

**REPORT OF PROCEEDINGS BEFORE**

**STANDING COMMITTEE ON STATE DEVELOPMENT**

**INQUIRY INTO REGIONAL PLANNING PROCESSES  
IN NEW SOUTH WALES**

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**CORRECTED PROOF**

**At Dubbo on 5 April 2016**

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**The Committee met at 1.45 p.m.**

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**PRESENT**

The Hon. G. S. Pearce (Chair)

The Hon. R. H. Colless

The Hon. C. Houssos

The Hon. N. Maclaren-Jones

The Hon. M. Veitch (Deputy Chair)

**STEVEN JENNINGS**, Manager, City Strategy Services, Dubbo City Council, and

**MELISSA WATKINS**, Director, Environmental Services, Dubbo City Council, sworn and examined:

**CHAIR:** Do you want to make a short opening statement?

**Ms WATKINS:** I thank this Committee for the opportunity to present some information from a Dubbo City Council perspective. This is a very important inquiry and certainly regional planning is a matter that is very important to us as a regional city in the Central West. Firstly, I would like to say at the outset that we would not support the creation of a separate planning Act. I think it has many, many problems associated with it, but we would like to support ongoing reform that makes the planning system easier, simpler and more effective and achieves the objectives that it was actually designed to achieve. Reform is certainly welcome. I am not going to go over our submission again, as the Committee has it before it. I am happy to take questions.

**The Hon. RICK COLLESS:** I thank you both for your submission and for attending today. I agree with your comments about the amount of problems with the current Act and it certainly needs some work. On the first page of your submission you point out that the current Act is already an overly complicated and cumbersome system. Do you have any brief ideas about what can be done to improve it?

**Ms WATKINS:** I think the biggest issues with the existing planning Act is it has been amended so many times, and there have been so many stopgap measures to repair, correct and adjust it to try to keep track of current objectives for the community, environment and certainly the development industry. That being said, I think the reform process that was commenced some three years ago was a welcomed reform process. It was looking at a new piece of legislation and I think that is probably the answer but as to what that new legislation should contain there is much debate. Certainly a system that simplifies the development assessment process would be a very welcome addition to any legislation.

At the moment you have myriad levels of assessment criteria that you need to actually assess any and all development applications against, whether it is a mine or a childcare centre. I think there needs to be a bit more specific provisions for specific developments. The legislation needs to be much more proactive. It needs to be responsive to the communities that it serves and I certainly think local planning for local communities should be a matter for local councils. Regional planning would be best driven through regional plans that include planning principles that drive the objectives of the State Government, if you like, and then local decisions made at a local level. The planning legislation I think we need to first consider the strategic basis for the provisions that it contains. At the moment there is very little direction in the strategic area and a lot of the decisions that are being made at the moment are not based on sound strategic planning or evidence-based planning.

**The Hon. RICK COLLESS:** A number of submissions the Committee has received refer to the issue of strategic planning. Will you advise what you mean by that? I intend to ask other people through the course of this inquiry that same question but it is something that comes up but does not seem to be a well-defined concept.

**Ms WATKINS:** Strategic planning is not a well-defined concept. I think it is what it is to each person. In terms of land use planning, strategic planning is actually looking at the condition we are in, looking at what we need to achieve as a result of a plan and putting in place the mechanisms for the pursuit of those objectives that you set out. Strategic planning really needs to be all encompassing. It cannot just be about land use, infrastructure or economics, it has to be a collaborative strategic planning process that incorporates each element and then translate that into on-the-ground results.

**Mr JENNINGS:** Also probably to build on that as well, strategic planning has to have that defined purpose. It has got to have that end goal in mind. I think that what we have fallen victim to in New South Wales is this concept of strategic planning but not really knowing why are we doing it, what is the end point, what are all these factors coming into it and what will it mean for a whole range of people in the community.

**The Hon. RICK COLLESS:** When you talk about land use planning, are you referring to existing land use or a fit-for-purpose land use, if I can use that expression?

**Ms WATKINS:** It is probably present and future land use. It is about, as I said, assessing what the land condition is now, what are the suitable uses for that land today and tomorrow and then making sure we have a plan to either protect certain areas because of whether they are environmentally sensitive or valuable agricultural

land or future residential land to make sure we have a plan that we know when we need it and how much we need.

**The Hon. RICK COLLESS:** What sort of parameters should we be basing those assessments on? I ask that because under the current zoning system there is very little assessment of the actual quality of the land. It seems to depend more on particular land owners wanting to subdivide a block because it is close to town rather than the actual biophysical attributes of the land itself. Should we look more at the biophysical attributes of land itself when we determine what its best possible use is?

**Ms WATKINS:** I think that is a misconception. Essentially land use decisions should be made based on detailed land use strategies. So those strategies would look at all of those issues—biophysical, economics, infrastructure requirements and all of those things—as a collective before we zone the land. Then once we zone the land then there is a development application or an application process to establish that use of that particular parcel of land. I think at the moment there is a bit of disconnect between the standard template and land use strategies. Once upon a time land use strategies were endorsed by the Department of Planning and they were something that was then called up in the objectives of a LEP. They were something that a council could rely on to make those changes to the land use patterns, and base those decisions on. That does not happen as much anymore. The emphasis is not on that strategic land use assessment already undertaken.

**The Hon. RICK COLLESS:** If we were to rewrite the Environmental Planning and Assessment Act in whatever formal name it might ultimately have and the current system of zonings that allows for, what is your view of the way that should change or should it be in there? What should they be called? Are there better ways of doing it is what I am asking you to explain.

**Ms WATKINS:** I think the standard template was a good step. It actually brought all of New South Wales into line with a common language at a point in time but in doing so it allowed us as planners in local government to actually interpret some of those zones and some of those provisions in a certain way and we zoned land accordingly. So there was not a lot of guidance in how we applied those zones under the standard template. I think it does not account for the fact that there may be a difference between a regional centre like Dubbo and a rural setting like Cobar. It misses that point completely. It just has "Okay, we have got this many zones, pick them, and apply them to your local government area." Back then there were very stringent and tight controls around the mandatory provisions and the picking of objectives for that zone whereas now we are moving away from that which is making an imbalance or variability across LEPs that were once the same.

**Mr JENNINGS:** To build on that standard LEP issue, when the Department of Planning first started out in 2006 there was this very strong push that everything has got to be the same, this is the way it has got to be done. As that process went on we saw LEPs coming out that were different. They had different zones and were told different stories to what we were as to how we could use zones and use different provisions. I think that changed a lot as it went on, and time ticked and obviously came to bear on the department to really finish that process. They really just finished in the past two or three years; that is how long that took.

**Ms WATKINS:** Those LEPs that are now being gazetted are very different to the ones that started the process. So we have moved away from that objective of having a standard LEP template. I would say that there should be some provisions that are mandatory but others should be more locally based and I think they should be reflective of the land use strategies. If a council does not have the land use strategies that underpin the decisions for the zonings then they should basically have to make the decisions based on a template. If you have got other evidence to support an alternative arrangement you should be permitted to do that. If you use the same suite of zone names, that is fine, and colours and all the other standardisation provisions that were included. But interpreting them on the ground in a local government context can be varied across New South Wales.

**The Hon. RICK COLLESS:** It is an interesting concept to this whole issue of the land and what its best purpose might be as we go forward. A lot of submissions received by the Committee have recommended that the technical people in the Department of Planning should be relocated and decentralised into regional areas so that there is a representation of people within the Department of Planning who have a strong regional experience. What is your view of that?

**Ms WATKINS:** We are lucky to have the regional office located in Dubbo so we have a close working relationship with our regional office.

**The Hon. RICK COLLESS:** How much of its work would be assessed in Sydney compared to what is assessed in Dubbo?

**Ms WATKINS:** Yes, I would suspect a large proportion. I would not want to put a number on it but I think they have some delegations of things they can do locally but ultimately the decision essentially comes out of Bridge Street.

**The Hon. RICK COLLESS:** Do we need to see a higher level of delegation into those regional people?

**Ms WATKINS:** I think there are two issues. One is that there needs to be a higher level of delegation but there also needs to be a higher level of understanding of the differing nature of a metropolitan or a coastal council which is where the majority of the Bridge Street staff are located compared to the issues that are faced out here. A good example at the moment is a review of the Siding Springs Regional Environmental Plan that affects, I think, three councils.

**Mr JENNINGS:** Yes.

**Ms WATKINS:** Three local government areas. We obviously sit within that area. It is protecting the Siding Springs Observatory. We are rewriting the provisions. The regional office completely understands our point of view about not imposing as a requirement, for instance, a limit on the number of outside lights on a house in a city like Dubbo, but the Sydney people who are preparing the provisions from the Sydney office are not in agreement because they have a different perspective of what goes on in the region. We have found that to be a very, very frustrating process where we have the support of the regional office but we are not getting any support from Sydney.

**Mr JENNINGS:** I think in that example the Bridge Street head office has struggled from that regional development assessment perspective. They just have not had that knowledge about, okay, it is about making sure things happen versus making sure things happen plus this, that and the other in some of these city and coastal areas.

**The Hon. RICK COLLESS:** You raise the issue of the State environmental planning policies [SEPPs]. How can they be improved? Do we need to have them going forward into the future? How can they be incorporated into any new legislation that might be less restrictive and less constraining than what they are at the moment?

**Ms WATKINS:** The SEPPs that are actually before us now—and the number has been reduced dramatically in the past 10 years—are a product of a piece of legislation that is not achieving the objectives that it was intended to do. I think if the legislation is fulsome and covers the issues of importance then I do not think there is this high need for State policies. If you look at a lot of the State policies they are based on local issues so they deal directly with, as I said, the regional environmental plans—dealing with the number of outside light fittings on a house.

It defies logic that we have a State policy that is controlling things like whether or not a development for change of use of a shop is exempt from complying. That would have different connotations in a regional centre as distinct from a metropolitan area but the same rules apply. I think State policies would be better served to be more directives and interpretation of the legislation as distinct from what they are now turning into being, which is another layer of assessment that we have to go through.

**CHAIR:** I know the Hon. Mick Veitch has a couple of questions but just before he does that I have one quick question. You were asked about strategic planning and in responding you used the term "evidence-based strategic planning". Can you explain that a bit more?

**Ms WATKINS:** Anyone can come up with a strategic plan for something. The important part is to have the evidence that supports the propositions and the positions that you are coming up with. There should be some standardised method of using that evidence to come up with the outcomes. So you cannot simply sit in an office somewhere and write a land use strategy for the next 25 years for Dubbo unless you actually have the analysis of what the land capabilities are, what the population growth rate is, what our transportation needs are and what our infrastructure needs are. They all have to be based on something else; there cannot be a stand-alone strategy.

In the past, strategic plans, in planning in particular, were just motherhood statements that included a collection of objectives that we would like to see. But there was no actual means of getting there and there was no assessment of where we were at the beginning. So it needs that assessment of where we are at, where we want to get to and then how we actually get there in the middle. That is what I see as evidence-based planning—something that supports it.

**The Hon. MICK VEITCH:** I have two things I would like to ask questions on. First of all, you say that you have three voluntary planning agreements [VPAs] in Dubbo. What are they and can you give us a bit of history about how they came about. The second thing I am really interested in is your infrastructure services impacts model. How was that devised and how are you now using that to underpin some of the planning decisions in Dubbo?

**Ms WATKINS:** We have two VPAs—one is probably not relevant anymore because it related to the Cobbora mine, and essentially the others stemmed from our experience of dealing with that one. The mine is not even within our council area but the developer at the time put on the table a shared arrangement for the councils affected by the mine and where the mine is located to actually be a party to some compensation for the impact of the mine.

