

**Notes of Planning Review Meeting with
Ms Sue Holliday – Chair of Building Professionals Board and former Director General
of the Department of Planning
Bridge Conference Room, 23-33 Bridge Street Sydney
Monday, 19th September 2011**

Attended by:
Ms Sue Holliday

Planning System Review
Tim Moore, Co-Chair
Ron Dyer, Co-Chair
Rosemary Bullmore, Legal Officer,
Department of Planning and Infrastructure
(Notes)

Tim Moore & Ron Dyer (Planning System Review)

- Brief overview of process
 - NSW-wide consultation to meet with key groups and community members, please see the website for details of dates and locations
 - The web site will publish notes of all meetings to ensure maximum transparency in the process of the review
 - All written material must be provided by 4 November 2011, all written material submitted to the Review Panel will be published on the website
- The only outcome instruction that has been given to the Panel is that the Minister requires our outcomes to maximise the use of information technology capabilities
- General timelines
 - A listening and scoping of key principles and objectives for system will be undertaken from now until mid-November 2011
 - A discussion paper outlining identified issues & tensions within the system will be put on exhibition in the first week of December 2011 for public comment until 17 February 2012
 - A green paper will be submitted to the Minister for Planning and Infrastructure before the end of April 2012.
- To contact the Planning Review Panel, email us at review@planningreview.nsw.gov.au or call us on 9228 2053

Overview of discussion points:

- The culture of planners and the way that the *Environmental Planning and Assessment Act 1979* is administered must be reformed. The culture of planners is anti development and must be changed to facilitate development.
- The reform of the planning system must be a large enough to also change the culture of planners.
- The planning system cannot be fixed unless there is major reform of local government. Local government has developed an anti-development attitude.
- Reform must deal with questions of efficiency and strategic planning.
- The present system does not have the strategic planning right and as a result there is a lot of public debate around development assessment.
- Councils can work together to gain better resources.
- Need for a focus on strategic planning which engages the community early in the process. Community engagement must occur before the plan is prepared rather than preparing the plan and then putting it out for comment. If the community is engaged early in the process then they will have a greater ownership of the plan.
- The criticism of Part 3A was due to its use for development which was not truly State significant.

- Strongly support legislating for community consultation that will provide better acceptance of the plan by the community.
- Ongoing consultation is essential to help government make good decisions.
- Most ministers will want some form of State significant development control.
- Strongly support expert planning panels. A mixed panel of experts and representatives from the community is a good middle ground. However, need to limit matters to serious State significant developments.
- Joint regional planning panels are only required because local governments are too small.
- Strategic planning must be integrated, have a focus of implementing infrastructure and incorporate long term decision making.
- Planning system must find a way for metropolitan councils to work together to plan for the city as whole.
- Look at the Western Australian Planning Commission model.
- Consider introducing a metropolitan planning commission that is similar to the Central Sydney Planning Committee.
- Need for all available planning and natural resource information to be placed on a digital data base where this information can be used to review outcomes. This data base should be set up so that a person can enter a Lot and DP number into the system and all the planning controls that apply to that land are displayed.

Building Professionals Board

- When building provisions were integrated into the *Environmental Planning and Assessment Act 1979* there was the clear objective that the development that was previously caught by a building approval would become complying development under the Building Code of Australia. What eventuated was the opposite, the original intention of the amendments were lost in their implementation.
- Review must fix complying development. Development which would have previously been approved as a building approval must become complying development.
- Presently, councils control building though the conditions of a development consent which over-regulates the development.
- The Building Professionals Board and private certification work well, however the consumer does not know who to forward their complaint to.
- The insurance issues around building certification must be fixed. The only person who is required to have professional indemnity insurance in the building industry is the private certifier.
- Need for greater understanding of the role of the private certifier. For example; private certifiers do not review the quality of the building work. The new act must provide clarity on what the role of a building surveyor is.
- There is a need for clear accountability between council and private certifiers.
- Need for accreditation of other professionals in the building system that issue certificates to private certifiers, need for these professionals to be accountable.
- There must be clarity for who is accountable for ensuring compliance with development consents. The council should be responsible for compliance with development consents and conditions of consent.
- Need to encourage people to enter the building surveyor profession.
- Provide the Building Professionals Board with greater enforcement powers and the ability to revoke the licences of private certifiers faster where necessary. Once strong enforcement powers are provided to the Building Professionals Board a greater accountability will flow though to private certifiers.
- Standardise conditions of consent and allow for some unique conditions.
- Allow for construction certificates to include conditions.