

**REPORT OF PROCEEDINGS BEFORE**

**STANDING COMMITTEE ON STATE DEVELOPMENT**

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

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**At Tamworth on 27 April 2016**

**CORRECTED PROOF**

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**The Committee met at 3.15 p.m.**

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**PRESENT**

The Hon. G. S. Pearce (Chair)

The Hon. R. H. Colless

The Hon. P. Green

The Hon. N. Maclaren-Jones

The Hon. M. Veitch (Deputy Chair)

**CHAIR:** Today the Committee will be taking evidence in respect of two inquiries: the Inquiry into Regional Planning Processes in New South Wales and the Inquiry into Economic Development in Aboriginal Communities. I acknowledge the Gamilaroi people, who are the traditional owners and custodians of this land. On behalf of everyone, I pay respect to elders past and present, and extend that respect to other Aboriginal persons present. Today's hearing is the third hearing for both inquiries. The Committee has already held hearings for both inquiries in Sydney and Dubbo, and will also visit the South Coast to take evidence from stakeholders. Further regional hearings for the Inquiry into Regional Planning Processes in New South Wales will be announced in the coming months.

In relation to that inquiry, the Committee is seeking ideas that will stimulate regional development and reduce the time and complexity involved in the approval process. The Committee is also interested in maintaining community expectations regarding the environment and the economic aspirations of local businesses. In respect of the Inquiry into Economic Development in Aboriginal Communities, the Committee is keen to investigate how economic development can provide jobs, resources, opportunities and education for Aboriginal communities in New South Wales. At today's hearing we will take evidence from various witnesses, including the Tamworth Local Aboriginal Land Council, Namoi Councils Joint Organisation, ProTen Limited, Baiada, and the Tamworth Business Chamber.

Before we commence, I will make some brief comments about the inquiry and the procedures for today's hearing. In accordance with broadcasting guidelines, while members of the media may film or record Committee members or witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that they must take responsibility for what is published about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing.

Therefore, I urge witnesses to be careful about any comments they may make to the media or to others after completing their evidence because such comments would not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat. Witnesses may take questions on notice, in which case we hope to get answers within 21 days. Witnesses are also advised that any messages should be delivered to Committee members through the committee staff. Mobile phones should be turned off or switched to silent. I welcome our first witness.

**ANGUS WITHERBY**, Director, Planning and Environment, Moree Plains Shire Council,

**COL MURRAY**, Chairperson, Namoi Councils Joint Organisation, and Mayor, Tamworth Regional Council,  
and

**OWEN HASLER**, Board Member, Namoi Councils Joint Organisation, and Mayor, Gunnedah Shire Council,  
sworn and examined:

**CHAIR:** We have a very comprehensive and helpful submission from you but would any of you like to make a short opening statement?

**Mr MURRAY:** Thank you for the opportunity for us to make this presentation. We have Mr Angus Witherby, who is a professional planner. We would choose that Mr Witherby would respond to any of the technical type issues and a lot of the issues more related to the professional operation of our planning systems. Both Councillor Hasler and I will—as mayors usually do—take what opportunities we have to hop on our box and give some wisdom to the inquiry.

**CHAIR:** Councillor Hasler, would you like to take up one of those opportunities?

**Mr HASLER:** Seeing as you have given me that opportunity I will certainly take it. We as a council obviously support the bulk but not all of the submissions. I would just point out that we have an area we would like to have further input into. If I can just outline them, there are three areas. One is the mandating planning agreements with negotiations to conclude within three months, the Independent Pricing and Regulatory Tribunal [IPART] to mediate and arbitrate planning agreements, collection of monetary contributions from mining companies to establish comprehensive and accurate baseline data for the whole of the Gunnedah coal basin, planning agreements to contain the sharing of cost impacts across local government boundaries where there is agreement that the mining development will generate a regional demand for services, facilities and infrastructure, and an increase in development application fees to enable council to employ consultants to undertake a rapid and thorough assessment of a major project.

Those areas we have some equivocation about at this stage because we are also a member of the Association of Mining Related Councils and we are presently negotiating with the Minerals Council of New South Wales in relation to all of those issues. Our particular council believes that until those negotiations are completed, and there is no surety that we will reach agreement on all issues, nor should we have to necessarily, but they have been progressing very productively at the moment. I am a member of the executive of that association and also have been participating as one of the negotiators. I think until those negotiations are completed we have some equivocation about those aspects in our submission. But I think it does, as I say, look positive. I think it would be for the benefit of all concerned in relation to those matters if those negotiations are able to continue. I think they should be completed by nine months at the outset.

**The Hon. MICK VEITCH:** It is good to see you all again. I think I have met you all at some stage at various places in the past. At the Dubbo hearing the Dubbo City Council and the Local Government Planning Directors Group gave separate testimony to the Committee but they both spoke about voluntary planning agreements. I am keen to hear your views around voluntary planning agreements and how they can be applied to the benefit of regional planning.

