

IPART - REGULATION REVIEW

SUBMISSION FROM GREATER TAREE CITY COUNCIL

“Investigation into the Burden of Regulation in NSW and Improving Regulatory Efficiency”

Submission Regarding Planning Reform

Council is becoming increasingly concerned with the overly complex planning process regulating land development in NSW. Greater Taree City Council understands that these concerns are shared by many other Councils. The statements made in the Draft Report capture a number of the issues of concern to this Council. We would however like to clarify our concerns.

Our major concerns relate to the multiplicity of assessment of land development proposal from the strategic landuse planning stage through to construction on the ground. We are finding that it is taking Council many years to progress from strategic plans to construction with recent examples taking up to 10 years. Our Council has made a significant commitment to leading land development by investing in strategic landuse plans. These plans are debated within the community, adopted by Council and endorsed by the Department of Planning. Council is then required to carry out the rezoning process with many proponents now resorting to masterplan layouts for proposed urban release areas including road and individual lot layout. A recent example of masterplanning urban expansion of the village of Old Bar took approximately 12 months and cost over \$750,000 in consultant studies and masterplan designers.

In some cases where development is in the coastal zone applications are required to be determined by the Department of Planning and under the provisions of SEPP 71 the development requires a masterplanning process in its own right. Another example in our local area saw a proponent attempt to seek exemption from the masterplan given the work that was done at rezoning stage but that process itself took months to be resolved and the development application then took considerable more time to be determined through the Department of Planning.

A number of local councils are now also separating engineering assessments and requirements as a separate approval process under Section 68 of the Local Government Act. Given these multiple processes it can be seen why it sometimes takes so long to get from identification of appropriate development in strategic landuse plans through to construction of development of the ground.

The recent Native Vegetation Act and the requirement to maintain or improve vegetation outcomes has led to ongoing conflict with Council's strategic landuse plans. In a recent example, where Council has included proposed urban expansion of one of its coastal villages, the rezoning process is now needing to account for the requirements of the Native Vegetation Act which says that this land should not be cleared. It is difficult to see how Council's intent to development of this land can now be realized. The original strategic plan supporting development of this area of land dates from 1996.

We have a further example where a recent subdivision with a small intermittent creek line running through the land has a requirement from the Rural Fire Service to ensure that development has an asset protection zone adjacent to the creek line cleared of vegetation. Separate advice from the Department of Natural Resources has required this land to be not cleared but left in its natural state. This conflicting advice is left to Council to resolve with the landowner.

Council believes that there is real value in focusing the planning debate at the strategic landuse planning level. If the debate about land development precedes development pressure then all stakeholders can have an open engagement in the process. The best use of all land in terms of either development or conservation outcomes can be identified ahead of the rezoning process. We believe that if local areas invested in such planning which was then endorsed by the Department of Planning in regard to State Government requirements, it would be appropriate to then allow significant delegation of responsibility to regional officers of the Department of Planning and local councils in regard to detailed implementation. The complex requirements for masterplans, state government vs local government determination etc does little to add value to the actual outcomes from development on the ground and simply adds time and costs to the development outcomes. This is not in the interest of any stakeholder and does much to increase the cost of land in our local government area.

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