



DUNGOG SHIRE COUNCIL

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File
CFD
7 February 2008

Planning Reforms
Department of Planning
GPO Box 39
SYDNEY NSW 2000

Dear Sir/Madam,

IMPROVING THE NSW PLANNING SYSTEM

Thank you for the opportunity to provide comments on the discussion paper that was provided to Council on 3 December 2007.

Council welcomes aspects of the Planning Reform however must also express concern as regards the broad generalized statements in some areas which do not afford any further information for the Council to comment thereon.

As the NSW Government proposes to reform the Planning process Council would expect that the inter-relationship with much of the concurrent legislation will also be taken into consideration and addressed at the same time as other government agencies have also contributed to the failings of the NSW Planning process.

From a small rural Councils perspective the main issue for Council is "Planning reform at what cost to our community?". The example of "Mum and Dad" the developer should also be considered from the other side of the fence "Mum and Dad" the neighbour as ultimately it is the communities of NSW that will pay for the Planning reform one way or the other.

The commentary within Chapter 2 on the need for reform discusses aspects such as the State Plan, State Infrastructure Strategy and relevant Metropolitan, Regional and sub-regional strategies. Again the main concentration is on the major growth areas and is very metro-centric like the State Plan. The proposed construction of the \$300Mil Tillegra Dam in our Shire was not even included in the State Infrastructure Strategy so one must question some of the strategic planning aspects of the State Government and its agencies.

The elements in Chapter 3 as regards the establishment of a gateway for land use change is questioned on the basis that one shoe does not fit all one only has to consider the implications of the Native Vegetation Legislation and the modelling that is utilized by officers of the CMA where there is no discretion and significance aspects are also not considered. Once again it must be emphasized that Planning reform has to embrace other Agencies and address their short-comings as well.

In relation to comments associated with Chapter 4 Council would advise that in the past 12 months only 2 development applications have been received in excess of \$1Mil, Council utilizes a range of the exempt and complying development aspects however in rural areas



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that have significant high risk areas the bushfire aspects result in a large number of developments being caught by the NSW Rural Fire Service requirements even for relatively minor structures accordingly achieving expectations for complying development is just not practical in rural areas.

As the CMA is not captured by the 'stop the clock' provisions time-frames for Councils can blow out due to delays in receiving responses from Agencies. To impose further stringent time frames for determinations by Councils A15 Ch4 there needs to be consideration as regards the ability to resource staff to accommodate the Governments expectations particularly in rural Councils. If you only employ say 2 Planning officers the Council will not be able to meet the proposed requirements all of the time when you take into account leave provisions etc. Skills shortages within the industry should also be considered aside from the need for clearer definitions as regards thresholds between small and medium development such thresholds should not be on the basis of the monetary cost of the development.

Council has developed checklists to guide applicants through the DA lodgement process and trained front counter staff who are receiving the applications, however as it is not a process that people undertake regularly (mum & dad developers), there are times when inadequate information is submitted or supporting documentation is flawed. It has been the practice of our Council to support our "Mum and Dad" developers as opposed to a straight-out refusal due to inadequacy of the information supplied, we have to live together in our small rural communities and find it is far more pleasant working with people as opposed to taking the hard-line stance which ultimately costs the "Mum and Dad" developers even more.

Council is concerned as regards A6 of Ch4 in relation to being directed to establish IHAP's to deal with certain developments. For rural and remote Councils the issue is the ability to resource people with appropriate credentials aside from the cost element, if the Council is directed to establish an IHAP then the cost should be borne by the applicant. The establishment of any panel will effectively weaken the involvement of Council and the community in certain development decisions, unfortunately this will result in negative impacts for our communities.

The standardization of conditions of development approvals as mentioned at A13 is supported by Council on the premise that special development/site specific conditions are still available for use should the need arise. Also the nature and extent of information required for different types of development applications could be mandated A9 this is supported by Council and would re-enforce aspects of Councils existing Shire-wide DCP.

Furthermore Council strongly supports A16 Ch4 as the current DA fee regime needs to be reviewed and based more upon the nature, type and complexity of the application as opposed to the value of the development.

In relation to exempt and complying development until the guidelines are actually prepared and reviewed then Council cannot afford to comment in greater detail, Councils Shire-wide DCP already has provisions for exempt and complying development and Council would support a review of exempt and complying development particularly taking into account integrated development aspects so long as communities are adequately consulted. Also the NSW Government needs to recognize that expanding these provisions can also have a negative financial impact upon Councils.

Council also has reservations as regards the roles of the Private Certifier in C8.2 particularly as regards minor non-compliances as it does impinge upon the rights of appeal by residents that have been affected by the variation despite it being deemed as only "in-consequential" by the PCA. Ultimately Councils become embroiled in issues to which we have not been a major player, a seven day turnaround is unworkable for Council and unfair on adjoining

residents. This seems to very much favour the developer and the PCA as “in-consequential” can be manipulated by interpretation.

The timetables as proposed for the implementation are too tight for the implementation of mandatory codes as there is still the need to consult the industry and Councils let alone develop and undertake a public education program. Council can see no reason why Council should keep an electronic database of all complying development details, as the purpose for the register is to satisfy NSW Planning requirements. Not all NSW Councils have or could afford to implement EDMS to satisfy this requirement.

The E-planning initiatives as discussed in Ch 6 will require far greater investigation by the NSW Government amongst all their agencies before approaching local government as experience has shown time and again that the platforms being utilized across State Agencies differ quite considerably as securing various layers during the development of Councils LEP has resulted in difficulties. It must be emphasized that GIS requires a considerable degree of expertise and many Councils only have basic mapping systems available and do not have the ability to develop various layers or run queries this area can be extremely complex and reliability of data is tantamount.

Considerable funds have been invested in our mapping and Council would expect that adequate resources and training would be made available to all Councils if changes are to occur. The development of appropriate pilot programmes across the State is imperative as significant field testing will be required as it is also flagged to the State Government that there will need to be a significant investment in telecommunications infrastructure as mapping processes consume considerable band-width and Council would expect that appropriate line speeds and service access standards would be put in place by the State Government to deliver on any E-Planning initiatives as many rural areas are not adequately serviced in terms of telecommunication services.

I am aware that aspects of Chapter 7 are being addressed by a separate submission from the Hunter Councils Building Professionals Group and accordingly Council will support their submission to the Review.

In summary it is advised that Council supports the Planning Reform process provided that the NSW Government works closely with our lead industry body the Local Government and Shires Association and appropriate professional bodies from the local government industry. The reforms should not be pushed through as it is important that the anomalies that exist within the system are addressed in a cohesive manner and that all relevant State Agencies are also embracing the proposed reforms.

Yours faithfully



Craig Deasey
General Manager



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