

21 January 2014

The Hon. Luke Foley, MLC
Leader of the Opposition in the Legislative Council,
Shadow Minister for the Environment and Climate Change,
Shadow Minister for Planning and Infrastructure
Parliament House
Macquarie Street
SYDNEY NSW 2000

Email: Luke.Foley@parliament.nsw.gov.au

Dear Mr Foley,

The importance of planning reform to support population growth in New South Wales

The Urban Taskforce supported the Government's White Paper outlining a new planning system for New South Wales. The existing *Environmental Planning and Assessment Act 1979* is a complex, cumbersome and out of date piece of legislation. A new and modern Planning Act is desperately needed.

We were therefore dismayed to see the attacks levelled at the Planning Bill at the end of last year which will at best result in a compromised, watered down version of the Bill that bears little relationship to the White Paper reforms. Since the issue of the White Paper in April 2013 new Australian Bureau of Statistics data has been released indicating even greater growth for Sydney and New South Wales than previously expected. The current planning system is frustrating housing production and in light of the new population projections a modern, efficient planning system is even more important.

No planning system is going to satisfy everyone in the community. There will always be groups like *Save Our Suburbs* who don't like change, even though many other members of the community want this change. It would appear that a number of vocal, non-representative action groups have influenced politicians with their fear campaigns about the evils of change and of different housing types that challenge the status quo. But planning must be about the future, it must be about planning for growth. The State Government must plan for the flow-on from record levels of immigration established by the Federal Government and not hide behind unjustified concerns expressed by a few action groups.

We urge your political party to help the future citizens of NSW, including the extra two million who will make New South Wales their home in the next twenty years, so that they have somewhere affordable to live. It is easy for those in opposition to tinker with proposed legislation but good legislation, like the Planning Bill, is based on a set of actions that has been carefully developed to achieve good planning and development outcomes. The changes introduced by the Legislative Council late last year would leave New South Wales with a new Planning Act that no one owns and no one is happy with. It will certainly not enable the White Paper policies to be implemented.

While we appreciate that you may have concerns with the Planning Bill we urge you to consider the following key points that we consider essential inclusions for an effective planning system for New South Wales.

1. Objects of the Act to support sustainable development

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

When eventually made the new Act must continue to recognise that growth and development must be sustainable and in this regard, the objects of the new Act must continue to include the internationally recognisable definition for sustainable development as included in the Planning Bill.

2. 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. Because it can take several years for local environmental plans to be brought into line with state level strategic plans, the Urban Taskforce fully supports the use of a Strategic Compatibility Certificate to enable projects that meet higher level strategic plans to be considered even if local plans have yet to be updated. Furthermore, we argue that the use of Strategic Compatibility Certificates should not be a temporary measure as suggested in the Planning Bill. This system should be a permanent feature of the NSW Planning System.

3. Code Assessable

We strongly support Code Assessment and this must remain 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. The Code assessment approach should be applicable in all appropriate locations.

We support the community being involved in the development of the Development Assessment Code, but once the code has been prepared, development proposals to be code assessed should not need further community input.

4. Infrastructure Plans

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

5. Flexible zoning

The Urban Taskforce supported the White Paper proposal for less zones (13 zones) and we strongly support the continuation of an Enterprise Zone. While not detailed in the Planning Bill, we strongly argue for zoning rationalisation.

6. Appropriate Community Participation

The Planning Bill provides for a system for community participation and introduces the Community Participation Charter. We support community participation and the inclusion of community consultation in the Planning Bill, but we need to make sure that community participation is truly representative. In this regard, community consultation guidelines that will assist planning authorities to meet the requirements of the Community Participation Charter

must be prepared soon after the making of the new Planning Act. These 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.

I urge your party 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 and Act is only producing around half of the new housing Sydney needs each year. For the good of the citizens of New South Wales and in particular for the two million extra people who will call NSW home in the future, we urge your party to rethink its position on the Planning Bill.

We are keen to meet with you to reinforce how important it is to have a modern Planning Act to give all citizens, present and future, confidence in a planning system that will be able to manage urban growth.

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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