

## **INQUIRY INTO REGIONAL PLANNING PROCESSES IN NSW**

**Organisation:** Local Government Planning Directors Group  
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The Director  
Standing Committee on State Development  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000



Dear Sir/Madam

**LOCAL GOVERNMENT PLANNING DIRECTORS GROUP SUBMISSION IN RESPONSE TO THE ENQUIRY INTO REGIONAL PLANNING PROCESSES IN NSW**

I would like to provide this submission regarding the Committee's enquiry on behalf of the Local Government Planning Directors Group (LGPDG).

**Background**

The LGPDG is a group of 10 Planning Directors currently working in various Councils across NSW, representing rural/regional, metropolitan and coastal councils, as follows:

Andrew Carfield	Director Planning and Environment – Wollongong City Council
Angus Witherby	Director Planning and Development – Moree Plains Shire Council
Diane Cuthbert	Executive Manager, Environmental Standards Department – Fairfield City Council
Matt Rogers	Director Development and Environmental Services – Port Macquarie/Hastings Council
Melissa Watkins	Director Environmental Services – Dubbo City Council (Convenor)
Michael Keys	Director Planning and Environment – Albury City Council
Michael Mason	Executive Manager, Environmental Services – Lane Cove Council
Tim Fletcher	Director Development and Environmental Services – Shoalhaven City Council
Tony Farrell	Director City Strategy – Lake Macquarie City Council
Vince Connell	Director Planning and Regulation – Tweed Shire Council

The Group has been meeting with Planning Ministers for a number of years and worked on a number of Committees and assisted with enquiries, reviews and consultation to help improve the Planning System in NSW. The role of the LGPDG is to represent the professional views of Local Government Planners as distinct from our respective councils.

In the past we have been able to assist Ministers and the Department of Planning in reviewing legislation and policy, identifying issues affecting the Planning Systems and offering solutions and outcomes for specific issues.

**All communications to:**

**THE GENERAL MANAGER** PO BOX 81 CHURCH STREET DUBBO NSW 2830

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The LGPDG welcomes the opportunity to participate in further discussion or consideration of the Terms of Reference and in particular the key issues outlined in this submission.

## **Introduction**

The LGPDG believes in the benefits and opportunities that a strong, reliable and agile Planning System can offer. However, a stand-alone regional planning Act is not supported. The LGPDG is of the view that there are significant opportunities to improve existing planning practices to facilitate outcomes that achieve State objectives and deliver local benefits to communities, industry and business, especially in regional NSW. It is the strong view of the LGPDG that the key opportunities for improvement should be focused on the following criteria:

- i) Remove complexity and simplify the system;
- ii) Provide greater certainty for all parties;
- iii) Recognise the differences between metropolitan and regional areas;
- iv) Recognise and support community engagement at relevant stages; and
- v) Support long-term strategic outcomes and focus.

The planning process on its own will not however enable or hinder regional development. It is a significant but not singular element in the framework that is needed to support regional development and growth. Commitment to and support from State and Federal governments is critical to the development of the regions, particularly in order to meet the infrastructure demands and community expectations of diverse regional populations.

The LGPDG supports a 'Whole of Government'- approach that is committed to promoting and facilitating growth and development of our regions. More detailed comments in relation to the specific Terms of Reference of the Inquiry are provided below.

### **(a) Opportunities to stimulate regional development under the planning framework including through legislation, policy, strategy and governance**

- Planning policy alone will not stimulate regional development, whether it is State Policy or Regional Policy or not. Strong regional strategies offer the opportunity to stimulate regional development through the coordination, identification and promotion of infrastructure that will support and encourage economic development.
- The LGPDG was a strong supporter of reforms to the NSW Planning System, in particular the benefits and outcomes provided through a stronger emphasis on strategic planning. Strategic regional planning that includes community engagement and strong relationships and commitment from the State and Local governments will provide the platform for the future of regional development.
- The Regional Growth Plans are an opportunity for the NSW Government to provide a clear 'Whole of Government' approach to stimulate and promote growth in the regions. The benefits and opportunities of the Regional Plans were strongly promoted in the planning reforms and recognise the importance and value of the 'Whole of Government' approach. Unfortunately the final outcomes may not be as successful as originally promoted or envisioned due to the level of commitment by government agencies and departments that they were based on and now appear to be watered-down or non-existent.