**Mr WITHERBY:** I am happy to discuss that matter from a technical point of view. I should also declare at this point that I am on the directors group which spoke at Dubbo; however, I am here with my Namoi Joint Organisation hat on. That being said, I think as you would have heard from the councillor there are diverse views about this around the region, particularly around some of the detail. Voluntary planning agreements [VPAs] I think we need to accept are an established part of the system but one of the core areas from a professional perspective is the failure of voluntary planning agreements by and large to capture the full footprint of the impacts of particular types of development. As Councillor Murray referred to, there is the key question of impacts beyond local government boundaries. That has always been an awkward one for the planning system to deal with, but I think that the planning system now needs to realise that many of these mining type impacts have impacts well beyond a particular local government boundary and in particular the stresses they may put on adjoining towns that are supporting them by way of services, et cetera.

The second thing is that it has been a little bit of an evolutionary process, a little bit of a moving feast. It is always awkward when the VPA process is separated in time from the development assessment process. In many respects there are benefits seen if those processes can be close coupled. That being said, there is of course the need to ensure that the VPA process is not seen as sweeteners to encourage development consent to be granted. That is actually a fairly important issue in terms of the procedural and appropriately ethical basis on which these things operate. That suggests certainly from a professional viewpoint that a system with some clearly spelled out, very well thought through procedures that is rigorous and able to be tested is something that can go a long way towards that.

It is seen as, if you like, a tax on development—which it is. It is seen as one that is directly benefitting—as it is meant to do—the local regional community, but there is a structured way of getting to that point rather than, as has happened sometimes in the past, the VPAs tend to favour a very small group of people or particular interests within a community. There have been some examples of that in the past in the wind farm sector, for example, that I am personally familiar with. The other thing too is that it is not just during the period of operation of many of these large activities that the needs arise. As you would be aware from not only New South Wales but as is emerging in a number of other States, what do we do when it is finished? Setting aside whether there are sufficient funds being set aside in bonds for rehabilitation, communities at the end of the mining exercise have a very significant adjustment to do. There is an opportunity through the VPA process to also look to establish community funds to assist that adjustment process at the end of that industry's life. They are some of the issues that I certainly see from a professional planning point of view around VPAs.

**The Hon. PAUL GREEN:** Are you saying that there is no end of life consideration in terms of voluntary funding that is needed to remedy areas?

**Mr WITHERBY:** I would not see it extending past the end of life of the operation. What I am saying is during the life of the operation there is an opportunity to provide funds on a progressive basis around dealing with the end of life situation. It is still discrete in terms of the operation of the extractive industry.

**CHAIR:** Have you had any experience negotiating any of these voluntary agreements in the past five or six years?

**Mr WITHERBY:** Yes.

**CHAIR:** And the outcome has been?

**Mr HASLER:** Two mining operations. I mean, VPAs not only apply to mining. I think that needs to be understood. Some people when they talk about VPAs generally think they are only in the mining context. There are big business operations or developments in other fields which are taking place which could impact across borders as well. That has not been broached as much, I do not think, because people have not had the experience.

**The Hon. MICK VEITCH:** At Dubbo it was raised that the potential for VPAs was much broader than just the extractive industries.

**Mr WITHERBY:** Yes.

**The Hon. MICK VEITCH:** At Dubbo when they spoke about the VPAs, both the organisations spoke at length about Dubbo's infrastructure service impact model that they have developed themselves. Have you been exposed to that or are you aware of that and how it works?

**Mr WITHERBY:** I do not have detail about that, I am sorry.

**The Hon. MICK VEITCH:** They were certainly pushing it as a great model. I just want to test to see if it is the great model they say it is. Also at Dubbo it was raised with us that there are a whole heap of regional plans coming out at the moment, as you would be aware.

**Mr WITHERBY:** Yes.

**The Hon. MICK VEITCH:** But other departments are also putting out regional plans—transport has got a regional plan. The issues there appear to be, first, no whole-of-government approach and no coordination

of that process and, secondly, it was highlighted to us that in Queensland the planning system has a go-to person and that that would be quite beneficial for regional planning in New South Wales. Could I get your views on both of those issues?

**Mr MURRAY:** I would like to comment. I have been a very proactive player in my time over the last 12 years in local government and I sit on a number of State task forces and things, trying to contribute in my role as chair of the Namoi Joint Organisation [JO]. As far as participating in a lot of these forums and initiatives, I am just about up to here with planning because nothing ever happens out the back end of it and I do not know how many different planning forums I have been to, inquiries. I sit on the Western NSW Mining task force, which I think does do some good work and is a very proactive organisation with very tight terms of reference, which is great; I sit on the Planning and Environment's industry task force, trying to come to grips with some of the planning issues, but I think we just need this whole-of-government approach. At some stage or other somebody just needs to come out and say, "Well, this is how it is going to be".

