



Planning circular

PLANNING SYSTEM

Circular	PS 24-006
Issued	10 December 2024
Related	Nil

Flexible approach to managing freight and logistic developments

Overview of this circular

Global and local supply chain disruptions can often occur due to a variety of factors (including, but not limited to workforce issues at major distribution centres, natural hazards and failures in technology) causing a considerable backlog of items that need to be processed through distribution centres and delivered to wholesale and retail customers.

Essential food and grocery items are affected by the delay in distribution. It is imperative that supply chain systems be provided with flexibility needed to recover and return to normal to enable stores to be restocked with these essential goods.

This circular advises councils to consider the broader context and the need for supply chain recovery when responding to any complaints that may be received regarding out of hours operations for warehouse and distribution centres.

Councils have discretion when using their compliance powers

The *Environmental Planning and Assessment Act 1979* authorises councils to take compliance action in response to any offence under the Act or the *Environmental Planning and Assessment Regulation 2021*. This includes any non-compliance with conditions of a development consent that may regulate operating hours, noise limits or vehicle movement caps.

However, councils have discretion in choosing whether to exercise their powers and issue a penalty infringement notice or undertake other compliance action when they become aware of breaches.

In exercising their enforcement functions in the two-week period from the issue of this circular in relation to relevantly impacted development, councils are advised to have regard to the need to restore supply chain operations to their normal level. This includes taking into account the temporary nature of any breach, the low level of harm caused and the broader public interest in restoring supply chains when responding to any complaints that may be received about out of hours operations or noise at warehouse and distribution centres.

Further information

Department of Planning, Housing and Infrastructure circulars are available at:

planning.nsw.gov.au/circulars

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Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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