

8.13. NSW Planning Acceleration and Public Space Legacy Program

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ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:

1. Att 1 - Letter to NSC from Minister for Planning 5 Aug 2020 [**8.13.1** - 3 pages]
2. Att 2 - Public Spaces Legacy Program Program Guidelines [**8.13.2** - 18 pages]
3. Att 3 - Best Practice Guidelines Infographic [**8.13.3** - 1 page]
4. Att 4 - Development Assessment Best Practice Map 2017 [**8.13.4** - 1 page]

PURPOSE:

Council has been invited to prepare a submission for funding under the NSW Government's newly created Public Spaces Legacy Program. There are substantial implications for both timing of submission and Councils ongoing commitments to an Accelerated Planning Process. The details of the Public Spaces Legacy Program and the requirements associated with the funding are detailed in this report.

EXECUTIVE SUMMARY:

The NSW Department of Planning, Industry and Environment has written to inform Council about the launch of the NSW Public Spaces Legacy Program, a \$250 million program which seeks to deliver new and improved public spaces across NSW, while accelerating the assessment of local development applications and rezonings.

The program is a NSW Government program that is focused on the State government response to the COVID-19 pandemic through the support of projects with potential for substantial job creation. The program also seeks to ensure quality public space supports the social recovery of the State.

The program recognises that Councils play a critical role in ensuring localised investment and new jobs created in areas across NSW and that decisions made by Councils are key drivers of productivity.

The Public Spaces Legacy Program offers funding for new and upgraded public spaces to Councils contingent on a tangible improvement in development assessment timeframes and rezoning proposals assessments during the pandemic.

The Program also ties to the broader Planning Reform Action Plan, where the NSW Government is committed to create a more timely, certain and transparent planning system. One of the key components of the Planning Reform Action Plan includes measures to reduce assessment times for planning proposals, regionally significant development applications and major projects.

To be eligible for funding Council must commit to the following:

1. Accelerate planning assessments in North Sydney to achieve a 15% improvement in median assessment timeframe for development applications between 1 September 2020 and 30 June 2021.
2. Demonstrate how any regionally significant development applications that have been in the system for longer than 180 days, will be finalised by 31 December 2020.
3. Prepare a project plan to update the North Sydney Local Environmental Plan to incorporate a 6-10-year housing **or** employment supply capacity by 30 June 2021.
4. Prepare a plan for delivering rezoning applications that have been under assessment for more than four years (since July 2016), by 30 June 2021.

This report is provided to enable Council to respond to the Public Spaces Legacy Program initiative of the NSW Government and to resolve whether to participate.

FINANCIAL IMPLICATIONS:

Accelerated planning assessments may result in additional financial pressures on development related budget allocations. Such costs cannot be quantified at this stage noting that for the remainder of the calendar year any such costs are likely to be absorbed within current budget lines. Financial pressures are more likely to be realised in Q3/Q4 (Jan-Jun 2020) and should be addressed in the report back to Council as recommended.

Subject to meeting the Planning Acceleration targets, North Sydney Council has the opportunity to access \$4.75M under the program.

RECOMMENDATION:

1. **THAT** Council acknowledge the launch of the NSW Planning Acceleration and Public Space Legacy Program which encourages Council to achieve a 15% improvement in median development assessment performance between 1 September 2020 and 30 June 2021 in return for consideration of funding for public and open space projects.
2. **THAT** Council submit a proposal to participate in the program.
3. **THAT** Council note the potential impacts of participation in the program.
4. **THAT** should Council be successful in a submission, further details be reported back to Council.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

1. Our Living Environment
 - 1.2 North Sydney is sustainable and resilient
 - 1.3 Quality urban greenspaces
 - 1.4 Public open space and recreation facilities and services meet community needs

2. Our Built Infrastructure
 - 2.1 Infrastructure and assets meet community needs
 - 2.2 Vibrant centres, public domain, villages and streetscapes

3. Our Future Planning
 - 3.1 Prosperous and vibrant economy
 - 3.2 North Sydney CBD is one of NSW's pre-eminent commercial centres
 - 3.3 North Sydney is smart and innovative
 - 3.4 North Sydney is distinctive with a sense of place and quality design

4. Our Social Vitality
 - 4.1 North Sydney is connected, inclusive, healthy and safe
 - 4.4 North Sydney's history is preserved and recognised

5. Our Civic Leadership
 - 5.1 Council leads the strategic direction of North Sydney
 - 5.2 Council is well governed and customer focused
 - 5.4 Council's service delivery is well supported

BACKGROUND

The NSW Department of Planning, Industry and Environment has written to inform Council about the launch of the NSW Public Spaces Legacy Program, a \$250 million program which seeks to deliver new and improved public spaces across NSW, while accelerating the assessment of local development applications and rezonings.

This is a program that is focused on the State government response to the COVID-19 pandemic through the support of projects with potential for substantial job creation. The program also seeks to ensure quality public space supports the social recovery of the State.

Councils play a critical role in ensuring localised investment and new jobs created in areas across NSW. The program recognises the decisions made by Councils are key drivers of productivity.

The Public Spaces Legacy Program offers funding for new and upgraded public spaces to Councils that achieve improvement in timeframes for their assessment of development applications (DAs) and rezoning proposals during the pandemic.

The Program also ties to the broader Planning Reform Action Plan, where the NSW Government is committed to create a more timely, certain and transparent planning system. One of the key components of the Planning Reform Action Plan includes measures to reduce assessment times for planning proposals, regionally significant development applications and major projects.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

As part of the NSW Government's COVID-Recovery Plan, a new funding program was announced on the 5th August 2020. Known as the NSW Public Spaces Legacy Program, the funding is being offered to Councils who can commit to accelerated planning processes which will fast-track development assessments in order to deliver jobs and housing. The financial incentive being offered is funding specifically towards acquisition and/or improvements to public space, in order to deliver on the Premier's Priorities to increase the amount of green, open public space. North Sydney Council has been identified as an eligible Council and invited to participate in the program.

Funding Opportunity

Under the Public Spaces Legacy Program, and in return for demonstrating commitment to the four Accelerated Planning criteria addressed below, funding may be provided for projects that deliver new or upgraded public and open spaces. Councils have been categorised according to ABS Classifications of Local Government and Office of Local Government Groupings and can apply for an upper limit of funding identified by the Government. Funding reflects the potential positive impact on the local economy and job creation arising from the assessment program. For this purpose, North Sydney Council has been classified as a Metropolitan developed council and may be eligible for funding up to \$4.75M.

Funding from the program supports the design and delivery of the following types of projects:

- Open spaces and parklands
- Trails and linkages
- Foreshore and riverfront precincts
- Civic plazas, main streets and town squares
- Heritage works associated with any of the above.

