

**Submission
No 16**

INQUIRY INTO REGIONAL PLANNING PROCESSES IN NSW

Organisation: Albury City Council

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The Director
Standing Committee on State Development
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Sir/Madam

Inquiry into Regional Planning Processes in NSW

On behalf of AlburyCity I would like to express our appreciation and acknowledgement for the Committee's invitation to regional Councils to participate and respond to this important inquiry. AlburyCity is a major regional city in NSW that actively supports regional economic development and growth.


Introduction

AlburyCity recognises that regional development is an essential ingredient in the development, growth and promotion of NSW. The regions offer significant opportunities for growth, investment and production across all industries and a strong planning process is needed to support, facilitate and more importantly sustain these opportunities.

There are opportunities to improve existing planning practices to achieve the outcomes outlined above. This should be done to enable the process to deliver 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 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 and support from State and Federal Governments is critical to the development of regional cities particularly in order to meet the infrastructure demands of diverse regional populations.



AlburyCity has worked on developing and promoting partnerships with community, industry and governments to facilitate and promote regional development. This includes a commitment to 'Red Carpet not Red Tape' in all our dealings. We recognise the hurdles and difficulties that abound in a bureaucratic environment but continue to break down and remove the barriers and roadblocks. This has been achieved through partnerships with Government and industry where necessary.

AlburyCity is one of the seven NSW Inland Regional Councils partnering in the Evocities campaign. This campaign is primarily focussed on attracting Sydneysiders to live and work in NSW regional cities that possess infrastructure, services and facilities that are consistent with those available in metropolitan cities.

Since its launch in 2010:


- 2,519 households have relocated;
- 1,207 households have confirmed an intention to relocate;
- Economic impact of each new household is \$95,000 (AUD);
- 2,442 media placements have reached an audience of 107 million people;
- 375,824 unique visitors to Evocities website; and
- 1,554,014 unique visitors to the Evojobs website.

The project is a sound example of what can be achieved through collaboration, a shared vision, solid investment in strategic planning and an ongoing financial commitment.

AlburyCity is in a unique location on the NSW–Victorian border. Due to our proximity and relationships with Victoria we have witnessed first-hand the different approaches to regional development in these jurisdictions. In particular, we have seen the success of a strong and committed whole of Government approach to regional development in Victoria. This includes a specific division, Regional Development Victoria (RDV), whose focus is “on supporting the Government’s vision of creating a stronger regional Victoria through job creation, better infrastructure and new investment.” Critical to the success of RDV is a whole of government approach that is adequately resourced, financed and supported by Government strategy, rather than a piecemeal or ad-hoc approach in response to specific issues or pressures. Further evidence of the importance and value that the Victorian government places on regional development is provided in the ‘*Regional Economic Development and Services Review*’ (July 2015)¹ which included the following selected statements and observations:

- *“too little has been done to listen – and act on – the voice of regional Victoria in State Government. This has to change. The seven governance reforms would ensure the ideas*

¹ Victorian Government, Dept of Economic Development, Jobs, Transport and Resources. July 2015. *Regional Economic Development Services Review*. Victorian Government, Melbourne.



in regional strategic plans are heard 'loud and clear' within government and actively considered for funding in the budget process." (p3).

- *"It is critical that the Victorian Government focus on the policy settings we know are the most effective in driving economic growth.....investing in more productive transport services and infrastructure, integrated with efficient land use planning to spur productivity and job creation." (p5).*
- *"Regions must play a leading role in developing their own growth strategies and government must organise itself to enable local decision making and integrated services.... Government needs to do more to listen to – and act on – the voice of regional Victoria." (p7)*

These statements are applicable to NSW and can be readily adapted to shape and support policy objectives and actions for regional development and planning in NSW.


A whole of government approach is essential and underlies the key messages in our submission. Strategic regional planning that is based on the principles of an engaged community with commitment from the State and Local Governments will provide the platform for future regional development.

More detailed comments in relation to the specific Terms of Reference of the Inquiry are provided below.

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. This submission has been prepared by Council staff on behalf of the elected Council.