Our frustration with that part of the process was that it had no basis—there was no science around the offer—and therefore there was no science around council accepting or not accepting this voluntary planning agreement. So we embarked on a process of looking at models, assessing opportunities and engaged consultants. We ended up finding out that we would be better suited to a bespoke impact assessment model. We used this bespoke impact assessment model on our first VPA, which was for a sand quarry. It is a very small quarry but it did have a direct impact on a road. We could see that. It was very obvious. But it was a small-scale impact.

We then rolled it over to look at the new Alkane Resources zirconia project, which is a major project that has received government approval. That was probably our most successful application. This negotiation achieved a \$25 million contribution for a major road upgrade, and \$230,000 a year for the life of the mine to contribute to the construction of additional roads, generated by the need for additional housing associated with the mine that was calculated on the applicant's own environmental impact statement [EIS]. Mr Jennings is more the expert on the model.

**Mr JENNINGS:** The model was designed by the council with help from our consultants Remplan. It takes Australian Bureau of Statistics [ABS] data, national accounts data and a few other bits and pieces. It allows us to really go through and make an assessment of housing impacts, and again that is based on the data that is in the EIS that is provided. So it looks at housing impacts and how many houses need to be provided. That will give us a construction period, an operational period and a closure period. So it looks at how many houses are required for workers, and how many are required as an add-on factor.

From there it will give us road infrastructure costs as well associated with actual vehicle trips. So that will cover the actual workers cars and heavy vehicles. It will also give us other factors that the council cannot really influence—it will tell us how many teachers are required and how many health professionals, such as doctors and nurses, are required. It is all based on the use of that ABS data and the information that comes from the actual EIS.

**CHAIR:** Does that contribution replace all other contributions? Is that the total?

**Mr JENNINGS:** Yes. Where there is a VPA, yes, it does overtake any other contributions.

**The Hon. MICK VEITCH:** So you developed that infrastructure model in-house?

**Ms WATKINS:** Yes, with the assistance of Remplan.

**The Hon. MICK VEITCH:** Have you encouraged other local government instrumentalities to use it?

**Ms WATKINS:** The other part we forgot to mention was that we actually received funding from the Department of Planning to develop it.

**The Hon. MICK VEITCH:** Okay, that is important.

**Ms WATKINS:** Yes, and we have presented it to the department in their review of VPAs and section 94 as well. They were quite interested. I have also presented it to the New South Wales Central West mining taskforce and they were quite interested in the model as an alternative to anything else they have seen in the market at the moment. As part of that presentation we actually developed case studies for six or seven local government areas that have major coalmines operating and new coalmines proposed. So they actually got to see the results first hand.

It also identified that there were some weakness. In a smaller council area they do not have the infrastructure planning that a regional centre like Dubbo does. So it actually highlighted the fact that there was a lot more strategic planning required in those areas to determine how much the roads cost and where they need them to be. So it highlighted not only some issues but also some opportunities that could be taken advantage of. It is not based on the affected council's data; it is based on national accounts and the proponent's data. It could be used for other things not just for mining projects; it could be used if a hospital closes down, if an abattoir closes or if a new shopping centre is developed. It can go either way.

**The Hon. MICK VEITCH:** Do you see the VPAs having a greater role in regional planning?

**Ms WATKINS:** I think for us they are having a greater role. We have section 94 plans for urban roads, car parking, open space and stormwater and we have section 64 plans for water and sewer. We are now seeing that developers can see opportunities to control the spending of contributions better if they have a VPA. They know there is going to be a contribution. So I can see large greenfield developers actually saying, "I'd rather enter into a VPA based on your model because we get to see that road built now whereas a section 94 plan for us is a collection of money that gets spent when council programs it to be spent."

**The Hon. MICK VEITCH:** So for the purposes of this inquiry is there anything around VPAs and your infrastructure assessment model that you think we should be recommending to government, whether advancements, enhancements or opportunities?

**Ms WATKINS:** Certainly our model as a package, and this is what we keep trying to sell, loosely, actually takes out this negotiation and the animosity that always arises between a council and a developer. It stops councils being given swimming pools that they have no budget to maintain, or other things that they really do not need but that the developer of the mine or whatever it is sees that they can put their name on—for example, the "something" swimming pool. It avoids those situations arising.

So whether it is this model that we use or another model it needs to be something that is across the board and that makes it fair and equitable and also transparent. The biggest criticism at the moment of the VPA process is that it is a lottery. Councils feel like they are forced to accept a number because they have no alternative number. Otherwise the decision for the development application [DA] may be made, the development may proceed and the developer may say, "Well, nobody would make an agreement on what that number was."

**Mr JENNINGS:** There is basically no science around that whole process. What our model aims to do is to bring some science to the table—

**The Hon. MICK VEITCH:** Yes, a bit of rigour.

**Mr JENNINGS:** Yes.

**Ms WATKINS:** Yes, the section 94 itself is meant to have all of your capital works program costed, your programming for them and how much you need for this population by when. But VPAs do not have that.

**The Hon. RICK COLLESS:** It is basically a figure that is pulled out of the air though, is it not?

**Ms WATKINS:** Yes, that is exactly what it is in our view.

**The Hon. RICK COLLESS:** In the case of Alkane, if they had had their assessments done under the standard contribution schemes, would they have ended up paying more or less than what they did under the VPA?

**Ms WATKINS:** Much less. The local roads contribution was never on the table. It came out of the fact that they generated a need for another 213 dwellings in Dubbo and they had to be at that affordable rate. So we identified where that would most likely be in our supply of land pipeline. We had a road that was planned but it was not planned for the next 10 years. So basically what their contribution has done is to bring that forward. They had never envisaged that they would be paying that contribution. They were looking to pay a percentage of whatever the last VPA was that was agreed to by the Department of Planning—that was it.

**CHAIR:** There has always been that disconnect between section 94 and the random sort of nature of where the contribution comes, when it is spent and all that sort of stuff.

**Ms WATKINS:** Yes, that is right.

**CHAIR:** So the VPA gives you the opportunity to actually do some planning yourselves.

**The Hon. RICK COLLESS:** So it is a contribution based on actual work.

**Ms WATKINS:** Yes, the actual work.

**The Hon. MICK VEITCH:** I think the benefit of this VPA model is that there is a bit of rigour around the infrastructure model that is being developed. I think that is the difference.

**The Hon. RICK COLLESS:** Yes, it is based on the actual cost of the infrastructure itself.

**Ms WATKINS:** Yes, it is not based on what Dubbo thought about or what the mine offered; it is based on the actual strategic planning, the national accounts and the applicant's own EIS. So it is a case of, "If this is what you say you are going to do and this is the impact then we will assess that."

**CHAIR:** They are probably limited more or less to high-impact, big projects.

**Ms WATKINS:** They can be used for anything, and they can be used for closing down big projects as well.

**The Hon. MICK VEITCH:** Yes, that is the benefit I see from a regional planning perspective.

**Ms WATKINS:** So it is about the impact—whether it is positive or negative. That is the way we were actually trying to encourage uptake by smaller councils affected mines, which have significant ups and downs, like Cobar or Broken Hill. It could have actually predicted that impact and how to plan for it.

**The Hon. COURTNEY HOUSSOS:** Thank you very much for appearing and for your fantastic submission. It is excellent. Most of the questions I had have already been asked. I have one remaining question about complying development. It is something that you raised—the increasing amount of complying development—and you had some thoughts on that. I would be interested to hear more of what you have to say about that.

**Ms WATKINS:** There has been a lot of work done in recent times around exempt complying development. In particular we have recently received a draft new complying development code. It has been designed in consultation with regional centres like Dubbo. It has been welcomed but again the process—the wording, the language and the ability of people in the street to be able to understand what it says—is still really hard.

Complying development in my view should be something that is very straightforward. It should be controlled locally because then there is a local acceptance that you do not get a say in some developments but you do get a say in other developments. What we are seeing is an increase in the availability of complying development. But in our local government area, beyond residential and some shop-to-shop change of uses, we are not seeing a great take-up because it is too complicated. If we simplify it then it will be taken up. But you still have to go through a process and satisfy yourself of things and then get it certified. People may as well just go to the council.

**Mr JENNINGS:** I think that is one of the big questions with complying development. With the push to further expand it there is still a 10-day assessment turnaround. It can get very difficult in that overall assessment

process. The guys have to go through and do a full Building Code of Australia [BCA] assessment plus an assessment against complying development criteria in 10 days. These days they are starting to get into some quite big developments. It can get difficult to meet that turnaround and to really make sure that we can guarantee some good development outcomes.

**Ms WATKINS:** There is also the possibility, and we are seeing it in some instances, that the certification of complying development may not follow the same process that it may if the council was doing it. It may not be as comprehensive, particularly in the BCA area, which is a problem.

**The Hon. COURTNEY HOUSSOS:** One thing that you talked about, both in your submission and in your testimony today, is the difference between metropolitan and regional areas and the different approaches between the two. I liked the point you made where you said that a lot of regional councils actually have economic development managers. They want to attract economic development desperately. You said that there should not be a stand-alone regional planning act. But where would you define metropolitan and regional?

**Ms WATKINS:** I think it has to be at the State level.

**The Hon. COURTNEY HOUSSOS:** I understand that but where would you draw the line?

**Ms WATKINS:** As to what is a region?

**The Hon. COURTNEY HOUSSOS:** Where outside of Sydney would you draw the line? Maybe this is a question for the next session but I am interested in your thoughts.

**Ms WATKINS:** I do not think it can be as simple as on a population basis. On Monday we had released the draft Central West and Orana regional plan. That regional plan includes 20 local government areas, and within it there are two regions. So a region can be a lot of different things. In terms of regional planning I think there is a very big difference at a local level from regional to rural, and likewise from regional to metropolitan and even coastal. I think that is where the local provision should be reflective of the local conditions. It should not be from the State upon high trying to think of every eventuality that may emerge. I do not think it is fair to define regional. It is not going to be the same thing for everybody. It is not a case of one size fits all.

**The Hon. MICK VEITCH:** I think there is a whole body of theses in defining a region. At our first hearing in Sydney we received testimony from the Planning Institute of Australia, New South Wales branch, who spoke about the concept of open zonings. Do you have a view about open zonings provisions, whether they are good or bad and how they would be applied in regional New South Wales?

**Ms WATKINS:** They are good and bad. We have a number of open zones in our local environmental plan [LEP]. It means certain things that we are most worried about we will prohibit and all the other things can still happen so it gives you that flexibility. It requires a council or a local government authority to consider: what is it really worried about and are all these other things really as problematic as we think because they are all in this same category?

We have created some zones where we prefer to have them open and others that we have closed, but it is horses for courses. Some of those were mandated by government, which we may or may not agree with, and some of the definitions have excluded themselves from those zones as well because you have the added complication of open and closed zones and then group terms and group definitions, which then have uses that are turned on and off within the land use tables.

**Mr JENNINGS:** For example, a lot of our commercial zones are open zones and our primary rural zone is an open zone as well. That gives an added degree of flexibility and variety. If it does not fit that tight definition we can try to work with a proponent to see something happen with it if it does not have too many offside impacts.

**Ms WATKINS:** Whereas some regional councils may have an approach where they are not as focused on economic development as we are. They may look more to have higher emphasis on the environmental impacts of a development so they will close zones down. It is horses for courses.



**The Hon. MICK VEITCH:** In talking about the voluntary planning agreements [VPAs] and infrastructure model, is it possible to furnish one of those to the Committee?

