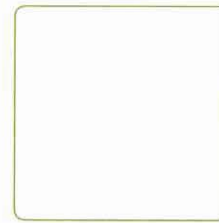
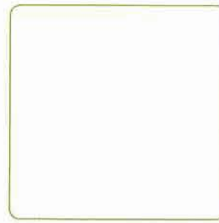


**Submission
No 40**

INQUIRY INTO NEW SOUTH WALES PLANNING FRAMEWORK

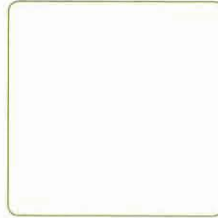
Organisation: Baulkham Hills Shire Council
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Telephone: (02) 9843 0555
Date received: 16/02/2009



13 February 2009



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



Our Ref: FP99

Dear Sir/Madam,

INQUIRY INTO THE NSW PLANNING FRAMEWORK

I refer to the exhibited inquiry into the NSW planning framework and advise that Council considered this matter at its meeting of 10 February 2009, and resolved as follows: -

"The following be forwarded as Council's submission to the Parliamentary Standing Committee on State Development's inquiry into the NSW Planning Framework:

1. Preface

- a) *The Hills Shire is located in the north west of Sydney and occupies an area of 380 square kilometres, stretching from Oatlands in the south to Wisemans Ferry in the north. The Hills Shire is one of the fastest growing local government areas in New South Wales. It has a current population 165,931 and will accommodate significant residential and employment growth in the next twenty five years, particularly in greenfields sites.*
- b) *Local councils have considerable experience and expertise in the administration and management of the NSW planning system under the Environmental Planning and Assessment Act 1979 (EP&A Act), and previously the Local Government Act. The skills and capacity of local councils to perform this role is demonstrated by the \$20 billion of local investment projects determined by local councils. In this regard, the planning role of local government should be celebrated and reinforced in any future reform of the planning framework.*
- c) *In general terms, the proposition to improve the NSW Planning Framework is supported. A level of consistency to aid in decision-making by all users of the planning system is a worthwhile objective, provided that the framework remains workable, relevant, and effective in, managing landuse planning and protecting of the environment.*
- d) *This submission addresses the following Terms of Reference:*
 - *The need, if any, for further development of the New South Wales planning legislation over the next five years, and the principles that should guide such development;*
 - *the implications of the Council of Australian Governments reform agenda for planning in New South Wales;*



- duplication of processes under the Commonwealth Environment Protection and Biodiversity Act 1999 and New South Wales planning, environmental and heritage legislation,
 - climate change and natural resources issues in planning and development controls,
 - appropriateness of considering competition policy issues in land use planning and development approval processes in New South Wales,
 - Inter-relationship of planning and building controls,
 - Implication of the planning system on housing affordability
- e) Council does not have within its LGA an airport or land associated with air transport facilities. Accordingly, comments on terms of reference (f) the regulation of land use on or adjacent to airports have not been provided.

Relevant Terms of Reference

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

- a) In broad terms, major reform of the NSW Planning System is supported, both to address current issues and improve overall outcomes. The irony is that reforms introduced over the past ten to fifteen years to simplify the system and reduce costs have progressively led to complexity, confusion and delay. Additional processes and procedures outside of the Act have added layers of complexity for both practitioners and users.
- b) The original vision and principals that underpin the current planning system should continue to be embedded into any future planning framework. It is also recommended that the overall structure and philosophy of the Act be retained. Reform should not add further layers of complexity or duplication of roles, as this undermines the very attributes of a good planning system.

