Planning Bill 2013
Planning Administration Bill 2013

PIA Regional Seminar – Illawarra
November 2013

Michael Mantei LLB BTP
Accredited Specialist Local Government and Planning Law
Director, Planning Law Solutions
Planning Bill - Current status

- Introduced in Lower House: 22 October 2013
- Passed Lower House: 30 October 2013
- Introduced in Upper House: 30 October 2013
- Passed by Upper House: TBA
- Governor Assent: TBA
- Commencement: TBA
Government Agenda

... an emphasis on strategic planning .... a more simple and transparent development assessment process .... Transform[ing] the planning system to an e-planning system ... a new delivery culture ... tighter controls on private certifiers ... partnership between State and local government

(Source: Hansard - Minister’s Second Reading Speech)
Content and structure

• Planning Administration Bill 2013:
  • establishes and assigns functions to planning bodies and panels, creates investigative and monitoring powers

• Planning Bill 2013:
  • operational aspects of strategic planning, development control, contributions and enforcement
Content and structure

Planning Bill at a glance ..... 
• 11 Parts, 281 sections, 13 schedules 
• Parts include: 
  Part 3 – Strategic Planning 
  Part 4 – Development Assessment 
  Part 6 - Concurrences, consultation and other legislative approvals 
  Part 7 – Certification 
• Schedules include: 
  Community participation ancillary provisions 
  Development assessment ancillary provisions
New Terminology – Strategic Planning

- NSW Planning Policy
- Regional Growth Plan
- Subregional Delivery Plan
- Local Plan
- Subregional Planning Board

- Planning Control Provision
- Development Code
- Development Guide
- Strategic Impact Assessment
- Neighbourhood Impact Assessment
Overview of Part 3 - A Hierarchy of Strategic Plans

The Local Plan

Comprises 4 Parts:

Part 1: Strategic Context
Part 2: Planning Controls
Part 3: Development Codes and Guidelines
Part 4: Contributions
Local Plan Part 2: Planning Controls

• standard instrument mandatory and non-mandatory controls
• zoning maps, heritage, biodiversity, flooding and acquisition and their associated provisions (consistent with SDP)
• identify classes of development and specify all concurrence, referral and other development assessment requirements
• taken to include all existing development control provisions in SEPPs (except Codes SEPP), REPs and LEPs (and deemed EPIs for 3 years)
Local Plan Part 3: Development Codes and Guides

• taken to include Codes SEPP and all exempt/complying provisions of existing LEPs
• all existing DCPs are taken to be development guides
• development guides will:
  • primarily address the physical form of development and, where possible, be visual — presented through maps, diagrams and illustrations
  • identify the appropriate assessment track for different types of code assessed, exempt and complying development
  • be performance based with acceptable solutions
Development Assessment

*(Planning Bill Part 4)*

- 4 consent authorities:
  - Certifier for complying development
  - Minister for state significant development
  - Regional Panel for regionally significant development
  - Council/IHAP for other development
## Development Assessment Tracks

<table>
<thead>
<tr>
<th>Complying</th>
<th>Code</th>
<th>Merit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single dwelling houses</td>
<td>Villas, townhouses, terraces or row houses (20 or less) up to two storeys on land zoned to allow for these developments</td>
<td>Multi-unit and commercial development outside precinct plan</td>
</tr>
<tr>
<td>Dual occupancy up to two storeys</td>
<td>Multi-unit or commercial development within precinct plan zoned to allow for these developments</td>
<td>Villas, townhouses or row houses (more than 20) on land zoned to allow for these developments</td>
</tr>
<tr>
<td>Internal alterations and additions to commercial and industrial premises</td>
<td>Mixed use development within a town centre zoned to allow for these developments</td>
<td></td>
</tr>
<tr>
<td>Change of use-food premises</td>
<td>Retail, commercial and industrial development on land zoned to allow for these developments</td>
<td></td>
</tr>
</tbody>
</table>

Impact

- EIS assessed development
Planning Bill Part 4
Development Assessment

• taken to include Codes SEPP and all exempt/complying provisions of existing LEPs
• all existing DCPs are taken to be development guides
• development guides will:
  • primarily address the physical form of development and, where possible, be visual — presented through maps, diagrams and illustrations
  • identify the appropriate assessment track for different types of code assessed, exempt and complying development
  • be performance based with acceptable solutions
Development Assessment Tracks

- **Complying**
  - Single dwelling houses
  - Dual occupancy up to two storeys
  - Internal alterations and additions to commercial and industrial premises
  - Change of use—food premises

- **Code**
  - Villas, townhouses, terraces or row houses (20 or less) up to two storeys on land zoned to allow for these developments
  - Multi-unit or commercial development within precinct plan zoned to allow for these developments
  - Mixed use development within a town centre zoned to allow for these developments
  - Retail, commercial and industrial development on land zoned to allow for these developments

- **Merit**
  - Multi-unit and commercial development outside precinct plan
  - Villas, townhouses or row houses (more than 20) on land zoned to allow for these developments

- **Impact**
  - EIS assessed development

Planning Law Solutions

Specialising in:

• Land and Environment Court
• Local Government Law
• Town Planning Law
• Environmental Law

Contact us:
T: Wollongong: 4268 5811       E: michael@planninglawyer.com.au
T: Sydney: 8215 1558