It is great to have the consultation and the input but we need a solid framework that addresses the needs of the communities and cuts across things like VPAs and that. The development sector needs to have some certainty of where it is a reasonable assumption to start to invest, the upfront costs of development, and all sorts of development today. I would like to talk about things other than just mining, things like the intensive agriculture industry. The costs of doing business in New South Wales—we are losing investment and jobs and we need some system and some regional planning instrument that suggests that there are no-go zones so that people do not waste their time and energy researching and investigating.

I do not know whether we can ever have areas where it is okay to do messy stuff or smelly stuff or noisy stuff or anything, but somehow or other we have got to give some certainty to the sector so that we can get our share of the activities in New South Wales. Whilst our council is probably larger than our regional partners in the Namoi group we work very hard for investment and we do attract a lot of industry here, but time and time again they start to bump up against the planning system, particularly interstate operators—we lose so much investment interstate.

**The Hon. PAUL GREEN:** Councillor Murray, can I just ask is that because all these planning instruments are there, the investor comes in and they say, "I can deal with that", but as they start to the goalposts move? Is that what you are suggesting?

**Mr MURRAY:** Pretty much, in a nutshell. Particularly I would relate to the broiler industry, the chicken industry, which we have about 700 direct jobs here and that is about to increase. I guess the planning system is very mature—overly mature, we might all agree, and too many layers—but it still does not provide any sort of semblance of certainty, and when investors come with a large project that seems appropriate and you would assume might meet all the prerequisites as far as receptors and everything else and then they go through a development process that costs them quite a few million dollars and we are still subject to a challenge in the Land and Environment Court, that can hold that process up for a year and more and the costs are just ongoing, whereas if they go and talk to the Victorians or the South Australians or go to Ipswich they basically say, "How many? Where would you like them? Let's see what we can do to help you".

**The Hon. MICK VEITCH:** Is that because, like in Queensland, they have a go-to person in the planning systems—one person that then manages the government bureaucracies?

**Mr MURRAY:** I cannot actually answer that, but I think we are moving a little bit closer towards it in New South Wales and I think the involvement of regional coordinators with the DPC has certainly been a good enabler. It is always difficult to regulate against all circumstances, but I think in New South Wales we need to adopt a philosophy that we provide a safe, clean and environmentally sustainable environment that business can cohabitate in and with some level of certainty. I do not believe it is a reasonable expectation when somebody chooses to live in maybe a semi-remote area that is zoned for agriculture, including intensive agriculture, because there are some trucks carting different sorts of produce by their front gate, along with all the other trucks that cart the acceptable types of produce past their front gate. We have these challenges to the development industry. It does not seem to happen in the other States.

**Mr HASLER:** Could I just add to that? The existing planning framework, from our experience, is a costly and cumbersome system, which is difficult to interpret by developers who have limited planning experience and so on, and that is a costly thing; getting that consultancy advice in is quite prohibitive, depending on the size of your operation. We believe flexible and performance-based provisions with a local perspective

need to be incorporated into the LEP framework to enable regional councils to work outside the restricted framework which we find we are working in today.

Despite what Claire Bromley, the head of the Premier's department, told us at one of our meetings—she said that State agencies need to improve their responses and their performance and quality of service—we believe there has been some improvement, but I think there is still some way to go in developing that quality of relationship between local government and the State government departments.

**The Hon. PAUL GREEN:** But what you are saying is what is in page one of your submission.

**Mr HASLER:** Sorry, I am repeating it.

**The Hon. PAUL GREEN:** That is okay. You are right, you say "the flexible and performance-based provisions should be incorporated within the LEP", and of course a lot of planning regions and planning documents are so rigid that if someone comes out to a rural or regional area they are good for the 500 jobs but they cannot jump these hurdles. It is crazy; you just lose them and it is frustrating because you are putting in all this money to get them into town and then the planning instruments kick them out of town because the goalposts keep moving. You are saying that needs to be built within that LEP system, that a council can take that liberty to say, "Look, it works within the zone; let us work them through it"?

**Mr WITHERBY:** They make the statements, we ask the questions. If I could comment technically on these matters? Firstly, with respect to the LEPs and flexibility, that is the key problem. In the shire just up around Glen Innes before they got amalgamated, Severn Shire back in 2004 developed an LEP that mapped various environmental constraints in the area so that the areas which were available for less restricted forms of development were clearly visible and had no prohibited uses—it was a fully outcomes-based plan.

**Mr MURRAY:** More of an open system.

**Mr WITHERBY:** And that model worked and it gave the flexibility that if you can meet the bar in terms of the environmental impacts, away you went. So that the battle we have got with the standard instrument around closed zones, which I am still fighting with the Department of Planning and Environment—they still will not let me have an open zone for our general rural zone—is really biting us hard. I spent 10 years as a private consultant so I know the system from the user end, and I worked all around Australia and the New South Wales system is by far the worst to navigate, there is no doubt about it.

The go-to person I have used in Queensland with State agencies and it is fantastic: one point of contact, the issues are discussed amongst the State agencies, questions come back, you respond to them, you get a response out of them with the go-to person. So you are getting a single integrated response rather than as the proponent having to go back and forth between 14 departments, all of whom are interested in procedure and compliance and regulation rather than problem solving. I get quite passionate about this because if we want investment in regional areas we need to have State agencies with a problem-solving focus, and that is where the go-to person can play a very significant role.

