

Department update

- The Department provided an update on some recent changes to the NSW Government and public sector. The full Cabinet was officially sworn in on 5 April 2023. The Honourable Paul Scully MP is the Minister for Planning and Public Spaces and is the first member for Wollongong to be part of the NSW Cabinet since the Lang Government almost 100 years ago.

The Planning Secretary and Deputy Secretaries have had briefings with Minister Scully. In addition to our existing agencies, the Greater Cities Commission will be reporting to Minister Scully (formerly reported to Minister Stokes, Infrastructure, Cities and Active Transport).

The Premier has made changes to the NSW public sector including re-establishing The Cabinet Office, separate to the Premier's Department. Mega/cluster departments will come to an end with more details to be revealed before mid-2023. The Department is focussed on looking at the new Government's elections policy statements and ways to implement. A clear focus remains on housing, jobs and infrastructure. Community expectations about conservation and amenity will continue to be another prime focus.

Some decisions were held up in caretaker period but we are moving back to business as usual regarding decision making.

There was an announcement the budget will be postponed until September 2023 but an economic statement will be made in June 2023. Arrangements will be put in place to fund the Government in the intervening period. This will allow additional time so incoming Government priorities can be considered within the budget.

- The Department provided an update on flooding:
 - The Department has established Flood Advisory Panels to provide advice for high flood risk proposals requiring additional advice on flood management and mitigation matters.
 - Prior to the election and following the release of the 2022 NSW Flood Inquiry Report the Department has assessed existing planning proposals and triaged them using a new risk-based approach. Ten planning proposals were identified as high flood risk proposals and have been referred to the Flood Advisory Panels for advice.
 - The Flood Advisory Panels are chaired by senior departmental officers and comprise of independent panel members, some IPC commissioners in their capacity as expert individuals, to advise on flood related matters to inform the final determination of planning proposals for State-led rezonings. In making recommendations, the Panel is meeting with key stakeholders and is also considering advice from a Technical Advisory Group comprised of independent experts.
 - First Tranche Report released for Moore Point – a significantly complex proposal. The Panel made recommendations which have been transferred into the Gateway determination - the outcomes of the panel process for Moore Point is [here](#).
 - This is a time limited program – the panel process is expected to be completed by mid-2023.
 - Major projects – the Department is examining planning proposals in the system that have flood issues and seeking expert advice where there are issues that need to be considered in detail.
 - In the background we have been preparing advice for councils and planning authorities to ensure the system is still moving while NSW Reconstruction Authority is undertaking flood modelling work on planning levels. We are keen to ensure that projects continue to progress and be aligned with the Flood Inquiry Report.
- The Department provided a presentation to update on our response to the National Housing Accord regarding housing supply and affordable and social housing. The presentation is **attached**. More information on the Accord is [here](#), and the Accord itself is [here](#).
- A NSW Planning Portal update is provided below:
 - A second series of sand box sessions on enhancements to the list of Development Types and the new functionality for Consent Authority Required Documents in DA Online were provided to councils, agencies and industry in March and April. These were attended by 160 individuals representing 66 different

- organisations. Feedback from these sessions is being evaluated and will be incorporated, where possible, into the final release targeted for May 2023.
- The NSW Planning Portal will be undertaking regular required maintenance and deployment of enhancements which will result in outages at the following times:
 - Sunday 23 April from 8am to 1pm
 - Saturday 29 April at 7pm to Sunday 30 April 12noon.
 - Notice of the outages will be posted on the NSW Planning Portal from 19 April 2023.
 - As a reminder and to address comments on assessment times, most of this information for State and councils can be found on the [NSW Planning Performance Dashboard | Planning Portal](#).
 - Enhancements to the dashboard are coming in the next couple of weeks and will include the metrics for “submitted to lodged” for development applications – both average days and number of applications.

Group discussion

- The Group raised an issue where some councils require engineers to do flood studies. Surveyors have been involved in flood studies for a long time. There is a guideline provided by Environment – the Group asked who they can speak to about this directly.
ACTION: The Environment and Heritage Group is an expert group lead by Sharon Molloy and they produce guidance on flood matters and engage regular with councils. The Department is happy to connect the Association of Consulting Surveyors NSW with Sharon and team and participate in discussions if helpful.
- The Group is also interested in the CSIRO Report on flood gauges and levels – the Association of Consulting Surveyors NSW are keen to be involved in that process as they took the levels in the floods.
ACTION: This falls to the NSWRA. We have been working with them and can connect you with them as well.
- The Group asked about a development moratorium over the North West Growth Centre adding it's been 2½ years and many lots will already be exhausted. Does the Department have any feedback about what is going to happen with that Growth Centre?
RESPONSE: Riverstone Town Centre is one of the high risk proposals engaged in the Flood Panel process. The Department will have some information very soon. We will be giving that independent advice on those individual applications in the area to the Minister and will share that advice with proponents. There wasn't a development moratorium. We are working to come to a considered position how we work with strategically important sites. There are a series of technical issues and is best done on a site-by-site basis rather than on a broad area.
- The Group asked if we are moving to PMF being a determining factor rather than 1 in 100.
RESPONSE: No, we are not moving to PMF. We are asking people to take a more nuanced approach and look at multiple flood levels. This is the approach endorsed under the Flood Inquiry and we're working closely with NSWRA and Mary O'Kane to prepare the principles within the recommendations of the review.
- The Group enquired who the NSWRA reports to?
RESPONSE: NSWRA still reports to the Planning Minister. Minister Scully has been briefed by Simon Draper. The departmental position is we want to resolve outstanding issues. We are working through them to get a practical and responsible answer to be clear about what development can happen and what cannot happen.
- Regarding the National Housing Accord, the Group stated that industry isn't a signatory to it even though some of the organisations in Accord discussions are purported to represent industry. Notwithstanding, the group is supportive of the states coming together and delivering on housing.
- The Group commented on affordable housing targets – interested to know and increasing affordable housing contributions. They've made submissions that exclusionary zonings have been a manifest failure and will fall short of targets. We're a long way behind getting close to 60,000 housing completions a year. We will need a concerted effort and will mostly be done on market-based housing.
- The Group indicated there's a lot of information to discuss. The Housing Industry Association (HIA) responded to say they can contribute information on statistics and data on how completions are tracked and on projections, and can offer insights on barriers industry are facing around construction completion, costs of materials, shortages, etc.