Basis of the Planning Framework

- c) The Environmental Planning and Assessment Act 1979 (EP&A Act) was introduced in 1979 as New South Wales's first comprehensive planning legislation, which incorporating environmental assessment, greater transparency and public participation, elements which had not been previously provided for within the planning system.
- d) The objectives of the Act are set out in Section 5 of the Act, being: -
- (1) to encourage:
- (a) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (b) the promotion and co-ordination of the orderly and economic use and development of land,
 - (c) the protection, provision and co-ordination of communication and utility services,
 - (d) the provision of land for public purposes,
 - (e) the provision and co-ordination of community services and facilities, and

- (f) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (g) *ecologically sustainable development, and*
 - (h) *the provision and maintenance of affordable housing, and*
- (2) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
 - (3) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*
- e) *The ability of the current planning framework to encourage all the elements identified in Objective (1) is varied, depending on the success of individual EPIs. Issues such as the frameworks responsiveness to environmental issues including threatened species and climate change, as well as housing affordability are examined further in this submission. Overall, the extent to which a planning framework can comprehensively plan and manage all of these elements should be analysed when considering reform.*
- f) *Whilst Objective 2 promotes the sharing of responsibility, recent reforms have seen an increasingly uneven share of responsibility for decision making weighted towards the State. Council believes that the consent authority for the majority of matters should be the local Council, with the Land and Environment Court as the appropriate forum for appeals. As the legislator, decisions made by the Minister for Planning should be limited to the approval of designated development.*
- g) *Objective (c) provides for the involvement of the community in land use planning. Since 1979 local plan making has been largely the responsibility of local council's which have been able to reflect the views of the local community. The 2008 reforms which widened the scope of who can initiate an LEP, has significantly eroded the ability for local communities to be involved in land use planning. Similarly the widening of the Minister's powers and the introductions of panels to determine significant or expensive projects, has further removed the community and local council from determining development. These amendments are contrary to the original intention of the EP&A Act. In this regard it is recommended that the role of elected Councillors should be strengthened to have greater input into the policy making component of the planning framework.*

Views on the 2008 Reforms

- h) *In April 2008, Council conducted a plebiscite, in accordance with Section 14, Part 3 of the Local Government Act which states that Council may take a poll of electors for its information and guidance on any matter. The plebiscite sought the views of the community with regard to the 2008 planning reforms, in particular Section 94 (Developers) Contributions, the establishment of regional planning committees (IHAPS), the effect of centralising planning powers away from Local Government to the State Government, and the expansion of the role of private certifiers.*
- i) *Nearly nine out of 10 ratepayers in the Hill Shire want Council, and not the State Government to maintain the primary role in planning for our local community. By the same proportion, our ratepayers oppose Section 94 payments being held by State Treasury and want Council to maintain control of such levies to provide local community services demanded by an increasing population. More than four out of five Shire ratepayers were opposed to Council's primary role in planning*

assessment being replaced by Independent Hearing and Assessment Panels or private certifiers.

- j) *The plebiscite was delivered to Councillor Ray Williams MP for Hawkesbury at Parliament House on 4 June 2008, to be forwarded to the Premier.*

Questions

Is there a need for further development of planning legislation in NSW?

- k) *Yes, major reform of the NSW Planning System is needed and supported.*

What further changes to the planning legislation are needed?

- l) *The State Government should recognise the competence of Councils in effectively managing planning. Councils could benefit and perform their role better if:*

- development management was supported by a sustainable funding mechanism to allow Councils to appropriately resource this function;*
- competing biodiversity, environmental, conservation, bushfire and the like provision in a number of Acts and Regulations were consolidated into one Act, with clear directions to enable the inherent resolution of conflicts;*
- Councils were provided with effective enforcement and investigation powers to manage the private certification and development within their local area; and*
- Private Certifiers were made more accountable to Consent Authorities. Consent Authorities should be consulted prior to the issue of any Construction and Occupation Certificates.*
- Councils were provided with increased delegation to manage LEPs and minor localised amendments.*

What principles should guide any further development of planning legislation in NSW?

