

**Submission  
No 312**

**INQUIRY INTO PLANNING PROCESS IN NEWCASTLE  
AND THE BROADER HUNTER REGION**

**Organisation:** Planning Institute Australia

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28 October, 2014

The Director  
Select Committee on the Planning Process in  
Newcastle and the Broader Hunter Region  
Parliament House  
Macquarie St  
Sydney NSW 2000



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*Effective planning for people and places*

## **Submission to the Inquiry on the Planning Process in Newcastle and the Broader Hunter Region**

Dear Teresa,

Please find attached a submission from PIA NSW to the Inquiry on the Planning Process in Newcastle and the Broader Hunter Region.

We would be pleased to elaborate further on the issues raised if the committee wishes.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Maurene Horder', is written over a light blue horizontal line.

Maurene Horder  
PIA NSW Executive Officer

## Introduction

This submission has been prepared by the Planning Institute of Australia (PIA) NSW (PIA NSW) in response to the *Inquiry on the Planning Process in Newcastle and the Broader Hunter Region*. The Inquiry is being conducted by the Select Committee on the Planning Process in Newcastle and Broader Hunter Region. The submission has been largely formulated on behalf of PIA by members of its Hunter Branch Committee.

The Terms of Reference of the Inquiry are as follows:

'The Committee is to consider the role of the Department of Planning and Infrastructure, Newcastle City Council, UrbanGrowth NSW, Lake Macquarie City Council, and the Hunter Development Corporation in the consideration and assessment of:

- (a) State Environmental Planning Policy (SEPP) Amendment (Newcastle City Centre) 2014
- (b) The Newcastle Urban Renewal Strategy
- (c) The Whitebridge development plan in Lake Macquarie
- (d) DA 2014/323 – Newcastle East End Development
- (e) The decision to terminate the Newcastle Rail Line at Wickham and any proposal to construct light rail including along Hunter and Scott Streets, and
- (f) Any related matters'.

This submission discusses some general points around the planning process prior to addressing the issues identified above, as this provides an important background to the recommendations presented at the end of this submission.

## Background - The Planning Process

The current planning system in NSW includes strategic planning processes for developing long term land use plans for regions or local areas which then translate into State Environmental Planning Policies (SEPPs), Local Environmental Plans (LEPs) and Development Control Plans (DCPs). It is important that several aspects of this process are considered.

Firstly, strategic plans should be prepared based on evidence. Strategic planning in NSW often lacks an evidence base. Importantly, strategic plans are not regularly monitored for their success (or failure) and are not updated as regularly as possible. Both state government and local Councils should be required to update plans on a regular basis (say every 5 years) and should be required to monitor progress in addressing the objectives of a strategic plan.

Secondly, every development site is different and planning legislation has to be flexible to address the local circumstances. The matters recently before the Independent Commission Against Corruption (ICAC) has increased the public scrutiny of planning decisions in recent months. The Inquiry should identify that there are significant legislative provisions in place to ensure a range of environmental, economic and social matters are extensively assessed for development applications and rezoning proposals. The planning process needs to be separated from the political process. Some Council's in NSW have established Independent Hearing and Assessment Panels (IHAP). These should be encouraged in all Councils or at a sub-regional or regional level (i.e. one IHAP covers a number of Council areas) to de-politicise the process. The Committee is recommended to conclude that independent, technical based panels are more appropriate for determining significant or controversial developments.

The Inquiry should also consider a larger role in the planning process for suitably qualified professionals. The Planning Institute of Australia instigated a certified practising planner (CPP) course and process in 2006. CPPs are required to abide by a code of ethics to maintain their certification.

## **Cultural Change**

The Planning Institute of Australia in NSW has been a supporter of cultural change within the planning system in NSW. There have been various papers and submissions prepared by PIA on this matter (see <http://www.planning.org.au/policy/nsw-2>). Suffice to say that cultural change is fundamental to improving the NSW planning system. The NSW Government through the Department of Planning and Environment needs to take a strong leadership role here and Councils should be strongly encouraged to implement cultural changes within their organisations.

## **The Whitebridge Development**

It is understood that this matter relates to a development application (DA) currently under assessment by Lake Macquarie City Council. PIA considers that Lake Macquarie City Council professional staff will follow the current legislative process in assessing this DA, which has been independently reviewed by the Council's (Ministerially appointed) Design Review Panel and will be determined by the Joint Regional Planning Panel (JRPP). Any matters relating to the NSW Roads and Maritime Services (RMS) are a matter for RMS processes and protocols.

At a broader level, the community reaction to this development is typical of the current planning process in NSW. That is, often there is limited involvement of the community in the strategic planning process (where decisions on suitable land uses and the size and scale of allowable future development are made). Whilst the opportunities are generally available for input at this stage, in reality members of the community often only "tune in" at the DA stages when it is in "my neighbourhood, my street or my backyard". It is difficult to get individuals involved in the strategic planning process, however, it is crucial that this is better addressed in the planning process (as was discussed in PIA's submissions to the Green and White Papers on Planning Reform).