Council must be able to demonstrate strategic alignment to Government strategies such as:

- Open Space and Recreation Strategies, urban design plans, town centres or economic strategies, active travel and transport plans
- Long term, open space network outcomes that demonstrate a long-term change and benefit to the community
- Inclusive play spaces aligned with Everyone Can Plan Guideline.

Projects nominated for funding by Council must be able to support the delivery of the Premier's Priority of increasing access to quality green open and public space and align with the principles of Greener Places.

Of significance is that projects can include land acquisition for the purpose of creating new open space areas where Council has documented and published evidence of an existing deficiency in open space. Councils are also encouraged to submit projects that demonstrate innovative approaches to public open space which increases community access, inclusivity and flexible use.

Application Process

Council is required to develop and submit an acceleration planning program to achieve the four criteria identified above by close of submission on 28 August 2020.

The submissions must also include a brief description of the public open space projects or projects that can be delivered by December 2022 and that will meet the public and open space criteria.

Two monitoring periods are being proposed in order to determine Council's accelerated performance. The first one commences on 1 September 2020. If the performance targets demonstrate that Council is on-track to meet the mandatory acceleration targets Council will be eligible for funding and may be offered a participation agreement which would require acceptance by 25 September. Successful Councils would then be required to provide a more detailed and comprehensive open space proposal by 1 February 2021.

In order to assist Council's with planning of their open space projects, release of the funding is subject to the milestones and timeframes below:

Table 1: Funding and Monitoring Milestones

Stage	% of allocation	Milestone
Planning and Design	10%	After monitoring period 1 (1 September 2020 to 31 December 2020)
Construction & acquisition	50%	After end of monitoring period 2 (1 January 2021 to 30 June 2021)
Completion	40%	End of construction (prior to 31 December 2022)

Prior to receiving the first round of funding a detailed project proposal for the open space program must be provided which details the project's alignment with the assessment criteria for the public open space component.

Accelerated Planning

The NSW Government is intent on planning reform in order to create a timely, certain and transparent planning system and released a Planning Reform Action Plan earlier this year as one of the first responses to COVID19. The Faster Assessments Program is intended to provide system improvements with new resources in order to reduce assessment timeframes. A key component includes measures to reduce assessments for planning proposals, regionally significant development applications and major projects.

To be eligible for funding Council must commit to the following:

1. Accelerate planning assessments in North Sydney to achieve a 15% improvement in median assessment timeframe for development applications between 1 September 2020 and 30 June 2021.
2. Demonstrate how any regionally significant development applications that have been in the system for longer than 180 days, will be finalised by 31 December 2020.
3. Prepare a project plan to update the North Sydney Local Environmental Plan to incorporate a 6-10-year housing **or** employment supply capacity by 30 June 2021.
4. Prepare a plan for delivering rezoning applications that have been under assessment for more than four years (since July 2016), by 30 June 2021.

1. Application Processing Performance

North Sydney Council's median processing time is around 72 days which is benchmarked against comparable Councils by the Department of Planning, Industry and Environment's (DPIE) Local Development Performance Monitor data for FY2017-18. The DPIE has sought an improvement in median application processing time of 15% based on the 2018 data. This would require a median processing target time of 61 days or less.

This presents a significant challenge to Council's existing assessment practices which generally adopts a facilitative approach to development outcomes through encouragement of early consultation and engagement with proponents and by allowing limited opportunity for to address issues identified during assessment process.

This approach aligns with Council’s Community Strategic Plan commitments to pursue planning outcomes which achieve North Sydney’s distinctive sense of place, quality design and historical significance. This is also consistent with industry best practice in terms of achieving quality outcomes for both the community and applicants engaged in the planning processes.

Strategies to achieve performance target

The current assessment procedures are a product of ongoing refinement and are legally sound. They continue to be refined to accommodate the ongoing reform of the planning framework, including the planning portal. A preliminary review of Council’s existing assessment practices provides opportunity, albeit limited, to reduce processing times. Strategies that would be considered in this endeavour are below.

- **NSW State Government Best Practice Guidelines:** Council could adopt a “no amendment” policy resulting in applications being determined in their lodged state with limited opportunity to submit amended plans other than for minor additional information requests.

Council practices are more liberal than this and add days to the determination timeframes, in many cases further notification is required to ensure the integrity of the process. When this works well the determination invariably ends favourably. When this does not operate effectively, for any number of reasons, applications can be protracted.

The disadvantage of applying tighter, more expeditious assessment procedures is the likelihood of more customer complaints, legal appeals and reviews. Staff would need to be mindful of this approach as it may not be considered good customer service by some and would see many otherwise “approvable” applications refused on first pass.

- **Conduct Additional Local Planning Panel Meetings:** Additional meetings will incur further costs and would be contingent on the availability of panel members.
- **Review of Development Review Panel Functions:** The Development Review Panel is an internal review panel convened weekly to review newly lodged development applications.
- **Review of Planning Advice Meetings and Paid Pre-lodgment Meetings:** The role of Council’s Planning advisors is essential in setting the early expectations for applicants.

- Additional Staffing and Resource Allocation:**
The pursuit of improved development assessment timeframes is unlikely to be achieved through process refinement alone. Consideration will need to be given to recruit and allocate additional resources to the Development Services and Administration Teams, both external to Council and within. Recent recruitment efforts suggest that it may also be difficult to recruit the right people.
- Requesting Council Officer Delegation of any Function Conferred on the Local Planning Panel.**
The planning system by its nature is adversarial at times, and certain restrictions prevent Council staff from exercising delegation in certain circumstances. The introduction of mandatory Local Planning Panels by the NSW Minister of Planning in 2018, and again updated in June 2020, require certain development applications to be referred to the North Sydney Local Planning Panels for determination.

Since the inception of Local Planning Panels in March 2018, the need for referral of non-contentious technical breaches to Local Planning Panels has occurred on approximately 20 occasions, which represents 25% of the total DA referrals to the Local Planning Panel. The number of matters reported to the North Sydney Panel which require determination by the panel for purely technical reasons has been largely limited to applications which involve alterations to existing buildings which do not currently comply with Council's maximum height of building standards. Such proposals generally involve balcony enclosures, minor plant room extensions, signage, recladding and other cosmetic improvements. Returning control to Council for some of these matters would tangibly improve processing times.
- NSW Planning Portal:** The mandatory adoption of the NSW Planning Portal as the State Government based register for DA lodgment and Determinations may provide opportunity for process improvement.

Decision Making Integrity

The need for transparency and accountability in decision making is at the core of existing assessment practices. To ensure that standards are not compromised in the pursuit of improved processing times, it is important that existing practices be refined and supported to ensure that delegates exercising their functions on behalf of Council remain accountable.

