

Submission
No 75

INQUIRY INTO NEW SOUTH WALES PLANNING FRAMEWORK

Organisation: Randwick City Council
Name: Ms Sima Truuvet
Position: Director, City Planning
Telephone: (02) 9399 0999
Date received: 11/03/2009

Our ref: F2006/00158

6 March 2009

The Director
Standing Committee on State Development
Legislative Council
Parliament House, Macquarie Street
Sydney NSW 2000

Dear Sir/Madam,

**RE: SUBMISSION TO THE STANDING COMMITTEE ON STATE
DEVELOPMENT INQUIRY INTO THE NEW SOUTH WALES PLANNING
FRAMEWORK**

Thank you for the opportunity to respond to the Standing Committee on State Development Inquiry into the NSW planning framework. Randwick City provides the following comments on the inquiry terms of reference.

- a) *the need, if any, for further development of the New South Wales planning legislation over the next five years, and the principles that should guide such development*

The NSW planning system, in both legal and administrative terms, has undergone a number of reforms. Major changes have been recently introduced to the EP&A Act; they have been assented to, and are being commenced in stages. Randwick City Council has been pro-active in implementing these in a responsible manner.

Despite these reforms, the NSW land use planning system remains complex and confusing. The number of amendments to the Act since it was originally introduced some 30 years ago has contributed to its complexity and to its length. Delivery of the content is difficult as the information is not in one place and is difficult to interpret by the general public. Further, the land use planning system is becoming more prescriptive, with the introduction of the recent housing codes.

A reconsideration of the whole body of legislation is needed with the aim of simplifying the land use planning system. Greater emphasis should be placed on strategic planning with the preparation of state strategic plans such as the Sydney Metropolitan Strategy. A new Act could be developed as two (2) distinct parts; one on strategic planning and the other on development control. Underpinned by, principles of ecological sustainable development that also strengthen the social planning agenda (limited under the current Act) and reflect global issues such as climate change.

