

# Introduction

## Introduction to National Children's and Youth Law Centre

The National Children's and Youth Law Centre ("NCYLC") is a community legal centre dedicated to addressing and promoting the rights of children and young people in NSW and across Australia. NCYLC is a network of volunteers, lawyers, policy workers and academics who believe that children's and young people's views, interests and rights should be respected and taken into account in law reform and policy debate.

At NCYLC, we are passionate about the rights outlined by the articles in the United Nations' Convention on the Rights of the Child ("CROC"). CROC is an important touchstone for the centre.

This submission is a contribution to our aim of promoting the rights outlined in the CROC articles. In this regard, Article 12 is particularly important. It states that:

*"A child capable of forming his or her views, has the right to express those views, and have them taken into account in all matters affecting the child. The child has the right to be heard in administrative or judicial proceedings affecting him or her."*

Indeed, Article 12 will guide NCYLC's approach to this submission.

## This inquiry

The Children and Young People Committee ("Committee") conducts the inquiry into Children, Young People and the Built Environment ("Inquiry") as a self referred inquiry under its statutory functions.

NCYLC supports the declaration by the UN Conference on Human Settlements (Habitat II) that the well-being of children and young people is the ultimate indicator of a healthy habitat, a democratic society and good governance and thus congratulates the Committee on the decision to conduct the Inquiry. We also commend the Committee on the production of the comprehensive Issues Paper and encourage its wider distribution amongst urban planning and children advocate networks.

However, despite the name of the Inquiry, the Committee has chosen to consider only the impact of the built environment on children - that is, people under the age of 18. There are many common issues faced by children and young adults under the age of 25 and numerous discreet issues for young adults in this 18-25 year age bracket. We would encourage the Committee to also consider issues such as those relating to full-time employment and higher education in the context of discussions about the built environment.

Children and young people struggle to have their needs for facilities and space recognised by policy makers, urban planners and designers. It is important that these needs are acknowledged and understood so that they can be met. This requires comprehensive policies and meaningful consultation with young people to develop effective mechanisms to meet their needs and interests.

**NCYLC would welcome the opportunity to provide oral evidence to the Committee in regard to this Inquiry.**

## **Implementing UN Convention on the Rights of the Child**

CROC highlights the need for children to be involved in decisions affecting their lives. The principles of the CROC cover all aspects of a child's life and development - from ensuring child protection systems effectively reduce the incidence of abuse and violence to promoting measures that develop a child's capacity to have a voice in public and political debate. To implement these principles the UN has established the International Secretariat for Child Friendly Cities ("CFC Secretariat").

Australia is a signatory to the CROC and, as such, the Australian Federal government is required to report every 4 years to the broader international community through the Committee on the Rights of the Child ("UN Committee"). After considering this report and the submissions of other Australian non government organizations the UN Committee reports on the extent to which the principles and provisions of the CROC have been implemented into decision making processes in Australia.

In September 2005 the UN Committee considered the combined second and third periodic reports of Australia. In its concluding observations it expressed concern that Australia has "no comprehensive policy at national level for children specifically addressing human rights issues that may impact on them."<sup>1</sup> The UN Committee encouraged the implementation of a national plan to protect the human rights of children. It suggested that such a plan "should have specific goals, strategies and guaranteed resources, which would allow for an appropriate implementation of CROC across all States and Territories"<sup>2</sup>.

The built environment, and in particular the use of public space, raises numerous human rights issues for young people. Young people need a free and democratic space where they can live without overzealous supervision. Access to and use of public transport is an example where the characteristics and policing of the built environment raise human rights concerns for young people.

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<sup>1</sup> Concluding Observations of Committee on the Rights of Child, Australia, 40th Session, CRC/C/15/Add.268, 30 September 2005

<sup>2</sup> *ibid.*, paragraph 12

**The recommendations made in this submission include specific goals and strategies to further the implementation of CROC and to protect the human rights of children and young people in NSW**

## Executive summary of our submission

Children and young peoples' health and well being can be improved by giving more thought to their needs when planning the built environment and our interaction with young people in it. To effectively improve the quality of life for children and young people in NSW we must both acknowledge their rights and listen to their voices.

To assist in the implementation of the CROC the UN has established the International Secretariat for Child Friendly Cities ("CFC Secretariat"). The CFC Secretariat has done considerable amount of work to create a framework for member states to build child friendly cities. With some changes NSW has the potential to build child friendly cities using the current NSW planning system and the guidance of the Secretariat.

NCYLC's key recommendations are as follows:

**1      The Department of Planning produces a State Environmental Planning Policy ("SEPP") specific to the needs of children and young people in NSW.**

In NSW the Department of Planning develops State Environmental Planning Policies ("SEPPs") for important state wide issues. SEPPs provide guidance for the authority providing development consent. To date SEPPs have addressed the needs of various sectors of NSW's community, including policies for those living in group homes, low-cost rental accommodation and for seniors. A detailed SEPP addressing the needs of NSW children and young people is needed. Considerable youth consultation should occur in the development of this SEPP.

**2      NCYLC recommends that the SEPP specific to children and young should apply to proposed developments likely to have an impact on children and young people and should set out:**

- (a)    assessment criteria and considerations which the consent authority should take into account; and**
- (b)    require a developer to submit a "Youth Impact Report" with the Development Application which addresses specific children and young people issues relating to the proposed development.**

As part of the development assessment process applicants of relevant developments must provide the consent authority with a Youth Impact Report("YIR"). At a minimum it must contain:

- an outline of public and private transport options to the development;
- a policing and safety plan for the development;

- a statement outlining any possible health issues arising from the development;
- evidence of Youth Consultation when planning for needs of young people;
- an accountability statement outlining the person responsible for youth affairs and liaison; and
- an ongoing youth development plan.

**3 NCYLC recommends that the development of a youth specific SEPP must include meaningful youth participation that is undertaken in consultation with the NSW Children's Commissioner.**

Consultation with children and young people correlate positively with their use of the built environment. It is important that children and young people's needs for facilities and space are acknowledged and understood and engaging with young people is the best way to do this.

The NSW Children's Commissioner has considerable experience in conducting and facilitating youth participation and could provide assistance to the Department of Planning. We do not believe that it is appropriate for such assistance to be "outsourcing" of this consultation as it is important that planners and urban designers themselves engage with young people.

