



Hon Tony Kelly MLC
Minister for Planning
Minister for Infrastructure
Minister for Lands
Deputy Leader of the Government in the Legislative Council
Leader of the House in the Legislative Council

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SMALL DEVELOPMENT APPEALS TO BE FAST-TRACKED

Homeowners trying to get a new house or additions approved will benefit from a fast-tracked appeal scheme, where the courts should cut decision times by half and substantially reduce legal costs.

The Planning Appeals Legislation Amendment Bill 2010 passed through parliament last night.

It introduces a new conciliation-arbitration scheme which will apply to merit appeals in the Land and Environment Court, following council decisions on detached dwellings and dual occupancy applications.

Minister for Planning, Tony Kelly, said the court will introduce a benchmark to accompany the new scheme aimed at resolving 95 per cent of appeals within three months, compared with the existing six-months.

“This will help mums and dads get a quicker and less expensive decision in the Land and Environment Court if the council knocks back their plans for the family home or does not make a decision within a statutory timeframe,” Mr Kelly said.

“Currently, a quarter of appeals to the court relate to new single houses or additions.

“Considering 60 per cent of all development applications are for these types of applications, the new scheme provides great potential to make it easier for NSW homeowners to access the court system.

“This legislation allows the court to build on its current successful conciliation scheme which has seen a 158 per cent increase in use since 2007, to achieve even further benefits for homeowner applicants.”

Attorney General, John Hatzistergos, said appeals will be fast-tracked to conciliation-arbitration, with a Commissioner appointed to assist the parties to reach agreement.

“If agreement cannot be reached, the Commissioner will arbitrate resulting in a binding determination, while objectors and experts will continue to take part in matters,” Mr Hatzistergos said.

Mr Kelly said the new appeal system will do away with the need to introduce the proposed system of private planning arbitrators which Government analysis shows would not recover costs and would have required substantial funding from councils and State Government.

“Since the arbitrator scheme was first mooted, the court has shown it is well-positioned to operate an expanded alternative dispute resolution scheme,” Mr Kelly said.

The changes to the Land and Environment Court Act, Environmental Planning and Assessment Act (EP&A Act) and associated regulations:

- Support the new conciliation/arbitration scheme;
- Expand the types of decisions applicants can seek an internal review by councils on, to modifications and decisions to reject development applications on the basis of inadequate information;
- Increase the proposed time limit to launch merit appeals from three to six months; and
- Make clarifications for cost orders related to amending applications and the ability for Joint Regional Planning Panels and the Planning Assessment Commission to be heard in court.