## **Newcastle Urban Renewal Strategy and Light Rail Project**

In 2011 PIA NSW made a submission to the Draft Newcastle Urban Renewal Strategy which is available at <http://www.planning.org.au/documents/item/4990>. While it is commendable that the NSW Government supports revitalisation of the Newcastle CBD, some issues relevant to the proposed removal of the heavy rail line and replacement with a light rail remain unsatisfactorily resolved, exposing these decisions to scrutiny, such as:

- The decision was made without a long term transport master plan in place. The Department of Planning and Environment have encouraged evidence-based planning which is commendable, however, the Department needs to also be open to scrutiny on the basis of its own decision making.
- The light rail needs to be integrated with other forms of public transport, including during construction. In this sense it is noted that several other light rail projects in Sydney and elsewhere in Australia have taken significant lengths of time to construct and this needs to be considered in the Newcastle light rail project to ensure public transport services are available. The truncation of the heavy rail was announced without adequate alternate provisions in place.
- The timing and commencement of the removal of the heavy rail line (Boxing Day this year) is inappropriate given that it is peak holiday period and a major event (Asian Football Cup) is occurring in Newcastle.
- PIA considers that public transport needs to be as easily accessible and efficient as possible if it is to be well-used. The need for heavy rail users to change to light rail so close to the city seems counter to this premise, and why a decision should have been made without a strategic

transport plan in place. The decision to remove the heavy rail line should have been made within a strategic framework for long term transport arrangements in Newcastle.

- The likely impact on car parking availability in Newcastle, currently already well-recognised as poor, needs to be fully understood and analysed. Ignoring this issue in light of other developments such as the new law courts and Newcastle University City Campus, both of which have minimal parking, suggests a lack of a proper planning process that takes account of both the rail and wider implications for Newcastle

### **View impacts of Newcastle's Hill and Christ Church Cathedral**

The following comments are made in relation to the strategic significance of the view corridors to and from the profile that is commonly referred to as 'The Hill' and Christ Church Cathedral. The view corridor, to and from, the Cathedral and The Hill, is a significant issue that needs to be addressed for any development, policy or plan. This issue has been raised more recently through the following documents:

- (a) State Environmental Planning Policy (SEPP) Amendment (Newcastle City Centre) 2014 (via amendment to Newcastle LEP 2012)
- (b) the Newcastle Urban Renewal Strategy
- (c) Newcastle City Centre DCP
- (d) DA 2014/323 - Newcastle East End Development.

All documents acknowledge the significance of the views to and from Christ Church Cathedral, and the rich cultural heritage associated with this vista. Any increase in building height in Newcastle CBD needs to be justified and the impacts of increased height limits needs to be substantiated given the importance of this view corridor. PIA is concerned that such a significant and strategic issue for the long term planning of the CBD development in the CBD has been pushed from the overarching strategic plan (Newcastle Urban Renewal Strategy) out of an LEP and into a DCP concerned with a specific development.

Clarification and consistency is required across planning documents, given the importance of the view corridor. For example, each of the following documents has a different maximum building height for Hunter Street between Perkins and Wolfe Street:

- Newcastle LEP 2012 height of building map – 24m AHD, and Area C which references back to Clause 7.9 which has been repealed
- Newcastle Urban Renewal Strategy – 27m, and then in Figure 5.15 shown as 30m
- Newcastle City Centre DCP - Figure 6.01-29 shows 55m.

For many years it has been a fundamental design principle in the Newcastle planning environment to protect 'The Hill profile', crowned by the cathedral. The lack of transparency and justification for moving away from this principle, is one that highlights why the community does not have confidence in how these decisions were made. As acknowledged, evidence based planning is important, particularly in circumstances where long-held planning principles are being substantially altered.

It is also understood that Newcastle City Council's Urban Design Consultative Group (UDCG) provided comments to Council and the Department of Planning and Environment (DPE) relevant to this matter but those comments do not appear to have been made public. The community will feel disenfranchised when submissions made are not addressed appropriately.

## **Whole of Government approach**

Planning in the Lower Hunter Region has suffered as a result of the inadequate coordination between State agencies responsible for land use, transport, infrastructure and the environment. A clear example of this was the Newcastle City Centre Renewal SEPP which was published on 29 July 2014, yet the Revitalising Newcastle project (directed by Department of Planning and Environment) was undertaking a 'Design Newcastle' summit on the weekend of 26-27 July 2014. The community is going to feel disappointed when the SEPP is published only 2 days after the event, bringing into question the bona fides of the community engagement.

A single agency, akin to the Greater Sydney Commission, with responsibility to streamline the way that infrastructure and urban planning priorities are delivered could be piloted for Newcastle's urban renewal. Drawing from the Minister for Planning's own words "*the community expects development to be sensible, integrated, and well-coordinated. It is the only way we can continue to build a vibrant, well-functioning city.*"

## **UrbanGrowth NSW and Hunter Development Corporation (HDC)**

UrbanGrowth NSW and HDC have certain requirements under their relevant Acts including undertaking developments that are economically feasible and/or delivering products/sites to the market that provides benefit to the people of NSW. Both agencies are important in the longer term regeneration of Newcastle CBD. The role of both organisations in the revitalisation of the Lower Hunter needs to be clearly defined and coordinated. PIA considers that HDC could perform a role similar to the Greater Sydney Commission in the Hunter, with UrbanGrowth utilising its expertise in a more site specific manner to enable sites to be delivered to the marketplace.

