

NSROC Submission Relating to:

THE WHITE PAPER REVIEW OF PLAN MAKING IN N.S.W. (Plan First)

1. INTRODUCTION

The Northern Sydney Regional Organisation of Councils (NSROC) is a voluntary organisation of seven local government areas established to provide strong local government leadership, to work co-operative for the benefit of the Northern Sydney region, and effectively advocate on agreed regional positions and priorities and as such represents some 1/2-million people.

The Northern Sydney Regional Organisation of Councils expresses its appreciation for the opportunity to make a submission on the White Paper – PlanFirst. NSROC wishes to thank the Department for the Information sessions conducted by the Department and for the opportunity to meet separately with Senior Departmental staff, our submission is informed by these opportunities.

NSROC's submission will relate principally to issues of:

- Regional Planning
- Regional Forum, and
- Resourcing

with only passing reference to Local and State Planning. NSROC is aware that its members are making individual submissions regarding these matters and NSROC is concerning itself essentially with 'regional' issues.

2. REGIONAL PLANNING

NSROC is prepared to give qualified support to the notion of regional plans contained within the White Paper. We submit that a Regional Plan must take into account the specific needs and inherent characteristics of areas within the Region. We cannot accept a premise that 'one size would fit all'. We take the

White Paper's reference to a Regional Strategy being place based to reflect our concerns in this regard. Draft legislation needs to clearly reflect this.

We are also concerned at the range of 'other' Regional Plans envisaged to impact on and be impacted on in the implementation of a Regional Plan. The Northern Sydney Region has very few, if any, regionally based organizations other than NSROC. This compares to many other regions with such bodies as Regional Economic Development Boards, Tourism Boards, Regional Chambers of Commerce, Catchment Management Boards etc that are all likely to have such Plans that can be drawn on and influenced by this new Regional level approach to planning. Nothing like this exists in the Northern Sydney Region. Thus plans of this nature will have to be created, their absence ignored or additional work undertaken in the development of the Regional Strategy (the question of resources to undertake this work is addressed later).

NSROC also wishes to raise the issue of the many separate reports that individual councils currently have to produce such as SOE Reports, Social Plans and Management Plans. We submit that care needs to be taken not to cause overlap and duplication with issues that may be required to be addressed through Regional Plans. It would not be true that a Regional Plan would simply be an aggregate of individual Plans.

NSROC submits that care needs to be taken with regard to the role given to State Government Agencies in the making of a Regional Plan. The White Paper is silent on this issue except to indicate that they will have a role but it is one of fundamental importance. Co-ordination of state agencies who will have a funding role in provision of, say, key infrastructure identified in a regional plan but who in the end cannot deliver will at best compromise the process and at worst destroy credibility in it. A process within government needs to be established that will clearly address these issues before they become a formal part of the Plan and create expectations that cannot be met. Premiers Department Regional Co-ordination Unit may well be the place for such a function to be undertaken.

NSROC submits that a regional plan 'forced' on a Region could be more divisive and thus less successful than one arrived at by consensus. We therefore

argue for a significant period of consultation on the draft legislation before it is progressed further.

Finally, of the options for regional boundaries put forward in the White Paper NSROC is prepared to agree to Option 2 – one that combines the Councils of NSROC and SHOROC but would like further time for discussions on this issue.

3. REGIONAL FORUM

NSROC understands the Departments rationale for the establishment of Regional Forums to oversee the production of the Regional Plan however we have significant concerns with the proposal as loosely set out in the White Paper. We have raised these concerns in correspondence to the Director General of the Department and in a meeting with Departmental staff held in response to issues raised in that letter. We take the opportunity now to re-emphasise these issues.

We have been given to understand from Departmental Briefings that it is envisaged that Regional Forums will have up to twenty (20) members and that Local Government will have at most two (2) of these places – 10%. This is totally unacceptable and is an insult to the capacity of local government to represent the broader community. If it is the Departments intention to broaden the range of stakeholders at the regional level then we submit that the broader community has already elected its representatives – those in local government.

Other members of a Regional Forum, no matter how well intentioned will inevitably seek to represent the sectoral issues and interests that brought them onto the Forum in the first place. These representatives are ultimately answerable not to the broader community but to the group that they represent. It must be remembered that it will fall to local government to action its Local Plan within the context of the Regional Plan not the other groups represented on the Forum. It would be intolerable for Local Government with only 10% of representation to have what are in effect its operational guidelines established, complete with funding implications, by the other 90% who have no accountability or responsibility to the community as a whole.

