

**Submission
No 5**

INQUIRY INTO ENVIRONMENTAL PLANNING INSTRUMENTS (SEPPs)

Organisation: Urban Taskforce

Date Received: 19 May 2021

19th May 2021

Director - Regulation Committee
NSW Legislative Council

Online submission

NSW Legislative Council Regulation Committee – Inquiry into environmental planning instruments (SEPPs)

Dear Committee Members

I write in relation to the NSW Legislative Council Regulation Committee – *Inquiry into environmental planning instruments (SEPPs)*. Urban Taskforce provides the following responses to the terms of reference as follows.

- (a) *the making of environmental planning instruments (SEPPs) under section 3.29 of the Environmental Planning and Assessment Act 1979 and*
- (b) *whether SEPPs should be disallowable under the Interpretation Act 1987*

Urban Taskforce supports the retention of the existing roles in the making of SEPPs so that an option for the efficient making of these is maintained.

An example of where the efficient making of a SEPP that has delivered considerable benefits to NSW is *SEPP 38 Olympics Games Projects*. SEPP 38 played an important role in the successful delivery of the Sydney 2000 Olympic Games by facilitating all development for Olympic Games projects and making the Minister the consent authority for these projects.

More recently, the *COVID 19 Response SEPP* quickly removed the planning law impediments to the replenishment of retail stock needed after panic-buying in response COVID-19 pandemic lock-downs. The SEPP allowed the Government to respond within days to an unprecedented situation, by allowing 24 hour supermarket deliveries, to the benefit of all people in NSW.

The current process for the making of a SEPP facilitates comparatively swift decisions and planning outcomes in an otherwise slow and cumbersome planning system.

The NSW Planning System is the slowest in the country and is making NSW uncompetitive with other states. The NSW Productivity Commission's *Green Paper – "Continuing the Productivity Conversation"* found that *by being overly complex, prescriptive, and slow, and; inflexible to the changing needs of business and residents the existing planning system was not delivering for NSW.*

Accordingly, **Urban Taskforce recommends** that, until the NSW Planning System is comprehensively reformed, the current arrangements for the making of SEPPs are retained.

(c) any other related matters

Notwithstanding Urban Taskforce's support for the current decision making responsibilities it is important that SEPPs are not used to further complicate, slow and add additional prescriptive layers to the NSW planning system. In this regard the **Urban Taskforce recommends** the Committee closely examines whether the NSW Government Guide to Better Regulation is being adhered to in the making of SEPPs.

Table 1 includes a summary of Urban Taskforce recommendations.

The Urban Taskforce is available for additional engagement to assist the Committee in finalising its report.

Yours sincerely

Tom Forrest
Chief Executive Officer

Urban Taskforce recommendation	
1.	The current process for the making of a SEPP facilitates comparatively swift decisions and planning outcomes in an otherwise slow and cumbersome planning system. Accordingly, Urban Taskforce recommends that, until the NSW Planning System is comprehensively reformed, the current arrangements for the making of SEPPs are retained.
2.	Notwithstanding Urban Taskforce's support for the current decision making responsibilities it is important that SEPPs are not used to further complicate, slow and add additional prescriptive layers to the NSW planning system. In this regard the Urban Taskforce recommends the Committee closely examines whether the NSW Government Guide to Better Regulation is being adhered to in the making of SEPPs.