Similarly with regional plans; we have as many as you want, all on different regions, because there is no coherence. Given that every purpose a regional plan has is that it has got its own natural region, that is part of the problem—the natural coverage for a regional transport plan may look very different to the regional or the management plan. But at the end of the day, as Councillor Murray said, where are these plans getting us and what are they doing? To my mind they are about producing robust, regional data around these issues. So that is strategic agricultural land, which we still do not think has been properly acknowledged in the regional system; it is about areas of ecological environmental sensitivity, and let us not get into the problems between the New South Wales system and the Federal system in terms of a freight approval path, which I am sure you have heard plenty about; and also good mapping of things like surface and underground water, geological resources et cetera.

So certainly from a professional point of view, to have a robust regional dataset which is available, accessible and digitised—freely available—would certainly assist in terms of allowing people to make sensible regional investment decisions. Certainly I think that the goalposts issue is real. Both in local government and in the private sector I have experienced a number of cases where good regional initiatives have run into the shoals of moving goalposts, and with some State agencies in particular again it is this control regulation block rather than "Let us solve the problems".

**Mr MURRAY:** Can I make an overarching comment that has some relevance to our planning system? From a New South Wales regional perspective, there are a lot of communities that are in population decline and I think we underestimate the consequences of slipping into that zone. We need all the opportunities that we can get to get development and we must accept that we have to have development that suits our communities, but I think communities need all the help they can get because the consequences of that population declining are that you go off the radar of all your multinationals and you go off the radar of a lot of State and Federal initiatives, and that is compounded with the opportunities that can be lost through a frustrated planning system. I do not think there is a golden wand and I think sometimes our endeavours to make the system 100 per cent perfect cause its failure.

**Mr HASLER:** If I can just add to that? As someone who has had experience in both communities which have declining populations and having experience in our own population in the late nineties and early 2000s when we lost our council-owned abattoir, which employed around 500 people, and two mines that had been operating for over a century and we lost 1,500 to 2,000 population, which we have now regained, the diversification of your industries so that you are not relying just on agriculture or whatnot—although the agriculture in our area is very, very important—to have potential developers who we lose because of the difficulties of getting them through the approval process, not through our own fault but through the complexity of the system, we see little benefit in enhancing the use of exempt and complying development because it is too difficult to interpret often times, and that is another problem.

I have to say, like Councillor Murray, one gets a bit frustrated at the number of times we have been to meetings, particularly with the planning department. Four years ago we had our first meeting about a regional plan and I do not think still we have got that—it has not been embedded yet four years later. If it took us that long to come to an outcome at a local government level with our local community we would be pilloried and we would not be standing again in September, or if we did we would probably get the result that we would rightfully expect. It just seems the concept of getting outcomes and doing it in a time frame is very frustrating to deal with.

**Mr WITHERBY:** I certainly agree it is despite, not because of the system. I think this does open up: Do we need a separate regional framework plan? As the Committee will see from the submission, there is some support around that but it is a bit mixed. I think the reason for the support is that any written from scratch new system has to be better than what we have got. If we were getting a separate system we would expect it would be a new written from scratch system, without the accretions of time that have happened since 1979. When I was on the Planning Institute of Australia [PIA] executive back in the 1990s and early 2000s we believed at that time that the planning system had fundamentally failed, and it has got worse since.

So from that point of view I think if we can get something in place faster than metro areas that would be nice because we really do need a new system. I think too that shades as well into obstacles of the system versus what is needed to support regional development. To my mind the key issue that I see in regional development, again on both sides of the fence, is that it is not about inducements, cash incentives, those sorts of things; it is really about infrastructure investment—road, rail, energy and water—and it is about support for robust regional local governance that has got capacity and self-reliance. They are really the two things that create the investment climate plus, as I mentioned previously, the broad base of available information about what is there.

**Mr HASLER:** If I could just add to that in the sense that from our perspective we support that extra stand-alone regional planning, providing it does not provide another tier. If all we did was to provide another tier then it would not improve the speed of the process at all or it has that potential not to do so. That would be my only concern.

**The Hon. RICK COLLESS:** Thank you for your comprehensive submission. A lot of questions have come from that and also from what has been said this afternoon. I take you back to this go-to person concept. That was pretty much what we had when we had the planning focus meeting system in place, was it not? There was always a chair of the focus group that had to respond to the developer.

**Mr WITHERBY:** I have been through the focus planning group system on a number of occasions, again on both sides of the fence, and although there was a chair the system did not work well to reconcile differences between state agencies. That tended to be all out there on the table and part of the bunfight. It often fell to the local councillor who was involved to try and reconcile some of those incompatibilities. Could that

system work? Yes, it could but provided we clarify the interface between that group of people and the proponent.

