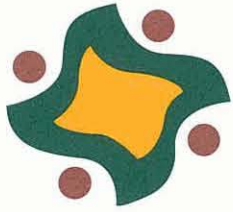


Submission  
No 77

## INQUIRY INTO NEW SOUTH WALES PLANNING FRAMEWORK

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The Gateway to Western Sydney

*Environmental Planning and Assessment*

9 March 2009

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

Our Reference: HC-23-10-6  
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## **SUBMISSION – STANDING COMMITTEE ON STATE DEVELOPMENT, INQUIRY INTO THE NSW PLANNING FRAMEWORK**

Thank you for providing Holroyd Council the opportunity to make a submission to the Standing Committee on State Development, Inquiry into the NSW Planning Framework. At the Ordinary Meeting of Holroyd Council on 3 February 2009, Council resolved to endorse a submission to the Inquiry that centres around the need for a more efficient planning system, but one that does not marginalise the role of local government within the decision making process.

The terms of reference for the Inquiry are somewhat broad in many respects and only the matters of direct relevance to the Holroyd LGA will be commented upon within the submission. The submission focuses primarily on the impacts of recent legislation changes and their effect on council responsibilities. The submission is detailed below.

One of the key terms of reference for the Inquiry is whether there is need for further reform into the NSW planning system and the principles that should guide such reform. Council acknowledges that increasing efficiencies in the planning system should be sought wherever possible, but not to the extent that has occurred in many areas where local input and the unique characteristics of local areas are essentially ignored.

One example that can be cited is the recent introduction of the NSW Housing Code for complying development. This Code has the potential to add to the complexity of the NSW planning system and create bad design outcomes as they have not been adequately tested. The Code does not have sufficient regard for the protection of privacy or views, and does not consider the now entrenched community expectation to be consulted on development proposals on adjoining properties. Similarly, the 'one size fits all' approach of the Code to development does not recognise the unique characteristics of particular neighbourhoods or areas sufficiently and the Code has the potential to diminish the character of neighbourhoods across NSW. It is considered that it would be more appropriate for the Code to serve as a template, acknowledging the differing character between areas as opposed to Councils having to apply to the State Government for individual variations to the Code that will essentially require a gazetted amendment.

In addition, the Code should at the very least enable reference to external schedules for detailed

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matters such as materials and finishes or tree planting species that could be applied on an area basis. This will prevent development being grossly inconsistent with the established character.

The Inquiry should recommend that the Code be reassessed as a result of the inadequacies outlined above and emphasise that local councils have an essential role to play when dealing with local development issues, and this role must not be diminished by State legislation that in effect removes councils from certain development decisions. A fast track local approvals process that maintains the role of Council is a better way of improving the NSW planning framework.

Furthermore, the issue of the use of private certifiers for the approval of complying development is a matter of concern for Council. There are numerous private certifiers operating in the market at present and that can result in an inconsistent approach to the certification process. In circumstances where problems with a development are discovered subsequent to it being approved by a private certifier, it is often left to the Council to address the issue. While the use of private certifiers is acknowledged, it is suggested that they be engaged through Council or an alternative consent authority in order to ensure a consistent approach.

In addition, recent changes to developer contributions legislation has the potential to significantly impact upon the ability of local councils to provide a suitable standard of infrastructure and facilities to support new development. The aim of developer contributions is to essentially mitigate the impact of development on existing community services and facilities and to provide for additional services and facilities as a result of the demand generated by new development. However, it appears possible that the cost of expanding regional facilities (such as regional sporting grounds and libraries) in response to additional demand generated by development would not be able to be recouped by Council. This new approach by the State Government would therefore compel councils to pass these costs on to ratepayers or establish multiple small inefficient facilities as the only means of providing for the community. It is vital for community infrastructure to be adequately funded and the burden for absorbing any shortfall in supplying this infrastructure cannot be borne by councils who will not have the capacity to absorb the additional costs.

Another of the terms of reference for the Inquiry relates to the implications of the planning system on housing affordability. There is a significant shortfall in the supply of transport infrastructure in Western Sydney to support new housing development. Provision of essential infrastructure such as the North West and South West rail lines and frequent and useable bus services are vital for housing affordability and will also provide significant environmental benefits through a reduction in the reliance on motor vehicles as the only viable form of transport to and from the region. A lack of housing diversity in many areas of Western Sydney contributes to affordability problems as much of the existing housing stock is inappropriate for the diverse demographic need of the region.

The State Government's attempts to "simplify" the planning system in NSW are in fact creating a more complicated system with multiple layers of development approval types and multiple agencies responsible for their assessment and approval. For instance, Council or private certifiers may deal with complying development, Council assesses local development, the Minister is responsible for major development proposals, and the Joint Regional Planning Panel is responsible for regional development.



In summary, Council stresses that there is need for the recent changes to the NSW planning system to be reassessed in light of the potential impacts they will have on local communities and the ability for local councils to fulfil their obligations to their communities. While increasing the efficiencies of the NSW planning framework is essential and is strongly supported, these efficiencies must not be made at the expense of local representation in the planning process.

If you wish to discuss this matter further or require any additional information, please do not hesitate to contact me on the number indicated above.

Yours faithfully,

Merv Ismay  
GENERAL MANAGER

Per: Michael Rogers  
ACTING MANAGER STRATEGIC PLANNING