**4 The Department of Planning reviews and expands its "Urban Design Guidelines with Young People in Mind".**

Seven years ago the NSW Department of Urban Affairs and Planning (as the Department of Planning was then known) developed the "Urban Design Guidelines with Young People in Mind" which aimed to assist local councils and developers in making public areas more suitable to the needs of children and young people.<sup>3</sup> There is little evidence to suggest they have been effectively used.

Furthermore, these guidelines are of questionable value for broad urban planning issues such as providing youth friendly public transport systems, policing of public spaces and increasing the number of accessible sporting facilities and parklands.

If reviewed these guidelines may provide a useful starting point for the Department when producing a SEPP to address the needs of NSW's children and young people.

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<sup>3</sup> Department of Urban Affairs and Planning, "Urban Design Guidelines with Young People in Mind", September 1999 [http://www.planning.nsw.gov.au/programs/services/pdf/udas\\_yo.pdf](http://www.planning.nsw.gov.au/programs/services/pdf/udas_yo.pdf)

- 5      The Local Government Act is amended to require all NSW local councils produce a youth strategic plan in the next five years. Such a plan would facilitate.**

Several NSW local councils have implemented comprehensive youth specific/social strategic plans which plan for the establishment and maintenance of youth services and facilities in their area. The best of these plans have a strategic focus articulating relevant, achievable, current and future strategies that address identified needs for youth. They are developed in consultation with young people and establish realistic timeframes to achieve short, medium and long term goals for youth specific outcomes.

- 6      The Committee is encouraged to make a submission to the Department of Local Councils' Integrated Planning and Reporting Project lobbying for compulsory strategic youth plans.**

The Department of Local Councils is currently undertaking the Integrated Planning and Reporting Project. The goals of this project are amongst other things to strengthen local councils' strategic focus and ensure that the Local Government Act 1993 and the department's guidelines support a strategic and integrated approach to planning and reporting by local councils.

NCYLC believes this would be an excellent opportunity for the Committee to lobby for compulsory local strategic youth plans.

## **PART 1 Trends, changes and issues**

In this section we discuss the Inquiry's first term of reference, that is:

**What are the trends, changes and issues for children and young people in the development, implementation and coordination of policy, design and planning for the built environment?**

The trends, changes and issues for children and young people in their interaction with the built environment are extensive and varied. Many of these issues are discussed in the Issues Papers prepared for the Inquiry. NCYLC seeks in particular to draw the Committee's attention to the following issues:

- meaningful youth participation;
- health, including child obesity and mental health;
- policing of public spaces; and
- access to safe, efficient and equitable public transport.

### **1.1 Meaningful youth participation**

Children and young people fight to have their needs for space recognised by policy makers, urban planners and designers.

There have been numerous attempts to include children and young people positively and actively in the construction and management of public spaces with mixed results.

Both the public and private sector report examples of direct youth involvement in the planning and site development of more youth and child friendly public spaces. Shopping complexes in Erina, Campbelltown and Hornsby, for example, now boast better facilities and relationships with young people. Indeed, skateboard parks in places such as Camden and Penrith, which were developed in consultation with young people, are used more than those developed by local councils alone. Many young skaters refer to parks developed by council without consultation as "prefabs" or "cookie cutter" parks and continue to use schools, streets and stairs as places to skate.

Such success stories highlight not only the way consultation with children and young people correlate positively with their use of the built environment but also that children and young people enjoy being consulted in planning decisions and like having their opinions about their built environment taken into account.

Given the importance that children and young people place upon having their opinions taken into account when planning for the built environment, it is understandably frustrating for them when they feel such opportunities are presented to them, only for their opinions to fall upon deaf ears. Karen Malone, Director of UNESCO's Growing Up In Cities project has also identified the façade of meaningful youth participation as a problem area in the youth consultation process. Malone suggests that consultation with young people, although participatory, can often be

*'oriented in rhetoric [and] pragmatically constructed in that community needs [are] often seen as adult needs and youth were seen as a problem. [That p]lanning with young people [is] about "getting them involved" so they [don't] burn the place down when it [is] finished, rather than acknowledging that young people [have] different and distinct needs from the rest of the community.'*<sup>4</sup>

In light of this, the NCYLC believe that one of the most important trends with young people concerning the built environment is that their involvement in the process is seen by them to yield tangible results. This way, young people are less likely to become embittered with the consultative process and see it as a positive experience. This style of effective youth participation needs to operate on both a large scale state (and federal) strategic level and a local council level. It must be outcomes driven and tailored to the particular needs of children and young people.

## 1.2 Health

The environments of children and youth across NSW are diverse but each is influential on the health, well-being and development of its young residents. The most prevalent child health issues affecting Australian children are preventable: obesity, dental disease, emotional and behavioural problems, bullying and learning delays.

There is an increasing body of research that suggests a link between the built environment and health. In 2003 researchers identified twenty community factors that could be linked to California's most pressing medical problems. These factors were grouped into four interrelated "community clusters" which, in addition to the built environment, included social capital, services & institutions and structural factors (see diagram below). Each of these clusters contributed to the general health of the population.<sup>5</sup>

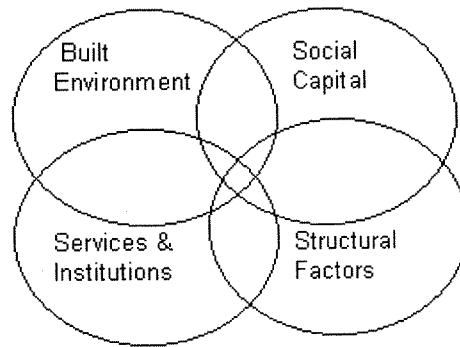
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<sup>4</sup> Karen Malone, "Growing Up in Cities as a model of participatory planning and 'place-making' with young people", Youth Studies Australia, Volume 18(2), page 21-22.

<sup>5</sup> Davis, Cohen & Mikkelsen. (2003). *Strengthening Communities: A Prevention framework for reducing health disparities*, The California Endowment (online). Available: <http://www.preventioninstitute.org/healthdis.html>



### Community Clusters



Factors in the built environment community cluster were found to influence the rate of physical activity, tobacco use, substance abuse, injury, violence and chronic disease. The presence of the following features in a built environment positively correlated to improved health:

- An activity-promoting environment. That is one that fosters incidental and recreational activity.
- A nutrition-promoting environment. That is one that provides and promotes safe, affordable, healthy food.
- Quality housing. Availability of safe and affordable housing.
- Good transportation. Safe, reliable, accessible and affordable transport.
- Environmental quality. Safe and clean water, soil, air, and building materials.
- Product availability. Availability of safe, health-promoting products.
- Positive aesthetic and ambiance. Well-maintained, appealing and clean environment.