**The Hon. RICK COLLESS:** So a slightly different structure.

**Mr WITHERBY:** There still needs to be that round the table thrash it out but then somebody needs to come forth and say, "This is what came out of it."

**The Hon. RICK COLLESS:** In your submission you make the point about the multiple layers of approvals that are required.

**Mr WITHERBY:** Yes.

**The Hon. RICK COLLESS:** So we need to get to a system whereby if the approval is granted it is deemed to be an approval across all the agencies and all the people who are having an input into the process?

**Mr WITHERBY:** Which is what the integrated assessment process for DAs seeks to do, albeit incompletely at the moment, in that if you get your general terms of approval you will get your subsequent licences. Where some issues arise is where some agencies dig in and do not wish to cooperate. The other issue that comes out very strongly with that process is the cost involved upfront, and it is still very expensive. This comes again to the degree to which proponents can work through with agencies and problem solve before they lodge their formal applications. At the moment there are no resources available or easy path whereby those things can be done unless you hit the big time and get your designated developments and there is a process where you consult with agencies and you respond to director general's requirements et cetera. I still think there is a role for the go-to person but it is how agency differences are resolved and how proponents can feed into that process and get a single point of contact that works for them.

**The Hon. RICK COLLESS:** Part of the problem with the zoning system is that when a developer comes into your region he has to find an area that has the correct zoning on it and then he has to go through a whole range of other hoops in order to get his approval processed. Surely a better system would be to have a better defined system of zoning or land use planning or whatever you want to call it where a developer can come into your region and say, "These are the potential areas where I can put my intensive animal industry development." And once he selects a property within those areas he should be able to get an accelerated process where it is an accepted fact that there are going to be those types of developments within that area. Is that where we should be trying to get to with some of this stuff?

**Mr WITHERBY:** Yes, I think it is. This again comes back to accurate and thorough regional data so that we can identify readily the areas that have got fewer issues to address for a particular type of development proposal. So a proponent can go to the web, pull up the maps, they can identify the layers that are relevant to what they do—for instance, if it was intensive feedlotting you would obviously be wanting to look at dwelling locations and odour, you might also be wanting to look at the range of issues surrounding groundwater contamination and the risks of that—and they can actually start to find their way through to potential sites rather than just pick it because it looks nice and then get all these problems.

I think that is really where we do need to go with the system. The problem is that it is quite resource intensive in terms of updating and providing those layers of information, particularly when we look at environmental and ecological knowledge because that is a moving feast—let's not start on small berried shrubs called desmodium and what have they wreaked in Moree Plains Shire. But the concept of preapproval from an environmental impact point of view on vegetation is one that has been talked about for many years and if the commitment were able to be made to collect the data to do that I think that would add value.

**Mr MURRAY:** Just to expand a bit on what my colleague is suggesting, I think probably a SEPP is a logical way to move forward with this but we have got to break away from the concept of having standard templates and things because we have got to have the local input and local knowledge to establish these SEPPs. I think the local government bodies will be up to the discussion with the community about where these might or might not be established—and that will be a challenge I can tell you—but somehow or other we have got to get jobs. Our council particularly, and through the evocities movement, has done an extraordinary amount of research into what we need to do to attract new people to our regions and the very first thing is always the job. The job comes before any other consideration at all. Without the capacity to get the jobs in our regions the



implications are population decline and the pressures we are putting on our cities is just going to continue to grow. I think this is one small part of the problem that we can help with.

**The Hon. RICK COLLESS:** In your submission you talk about the review of the New South Wales planning system and the recommendations contained in that departmental document. Do they go some way towards hitting the mark as to where you think we should be heading?

**Mr MURRAY:** I think they do somewhat, yes. It is probably not quite completely in line with what Tamworth Regional Council suggests. I think we have actually done a model SEPP, which we have submitted to planning of how we believe it could work in our circumstances, and we have had discussions with industry over that. They believe that it is a good workable outcome but—

**The Hon. RICK COLLESS:** Do we need a new from scratch system as you have described it?

**Mr WITHERBY:** Yes, we do.

**The Hon. RICK COLLESS:** So the planning Act should be completely rewritten?

**Mr WITHERBY:** From scratch, I believe that. That being said, I think it is very important that the rewrite take a longer view and not be written around the expediencies of the moment. Planning Acts tend to be quite durable; they often run 20 or 30 years around Australia.

**The Hon. RICK COLLESS:** Which this one has already?

**Mr WITHERBY:** Now that Western Australia has updated itself; it is the longest serving one in Australia and it does tend to accrete things over time. The idea of taking a fresh look also allows us to deal with some of the inherent issues with the 1979 Act. I might actually go back a little bit further to part 12A of the Local Government Act 1919—dates me slightly. What we saw with the 1979 Act was an abandonment of hierarchal planning—the local plan could override a regional plan, could override a State document. We still have that mess. If we look at how, for example, the Victorian system articulates itself: State policies in every LEP and relevant regional policies in every LEP. The layer of local policy says, "This is how we do that stuff here. This is how we achieve those outcomes here in this local area."

