Urban Taskforce
AUSTRALIA

25 October 2012

The Hon. Brad Hazzard, MP
Minister for Planning and Infrastructure
Level 31
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Minister,

Re: A New Planning System for NSW - White Paper Workshop – Thursday 11 October 2012

The Urban Taskforce is pleased to be involved in the review of the NSW Planning system. We have consistently advocated for clear legislation and a less complex planning system, that will provide certainly and support development led economic growth for New South Wales. We are strong supporters of the Government's Green Paper and we were happy to be included in the first of the key stakeholder White Paper workshops. However, we feel that the workshop and event was not well managed and that unfortunately it did not advance the cause for community participation.

We remain very supportive of the Green Paper and believe that it is extremely important that all stakeholders understand the importance of having a simpler planning system, so that development approvals, particularly for housing in New South Wales, can be significantly lifted. Clearly this means getting community groups to support the Government's approach to increasing productivity in the development industry.

With 350 stakeholders in the one room from such diverse backgrounds it was a great opportunity to demonstrate best practice in the process of involving communities. Unfortunately, the workshop seemed to be not professionally managed with many detailed questions being put to the attendees with little explanation of the implications or understanding of the options proposed. My impression was that despite your efforts, the White Paper workshop may have alienated many, with community groups saying they disagreed with the questions being put others saying it was push polling and others saying it was impossible to choose between options without a good understanding of the differences. I was however, encouraged to see that even when the consolation was moving off track, you engaged with the audience and took a lead role in moving the consultation forward.

If there are to be more workshops, we recommend that significant upfront work is done in preparing for the event and that sufficient time is allocated for all to understand the issues and the questions put to the audience. There are a number of organisations in Sydney, expert in managing community involvement events, who could be used.

The Urban Taskforce believes that the three topics raised at the workshop are very important and we have therefore summerised the key points in each area, that we have strong opinions on.

1.   **Community Participation**

   We agree with the Government that the foundation of any successful plan is real community engagement up front. It is in all our interests, Government, community and developer to ensure that those consulted feel included in the plan making process.

   The Green Paper highlights the importance of community consultation and argues that getting the community involved early, at the strategic planning stages of plan making will encourage better planning outcomes and also streamline the development assessment process. Many critics are already suspicious of this approach and have made it clear

through their submissions to the Green Paper, that they have no faith in past community consultation processes. It is a concern to us that community cynicism has the potential to derail the excellent work being done by your Department.

A successful process requires that community participation be structured, responsible and relevant. When consulting with the community those assembled should:

- represent the whole community; and,

- be fully briefed by experts on criteria, evidence and options;

The Urban Taskforce has found some engagement literature from the United Kingdom that may be of interest to you. For instance, the *Localism Act 2011[1]* of the United Kingdom aims to encourage local communities to become more involved in government issues and reduce the centralised national role. The *Draft National planning policy framework[2]* supports the Localism Act 2011 and as such it seeks to balance the shift of power to local bodies. The framework proposes approaches to plan making, development management, planning for prosperity, planning for people and planning for the places.

Civic Limits - how much more involved can people get?[3] Is a research paper that seeks to discuss mechanisms available for involving communities in Government Issues, including planning.   There is some excellent analysis of what proportions of the community get involved from the "passionates" to the "bystanders" or from the politically committed to the "alienated hostile".

2.   **Strategic Planning**

The White Paper workshop did not sufficiently emphasise the importance of strategic planning to meet the challenges of increased population growth whilst striving for ecologically sustainable development.   To make these plans useful they must include important aims such as:

- dwelling targets to meet population growth; and,

- identify corridors and centres for future growth and development.

Subregional Delivery Plans were not fully explained at the workshop. We understand that it is these plans that will drive development and better align development outcomes with metropolitan/regional plans. The Green Paper suggests that these plans may directly rezone land, facilitate the introduction of code based assessment, consolidate agency requirements and link planning with infrastructure delivery. If this is the case, these plans are very powerful and important planning tools that require extensive discussion and further articulation. We also need clarification on the location and composition of subregions and subregional delivery boards.   While the existing subregions may be a good starting point, obvious renewal areas such as the Parramatta Road corridor, which forms part of a number of subregions, should be identified as its own subregion.

Code Assessment was introduced during the White Paper workshop, but deserved more attention. The Urban Taskforce strongly supports code assessable development and urges the Government to ensure that codes are developed to facilitate all forms of development across a broad range of zones.

We support the Green Paper suggestion for wider use of code assessment for faster development approvals.   Our position in relation to community involvement in Code Assessment is that the community should be heavily involved in the preparation of development codes, which would set parameters including height, floor space ratio, site coverage, setbacks, car parking and the like. However, once the code has been prepared

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[1] Localism Act 2011 [http://www.legislation.gov.uk/ukpga/2011/20/contents, accessed 21 February 2012]

[2] Department of Communities and Local Government, July 2011. Draft National Planning Policy Framework [http://www.communities.gov.uk/publications/planningandbuilding/draftframework, accessed 21 February 2012]

[3] Wilson, R. & Leach, M. 2011. Civic Limits-how much more involved can people get? ResPublica. [http://respublica.org.uk/documents/kpg_ResPublica%20Civic%20Limits.pdf, accessed 21 February 2012]

and adopted, development proposals that meet the code must be accepted with the presumption that approval will be granted. Furthermore, because the codes are detailed and prepared with significant community input, there is no need for further exhibition or community comment on a complying development scheme.

3.   Infrastructure Provision

Appropriate means of funding infrastructure was probably a difficult issue to tackle at the first White Paper workshop. This is a complex matter and the information required to properly inform and engage community may best be handled during a workshop devoted only to infrastructure needs and funding. However, it is encouraging to note that the Government acknowledges that the current system of Special Infrastructure Contributions (SIC) and Section 94 contributions is not working. In this regard, the Urban Taskforce supports in principle the reforms to infrastructure provision and funding suggested in the Green Paper.

Notwithstanding the above, IPART's recent submission makes insightful commentary on development levies and the inequity within the current system in their submission to the NSW Planning System Review. IPART state that:

> [t]he large number of policy changes may have reduced investment certainty. Further, the rationale for the current allocation of costs between these parties is not clearly articulated. The system is fragmented, resulting is inequities in the allocation of the costs of development depending on the location and the ultimate owner of the infrastructure.[4]

With respect to who should pay for infrastructure IPART says that:

> [t]he overarching principle could be one of beneficiary pays. We note that for some of the infrastructure eg, where a broader environmental benefit is generated, the whole of Sydney would benefit, not just the new residents in the release area. ***For this infrastructure it may be reasonable that someone other than the developers (and ultimately, purchasers of housing in new development areas) pay some of the costs.***[5] (emphasis added)

IPART's findings in the areas of section 94 and their submission to the Planning System Review are useful to the Government's review of options for funding infrastructure.

The Urban Taskforce supports the many reforms suggested in the Government's Green Paper and we are eager to continue to participate in the White Paper process.

Should you wish to discuss any of the above in more detail, please feel free to contact me on telephone number 9238 3927.

Yours sincerely
Urban Taskforce Australia

Chris Johnson AM
Chief Executive Officer

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[4] IPART Submission on Issues Paper: NSW Planning System Review. Local Government — Submission. February 2012. p.10
[5] Ibid. p.11.