Council assessment staff are bound by Council's Code of Conduct, Council Development controls as well as delegation limitations. Council's existing delegations and procedures have been established over an extensive period and are in place to ensure integrity in planning decision making. Existing delegations and procedures also exist to

ensure equity and objectivity in the assessment process and to guard against accusations of impropriety or undue influence in the assessment process.

2. Complete regionally significant applications that have been in the system for 180+days:

Council currently has five (5) regionally significant development applications lodged in the system, of which three (3) applications have been held for over 180 days, they are:

- 6 John Street (Noakes Floating Dry Dock) – Designated development currently proceeding to determination by the Sydney North Planning Panel (Regional Panel) – Meeting to be confirmed, likely in September 2020.
- 62 Willoughby Street, Kirribilli (Pattons Slipway) – Designated development currently proceeding to determination by the Sydney North Planning Panel (Regional Panel) – Meeting to be confirmed, likely in October 2020.
- 58 Wycombe Road, Neutral Bay (Residential Aged Care Facility) - Reported to the regional planning panel for determination (refusal) on 21 May 2020. SNPP deferred the matter and amended plans have been submitted in reply. Assessment is currently being finalized and the matter is scheduled to be considered by the SNPP on 9 September 2020.

Whilst the determination of the above matters will be subject to meeting scheduling of the Sydney North Planning Panel (Regional Panel), the assessment of each of these applications has been largely completed and it is anticipated that each of the above matters will be determined by 31 December 2020 as sought by the program requirements.

3. Project Plan – Review of Local Environmental Plan

On 25 November 2019, Council adopted the North Sydney Local Strategic Planning Statement (LSPS), with the Greater Sydney Commission granting their assurance of the LSPS on 20 March 2020.

The LSPS sets out Council's land use vision, planning principles, priorities, and actions for the next 20 years. It expresses the desired future direction for housing, employment, transport, recreation, environment and infrastructure for the LGA as a whole and will guide the content of Council's LEP and DCP.

The LSPS is supported by Council's Local Housing Strategy (LHS) which was adopted by Council on 25 November 2019. The LSPS sets out the likely delivery of housing over the 20 years. In particular, the land use planning approach and mechanisms to implement the LHS are to:

- Continue Council’s long-term housing approach of concentrating residential density in and around existing centres and transport nodes and rely on the existing capacity of current land use planning controls.
- Manage housing delivery in the St Leonards Crows Nest Planned Precinct.
- Continue Council’s approach of place based strategic planning with detailed consultation to seek the best planning outcomes.

Most of the 6-10 year housing delivery under the LHS is anticipated to be delivered through capacity within existing zones, delivery of proponent led planning proposals that are consistent with Council’s strategic planning and development within the St Leonards Crows Nest Planned Precinct.

The actions and outcomes of the LSPS and LHS are currently being delivered through Planning Proposal 7/19 – North Sydney LEP Review 2019. Council is giving consideration to a report at this meeting addressing the post exhibition outcomes of this Planning Proposal.

4. Outline a plan for delivering rezoning applications that have been under assessment for more than four years

Not applicable as Council holds no such rezoning applications.

Conclusion

The DPIE has invited a commitment from Council to achieve to achieve a 15% improvement in median assessment timeframe for development applications in return for consideration of funding for public and open space projects.

The availability of additional funding for Public Space projects is commendable, however Council should carefully consider whether access to such funding should be solely contingent on DA processing improvements, and whether the NSW Government should consider relaxing eligibility requirements to access the funding program where existing Council projects can demonstrate substantial job creation.

The pursuit of improved development assessment timeframes is unlikely to be achieved through process refinement alone and will likely come with some reduced service levels, customer service and potential costs implications. This should not necessarily prevent Council from starting this endeavour however it does require active monitoring and a report back to Council on the impacts of the undertaking by the end of 2020.



Mr Ken Gouldthorp
General Manager
North Sydney Council
200 Miller Street
NORTH SYDNEY NSW 2060

Via email: ken.gouldthorp@northsydney.nsw.gov.au

Dear Mr Gouldthorp

I am excited to write to you about the launch of the NSW Public Spaces Legacy Program – a \$250 million program that will deliver a lasting legacy of new and improved public spaces across NSW, while accelerating the assessment of local development applications and rezonings.

The NSW Government is focused on keeping people in jobs and the economy moving during the COVID-19 pandemic and ensuring quality public space supports the social recovery of our State.

Councils play a critical role in ensuring we see localised investment and new jobs created in areas across NSW. The planning system, and decisions made by Councils in that context, are key drivers of productivity.

The COVID-19 pandemic has also seen people value their public spaces, with half of people surveyed recently spending more time outdoors during the COVID-19 pandemic. The Public Spaces Legacy Program is about seizing the opportunity to build on that momentum and to create a positive public space legacy for our future.

The Public Spaces Legacy Program offers funding for new and upgraded public spaces to Councils that achieve significant improvement in timeframes for their assessment of development applications (DAs) and rezoning proposals during the pandemic.

The Program also ties to the broader Planning Reform Action Plan, where the NSW Government is committed to create a more timely, certain and transparent planning system. One of the key components of the Planning Reform Action Plan includes measures to reduce assessment times for planning proposals, regionally significant development applications and major projects.

The Program is open to 68 Councils who are already using the NSW Government's ePlanning Digital Services for DAs. This includes the 20 early adopters of ePlanning and the 48 Councils across Greater Sydney and in major regional areas that are mandated to adopt ePlanning.

You are receiving this letter because your Council has the opportunity to access the program.

What is expected of my Council?

To be eligible for funding, your Council must set out a project plan detailing the acceleration of the median assessment timeframe for DAs, and to show how any regionally significant development applications (determined by a regional panel), that have been in the system for more than 180 days, will be finalised.

You will also need to set out a project plan for completing the assessment of any rezoning proposals that have been in the system for more than four years, and for your Local Environmental Plan to provide 6-10 years housing or employment supply capacity by 30 June 2021.

Based on the Department of Planning and Environment's 2017-18 Local Development Performance Monitor data, we expect your Council to target a 15% improvement in median assessment performance benchmarked against the last 2-3 years of activity.

This assessment considers the strategic capacity of your Council, the volume of DAs it considers and current gross median assessment timeframes.

If you would like a reassessment of this assumption and your assessment improvement target, you are welcome to provide evidence to us to support an alternative target – such as annual volume of DAs and annual gross median assessment timeframes. You are encouraged to contact the Department to discuss an alternative target prior to submitting your proposal.

How do I participate in the program?

You will be asked to submit two things to the Department:

1. A proposal that demonstrates how you will achieve the requirements of the program – including Council's assessment improvement target over the monitoring period 1 September 2020 to 30 June 2021 and the proposed approach to rezonings; and
2. A short description of a public space project or projects that you may seek to be funded, should the assessment improvement target be met.