From a consultant perspective, standard instruments make no difference. I have operated as a consultant across all of Australia—in States with or without standard instruments—and developers hire consultants and it is the consultant's problem to fix it. So whatever you do, you are going to have to tackle the there and the local. From that point of view in some ways I think the benefits of standard systems have been overstated but there are models such as Victoria where you can get consistency across the State plus clear local policy differentiation. The main restriction I see in the local level in Victoria is that you are stuck with very, very standard zones—you cannot fiddle with the uses at all. We have got some flexibility to do that in New South Wales but it is hard yards indeed. At the end of the day it is about the horses for courses and, as Councillor Murray said, it is about negotiating with local communities for the planning framework that they want and what they wish to emphasise. So it is about that flexible and open approach which, as I said, Severn Shire did back in 2004.

**The Hon. RICK COLLESS:** In your submission you also talk about the Harper review?

**Mr WITHERBY:** Yes.

**The Hon. RICK COLLESS:** You stop short of saying that you support the recommendations of that review. I am wondering what your view of that is?

**Mr WITHERBY:** I must admit I felt that the earlier review that was done, in terms of the rewrite of the New South Wales Act that was subsequently abandoned, actually came out with an acceptable and workable system—it got us 80 per cent of the way there. I am finding it a little frustrating as a professional planner to see these ongoing reviews that pick away at bits when we already had a quite good "let's do it this way" model that was quite well researched, certainly so far as my professional planning colleagues would think. From that point of view I would exercise a little bit of caution around that.

**CHAIR:** Councillor Murray, I take you back to the SEPP issue you were talking about earlier. How does that differ from whatever is being proposed at the moment? You said that there were some differences.

**Mr MURRAY:** The model that we had worked up actually cut through some of the permissibility issues. There would be a policy defining a certain area where some of these contentious uses were permitted, always providing them at the prerequisites, but it was just more an enabling framework that actually allowed a developer some level of certainty—for example, if they chose to come in and put a feedlot in a certain area or something there might be a SEPP there that overlaid your LEP and gave it a bit more certainty. That considered things like Mr Witherby has suggested—things like groundwater issues, receptor issues, overland flow paths type issues, et cetera.

**Mr HASLER:** Can I just emphasise that one? Being one of the councils that has proposed development that has become quite an emotive issue, the ability for some people to run an emotive campaign rather than a campaign based on some sort of vigorous and rigorous and extensive scientifically based process causes a great deal of angst in a community, which to my mind should be unnecessary. If the process is, as I said, rigorously and scientifically based then people should have confidence in the process. If that has been done before the development application, it will lessen the emotive debate. The irony in our case is that we are going to have an election campaign and we are outside the electorate that the noise is going to be about with the redistribution. What Councillor Murray is suggesting will prevent that to some degree in the future. One other thing, we also emphasise in our submission that we are quite supportive of the Joint Regional Planning Panels [JRPP]. In our experience, it has been very positive in relation to that in a number of instances in various parts of the Namoi council's area.

**Mr WITHERBY:** If I could just comment on the JRPP. I have been involved on both sides of the fence. It certainly acts, as Councillor Hasler said, to take a lot of the heat out of approval processes in that you have got a body that is independent and seen to be independent, nevertheless including local government representation. I think that is very important, particularly with contentious development. The challenge we find with the JRPP process is that the criteria are a little bit narrow. You have got mandatory triggers when you must use it, but you do not have the option to use it below those triggers. For instance, in Western Australia you can call up their equivalent process, which was based on New South Wales, or you get the mandatory triggers, but you can opt to go through the JRPP process for any scale of development and that is a particularly useful way of assisting to deal with some of the light and heat type issues with the perceived independent process.

**CHAIR:** We are out of time. Can I invite you, Councillor Murray, in a short supplementary submission to send us a copy of that draft SEPP. It might be useful to have a look at such a model.

**The Hon. PAUL GREEN:** Can I put a couple of other questions on notice. Could you forward a comment on E2 and E3 zones and the role you see them playing in this area? Did you read the Baiada submission?

**Mr MURRAY:** No, I have not read the submission.

**The Hon. PAUL GREEN:** You mentioned some things earlier. I would like your reflection on some of their recommendations which cross some of the topics we were talking about today.

**Mr MURRAY:** Certainly I am happy to take that on notice and if I could defer that E2 or E3 comment to my professional colleague.

**CHAIR:** Do you have them in the region?

**Mr WITHERBY:** I am happy to address that.

**CHAIR:** Thank you very much. You have been very helpful. I appreciate your time.

**(The witnesses withdrew)**

**ERYN BATH**, Principal Consultant, SLR Consulting, and

**DANIEL BRYANT**, Chief Executive Officer, ProTen Ltd, affirmed and examined:

**ELAINE DICKSON**, Chief Risk Officer, Baiada, and

**DAVID IRELAND**, Director, PSA Consulting, sworn and examined:

**CHAIR:** Thank you for your submissions; we have all read them. They were very helpful. We are happy for anyone to make a short opening statement.