- m) *The 'Improving the NSW Planning System Discussion Paper' released by the NSW Department of Planning in November 2007 identified the following elements of a good system, being one that: -*

- "... community members participate actively in developing plans and have ownership of them.*
- adopts practices and processes for development assessment that encourage sustainable development.*
- is understood and well accepted.*
- has clear and consistent rules and procedures which are easily understood but can respond to change.*
- does not impose undue delay, cost, or inequity.*
- is adequately staffed and resourced, providing a stimulating and challenging work environment to retain and reward experienced professional staff who have the appropriate technical and people skills?"(pp7)*

- n) *Council supports the above principals and additionally that the overall structure and philosophy of the Act should be retained; and that future reforms to the planning system should avoid duplication and not add further layers of complexity or decision making.*

3. The implications of the Council of Australian Governments reform agenda for the planning in NSW

- a) *One area of focus for COAG has been the formation of the DAF protocol to support the electronic processing of planning and development applications. Council already supports e-Planning as a tool.*
- b) *Council has implemented a DA tracking system and is in the lead with a small number of other Councils in tailoring Council's controls to site specific proposals. Council already has its DCP and planning instruments available on line, with electronic submission the logical next step along with online assessment. While innovative e-Planning requires ongoing investment and support, State and Federal Governments should be aware of the financial burden this policy will have upon Councils.*
- c) *Recognition must be given to the cost of both implementing electronic application processing and interrogation of the planning controls and for maintaining such systems. There are considerable costs to both Council and the community when interacting with such a system.*
- d) *Development of a comprehensive e-planning system involves costs associated with developing or purchasing suitable programs and the construction/manipulation of data into the formats that suit these new programs. Additional costs are also involved in ensuring the system is maintained at the level needed to provide an efficient and accurate service to customers. This is currently proving difficult due to the many changes in legislation surrounding the e-planning system at the State level.*
- e) *In addition to the cost of the system, consideration must be given to the additional cost to the applicant in providing information in a suitable rformat to fully utilise any electronic application process.*
- f) *The recent inaugural meeting of the new Australian Council of Local Government (ACLG) provided local council Mayors with the opportunity to highlight a number of issues facing local government including the needed for constitutional recognition that incorporates symbolic, institutional and financial recognition. Also highlighted were key problems faced by Councils in prioritising future infrastructure spending including issues around recurrent expenses potentially incurred from one off funding, tied funding and the lack of a holistic approach to the provision of infrastructure, the impact of climate change and Council's contribution to economic development. These issues should be considered in the discussions with, and in the drafting of reforms for the planning framework.*

Questions

Are the reforms and discussions as the Council of Australian Governments level important for future development of the New South Wales planning framework?

- g) *Yes, in so far as they provide a national approach to planning. However, the future planning framework needs to recognise the system of governance, particular natural environments, and links to the global economy that are unique to New South Wales. COAG should also take into account the issues raised at the ACLG meeting by local council Mayors.*

What are the specific implications of the work of the Council of Australian Governments on planning in New South Wales?

- h) *Council supports the recommendation for e-Planning, however State and Federal Governments need to be mindful of the investment of Council so far, and the*

costs of maintaining the electronic data sources and system over time. Any initiatives should therefore be carried out with full consultation of Councils.

4. Duplication of processes under the Commonwealth Environment Protection and Biodiversity Act 1999 and New South Wales planning, environmental and heritage legislation.

- a) There exists both duplication of processes and areas of conflict between the EP&A and numerous other NSW and Commonwealth Acts. This is not limited to duplication of process between the EP&A Act and EPBC Act, but includes integrated development and conflict in various practices established by current NSW legislation.