**Ms WATKINS:** We can give you an example.

**The Hon. MICK VEITCH:** Just so that I can see what it looks like?

**Ms WATKINS:** Yes, definitely.

**The Hon. RICK COLLESS:** In your submission you make the statement that it is considered that the regional planning process has been poorly defined and the regions have been selected without proper rigour. Can you expand on that and give some idea about what should be done to improve that process?

**Ms WATKINS:** I guess it gets back to my point about not all regions are regions and certainly, as we have seen in the most recent regional plan for Dubbo and the Central West, there is a merging of two regions which have very different characteristics but because we are in the same general locality—

**The Hon. RICK COLLESS:** So that merger was done not by the local bodies; it was done by the Department of Planning?

**Ms WATKINS:** That is right. Basically our regional office took the initiative and recognises the difference between the Central West and Orana—and Orana is part of Dubbo—and split the regional plan in half and then merged them back together as a series of economic development initiatives, in my view.

**Mr JENNINGS:** As you can probably tell from the front cover of this document entitled "Draft Central West and Orana Regional Plan".

**The Hon. RICK COLLESS:** Is that publicly available on the website?

**Ms WATKINS:** Yes. It was launched on Monday by the Minister so it is open for consultation at the moment. There are obviously areas in regions that have objectives for growth or managing decline; others will be growing bigger and bigger and bigger and managing that growth. I think the way that we are defining regions, whether it is in the regional plan, in the old catchment management plans or even in one of the local government joint organisation process, the regions are not defined based on the resources, natural resources, land use patterns or the history of an area. It is quite ad hoc and the electoral boundaries vary across the State.

**The Hon. RICK COLLESS:** Absolutely; they are a nightmare.

**The Hon. MICK VEITCH:** Communities of commonality?

**Ms WATKINS:** Common interest, yes.

**The Hon. RICK COLLESS:** What sort of process should we go through in order to improve where one should draw that regional plan? Should it be aligned to any other boundaries?

**Ms WATKINS:** I think there is an opportunity to align it to as many boundaries as you possibly can.

**The Hon. RICK COLLESS:** But not be restricted by the boundaries?

**Ms WATKINS:** That is right; but to encourage that cross-boundary collaboration. At the moment, once you draw a line down the middle, it encourages demarcation. I think by combining our two it is an interesting approach because our region now goes all the way to and including Lithgow and goes out as far as Warren so it is a fairly large area with a very diverse make-up. I do not think there is one answer to it; I just think there needs to be a region based on perhaps the catchment arrangements and the environmental catchments of an area. That would probably be an easier fit than what we are doing at the moment. Obviously the Macquarie River runs right through our region and beyond but we have only included 20 local government areas. There are more beyond the region that currently under Orana are not included in the regional plan for business.

**The Hon. MICK VEITCH:** Part of the problem that Mr Colless is exploring is that when you start putting lines on a map you then get to cusp communities. I spent a long time in Young and with each boundary change we would be 20 kilometres inside one boundary and the next time we would be moved across to another region just because somewhere some department moved the lines on the map so we were continually being put in the Central West, the Riverina, the South East, so Young referred to itself as a cusp community; it was on the cusp of a whole lot of boundaries. You really get to the complexities of defining what a region is; it is not just a line on a map or a pen mark; there are a range of issues.

**Ms WATKINS:** Certainly some regions are more obvious than others. If you look at Dubbo for instance, and with no disrespect to Wellington, our community of interest is west of Dubbo and always has been. That is our catchment, that is our shopping population, that is our environmental; that is where we flow to, if you like, keeping it in simple terms. It is a natural area. But when you look at a region that has two major centres like Bathurst and Orange in the Central West, that creates other issues as a regional plan or regional area of delineation.

**The Hon. RICK COLLESS:** What about a town like Wellington? Where is its natural gravitation?

**Ms WATKINS:** Wellington tends to go more to Orange. It may be employed in Dubbo but it is about 50:50.

**The Hon. RICK COLLESS:** It is one of these cusp communities?

**Ms WATKINS:** Yes, Wellington town is closer than most of its local government area. Everything is on the other side, which is all joined to Orange and they even have a little bit in Mid Western, so it is not a natural fit whereas, as I said, everything west of Dubbo—not everything—is our natural community of interest and what we consider our catchment population.

**The Hon. RICK COLLESS:** People in Broken Hill reckon that Dubbo is on the coast.

**Ms WATKINS:** And we think they are in South Australia.

**Mr JENNINGS:** Well, they are joined at the thumb.

**The Hon. COURTNEY HOUSSOS:** The regional council of organisations [ROC] claims to be a more community-led allocation?

**Ms WATKINS:** Yes, and each ROC is different, but certainly it is a collaboration of councils and communities that have cooperated over a long period of time that recognise the strength of that cooperation and certainly I know there is a lot of angst with Orana ROC splitting up. It is not the total ROC in terms of the joint organisation moving forward into the future, so Dubbo serves our western neighbours very well as a support regional city and I think ROCs are certainly a good option as something that the community accepts, recognises and have been in place for many years.

**The Hon. COURTNEY HOUSSOS:** And are often grassroots-led rather than top down, lying on a map stuff?

**Ms WATKINS:** Yes.

**CHAIR:** You talked about government-led incentives to promote regional development and you mentioned in particular greater housing choice. Can you expand on that a little with any ideas or anything else that could be a government-led incentive?

**Mr JENNINGS:** Sure. Basically for us housing choice and housing affordability are significant planning issues that have been there in the past and will continue to be for us into the future. We do keep a good and close eye on our housing supply pipeline to make sure that we have enough lots moving through to housing and through to housing starts. As to some work done in the past, there have been some figures that 46 per cent of Dubbo households may not be able to afford to buy a house at some stage, which is huge. Our current average house price is \$325,000, which sounds low compared to Sydney but when you consider that 46 per cent of people cannot afford that, it is quite high.

One of the ideas in the submission is: Is there something from government through section 94 incentives and also through using section 94 incentives through the delivery of affordable housing in the \$320,000 to \$340,000 mark for Dubbo, which is always a big marker that has been used by the development industry that wants to aim to price products.

**The Hon. RICK COLLESS:** Is it possible for you to incorporate that in your VPAs? I take note that when you talk about Alkane, they identified that a couple of hundred extra low-cost housing would be needed for their development. Does that come into the VPA?

**Mr JENNINGS:** Of course, if we had someone who wanted to build 200 lots, then of course we could talk about that. We have found with the Dubbo development industry traditionally, it has really been aimed, in the norm, at delivering second and third homes; there has not been a strong focus on that first home. It is starting to change slowly now. There is a bit more of a focus on that \$320,000-\$340,000, which is good, but it has been slow to adapt and to pick that up. A lot of the houses built in Dubbo are the four-bedroom, double garage, the \$400,000 to \$450,000-plus, which is not aimed at the lower level.

As to other incentive-led issues, we have explored along the lines of the actual planning reform fund. I know that probably has not been a very popular one but that could be used in different ways to look at promoting the delivery of affordable housing, especially in areas where it is required—with that 46 per cent here in Dubbo—and also stamp duty. There are a whole range of incentives that could be used but it is up to the will of government to be able to see some of those.

**Ms WATKINS:** We are talking about affordable housing; we are not talking about social housing. We are talking about the affordability factor based on our statistics.

**The Hon. RICK COLLESS:** You mention social housing in your submission and the collection of developer contributions towards the provision of that. Who will end up paying for those contributions? It is all very well to say that the developer will pay for it but that means that the end user ultimately pays for it.

**Ms WATKINS:** It will be passed on obviously, so a developer will develop an estate and whatever the price is that the estate costs to develop, they are going to pass on to the person who buys the block. The problem we have is that if you say to a developer, "All right, there is a honeymoon on contributions for a period of X. You guarantee that you produce lots at this price", we cannot control what they sell the blocks for. We can say they offer them at that price but that is about as far as we go. Certainly, we have seen with the decanting of a public housing estate, the Gordon Estate in the west, the Government actually put caveats on the title of the land where they had to be owner occupied for seven years. They are the sorts of things that government can do but we as local council cannot do that as easily or as readily and we certainly would not have the resources to follow it up. They are the initiatives that could be in place, but they are not easy. Another State environmental planning policy [SEPP] to introduce affordable rental accommodation is not the answer.

**The Hon. RICK COLLESS:** No.

**CHAIR:** Anything else? No. Mr Jennings, you are free to go.

**Mr JENNINGS:** Thank you very much.

**(The witness withdrew)**

**MELISSA WATKINS**, Convener, Local Government Planning Directors Group, on former oath:

**MICHAEL KEYS**, Director of Planning and Environment, Albury City Council, sworn and examined:

**CHAIR:** Thank you for your kind invitation to come to Albury. We are considering whether we can—

**The Hon. NATASHA MACLAREN-JONES:** Dubbo.

**The Hon. MICK VEITCH:** No, he is right. We have received an invitation to go to Albury.

**CHAIR:** Yes, to go to Albury.

**The Hon. MICK VEITCH:** That is all right, Chair, I will stick up for you. The Nationals are after you blokes.

**CHAIR:** That is right. Would you like to make another short statement?

**Ms WATKINS:** Very short. In my capacity for this presentation, I am the convener of the Local Government Planning Directors Group. It is an informal group of local government planning directors specifically. We do not represent the councils that we work for in coming together. Our councils finally allowed us to participate in this group at a professional level, so we bring our professional opinions to the table as distinct from our own councils' perspectives. As you can see from our submission, the make-up of that group is from across New South Wales and, in my view, it is reflective of some of the most senior planning directors in New South Wales.

First, we would like to put on the table that we support a whole-of-government approach and we are committed to promoting and facilitating growth and development in our regions and across New South Wales. To do this, we know that you need a simple streamlined planning legislation and system that actually can facilitate growth, facilitate the outcomes and deliver the outcomes that the communities that we work in are demanding of us as professionals.

**CHAIR:** Would you like to say something?

**Mr KEYS:** I will, thank you. Again, just reinforcing what Melissa has opened with, we are a group that is very interested in trying to promote strong regional planning. We have a good representation of regional areas across the State. That was one of the important foundations of our group in coming together: to make sure we represented the whole of the State rather than specific interests or specific focal points. We think the opportunities that were promoted through the planning reform round or discussions, certainly around the regional plans and the original view and outlook for those, had a lot of positives and a lot of benefits that seemed to have been lost somewhere in the mire as we have progressed and moved along.

The regional plans, some that are out on exhibition, some that have been adopted at this point in time, have various iterations of different aspects of what was originally proposed and we think there are some opportunities there that should have been further explored. Certainly from my point of view from Albury, we are waiting on our regional plan to come out, hopefully in the next month. But still there is uncertainty about what it will provide from a regional area's perspective. Development is not going to occur without infrastructure.

The regional plans offer a great opportunity to coordinate infrastructure across government and support the whole-of-government approach and drive growth and provide that foundation for the future. If the Government cannot get its act together and get coordinated in respect of planning for and then providing for and funding infrastructure, then regional areas are going to continue to struggle and try to come up to the front and keep looking for opportunities to maximise their growth. I will leave it at that. I am happy to take questions.

**CHAIR:** Has Infrastructure NSW made any difference in the regional planning process and clarifying regional infrastructure?

**Mr KEYS:** It is made some headway. There is still a lot of opportunity there. There are still opportunities to be explored that need to be reinforced by a whole-of-government approach. I know I keep saying that, but it is something I firmly believe in. There are different arms of the Government, different

agencies that have different priorities and those gaps are holding things back. Infrastructure NSW, in trying to coordinate across the vast array of different interests certainly has those difficulties as well.