#### **1.2.1 Child obesity**

The most prevalent of health issues affecting Australian children is overweight and obesity problems. These affect about 23% of Australian children and adolescents, with 6% being obese. Child obesity has been estimated to be increasing at a rate of 1% per annum meaning that half of all young Australians could be overweight by the year 2025.<sup>6</sup>

In addition to maintaining a healthy diet, research suggests that sport, recreation and play improve both physical and mental health. It teaches children important life lessons about respect, leadership, teamwork, problem solving, cooperation and social interaction.<sup>7</sup>

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<sup>6</sup> Australian Institute of Health and Welfare (AIHW) 2005. A picture of Australia's children. Canberra: AIHW.

<sup>7</sup> Cirtchley, A & Schott, P (2004) Spirals of strength, strengthening communities through group work, Creative Times, The Samaritans Foundation, New South Wales, Australia. See also The Non-Government Report on the implementation of the United Nations Convention on the Rights of the Child, 2005

A recent University of Queensland study of 3.5 million children found that secondary school students have 600 less hours of physical activity in a year than their counterparts 30 years ago.<sup>8</sup> Dr Ken Edwards warned that students were more likely to face an early death because of significant lost exercise opportunities since the 1980s. He surmised that “computer lifestyles” safety concerns and inappropriate food choices also contributed to the loss of physical activity.

Imperative to encouraging the majority of young people to play sport is access to free or low cost sport facilities. Access to free and safe beaches, parks and other public places also provide children with the opportunity to play informal sports. However increasingly free public spaces are unavailable to children and young people. School and council playing fields are locked after hours, rented out to private sporting competition organisers or made “off limits” due to public indemnity insurance concerns. An increased fear of “stranger danger” and a perceived risk of unsupervised play also forces children to recreation that can be contained in supervised backyard or house. Needless to say this involves less physical movement than sport.

The removal of basketball courts at Darling Harbour Sydney and its replacement with Sega World, a development dedicated to computer games, is indicative of the decrease in the number of accessible public places for children and young people.

### **1.2.2 Mental health**

While there are few national data sources that describe the mental wellbeing of Australian children, there is much anecdotal evidence to suggest that mental illness amongst children is on the rise.

There is both scientific and anecdotal evidence of a nexus between the built environment and community mental health, particularly in the urban context.

The Picture of Australia’s Children report suggested that there are five broad factors that can contribute to the onset of mental illness in children.<sup>9</sup> One such factor is “community and cultural factors”, which was defined in the report as “socio-economic disadvantage, social or cultural discrimination, neighbourhood violence and crime, population density and housing conditions”.<sup>10</sup>

A study of 1355 people in 59 neighbourhoods in New York City found residents of neighbourhoods characterised by a poor quality built environment had a 29-58% greater likelihood of depression in the previous six months and were 36-64% more likely to report lifetime depression

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<sup>8</sup> “Hard lesson from big drop in childhood exercise” Sonja Koemas, *The Daily Telegraph*, 9 January 2006, page 5.

<sup>9</sup> Australian Institute of Health and Welfare, op. cit., p. 25.

<sup>10</sup> Australian Institute of Health and Welfare, op. cit., p. 25.

(adjusting for age, ethnicity, sex and income) than people living in a better built environment.<sup>11</sup>

The study adds to growing literature that suggests the importance of the built environment in shaping mental health.<sup>12</sup> It reinforces calls for greater collaboration between urban planners and public health professionals to identify potential avenues for improving the mental health of the urban population.

**Children and young people are frequently products of their environments. In order to improve the physical and mental health of NSW's children more attention needs to be paid to improving the built environment they live in.**

### 1.3 Policing of public places

The mass privatisation of public spaces and the interest in questions of "law and order" raise the debate on how to best control, manage and regulate public spaces. In particular, the activities of children and young people in public spaces and how others perceive them in these spaces have been subject to considerable community and media debate.

Public spaces include government owned spaces with public access (such as parks and ovals), government owned spaces with some restricted public access (such as sporting and school grounds) and privately owned spaces with public access (such as shopping centres).

The policing of public spaces, including privately owned 'public spaces' is a major youth issue and of prime concern to the NCYLC. Public spaces are an important aspect in the development of young people. As children and young people's peers begin to play a more prominent role in their lives, public spaces (and private spaces with public access such as shopping centres) are inexpensive places for them to congregate outside of the strictures of home or school. They are also a place where they can develop the social and relationship skills necessary for their transition from childhood to adulthood.

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<sup>11</sup> Galea, Ahern, Rudenstine et. al. (2005) Urban built environment and depression: a multilevel analysis *Journal of Epidemiology and Community Health* (Online), pp. 822-827.

<sup>12</sup> As cited by Cohen, Davis & Mikkelsen: Blum HL. (1981) Social perspective on risk reduction. *Family and Community Health*, 3(1):41-50; McGinnis JM, Foege WH. (1993) Actual causes of death in the United States, *JAMA*, 270:2207-2213; Adler NE, Newman, K. (2002) Socioeconomic Disparities In Health, Pathways And Policies. *Health Affairs*, 21(2) p 60; Smedley BD, Syme SL, eds. (2000) *Promoting Health: Intervention Strategies from Social and Behavioral Research*. Washington, D.C.: National Academy Press; PolicyLink. (2002) Reducing health disparities through a focus on communities, Oakland, CA; Addressing Health Disparities: The NIH Program of Action. Available at: <http://healthdisparities.nih.gov/whatare.html>

Unfortunately, the common perception of young people when congregated in public spaces does not consider its developmental importance. Rather, groups of young people are seen as a loud, annoying and probably criminal. This misconception results in young people commonly being on the receiving end of police 'move along' powers and shopping centre bannings.

Currently, police have the power to issue directions (such as telling someone to move along) if they are in or around a public place and the police believe on reasonable grounds that they are, obstructing, harassing or intimidating others or traffic, causing or likely to cause fear to others, or buying or selling drugs.<sup>13</sup> In these public spaces private security officers have no more extra powers than ordinary citizens.

However in the private policing of private spaces that are for public use such as shopping centres, security guards have greater power. This is most often played out by the "banning" of someone from an area for an unlimited period of time by issuing them a "Termination of Licence" notice. A recipient of such a notice can be charged with trespassing the next time they go into that space.

