

Summary of Issues Raised at White Paper Public Information Sessions Hosted by Tweed Council May 2013

Tuesday, 21 May - Tweed Heads Civic Auditorium

Council officers in attendance: Vince Connell, Scott Green, Tiffany Stodart and Anthony Burnham.

Number of community members in attendance: 5

- The current Codes SEPP is very complex and difficult to interpret. Council officers concurred with this view.
- It will be a significant challenge for NSW to achieve the target of 80% Code Assessable determinations within 5 years.
- Concerns raised regarding the current processing of DAs by Tweed Council - applicants are receiving multiple Requests for Information (RFIs) with each DA, creating significant delays and frustrations. Council officers advised that efforts are being made to restrict the frequency of RFIs for DAs. The new Act will introduce mandatory restrictions on RFIs.
- Complaints about Council's requirements for electronic documents for smaller developments. Council officers pointed out the benefits of electronic lodgements in terms of the degree of public web site access to information, and that the new planning system will be seeking to widen the use of e planning. Tweed Council is now well placed to adapt to these changes.
- Concerns raised that Tweed Council's developer contributions are too onerous and are acting as a disincentive to investment in the Tweed, when compared against the charges of Gold Coast Council. It was pointed out that it is unfair to compare contribution rates, as Gold Coast Council has a much greater resource base, and is not subject to the rate capping that impacts upon NSW Councils.
- Concerns of an over-expenditure of Council funds, and of staff numbers being increased. This was refuted by Council officers.
- Concerns that the Leda Cobaki development will impact upon the immediate Gold Coast suburbs, and will bring little benefit for the Tweed. The Council officers advised that the Cobaki development will only have Queensland access for the initial stages of development, and will have Tweed access to the south as the development progresses.

- An opinion was expressed that Tweed Council is not capable of undertaking major strategic planning. The officers contended this view, and highlighted the extensive planning that Council has undertaken over the last 20-30 years.
- The Tweed community is very divided in terms of its views on development and the protection of the environment. Council officers commented that Council needs to show leadership to seek a common ground between these varying community views.
- The Tweed area does not have the facilities to support new facilities, such as good shopping centres. The Council officers pointed out the hierarchy of its retail policy, and of the emerging shopping centre developments at Tweed City and the Tweed Coast.
- Concerns for a lack of local employment.
- Question: Will the current SEPPs be retained. Council officers advised that the White Paper proposes a rationalisation of the current State planning policies.
- Question: Will current environmental zones be retained. Council officers advised that the State Government is currently doing a review of environmental zones for the Far North Coast councils.
- Question: Timing of introduction of new legislation. Expected before the end of 2013.
- Question and discussion: Reasoning behind the Local Government Review recommendation for a Northern Rivers County Council, with central power base in Lismore. Council officers advised of the recent Council endorsed submission seeking the retention of Tweed Council as a stand-alone Council, but still supportive of regional cooperation.

Wednesday, 22 May - Banora Point Community Centre

Council officers in attendance: Lindsay McGavin and David Oxenham. Also The Mayor.

Number of community members in attendance: 5

- Question on the link between Standard LEP instrument and local plan.
- Question on who would be on the regional board. Answer: potentially Mayor councillors etc
- Advice provided by an attendee that Byron Council would not be in a Regional Growth Plan as there is little development.

- Question over exempt development in regards to size restrictions. Answer: various sizes for different works. Dependent on type of work but focuses on small scale and there are strict size limits.
- Comment on the perception that Council is approving minor developments which should be exempt. Answer: The community will get a chance to comment on expanding the list.
- Comment on the Community having input into developing the Code for code assessment development.
- Comment on the high dollar value of penalties for private certifiers.
- Council staff provides advice on the WP infrastructure charging proposal including standardisation and 3 year expenditure proposal.
- Question: What is the community participation charter. Answer: For Council that will be how we engage the community on our plans.
- Question. Does Council select who is involved in consultation Answer: Council staff advised that this is the challenge.
- Advice provided that TSC currently have a community engagement strategy and that the participation will be included in this document.
- The Mayor further advised that community groups such as ratepayer associations would be an important group as part of the consultation process.
- Advice provided that Council would be considering a report on the matter at its June meeting.

Thursday, 23 May - Murwillumbah Civic Centre Auditorium

Council officers in attendance: Lindsay McGavin and Mick Denny.

Number of community members in attendance: 14

- Q - Whats the difference between Community Participation and Community Consultation? The White Paper needs to define what is meant by the term Participation so it is not the same as Consultation. A - The White Paper acknowledges that additional Community Participation is required.
- Q - Is there only 1 time that the community can make comment? A - It depends on what Stream that the development falls under. The community may not get 2 "bites at the cherry". There will have to be a cultural change.
- Q -How much notice is given to the Community? A - This will have to be in the Charter. Likely minimum of 28 days.