## **Concluding Remarks and Submissions**

Overall, it is considered that the current planning process is complex, however, it provides for a detailed level of assessment for development and rezoning projects in NSW. The proposed changes to planning as outlined in previous Departmental documents are encouraging signs, although some issues still need to be resolved.

In regard to the Inquiry PIA identifies the following issues:

1. The Environmental Planning and Assessment Act 1979 needs an overhaul, and the hiatus of the new Planning Bill 2014 is a significant setback. The State Government should find means which enables many of the positive initiatives for Planning in NSW to be legislated/initiated.
2. All levels of government need to ensure policies and plans are evidence based and are regularly monitored and updated.
3. The planning process needs to be de-politicised. It is important for the economic growth of the Hunter and NSW that Council and state government planning professionals can make professional decisions without political interference. De-politicisation of the process would also assist in developments being undertaken by HDC and UrbanGrowth NSW.
4. A light rail project has been approved in Newcastle CBD. Given the potential construction timeframes, full integration with other forms of public transport is essential. The potential

impact on the public transport system and parking into the future, for events such as the Asian Football Championship should also have been considered.

5. Community consultation needs to be much more effective. This has been a difficult task for all planning professionals, however, guidelines outlining appropriate processes for different levels of development from the Department of Planning and Environment for all private and public sector planners and developers are essential, as outlined in the White Paper. Consultation also needs to be effective and undertaken early in the process to avoid unnecessary delays caused by lack of community understanding of the strategic context once proposals reach DA stage.
6. The view corridor, to and from, the Cathedral and The Hill in Newcastle is a significant issue which needs to be addressed for any policy, plan of development proposal in the CBD. All policies and plans produced by State or Local Government need to be consistent in their approach to this issue. Any increase in height limits in the CBD, whether for a development application or a strategic planning document need to be justified.
7. Community consultation charters/guidelines as envisaged in the White Paper would have been appropriate in the preparation of the documents referenced by this Inquiry. E-planning tools and other visualisation tools need to be continually explored by the Department of Planning and Environment.
8. More use should be made of suitably qualified professionals in the planning process such as Certified Practising Planners (CPPs) to ensure the best possible expertise and methods are utilised in strategic planning and development assessment.
9. There needs to be a program of cultural change, as outlined in previous PIA submissions, to improve government and local government decision making in the Hunter and across the State.
10. The Department of Planning and Environment needs to utilise local resources where available. This includes devolving responsibility to its regional offices within a clear cohesive management framework for the Department as a whole.
11. There is sufficient independent review processes already in place to ensure agencies such as UrbanGrowth NSW and Hunter Development Corporation are meeting legislative requirements similar to other land developers for larger projects. The encouragement of other independent panels (e.g. IHAPs) at the local level would add to the independence and transparency of decision making.
12. The roles of Hunter Development Corporation and UrbanGrowth NSW need to be clearly clarified to the community. It is considered that Hunter Development Corporation could play a similar role to the Greater Sydney Commission in the Hunter with UrbanGrowth NSW utilising its skills to prepare sites for the marketplace.
13. The Department and State Government in general need to ensure that they provide transparent justification for their decisions, whether or not people agree with those decisions. The decision to have a light rail was made in the absence of a long term strategic plan.

14. The proposals in the White Paper to place greater emphasis on strategic planning/upfront policies and away from the focus on individual development applications and assessment under the new Planning Act is supported. This, however, will require resources. Similarly, Newcastle CBD needs some investment as envisaged by recent planning documents. This is encouraged, however, evidence needs to be provided for decisions, not just glossy, PR brochures. This point should be considered in preparing the Lower Hunter Regional Growth Plan by the Department.
15. Justification for decisions should also apply to this Inquiry. It is unknown why the development at Whitebridge is included in the terms of reference. It has not been determined by the JRPP, and is still going through the assessment process. At most, it may be a case study of the problems with the current planning system where a lack of strong community 'buy in' at the strategic planning phase can escalate into major community concerns at the DA stage.
16. The community will perceive the planning process as being flawed when documents and concurrently running projects are not prepared in an integrated manner such as the urban renewal SEPP and the revitalising Newcastle project. A pilot program that tasks a single agency with implementing urban renewal priorities in Newcastle in a holistic way should be investigated. Greater input from local councils, independent experts and a representative cross-section of the community would assist in delivering better outcomes for the people of the Hunter.
17. It should be noted by the Inquiry that recent ICAC investigations have centred on politicians and their role in donations and property deals, and that the planning profession should in no way be linked to, or compromised by, these investigations. PIA considers that the planning profession, led and guided by PIA's strong ethical framework, Code of Conduct and continuing professional development programs, has and will continue to maintain the highest standards of professionalism in planning in the Hunter and across NSW.

Planning Institute of Australia  
NSW Division  
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