<p>English If you need help to understand this letter, please come to Council's Customer Service Centre and ask for assistance in your language or you can contact the Telephone Interpreter Service (TIS) on 131 450 and ask them to contact Council on 9399 0999.</p>	<p>Greek Αν χρειάζεστε βοήθεια για να καταλάβετε αυτή την επιστολή, παρακαλείστε να έρθετε στο Κέντρο Πελατοφύλαξης (Council Customer Service Centre) και να ζητήσετε βοήθεια στη γλώσσα σας ή τηλεφωνήστε στην Τηλεφωνική Υπηρεσία Διερμηνέων (Telephone Interpreter Service – TIS) τηλ. 131 450 και να ζητήσετε να επικοινωνήσουν με τη Δημαρχία τηλ. 9399 0999.</p>	<p>Italian Se avete bisogno di aiuto per capire il contenuto di questa lettera, recatevi presso il Customer Service Centre del Municipio dove potrete chiedere di essere assistiti nella vostra lingua; oppure mettetevi in contatto con il Servizio Telefonico Interpreti (TIS) al 131 450 e chiedete loro di mettersi in contatto col Municipio al 9399 0999.</p>
<p>Croatian Ako vam je potrebna pomoć da biste razumjeli ovo pismo, molimo dođite u Općinski uslužni centar za klijente (Council's Customer Service Centre) i zatražite pomoć na svom jeziku, ili možete nazvati Telefonsku službu tumača (TIS) na 131 450 i zamoliti njih da nazovu Općinu na 9399 0999.</p>	<p>Spanish A la persona que necesite ayuda para entender esta carta se le ruega venir al Centro de Servicios para Clientes [Customer Service Centre] de la Municipalidad y pedir asistencia en su propio idioma, o bien ponerse en contacto con el Servicio Telefónico de Intérpretes ["TIS"], número 131 450, para pedir que le comuniquen con la Municipalidad, cuyo teléfono es 9399 0999.</p>	<p>Vietnamese Nếu quý vị không hiểu lá thư này và cần sự giúp đỡ, mời quý vị đến Trung Tâm Dịch Vụ Hướng Dẫn Khách Hàng của Hội Đồng Thành Phố (Council's Customer Service Centre) để có người nói ngôn ngữ của quý vị giúp hay quý vị có thể liên lạc Dịch Vụ Thông Dịch qua Điện Thoại (TIS) ở số 131 450 và yêu cầu họ liên lạc với Hội Đồng Thành Phố (Council) ở số 9399 0999.</p>
<p>Polish Jeśli potrzebujesz pomocy w zrozumieniu treści tego pisma, przyjdź do punktu obsługi klientów (Customer Service Centre) przy Radzie Miejskiej i poproś o pomoc w języku polskim, albo zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service – TIS) pod numer 131 450 i poproś o skontaktowanie się z Radą Miejską (Council) pod numerem 9399 0999.</p>	<p>Indonesian Jika Anda memerlukan bantuan untuk memahami surat ini, silakan datang ke Pusat Pelayanan Pelanggan (Customer Service Centre) Pemerintah Kotamadya (Council) dan mintalah untuk bantuan dalam bahasa Anda, atau Anda dapat menghubungi Jasa Juru Bahasa Telepon (Telephone Interpreter Service - TIS) pada nomor 131 450 dan meminta supaya mereka menghubungi Pemerintah Kotamadya pada nomor 9399 0999.</p>	<p>Turkish Bu mektubu anlamak için yardıma ihtiyacımız varsa, lütfen Belediye'nin Müşteri Hizmetleri Merkezi'ne gelip kendi dilinizde yardım isteyiniz veya 131 450'den Telefonla Tercüme Servisi'ni (TIS) arayarak onlardan 9399 0999 numaradan Belediye ile ilişkiye geçmelerini isteyiniz.</p>
<p>Hungarian Amennyiben a levél tartalmát nem érti és segítségre van szüksége, kérjük látogassa meg a Tanácsház Ügyfél Szolgálatát (Customer Service Centre), ahol magyar nyelven kaphat felvilágosítást, vagy hívja a Telefon Tölmács Szolgálatot (TIS) a 131 450 telefonszámon és kérje, hogy kapcsolják a Tanácsházat a 9399 0999 telefonszámon.</p>	<p>Czech Jestliže potřebujete pomoc při porozumění tohoto dopisu, navštivte prosím naše Středisko služeb pro veřejnost (Council's Customer Service Centre) a požádejte o poskytnutí pomoci ve vaší řeči anebo zavolejte Telefonní tlumočnickou službu (TIS) na tel. číslo 131 450 a požádejte je, aby oni zavolali Městský úřad Randwick na tel. číslo 9399 0999.</p>	<p>Arabic إذا أردت مساعدة لفهم هذه الرسالة، نرجوكم الحضور إلى مركز خدمة عملاء المجلس واطلب المساعدة في لغتك، أو يمكنك الاتصال بخدمة الترجمة الهاتفية (TIS) على هاتف رقم ١٣١ ٤٥٠ واطلب منهم الاتصال بالمجلس على رقم ٩٣٩٩ ٠٩٩٩.</p>
<p>Chinese 如果你需要人幫助你了解這封信的內容，請來市政會顧客服務中心要求翻譯服務，或者與電話傳譯服務 (TIS) 聯係，號碼是 131 450。請他們幫助你打電話給市政會，號碼是 9399 0999。</p>	<p>Russian Если Вам требуется помощь, чтобы разобраться в этом письме, то, пожалуйста, обратитесь в Муниципальный Центр Обслуживания Клиентов и попросите оказать Вам помощь на Вашем языке или же Вы можете позвонить в Телефонную Службу Переводчиков (TIS) по номеру 131 450 и попросить их связаться с Муниципалитетом по номеру 9399 0999.</p>	<p>Serbian Ako vam treba pomoć da razumete ovo pismo, molimo vas da dođete do Centra za usluge mušterijama pri Opštini (Customer Service Centre) i zamolite ih da vam pomognu na vašem jeziku, ili možete nazvati Telefonsku prevodilačku službu (TIS) na 131 450 i zamolite ih da vas povežu sa Opštinom na 9399 0999.</p>