The Department will invite Councils to participate in the program if their proposal is assessed as providing a realistic program to achieve these performance targets by 30 June 2021. The performance will be monitored monthly from 1 September 2020.

If your Council is invited to participate in the funding program, you will be asked to provide a detailed public space project proposal in early 2021. Funding for the project or projects will be confirmed through a funding agreement and will be released through design and construction milestones. Some design funding will be available mid-way through the performance monitoring period and construction funding to be committed once the performance targets have been met in mid-2021.

Further information and resources

For further information on the Program including the funding available for Councils, program guidelines, and FAQs, please visit www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/NSW-Public-Spaces-Legacy-Program.

A webinar will also be held on Thursday 13 August at 9am where further information will be provided, and you can ask further questions. You can register for the webinar by [clicking here](#).

If you have any queries in the interim, please contact publicspaceslegacy@planning.nsw.gov.au.

Kind Regards,

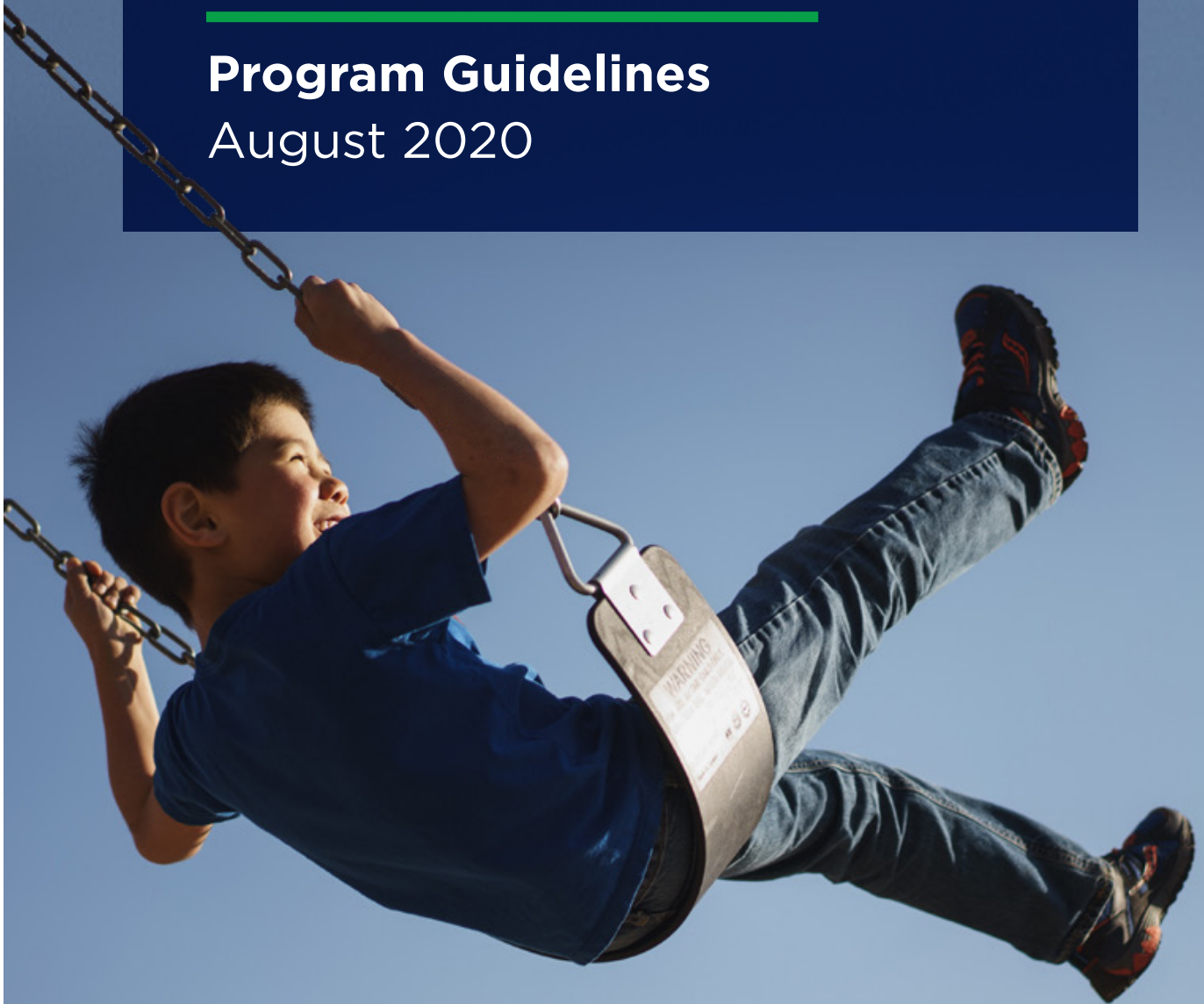


05.08.2020

Alex O'Mara
Group Deputy Secretary
Place, Design and Public Spaces

The NSW Public Spaces Legacy Program

Program Guidelines
August 2020



Acknowledgement

NSW Department of Planning, Industry and Environment acknowledges the traditional custodians of the land and pays respect to all Elders past, present and future.

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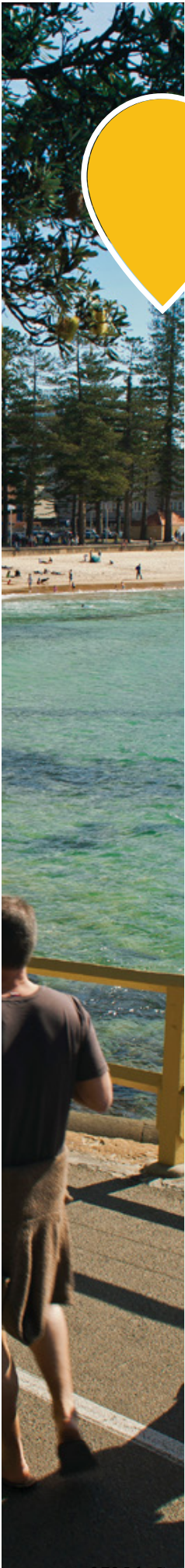
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Introduction

Councils across NSW have achieved significant improvements in their planning assessment processes over recent years. This has been complemented by ongoing work in strategic planning such as the preparation of local strategic planning statements and the review of councils' Local Environmental Plans.

The economic impact of the COVID-19 pandemic creates an imperative to seek even greater speed in assessment, to ensure that good planning decisions can be made as quickly as possible. This will aid economic recovery by helping to unlock construction jobs, economic activity and broader public benefits. It will also provide confidence in the planning system by giving a definitive response on proposals as early as possible.

Further process improvements will require an allocation of resources to achieve faster assessment decisions.

The NSW Public Spaces Legacy Program recognises this resource impact by offering a financial incentive for councils that are responding to the COVID-19 pandemic by setting and achieving higher assessment performance targets in the short to medium term.