**Ms WATKINS:** It certainly appears from the draft regional plans that we are seeing released that there has been some consideration of infrastructure and some input from Infrastructure NSW. However, from the feedback that is provided to develop the plans, it has not translated into the objectives or the strategies that are being proposed in the plans. There are not a lot of concrete infrastructure proposals or requirements. It is more about statements about Government will work with council, Government will work with council, but there is not a lot of doing. That is the biggest issue. We need to get a handle on what our infrastructure requirements are in New South Wales and then the rest of the planning will be a much easier process. We are not seeing that; it is very ad hoc.

**The Hon. RICK COLLESS:** In order to get that, we would need to go back to those parameters you were talking about before in respect of the Australian Bureau of Statistics data, et cetera?

**Ms WATKINS:** That is exactly right. Even if we are seeing major releases or new local environment plans being developed, from a local government perspective we are not seeing any detailed input from government agencies about what their future planning is about. We do not see where the new roads are going, we do not see there is an assessment being made for a new school or a new hospital. It appears, from a local government perspective, that that is being done on the run as we are considering these things that councils randomly refer to. There is not a lot of evidence-based planning, if you like, at a State level.

**Mr KEYS:** If I can just add to that, there seems to be difficulty in committing. That always seems to be the problem. We have committed strongly to a long-term strategic plan in the local land use strategy. We are looking for the regional plan that reinforces that and drives that and gives us direction. We cannot get that specifically around infrastructure because the different agencies that have a strong vested interest in those are unable to or are not prepared to commit to those long-term outlooks.

**The Hon. MICK VEITCH:** The regional plans are coming out but the departments have their own as well. There is a regional transport plan. What you are saying is that there is no coordination for this whole-of-government approach that we hear a lot about to make sure it is all aligned?

**Mr KEYS:** There is a lot of difficulty in trying to coordinate that. We certainly recognise that, but if we want to get serious and if we want to make New South Wales number one, as we keep hearing, for one who lives on the border, they need to be coordinated, they need to be committed and they need to make sure they are going to put the dirt on the table.

**The Hon. RICK COLLESS:** So what do you see happening on the other side of the border by comparison?

**Mr KEYS:** Victoria is very strongly and firmly committed to regional development. They make it a priority. They fund it. They have a very strong outlook and they have a very strong presence in regional areas. They recognise the benefits and the advantages of regional development to their State. Whether it is infrastructure or whether it is incentives, they fund it, they prioritise it. A recent review has also identified that it needs to be incorporated into their budget much more strongly and very clearly communicated and brought from a bottom up approach rather than being dictated to from the State, being the Melbourne-centric area. They recognise the value of it. New South Wales really struggles to do that.

**The Hon. MICK VEITCH:** When we talk about a whole-of-government approach, someone has to drive it?

**Mr KEYS:** Yes.

**The Hon. MICK VEITCH:** A lot of people and submissions say that we need a whole-of-government approach, but no-one has said who will drive it. Is it the Department of Planning? Is it the Department of Premier and Cabinet? Someone has to drive the whole-of-government approach. Who do you think should be driving the whole-of-government approach?

**Ms WATKINS:** I think there should be a government department set up that focuses on regional development. If that can occur, you can actually get somebody who—

**The Hon. MICK VEITCH:** We used to have one. Someone abolished it.

**Ms WATKINS:** —coordinates the other groups, but the issue is still getting the other departments to come to the table, but they do not come to the table with a plan or a commitment on behalf of the department they represent. There are all these conflicting objectives, priorities and work programs. We completely understand that the Government is bound to that political cycle, but there does not seem to be any 20-year planning. It is more about five-year, four-year planning. That can change, and then if it is 20 years it is too much and nobody can actually fathom how that will occur and we do several plans, depending on which government we are dealing with, so you have different iterations of plans. It really needs somebody that has a regional focus to coordinate regional infrastructure, and that is just beyond Sydney. I am not saying a particular region. It is just beyond Sydney.

**CHAIR:** We started off with a Cabinet sub-committee on housing acceleration because of the decline in housing stock, and that was the only way we could get their coordination and the willpower. I have responsibility for Sydney Water and I recall a meeting with them where I went through the list of things that the Cabinet subcommittee had come up with and the Sydney Water representative said, "No, this is our list."

**The Hon. RICK COLLESS:** Yes, who is in charge here?

**CHAIR:** Well, they changed their list.

**Ms WATKINS:** I understand that is a very similar process to the process that the regional plans are going through. So they are all good plans, then they go through a process and they come out the other end a different way.

**The Hon. MICK VEITCH:** But the whole-of-government approach is not just about someone driving them. It is about the performance measures, the milestones.

**Mr KEYS:** Yes, being held accountable.

**The Hon. MICK VEITCH:** Yes, all that that builds up to the accountability. Whether it be Cabinet or parliamentary scrutiny, do you agree that to make this happen not only does someone have to drive it, someone has to be accountable for driving it?

**Mr KEYS:** Yes.

**Ms WATKINS:** That is exactly right.

**Mr KEYS:** That is one of the concerns I have about the regional plans at the moment. There is not enough accountability or milestones in there to measure against to see the success and then to continue driving it to provide the feedback to say, "We have missed this, we have got to change that." These departments, these agencies need to come in and need to commit and be brought to the table.

**The Hon. MICK VEITCH:** With some of the cross-border stuff that Mr Colless started talking about, how hard is it for you as someone who has to practise your vocation on the border at Albury with all that is happening in Victoria?

**Mr KEYS:** We are constantly playing one State against the other and certainly one local government area against another as well. We are always hearing that. We are very frustrated where we are with our lack of perceived support from New South Wales. Through Albury and along the Murray, we have a very strong community interest with Victoria, there is no two ways of hiding from that. Our television, our media, everything comes from Victoria.

**The Hon. RICK COLLESS:** Football.

**Mr KEYS:** We do not really exist in terms of politics. It is a very sad circumstance in New South Wales, and it is a long way from Sydney. Okay, we accept that, but we have people who live in New South Wales who have a strong investment in New South Wales—jobs growth—and we want to drag people out of Victoria and show them how good the State is.

**The Hon. MICK VEITCH:** I explored these issues in the Sydney hearing about the Australian Capital Territory [ACT], which has similar issues, but also in the northern part of the State with the Queensland issues. We were told that the Cross Border Commissioner had been vested with the responsibilities for working through some memorandum of understandings with Queensland and the Australian Capital Territory. Have you had any dialogue with the Cross Border Commissioner?

**Mr KEYS:** We have had a lot of involvement with the Cross Border Commissioner. He has a tough job, an extremely difficult job. One, we would talk about government agencies in New South Wales trying to agree to come to the table and commit to things. A lot of the discussions around cross-border arrangements involve another government—

**The Hon. MICK VEITCH:** Jurisdictional issues.

**Mr KEYS:** —agreeing to outcomes. Going way back, we had the Murray Regional Environmental Plan in 1994. It had a lot of agreements and commitments from Victoria. They are non-existent. Agencies changed, they moved on, and they expected certain things that we were not prepared to commit to because they were in another jurisdiction. They never reciprocated. What was all lovely and wonderful on a bit of paper, when it came down to what happened on the ground, it was not followed through.

**The Hon. RICK COLLESS:** You are probably too young, Mr Keys, but I remember the Albury Wodonga Development Corporation before that.

**Mr KEYS:** That has only wrapped up about two or three years ago. We are still enjoying the legacies that were left behind.

**The Hon. MICK VEITCH:** What is the way forward for those cross-border issues that you encounter every day? If this Committee was to make recommendations to Government about how to fix that, what are we going to recommend?

**Mr KEYS:** I still think the Cross Border Commissioner needs to be supported in his role, but probably more importantly and moving on from being centric about cross border, as we have put forward, this whole-of-government approach and commitment to regional development, and talking about coordinating agencies. Victoria has the regional RDV, Regional Development Victoria. It is strongly supported in Cabinet. They have a position in Cabinet; they have ministerial support; they have agency support and commitment. That is what New South Wales needs.

**Ms WATKINS:** As part of the draft regional plans that have been released, they include a new tier of coordination, if you like, which are the coordination and monitoring committees that are being established in each of these regions, in particular, for example, the Orana one. Hunter was very similar. It has representatives from the Office of Environment and Heritage, Roads and Maritime Services, Department of Industry, Regional Development Australia, Transport for NSW and the Department of Premier and Cabinet. So they are equally represented and there is one representation just for the Regional Organisations of Councils or the ROC, or whichever you are going to be.

For a group comprising 20 councils, in terms of coordination, we get one seat at the table and that is coordinated by the Department of Planning and Environment, so it is aiming to deliver this plan but I do not see how that could be achieved through 20 local government areas being coordinated by a planning department. Part of that accountability and coordination has been proposed, but I just do not think it is achievable given the plans that we are seeing.

**The Hon. RICK COLLESS:** Just going back to the Albury regional plan, which is about to be released.

**Mr KEYS:** Hopefully.

**The Hon. RICK COLLESS:** Do you know what geographical area that covers?

**Mr KEYS:** We cover the Murrumbidgee. We had the Murray regional plan released in 2009 and that still exists in the atmosphere. There is progression from that to regional growth plans and we have now been

incorporated with the Murrumbidgee. We now go from Wentworth right across to Albury, Tumut, and up through to Young. We cover a massive area.

**The Hon. RICK COLLESS:** When you say the Murrumbidgee, does it take in the Murrumbidgee and the Murray catchment area?

**Mr KEYS:** Yes.

**The Hon. RICK COLLESS:** That is a big area. What input did your council have into that process, if any?

**Mr KEYS:** We have had a strong relationship. One of the things we have an issue with is that plan is being driven by the western region office of the department of planning. Our council is actually in the Southern region office of the Department of Planning.

**The Hon. RICK COLLESS:** That is the Dubbo office, is it?

**Mr KEYS:** Dubbo does the Western region and that is who is driving the Murrumbidgee Murray plan, but Albury, Wagga Wagga and a couple of other councils in that region actually are under the arm of the Southern region for the department of planning in Wollongong.

**The Hon. RICK COLLESS:** The Southern region office is in Albury?

**The Hon. MICK VEITCH:** Tumut and Young, for instance, are over on that side?

**Mr KEYS:** In Wollongong. But we have a very good relationship with the department. We have open communication with the regional offices in both the Southern and the Western regions. It has been positive and we have been trying to work with them to improve where we are and what is happening and some of those things are coming through, such as the progression of this regional plan, but also the regional exempt and complying code. We are strongly advocating, through those agencies, to get that on the table and we now have a draft that has been brought forward. I think there is recognition of the good work being done. Again, with a lot of the policies and approaches that are being taken and advocated by the department of planning they are a top down approach, they are driven by Sydney. We appreciate the political environment and directives but to get the changes and the work on the ground in these regional areas, they need to improve the local input.

**The Hon. RICK COLLESS:** Are you inferring that the Department of Planning should have more on the ground technical people in Wagga Wagga and Albury?

**Mr KEYS:** I think they should have more representation in regional areas. Whether it is people on the ground or the ability to take information from these regional offices in terms of the policy rather than being driven by the Sydney-centric model?

**Ms WATKINS:** To be able to make decisions regionally.

**The Hon. RICK COLLESS:** As I was saying before, that is an issue that has come up before in several submissions: to have Department of Planning personnel located in regional areas, people that have the delegation and authority to make the decisions being made in Sydney?

