RESPONSE GIVEN TO THE DAILY TELEGRAPH RE EXCESSIVE APARTMENT DESIGN STANDARDS REQUIRED BY SOME COUNCILS

The NSW Government has made clear that the NSW Government’s consistent planning guidelines have supremacy over local council development controls plans (DCPs) in regard to apartment sizes.

Councils are not able to refuse a development application for a residential flat development on the grounds of apartment area – provided the proposed development meets or exceeds the apartment area guidelines in the NSW Government’s Residential Flat Design Code.

More broadly on DCPs, the NSW Government has acted to better manage DCPs because of concerns they had become overly complex documents that were not fulfilling their original purpose.

An amendment to the Environmental Planning and Assessment Act, which was passed by Parliament in 2012 and came into force in March this year, made clear that DCPs were intended to be used as flexible guidelines on planning – not rigid controls.

The changes also made clear that State Environment Planning Policies (SEPPs) and Local Environment Plans (LEPs) are the over-arching statutory planning documents for an area. If there is conflict with a DCP, the SEPP and LEP prevail.

Further reforms are also planned for DCPs.

Under the new planning system, DCPs will no longer be standalone documents.

The fine-grain development controls currently provided by DCPs will be included in a single local plan, which will also include zoning and other development standards – allowing people to see all relevant planning controls for their area in the one document. This will encourage innovative solutions.

This will provide an ideal opportunity to review fine-grain planning controls and ensure they are easy to understand, well-justified and don’t undermine the strategic vision for an area.

The Department will be consulting widely about the nature of the controls that should be included in the new Local Plans and ensure they consider financial feasibility and do not impose more onerous requirements than are absolutely necessary.