
MR23/005 MOTION TO THE 2023 LOCAL GOVERNMENT NSW CONFERENCE REGARDING THE
NSW PLANNING PORTAL

File Ref: OP0008-S002

Attachments: Nil

EXECUTIVE SUMMARY

On 1 July 2021, Council was mandated to use the Planning Portal (Portal) by the NSW Government despite previous commitments that the use of the Portal would be optional, not mandated. As councillors are aware, this has resulted in significant adverse cost and efficiency impacts on Council.

RECOMMENDATION

That Council submit the following Motion to the 2023 Local Government NSW conference.

THAT Local Government NSW calls on the NSW Government to:

1. Repeal the requirement to prepare notice of determinations in the NSW Planning Portal immediately and instead require a standard format for development consents and conditions of consents.
2. Prepare a road map for the Planning Portal in consultation with NSW local government and vendors, ie, Tech 1, Civica, etc. The road map must include the proposed functionality of the Portal that are to be investigated and implemented over time.
3. Establish a Planning Portal Governance Committee with senior representatives from local government to:
 - (a) oversee and agree to an enhanced Planning Portal road map
 - (b) review and endorse strategies for training and communication with key stakeholders, and
 - (c) monitor ongoing costs and integration.
4. Retain the ePlanning Council Reference Group to focus on improvements to Planning Portal functionality with enhanced capacity for members to add agenda items.
5. Cover all costs incurred by local government councils to implement and operate the NSW Planning Portal, including staff costs, systems and process amendments, Application programming interface (API) development, maintenance, and licensing in order to avoid the cost shift and adverse impact on council budgets.

REPORT

The NSW Planning Portal has resulted in significant impacts on Council, which include:

- Council's existing eplanning platform had to be abandoned. The TechOne eplanning services include a payment gateway and direct connection to Council's property data.
- Council has had to allocate additional resources to undertake data input and management of the Portal while working on an API, noting that this same data is also entered into Council's systems.
- Develop and test an API, which due to how the Portal collects name and address data, is not compatible with Council's TechOne system.

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- Dedicate staff to make changes to Council’s systems to accommodate impacts arising from the Portal.
- Council’s average determination timeframe has increased as a result of the Portal, as demonstrated by the following data.

	18/19	19/20	20/21	21/22	22/23
Gross (raw)	71	75	69	71	93
Net (DAs and mods)	34.5	30.24	35.64	55.42	57.83

Further concerns with the Portal include:

- No payment gateway (this must be done by Council outside of the Portal).
- The unreliability of the system.
- Lack of support from Service NSW and the Department of Planning and Environment (DPE).
- Data reporting: One of the perceived benefits of the Portal was automated data harvesting, however, the Portal’s current format does not allow for the collection of data required by DPE itself (local performance monitoring), building statistics with the ABS and certification reporting through NSW Fair Trading. (Note: this is being retrofitted back into the Portal but highlights the absence of strategic direction).

These impacts and concerns are not just related to local government. Council staff have had similar concerns raised by government agency staff forced to use the Portal, from members of the community frustrated with the use of the Portal, and instead turn to consultants to lodge their development application, and consultants who are experiencing increased work. This has led to the need to engage additional staff and associated costs, which are in turn passed on to their clients.

The NSW Audit Office released its report on the Portal on 21 June 2022. Notably, the report recommended that a road map be developed to inform the development industry, councils, and local government software providers of the intended functions and capabilities of the Portal. Further, the report noted that the cost of the Portal to date was \$146 million, which was \$38.5 million (26%) over budget, and implementation was taking three years longer than originally thought.

The NSW Government has now released a [road map](#). It commenced in 2018 and ends in 2023. The road map is important for local councils and the software industry vendors, as it illustrates the intended functions of the Portal, and this enables councils and vendors to plan and budget resources and develop software that is compatible with the Portal.

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Issues facing the portal include:

- There is no clear road map of the intended function and capability of the Portal.
- The project was \$38.5m (26%) over budget as of June 2022.
- Has taken three years longer to develop than anticipated.
- Provides a service that most customers didn't ask for or want.
- Is driving up the operational costs of many customers/users.
- Is reducing the efficiency of many customers/users, and
- Limits the potential for ongoing innovation and efficiencies by locking people into a single system.

LGNSW recently surveyed councils on matters related to the Portal. The results were presented by LGNSW to Council staff on 13 September 2023 and included responses from 71 councils. They intend to present the results to the DPE soon. It has also been suggested to LGNSW that the results be presented to the Minister for Housing. The results confirm the widespread concern with the Portal and its performance across many councils.

Since this survey was undertaken, the NSW Government introduced further changes within the Portal which required notices of determinations to be drafted and finalised in the Portal. This also included changing the format of the notices of determinations (NODs) and conditions of consent. There have been numerous issues with this supposed enhancement. Draft consents were initially created in PDF and so were not editable, there was no allowance for delegation or review, i.e., the person drafting the consent was determined to be the delegated officer, and the template for NODs is now five to six pages without any conditions included. There have been fixes from DPE, but this has been slow. DPE may have achieved the same goal by mandating the standard format for the NOD and conditions of consent, while still allowing councils to create these documents in our own systems.

The rollout of the standard format notices of determination and conditions of consent also flies in the face of other DPE programs. DPE provided most councils with funding to develop APIs that would connect the council system to the Portal. This would reduce the double-up in data input and allow councils to predominantly work from their own system while the API works in the background and duplicates these inputs into the Portal.

At the LGNSW Conference in 2022, the following Resolutions were passed:

1. *That Local Government NSW writes to the NSW Planning Minister and the Shadow Minister expressing the major concerns NSW councils and the community are having with the NSW Planning Portal and urging the government to make urgent changes to improve its operation for Council staff and the community.*
2. *That the NSW Government provide additional funds to councils who are supporting their community to submit plans.*

That Local Government NSW calls on the NSW Government to:

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1. *Offset the additional and unnecessary costs being borne by local government to implement the Planning Portal, by paying compensation to councils in recognition of the additional costs and workloads being imposed on them to make the Planning Portal functional.*
2. *Work with local government to develop a customer-driven strategic direction, underwritten by a formal written agreement:*
 - a) *to guide the development and implementation of the Planning Portal over time*
 - b) *comprising service levels with local government, based on a mutually agreed clear and unambiguous implementation plan with milestones and financial penalties – to be paid to local government in the event that milestones are not achieved by NSW Government agencies.*

Council has made many representations to DPE and both the current and previous government, most recently in a letter to the Minister for Housing. It is essential that we continue to advocate, on a sector-wide basis, for change and improvement in the implementation and operation of the Portal, and therefore propose that Council submit to the 2023 LGNSW conference the recommended Motion.