The development assessment process and provisions of the Act are overly complex, time consuming and inhibit reasonable development proposals. The associate approval times with the current system result in excessive economic impacts. There is a need to streamline the assessment process to capture development which is not complying development, which is the vast majority of local development.

b) the implications of the Council of Australian Governments (COAG) reform agenda for planning in New South Wales

COAG's role is an important one for the future development of the NSW planning framework. Achieving commitment from all levels of government on national issues, such as infrastructure planning, climate change, housing affordability, regulatory reform including development assessment reform is essential. Further, critical to this partnership approach is the reform of Commonwealth-State financial relations.

Outcomes from discussions at the COAG level, though not specifically listed for NSW, have influenced planning reform in NSW. This is by way of COAG's commitment to development assessment reform through streamlining and harmonising development assessment processes within jurisdictions, the push for electronic development assessment processing and the continued commitment to implement the key principles of the development assessment forum's leading practice model.

c) duplication of processes under the Commonwealth Environment Protection and Biodiversity Act 1999 and New South Wales planning, environmental and heritage legislation

Duplication appears to have been avoided through the bilateral agreement process but there needs to be some clarification over lead agency responsibility and land owner consents.

d) Climate change and natural resources issues in planning and development controls

Planning for climate change needs to be developed at the state/regional level to ensure a consistent approach across Council boundaries, while enabling sufficient flexibility to account for updates in climate change predictions.

Councils across NSW now have a unique opportunity in the preparation of new comprehensive Local Environmental Plans to consider climate change and natural resource management issues. Unfortunately the standard NSW LEP template does not currently contain provisions for addressing climate change. Subsequently Councils of NSW are without a clear or consistent direction to address climate change adaptation in their LEPs.

Natural resource issues need to be given due consideration in planning especially with increases in electricity, gas and water unit costs and new developments in passive solar/ventilation designs.

Equal focus needs to be placed on encouraging best practice through incentives as well as regulating minimum development standards. BASIX has been a success in NSW for regulation residential development and this should continue to be expanded to cover minimum requirements for commercial/industrial development. At the same time there is growing industry interest in voluntary Australian rating tools like Green Star, which are encouraging continuous industry development towards improvements in ESD in line with international trends.

e) Appropriateness of considering competition policy issues in land use planning and development approval processes in New South Wales

This area causes confusion for both the local community and local governments, partly as competition policy issues in land use planning and development approval processes is difficult to define and limited guidelines exist.

In terms of development assessment, section 79C of the Environmental Planning and Assessment Act, require consent authorities to consider the economic impacts of a proposed development. This has often been interpreted, particularly by the community, as the impact on existing businesses rather than supply and demand factors and other sound town planning principles as well as creation of employment opportunities.

In relation to strategic planning, the current state strategic plan 'the Sydney Metropolitan Strategy' sets a good basis for a centres policy but has been interpreted by property advocacy groups such as the Urban Taskforce Australia as limiting retail competition in NSW. Specifically, 'directing retail development to concentrate a high proportion of retail services in a limited number of established centres', as outlined in Choice Free Zone (a study commissioned in 2008 by Urban Taskforce Australia into the impact of planning policies on retail competition in NSW).

In practice, a centres policy demonstrates sound town planning as it concentrates growth in existing centres, or planned new centres, integrated with public transport systems and services with good accessibility to residential development. The state government planning policy on integrating land use and transport 'the right place for business and services' supports a centres policy. This policy explains why businesses and services (including retailing and bulky goods outlets) which generate transport demand should be in locations that offer a choice of transport and encourage people to make fewer and shorter trips. Stating that, all consumers can benefit by locating commercial development in centres where the proximity of other businesses facilitates comparison and direct competition.