**Misconceptions of young people in public space often generates initial conflict between young people and police or security officers. This frequently results in an unnecessary and undesirable introduction to the juvenile justice system. More thought needs to be given to how we interact with children and young people in the built environment.**

## **1.4 Access to safe and efficient public transport**

Safe and efficient public transport is essential for young people in rural and urban areas of NSW. It allows them to access education, health, employment, training, recreation and social activities.

Unfortunately however, young people generally receive poor public transport service delivery in terms of the frequency and geographical range and the delivery of a safe and equitable service.

### **1.4.1 Efficient public transport**

Children and young people in regional and rural NSW lack viable public transport options. The prohibitive cost of owning a car, as well as the fact that their age prevents them from driving, makes even accessing a private vehicle particularly difficult.<sup>14</sup> This in turn limits access to public facilities

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<sup>13</sup> *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW), s 197.

<sup>14</sup> Currie, Gammie, Waingold et. al. 2005, *Rural and Regional Young People and Transport*, Report to the National Youth Affairs Research Scheme, Department of Families, Community Services and Indigenous Affairs (Online), p. 18. Available:

and social activities and creates a reliance on family members and friends who have private vehicles.

#### **1.4.2 Consequences of poor public transport options for young people**

The impact of a lack of public transport for children and young people is significant. In the absence of public transport, young people are prevented from accessing social and recreational facilities, health services and education, training and work opportunities.

##### **(a) Social exclusion**

A limited ability to access social and recreational facilities can lead to social exclusion and a variety of problems that stem from the inability to fully participate in society. Without access to a wider group of people and social and recreational activities, a feeling of isolation and lack of personal freedom can result.<sup>15</sup> Social exclusion commonly resulting in a feeling of helplessness can have serious consequences. Certainly over the past decade the greatest increases in suicide rates for youth have occurred in the smaller rural towns with populations less than 4,000 people.<sup>16</sup>

##### **(b) Poor health**

Isolation and lack of community interaction can also lead to serious health issues, such as obesity.<sup>17</sup> Without access to sporting activities for example, young people are at an obvious disadvantage in maintaining a healthy lifestyle. This problem then cumulates when young people are reliant on cars for access to health services or information. In particular, a reliance on family for private transport often prevents young people from seeking confidential health services such as depression and trauma counselling or sexual health information.

##### **(c) Fewer education options**

Increased public transport options also increases access to education, training and work opportunities. Difficulty in transport to school has been highlighted as one of the main causes that rural students fall behind their urban peers in education.

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[http://www.facs.gov.au/internet/facsinternet.nsf/aboutfacs/programs/youth-randr\\_transport.htm](http://www.facs.gov.au/internet/facsinternet.nsf/aboutfacs/programs/youth-randr_transport.htm) (Accessed 2006, January 30).

<sup>15</sup> *ibid*, p. 22.

<sup>16</sup> *ibid*.

<sup>17</sup> Wilkinson, R. and Marmot M. (2003). Social Determinants of Health, Report to the International Centre for Health and Society, World Health Organization (Online), p. 28. Available at: <http://www.who.dk/document/e81384.pdf>

In 2000 the Human Rights and Equal Opportunity Commission undertook a National Inquiry into Rural and Remote Education.<sup>18</sup> It found strong evidence that rural and remote children and young people are generally disadvantaged in comparison with their urban counterparts, with the rights of Indigenous children and children with disabilities most at risk. It concluded that many thousands of children have no effective access to secondary education whatsoever and that tens of thousands more receive inadequate secondary opportunities. The report found that hundreds of children face difficulty even in accessing a basic level of primary education and that literacy and numeracy are real and perhaps growing problems in regional areas. It concluded that a lack of school transport was a contributing factor to poor attendance levels.

Lack of access to education in rural areas means that many young people choose to enter the local workforce rather than pursue further education.<sup>19</sup> A study of young people in rural areas in England found that over 40% of 15 and 16 year-olds said that transport issues affected their decisions about post-16 education.<sup>20</sup> Those young people entering the workforce were restricted as to where and when they worked due to the fact that most employers would not negotiate flexible working hours to suit public transport timetables.

#### **1.4.3 Safe and equitable public transport**

There is considerable research and anecdotal evidence to suggest that children and young people are often discriminated against and poorly treated by NSW bus and rail transit officers. A study of 300 young NSW public transport users by the Youth Action and Policy Association ("YAPA") found that young people;

- are unfairly targeted by public transit officers;
- are disproportionately and inappropriately adversely affected by fining for transit offences; and
- are concerned about safety and procedural fairness on public transport.<sup>21</sup>

The study clearly shows that young people identify unfair age related targeting and discrimination as a serious concern in their interaction with transit security and law enforcement.

These results were reflected in NSW Ombudsman's annual report which provided a damning report of RailCorp transit officers. The Ombudsman strongly criticised not only the officers' treatment of commuters on trains but also RailCorp's failure to pursue obvious lines of enquiry where complaints are later lodged by commuters. The Ombudsman found that if a complaint

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<sup>18</sup> Human Rights and Equal Opportunity Commission, *National Inquiry into Rural and Remote Education* (2000).

<sup>19</sup> *Rural and Regional Young People and Transport*, op. cit., p. 23.

<sup>20</sup> *Young People in Rural Areas Excluded by Lack of Public Transport*, The Institute of Education, UK [http://ioewebserver.ioe.ac.uk/ioe/cms/get.asp?cid=1397&1397\\_1=1718](http://ioewebserver.ioe.ac.uk/ioe/cms/get.asp?cid=1397&1397_1=1718)

<sup>21</sup> *Fair go RailCorp: Young people and transit security*, Youth Action and Policy Association NSW (YAPA), <http://www.yapa.org.au/yapa/policy/index.php>

was followed up it rarely included a study of the complaint history of the officers involved or an interview with the complainant.<sup>22</sup>

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<sup>22</sup> NSW Ombudsman Annual Report 2004–05, pages 69-72

## **PART 2 - Mechanisms and strategies**

In this part we discuss the Inquiry's second and third terms of reference, that is:

**What mechanisms are available for monitoring and reporting on planning processes and decisions concerning the built environment, as they relate to and impact on children and young people?**

and

**What strategies to ensure issues affecting children are identified and receive coordinated attention across portfolios and levels of government?**

### **2.1 UN Child Friendly Cities Project**

Issues Paper 2 to this inquiry referred to the CFC Secretariat. The CFC Secretariat was established to promote consideration of the needs of children and young people in the built environment. With the growth of Child Friendly Cities ("CFC") activities, cities have increasingly expressed the need to exchange information, share experiences and approach common problems together. Informal exchanges have gradually developed into networks and regular meetings.