Integrated Development

- b) The integrated development process under Section 91 of the EP&A Act requires concurrence or consent from one or more other approval bodies under other legislation. Some of the Acts listed include the Fisheries Management Act 1994, Heritage Act 1977, National Parks and Wildlife Act 1974, Protection of the Environment & Operations Act 1997, Roads Act 1993, Rural Fires Act 1997 and Water Management Act 2000.
- c) The integrated development process can cause significant delay in assessment processing times. It also adds confusion and lacks certainty for the developer, due to the need to comply with numerous and often competing or conflicting requirements in other legislation, all within the one development assessment process.
- d) There is a need to reconcile competing and conflicting requirements of different legislation which also regulate land use in relation to particular issues. The value and benefits of the integrated development process should also be considered in terms of streamlining the process versus lack of certainty.
- e) The current planning framework has requirements for concurrence and consent from various State Agencies that cause delays and conflicts in the planning process as no lead agency has been given control over planning and development. This issue of conflicting agencies occurs at both the rezoning and application level and delays vital urban renewal/release area projects and major development that generate employment and economic growth. Part 3A processes also leads to decisions that are disconnected from planning at a more micro level as the Department of Planning will not appreciate any local context in its decisions. Local Government contains all the expertise under one roof to provide the necessary advice and action at both local and regional level.
- f) Any changes to the planning framework need to recognise the expertise held within Local Government and its ability to provide coordinated outcomes and infrastructure for the good of the community. Council should be given a reinforced role in the area of plan making and Part 3A Assessment.
- g) Further, the State Government needs to take a more holistic approach. Rarely, if ever, are business plans of State Agencies aligned let alone having them aligned with local priorities. This needs to be addressed.

Threatened species protection vs biodiversity conservation

- h) The NSW Threatened Species Conservation Act 1995 (TSC Act), through the EP&A Act provides regulation and guidance to Councils for the protection of Threatened

entities only. The current planning framework does not provide for specific biodiversity conservation in a true sense beyond the allowance for zone overlays and DCP controls.

- i) The 2008 Parliament of Australia Senate Inquiry into the Operation of the Environment Protection and Biodiversity Conservation Act 1999 has noted the continuing decline and extinction of a significant proportion of Australia's unique plants and animals must be seriously addressed through planning controls within Federal environmental law. Likewise, biodiversity conservation needs to be rediscovered in reforms to the planning framework and not limited to the conservation of threatened entities. DCP controls are also not currently being held in high regard by the Land and Environment Court, highlighting the need for improved legislation around broad biodiversity conservation.
- j) The above circumstances, cause difficulties for Councils in meeting their responsibilities for biodiversity conservation under Council's Charter. Councils therefore, cannot rely on TSC Act and EPBC Act alone to ensure that biodiversity conservation outcomes are achieved. The NSW planning framework should be revised to require biodiversity conservation beyond simple threatened entities in our planning controls.

Biobanking

- k) The 'biobanking' amendments under the TSC Act allow applicants to remove listed entities under the agreement in exchange for the conservation of similar entities in another location. The risk associated with such arrangements is that offsets for entities affected in an LGA may be sourced from outside the LGA. This would have the affect of further reducing a Council's performance in achieving biodiversity conservation at an LGA level.
- l) The planning framework should be amended to assure consideration of the biodiversity of the locality is also conserved and maintained.

Biodiversity Certification

- m) Biodiversity certification of Environmental Planning Instruments ('EPI') is provided for under the TSC Act 1995 Division 5 part 126G. This stipulates that a planning instrument which makes suitable allowance for biodiversity conservation under the considerations of part 126G may be certified by the Minister for Environment.
- n) The first EPI to be certified was the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. This EPI was certified without clearly identifying the location of offsets. The planning framework should be amended to require clearly identified offset arrangements prior to certification.
- o) Local councils should be further empowered in the decision making process regarding Biodiversity Certification of EPIs to ensure that local councils are capable of achieving ESD within their LGA.

Questions

What are your experiences involving assessment processes under the New South Wales and Commonwealth environment legislation for controlled actions?

- p) The Commonwealth Department of Environment Water Heritage and the Arts recently wrote to Council advising that the requirements of the EPBC Act continue to apply in areas which are the subject of a State Certified EPI. This negates the

intent of Biodiversity Certification as the EPBC Act in many cases would require a similar level of survey and assessment as the TSC Act would in the absence of Certification on an application by application basis. The planning framework should address this inconsistency with the Federal Government to assure a consistent approach to environmental assessment of Development Applications.

Did the bilateral agreements reduce duplication of approval procedures for the controlled action?

- q) *There are no bilateral agreements that relate to controlled actions in the Hills Shire Council.*

Are there areas of duplication that need to be addressed?