This is a totally different issue from stakeholder representatives on other Government bodies that have Advisory role only e.g. Economic Development Boards. This type of approach should not, we submit, be used as a model. The Regional Forums are proposed to have significantly different roles. The work of Regional Forums is likely to involve considerable detail and understanding of a wide variety of issues and their interrelationship accordingly a reasonable length of appointment to the Forum would seem appropriate.

The role of State Government representatives on Regional Forums needs to be clearly established from the beginning. Are they there as full participating, voting members or are they there merely to report back to their Department/Agency? The consequences of a decision on this issue are fundamental to the success or otherwise of the proposed changes.

The resourcing of Regional Forums both financial and other is addressed in the Resources component of this submission.

Accordingly we make the following submissions with regard to Regional Forums:

- Local Government to have, as of right (not by virtue of any public call for expressions of interest to participate) a majority of the membership of Regional Forums. Whilst we do not advocate a specific number of such Local Government Representatives for a particular forum we do submit that it should be no less than 50% plus one (1) of whatever number a particular forum ultimately consists of. The Government may like to consider simply asking the local Regional Organisation of Councils to put forward their nominees for the places on the Forum allocated to Local Government as a mechanism to put this in place.
- As Mayors and Councillors already take and play a major leadership role the position of Chair of Regional Forums should be allocated to either a Mayor or Councillor.
- The tenure of appointment to membership of a Regional Forum is fixed at 3 years.

4. RESOURCING ISSUES

There can be no doubt that the costs of implementing the White Paper will be significant. These costs will be beyond the capacity of many, if not all Councils to meet from their own resources.

Resourcing will cover a wide variety of issues from financial support to establish the envisaged 'multi disciplinary teams' to ongoing support provided to Regional Forums to the development of new planning instruments within Local Government, the re writing of Business Plans and Social Plans to better fit with Regional or State Plans the inevitable workshops and consultation processes. All of this will come at a significant but as yet unidentified cost. We can therefore make no quantified submission on this point. What we can do is submit that a clear decision in principle needs to be taken by the Government to provide the appropriate level of support necessary to evoke the confidence and capacity to proceed. A failure to make adequate and committed provision of resources is likely to significantly impede, if not halt the implementation of the White Paper.

Government needs to have a wide-ranging consultative process to properly investigate the true costs inherent in the full implementation of the White Paper before legislation is enacted and the process is interrupted due to inadequate levels of resourcing.

5. OTHER MATTERS

1. Stakeholder Representation. Local Government already consults widely in the development of its planning instruments. The State Government now proposes to extend stakeholder consultation to the Regional level. State Government should also consider this as an opportunity to extend the consultative process to the development of State Plans. A 'State Planning Forum' should be established made up of a variety of State level stakeholders, representatives of Local Government and State Government Representatives. This Forum would provide the same type of input at the State level as now required at the Regional level and would add a process transparency not now available at this level.

2. Powers of the Minister. We have significant concerns at the powers of intervention in Local and Regional plans and processes to be given to the Minister of the day. We submit that clear and transparent guidelines need to be established as to when, how and under what conditions these powers can be exercised and what appeal processes have been put in place.
3. Legislation. We find it disturbing that the Department has proceeded to draft the enabling legislation before the public consultation period has even concluded and hope that this does not indicate that the Government had made up its mind as to the content of the legislation without regard to the submissions that it publicly sought.
4. Trial. We suggest that the Department consider undertaking a trial or model regional plan development phase prior to widespread implementation. This would uncover possible unforeseen difficulties and help to identify costing implications as well as staffing and expertise requirements.

6. CONCLUSION

The White Paper as a catalyst for producing change to the State's planning system has merit. However, the White Paper is very light on the implementation detail. The commitment of the State Government, its Departments and Agencies, to change their processes, policies, planning cycles and budgetary priorities is clearly of concern.

There is also an apparent lack of in-depth understanding of the profound and deep changes to local government that implementation will bring. It is imperative to have a substantive consultation period to review draft legislation and any regulations proposed.

Finally the issues of local government representation (and thereby ownership) on the proposed Regional Forum and the absolute need for adequate resources simply cannot be overestimated in their importance.