is recommended that the State government review the State Infrastructure Contributions levy with a more thorough consideration to its impact on housing affordability. It is also recommended that a list of works be published and made available for public comment.

Thank you for the opportunity to comment on the above matters. I trust this submission will assist in the Inquiry. If you have any questions, please contact me on (02) 9821 9574.

Yours sincerely



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