- r) *Council recognises the relevance and importance of maintaining both a Federal and State Threatened Entity Protection systems. Apparent inconsistencies between State and Federal legislation may be a reflection of the different geographic scales at which state and federal conservation priorities are determined.*
- s) *The NSW planning framework is responsible for threatened entity protection at a state level irrespective of the protection status at a Federal level. The NSW planning framework should assure consistency of assessment processes with the Federal assessment processes.*

Other Recommendations

- t) *Reconcile competing and conflicting requirements of legislation within the integrated development process and remove concurrence requirements from development assessment process.*
- u) *Revise the planning framework to require biodiversity conservation beyond simple threatened entities in planning controls and assure consideration of the biodiversity of the locality is also conserved and maintained.*
- v) *Require offset arrangements to be clearly identified and secured prior to biodiversity certification.*
- w) *Further empower local councils in the decision making process regarding Biodiversity Certification of EPIs to ensure that ESD is capable of achieving in their LGA.*

5. Climate change and natural resources issues in planning and development controls

- a) *The exact extent, impact and complexity of climate change is unclear, however the environmental, social, and economic implications of climate change have the potential to be significant and far reaching. Climate change can result in sea level rise, flood level predictions, fire regimes, storm events and loss of biodiversity which affects how and where development can occur. For example coastal communities or those with frontage to tidal river systems such as the Hawkesbury River in the Hills Shire, will be particularly vulnerable to rising sea levels.*
- b) *It is acknowledged that the planning framework can make a significant contribution to the present and future impact of climate change, particularly with reference to how development impacts of the natural environment. In this regard; landuse planning should focus on adaptation or ameliorating the impacts of*

climate change, while other parts of government should focus on implementing preventative measures. A risk management approach should be taken to review Australian Standards, Building Code of Australia and LEP/DCP's to implement clear strategies to address potential effects that are also cost effective.

Questions

How should climate change be addressed in the planning framework?

- c) *The future planning system should be of a robust and flexible enough design to incorporate measures to address climate change, particularly in relation to such matters as sea level rise, flood level predictions, fire regimes, storm events, impacts on biodiversity*

Is the current framework adequate to consider the potential effects of climate change?

- d) *No, the current framework does not provide sufficient guidance on how issues related to climate change are to be addressed or weighted against other issues.*

How should natural resource issues be taken into account in the planning and development approval framework?

- e) *SEPPs and LEPs should be the principle instruments to plan and manage natural resources.*

6. Appropriateness of considering competition policy issues in land use planning and development approval processes in New South Wales

- a) *Land use activities where the regulation of competition may be an issue are generally related to retail development, in particular supermarkets or 'big box' shopping centres versus strip / high street retailing, bulky goods retailing and service stations. Other land uses where competition may be a concern include child care centres, service industries such as hair dressers, and health care premises. For some land uses spatial separation may be seen as advantageous, but for others clustering is beneficial. Whatever the commercial advantages or disadvantages of either separation or clustering may be, the consideration of competition policy is not a valid planning principal on which to make decisions, and the planning framework should continue to reflect this.*
- b) *Within the current planning framework land use planning is considered in Part 3 and the development approval process is set out in Part 4 of the EP&A Act.*

Land Use Planning

- c) *Part 3 specifies that the content of an environmental planning instrument (EPI) may include protecting the environment, controlling development, reserving land for open space, national park or a public purpose, providing affordable housing, protecting threatened species and vulnerable ecological communities, controlling any act and controlling advertising. It does not list promoting or restricting competition as an area that an EPI may, or should make provision.*
- d) *The process of determining land use planning, where uses should occur, and in what manner is generally outside of the EP&A Act. The process to undertake land use strategy work or background studies (with the exception of an environmental study under s.57) to underpin land use policy decision is not specifically set down within the legislation. However, with regard to the preparation of a draft LEP, a*

Council must consider information provided by public authorities (S.62). Practice Notes and Directions developed under Section 117 of the Act also provide parameters by which the content of a draft LEP must be guided.