The CFC Secretariat collects, documents, distils and disseminates experience on local strategies to implement the CROC. The CFC Secretariat has provided support for the development of a toolkit for CFC builders. The kit contains the following tools:

- CFC website in three languages ([www.childfriendlycities.org](http://www.childfriendlycities.org));
- CFC database with data relating to programme initiatives and key contacts;
- definition of a CFC;
- CFC "Framework for Action" to implement children's rights in cities and other local governance systems;
- checklist to guide CFC builders in developing and monitoring activities;
- nine building blocks to develop a Child Friendly City;
- good practices that document innovations and successful strategies in Child Friendly Cities; and
- key references on the global CFC initiative.



NCYLC seeks to draw the Committee's attention to the nine building blocks to becoming a CFC.<sup>23</sup> NCYLC has sought to reflect elements of each of these blocks in our key recommendations to the Committee, in particular:

- the development of a state wide environmental planning policy specific to the needs of children and young people;
- the requirement of Youth Impact Reports ("YIR") for proposed large scale developments; and
- the introduction of compulsory Local council "Youth Strategic Plans".

The NSW Children's Commission can also play a role in implementing these building blocks. This is discussed further in this section.

The UN Committee recommended that a "child impact assessment" be conducted in respect to all new laws and policies as early as possible in the planning process.<sup>24</sup> The Committee suggested feasible models including one similar to environmental impact statements and gender impact statements. Continuing assessment of the actual impact on children is also needed.<sup>25</sup> It is with these principles in mind that the NCYLC makes the following suggestions for a best practice means of building child friendly cities in NSW.

## **2.2 Building of CFCs using the NSW planning process**

### **2.2.1 Introduction**

In New South Wales, development and plan making is regulated by the *Environmental Planning and Assessment Act 1979* ("the Act"). It is the responsibility of the Department of Planning to plan for important state wide issues and to make sure that government policies are carried out uniformly. This includes developing State Environmental Planning Policies ("SEPPs") and Regional Environmental Plans ("REPs") and sometimes making contributions to local council Local Environmental Plans ("LEPs").<sup>26</sup>

Measures to plan for and assess the impact on children and young people of decisions about the built environment can be incorporated into the existing framework of NSW planning procedures.

### **2.2.2 Planning state-wide**

At the State Government level the Department of Planning produces SEPPs which deal with issues significant to the state and people of New South Wales. Where any development is proposed, a SEPP will dictate

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<sup>23</sup> See Issues paper No. 2 page 3 and [www.childfriendlycities.org](http://www.childfriendlycities.org).

<sup>24</sup> Child impact assessment and evaluation: ensuring that there is a systematic process to assess the impact of law, policy and practice on children - in advance, during and after implementation, CFCI, [http://www.childfriendlycities.org/resources/block\\_5.html](http://www.childfriendlycities.org/resources/block_5.html)

<sup>25</sup> Ibid

<sup>26</sup> 'How Plans are made' at [www.planning.nsw.gov.au/planningsystem/howplans.asp](http://www.planning.nsw.gov.au/planningsystem/howplans.asp)

considerations the authority providing development consent, be it a local council or the Department of Planning, must take into account.

SEPPs produced to date have addressed the needs of various sectors of NSW's community, including policies for those living in group homes (SEPP No. 9), for those living in low-cost rental accommodation (SEPP No. 10) and for seniors (SEPP (Seniors Living) 2004).

However, the needs of children and young people have not been comprehensively considered or given due weight in any state wide policy.

NCYLC recommends that the Department of Planning produce a detailed SEPP on urban planning for children and young people. This policy should detail the factors impacting on children and young people which the consent authority must consider when assessing particular proposed developments. The SEPP should be developed with considerable community consultation - particularly with children and young people.

In 1999 the NSW Department of Urban Affairs and Planning (as the Department of Planning was then known) developed the "Urban Design Guidelines with Young People in Mind" which aimed to assist local councils and developers in making public spaces more suitable to the needs of children.<sup>27</sup>

However, as these guidelines were developed with the primary aim of making public spaces better for children aged 12 to 18 years old<sup>28</sup> they are of questionable value for broader urban planning issues such as providing youth friendly public transport systems and increasing the number of accessible sporting facilities and parklands. Any SEPP on urban planning for young people should include guidance for regional and, where appropriate, local environmental plans on both macro and micro issues.

While these guidelines are now seven years old, when refreshed and expanded they may provide a useful starting point for the Department to consider when producing a SEPP to address the needs of NSW's children and young people.

**NCYLC recommends that the Department of Planning produces a State Environmental Planning Policy specific to the needs of children and young people in NSW.**

**NCYLC recommends that the Department of Planning updates and expands the "Urban Design Guidelines with Young People in Mind".**

Suggested guidelines for the SEPP are in discussed below.

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<sup>27</sup> Department of Urban Affairs and Planning, "Urban Design Guidelines with Young People in Mind", September 1999 [http://www.planning.nsw.gov.au/programservices/pdf/udas\\_yo.pdf](http://www.planning.nsw.gov.au/programservices/pdf/udas_yo.pdf)

<sup>28</sup> See [http://www.communitybuilders.nsw.gov.au/building\\_stronger/safer/young.html](http://www.communitybuilders.nsw.gov.au/building_stronger/safer/young.html)

### **2.2.3 Planning regionally**

Regional Environmental Plans (“REPs”) deal with issues that go beyond the local council area such as providing public transport to specific regions of NSW. REPs give local governments a framework for detailed local planning and can apply to either large areas (such as the South West of Sydney or Hunter region) or to small sites that have regional significance (such as Homebush Bay).

NCYLC recommends that where a specific need or issue arises in relation to young people and the built environment in a specific region covering more than one local council area, a REP should be produced. The Children’s Commissioner and youth advocacy groups should be consulted regularly on the need for a REP for a specific area.

### **2.2.4 Planning locally**

#### **(a) Youth Strategic Plans**

Several NSW local councils have implemented comprehensive youth specific/social strategic plans.<sup>29</sup> The underlying objectives of such plans are generally:

- to identify a clear strategy relating to provision of youth services;
- to develop a strategy guided by principles of youth participation, access and equity;
- to foster a collaborative approach and joint planning with key agencies and other Council departments; and
- to provide information to funding organisations of the Council’s principles and priorities.