Committing to this is a state government policy is supported containing clear guidelines that include amongst other things, criteria for assessing out-of-centre retail development, design guidelines for retail centres and a method in which economic consequences of development are considered within the NSW planning process, would assist in determining how such competition policy issues should be considered.

f) Regulation of land use on or adjacent to airports

Sydney Kingsford Smith Airport located within Botany Bay LGA neighbours Randwick City Council and as such, a small portion of land within Randwick LGA is affected by aircraft noise levels.

Under the Airports Act 1996, an airport lease holder is to have an airport master plan and major development plans, to be approved by the Federal Minister. The airport operators do not need to take into consideration local area planning provisions. As a result, these plans were developed in isolation of the surrounding environment and fail to consider the environmental, social and economic impacts on the surrounding local government area. This is a concern, since airports place significant pressures on surrounding environments including noise, traffic and amenity.

The development of these master plans and major development plans on airport sites should be assessed co-operatively by State and Federal Governments with the with suitable consultation with local Councils and communities and should be consistent with state government strategic planning directives.

g) Inter-relationship of planning and building controls

There is a need for streamlined legislation for both planning and building controls as the current EP&A Act and Regulation is currently confusing and outdated. A review of the Act involving local government practical input is required.

Recent reforms to the NSW planning system through the introduction of a state wide housing code to increase complying development have the potential to complicate rather than simplify the planning system, given the stages implementation and dual local/state application of planning instruments.

h) Implications of the planning system on housing affordability.

The interaction between the role of the land use planning system and housing affordability is a widely contested topic. The urban planning system has a key role in regulating housing development. Without appropriate planning controls, development is dispersed which is difficult to service and with poor amenity.

Property developer advocacy groups have attributed the use of green belts, zoning, increased developer charges and slow development approval processes as key factors within the land use planning system to have restricted housing supply and hence contributed to the current housing affordability crisis. However, the Productivity Commission report in 2004 on housing affordability and first home ownership outlined that factors such as easy access to housing finance, falling interest rates, strong economic growth, higher incomes and the trend for smaller households has fuelled the demand for housing as key causes to the current housing affordability crisis.

Despite this inflated demand, property developer advocacy groups have called for the release of more land and the reduction of developer contributions as key measures to improve housing affordability. However, simply releasing more land on the periphery of the suburban belt will do little for housing affordability. The importance of location means that, in most circumstances, an increase in supply in outer areas is likely to have only a relatively small effect on prices for houses (if at all) in preferred locations, including those close to the city (Reserve Bank of Australia, 2003). It also raises other issues such as environmental impacts of urban sprawl and provision of sufficient infrastructure and services.

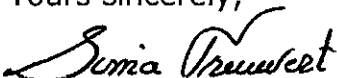
Further, while developer contributions do affect the cost of development they do not necessarily affect the market price of the housing. Councils seek developer contributions to meet the demand for infrastructure and services arising from new developments, such as roads, drainage, community centres and open spaces. These are essential to ensure suitable public amenities and services are available to new development/new areas and should not be minimised as a key strategy for addressing affordability.

Importantly, the urban planning system can and has been used to promote and develop forms of affordable housing. Internationally, proactive strategies such as inclusionary zoning mechanisms; betterment taxes; developer agreements and, the use of density bonuses have been applied to deliver affordable housing through the urban planning system. In NSW, the use of such mechanisms has had limited application, due in large parts to constraints in legislation. Randwick City Council is one of a few local government areas in NSW to manage an affordable rental housing program. The program obtains affordable housing stock through the land use planning system, via voluntary developer agreements as part of a master planning process. However, this voluntary process has provided opportunities to make inroads to affordable housing provision.

This highlights the necessity for state government support of affordable housing mechanisms through legislation. In 2006, the South Australian government amended planning legislation to include references to affordable housing to meet a State Government target of 15% affordable housing including a 5% component for high need housing in all new significant developments.

Council looks forward to the outcomes of the inquiry. Should you have any further questions on the issues raised in this submission, please contact me on 9399 0891 or Karen Armstrong, Manager Strategic Planning 9399 0895.

Yours sincerely,



Sima Truuvet

Director City Planning