- e) *The Metropolitan Strategy and various Subregional Strategies identify the value of concentrating activities in centres and support the development of a strong centres policy. The benefits of clustering like retail uses and activities in centres includes improving access to services, facilities and entertainment, encouraging positive competition and collaboration between businesses, making better use of existing infrastructure, and promoting sustainable transport opportunities.*
- f) *The identification of centres, zoning, permissible land uses, and extent and type of floor space is determined by a strategic planning process, which generally including a needs analysis. This approach takes into the consideration the broad social, environmental and economic needs of a community. For example Council has recently prepared a Centres Direction, as a strategic document to underpin the land use planning framework in relation to centres and retail development. Part of the preparation included a detailed retail floor space and demand analysis for the whole Shire for the next twenty five years. The aim of the analysis was to provide key economic data for each centre in order to identify the hierarchy and typology of centres, identify the demand for different types of retailing and staging in association with future population growth, and identify the key trends and issues to be addressed in planning the future retail development.*
- g) *In considering the appropriateness of competition in land use policy, it is recognised that there needs to be some transparency in the methodologies used to support and frame land use planning. This may be particularly relevant for the consideration of where retail development is situated and its extent, type, and staging. However, the methodologies used to reach such a decision should not be prescribed or mandated, whereas greater rigour and accountability in demonstrating how land use planning decisions have been made, is appropriate.*

Development Approval Process

- h) *Section 79C of the EP&A Act lists the heads of consideration in determining a development application, including the likely impacts of that development, the environmental impacts on both the natural and built environments, and social and economic impacts in the locality (s.79C(b)) and the public interest (s.79C(e)).*
- i) *The Act specifically requires a Council to consider the broader economic impact of a development on a locality. In terms of a retail development this may mean considering how it will impact on a centre as a whole, and how it will strengthen or compromise the identified centre hierarchy.*
- j) *Case law has established planning principals as to the extent such consideration may apply. *Fabcot v Hawkesbury City Council* (1997) is an example of a Class 1 appeal regarding the refusal by Hawkesbury City Council to grant development consent for a Woolworth's supermarket to be located outside of the town centre of Windsor. One aspect of the case was whether a proposed supermarket would have an adverse economic impact on existing and planned retail supermarkets within the Hawkesbury City Local Government Area. In so concluding his Honour said;*

"Economic competition between individual trade competitors is not an environmental or planning consideration to which the economic effect described in S. 90 (1) (d) is directed. The Trade Practices Act 1974 (Cth) and the Fair Trading Act 1987 (NSW) are the appropriate vehicles for regulating economic competition. Neither the Council or this court is concerned with the mere threat of economic

competition between competing businesses. In an economy such as ours that is a matter to be resolved by market forces, subject to the Trade Practices Act and the Fair Trading Act. It is not part of the assessment of a proposal under the Environmental Planning and Assessment Act for a consent authority to examine and determine the economic viability of a particular proposal or the effect of any such proposal on the economic viability of a trade competitor. Moreover, it is at least arguable from the fact that the Trade Practices Act now applies to local government councils' that if a local council were to refuse or to limit a proposal for development on the ground of competition with a trade competitor, it could be found guilty of anti-competitive conduct contrary to Part 4 of that Act."

- k) *This decision not only establishes that refusal of an application on the basis of its potential impact on a trade competitor means is not valid under the terms of the EP&A Act but also points to a broader principal that planning decisions should to be based on broader adverse economic or social impact. This principal should continue to be reflected in the planning framework, with the Trade Practices Act 1974 (Cth) and the Fair Trading Act 1987 (NSW) continuing as the appropriate vehicles for regulating economic competition.*

Question

Should competition analysis be a part of local planning decisions?

- l) *No, the use of zoning to achieve and regulate development that is concentrated in centres should be continued.*
- m) *Only so far as the existing framework provides. Competition is not an appropriate planning consideration when determining development applications, and should not be identified as a matter for consideration.*

How should competition be factored into the planning system, if at all?