(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. 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 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.

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- Community awareness and support for strategy outcomes is important and can be facilitated through the planning processes. The planning system provides opportunities for local communities to participate and appreciate strategic outcomes.
 - The planning system provides for flexibility and the Government needs to recognise that one size does not fit all areas of the state. Regional communities have different expectations to their metropolitan counterparts and this requires and facilitates a degree of flexibility in the legislative framework to encourage regional development.
 - 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 to regional development is a major constraint that could otherwise be supported and promoted through the planning framework.
- The new Regional Growth Plans are an opportunity to deliver on a coordinated whole of government vision for the regions. This includes the provision of infrastructure and funding 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 the opportunity is lost.
- A lack of detail and commitment in regional 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. 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.
- Conflicting priorities and objectives of government departments are also an inhibitor for development and growth in regional areas. There are occasions where advice and direction regarding planning issues are in conflict across Government agencies and services. Strong and well founded regional strategies could go some way to addressing these conflicts and remove uncertainty. Clear policy directions and guidelines regarding regional planning issues that



espouse and support a whole of government approach would remove uncertainty around the planning processes and expectations. This should work in conjunction with localised expectations and investigations.

- The current planning processes overseen by the State Government are at times unreliable and uncertain. Clearer guidelines and expectations regarding service delivery is not an unreasonable expectation. For many years the government has been pushing, and in some cases punishing local government, to deliver on this basis yet there is little responsibility taken for the service under the direct control and influence of the government. The management and oversight of the JRPP process is an example of this uncertainty and unnecessarily bureaucratic framework. Whilst it is a significant improvement on previous and historical practices that doesn't mean we should rest on our laurels and not seek to improve on service delivery or transparency and support appropriate outcomes and facilitate growth.
- 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 community members alike.
- A coordinated approach to state wide issues such as rural landuse planning is needed and would be supported. Currently there are multiple variations to long term rural landuse strategies across the state with varying levels of input and commitment from government agencies that offer poor information, lack of direction and give cause to local and regional conflict with decisions and recommendations made in isolation.

(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 standalone regional planning Act is needed is in conflict with this approach. Adding another layer to a 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 community and investors / development industry. The single document can include regional and local variations as necessary to ensure that there remains provision for 'local' in the local planning scheme.
- In recognition of the differing expectations of regional communities and with a clear intention to reduce complexity Albury City 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 Codes SEPP without having to develop a new stand alone Act. Albury City, together with other key stakeholders, has 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 led by metropolitan interests.

(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


- The role of the Regional Growth Plan 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 SEPP's.
- 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 SEPP's 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.
- 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 planning making processes

- The use of delegations by regional councils is seen as a positive step in the plan making process. Many regional Councils have sufficient expertise and experience in the interpretation and plan making requirements and are suitable to complete 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 but 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 appropriate and necessary community consultation regarding major changes.


- 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 will provide the best outcomes for regional development. Local government cannot fill the void and carry the burden of significant infrastructure on their own.
- Any proposed incentives need to provide an agreed long-term framework for land use, transport, infrastructure and natural resources founded on ecological 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, and

- Ongoing amendments and changes to the SEPP Codes for complying development across residential, commercial and industrial fronts is creating a more complex environment. The devil is in the detail and this is in contrast to the intent and original outcomes sought with the introduction of complying development.
- Albury City has been working with the Department of Planning to develop a Regional Code SEPP for Exempt and Complying Development. We support the promotion of complying development including an expansion to include a greater range of development types but oppose 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.
- At this stage we have not had a large demand for voluntary planning agreements however 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 Regulations 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.

(i) Any other related matter

- A top down approach to the development of policy and planning legislation is no longer relevant, as noted in the review of Regional Development in Victoria the government needs to listen and respond to the regions and then incorporate these outcomes in a 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 develop and implement a funding mechanism that ensures state government infrastructure is provided and planned for in a sustainable manner.

Once again, thank you for the opportunity to respond. Should you have any queries regarding the responses, do not hesitate to contact me on 02 60238766.

Yours faithfully

Michael Keys
Director
Planning & Environment