NCYLC has reviewed several local councils’ youth strategic plans. We wish to draw the Committee’s attention in particular to the Camden Local Council’s Youth Strategic Plan 2005 - 2010.<sup>30</sup> The plan stems from the larger “Camden 2025 Plan” and specifically caters for youth, identifying needs and issues with a strategic focus. The plan articulates relevant, achievable, current and future strategies that address identified needs for youth. It establishes realistic timeframes to achieve short, medium and long term goals for youth specific outcomes.

We often hear from young people that they want to contribute to the process of defining their needs, so that policy reflects their aspirations and concerns. The Camden strategy was developed through extensive youth consultation. It

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<sup>29</sup> Campbelltown City Council “Campbelltown City Youth Strategy – 2002-2004”; Baulkham Hills Council “Children & Family Strategy plan”; Bega Valley Council “Youth social plan for 2005-2010”; Burwood Council “Social Plan 2004” (includes a Children & Young persons section); Canterbury City Council “Youth Social Plan 2005-2006”.

<sup>30</sup> Available at [http://www.camden.nsw.gov.au/files/youth\\_strategic\\_plan\\_2005\\_-\\_2010\\_final\\_endorsed\\_copy.pdf](http://www.camden.nsw.gov.au/files/youth_strategic_plan_2005_-_2010_final_endorsed_copy.pdf)

encourages co-operation between young people, Camden Council and the local community to ensure that council and community planning develops in a youth friendly way that sees young people being given autonomy and responsibility in decision making processes. The strategy requires considerable future input from them to ensure plans become reality.

Numerous councils have developed similar plans either as part of larger city plans or stand alone strategies. NCYLC recommends that such youth specific strategies are made compulsory for all local councils. The preparation of these must include considerable consultation with youth agencies and young people. NCYLC does not believe that this would be onerous as most, if not all, local councils now have a Youth Liaison Officer or equivalent which, with the assistance of the NSW Children's Commissioner, could help to conduct effective consultation.

**NCYLC recommends that the Local Government Act is amended to require that all NSW local councils produce a youth strategic plan in the next five years.**

**(b) Department of Local Councils Integrated Planning and Reporting Project**

The requirement that a youth strategic plan be produced by all local councils would complement the NSW Government's desire to review and strengthen the local government system. The Department of Local Councils is currently undertaking a project to improve statutory planning and reporting undertaken by NSW local councils<sup>31</sup>. The aims of the Integrated Planning and Reporting Project are to:

- improve integration of various statutory planning and reporting processes;
- undertaken by councils as required by the Local Government Act 1993 and Environmental Planning and Assessment Act 1979;
- strengthen councils' strategic focus;
- streamline reporting processes; and
- ensure that the Local Government Act 1993 and the department's guidelines support a strategic and integrated approach to planning and reporting by local councils.<sup>32</sup>

| As the first major step in the Integrated Planning and Reporting Project, the Department of Local Councils has prepared a discussion paper to focus discussion on this issue and to provide a framework for input from local councils and other stakeholders. NCYLC believes this would be an excellent opportunity for the Committee to lobby for strategic youth plans and encourages the committee to make a submission.

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<sup>31</sup> See Local Government Circular 06-11 available at <http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Circulars/06-11.pdf>

<sup>32</sup> Ibid

**NCYLC recommends that the State government introduces legislation to require each NSW local council to prepare a strategic plan to facilitate youth services and facilities in their area.**

**NCYLC encourages the Committee to make a submission to the Department of Local Councils' Integrated Planning and Reporting Project lobbying for the introduction of compulsory strategic youth plans for all local councils.**

## **2.3 Assessing the impact of proposed developments on children and young people**

### **2.3.1 The development assessment process**

All development proposals in NSW must be assessed to ensure they comply with relevant planning controls and, according to nature and scale, that they are environmentally and socially sustainable. State, regional and local plans and policies dictate which level of assessment is required, and who is responsible for assessment and provision of consent. Depending on the development, the consent authority may be a local council or the Minister for Planning (the Department of Planning assesses proposals for the Minister).

Among other things, the consent authority must consider provisions of all SEPPs, REPs and LEPs which apply to the land in question. This is why it is important to create a state-wide SEPP which applies to certain types of development which are likely to have an impact on children and young people. The provisions of this SEPP should set out assessment criteria and considerations the consent authority should take into account and require a developer to submit a "Youth Impact Report" ("YIR") with the Development Application addressing specific children and young people issues related to the proposed development. The developments to which the SEPP should apply are those likely to have a significant impact on children and young people.

The representations made by the applicant would be enforceable through the conditions of consent. A development consent is accompanied by a set of conditions imposed by the consent authority. The conditions must be complied with and can be enforced by the consent authority if they are not. The conditions reflect the representations made by the developer in the development application. Accordingly the statements and proposals made in a YIR should be incorporated in the conditions of consent so that they can be enforced.

**NCYLC recommends that the children and young person specific SEPP should apply to proposed development likely to have an impact on children and young people and should set out:**

- (a) assessment criteria and considerations which the consent authority should take into account; and
- (b) require a developer to submit a “Youth Impact Report” (“YIR”) with the Development Application which addresses specific children and young people issues relating to the proposed development.

### 2.3.2 Development of a SEPP for children and young people

#### (a) Youth consultation

Developing a SEPP that will ensure the needs of children and young people are adequately considered as part of a State-wide planning process requires extensive and diverse youth consultation. The more extensive the consultation process is, the more diverse the opinions taken into account when developing the terms of the SEPP will be, meaning that the SEPP will more accurately reflect the interests of the children and young people in any given community.

Making the SEPP development process accessible involves both logistical and outreach considerations.

**Logistical** – logistical concerns include ensuring:

- there is adequate and inexpensive public transport both to and from consultation sites;
- consultation times are appropriate for the youth groups concerned;
- the place of children and young people who are either disadvantaged or disabled on relevant committees;
- that information is presented in a way that is easy for children and young people to understand.
- the translation of information into appropriate community languages; and
- multiple consultations, and allowing sufficient time for children and young people to absorb information and develop new ideas.