COVID-19 has shown the extent to which people value their public spaces, with half of people surveyed spending more time outdoors during the pandemic. This fund is about seizing the opportunity to build on that momentum and to create a positive public space legacy for our future.

As the COVID-19 period has demonstrated, access to quality open and public space is central to community and individual health and can be a driver of economic performance.

The NSW Public Spaces Legacy Program will provide long-term value by funding new and/or improved high-quality public and open spaces ensuring a legacy well beyond the COVID-19 economic recovery period.

Planning Reform Action Plan

The Government has recently announced a broad Planning Reform Action Plan to create a more timely, certain and transparent planning system. The Action Plan includes measures to reduce assessment times for planning proposals, regionally significant development applications and major projects, implement the next stage of ePlanning, provide new resources for the NSW Land and Environment Court, reduce concurrence and referral cases between agencies, and review application fees with a link to speed of assessment.

This includes the Faster Assessments Program which will combine new resources with system improvements to slash assessment times. This involves a commitment by the NSW Government to reduce timeframes for:

- Rezoning decisions by 33 per cent;
- Decisions on development applications for larger, regionally significant projects by 25 per cent time; and
- Decisions on major projects of significance to the State by 17 per cent.

This measure will help to stimulate the economy by reducing developer holding costs, administrative costs around preparation of development applications and minimizing the time spent navigating the planning system.

Objectives of the NSW Public Spaces Legacy Program

The NSW Public Spaces Legacy Program will support the Planning Reform Action Plan by providing incentives and guidance to councils seeking to match the objectives of the Faster Assessments Program through their own local assessment acceleration program. The objectives of the NSW Public Spaces Legacy Program are to:

- improve development assessment speeds and planning proposals (rezoning);
- bring forward construction and the opportunity for jobs and economic activity in the short to medium term;
- support investment in the creation of high-quality public and open spaces to create a lasting community benefit; and
- address critical open space shortfalls and improve the quality of existing public and open spaces.

Why high-quality public and open space?

New South Wales has many well-loved public spaces, streets, parks, bushland areas, beaches, and waterways. These places contribute to making our communities attractive, healthy and liveable. The COVID-19 pandemic has made us realise how valuable these places are.

Public and open space contributes to the growth of healthy and sustainable communities by promoting access to nature, culture, sport and recreation. It improves a place's appeal to visitors and enhances quality of life. As our communities grow and change, it is essential that public spaces are accessible and that the open space network is planned, designed and delivered to ensure future community needs are met.

Public and open space is land that has been set aside from development to accommodate recreation or relief from the built environment. It can be used for purposes such as personal and social recreation, sport and physical activity, active transport corridors, waterway and riparian corridors, biodiversity and fauna conservation, and visual and landscape amenity. It includes natural areas and linkages, foreshore areas, parklands, sports grounds and courts, children's play spaces, public streets and linear walking, cycling, and equestrian tracks. These are integral to the character and life of urban areas. Open space can be categorised as local, district or regional open space and can be parklands, natural areas and foreshore areas.

High-quality public and open spaces are recognised through excellence in planning, design, community engagement and ensuring the community is able to get there, stay, and participate.



Structure of Program & Eligibility

Funding is available to councils that can demonstrate a significant acceleration of their planning decision process between 1 September 2020 and 30 June 2021.

Councils can apply for an upper limit of funding as outlined in Table 1 - Funding Allocations, below. Councils have been categorised according to Australian Bureau of Statistics Classification of Local Government and Office of Local Government groupings, which is based on broad demographic variables including population, location, size and economy.

The funding for each council reflects the potential positive impact on local economies and job creation arising from their assessment program and—to a lesser extent—the likely cost of delivering public and open space upgrades. Additional funding is available to some councils that have been identified as having a significant shortfall in open space as determined in detailed analysis of open space provision by Department of Planning, Industry and Environment.

In order to maintain integrity in the reporting process, the program is available to the 68 councils across NSW that either are currently using or are mandated to use the ePlanning system.

To be eligible for funding, councils must:

1. Identify benchmark performance and opportunities to improve that performance; and
2. Commit to a local assessment acceleration program, including measurable targets, that achieve significant performance improvement; and
3. Be operating on the ePlanning platform - or mandated to adopt the ePlanning platform - at the commencement of the program.



Table 1 - Funding Allocations

OLG Category	Councils	Upper limit per council
Metropolitan developed councils (with open space shortfall)	Bayside Council, Burwood Council, Camden Council, Canterbury-Bankstown Council, Cumberland Council	\$5.5M
Metropolitan developed council	Blacktown City Council, Willoughby City Council, Council Of The City Of Sydney, The Hills Shire Council, Woollahra Municipal Council, Northern Beaches Council, Mosman Municipal Council, The Council Of The Municipality Of Hunters Hill, Waverley Council, Lane Cove Municipal Council, North Sydney Council, Inner West Council, Sutherland Shire Council, Ryde City Council, City Of Parramatta Council, Randwick City Council, Liverpool City Council, Strathfield Municipal Council, Fairfield City Council, Ku-Ring-Gai Council, City Of Canada Bay Council, Georges River Council	\$4.75M
Metropolitan fringe council	Wollondilly Shire Council, Central Coast Council, Blue Mountains City Council, Penrith City Council, Hawkesbury City Council, The Council Of The Shire Of Hornsby, Campbelltown City Council	\$4.0M
Regional city council	Coffs Harbour City Council, Cessnock City Council, Dubbo Regional Council, Maitland City Council, Clarence Valley Council, Shoalhaven City Council, Port Stephens Council, Tweed Shire Council, Byron Shire Council, Albury City Council, Port Macquarie-Hastings Council, Mid-Coast Council, Lake Macquarie City Council, Wingecarribee Shire Council, The Council Of The Municipality Of Kiama, Shellharbour City Council, Wollongong City Council, Armidale Regional Council, Newcastle City Council	\$3.0M
Large rural and Rural council	Cootamundra-Gundagai Regional Council, Snowy Valleys Council, Tenterfield Shire Council, Cowra Shire Council, Uralla Shire Council, Leeton Shire Council, Forbes Shire Council, Gunnedah Shire Council, Hilltops Council Kyogle Council, Upper Hunter Shire Council, Yass Valley Council, Glen Innes Severn Shire Council, Moree Plains Shire Council, Murrumbidgee Council	\$2M

Categories are based on the Australian Bureau of Statistics Australian Classification of Local Government Office of Local Government Groupings.