**Ms DICKSON:** I will take that opportunity, Mr Chairman. Good afternoon Chairman and Committee members. Thank you very much for the opportunity to speak with you today and answer questions on our submission. My name is Elaine Dickson and I am here representing Baiada Poultry. With me is Mr David Ireland from PSA Consulting. For the past 15 years I have been responsible for obtaining the planning and environmental approvals for Baiada's facilities. David and PSA Consulting are the planners that we use to compile our applications. David and I have worked together to achieve Baiada development approvals that have created hundreds of jobs and injected millions of dollars of investment into rural and regional Australia.

Baiada is one of rural and regional Australia's largest employers. We have longstanding relationships with the key New South Wales centres of Griffith and Tamworth. As a result of the ongoing growth in demand for poultry in Australia as well as the potential for further expansion into overseas markets, Baiada has been investing significant capital into regional areas as part of the expansion of our New South Wales operations. In recent years, Baiada has directly invested more than \$200 million into the Tamworth and Griffith regions and is considering a further investment pipeline of over \$300 million, which includes a hatchery, feed mills, processing plants and a distribution centre.

Unfortunately, in our experience David and I have also witnessed some of the problems with trying to obtain major regional project approvals. All too often we see rigid planning controls that do not reflect the realities of rural and regional Australia. As a result, we regularly see project delays, cost blowouts and jobs and investment being jeopardised in the very places that need them most. Baiada agrees that it is very important to balance the needs of local residents and the environment with economic growth and investment. Yet what we have seen far too often is a planning system that burdens business and hinders growth even when a project has been proven to be no threat to the environment and will have minimal impacts on surrounding homes.

Challenges we believe this Committee must consider include EIS triggers that are set so low that environmental impact statements are required for even the smallest of viable farms; section 94 contribution requirements that take no account of the significant benefits that a project might bring to the region; State environmental assessment requirements that are often pro-forma with no relevance to the matter at hand. These requirements take no account of the rural and regional context of a development and require expensive and time-consuming consultant reports to answer questions that are not even applicable to the development.

The existing odour assessment framework can mean that a project that will create hundreds of jobs might be refused by the Environment Protection Authority [EPA] because a single isolated rural dwelling is at risk of being marginally affected by odour. This might occur even if that dwelling is many kilometres outside a town such as Tamworth. We also see plant upgrades that will reduce odour impacts for surrounding residents at risk of being refused by the EPA because the facility was built before the existing odour standards were implemented. We have suggested solutions to these and the other challenges in our detailed submission and we are happy to answer questions on those solutions today.

The most important guiding principle that we can recommend to the Committee is that the New South Wales planning regime needs to reflect considerations that are specific to rural and regional Australia. We need a system that is flexible enough to accommodate the needs of rural industry. We do not believe there is a trade-off between regional economic growth, residential amenity and environmental protection. Instead, we believe that a sensible and flexible planning system for regional New South Wales can achieve these three goals together and we look forward to assisting the Committee in reaching that outcome.

**CHAIR:** Thank you, you already have by giving us some very specific things to look at, which is very helpful.

**The Hon. MICK VEITCH:** Thank you for your submission. On page 4 you talk about the development of a regional development State Environmental Planning Policy [SEPP]. I would like to explore that with you further. You were in the gallery when we heard the previous testimony and you would have heard that Tamworth Regional Council has its own SEPP or is working on a model SEPP. I am keen to explore with you how you see the regional development SEPP operating and what sort of things it would cover.

**Mr IRELAND:** If you look at the key dot points we have there, they are probably the main points that we look at. It allows the consent authority to have a greater consideration for the regional context and the facts, which would need to be considered in making and deciding on a development application. At the moment, it provides a greater ability to consider the rural locality, the rural nature and to apply flexible specific consideration to the project at hand. The items we looked at included providing the ability to implement alternate provisions for the assessment of rural activities and rural industries occurring in areas where they are intended for in the rural and regional areas.

The concept of identifying poultry precincts that was discussed previously is that consideration is given to areas specifically intended for poultry. For example, there might be variations to designated development triggers or permissibility in those areas and it also gives the assessing authority, the consent authority even greater scope to consider the importance of that when making a decision with respect to an application. Also, it provides a broader scope for the assessment of the regional and economic benefits of that; we are making a decision concerning a development application. Overall, it provides an additional head of power, an additional support for a decision-maker making a decision under the Act to support or to consider those factors.

**The Hon. MICK VEITCH:** Thank you. Ms Bath, what is your view?

**Ms BATH:** I think the policies are currently outdated. As I said in the submission, they are skewed to traditional agriculture, mining and urban developments. In this day and age we need to recognise that intensive agriculture such as poultry is essential in terms of food supply going forward. Such a SEPP would need to recognise that and that they are going to be in rural areas but also encroach on villages and residences. Currently poultry is seen as inappropriate development regardless of where it is. It is a stigma that just will not leave the industry and a policy needs to support development like poultry.