**Mr KEYS:** We have a good relationship with the people in those offices and they are happy to listen and take on board but then it gets to a point where it can be completely changed.

**The Hon. RICK COLLESS:** If it was to be done by taking more account of the contributions of people like yourselves, how would that work? Do they need to read the submissions?

**Mr KEYS:** We spend a lot of time and we put a lot of effort into making submissions. I am a great advocate of "you cannot whinge about something if you are not prepared to have a go and put some skin in the game", but they fall on vacant spaces. You get no response or reply and you do not see any change in the direction. After being in the game for a while you start to question, "Are we getting value for the time and effort we are putting into this?"



**Ms WATKINS:** That is certainly something we have experienced. The local government planning directors group has been around for about 14 years. We have always enjoyed a hearing from the Minister of the day, it did not matter what party they were representing, and all of a sudden that has stopped. We were getting good hearings from Ministers where they were seeking input or advice or asking us to go away and work on solutions; that gave a whole of local government perspective on things from a planning practitioner as distinct from the political environment. It allowed us to have a free flow of information. We worked very closely at this stage with Bridge Street staff but that is no longer the case, I am afraid.

**The Hon. COURTNEY HOUSSOS:** In your submission you talk about the fact that other jurisdictions such as Queensland have adopted a one-stop shop approach for Government referrals. Could you explain a little more about that?

**Mr KEYS:** I am going to have to defer to one of our representatives who work at Tweed shire and has put in a lot of that input. Essentially, instead of having different agencies you have a referral in the planning process and there is one agency that controls it and they feed out to their different interests and different agency representative but there is only one response. It is coordinated and you do not get the conflict that we might have with the Office of Environment and Heritage, the Office of Water or the Local Land Services.

At the moment we get one that we can work with and get something happening on the ground and the other department just point blank refuses or raises the bar or changes it. There is no consistency of approach from the whole of Government. When you try to explain that to a proponent and developer on the ground we are the ones in the middle trying to look after our local community, trying to deliver something on the ground for you but we have an agency that has gone off in this direction and that one has gone that way. The system in Queensland has effectively brought them under one roof and said this is the Government's response rather than different directions, conflict and confusion.

**Ms WATKINS:** It would be like someone lodging a development application with council and that development application being referred to all the different departments—because we have diverse businesses—and that person getting all the comments back separately and then trying to figure out what to do with those comments or requirements or objections. Instead of doing that the assessment officer coordinates that and goes back; it is one point of contact.

State government is a very big body so it makes for outcomes and responses that are consistent with government policy, which they are not all the time. We have to point that out and we are local government. A one-stop shop would improve that coordination of responses and be more timely and accountable and give us the ability to get development happening on the ground much quicker whether it is for a rezoning process or a development application process. At the moment 28 days for responses may not be relevant to the application, it is not acceptable.

**The Hon. MICK VEITCH:** You may not know the answer to this but the Queensland example you are providing of the one-stop go-to person, are they regionally based or centralised in the big smoke?

**Mr KEYS:** I would have to take that on notice.

**The Hon. RICK COLLESS:** Are you aware of the Queensland Regional Planning Interests Act?

**Mr KEYS:** No.

**Ms WATKINS:** Yes, essentially it is a different layer than what we have at the moment. It is a bit like our State plan, in my view. It delivers on outcomes that are of mutual interest. Tasmania is a bit similar but different and did make the protest more complicated from an earlier part of the process. It delivers first and foremost on State objectives as distinct from local objectives.

**The Hon. RICK COLLESS:** I think it was principally put in place to protect prime agricultural land?

**Ms WATKINS:** Yes.

**The Hon. MICK VEITCH:** Mr Keys, your views around voluntary planning agreements [VPA] and their infrastructure model?

**Mr KEYS:** From our organisation we have not had a great deal of exposure with VPAs. Again that location issue we have, being close to Victoria, means a lot of the interest comes from Victoria. We have adopted a local policy for VPAs. We have a small one at the moment that is being proposed with a development application that is related to carparks, we think it is quite flexible, we are open to it, we are happy to encourage it.

I would certainly reinforce the comments that Ms Watkins made earlier about the opportunities and advantages that it does propose for some of those major developments to be able to quantify and have a system that can model it and identify the potential impacts. It is like a breath of fresh air, to be honest, in terms of trying to understand what those implications are and being able to have something that can be utilised in that way has my full support.

**The Hon. MICK VEITCH:** Have you seen or observed the model?

**Mr KEYS:** I have not in detail, no?

**Ms WATKINS:** It is touted more in the mining industry at the moment.

**The Hon. MICK VEITCH:** Your views about open zones?

**Mr KEYS:** I reinforce the comments made by Ms Watkins earlier. We went from a performance-based, non-prescriptive local environmental plan [LEP] over the standard template and that was a big shift and a big change for us to come back to understand the prohibitions. In those that have been forced on by the State Government in the standard template, we have adapted and utilised that but we support the open approach where anything is possible in the appropriate zones. We have our main business zones of Albury, Lavington; we try to promote growth and flexibility and it is about trying to adjudicate the impacts on each specific site rather than trying to be prohibitive and specific in the definitions about what boxes things will fit into.

**The Hon. MICK VEITCH:** You do have open zones?

**Mr KEYS:** Yes, definitely, and support that.

**The Hon. RICK COLLESS:** I direct this question to Mr Keys, as I would like to get your views. The constraints with the current zoning system that we have, how can that be improved and do you see any benefit in having an assessment of land where it is designated as fit for purpose which would then determine its zoning potential?

**Mr KEYS:** I am a very strong believer in detailed land use strategies. Get your facts right, as suggested by Ms Watkins in her submission. It needs to be based on facts and have some evidence around whether some areas should be developed or are capable of supporting development, what should be preserved, and what is necessary to be preserved. We have instigated a very long-term strategic outlook for Albury based on a 50-year forecast. We wanted to remove the potential conflict, we wanted to plan for infrastructure and give people certainty about what may occur in the area next to them, around them and coming into the future. That was five years ago and it has been successful to this point and we continue to espouse that success.

I will say it was a big challenge to the Department of Planning in putting that forward and getting the support but they have been extremely positive around us rolling that out and bringing that in. It is going to be very beneficial for us in terms of trying to provide the infrastructure for our city that is doubling our population over that period of time. I would support the on-ground factual identification and development of the land and appropriate land uses dependent on the land itself. What was your first question?

**The Hon. RICK COLLESS:** The current zoning system and the constraints or problems that exist with the way it is set up at the moment?

**Mr KEYS:** Again I reinforce previous comments that it is a bit rigid and there needs to be flexibility around it. There is a difference between metropolitan and regional areas. That is not trying to espouse that we should have separate Acts by any means, I do not agree with that at all, but there needs to be recognition within the Act and the template that there are differences in expectations of a small rural community, versus a regional centre versus metropolitan and coastal. How those zones are applied, what they are designed for, and what their

intent is should reflect that. I would also agree that it has been an advantage and a good way forward to have a standard local environmental plan [LEP] template as a base.

**The Hon. RICK COLLESS:** You said that five years ago you went through the process with the land use issues. What sort of parameters did you look at when you decided those issues?

**Mr KEYS:** In trying to identify an appropriate settlement pattern?

**The Hon. RICK COLLESS:** Yes.

**Mr KEYS:** Essentially that is what we looked at. We covered every aspect we possibly could. It was looking at infrastructure, servicing ability, demand, employment, environmental, land capability or capacity, looking at sloped, rain, water courses, and natural assets. It was a very broad spectrum. It is a significant piece of work to bring all that together. There is also the strong element of community consultation in there as well. Local consultation and representation and consideration of those in bringing that together into one plan.

**The Hon. RICK COLLESS:** Did you come across much conflict from the community when you put those drafts out?

**Mr KEYS:** Conflict is not a bad thing if it can get people interested in the process. I think that has always been the trick: how can you get people interested in the process? With the planning reforms and the agendas that were put out and promoted in the planning reform there was a really strong emphasis on local strategic planning. How do you get people involved in that has always been the question. That has been my biggest doubt. If you can get people motivated and get them interested you will get good feedback. Then you can provide them with the information and the evidence that you have got around the decisions that you are making to support where you are going. Using that gives you a better outcome at the end of the day.

**The Hon. RICK COLLESS:** But what were the outcomes from the community consultative process? I know you end up getting a better result but many people were offside with the direction, I take it?

**Mr KEYS:** No, I do not think so. We had community meetings, 200 to 300 people at a time down to 50 or 60. We had a good turnout and very good, strong support from our councillors as a result of what they were seeing and what they were hearing from the local community. The opposition was not very strong at all. There was interest and understanding and trying to appreciate what it was going to provide. Having said that, when you get to those decisions that have been set up and then put on the ground there is still that person who says, "I didn't actually realise that was going to happen," so you have got conflict down the line. You cannot prevent that but you can try to make people aware of what is going on and get them involved in the decisions in the first place.

**Ms WATKINS:** I think local government has become very practised with the integrated planning legislation. Once integrated planning and reporting was introduced—and, let's face it, we were forced to go out to the community and write a strategic plan for the community—it then led into the next conversations that we were all having about our land use and our infrastructure and our recreational strategies. That made it an easier discussion to start, because the community said, "This is we want you to focus on," and that was what we were doing. It was not just somebody sitting in a room somewhere thinking, "This would be a great idea if we had a land use strategy." It had some substance to it. Whether that was four years ago or eight years ago, it still makes some more sense to our communities now. I think it is a better outcome if you bring them on the journey.

**CHAIR:** In your professional capacities have you looked at machinery changes that might be needed to speed up the process of zoning and development as distinct from bigger pictures questions like the zones and infrastructure delivery? Is there a bunch of machinery-type things that should be changed that we could perhaps look at?

**Ms WATKINS:** We certainly made numerous submissions during the reform process, whether it was the green paper, the white paper or before that. We were asked on several occasions to come up with solutions to things. The group has done mapping for development assessment processes, how we could ease up that process and not put so much onus on certain parts when it is not required and how we could free up the process and make it more integrated quicker. We have looked at the exempt complying provisions. As a result we now have a draft exempt complying code that is really focused on us and our needs. I think we have done a large body of work on those areas, looking at process or applications or changes to the regulations or getting rid of

SEPPs or any of those things. We have certainly made those submissions in the past. I am happy to provide those again to the Committee.

**CHAIR:** Would you mind doing that as a follow-up submission to us? Our direct role is to try to find some of the things that will improve planning in regional areas.

**Ms WATKINS:** I am happy to do that.

**CHAIR:** We would love to look at those. If you want to prioritise them in any way that would be very helpful, but I know you are already doing a lot of work and you do not need to do too much more. In terms of the regional plans that have been put out, I must say I am not quite sure whether the criticism in some regions—leaving aside the definition of region itself—is in terms of the outcomes in a land use and delivery sense or whether there are some procedural issues and mechanical stuff that might be addressed by us raising it. I do not know if you can answer that now or think about that a little bit.

**Ms WATKINS:** I can make a further submission, but, just as a cursory comment, I guess it is an expectation management process. Certainly our expectations and the outcome from Dubbo's point of view are not consistent with the plan that we have now received and been invited to make comment on. At the moment we have gone from regional growth plans to regional growth and infrastructure plans and now we are just calling them regional plans. In my professional view I think it is an economic development strategy for the region. It is not a land use plan. It is not managing land uses. It is managing economic development for the region, which is not a bad thing but—

**The Hon. MICK VEITCH:** But it should be called that.

**Ms WATKINS:** And it certainly should have had input from fewer town planners and more economic development experts. We can all do economics but I think the focus initially and the brief that we were given in the development of it was that it was to be a regional strategic land use and infrastructure plan. It is none of those things, I am afraid. It is about the economic development opportunities, which is good.