<https://yourcouncil.nsw.gov.au/wp-content/uploads/2018/05/Australian-Classification-of-Local-Government-and-LOG-group-numbers.pdf>

How to apply



1. Visit the website:

dpie.nsw.gov.au/publicspaceslegacy



2. Submit your completed application to:

publicspaceslegacy@planning.nsw.gov.au

Your application

Councils are encouraged to submit an application that demonstrates how it will meet four key requirements:

1. Substantially accelerate planning assessments between 1 September 2020 and 30 June 2021; and
2. Commit to completing regionally significant development applications that have been under assessment for more than 180 days by 31 December 2020; and
3. Further commit to delivering on housing and jobs growth, by:
 - for metropolitan councils, exhibiting updated local environmental plans to incorporate housing or employment supply for at least 6-10 years, by 30 June 2021; or
 - for regional councils, finalising local strategic planning statements by 30 June 2021; and
4. Commit to delivering rezonings that have been under assessment for more than 4 years, by 30 June 2021.

Nominations should include a brief description of a public or open space project or projects that can be delivered by 31 December 2022 and that will meet the assessment criteria – public and open space as outlined below.

Assessment criteria - accelerated planning

To be eligible for funding the council must make a commitment to accelerate its median assessment timeframe for development applications by 20% between 1 September 2020 and 30 June 2021. The improvement target is to be benchmarked against evidence of councils' assessment performance over the past 2-3 years.

Councils will be expected to identify in their submission, regionally significant development applications (to be determined by a regional panel), that have been in the planning system for more than 180 days and commit to their determination by 31 December 2020.

Councils will also be required to provide a project outline plan for accelerating rezoning decisions. The outline plan should show how the council will complete rezoning proposals that have been under assessment since July 2016 to help deliver the 33% reduction in rezoning timeframes. In metropolitan Sydney councils should show how they will update their local

environmental plans to ensure there is 6-10 years of housing or employment supply capacity, by 30 June 2021. For regional councils the application should identify how they will ensure the early delivery of their Local Strategic Planning Statement.

The Department of Planning, Industry and Environment will consider the strategic capacity of the council, the volume of DAs it considers and gross median assessment timeframes when reviewing the proposed targets. Councils can make representations to set performance targets lower than 20% or propose longer deadlines for rezoning decisions, where they can demonstrate that they have successfully undertaken an assessment acceleration program in recent years or provide reasonable justification for the timeframes for rezonings. Councils will need to provide substantial evidence such as data of annual volume of DAs, annual gross median assessment timeframes and housing supply capacity.



Assessment criteria – public and open space

Funding will be provided for projects that deliver new or upgraded public and open spaces. The program will support the design and delivery of:

- Open spaces and parklands including regional and district open spaces and linear parklands; or
- Trails and strategic open space linkages including recreational improvements of riparian corridors and easements that contribute to the delivery of important corridors identified in Regional Plans or endorsed Local Strategic Planning Statements (for example, in Greater Sydney, the Green Grid); or
- Foreshore and riverfront precincts, including improvements for water-based recreation such as launching small watercraft, access to waterways for swimming, trails and picnic areas; or
- Civic plazas, town squares and main street precincts that improve connections between public space, promote walkability and greater accessibility; or
- Heritage works associated with any of the above

Project nominations should have strategic alignment to Government strategies such as:

- Council strategies, such as Local Strategic Planning Statements or other strategic documents such as open space and recreation strategies, urban design plans, town centres or economic strategies, active travel and transport plans.
- Long term open space network outcomes, such as the Sydney Green Grid, Council open space and recreation strategies etc that demonstrate a long-term change and benefit for the community.
- Inclusive play spaces aligned with the Everyone Can Play Guidelines.

Projects should support the delivery of the Premier's Priority of increasing access to quality green, open and public space and align with the principles of Greener Places.

Councils are encouraged to put forward projects that, ideally:

- increase social cohesion and recreational deficiencies in vulnerable communities;
- are in areas of known open space or recreational deficiencies;
- are of district or regional importance and deliver a significant open space legacy;
- create a broad range of community benefit including environmental and liveability outcomes;
- improve the quality of public and open space and enable safe and flexible use through embellishment works;
- fills in gaps in the open space network; and
- enable increased community access to public and open space.

Projects can include land acquisition for the purpose of creating new open space in areas where council has documented and published evidence of an existing deficiency in open space.

Councils are encouraged to submit projects that demonstrate innovative approaches to public or open spaces which increase community access, inclusivity and flexible use. Projects that will increase the diversity of recreational experiences and opportunities for communities will be well considered.

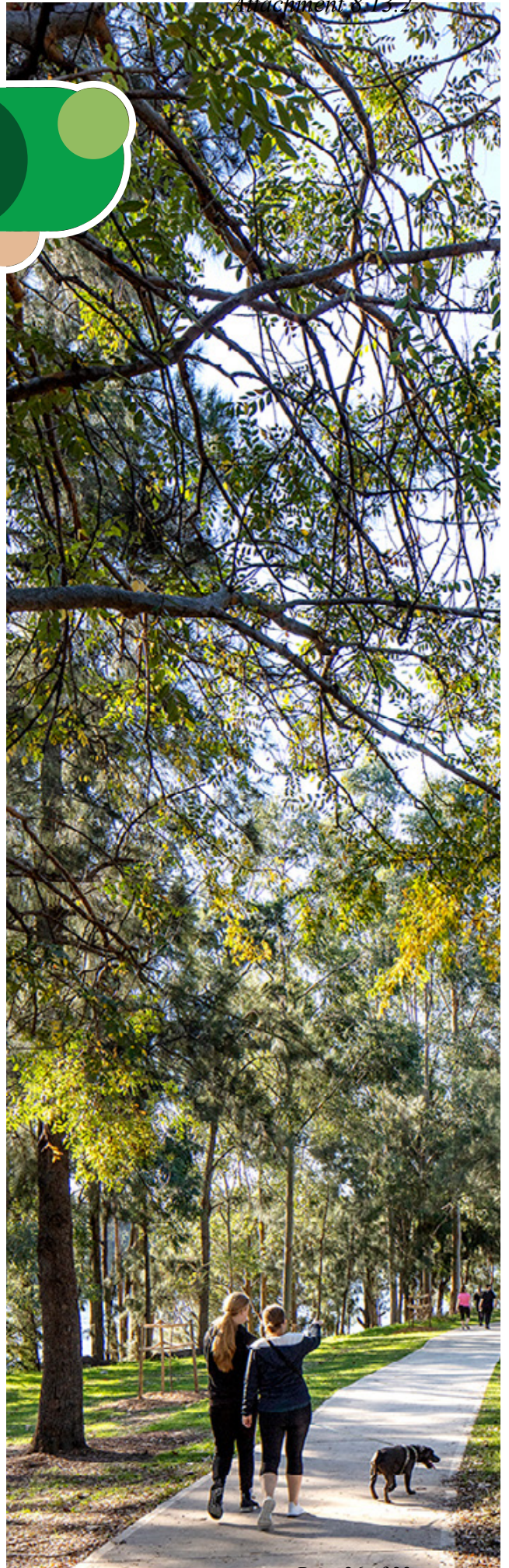
Design services will only be funded as part of the delivery of a project. Master planning or design services will not be funded in isolation.