- Critical elements in the development of the regions are the planning for, and provision of, infrastructure and services. The planning framework can be used to promote and facilitate the delivery of these elements.
- Community awareness and support for strategy outcomes is important and can be facilitated through the planning processes. The planning system should provide opportunities for local communities to participate in the development of strategic outcomes and objectives.
- The planning system needs to provide flexibility and the Government needs to recognise that one size does not fit all and should not be applied to all areas of the State. Regional communities have different expectations to their metropolitan counterparts and this requires a degree of flexibility in the legislative framework. Likewise, operating under different legislation to the rest of the State would not necessarily achieve desired outcomes. The key is a flexible and responsive planning system that can be adapted to changing priorities and opportunities.
- Strong consideration should be given to the integrated approach adopted and implemented successfully in other jurisdictions, such as Victoria. The local planning schemes in Victoria include State, regional and local provisions in a singular reference document providing consistency across local planning schemes, recognising the hierarchy of regulation and directions as well as allowing for and promoting regional and local differences.

**(b) Constraints to regional development imposed by the planning framework, and opportunities for the framework to better respond to regional planning issues**

- A lack of commitment and coordination across the Government inhibits and impacts adversely on regional development. There should be a focus on an integrated 'Whole of Government' approach and this could be achieved through stronger Regional Growth Plans or an integrated local planning scheme.
- The new Regional Growth Plans are an opportunity to deliver on a coordinated 'Whole of Government' vision for the regions. However, this must include commitment to and the provision and funding of infrastructure for growth across the regions. Failure to support these growth plans or to have a committed 'Whole of Government' approach to the development and implementation of these plans reduces their effectiveness and opportunities will be lost.
- A lack of detail and commitment in regional growth plans does not encourage or promote investment, growth or development. This is particularly the case with infrastructure and services. Without certainty or some degree of confidence regarding the provision of infrastructure or services in regional areas, there is a distinct weakness and loss of confidence by investors who can be attracted to locate elsewhere that provides this certainty and opportunity (ie Queensland or Victoria).
- State and regional plans should be more definitive, including implementation actions, to deliver regional infrastructure. Regional infrastructure needs to be planned and delivered to enable current and future populations to establish new commercial, industrial and residential housing employment opportunities in their regions.
- Where it is identified that infrastructure is needed, there needs to be greater certainty around the staging and provision of this infrastructure. What constitutes the 'tipping point' for development and when will the infrastructure be provided including roads, bridges, educational, emergency services and/or medical facilities?

- The current planning processes overseen by the State Government are at times unreliable, uncertain and untimely. Clearer guidelines and expectations regarding service delivery are not considered to be unreasonable expectations.
- The certainty around delivery of service also applies to government agencies that are part of the planning process through their nomination as referral or concurrence authorities. There are other jurisdictions, such as Queensland, that have adopted a 'one stop shop' approach for government referrals. This would reduce confusion and conflict across agencies as well as provide a centralised, coordinated approach for involvement in local planning decisions and development. This would provide more certainty and transparency for investors and the community alike.

**(c) The suitability of a stand-alone regional planning Act**

- It is widely recognised and accepted that the NSW planning system is overly complex and convoluted and should be simplified. To suggest that a stand-alone regional planning Act is needed is however in conflict with this approach. Including another layer in an existing complex and multi-layered system will add to, rather than remove, the level of confusion and complexity.
- On this basis, a single integrated planning document, as referenced above, would reduce complexities and be more transparent for the community and the development industry/investors. The single document can include regional and local variations as necessary to ensure that the provision for 'local' outcomes remains in the local planning scheme.
- In recognition of the differing expectations of regional communities and with a clear intention to reduce complexity, the LGPDG supports the promotion and consideration of regional provisions relating to Exempt and Complying Development. This can be incorporated in the existing framework through the development of a new Regional Code SEPP without having to develop a new stand-alone Act. Members of the LGPDG, together with other key stakeholders, have been working with the Department of Planning to develop a regional Code SEPP with a view to reducing complexity and making the policy relevant to our communities rather than trying to interpret and adapt a 'one size fits all' approach.

**(d) The effectiveness of environmental planning instruments including State Environmental Planning Policies and Local Environmental Plans (including zoning) to stimulate regional development, and opportunities to improve their effectiveness**

- SEPPs may have a purpose and value in some instances, particularly with significant sites or issues but underlying the broader approach of State-wide planning policies is the creation and continuation of complexity. The high number of SEPPs in the Planning system creates inefficiencies in the plan-making and development assessment processes. There needs to be an emphasis on reducing complexity and simplification.
- The role of Regional Growth Plans should be expanded and reinforced. While the current approach appears to have been watered-down from what was proposed in the White Paper, there still remains an opportunity through these Growth Plans to support and promote regional priorities. The Regional Growth Plans offer a far more effective and coordinated approach to promoting regional development than that potentially offered by SEPPs.