**The Hon. RICK COLLESS:** Should it contain those other aspects?

**Ms WATKINS:** I think it should, definitely. But, for instance, in our example there are a couple of pieces of work that are still outstanding in the development when the plan was developed such as the analysis of the agricultural land for the region. It has not been completed yet but we have a plan that is in draft form.

**CHAIR:** I do not want to put words in your mouth but effectively you are saying instead of coming up with a regional plan that maps the current and future land use and infrastructure you are left with a statement of economic development and a whole series of existing LEPs that are scattered around and that is about it.

**Ms WATKINS:** That is it. That is my view. I only received it on Monday, but in formulating my view on my first read it is a very different plan from the one I anticipated. Certainly it is a very different one from the one I had input to.

**CHAIR:** Is that your view too, Mr Keys?

**Mr KEYS:** We have not seen ours yet but where the expectations are going is down that path, yes.

**The Hon. MICK VEITCH:** You spoke earlier about it being one thing having the plan but then there is implementation and accountability—the who is going to do what and when aspect. Developing the delivery plan will take a lot longer, I suspect, than the initial plan just because of the nature of what is being included in them.

**Mr KEYS:** Part of the sales pitch that we originally had was that that would be included as part of the plan. That was the expectation, that there will be a delivery plan in there to identify those key elements of how and who and who is responsible and what is the likely time and what is it going to be in response to. It was to identify all the key issues that are driving the change, identify the changes that we need to be made, say who is going to be responsible and show the State's commitment to those.

**The Hon. MICK VEITCH:** And that is not there?

**Ms WATKINS:** Not in ours.

**Mr KEYS:** I am not anticipating it being there.

**The Hon. MICK VEITCH:** Proponents or developers will say that all their developments get held up at council. They say council is the front counter; it is where they walk in and conduct their business. When you talk to councils they will say there are a number of government departments that are good to work with and there are some that are atrocious to work with that really slow down the approval process or the consideration of the development. In developing the delivery plans do you not envisage that would be the same?

**Mr KEYS:** Absolutely. I think part of the issue is that commitment from agencies and their reluctance to commit. I think that is why it has shifted, but I cannot speak for government. It seems to be the feedback we are getting.

**The Hon. MICK VEITCH:** I could be cheeky and ask you which are the worst agencies, but I will not do that.

**Ms WATKINS:** We might say.

**CHAIR:** It is variable.

**The Hon. MICK VEITCH:** That reinforces your earlier comment about having someone drive the whole-of-government approach to this. There has to be a department or an individual in a department who drives the whole process and is ultimately accountable.

**Mr KEYS:** Somebody needs to be accountable rather than that agency can defer to Sydney or defer back to head office. One of the things that we very firmly believe in is working closely with agencies to make sure that we can flag those issues up-front for any developer so that those delays are avoided. In a lot of cases they are. It is about establishing relationships and not headbutting all the time and not being antagonistic. But when you are trying to make decisions and give advice and then it just totally flips the other way for no reason other than it has been directed from a top down approach with no substance, no consultation and no warning, those are the things that makes it difficult.

**The Hon. MICK VEITCH:** I think in the back of my mind I have heard this before somewhere during another inquiry but would it not be easy for a developer or a proponent to go to a website and check whether their development is up? If it being held up at a department for approval you can say they have had it for 90 days and that is why it is being held up; it is not because of the council, RMS or OEH. Is that not available?

**Ms WATKINS:** Yes, local government is moving in that direction now. We have just introduced what is called e-tracking or online tracking. You can log on 24/7 and find out where exactly your DA is up to and who to blame or who to call. You can see that, yes, it has been sitting there with this person or this agency or this process for this amount of time.

**The Hon. MICK VEITCH:** That is not in place yet though, is it?

**Ms WATKINS:** It is not mandatory. Councils can choose to adopt it. Dubbo currently does it. There are a number of other councils that have the same facility. But it is a very time-consuming and costly system to have in place. If you are only doing 100 development applications a year there are costs and cost advantages that can be and cannot be seen. For us it is really good because it allows people to manage their own applications rather than ringing the council every two days to find out where it is up to. If nothing has changed on the screen, nothing has changed.

**Mr KEYS:** We introduced it about four years ago and it has been one of the single most positive changes we have made in terms of having online tracking information available. That is how people expect information to be made available to them now. We can provide an update on where their application is, when it was lodged, where it is at in the process. The level of detail is the question. You have got to really commit extra resources to provide that extra level of detail.

To be honest, in some cases when you provide some detail people read things into it they should not. There are privacy issues around that in terms of how you manage that. I can say quite confidently we save about \$120,000 a year, which is 1½ staff, by having online tracking because they do not spend 10 minutes answering phone calls every minute of the day. More importantly, anybody in the community, anyone at all, whether they are the applicant or a neighbour or just have an interest in what is going on, can look at it at any time and see what is being proposed.

**The Hon. MICK VEITCH:** Has it delivered cultural change within State government departments because now people can check and see?

**Mr KEYS:** No.

**The Hon. MICK VEITCH:** The delays are still there?

**Mr KEYS:** Yes.

**Ms WATKINS:** Because essentially the people that are complaining are complaining to council. They are our customers. If they are waiting for a referral from government agency A, how do you get in contact with a person in government agency A? There are no names. In the local government area you are the people on the ground. You are the people they can blame for whatever they need to blame you for.

**The Hon. MICK VEITCH:** The Queensland model of having a centralised person, you just deal with one person and they deal with the government—

**Ms WATKINS:** That is right.

**CHAIR:** In Queensland it is sort of a coordinator general role?

**Mr KEYS:** I think you could call it that, yes.

**CHAIR:** Thank you again for appearing. It has been very valuable. We do not wish to impose too much but if you had a list of specifics that we could look at that would be great.

**Ms WATKINS:** Certainly. Thank you for the opportunity.

**(The witnesses withdrew)**

**(Short adjournment)**

**BELINDA BARLOW**, Executive Officer, Orana Regional Organisation of Councils,

**BILL McANALLY**, Chair, Orana Regional Organisation of Councils, and Mayor, Narromine Shire Council,  
and

**ASHLEY WIELINGA**, General Manager, Warren Shire Council, sworn and examined:

**CHAIR:** Would each of you or one of you like to make a short opening statement?

**Mr McANALLY:** I would. We certainly welcome the opportunity to address the Committee. It is extremely difficult to make an address on this issue because of the difficulty in understanding such an overly complex issue. Ashley Wielinga is here today. My deputy chair on Orana Regional Organisation of Councils [OROC] has fallen ill and Ashley is here to take his place. Ashley is General Manager of Warren Shire Council, which is typical of an agricultural-based local government area within the region. I am also mayor on Narromine Shire Council, which is exactly the same thing—same kind of area, same kind of issues, same kind of problems.

We are not sure where this inquiry came from or the intent; we are just as confused as the next person. We are certainly here to help as much as we can but we may need a little bit of guidance when we do this. Planning is something that every council has an issue with somewhere along the line, and I know there have been plenty of opportunities to try and fix it and all that, but I think we have made it a little bit more convoluted than anything else. We do worry that sometimes State plans and regional plans look too much at population, whereas where we come from we are all about production; we produce and we have to get that to the ports.

Because our farmers nowadays are new-age farmers they do not employ the people on the farms they used to. When it comes to the bottom line of your towns and all that your population is not always there, but certainly production has increased triple to the early 1960s and 1970s, the farming practices have become a hell of a lot better and we deal with Mother Nature every day. But certainly the production that comes from our area, the Orana Regional Organisation of Councils [OROC] region itself, which is about 23 per cent of the State, is absolutely massive. There is a bit of mining in that too through Cobar and Narromine, Bogan, Nyngan, out that way.

It is important to us that this is a whole approach of planning with our freight line ways, our transport routes and all that; they have all got to be included in this. As you will probably see through what we have given you, we need some direction where that is going because we have got to make our planning decisions around that. The State has got to come out and say, "These are the highways of significance, these are going to be our rail routes, these are the ones we are going to use and as the local council you work around them." We need guidance from this planning. But certainly we are here to try and make a bit of sense out of all this—and none of us are planners. Ashley thinks he is but he is not.

**The Hon. RICK COLLESS:** Can I just say something about your first comment about wondering where this inquiry came from? Pretty much what precipitated it was that about two years ago the Government commissioned a review of the Native Vegetation Act and Threatened Species Conservation Act and that review was published at the end of 2014. One of the recommendations in that review was that there should be a better planning method to map areas of high biodiversity conservation land. The Government said it would accept all 43 recommendations of that review.

When you start to map high-value land for one purpose, that sort of opens up Pandora's box about what we are doing with all the other high-value lands as well: should they also be identified and zoned appropriately? That is pretty much what the genesis of this inquiry was. When we spoke to Planning about those issues they then suggested that we look at some of these other issues during the terms of reference as well. That is the background to it. On page two of your submission you make the point under (b) that "regional development in NSW is restricted by the multiple layers of conflicting legislation". Do you want to expand on that as to what those multiple layers are and how that could be resolved?

**Mr WIELINGA:** The intent of that is basically you have got different government departments that have a different responsibility. There is a massive silo mentality out there with government departments and they stick by what their responsibilities and functions are, but where we sit as a local government we have got to cover the broad spectrum of those. So we find it extremely difficult to get those linkages between those different departments and put them on paper. If I could just expand a bit further on that?

The reason I have come along today is as a general manager of a large area, a low population but highly productive local government area, which is typical. If you take the 12 OROC councils that we are representing here today, 11 of those are agriculture based. Therefore, when it comes to planning, planning as per the Environmental Planning and Assessment Act or your local environment plan [LEP] means a lot for the area where they are zoned so you do not get that conflict of land use. But I believe this planning is looking at all-encompassing planning in the State plans. We cannot get some plans, or any plans, out of the State up to this date to enable us to do the planning.

Bill touched on before that we are about production. If you want to produce you have got to get your produce to market. I can give you plain examples of the lack of government direction and the lack of government making a decision that has, to a certain degree, made stranded assets and has stopped development in that production. A prime example of that would be a rail line between Nevertire and Warren that is deemed a grain line-only by the State Government. If you look at the planning mechanisms of the Department of Planning it will show that there are two intermodal terminals on that line. The grain is probably only 20 per cent of the produce along that line. There are seven cotton warehouses on that line that they do not want to develop any further because they do not have—

**The Hon. RICK COLLESS:** Rail access.

**Mr WIELINGA:** No, they do not have State government signing off on it that it is going to be an export line. We are finding that with the hierarchy of our road network. We can plan in local government if we have got a plan to go to. We are responsible for our local roads, and we take on that responsibility. The State government is responsible for the regional roads and the State highways. In our instance we do not have any Federal highways. But if we want to get our act together and get our planning mechanisms together we have got to know what the main freight links are so that that will then determine what amount of resources—and local roads and council resources are scarce resources—we put into that road.

If someone comes to us and the nature of agriculture changes and they want to build another set of warehouses or anything like that, they are not going to come to Warren because there is no certainty on where they are going to put their asset and they are going to end up with a stranded asset. So that is the difficulty that we are facing there. We do not have planners on our staff; we rely on the Department of Planning for advice and they are very good. In Warren's instance, we never had an LEP until 2009. When we did our first LEP we had a very sound document. In 2012 we had to swing onto the template—it bugged everything because we fall in line with everyone in the State and the whole State is not the same. That is my little opening.