Where projects are for the upgrade, extension or replacement of existing infrastructure applications will need to demonstrate how the project provides significant increase in benefit than is currently existing (i.e. improved economic, environmental or social benefits).

Projects must be undertaken on land that is freely and openly accessible to the public, and is Community Land and/or Crown Lands that are under the care, control and management of the council.

The following projects will not be eligible for funding under the NSW Public Spaces Legacy Program

- Projects outside of NSW
- Purchase of land for purposes other than open space creation
- Funding of personnel or staff positions
- Events, marketing, branding, advertising or product promotion
- Projects requiring ongoing funding from the NSW Government
- Retrospective funding to cover any project component that is already complete/ underway
- Maintenance works
- Projects which are considered to be part of council's usual ongoing maintenance and management of a site (including ongoing reserve management, asset maintenance or replacement of existing infrastructure).
- Construction and planning of organised sporting facilities, including club houses and synthetic sports fields.
- Commercial operations and buildings, including club rooms.
- Road works including routine upgrading of footpaths, kerbs and car parks, with the exception of carparks that support the use and access to open space areas.
- Public art pieces as a singular project. Note public art that is integrated in to a wider public and open space project will be considered.
- Projects that require the public to pay a fee to access the site.



Process

Applications will be assessed by an interagency assessment panel of NSW Government representatives, overseen by a probity advisor.

The panel will assess the proposed council acceleration programs against the mandatory criteria outlined above. If the performance targets meet the requirements, the council will be eligible for funding and will – subject to entering a funding agreement with the Department of Planning, Industry and Environment – be able to access the funding as outlined in Table 2 below.

Note that public and open space projects will be confirmed for funding eligibility against the assessment criteria – public and open space, prior to funding being transferred.

Council will report their performance against targets, in the prescribed form, monthly from 30 September 2020 to 30 July 2021. Performance will be monitored to the end of the performance monitoring period to confirm commitments have been reached. If targets are not reached at the end of either monitoring period, the funding agreement will expire.

Councils will be responsible for delivering the project within the budget set out in the funding agreement.

Prior to receiving the first round of funding under the program, the council will submit a detailed project proposal that details the project's alignment with the assessment criteria above and the council's capability to deliver the project including:

- evidence that the project will provide value for money and that the budget is realistic for the scale and impact of the project.
- clear strategies for engagement of the community, participants and stakeholders.
- a statement of technical ability and resources to effectively deliver the project, (including a project budget and risk assessment); and
- a schedule showing that the project will be complete by 31 December 2022.

Table 2 – Funding and Monitoring Milestones

Stage	% of allocation	Milestone
Planning & design	10%	After end of monitoring period 1 (1 September 2020 to 31 December 2020)
Construction & acquisition	50%	After end of monitoring period 2 (1 January 2021 to 30 June 2021)
Completion	40%	End of construction (prior to 31 December 2022)

Timeframes - Nomination & Selection Process

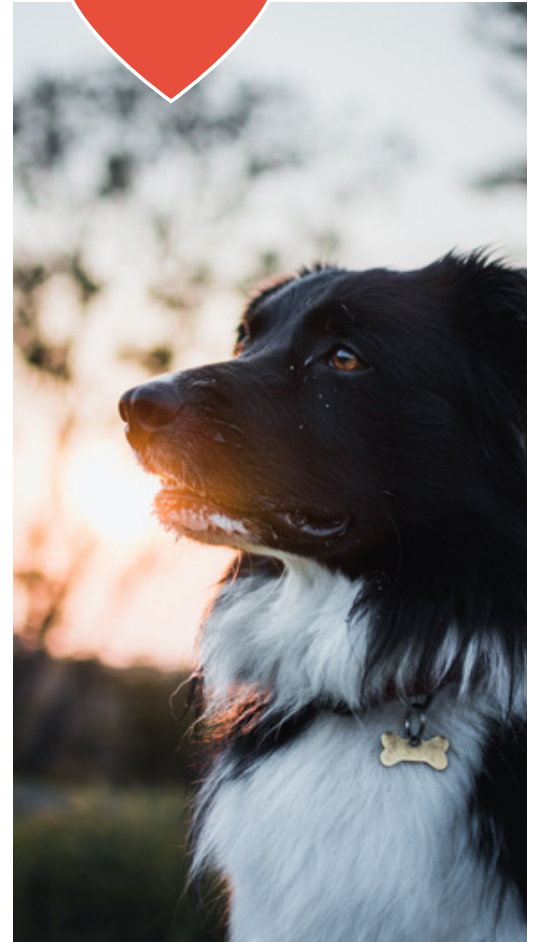
Table 3 - Program Schedule

Action	Date
Applications open	5 August 2020
Applications due	28 August 2020
Assessment acceleration monitoring period commences	1 September 2020
Participation agreements offered to shortlisted councils	14 September 2020
Participation agreements returned to DPIE	25 September 2020
Successful councils invited to submit detailed public and open space project proposals	1 February 2021
Funding agreements issued to participating councils. Detailed planning & design period for open space project(s) commences	1 March 2021
Construction commences (after)	1 August 2021
Construction complete	31 December 2022

Submission of applications

Applications are due by 28 August 2020.

Acknowledgement of receipt of application will be via return email.



Advice and guidance

The Department of Planning, Industry and Environment will provide an online briefing to councils in the week commencing 10 August.

The Department is also available to provide information to potential applicants on interpretation of these guidelines, including types of projects eligible for funding.

For inquiries or more information email: publicspaceslegacy@planning.nsw.gov.au

Program management

Councils are asked to nominate a project manager for each project and to notify the Department of any changes to the role. Councils are responsible for project management and budgetary control.

Payment of grants

Payment of grants will be subject to review of costs and the achievement of milestones as set out in the funding agreement and generally in accordance with Table 3 above.

Reporting and monitoring

As part of the Funding Agreement, the successful applicants will be required to submit project progress reports. Progress reports may include photographs and evidence of progress. The Department will also expect Councils to use ePlanning processes to track the delivery of development applications.

Project launch and promotion

A communication pack will be provided to grant recipients to provide approved key messages, branding, logos and multimedia to help you promote the project and Program and acknowledge the funding contribution.

It is a condition of grant funding that the Minister for Planning and Public Spaces, NSW Government and the Secretary, Department of Planning, Industry and Environment be:

- invited to attend any formal launch event (including commencement and completion ceremonies);
- advised four weeks prior to any formal event; and
- acknowledged for their contribution on all communications and media for the project.

Project completion

A final report is required at the completion of projects and is to be included with the submission of final payment claims.

