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Legislative Council
Standing Committee on State Development
Parliament House
Macquarie Street NSW 2000

Attention John Young
Principal Council Officer

Dear Sir

Inquiry into NSW Planning Framework

Thank you for your interest in the PIA submission to this important inquiry, and for your letter dated 17 March 2009. In response to that letter:

- Dr Peter Jensen and I have read the attached transcripts. There are only two minor but noteworthy corrections to the transcripts, one at page 48 and one at page 50 (see marked up copies of those pages attached).
- The questionnaire attached to your letter has been completed and is enclosed.
- Our response to your question on notice is as set out below.

Question on Notice

"How do you reconcile (or how do you propose you can achieve) the need for LEPs to reflect comprehensive strategic planning and assessment and the need for the ability to simplify the process for changing statutory land use?"

In responding to this question, the Planning Institute makes the assumption that the Committee has in mind the current process of "spot rezoning". This process has conventionally been used to effect changes to existing, possibly obsolete statutory planning instruments. This is where it is necessary to accommodate activities not anticipated in the land use tables of the current planning documents. By contrast, the process that the PIA envisages is designed to obviate this type of ad hoc change in the future by ensuring that the range of activities that may be required to be considered are appropriately anticipated as part of the strategic planning process. In this, the approach that the Institute has promoted is intended to be long-term in its application and not require a continuous process of localised adjustment as new demands arise.

As proposed by the PIA, the separation of the existing components of the Environmental Planning and Assessment Act into two separate processes, would be undertaken via two new, self contained but linked Acts. The policy and integrative steps involved in the strategic plan

making at the state and regional level would be a prelude to the making of a conventional local statutory plan (LEP). These processes of strategic planning and structure plan making, including the establishment of methods of LEP preparation, would be as set out under the proposed *Strategic & Integrated Planning Act*. This would be followed by the processes associated with administration of land use control via a development assessment system embodied in the proposed *Land Use Administration and Development Assessment Act*.

In order to achieve these two mutually related Acts, it would be necessary to undertake a series of steps, initiated by the State Government of NSW and beneficially carried out through a process that would involve public exposure and involvement of all of the key stakeholders.

The steps that the Planning Institute would suggest are required are as follows:

- 1 Establish an expert team to prepare a "Green" paper to describe the objectives of a revised form of planning legislation and administration.
- 2 Part 1 of The "Green" paper would examine the application of the strategic approach to planning and in particular, explore methods of coordinating the ambitions of:
 - All relevant Federal Government policy and agencies (eg on Population/Immigration policy, Climate Change policy, Defence or other key national infrastructure – eg airports);
 - All relevant State departments and agencies (eg RTA, DECC, Education); and
 - All relevant services agencies (eg water, sewer, electricity) whether State, regional or local; public or private
 - Local Government Authorities
 - The development of strategic processes such as the formulation of future scenarios or options for the management of growth and development of land, the testing of those options and the agreement of a preferred option
 - The formulation of broad strategies for how the preferred option can be achieved over the short, medium and longer term (the Strategic Plan) and
 - Where appropriate, the translation of those strategies into a spatial dimension (Structure Plans) usually at the regional and sub-regional levels.
- 3 Part 2 of the "Green" paper would explore the potential future method of land use control and administration.
 - Procedures for local plan preparation as derived from structure plans
 - Examine, and apply as appropriate, the framework proposed by the Development Assessment Forum (DAF) – See PIA submission
 - Protocols for consultation with Local Authorities, stakeholders and other interested parties
 - Form and content of local plans (LEPs)
 - Methods of community involvement in plan preparation
 - Issues to be considered in assessing development
 - Modes of response to development applications

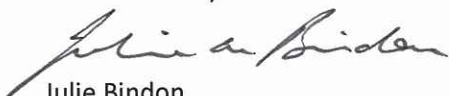
- Method of dispute resolution and appeals
 - Review periods and timing.
- 4 This would be followed by exposure of the “Green” paper for discussion and response and as a prelude to a related “White” paper which would set out the mature principles to be embodied in the two new, mutually related Acts as proposed by the Planning Institute.
- 5 Following receipt of submissions from all interested parties, including Government Departments, Local Government, professional associations and the public, an assessment and report would be prepared, coupled with the preparation of “exposure” draft Bills for the two new Acts:
- Strategic and Integrated Planning Act
 - Land Use Administration and Development Assessment Act

It is acknowledged that the development of such a new system and translating that system into draft legislation would require considerable work by a range of skilled professionals. Inevitably this will take some time, particularly when the need for full and proper consultation with all stakeholders is taken into account. PIA would be very happy to be involved in any advisory capacity in the development of any green paper, white paper or draft legislation.

In this context, it is to be noted that the initial exploratory phases of the EP and A Act 1979 occurred in the early 1970s. Accordingly, to undertake the sort of project envisaged by the PIA, it is anticipated that at least a comparable period of time would be required to achieve a satisfactory outcome. However, the Institute considers it quite unacceptable to continue on the current basis, having regard to all the pressures and problems that are developing to impact on the way that land is used in Australia. This is particularly relevant to the growth of the State Capital cities but it is anticipated that, if approached in a strategic manner, consideration of the growth and development of rural and regional places will also assume a major component of the work required.

Thank you again for the opportunity to be involved in this important initiative. I hope that this response answers the Committee’s question adequately. The Planning Institute of Australia believes that this inquiry provides a unique opportunity to improve the method of planning for and managing land use in Australia and presents an opportunity for NSW to play a leading part. Should you have any further queries please do not hesitate to contact me.

Yours faithfully



Julie Bindon

NSW President, Planning Institute of Australia