Planning Institute of Australia
[NSW Division]

PUBLIC EXHIBITION OF DRAFT SEPP (MAJOR PROJECTS) AMENDMENT No 16

Submission to the Department of Planning

22 May 2007
SUBMISSION BY
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PURPOSE

This submission is made by the Planning Institute of Australia [PIA] NSW Division to the NSW Department of Planning in relation to the Draft Amendment No 16 to the SEPP (Major Projects).

The submission has been prepared by Elizabeth Stoneman and Greg Woodhams, the Institute’s representatives on the NSW Policy Committee.

At the time of this submission the office bearers of the NSW Division are Anthony Newland [President] and Greg Woodhams and Julie Bindon [Vice President’s], Tony McNamara [Treasurer] and Monique Roser [Immediate Past President].

INFORMATION

Who is making the submission?

The Planning Institute of Australia [PIA] is a voluntary subscription based member organization with 4500 members.

The New South Wales Division of PIA has 1400 members.

The Planning Institute is the peak body representing professions involved in planning Australian cities, towns and regions.
Thank you for the opportunity to comment on the draft amendment to the State Policy.

Part 3A of the Act allows the Minister for Planning to become the consent authority for a wide range of developments that in many cases could be determined at a local level.

PIA acknowledges that many proposals that would be covered by the draft SEPP may well be of such significance to warrant involvement by the Department and the Minister. However, the Institute is concerned that there may be significant resource implications for the Department of Planning to deal with the number of applications that will be “called in” or are likely to be unintentionally caught by the new SEPP in addition to the other matters the Department needs to deal with on a day to day basis such as the sub regional plans and comprehensive LEPs.

The SEPP is likely to require resources in the Department to cover site visits, consultation with the local community, preparation of assessment reports and liaison with councils. The local context of a development, its background and previous determinations all need to be considered as part of the determination process and, to ensure that such matters are taken into account in an assessment, means there will be additional delays or an assessment that may omit significant facts.

PIA is concerned that the Department’s resources should best be allocated to matters of strategic, regional or State significance. With this in mind PIA suggests that a mechanism be incorporated in the SEPP for the Minister or Director General to delegate authority to Senior Council Officers or Regional Team Managers to deal with the majority of the matters that may be caught by the SEPP.

Further, the Institute urges the Department to review the thresholds indicated in the SEPP for when a development is triggered so that only matters of significant State or regional environmental or employment potential are involved.

This suggestion is offered with the objective of streamlining the approvals process for matters that are not of State or regional significance, to assist the Department in the efficient allocation of resources and to enable use of local knowledge and responsibility where that is appropriate.
In relation to the draft itself the following comments are made:

- **Schedule 1, classes of development**
  The SEPP does not specify a minimum size for Wineries.
  In the Murrumbidgee Irrigation Area vineyards of 4 ha or smaller are setting up their own wineries to overcome the low prices of bulk wine. This has the potential to swamp the Department with very small applications and add considerably to the cost and time taken to determine this type of application.

- **Schedule 1, clause 3(d)**
  Again with this “catch all” provision, scale will be the issue and a threshold should be included.

- **Schedule 2, clause 1 (1) (h) – (k)**
  The Department will find itself again determining minor development, such as occurred with the coastal policy, which will consume large amounts of resources and could be handled by the relevant local council. The provisions of clause 17 will still require a preliminary assessment and red tape to determine if a matter is of only local significance.

The Institute appreciates the opportunity to comment on the draft instrument and urges the Department to ensure that the draft SEPP does not lead to a proliferation of minor matters being referred to the Department or Minister for determination.

The Institute has previously expressed the opinion that instruments such as this draft SEPP demonstrate a more fundamental issue with the administration of the Act as well as changes to the roles of the State Government and Local Councils that may require review of the EPA Act.

The Institute would welcome an opportunity to constructively discuss this broader issue with the Department and Minister.

I would be pleased to discuss the matters raised in this submission with you further.

Yours faithfully,

*Anthony Newland*
*President*
*Planning Institute of Australia*
*(NSW Division)*