

21 June 2013

p: 612 6622 4011

f: 612 6621 4609

New Planning System

GPO Box 39

Sydney NSW 2001

www.planning.nsw.gov.au/newplanningsystem

Level 3, Rous Water Building

218-232 Molesworth Street

PO Box 146, Lismore

NSW 2480

To Whom It May Concern,

RE: SUBMISSION ON A NEW PLANNING SYSTEM FOR NSW WHITE PAPER

Regional Development Australia – Northern Rivers (RDA – Northern Rivers) appreciates the opportunity to provide a submission to the *New Planning System for NSW White Paper*.

RDA–Northern Rivers is a non-profit community-based and regionally focused organisation that connects people and businesses in our region to opportunities through partnerships focusing on community, environment and economy. We have been established by the NSW and Australian Governments as a conduit to all governments, a voice for the region and a catalyst for regional collaboration and capacity building.

RDA–Northern Rivers provides a conduit between governments and our regional communities. We enable our communities to inform governments about the strengths and weaknesses of our region and:

- Improve community engagement
- Contribute to regional planning
- Enhance whole – government approach
- Increase awareness of government programmes
- Enhance community and economic development

There is considerable synergy between the work of the RDA as detailed above and the intent of the White paper and associated legislative reforms. RDA–Northern Rivers provides the following responses to the White Paper.



Ecologically sustainable development

The Planning Bill includes an objective to promote economic growth and environmental and social well-being through sustainable development. While the meaning of this is not entirely clear it is noted that the White Paper refers to the “*integration*” of economic, social and environmental factors and consideration of “*present and future needs*” but does not mention the precautionary principle, the conservation of biological diversity and ecological integrity as fundamental considerations or the need for improved valuation, pricing and incentive mechanisms including the polluter pays principle.

RECOMMENDATION:

RDA–Northern Rivers RECOMMENDS that Ecologically Sustainable Development should be an overarching object of the new Planning Act. In order to maintain consistency the Local Government Act 1993 definition is suggested as a starting point

Strategic and infrastructure planning

As an advocate of soundly based strategic planning, the RDA–Northern Rivers supports this as an integral component of the proposed planning regime, in particular the preparation of Regional Growth Plans and Subregional Delivery Plans. Infrastructure planning is critical to effective strategic planning.

Local Plans will be the legal mechanism for the delivery 'on-ground' of this strategic planning framework. However, without a genuine engagement with local communities and councils and a right of those communities to shape not only their own communities but also the future of their subregions, these strategic plans will be seen as no more than a new breed of planning instrument designed to dis-empower local councils' and their communities.

The White Paper states that “strategic plans should promote the state’s economy and productivity through facilitating the delivery of housing, retail, commercial and industrial development and other forms of economic activity, by way of sustainable development”. It is accepted that planning plays an important role in promoting the State’s economy however it is essential that this objective is not prioritised over the needs of local communities.

RECOMMENDATION:

RDA–Northern Rivers RECOMMENDS that:

- sufficient scope is provided for the local determination of the location, character and types of land-uses applicable to a local community; and
- is clarification on the transition of existing community supported Development Control Plans into the “Guidelines” of the new Local Plan format.

A fundamental component of the White Paper is that government agencies and key stakeholders will work collaboratively when preparing regional and subregional plans to identify and link essential infrastructure (together with associated responsibility for funding or providing it) with land-use

planning. The intent of this is supported, however, the experience to date is that despite good intentions there has been reluctance by government departments to provide this degree of coordination.

RECOMMENDATION:

RDA–Northern Rivers RECOMMENDS that:

- new administrative arrangements that are being established to remedy the lack of coordination of infrastructure and land use planning over recent years are given greater force within the Bill and associated Regulations, to ensure the long term effectiveness of strategic planning in NSW; and
- there is clarification on the transition of existing community supported Development Control Plans into the “Guidelines” of the new Local Plan format.

The use of S94 Contributions is critical to councils for the delivery of local infrastructure arising from development. There is little information in either the White Paper or the Bill regarding transitional arrangements from the current Section 94 Contributions system to the new system.

RECOMMENDATION:

RDA–Northern Rivers RECOMMENDS that existing Section 94 Plans should be rolled over into the new planning system, intact, and associated conditions of consent continue to be validly imposed, despite these plans’ possible inconsistency with the definitions of "local infrastructure" or "regional infrastructure" in the new planning system.

Community participation

Reference has been made to the importance of community engagement in respect of strategic planning. Possibly one of the most sensitive aspects is the removal of notifications, submissions and engagement of the community in respect of Code Assessable developments, and relying more on the up-front Strategic Planning stage for more significant community participation, and to resolve major planning issues.

Residents, landowners and organisations have traditionally had input at the development application stage. Engagement with the community in respect of strategic planning has always been difficult. Therefore the advents of code assessment provisions make it increasingly important that the community is adequately engaged as a consequence of this new legislation. The issue for many councils to meet this demand is one of capacity not capability.

The *White Paper* advocates ‘up front’ community engagement so that communities can have input into how they would wish their localities to be in the future. This is an important and supported process. However, the Local Government Act contains a similar process in regard to formulation of Community Strategic Plans. It is considered desirable that a single process be undertaken to achieve the aims of the new Planning and Local Government Acts. This would have the effect of overcoming community consultation ‘fatigue’ and confusion.

RECOMMENDATION:

RDA–Northern Rivers RECOMMENDS that:

- resources and support at all levels of government are allocated to enable the delivery of strategic outcomes and balance community expectations; and
- a single community strategic planning engagement approach be provided to establish the communities vision for the future in both the new Planning Act and the Local Government Act.

Code Assessment

As already noted, the introduction of a new regime of assessment and determination of development applications possibly presents the greatest challenge to the successful introduction of the *White Paper*. There are advantages to be gained from a system that maximises the objective operation of the regime. Nevertheless, it is imperative that Government works with local communities to engender public confidence in the system

RECOMMENDATION:

RDA–Northern Rivers RECOMMENDS that the NSW Government:

- publicly exhibit the new Draft Regulations and undertake consultation prior to finalising the new Planning Act; and
- provide further details and consult with local government and other key stakeholders on the practice.

Conclusion

Thank you for the opportunity to contribute to the work of NSW Government in planning reform. If you have any queries or inquiries regarding matters raised in this submission, please contact the CEO of RDA – Northern Rivers, Ms Katrina Luckie on 02 6622 4011.

Yours Sincerely,



Ian Tiley

CHAIR