- An integrated local planning scheme that includes State, regional and local provisions would go a long way to reducing complexity and provide a more transparent approach for the community and potential investors/developers.
- (e) Opportunities to increase delegations for regional councils in regard to the plan-making processes**
- The use of delegations by regional councils is seen as a positive step in the plan-making processes. Regional councils have sufficient expertise and experience in the interpretation and plan-making requirements and are more than capable of completing the work required.
  - The processes for rezoning can be simplified through the use of delegations and removal of bureaucratic processes that serve no reasonable purpose. If an area has been zoned for an urban purpose, then future decisions about the land use, including rezoning, should be the responsibility of Local Government only.
- (f) Opportunities for strategic planning to assist in responding to challenges faced by communities in regional areas including through Regional Plans**
- The opportunities presented by strong, coordinated and committed Regional Growth Plans have been highlighted in earlier sections of this submission and should remain a priority to deliver regional growth and development.
  - Regional Growth Plans, founded on community consultation and a 'Whole of Government' commitment, will deliver opportunities for regional growth and provide greater confidence and certainty for investors, industry, business and local communities.
  - The opportunity for communities in regional areas to participate in and be assisted by regional plans is supported. Clear objectives and commitments regarding the long-term growth and development of regions, provides confidence and certainty to communities. This does not prevent flexibility through alterations or amendments but rather ensures that there is provision for appropriate and necessary community consultation regarding major change.
  - Challenges faced by communities in regional areas include acquiring and maintaining adequate infrastructure, having access to a wide range of services, and providing a variety of business and economic opportunities. An important aspect is establishing appropriate policy settings that facilitate appropriate outcomes. Strategic planning provides an opportunity to develop agreed policy settings. However, it is important to ensure strategic plans/policies include delivery plans against which performance can be measured.
- (g) Opportunities for government-led incentives that promote regional development**
- A 'Whole of Government' approach and commitment to facilitating the provision and/or funding of infrastructure would provide the best outcomes for regional development. Local Government cannot fill the void and carry the burden of significant infrastructure on its own.
  - Any proposed incentives need to provide an agreed long-term framework for land use, transport, infrastructure and natural resources founded on ecologically sustainable development (ESD) principles.

**(h) Pathways to improve decision-making processes for regional development proposals, including increasing the use of complying development, improving negotiation processes for voluntary planning agreements, and reducing costs associated with assessment**

- Ongoing amendments and changes to the SEPP Codes for Complying Development across residential, commercial and industrial fronts are creating a more complex environment. The ongoing refinements ensure that the 'devil is in the detail' which is in contrast to the intent and original outcomes sought with the introduction of Complying Development.
- The LGPDG supports the promotion of Complying Development including an expansion to include a greater range of development types but opposes the inclusion of large or complex developments such as Greenfield subdivision, residential flat buildings, multiple dwelling housing, heritage items etc which nearby neighbours should have the opportunity to comment on.
- Voluntary Planning Agreements have been a positive development and, where used appropriately, can facilitate and promote outcomes for growth and regional development. We support the flexibility and opportunities that can be achieved through the use of such Agreements.
- The current thresholds of applications for assessment by the JRPP or PAC do not reflect developments of Regional or State significance and should be reviewed with a preference for them to be increased.
- The appropriateness and suitability of information submitted in support of Development Applications is another significant opportunity for improvement. Councils have been dealing with poor and inconsistent applications without suitable or appropriate support from the legislative framework. The provisions in Schedule 1 of the EP&A Act Regulation needs to be reviewed and improved with a view to improving the outcomes provided, in particular the provision of information in support of a Development Application and, perhaps, some flexibility in the type or level of information required, depending on the type or complexity of a development.

**(i) Any other related matter**

- A 'top-down' approach to the development of policy and planning legislation is no longer relevant. The Government needs to listen and respond to the regions rather than dictate the outcomes they believe are appropriate and suitable. These outcomes need to be incorporated in an integrated 'Whole of Government' approach.
- Funding for State and Local government infrastructure is an essential requirement to facilitate and plan for growth. It is essential that the State Government develops and implements a funding mechanism that ensures State Government infrastructure is provided and planned for in a sustainable manner.

Again, we thank you for the opportunity to respond. We offer our comments and suggestions to this enquiry and welcome the opportunity to assist with any further questions or discussion that the Committee requires. Should you have any queries regarding the information provided in this submission, please do not hesitate to contact me

Yours faithfully

*Metissa Watkins*  
Convenor