**Outreach** – The primary focus of outreach in the development process is to generate diverse input, especially from young people who may not otherwise involve themselves in such projects. Outreach includes:

- off-site consultation conducted through questionnaires, surveys, visits to local schools and the Commissioner for Children and Young People's website; and
- consultation is promoted in youth relevant places with high youth thoroughfare (e.g. youth centres, schools, libraries) and with youth appropriate methods (e.g. word of mouth, through youth workers, community workers and leaders, community and ethnic radio and press)

**Practicality** - Practical measures in which to include young people in the development process include:

- developing flexible plans then allowing children and young people to adjust and pick between these plans;
- allocating particular issues to children and young people in order to show them that their input is important; and
- ensuring children completely understand the reason why they are being asked to participate (i.e. ensure they understand what a SEPP is, or how the built environment can influence their lives in a real way)

**NCYLC recommends that the development of a youth specific SEPP must be via meaningful youth participation in consultation with the NSW Children's Commissioner.**

### **2.3.3 Youth Impact Reports (YIR)**

#### **(a) Introduction**

The NCYLC believes that the most effective mechanism available for monitoring and reporting upon the planning processes and decisions concerning the built environment as they relate to children and young people is the inclusion of a 'Youth Impact Report' (YIR) as a *legislative requirement* of the development application process whenever a development is deemed to have a substantial likely effect upon children and young people. This will maximise opportunities for practical change in the 'real world' of youth affairs. Broadly, a YIR should detail the likely effects that changes in pre-existing built environments would have on children and young people and also serve to ensure that new communities are designed with the needs of children in mind.

The NCYLC believes YIRs are an essential tool for the necessary change in the approach of all sectors, including government, private planners, young people and the wider community to ensure the needs and opinions of children and young people will be given due weight in planning decisions. It is with this in mind that we recommend the development of a SEPP that requires the inclusion of a YIR as part of the development assessment process.

The effect of including a YIR would ensure that whenever an application for a applicable development is made, the developer and the consent authority will consider the measures necessary to ensure that the development caters for the needs of children and young people.

The requirements of a YIR should be designed to incorporate the '9 Building Blocks for Action' found in UNICEF's 'Child Friendly Cities Framework for Action' and aspects of the NSW's Department of Planning's 'Urban Design Guidelines with Young People in Mind' report of 1998 into the NSW planning process. This way, the inclusion of a YIR in the built environment planning process would see NSW become a 'worlds best practice' example in regards to the involvement of children and young people in built environment decisions.

Just as with the creation of a SEPP, the NCYLC believes that YIRs should be developed through a process that values the contributions of both urban planning experts while also recognising the contributions of children and young people. The focal point on children and young people in state and local governance should become a centre of innovation and expertise on working collaboratively with children and young people themselves. This puts in practice the CROC principle that the views of the children and young people be given due weight.

### **(b) Content requirements of Youth Impact Reports**

In order to meet the requirements for a Child Friendly City, as outlined by CFC Secretariat, and to meet the objectives of the 'Urban Design Guidelines with Young People in Mind' a YIR must contain;

- evidence of Youth Consultation;
- outlines of public and private transport options to the development;
- a policing and safety plan for the development;
- a statement outlining any possible health issues arising from the development;
- an accountability statement; and
- an ongoing youth development plan.

#### **(i) Evidence of Youth Consultation**

The NCYLC believes that the content of a YIR should reflect the primary reason for its inclusion in the development assessment process, this being that the needs and opinions of young people are important and deserve to be listened to. Thus a YIR must show evidence of youth consultation in its development. This also makes a YIR a practical exercise of Article 12 of the UN Convention on the Rights of the Child.

#### **(ii) Outline of Public and Private Transport Options for the Development**

The importance of transport options to young people is highlighted in the Department of Planning's "Urban Design Guidelines with Young People in Mind". The guidelines suggest that developments that maximise public transport options, provide well lit bicycle and walkway areas and designate pick up and drop off points for children and young people are examples of good practice. A YIR should demonstrate that transport options for young people have been considered in detail and provide an outline of these options and a statement of justification as to the adequacy of these arrangements.

#### **(iii) Policing and Safety Plan for the Development**

The CFC Secretariat stresses the need for children and young people to have their rights protected in the same manner as adults rights. This means that children and young people are entitled to feel safe when interacting with their environment. These safety concerns are also found in the existing Urban Design Guidelines with Young People in Mind. Children's rights must be made known to adults, in particular the adult institutions that interact with children



and young people regularly. In light of this, a YIR should include a detailed plan of the arrangements made to ensure that the development is a safe place for children and young people. When this involves private policing, evidence must be produced to show that security personnel have or will receive training in how to interact with children and young people in confrontational situations.

#### **(iv) An Impact Statement Outlining likely Health Issues Associated with the Development**

As part of their 9 Building Blocks to a CFC, the CFC Secretariat indicates that a hallmark of a CFC is the measures put in place to assess the impact that built environment structures have upon children and young people.<sup>33</sup> In accordance with this, a YIR should include an impact statement outlining any likely health impacts that the development will have for children and young people. These are both physical and psychological concerns. Issues Paper 1 refers to the Radburn Housing Developments, where uncertainty over ownership of public space led to discontentment between residents of the project, young people included. The YIR should deal with a variety of issues ranging from the measures taken to ensure that young people are considered in ownership issues over public space to the options for exercise and other physical activities at the site.

#### **(v) An Accountability Structure**

Stressed in the 9 Building Blocks is both (a) the establishment of co-ordinating mechanisms which ensure the needs of children and young people are duly considered and (b) the need for young people's advocates to defend the rights of children and young people. To satisfy these requirements, a YIR should outline a detailed accountability structure that establishes a youth liaison officer or similar for the development. The structure should outline the responsibilities of this position both in the development stage and, where appropriate, on an ongoing basis. These responsibilities should include policy development in different youth related areas as well as heavy involvement in the project Ongoing Youth Development Plan.

#### **(vi) An Ongoing Youth Development Plan**

In order to ensure the continuous consideration of children and young people in the project, YIRs should include, where appropriate, an ongoing youth development plan for the project. An ongoing youth development plan is similar to a youth strategic policy that a local council may produce, but on a much smaller scale, and project specific. It should be developed along the line of what the CFC Secretariat refers to as 'a rights strategy' and precautions should be made to see that monitoring and review mechanisms are put in place to assess the effectiveness of the various other measures introduced in the YIR.

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<sup>33</sup> [http://www.childfriendlycities.org/resources/block\\_5.html](http://www.childfriendlycities.org/resources/block_5.html)

**NCYLC recommends that as part of the development assessment process applicants of relevant developments must provide the consent authority with a Youth Impact Report.**

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## **Part 3 - The Commission for Children and Young People**

In this section we consider the following terms of references:

**What is the role of the Commission for Children and Young People in giving input to the Government and non-Government sectors on inclusive and integrated planning and policy-making for children and young people in the built environment?**

### **3.1 UN calls for Children's Rights Unit or Coordinating Mechanism**

As discussed in section 2 of this submission, the UN has established the CFC Secretariat to serve and implement the Child Friendly Cities Initiative. The CFC Secretariat has identified nine "building blocks" for a Child Friendly City.<sup>34</sup>

Building block 4 involves the development of a "Children's Rights Unit or Coordinating Mechanism" in order to ensure that decisions affecting local built environments take into account children's rights and interests.<sup>35</sup> In this way the NSW Children's Commission ("the Children's Commission") could be an important player in making NSW a child friendly state, as envisioned by the CFC Secretariat.

