

**SUBJECT: REPORT ON NOTICE OF MOTION – NOM 28/04/20 –
EXTENDED POWERS OF PLANNING MINISTER**

REPORT BY: GOVERNANCE

CONTACT: DIRECTOR GOVERNANCE

DIRECTOR COMMENT

On 25 March 2020, the NSW Government introduced the [COVID-19 Legislation Amendment \(Emergency Measures\) Bill 2020](#), which made changes to the Environmental Planning and Assessment Act 1979.

The changes allow the Minister for Planning and Public Spaces to make an order for development to be carried out without the normal planning approval in order to protect the health, safety and welfare of the public during the COVID-19 pandemic.

The current list of Orders can be found at <https://www.planning.nsw.gov.au/Policy-and-Legislation/COVID19-response>

The *Environmental Planning and Assessment (COVID-19 Development – Construction Workdays) Order 2020* was issued by the Minister for Planning and Public Spaces on 31 March 2020. The Order allows development to be carried out on weekends and public holidays, ensuring that workers can practice social distancing without a loss of productivity or jobs on construction projects.

The Order overrides consent conditions and therefore City of Newcastle (CN) has no power to take action if construction work is being carried out under the terms of the new Order. CN also does not have a role in relation to enforcement of Public Health Orders – that is a matter for police.

RECOMMENDATION

That Council:

- 1 Writes to the Minister for Planning Rob Stokes MP to:
 - a) Note recent changes to the Environmental Planning and Assessment Act which grant the Minister unprecedented powers to override planning decisions made by local councils, Planning Panels, the Independent Planning Commission
 - b) Noting the Minister's Order allowing extended building and demolition work on weekends and public holidays, request the NSW Government undertake monitoring of building sites during the extended working hours to monitor the observance of social distancing, as well as the noise emitted from these sites on the weekend, and;

- c) Request further detail and full disclosure regarding the proposed changes outlined in the Media Release from Treasurer Perrottet and Minister Stokes on 3 April 2020, such as fast-tracking State Significant Developments and greater Ministerial discretion
- 2 Reaffirms its commitment to transparency and open governance, acknowledging that:
- a) planning decisions should be community led and that local councils are best placed to make decisions about planning that is appropriate for their local area and constituents.
 - b) planning decisions have long term implications and even in times of crisis, planning approvals should consider the impact of development on the environment, local communities or neighbouring residents.
 - c) existing oversight powers are in place to ensure best possible planning outcomes.