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New South Wales

Environmental Planning and Assessment (Burwood Town Centre Planning Panel) Order 2007

under the

Environmental Planning and Assessment Act 1979

I, FRANK SARTOR, the Minister for Planning, in pursuance of sections 118 and 118AA of the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 19th day of July 2007.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Order is to establish the Burwood Town Centre Planning Panel as a planning assessment panel and to confer on that panel certain of Burwood Council's town planning functions in relation to the Burwood Town Centre.

This Order is made under sections 118 and 118AA of the *Environmental Planning and Assessment Act 1979*.

Clause 1 Environmental Planning and Assessment (Burwood Town Centre Planning Panel) Order 2007

Environmental Planning and Assessment (Burwood Town Centre Planning Panel) Order 2007

under the

Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is the *Environmental Planning and Assessment (Burwood Town Centre Planning Panel) Order 2007*.

2 Commencement

This Order commences on 20 July 2007.

3 Definitions

In this Order:

the Act means the *Environmental Planning and Assessment Act 1979*.

the Burwood Town Centre means the area of land shown edged heavy black on the map marked "Burwood Town Centre Planning Panel Map", a copy of which is deposited in the offices of the Department.

the Council means Burwood Council.

the Panel means the planning assessment panel established by section 118AA of the Act pursuant to the amendment, by clause 4 of this Order, of Part 1 of Schedule 5B to the Act.

4 Amendment of Schedule 5B to the Act to establish the Panel

Part 1 of Schedule 5B to the Act is amended by inserting the following matter immediately below the heading to the Part:

Burwood Town Centre Planning Panel

5 Appointment of Panel to exercise the Council's planning functions

- (1) The Panel is appointed to exercise all functions of the Council:
 - (a) as a consent authority under Part 4 of the Act, but only in relation to development with an estimated cost of more than \$40,000,000,
 - (b) in relation to the making of environmental planning instruments under Part 3 of the Act,but only in relation the Burwood Town Centre.

Environmental Planning and Assessment (Burwood Town Centre Planning Panel) Order 2007

Clause 5

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- (2) The functions that the Panel may exercise as a consent authority under Part 4 of the Act extend to any development application made before the commencement of this Order.
 - (3) The functions that the Panel may exercise in relation to the making of environmental planning instruments under Part 3 of the Act extend to the making of any plan (such as draft *Burwood Town Centre Local Environmental Plan 2007*) whose making commenced before the commencement of this Order.
 - (4) For the purposes of subclause (1) (a), the estimated cost of development is to be determined by reference to a genuine estimate of:
 - (a) for any building to be erected:
 - (i) the costs associated with the construction of the building, and
 - (ii) the costs associated with the preparation of the building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment), and
 - (b) for any work to be carried out, the construction costs of the work, and
 - (c) for the demolition of any building or work, the costs of demolition.

**ENVIRONMENTAL PLANNING AND ASSESSMENT (UNSATISFACTORY COUNCIL
PERFORMANCE) ORDER 2007**

under the

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

I, FRANK SARTOR, the Minister for Planning, in pursuance of section 118 of the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 19th day of July 2007.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this order is to provide for the heads of consideration that the Minister is to take into account in determining whether to appoint a planning administrator or planning assessment panel to exercise the functions of a council because the performance of a council in planning and development matters is unsatisfactory.

This Order is made under section 118 of the Environmental Planning and Assessment Act 1979.

Environmental Planning and Assessment (Unsatisfactory Council Performance) Order 2007

under the

Environmental Planning and Assessment Act 1979

1. Name of Order

This Order is the Environmental Planning and Assessment (Unsatisfactory Council Performance) Order 2007.

2. Commencement

This Order commences on 1 August 2007.

3. Definitions

(a) In this Order:

the Act means the *Environmental Planning and Assessment Act 1979*.

councillor has the same meaning it has in the *Local Government Act 1993*.

DCP means development control plan.

development contribution means any contribution imposed or obtained by a council under Part 4, Division 6 of the Act.

LEP means local environmental plan.

modification application means an application to modify a development consent under sections 96 and 96AA of the Act.

(b) Words used in this Order have the same meaning as words used in the Act.

4. Heads of Consideration for Appointment of Planning Administrator or Panel

The heads of consideration for the Minister to take into account before appointing a planning administrator or planning assessment panel under section 118(1)(b) are:

(a) The nature of any findings or recommendations as a result of a review, investigation or inquiry made by:

(i) the New South Wales Ombudsman,

(ii) the Department of Local Government,

(iii) the Independent Commission Against Corruption, or

(iv) a person or persons appointed by the Minister for Planning, or

(v) the Minister for Local Government.

- (b) For LEPs and DCPs:
 - (i) the number of local environmental plans a council determines to prepare under section 54 of the Act, publicly exhibits under section 66 of the Act or submits to the Director-General under section 68 of the Act which comprise minor amendments of a principal LEP or a spot rezoning,
 - (ii) the time a council takes in exercising its functions in making LEPs or DCPs
 - (iii) the nature and extent of the classes of development identified as exempt and complying development in LEPs and DCPs, and
 - (iv) how a council considers and responds to public submissions on draft LEPs and DCPs.
- (c) For development applications and modification applications:
 - (i) the time a council takes to assess and determine those applications,
 - (ii) the number and percentage of those applications determined under delegation,
 - (iii) the nature and extent of determinations of development applications that do not comply with relevant development standards,
 - (iv) how a council complies with the relevant advertising and notification requirements for those applications,
 - (v) how a council considers and responds to public submissions on those applications,
 - (vi) the nature and extent of determinations that are contrary to recommendations made by council staff or an advisory or independent panel, and
 - (vii) the number and outcome of reviews of development applications under section 82A of the Act.
- (d) the number, cost or nature of legal proceedings or orders issued under section 121B of the Act concerning planning and development matters and how a council exercises its functions to ensure conditions of development consent are complied with.
- (e) the nature and extent of the systems, policies, procedures or resources which support a council's administration of planning and development matters.
- (f) whether a council has complied with:
 - (i) State Environmental Planning Policies and Regional Environmental Plans,
 - (ii) other strategies and policies endorsed by the New South Wales Government, the Minister for Planning or the Department of Planning concerning planning and development matters, and
 - (iii) directions issued by the Minister for Planning under section 117 of the Act.
- (g) whether a council has complied with requirements in the Act concerning the levying, collection and management of development contributions.
- (h) the manner in which a council or councillors manage conflicts of interests concerning planning and development matters.
- (i) the time and manner in which a council provides information to the Department in accordance with any program for local development performance monitoring.
- (j) the public interest.

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