- n) *Greater rigour and accountability in demonstrating how land use planning decisions have been made, in the form of documentation, strategic planning and studies, is appropriate.*
- o) *Consolidation of the relevant S.117 Directions, practice notes, SEPPs, REPs and policies is required to ensure clear and consistent guidance when preparing LEPs, particularly with regard to land use planning for retail development.*

7. Inter-relationship of planning and building controls

- a) *Exempt and complying has failed to a large extent as in most instances, including SEPP60 as they fail to resolve the generalised criteria for determining if the development is exempt or complying. Thresholds are also easily breached due to environmental sensitivities, e.g. bushfire, slope, threatened species and heritage.*
- b) *The private certification system has been a constant problem since its introduction in 1998. The inherent conflicts of interest, problems with accreditation and the lack of responsive investigation and enforcement by the Building Professionals Board (BPB) has led to a complete lack of confidence in the system. The proposed reforms are confirmation of the fundamental flaws in having privately commissioned individuals perform tasks on behalf of the public interest. Councils rather than Private Certifiers need to be able to determine development outcomes to meet its local communities expectations.*

- c) *There are also ongoing issues with the current system of Notice and Order Procedures, particularly for injunctions and stop work orders. With regard to emergency orders and greater enforcement powers Councils have always and remain, in the best position to investigate matters in its area.*

Question

Is the current inter-relationship between the planning system and the regulation of building works appropriate?

- d) *No, private certification has been widely criticised, continuing or expanding its role in the planning system is not supported.*
- e) *Councils should also be given wider investigation and enforcement powers including the ability to issue stop work notices without the need for an injunction through the legal system. The Protection of the Environment Operations Act 1997 provides a reasonable and workable model in this regard.*
- f) *Before any Construction or Occupation Certificate is issued, Certifiers should be required to consult with the relevant Consent Authority.*

8. Implication of the planning system on housing affordability

- a) *The issue of affordable housing has been on Council's social planning agenda for the past eight years since the development of the first Social Plan in 1999. For the first time, local community services are reporting seeing families seeking emergency financial assistance for mortgage repayments. There is also anecdotal evidence suggesting an increase of family breakdowns resulting from housing stress. One of the great challenges for Council is providing infrastructure and housing for new residents based on the projected growth for the North West area.*

Background

- b) *There are currently a range of housing options available to the community from the private rental and purchase market to the social housing sector, through to crisis or emergency accommodation. However, the social housing sector is fairly limited in this Shire. Housing is affordable when households, which are renting or purchasing, are able to pay their housing costs and still have sufficient income to meet other basic needs such as food, clothing, transport, medical care and education.*
- c) *New South Wales and Sydney in particular continues to experience rising house prices both in the owner/occupier and rental markets. The issue of affordable housing is consistently raised. During consultations held to develop the 1999 Social Plan, it was indicated that the most affected by housing stress were young people and single parents with young children. Consultations for Council's 2005-2010 Social Plan revealed that affordability of housing for older people is also an issue.*
- d) *Assisting households who are struggling to secure affordable housing has traditionally been in the domain of the tax transfer and public housing system in Australia and is not considered a matter for the planning system.*

Question

What is the impact of the planning system on housing affordability?

- e) *The planning system does impact upon housing affordability. Complex, duplicate and competing requirements cause delays, uncertainty and add costs.*

What changes if any, need to be made to the planning system to improve housing affordability?

- f) *The recommendations described in this report if acted upon will significantly improve the planning system and reduce costs.*

Other Recommendations

- g) *There be better integration of State and Federal housing initiatives to address affordability through the areas of taxation and the economic system, rather than the planning system.*

9. Conclusion

- a) *It is clear that the current NSW Planning Framework is in need of major review and reform. The numerous reforms introduced over the past fifteen years to simplify the planning system and reduce costs have progressively led to complexity, confusion and delay. The draft submission represents Council's views address the long term sustainability of the NSW Planning and Development Framework."*

Should you have any enquiries please contact Council's Acting Forward Planning Coordinator, Robert Sherry on 9843 0269.

Yours faithfully



Stewart Seale
MANAGER - FORWARD PLANNING