

NSW TASKFORCE UPDATE - Planning Edition

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Updated Guidelines

The User Guide, Application Form and Checklists for applications to access the planning approval powers in the NSW Nation Building and Jobs Plan (State Infrastructure Delivery) Act (NBJP Act) have been updated to clarify the procedural and information requirements for lodgement of an application with the NSW Taskforce.

The revised Guidelines are available on the NSW Nation Building and Jobs Plan Taskforce website at www.nsw.gov.au/nationbuildingtaskforce.

Aspects of the revisions include:

- Additional information has been included in the Guide Attachments for:
 - Aboriginal Cultural Heritage
 - Threatened Species
 - Bush Fire Prone Lands and
 - Expert Planning Assessment
- Non-government projects will generally need to obtain a Construction Certificate, appoint a Principal Certifying Authority and have an Occupation Certificate issued in accordance with the requirements under Part 4A of the *Environmental Planning and Assessment Act 1979*. Government projects will need to comply with the usual requirements for Crown applications.
- Applications to the Taskforce will need to comply with the Building Code of Australia (BCA) but not necessarily the deemed-to-satisfy provisions of the BCA. Where an Alternate Solution is proposed, any application to the Taskforce Office will need to be accompanied by a BCA Report addressing the non-compliance/s with the deemed-to-satisfy provisions and demonstrating how the performance requirements of the BCA will be capable of being satisfied.
- A Noise Impact Assessment will be required for projects located near major road or rail corridors. In addition, a traffic impact assessment will only be required where education projects will result in a change to or new vehicular access and/or parking or an increase in the school population by more than 10%.
- All applications must include two (2) hard copies and one (1) electronic copy of the application. Three (3) hard copies must be provided of all architectural drawings and concept plans; plus one set at A3 size. In certain circumstances architectural drawings will need to be accompanied by an Architectural Design Statement.
- Sites located near airports where the Australian Noise Exposure Forecast (ANEF) is greater than 20 will need to address noise impacts in their application. Sites where the building, as a result of its height, may require concurrence with the Civil Aviation Authority must provide evidence of that concurrence with the application.

Question and Answers

The Taskforce has received a number of questions about the processes they need to follow before applying to access the special planning powers of the Nation Building and Jobs Plan legislation.

Q. What sort of consultation do I need to have with the Council prior to lodgement of an application with the Taskforce?

A. Consultation with the council's senior planning officers and engineering staff is essential prior to lodgement of an application. The User Guide requires this consultation to be documented and lodged with the application. Where the site has a heritage item or environmental issue such as a Threatened Species, the discussions should also be held with other relevant staff from the council. In the case of threatened species, consultation with other agencies such as the DECC would also be required. Where a site is listed on the State Heritage Register, consultation should be undertaken with the NSW Heritage Office.

The council's requirements for any section 94 contributions, and in the case of regional Water and Sewerage authorities, any infrastructure upgrading fees also needs to be documented.

Requirements for footpath deposits, bonds and/or bank guarantees also need to be identified.

Ideally, this consultation will take the form of a face-to-face pre-DA type meeting with the council officers. If a pre-DA meeting would not be required due to the small scale of the project, or if the site is in a regional area and the Council does not have a formal Pre-DA system, then at minimum written notes of discussions with the council, or correspondence with the council (which could include emails) is required. These should be endorsed by a senior council officer.

Q. What evidence will the Taskforce require in deciding whether to consider an application under the Nation Building and Jobs Plan Act?

A. Infrastructure projects funded under the Nation Building Stimulus package have strict timeframes for commencement and completion, as set by the Australian Government as a condition of funding.

The Taskforce should be supplied with:

- A copy of the Project Delivery program, that clearly shows the time frame for construction of the project;
- Written evidence from the council of the expected time frame that the council would take to assess and approve the development application. This should be from a senior officer such as the Director of Planning or equivalent. If the council is unable to commit to a timeframe, then this should be explained; and
- Other evidence from past experience with the council such as previous determination times or published average determination times, with justification as to why these determination times will be relevant to the subject project.

It should be noted that all councils should be aware of the Nation Building program. The Local Government Association of NSW and the Shires Association have indicated that their councils will work with the NSW and Australian Governments to take advantage of the funding made available for schools and social housing.

Q. What consultation should I undertake with the Taskforce?

A. The Taskforce would appreciate being informed of all proposals where it is intended that an application will be lodged under the NBJP Act.

The planning officers are also happy to meet with proponents and their planners/project managers prior to lodging an application. Please contact the Taskforce Office on 1800 752 100 to arrange a meeting.

Additional Clarification

People have asked for further clarification about the timing and sequence of how applications can access the NSW Nation Building and Jobs Plan (State Infrastructure Delivery) Act (NBJP Act) relative to an application to local council?

Applications may be considered by the Taskforce where the proponent can show that the project is at risk of not being able to meet the targets for construction, as a condition of funding, if it were to go through the usual assessment process under the *Environmental Planning and Assessment Act 1979*. Some councils have organised for dedicated planning staff to deal with Nation Building projects as a matter of priority. In some other cases, due to the tight construction timeframe, it may not be possible to be able to have a DA approved in time.

An application to the Taskforce for consideration under the NBJP Act requires the completion of the Application Form, Checklist, provision of drawings and supporting reports and information in much the same way that this would be required for a development application.

For school facilities, the focus of the NBJP Act assessment will be on those aspects of the building that do not meet the Complying Development criteria under the ISEPP eg: where the site is bushfire prone or contains a heritage item.

For schools that involve development of a significant scale the assessment undertaken will be more comprehensive. The Taskforce may ask for information, in addition to the items listed in the Checklist, if required, to assess an application (see Q&A's above).

A significant difference between assessment under the NBJP Act and for a DA is that a DA would normally be advertised and notified to adjoining owners and the general public by the Council, after lodgement. For NBJP Act applications it is expected that consultation with the local community and particularly with the local council will have already been undertaken **upfront**, prior to lodgement. There is **no** requirement for the Taskforce to advertise an application or to notify the proposal to adjoining owners and occupiers.

Further questions?

If you have further questions you can email taskforceinfo@dpc.nsw.gov.au or call the Taskforce Hotline on 1800 752 100.



Visit the Australian Government's Nation Building and Economic Stimulus website www.economicstimulusplan.gov.au keeps Australians informed about the Australian economy and the Australian Government's early and decisive action to cushion the nation from the worst of the global financial recession.

To view previous Taskforce Updates visit <http://www.nsw.gov.au/nationbuildingtaskforce>

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