In line with the CFC Secretariats' vision, such a unit would act as an overarching organisation to advocate for, and ensure coordination of policy affecting children and young people.<sup>36</sup> Specifically it should:

- be high-profile and have the political authority to be effective in developing and carrying out a unified strategy for children;
- maintain direct contact with children and ensure their interests are taken into account across all government departments;
- facilitate the coordination between government and non-government agencies;
- have publicly identifiable officers who are responsible for ensuring a children's perspective in each department or area of government; and
- be a centre of innovation and expertise on collaboration with children and young people (i.e. putting Article 12 – Respecting the Views of the Child - of the CROC into practice).<sup>37</sup>

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<sup>34</sup> [http://www.childfriendlycities.org/resources/index\\_conceptual\\_framework.html](http://www.childfriendlycities.org/resources/index_conceptual_framework.html)

<sup>35</sup> Building Child Friendly Cities: A Framework for Action, Unicef Innocenti Research Centre (2004) Florence at page 12 [http://www.childfriendlycities.org/pdf/cfc\\_booklet\\_eng.pdf](http://www.childfriendlycities.org/pdf/cfc_booklet_eng.pdf)

<sup>36</sup> Ibid

Under the Children's Commission's enabling legislation, the *Commission for Children and Young People Act*, two of the guiding principles and functions of the Children's Commission are to consult with children on matters that affect them and to cooperate with other government and non-government agencies that deal with services and issues affecting children.<sup>38</sup> We believe that the Children's Commission could act as a unit or mechanism for children in NSW, as its objectives and mandate are consistent with the broader goals of the CFC Initiative and in particular, building block 4 outlined above.

The Children's Commission consults directly with children and cooperates with other departments and agencies in implementing its goals and strategies.<sup>39</sup> By increasing its public profile and that of its officers, and by promoting children's interests and rights across different government departments, the Children's Commission could strengthen its effectiveness and be an integral provider of input to the government and non-government sectors on inclusive and integrated planning and policy-making for children and young people in the built environment.

### **3.2 The Children's Commissioner's role as youth consultation consultant**

One avenue for the Children's Commission to do this is by working in conjunction with the Department of Planning to develop a State Environment Planning Policy specific to young people.<sup>40</sup> Part of the Commission's Strategic Plan for 2004/07 is to "encourage other organisations to include children and young people in their work using the 'TAKING PARTicipation Seriously' Kit".<sup>41</sup> The plan states a commitment to "work with the Department of Community Services, Department of Ageing, Disability and Home Care and Department of Juvenile Justice to involve children and young people in case planning meetings."<sup>42</sup> By extending this commitment to include the Department of Planning and by actively collaborating with children from different local councils and with other community agencies, the Commission could play an active role in the establishment of state and local policies which would regulate developments pertaining to children and the built environment, not dissimilar to existing SEPPs.

The courts, the Department of Planning's "Community Engagement" initiatives and the legislative requirements indicate that public consultation and

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<sup>37</sup> Ibid

<sup>38</sup> Commission for Children and Young People Act 1988 (NSW); Part 3 - Functions of Commission.

<sup>39</sup> E.g. The Young People's Reference Group, see Commission for Children and Young People website: <http://www.kids.nsw.gov.au/about/refgroup.html>; Strategic Plan 2004/07: Project Activities for 2004/05, see Commission for Children and Young People website, [http://www.kids.nsw.gov.au/files/stratplan04\\_07.pdf](http://www.kids.nsw.gov.au/files/stratplan04_07.pdf); Expert Advisory Group, see <http://www.kids.nsw.gov.au/about/expert.html>

<sup>40</sup> The content of this SEPP is considered in Part 2 of this submission.

<sup>41</sup> Strategic Plan 2004/07: Project Activities for 2004/05, Ibid

<sup>42</sup> Strategic Plan 2004/07: Project Activities for 2004/05, Ibid

participation in relation to environmental planning are an important and established part of the state planning system.<sup>43</sup>

Section 5 of the *Environmental Planning and Assessment Act 1979 (NSW)* ("the Act") states that one of the objects of the Act is "to provide increased opportunity for public involvement and participation in environmental planning and assessment". In planning law cases, the courts have highlighted the public purpose served by engaging the community in environmental planning and development assessment. Accordingly, consultation requirements are treated very seriously – breaches of the legislation often lead to the legal invalidity of decisions made under the Act by councils and other public bodies.<sup>44</sup>

Under the Act there is no express requirement that the community be consulted on draft SEPPs. However, once a draft SEPP has been prepared and forwarded to the Minister of Planning, he or she has the discretion to take such steps as are considered appropriate to publicise the draft and seek submissions from the public on it.<sup>45</sup> On the other hand, regional and local Environmental Plans do have mandatory requirements in relation to public consultation.

Incorporating children and young people's rights, needs and interests, considering them as integral to healthy cities and communities and making them part of planning decisions is a reasonable and desirable extension of the current planning system in NSW. The Commission can play a crucial role in facilitating and overseeing this consultation and participation process, as well as using its expertise to train Department of Planning and local government officers in the consideration of children and young people's needs, rights and interests.

**The NSW Commission for Children & Young People could and should play the role of the Children's Rights Unit as envisaged in Building Block 4 of the UN Child Friendly Cities Initiative.**

**Drawing on its expertise in youth consultation, the NSW Commission for Children & Young People should act as a consultant to the Department of Planning in the development of a SEPP addressing the needs of young people.**

**The NSW Commission for Children & Young People should provide assistance to Local Councils in the development of Youth Strategic Plans.**

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<sup>43</sup> <http://www.iplan.nsw.gov.au/engagement/plansystem/overview.jsp>

<sup>44</sup> The Department of Planning's Community Engagement in the NSW Planning system website: <http://www.iplan.nsw.gov.au/engagement/appendix/appendix1.jsp>

<sup>45</sup> Environmental Planning and Assessment Act 1979 (NSW), s. 39(2)