- Q -In Community Consultation - What weight is given to individuals over developers, other interested parties, etc? A - not defined.
- Q -Is there intention to try to remove the environment from planning decisions? A - Not totally, but It could be interpreted that way.
- Q -So there will be no DCP under this proposal? A - They have been renamed Design Plans and Guidelines.
- Q - NSW Planning Policy - Will that just be the current SEPP's consolidated into one? A - No, they will be revised and rationalised.
- Q - Regional Growth Plans - Is there any revisiting of the Regional growth Plan being a 20 year document? A - believed to be reviewed every 4 years.
- Q - Sub Regional Delivery Plans - Does the Sub Regional Planning Board sit above Council and will make decisions that will over-right Council? A - Yes
- Q - Is this Sub Regional Planning Board the same as the proposed amalgamations of Councils? A - not clear at this stage.
- Q -What does "Direct Rezoning" mean? A - seems to mean that the Sub Regional Planning Board has the power to rezone.
- Local Plans - Comment made by Attendee - Part 3 - "Development guides prepared with the community that shape the physical form of development." Sounds great if the Community has significant weight in the decision.
- Comment made by Attendee -Merit based assessment - that doesn't exist now.
- Code Assessment - This is the new one.
- Q -The examples of Code Assessment development shown (i.e. Villas, Townhouses or Row Houses 20 or less, Mixed Use Development, Tourist Accommodation in Tourist Precinct, etc? Is that it? Are there any other examples in the Code? Will there be a Code for a single Dwelling? A - Not clear, but it is anticipated that a single dwelling will fall under Complying Development. The zoning still manages what can and cannot be built.
- One Stop Shop - considered to be beneficial. Often a DA has to go to several agencies. Hopefully Councils will now get one consolidated response.
- Q -Who is the One Stop Shop? A - A co-ordination of referral of certain Council DA to government agencies.
- Q -How do we know that the Strategic Assessment will work? A - not able to guarantee that.

- Land and Environment Court - an extra fast track appeal is proposed which will initially be focussed on residential dwellings. Not clear if it means that legal representative will not be involved.
- Q -Wouldn't there be less cases - as Code will have less none compliance? A - Yes.
- Unclear how the hybrid assessment will work. i.e. ½ Code Assessed, ½ Merit Assessment but Merit component not approved?
- Q - Is the Building Certification looked at in conjunction with the White Paper? A - Yes.
- Q - Will all Code applications still be assessed by Council? A - Yes.
- Q -What about Complying Development? A - Can be assessed by either Accredited Certifier (Private) or Council.
- Infrastructure To Support Growth - Infrastructure Contributions - Council is concerned with the expected delivery on contributions being within 3 years which is tight. There is only a small change to what Councils currently collect for, but difference in what Council can do with that collected money.
- Q - Has the State Government got the funds to commit to the White Paper? A - it seems so.
- Q - How is the Community Participation going to be resourced? Suggested that Council prepares a website for community groups to get together to provide input A - Council will consider this suggestion.
- Q -Should other groups be advised? A - Yes.
- Q - We need to have a better understanding of what the Charter is about? A - Yes, Council has the same attitude.
- Q - How does the Rural Land Strategy fit into this? A - Not sure at this stage.

Tuesday, 28 May - Sustainable Living Centre Chinderah

Council officers in attendance: Vince Connell and Dean Napier. Also, The Mayor and the Acting General Manager.

Number of community members in attendance: 10

- Comment: The NSW State Government has carried out significant community consultation up to date to reach the production of the White paper. This process commenced with the Green Paper in July 2012.
- Question: Will there still be a JRPP? Answer: Yes.
- Question: Would Councils professional staff still prepare reports that go to an independent panel? Answer: Yes, for major development in much the same way that occurs at present.
- Question: Is it possible that Councillors could be involved in the initial assessment before going to a panel for approval? Answer: This is not being proposed by the Government at this stage.
- Comment: Development Control Plans are to become a guide under the White Paper and this will be a challenge for Local Government who has invested considerable time and effort to ensure that these controls are adhered to. The exact process is not clear as yet as the white paper is essentially a concept plan of proposals by the Government. The Government is seeking to downgrade the weight of Local DCPs and are proposing to further increase the degree of merit assessment of proposals.
- Question: Can't Councils increase the weight of a guideline? Answer: The Government is trying to change some cultural aspects of the assessment process. They want better upfront strategic consultation with the community to produce and ensure more certainty in the assessment process.
- Question: To amend a Code assessable DA, will that be the same process that exists under s96 to amend an existing consent ? Answer: Most likely will be a similar process.
- Question: With the major changes proposed, what is the timeline of the adopted plan. ie. How long will it stay in effect after the time of community consultation? Answer: The Vancouver model was discussed, where it was found that the initial concept worked very well, however when the second wave of new residents arrived in the area they were generally dissatisfied with the original concept plan. ie. Consideration should be given to adopting a timeline line for the concept to enable this to be re-visited after a set period.
- Audience comment: The whole idea is to give developers and land owners more certainty. Timelines would reduce that certainty.
- Question: If you are within a regional board area that may have a focus on certain environmental land constraints such as Koala management and the other members of the regional board do not have these constraints within their local area how do you see that effecting the decisions of the board ? Answer: It will be up to Councillors to decide on their priorities.

- Comment: The Government is proposing a greater emphasis on mediation at the Land and Environment Court.
- Comment: The Government is proposing greater penalties for private certifiers who do the wrong thing. When things go wrong many residents look towards the Council to rectify the problem. Compliance action costs Council a considerable amount of time and money.
- Comment: The cost to Councils when they provide infrastructure is enormous. Rate pegging and the contribution process currently restricts Council's ability to provide and maintain suitable infrastructure. It is a major concern for Councils if the government legislates that they must spend their contributions received within a 3 year cycle. I.e. Councils would only be able to afford to construct a small portions of main roads at any one time rather than completing projects, as major projects could not be saved for.
- Question: Why are there so many lots in the Shire without dwelling entitlement ? Answer: Council cannot afford to provide the services for the entire range of habitation of rural areas. Council takes action on illegal dwellings when they come to our attention. This topic will be viewed in the context of Council's Rural Lands Strategy.