This report should be accompanied by photographs and any other evidence of project completion. Councils will be required to collect data to help evaluate the fund, individual funded projects and community satisfaction.

Data requirements will be detailed in funding agreements and a reporting template provided.

Insurance requirements

Organisations applying for funding through this program must have a minimum public liability insurance cover of \$20 million.

We recommend, though it is not a condition of funding, that applicant organisations have personal accident and professional indemnity insurance. Organisations that employ staff must comply with the NSW *Workplace Injury Management and Workers Compensation Act 1998*.





dpi.e.nsw.gov.au

5 stages to faster, more efficient assessments



1 Pre-lodgement

Communication and fact finding to improve quality of applications

- ✓ Information is available on the NSW planning portal
- ✓ Applicant talks to and may meet council

The process starts here



2 Lodgement

Days 1-6

Efficient processing aids assessment

- ✓ Applications can be lodged at council or soon on the NSW planning portal
- ✓ Parties acknowledge their responsibilities
- ✓ Checked for completeness
- ✓ 'Clearing house' identifies issues and assessment stream
- ✓ Allocated to an officer



3 Assessment

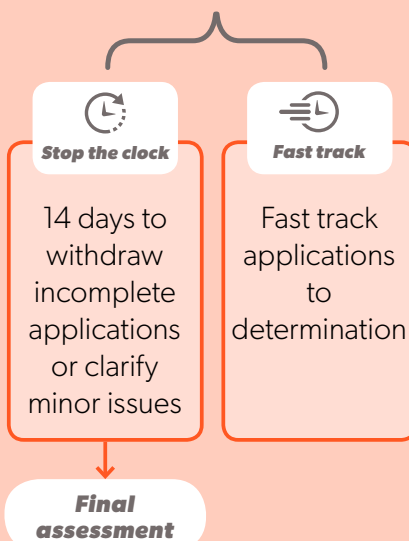
Days 6-15

Level of assessment reflects impacts of development

Preliminary

- ✓ Applicant 'contact date' set
- ✓ Site visit
- ✓ Legislation checked
- ✓ Referrals received
- ✓ Directions meeting to resolve issues
- ✓ Applicant updated

Days 15-30

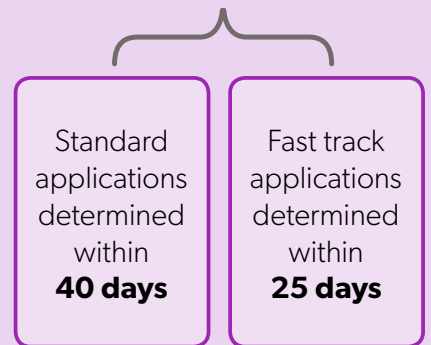


4 Determination

Days 15-40

Decision made at right level by delegated officer, council or planning panel

- ✓ Peer review



5 After decision

Contact and send package to client as soon as possible

Process finished

DEVELOPMENT ASSESSMENT BEST PRACTICE PROCESS MAP



Stage	Days	Actions	Responsibility
1 PRE-LODGE	N/A	<ul style="list-style-type: none"> Pre-lodgement advisory services. Pre-lodgement meetings with applicants and referral authorities (where relevant). 	Duty assessment officer including planners and surveyors
		Senior assessment staff and technical officers	



Stage	Days	Actions	Responsibility
2 LODGE	1-6	<ul style="list-style-type: none"> Applicant submits DA which is checked for completeness and adequacy against the Secretary's Requirements. 	Assessing officers
		<ul style="list-style-type: none"> Lodgement processed. 	Customer service staff
		<ul style="list-style-type: none"> Clearing house. 	Senior assessment staff, technical officers and other specialist council staff
		<ul style="list-style-type: none"> Updates, file management, completing exhibition and notification requirements, completing internal and external referrals, delivering file to assessing officer with any notes or conditions from the clearing house. 	Administration officers



Stage	Days	Actions	Responsibility	
3 ASSESS	6-30	<ul style="list-style-type: none"> Preliminary Assessment. Stop the Clock. Final Assessment. 	Assessing officers	
	<i>Preliminary Assessment</i>	6-15	<ul style="list-style-type: none"> Site visit. 	Assessing officers and specialist council staff
			<ul style="list-style-type: none"> Advise applicant of report back date. 	Assessment officers
			<ul style="list-style-type: none"> Review of application for compliance with relevant legislation and planning instruments. 	Assessment officers
			<ul style="list-style-type: none"> Referrals to be completed. 	Specialist council staff
			<ul style="list-style-type: none"> Identify issues and non-compliances, consider referral comments and submissions, complete assessment report. 	Assessment officers
			<ul style="list-style-type: none"> Directions meeting where required. 	Assessment officers and more senior officers
	<i>Stop the Clock</i>	15	<ul style="list-style-type: none"> Incomplete and/or major deficiencies: applicant is to be given 14 days to withdraw application or it will be rejected or refused. 	Assessment officers
			<ul style="list-style-type: none"> Letter to be sent if minor amendment or information required. Applicant must respond within 14 days or the application will be refused. 	Assessment officers
	<i>Final Assessment</i>	15	<ul style="list-style-type: none"> Update(s) to Planning Portal where necessary. 	Administration officers
		15-30	<ul style="list-style-type: none"> Review of minor amendments and additional information, complete assessment report. 	Administration officers



Stage	Days	Actions	Responsibility	
4 DETERMINE	<i>Fast Track Applications</i>	15-20	<ul style="list-style-type: none"> Peer review. 	Equal or more senior officer
		20-25	<ul style="list-style-type: none"> Determination by delegated authority. 	Per instrument of delegation
	<i>Standard Applications</i>	30-35	<ul style="list-style-type: none"> Peer review. 	Equal or more senior officer
		35-40	<ul style="list-style-type: none"> Determination by delegated authority. 	Per instrument of delegation
		35-40	<ul style="list-style-type: none"> Determination by council, IHAP and JRPP. 	Per instrument of delegation



Stage	Days	Actions	Responsibility			
5 POST-DETERMINE	<i>Fast Track Applications</i>	25	<ul style="list-style-type: none"> Contact applicant and advise of determination. 	Assessment officers		
			<ul style="list-style-type: none"> Prepare Notice of Determination, and any relevant consent and stamped plans. 	Administration officers		
			<ul style="list-style-type: none"> Check determination material. 	Assessment officers		
			<ul style="list-style-type: none"> Provide determination package to applicant. 	Administration officers		
			<i>Standard Applications</i>	40	<ul style="list-style-type: none"> Contact applicant and advise of determination. 	Assessment officers
					<ul style="list-style-type: none"> Prepare Notice of Determination, and any relevant consent and stamped plans. 	Administration officers
	<ul style="list-style-type: none"> Check determination material. 	Assessment officers				
	<ul style="list-style-type: none"> Provide determination package to applicant. 	Administration officers				