

16 October 2013

The Hon. Brad Hazzard MP  
Minister for Planning and Infrastructure  
Level 33 Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Dear Minister,

## **Delivering a better Planning System For NSW – Planning Bill 2013**

The Urban Taskforce has been vocal in its support of the planning reform process you have embarked upon. We have made submissions on the Green and White Papers expressing general support for the package of reforms. We particularly supported the strong focus on code assessment, reducing the number of land use zones, rationalising infrastructure contributions and the introduction of Strategic Compliance Certificates. The White Paper appeared to balance the concerns of local communities with the need to manage future growth.

However we are very concerned with your statements in parliament and your recent announcements made via your media release of 19 September 2013. Your media release indicated significant changes to the reform package detailed in the White Paper including a lessening of the focus on Code Assessable development, maintaining the existing thirty five (35) land use zones, introducing changes to the existing, successful Complying Development system and allowing local variations to State based codes. We see these amendments as being a major watering down of necessary and urgently needed reforms. Our major concern is that the changes suggest appear to be in response to concerns about growth and change expressed by some community groups, but this is exactly what a planning system must manage.

Though we have concerns on a number of matters, we maintain our support for the urgent need to repeal outdated and irrelevant planning legislation and its replacement with new, contemporary planning laws. We urge you to maintain your resolve and to take all practical measures to have the Planning Bill introduced and a new Act made this year. We must have a new Planning Act so that the framework for an effective planning system can be established.

Notwithstanding the above, I was briefed by your Department on the likely content of the new Planning Bill and I would like to give you the Urban Taskforce's reaction to the proposals. Our comments will focus on the Bill rather than subsequent regulations and planning instruments that will be required to implement the new Planning Act. Below I have outlined our response to some of the key issues in the proposed Bill that we believe are essential.

### **1. Objects of the Act**

It is essential that the new Planning Act maintain its focus on meeting the needs of growth. The new Planning Act must recognise that development is a significant economic driver and that it is the planning system that is relied upon to facilitate development.

The new Act must also recognise that growth and development must be sustainable and in this regard, the objects of the new Act should include the internationally recognisable definition for sustainable development. A reasonable balance must be struck between environmental protection and development.

## **2. Community Participation**

The Planning Bill provides for a system for community participation and introduces the Community Participation Charter. We support community participation but we need to make sure that community participation is truly representative.

The White Paper signals the preparation of community consultation guidelines that will assist planning authorities to meet the requirements of the Community Participation Charter. If this does occur, the Guidelines must ensure that community consultation:

- represent the whole community;
- take into account higher level decisions on population growth and infrastructure needs;
- ensure economically viable development; and
- be undertaken within reasonable timeframes.

## **3. Strategic Compatibility Certificates**

The planning system must balance bureaucratic plan making with private sector knowledge and ability to make projects happen. For this reason there must be provision in the planning system for flexibility to respond to market demand. The Urban Taskforce fully supports the use of a Strategic Compatibility Certificate to enable projects that meet higher level strategic plans to be considered. However, we argue that the use of Strategic Compatibility Certificates should not be a temporary measure as suggested in the White Paper. This system should be a permanent feature of the NSW Planning System.

Furthermore, I understand that you propose to introduce a requirement that a development application will have to be made within twelve (12) months of the issue of a Strategic Compatibility Certificate or the Certificate will expire. We believe this to be unreasonable. The preparation of complex development proposals and arranging funding can take considerable time. If an expiration time must be introduced, then twenty-four (24) months is more reasonable.

## **4. Code Assessable**

We strongly support Code Assessment and this should be clearly in the new Planning Act. Furthermore, we believe that Development Assessment Codes should not be limited to growth areas, urban activation precincts and urban renewal areas.

We have no objection to the community being involved in the development of the code, but once the code has been prepared, development proposals to be code assessed should not need further community input. The suggestion that there be further community input at the development application stage, after the code as been made entirely defeats the purpose of Code Assessment.

## **5. Complying Development**

Complying development and the Codes SEPP have been in operation for some time. The vast majority of the community accepts the complying development pathway where the majority of single and two storey dwellings, alterations and additions are determined via the complying development system. The Codes SEPP introduces state-wide consistency and provides "mums and dads" with an opportunity for a quick and efficient approval pathway to get their developments underway. This is a good system and should be expanded, not rolled back as recently suggested. Your proposal to introduce expanded notification periods and permit the individual councils the modify state codes will detrimentally impact on an otherwise successful system. The proposed changes to the Codes SEPP will impact on housing production in the areas of greatest need.

**6. Regional Structures**

Regional Growth Plans and Subregional Delivery Plans are essential implementation tools and should be prepared with upfront consultation with local councils and communities. The Regional Planning Boards who will be responsible for the preparation of these plans must be representative, but balanced. There must be an ability to ensure that regional priorities are properly considered, not simply local needs. In this regard, creating a Regional Planning Board that provides councils with a majority will result in local issues taking priority over regional planning matters.

**7. Infrastructure**

The Urban Taskforce supports a simpler and fairer method of funding infrastructure including the use of Growth Infrastructure Plans to set priorities and the proposals to spread levies across the broadest base of beneficiaries. The appropriate use of Voluntary Planning Agreements should also be retained in the new Planning Act.

**8. New zones**

The Urban Taskforce supports the White Paper proposal for less zones (13 zones) and we strongly support the continuation of an Enterprise Zone, but we are disappointed that recent announcements suggest that this will no longer occur. We strongly argue for zoning rationalisation.

**9. ePlanning**

We must not miss the opportunity to bring the planning system into the modern age with a customer based easy to use electronic system. The Electronic Housing Code which has been adopted by sixty-five (65) councils is an excellent framework.

Notwithstanding any of the above I urge you to consider that New South Wales has a diverse community who want to live in different ways with many preferring a more urban lifestyle. The planning system must support this diversity. Unfortunately, the current system is only producing around half of the new housing Sydney needs each year. All levels of the planning system (state, regional, local) must be held accountable for managing housing production to meet growth needs.

Should you require any further clarification of the content of this correspondence, please feel free to contact me on telephone number 9238 3927.

Yours sincerely

**Urban Taskforce Australia**



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