**The Hon. RICK COLLESS:** The Orana plan that Ms Watkins spoke about, does that take into account your local government area?

**Mr WIELINGA:** This is the plan we are talking about here?

**The Hon. RICK COLLESS:** Yes, that is it.

**Mr WIELINGA:** We received that yesterday.

**The Hon. RICK COLLESS:** So you obviously have not had time to—

**Mr WIELINGA:** We have not had time to have a look at it but we are hoping that will be the start of the process.

**The Hon. RICK COLLESS:** Could you indicate whether those infrastructure issues that you raise have been identified in that plan?

**Mr WIELINGA:** They are in that. If you look at that plan there is very good mapping in there and that should flesh out a lot of those things. But the problem we have got, in response to your question about those government departments, they are not coming out and throwing it onto the lines and saying, "Righto, this is how it is. Now we can build around that."

**The Hon. MICK VEITCH:** You talked about centralisation coordination, government departments, who is responsible and accountability measures?



**Mr WIELINGA:** Absolutely.

**The Hon. MICK VEITCH:** If they turn a State government road, one of the regional roads, into a B-triple route, for instance, that has a significant impact on council roads that branch off that, or rail linkages. If you were told that in advance, then your plans are thrown out of kilter.

**Mr WIELINGA:** An example I am using, say, that rail line, who will develop something apart from if it is a grain-only rail line?

**The Hon. MICK VEITCH:** That is right.

**Mr WIELINGA:** They have stranded assets there now because it is a grain-only line. So if you are going to expand that industry that is the logical place for it to go, but the developer will be a bit shy on that for the simple reason they have got no certainty from government that it will remain as is. Then we would naturally plan around that because our job with our local roads is to get that produce onto the main arterials and to get it to market. It is as simple as that; get it to rail if possible.

**The Hon. MICK VEITCH:** Yes. Does Mr McAnally want to say something?

**Mr McANALLY:** Certainly what Ashley was saying then, they are talking inland rail now and they are really working on it; they are going pretty well with it actually. That is coming through the other side of Narrabri, west Narrabri which is good. There is a lot of excitement about it actually, keep it up and going like that. Certainly we need direction like that to be able to plan. As you read through these things here, planning needs to be under the one umbrella. We have got EPIs, SEPPs, LEPs and all that. I do not know why they even call it a local environment plan because 85 per cent of it that's it, you abide by that and you tweak around the edges of it with your LEP. We were pushed into a place back in 2009, the same as every other council, "You've got to get these done." Okay, let's get them over the line. Let's get them finished because the State is sponsoring them.

They said it will make it easier for you to be able to do these LEPs and vary them a little bit. It does not. It takes you 12 or 18 months to get anything done. A variation in the LEP, and that is frustrating not only for us, for councils our size, but also it is the work you have got to put into it. Fair enough for the bigger councils with plenty of planning staff and resources to do it but certainly not for smaller councils. That is really, really frustrating for everybody. It is very, very hard to understand. When you get eight, 10 or 12 elected councillors in the room, they are there for your community. They are not all planners, they are not all engineers and all that. They find it very, very hard to understand when somebody cannot build a house somewhere and all of that. Council do it very good and work pretty well on the ground. We have got to sell this. This is not ours. This is the State Government's plan here that we are trying to sell. It is a really, really hard sell.

Anything comes out of all these inquiries is that we have got to make it easier for our people to be able to encourage—you cannot encourage development if you make it too hard for them, okay? That is our problem. We should have all our freight lines. They should build them. The airports where they think they may be able to freight out of, you know, the State should be sitting down with that plan working that out now so we know what we are doing. Let us look to the future, 100 years, not 20 years down the track or the next election or whatever. That is where we get frustrated. We get very frustrated as a small council. We are not small councils; we are big areas, massive producers. We have got small populations but they are the people who produce everything that feeds half the world. We have got to be able to keep those people out there.

**The Hon. MICK VEITCH:** It is interesting that you say that they are not small councils because one of the criticisms that has been made for a long time about regional planning—I have not read this new plan so I cannot make comment about it—is that it all centres around communities like Dubbo, Orange, Bathurst. The next size communities down, like Warren, Young or Cowra miss out. It tends to be centralised to the larger geographic regions. You say you are not a small council and that is true—

**Mr McANALLY:** No.

**The Hon. MICK VEITCH:** But you are just as important as the others. How can we accommodate the other communities in regional planning rather than the large population places?

**Mr McANALLY:** We have talked about it before and on our council we talk about it a lot. We talk about production. On our local road systems we have got our hierarchy in place that we took six months to do. We drove on every road and mapped every road. We looked at the production along these roads that mostly are unsealed. You might have had 15 families along them 20 years ago, now you have three farming the same area but producing absolutely three times as much. That is where your money is. They pay all the rates in the shire so that road becomes a road of significance. You have got to get it up to a standard where they can deliver. If they cannot get out of their first kilometre to get their produce into town or wherever, the whole region suffers and the country suffers.

**Mr WIELINGA:** I want to reinforce what our chair said that the population seems to distort what services should be provided to smaller communities. We have got 10,000 square kilometres. We are an agricultural-based economy. It is agriculture land. We have got the Macquarie Marshes in those 10,000 square kilometres. The planning mechanisms all seem to be slanted towards the environment, not into production or land practices. We believe that we have probably got more environmentalists in our local government area per head of capita than anywhere else for the simple reason that if our producers do not look after their environment they are out the back door; they are buggered. It is a simple as that. There is no other way of really putting it.

Just to reinforce the point in relation to population, if you take the irrigation industry and the best return per mega litre of water in irrigation in this broadacre area is the growing of cotton. If you went back to 2000 and 2001, to grow 1,000 hectares of cotton you would need per 1,000 hectares probably the full-time equivalent of 3.8 people. In 2013-14 to grow the same amount of cotton you need 0.8 of a person. That change is due to technology, transgenic plants, a whole different group. It reinforces what we were saying earlier on that production is still up there, the population may not be, but you still have to get that produce to market. So the requirement on infrastructure services—

**The Hon. RICK COLLESS:** It is not about the number of people on the road, it is the number of tonnes of produce on the road?

**Mr WIELINGA:** No, it is the amount of produce and then it is about getting that produce to market. How many financial assistance grants? It is done on a per capita basis. That is the struggle. We are not rocket scientists but bloody hell we struggle with planning, I can tell you that now, and struggle with the understanding of the Environmental Planning and Assessment Act for what we are about.

**The Hon. RICK COLLESS:** I refer to the Orana plan. Did your councils or your central Orana Regional Organisation of Councils [OROC] have any input into that at all?

**Ms BARLOW:** We were very well consulted in respect to the process but as far as the content—

**The Hon. RICK COLLESS:** Not the technical data?

**Ms BARLOW:** No.

**Mr McANALLY:** That tends to happen a lot. If we have got a problem as the local council with somebody, you go and see the person and you work it out.

**The Hon. RICK COLLESS:** That is right.

**Mr McANALLY:** I have seen consultation through this amalgamation process too and if that is the State Government's way of consultation it has certainly got it wrong. It should come out and see when we do consultations with our community. You will notice in there that we say a stand-alone regional planning Act is not supported by OROC. Because we have not really seen it we do not really know what it is. We do not know what is in it. We cannot support something that we do not know about. That makes it very hard for us. When we all have a look at it we would probably think it is all great, no worries—you know, with some help maybe it will become a good product. Hopefully it does, but we cannot support that because we do not know anything about it which is frustrating for us.

**The Hon. COURTNEY HOUSSOS:** Just building on that question about regional plans, which we have talked about quite a lot this afternoon, your submission says the obvious postponement, lack of detail, co-ordination and commitment to regional growth plans by the New South Wales Government which is now renamed the "Regional Plan". Will you expand on that for the Committee and talk about the process?

**Ms BARLOW:** In respect to the process, we were definitely very well engaged by NSW Planning and the Western Region office. I think the New South Wales Government may have started out with quite a substantial plan with lots of layers and it has probably become a little bit more generalised and so one plan, sort of, in respect to the outcomes and the actions will fit across many different regions. We were given dates of nearly 12 months ago that the plan would be finalised and we would get to see a copy and that just has not occurred because obviously there are hold-ups further up the chain, definitely not locally. We have definitely been very well informed and very well consulted but not to the actual content of the plan.

**The Hon. COURTNEY HOUSSOS:** Will you explain that to me? I do not understand how you can be consulted on a process and but not on the content?

**Ms BARLOW:** We did not know what was inside it.

**The Hon. COURTNEY HOUSSOS:** What did they consult with you on?

**Ms BARLOW:** The process that they were going through in order to come up with a plan.

**The Hon. COURTNEY HOUSSOS:** The people that they were meeting with?

**Ms BARLOW:** Correct and some of the different areas that they were looking at. Definitely we were told that infrastructure and agricultural land use were some of the issues that they were looking at.

**CHAIR:** Were you invited to make a submission to them on transport requirements or anything like that?

**Ms BARLOW:** No, we were never informed.

**The Hon. NATASHA MACLAREN-JONES:** Is that the final draft—

**Mr WIELINGA:** No, it is a draft.

**The Hon. NATASHA MACLAREN-JONES:** So now you are being asked for comment and then you will get a final one.

**Ms BARLOW:** Correct, 13 weeks, I think, the draft is open for to make a submission to.

**Mr WIELINGA:** So we will get our community to comment on that.

**The Hon. RICK COLLESS:** Those issues about road infrastructure and so on that you are talking about, are they the sorts of things then that you will bring to the attention of the department to try to incorporate that as part of its infrastructure component of that plan?

**Mr McANALLY:** Certainly I think that the most important thing for our region, especially regional Australia, is transport. I always say it is the first kilometre out of your farm and the last kilometre trying to get to the port are our biggest problems. We have got to have the infrastructure in between to be able to get it there too. Certainly that is something governments have probably looked at but maybe it becomes too big sometimes. They say, "We are never going to be able to do that." I say if it had happened 60 years ago we would never have built the Snowy Hydro. We have got to take these projects on and the infrastructure.

**The Hon. RICK COLLESS:** I often make the point that the railway line from Sydney to Bourke was built in 1878 or 1888, something like that, and now we cannot even afford to maintain it.

**Mr McANALLY:** No. That is unbelievable. When the mines opened up out at Girilambone, Cobar and all that, they had to go back and reassess all those lines because that was the only way they were going to get it there. They could not put it all on the roads because the road infrastructure would not hold up anyway. It cost them an absolute fortune but they let the infrastructure down so much that is why it cost so much than if they had kept it up and maintained it.

**Mr WIELINGA:** Just on the planning mechanisms too, at the end of the day it is practicalities that will get you home over the line and that is what you have got to deal with on a day-to-day basis. Provisions of the Local Government Act which is what we operate under, we have got a beast called Integrated Planning and Reporting where councils are required to have a 10-year community strategic plan. A part of that 10-year strategic plan then becomes a four-year delivery program and a one-year operational plan. Along with that then to help you get that information into those plans is a 10-year financial plan.

We will go to government departments, for example, Roads. We will go to the Roads and Maritime Services but they cannot tell us next year what our funding will be or what our works programs will be. They will say they set a block grant for regional roads, the old RR program back in 1960, and it is just increased by the CPI figure unless there are some other figures. There is no plan for us to work off and we are expected to do that. If you have got other disciplines of council to carry out for the State Government they cannot give you any long-term guarantee that that funding will remain in place.

