

Mr Frank Sartor
Minister for Planning
Level 34 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

6 February 2008

Dear Minister Sartor

Re: Improving the NSW Planning System Discussion Paper November 2007

I am writing to you on behalf of the NSROC member councils to provide comment on the planning reforms contained in the discussion paper *'Improving the NSW Planning System'*.

The Northern Sydney Regional Organisation of Councils (NSROC) is comprised of seven councils (Hunters Hill, North Sydney, Willoughby, Ku-ring-gai, Ryde, Hornsby and Lane Cove) in the northern part of Sydney which have voluntarily come together to address regional issues, work co-operatively for the benefit of the region, and advocate on agreed regional positions and priorities. All of these councils work closely with their communities to ensure that planning for growth within the region is sustainable and recognises the social, economic and environmental needs of the community.

The NSROC councils are broadly supportive of the intent of the Planning Reforms and any efforts to improve the efficiency of the planing process and reduce red tape. Equally the NSROC councils support reforms which improve the transparency and accountability of the planning system and enhance the ability of community to determine the nature and quality of the built environment within which it is placed. NSROC recognises that at present the planning system in New South Wales is characterised by complexity, duplication, lack of integration and subjectivity in its application.

However the member councils are concerned that the proposed reforms in their totality do not address many of these key issues but rather seek to add additional layers of bureaucracy, further empower non-elected individuals in the assessment process, increase costs (particularly to councils) and reduce the role of the community in the assessment process. NSROC supports the key contentions made by the Local Government and Shires Associations that the planning reforms are largely regulatory in nature and do not address the systemic capacity of your department, local government and other relevant agencies to efficiently and effectively deliver strategic planning outcomes.

NSROC also agrees with the Associations' concerns that these broad and important reforms are being considered with unseemly haste which prevents both substantive consultation and the critical involvement of an adequately educated and engaged public. Whilst the need to make progress is recognised, the rapid pace of reform and the significant and numerous reforms of the planning legislation have stretched the capacity of both councils and your own department to their limits.

Such an environment is not ideal for sustained critical analysis and carefully considered decision making. This haste is evident in the arbitrary nature of the targets identified within the Discussion Paper, the condensed timeframe in which any submissions may be considered, the absence of details on key elements of the reforms (such as draft codes for exempt and complying

development) and the short period of time councils were given to prepare submissions (further constrained by the release of the paper just prior to Christmas).

Concurrent with consideration of the planning reforms identified in the Discussion Paper, the NSROC councils are also grappling with the changes identified in Planning Circular 017-018 (Developer Charges) and attempting to provide detailed commentary on the draft Sub-regional Strategies which form the second tier of the Metropolitan Strategy. The former radically reduces the funds available to councils to realise the objectives of the latter; that is to sustainably provide for growth in our communities through the provision of adequate social, economic and cultural infrastructure.

Without adequate recourse to developer levies and the ability to spend such levies on infrastructure of regional value councils will simply stop providing the amenities that their residents, and your constituents, need and want. The financial impost of rate-pegging in New South Wales is already well documented. The ramifications of the proposed changes to developer levies is still being calculated but is already considered to be of an enormous and detrimental consequence. In combination with the planning reforms, the proposed changes to developer charges undermines the democratic and communal underpinnings of the entire planning system.

In general the NSROC council support the following:

- Gateway model for LEPs and rationalisation of planning instruments;
- Establishment of an independent commission to determine Part 3A developments;
- Measures to improve the efficiency and effectiveness of the development assessment process;
- Proposals in relation to private certifiers that aim to strengthen enforcement measures and reduce conflicts of interest and client capture; and
- Improved coordination, standardisation and resourcing of land based information systems at the state level, and the extension of e-planning initiatives in Local Government with appropriate resources and support.

The NSROC councils do not support the following:

- The proposed establishment of regional planning panels and extension of exempt and complying development provisions which, together, will significantly reduce the role of councils in the planning and development process and limit legitimate public participation in development decisions;
- Agreement to the proposal to introduce state wide mandatory codes for exempt and complying development without having seen such codes;
- The extension of the role of private certifiers given existing problems with the current model of certification and the obvious inherent conflict of interest and lack of sound governance principles that the current model generates;
- The profound resource implications for councils that many of the recommendations will create, which have not been given sufficient consideration nor matched by proposed legislative changes to enable cost recovery;
- The arbitrary nature of the targets identified in the discussion paper and the lack of detail and analysis supporting these targets; and
- The severely truncated consultation and analysis period for these changes, both from a stakeholder and a 'whole-of-government' perspective, particularly in light of the far-reaching and comprehensive nature of the proposed changes.

I would like to conclude that the overall conclusion I have reached when considering the proposed Planning Reforms, in combination with the recent changes to the Environmental Planning and Assessment Act and the introduction of the LEP template, is that your government is committed to removing local government from the centre of the planning system. This is not something our communities deserve, nor is it something our communities want, as history has taught them not to place great faith in the private sector, and most specifically developers, to deliver sustainable outcomes that benefit the community in the long term.

All of the NSROC councils have sought to work closely with the Department of Planning in the planning reform process to this date. We welcome the opportunity to provide broad comment on this discussion paper however we leave more detailed commentary on each of the individual recommendations to the submissions of the individual NSROC councils and the alternate proposals contained within the excellent submission of the Local Government and Shires Associations of New South Wales.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Pat Reilly', with a large, stylized flourish above the name.

Clr Pat Reilly,
President
NSROC
(Mayor of Willoughby)