- The Group specifically raised the impact of the biodiversity offsets scheme on regional towns/cities. The *Biodiversity Conservation Act 2016* is currently under review with submissions closing by 21 April 2023. HIA is in the final stages of putting together a submission. There are a number of factors involved - the cost of offsetting biodiversity is greater than the retail value of the site. Opportunities for offsetting have to be within 100km of the site and the opportunities are lacking. HIA attended a meeting recently on the urban development program and biodiversity was raised. A lot of investment in special activation precincts but won't be sufficient housing there to help with economic growth in those areas.
RESPONSE: The Department appreciates the insight and HIA can forward details. Any further comments can be sent to stakeholder.engagement@planning.nsw.gov.au
- The Group is interested to see the Accord document. Our new Premier's statement on density around established transport nodes – we need to consider templated rezonings around metro stations, etc. and pre-approved playbook, REVIT modelling for developers to pick from pre-approved designs, automating approvals through standard designs from local government. Need to think about 30% affordable housing on government land – it's a big commitment and will take significant effort.
- The Group spoke of skills shortages and commented that only TAFE is being funded for training programs. They are wanting to get funding for surveyor's courses. NSW is short 400 while nationally we are short 1400 – we will not have enough surveyors to measure plots of land for housing to be developed. Interesting to see if the Association of Consulting Surveyors NSW gets for funding.
RESPONSE: Noted. There are a number of barriers not planning related and we need to understand how to address them.
- Delivering on the National Housing Accord – UDIA NSW are developing policies the government can pick up to deliver. One recommendation was the opportunity for industry to bring forward proposals through updated unsolicited proposals framework. Rezoning pathways program was a great start – where is this up to?
- **RESPONSE:** The process is underway and assessments are ongoing. The Department needs to brief the new Minister. Announcements will be delayed allowing for this. We can't provide a date, and it won't be released by end of this month, but it is a priority.
- The Group support the views raised by HIA on the biodiversity offsets scheme. Western Regional Mayors are concerned about environmental offsets and everything associated with the scheme. It is not just threatening housing supply in regional locations but is also threatening a school and hospital because of the cost of offsets. Literally entire regional communities cannot employ more people because they cannot house the people because of this issue. Several Mayors have made individual representations and have all now met with the Premier collectively, which is concerning.
- The Group raised another big issue from members regarding delays in councils and the time taken for approvals. Members report it's taking 12 months to get DA approvals through NSW councils (metropolitan and regional) and the time taken between submission of a DA and lodgement from council is a big area which needs to be explored.
RESPONSE: Noted, thank you.
- The Group asked if the [Regional Housing Flying Squad](#) is helping with this.
RESPONSE: The Regional Housing Flying Squad has been rolled out since October. Every few months we have a new intake. Statistics show we have taken on 255 DAs from 25 different regional councils to provide some support and 1,618 dwellings. Roughly half the DAs have been approved.
- The Group asked how infrastructure contributions reform plays into this as it remains a handbrake to achieving housing supply.
RESPONSE: We have been briefing the Minister's Office on the proposed reforms to State Infrastructure contributions to support funding of infrastructure across Greater Sydney, Illawarra-Shoalhaven, Central Coast and Lower Hunter areas.

Planning System Stakeholder Update

Peak Bodies – Meeting Summary – Tuesday 18 April 2023



Number	Issue	Action	Responsible
1	Moore Point First Tranche Report	The Department will share the link to the Moore Point Panel Report.	Stakeholder Engagement
2	Flood Study Guidelines	The Department to connect Michelle Blicavs with Sharon Molloy and the EHG.	Policy
3	CSIRO Report on flood gauges and levels	The Department to connect Michelle Blicavs with NSWRA.	Policy
4	National Housing Accord	<ul style="list-style-type: none">• The Department arrange a further discussion• HIA will forward details on the insights and barriers to meeting the housing targets• The Department to email a copy or link of the document to the Group• Any further comments/feedback via stakeholder.engagement@planning.nsw.gov.au	<ul style="list-style-type: none">• Stakeholder Engagement• Cathy Towers (HIA)• Stakeholder Engagement• All
5	Regional Housing Flying Squad	The Department will provide exact numbers on how many DA's have been approved	Planning Delivery Unit

If you have any questions or comments, please contact stakeholder.engagement@planning.nsw.gov.au