One of the better funding mechanisms for local government has been Roads to Recovery. Now Roads to Recovery has been in place now for nearly 16 years. If they told us 16 years ago that this will be recurrent funding, councils probably would have looked at their road network over a 25-year period and got a far better bang for their buck rather than say, "We cannot guarantee beyond the next three-year period because that is the life of the government." That is the type of thing we are trying to say that we are struggling against with regional and State planning.

We want to do some decent long-term plans. The Government should say to councils, "You have got this amount." The reason I am harping on about roads is that we are a roads-based council. We are a production council, and producers need roads to get their produce to market. Long-term planning is reflected in the type of machinery you have and the type of roads you have. Do we then link with adjoining councils? At the moment we are sitting in a bit of a silo as well. Those are some of the problems we have. So we struggle to plan from one year to the next. You would not run your own business like that. If you did, you would probably find yourself in a bit of strife.

**The Hon. MICK VEITCH:** We heard earlier this afternoon from the previous two groups of witnesses that in Queensland they have a central go-to person on approvals for development and consents. So rather than the council having to send off the development application to a range of government departments to get their views, in Queensland they go to one person who is responsible for going to all of the government departments, collating their responses and then bringing it all back to the council. So there is one go-to person essentially in government for all the government departments. Do you think that would work in New South Wales? Is that a model that should be investigated? Would it make it easier for councils and council staff, in particular councils the size of yours?

**Mr McANALLY:** Certainly I think the more streamlined it is the better, because it is an absolute nightmare now. We have to go to three different government departments. It is a nightmare.

**Mr WIELINGA:** For the type of developments that we deal with it, it is not a major issue. But experience and history has shown that every time we have tried to streamline something we have ended up with more red tape. So I do not know, because we do not deal with that issue on a day-to-day basis. We are not really in a position to say how it would affect us.

**The Hon. RICK COLLESS:** Certainly one of the purposes of this inquiry is to reduce that red tape and to give us a simpler and more streamlined planning system, particularly for regional areas. Whether we have a different Act or not is neither here nor there. Really we just have to simplify the process so that when a developer comes into your area he knows that he is going to have a relatively trouble-free approval process, depending on what sort of development it is.

I keep talking about the issue of land planning and fit-for-purpose land, because we have to try to reduce the land-use conflict that exists whenever something a bit unusual comes into an area. It may be a poultry shed complex that is supposedly going to send a smell over a rural residential area or a cotton gin in Griffith that is going to create dust. Whether perceived or real, those are the types of issues that we have to resolve. If we can say to a developer that an area has already been zoned or planned, or whatever term you want to put on it, to say that it is for agricultural industry, like a chook shed, a cotton gin or something of that order, then they can go in there and have an accelerated approval process to make sure that the development gets off the ground and gets going as quickly as it possibly can.

If they want to go and put their development in an area that has been designated for that purpose, they can still make the application. But they will find it a lot more difficult to get the approval through. In other words, what it does is to give the local government bodies and the State Government a decision-making process where these type of developments will actually occur where you think they should occur. That is what I would like to see come out of this inquiry.

**Mr WIELINGA:** I do not come from a planning background but that is not dissimilar from what happens nowadays. When you check out a development application you do a statement of environmental effects yourself. If that trips a red flag or something then you may have to do a bit more work. I think it is understanding the system that is difficult. It is so complex, and that makes it difficult. We respect the fact that there must be zones. We do not want somebody setting up a trucking industry alongside where somebody has built their dream home. Naturally enough we have to have zones. But I think there should be greater onus in the planning mechanisms put on what type of industries require that additional work from day one, and some guidelines set out on those where they are all pretty much standard. You would know exactly what they are and you would know where you stand.

It is a bit like what happened under our old interim development orders [IDOs]. We basically had urban and non-urban. If it did not fit, there were some guidelines in there. But if it was peripheral to agriculture and whatnot then you could undertake in that area. It probably needed some more checks and balances in place, but that that is the type of thing that would simplify it for councils like ours. I would hate to be a planner for Dubbo city, which has 40,000 people who all want to do a different thing. That is their headache, thank God.

**The Hon. RICK COLLESS:** That is a difference between the urbanised areas and nonurban areas. I talked a minute ago about the case of a cotton gin near Griffith. It had to put in dust monitors, but there is eight kilometres of dirt road to get there, which would create a lot more dust than the cotton gin would. It is in an area of general agriculture anyway so there is probably dryland farming, which creates a bit of dust and so on. Yet they needed to have these dust monitors to see what sort of dust this gin was producing.

**Mr McANALLY:** It would be frustrating.

**The Hon. RICK COLLESS:** Yes, that is the sort of thing that is frustrating for a developer.

**Ms BARLOW:** I believe that in most of our smaller communities there is not a problem around planning in the built-up area, but there is a problem in respect to planning outside in the agricultural areas. Would that be right, Mr Wielinga?

**Mr WIELINGA:** Yes.

**The Hon. MICK VEITCH:** Are you talking about the interface area?

**Mr WIELINGA:** Yes, it is probably more so in the interface area than in the agricultural area. I know my council has been pretty strong on the minimum lot size for a dwelling because we actually value the value of agricultural land. If you go east of the Newell Highway, there is not a lot of agricultural land left. Every year there is less and less. We value that industry. Land-use conflict is what the Local Environmental Plans [LEPs] are about.

**The Hon. RICK COLLESS:** It comes back to this high-value, fit-for-purpose land that I was talking about where it has been identified as high-value agricultural land. I do not like the term "prime agricultural land" or even the bio-physical strategic agricultural land that we talked about on the Liverpool Plains with the mining conflict. There is a lot of agricultural land in New South Wales and in Australia which does not fit that strategic agricultural land classification but which is still very high-value agricultural land—for example, when we get out of the irrigation areas and into the dryland areas. Those dryland areas are not irrigation areas, given, but they are still high-value areas, aren't they?

**Mr WIELINGA:** The soil types are not majorly dissimilar.

**The Hon. RICK COLLESS:** No, that is right.

**Mr WIELINGA:** The difference is the ability to get water to them.

**The Hon. RICK COLLESS:** Yes, it is the depth of the soil, the water availability and all those sorts of things. But it is still high-value agricultural land. It still produces good crops.

**Mr WIELINGA:** Yes.

**Mr McANALLY:** Yes, wonderful crops.

**The Hon. RICK COLLESS:** So in that situation once it had been mapped, planned or zoned, whatever you want to call it, as that high-value agricultural land that would prevent rural subdivision occurring on it.

**Mr WIELINGA:** It should.

**The Hon. RICK COLLESS:** That is what I am suggesting we should be looking at.

**Mr WIELINGA:** If we want to have an agricultural industry in this country in the years to come then we have to do that.

**The Hon. RICK COLLESS:** Exactly.

**Mr WIELINGA:** My council has copped a lot of flak over this. We are saying there can be any size subdivision for agricultural purposes. But if you want to put a dwelling on it then you need a minimum area of 1,000 hectares, which is pretty similar to the size of the old soldiers settlers blocks. There is a second reason for that too—it is not just about land-use conflict—you do not want to put people into farming activity that is not profitable. They will go broke and end up growing burrs—to the detriment of other industry.

**Ms BARLOW:** In respect to your comment about that, as part of the process around the Central West and Orana regional plan the Department of Planning did engage RMCG to undertake a draft agricultural lands development study, which we have seen. It certainly does map and identify those high-value areas.

**The Hon. RICK COLLESS:** Do you know what parameters they used?

**Ms BARLOW:** No, I am not certain. But it certainly does dovetail with this document.

**The Hon. RICK COLLESS:** I will have to have a look at that.

**Mr WIELINGA:** It would be difficult to remember them all from the last five or six years. There has not been a plan in the world that we have not had to have a look at.

**Mr McANALLY:** They come up with a new plan every month, and with anything in planning there is interpretation by planners. How we fix that I do not know. You would probably have to be a rocket scientist to do that. Certainly it is one of the major problems. I think maybe if there was more clarity in the Act then that would help. We talked about two Acts a while ago. I still think that if it could all come onto the one Act then it would make it a hell of a lot easier. We need clarity in the Act to say, "This is it, and the interpretation of that is this." It is a problem. Every time we get a different planner they have a different interpretation of the Act.

**Mr WIELINGA:** And that planning extends a bit further than infrastructure planning as well. It goes more into social and economic type planning. We are getting smashed by the unintended consequences of government policy. A very real example is the old Federal Community Development Employment Program [CDEP]. Our Aboriginal communities in Warren and Narromine were doing community recycling.

**Mr McANALLY:** It was exceptional.

**Mr WIELINGA:** It was well received by the whole community. They were reducing our landfill considerably. They were working well with the council. I know in our instance our council and Bogan shire were contributing \$25,000 each to pay for a supervisor for them to keep the program going. With the strike of a pen, the Federal Government made it non-remote; the funding went away and it finished overnight. So we do not have recycling any more in Warren.

**The Hon. MICK VEITCH:** So your landfill is filling up again.

**Mr WIELINGA:** Yes, it is, and it is not only about that; there are the social effects within our community. All of the western communities have a large percentage of Aboriginal population. So there is the social planning side of it all.

**Mr McANALLY:** It did not work in some places but why kill the goose when you could take a few feathers out, try to fix them and then let the goose go. They were doing a wonderful job. People were gainfully employed and doing a wonderful job, and they loved it. They were devastated to lose their jobs. It devastated families and the community. We were trying to integrate our Indigenous people into what we have to do, and they were great with that. It was wonderful. It is unbelievable that the Government could end it all overnight just with the stroke of a pen. It was finished.

**The Hon. MICK VEITCH:** So what would you like to see this Committee recommends to the Government? If each of you had one wish that you could get granted that we have not already covered then what would it be?

**Mr WIELINGA:** If the Government could stand up and give us a solid plan for the next 10 or 15 years then we could start building our plans around that. But do not just give us warm and fuzzy words in the plan; give us something definite. If it is a freight plan then tell us what the designated lines are. If we miss out on lines in that then give us the opportunity to argue for them to be included. What are the major roads? What are the classifications of those roads? Who is going to look after them? Then we can go about our business and develop our road networks around meeting theirs. They have to stand up right across the board and say, "This is it."

**Mr McANALLY:** I would back that too. Certainly everybody will tell you until they are blue in the face that the planning Act is too hard to understand. It is too complex. Somewhere along the line I hear every government that is elected say that it is going to cut red tape. Well, I have not seen one do it yet—unless it is a ribbon cutting ceremony at an opening and the ribbon is red. We have red tape and we have green tape and it is all mounting up.

It all falls back on the local councils, and local councils have a finite amount of money, especially in our areas. We do not the money of the city councils, and I see a fair few of them are broke too so it is a bit of an unreal world down there. We need something that we can work with. We need something where the Government says, "This is it." We can work with that. The Government needs to put it in place. The Government needs to stand up and say, "This is what we are going to do."

**Ms BARLOW:** Personally I would like to see a process that is responsive so we have innovation, diversification and investment in our region. Local government needs to be really well engaged in that process and be able to respond to the community or the industries' different needs.

**CHAIR:** Thank you. Unfortunately the nature of this Committee is that while we can give you the opportunity to express your wishes we cannot necessarily grant them. Thank you very much for appearing before the Committee today. I know that you have come some way.

**Mr McANALLY:** Thank you for giving us the opportunity to appear. We always like to get the opportunity, because sometimes we think that we are forgotten about out here. It was wonderful to see most of you out at Cobar too. Thank you very much.

**(The witnesses withdrew)**

**The Committee adjourned at 4.00 p.m.**