**The Hon. MICK VEITCH:** How do you see the regional development SEPP fitting in the hierarchy of all the other planning instruments that you have to work with at the moment? Are you talking about this as an overarching arrangement? We have heard a lot of testimony that there are too many instruments, it is too complicated and about the complexities of the whole system. I would like to know how you see this fitting in.

**Ms BATH:** I completely agree. There are too many levels of planning instruments at the moment especially when combined with the legislation. Such a policy SEPP would need to give the ability to override local planning provisions. For example, if poultry is not a permissible land use outside of an RU1 zone, but there is a site that is clearly suitable within another zone, then such a policy like the mining SEPP or the infrastructure SEPP should allow provision for that to be considered.

**The Hon. RICK COLLESS:** Can I just follow up on that. You are saying that the zoning system is the problem?

**Ms BATH:** It is particularly restrictive for poultry. They are called closed zonings. As far as I know, in most local government areas poultry activity is permissible only in the RV1 zone. In a couple of local government areas it is permissible only in one other zone.

**The Hon. RICK COLLESS:** You suggest that the Committee look at a regional development SEPP. The second dot point in the Biaida submission suggests that the Committee should identify particular areas. That begs the question of what sort of parameters we should use to determine where and what those areas should be. What are the sorts of things that the Committee should be looking at to determine an appropriate precinct for intensive poultry development?

**Ms BATH:** That is a difficult question.

**The Hon. RICK COLLESS:** We could look at all sorts of different things. Of course, we should be looking at these things, and that is what I am trying to get at in terms of biophysical attributes, soil types, slope

and other physical issues, as well as infrastructure, water, electricity, transport and so on. What sort of process should we go through to identify those parameters?

**Ms BATH:** I am not sure about the process. I guess that would involve working primarily with local councils and addressing the biophysical parameters. However, the available land that is suitable for poultry is extremely limited.

**The Hon. RICK COLLESS:** Can you provide an example?

**Mr BRYANT:** Tamworth is an example. The outskirts of Tamworth are quite populated and a poultry farm needs access to water and adequate power. As you go further out you lose water and power. A specific example here is to the north of Tamworth where there is a large tract of land that has a lot of water from the river or a new pipeline that is being built to Barraba.

**The Hon. RICK COLLESS:** We are talking about between Manilla and Barraba.

**Mr BRYANT:** Yes. However, there is a restriction around getting through Manilla. It may involve the construction of a bridge or a town bypass. But we could open up a zone not only for poultry but also for feedlots and other industries.

**The Hon. PAUL GREEN:** Why not have a spot rezoning, which a lot of development do? Why would that not be appropriate? Is that because councils are opposed to this idea, or is it because of the planning process?

**Ms BATH:** It is a very long process to rezone.

**The Hon. PAUL GREEN:** I know that, but it is a gateway that could be pursued.

**Mr BRYANT:** Yes.

**The Hon. MICK VEITCH:** Your submission refers to a regional development SEPP. That has merit, but there are implications. Young has intensive piggeries with 100,000 to 150,000 sows in one establishment. The local people do not want them all beside each other for biosecurity reasons; they like a bit of space between them. You would not be able to have a SEPP for intensive pig farming. Can you see that point?

**Ms BATH:** Yes. The same goes for poultry—you need the buffer for biosecurity as well as for the odour reasons.

**Mr BRYANT:** I do not think you would be offering 5,000 acres to build some farms. You would be talking about hundreds of thousands of acres between, for example, Tamworth and Barraba. You might not get it here because there are too many receptors. However, if you go somewhere else where there are no receptors the path to a development application should be much simpler.

**The Hon. MICK VEITCH:** In that vein, we heard at Dubbo—and I have explored it with previous witnesses—that perhaps there should be a go-to person within the State Government to deal with the development approval process. Now you go to a council and lodge a development application and then council must then argue the case or put it to myriad government departments—Roads and Maritime Services, the NSW Office of Water and so on. Should there be one person within the State Government who would expedite that process?

**Ms BATH:** That would be welcomed.

**The Hon. MICK VEITCH:** That would be welcomed?

**Mr BRYANT:** Yes.

**The Hon. MICK VEITCH:** Would that be a better process rather than a regional development SEPP, or do you see them going hand in hand?

**Ms BATH:** No, I think both are needed. The regional development SEPP would still be needed in terms of the ability to investigate parcels of land for a development which may not be permissible under the local environmental plan but which may be suitable. I think I covered it in the submission. There is a complete lack of coordination between the consent authority and the numerous agencies that are involved in development applications such as these.

**The Hon. MICK VEITCH:** How does that lack of coordination translate to delays? What happens?

**Mr BRYANT:** The Office of Water might say that we are required to do a groundwater study for a meat chicken farm. We clearly have no effluent and we do not impact the groundwater. The piggery example in Young involved liquid effluent and therefore groundwater issues. They use a broad-bush approach to say, "This is what we want." You have to do the study even though you know it is not required at a cost of \$30,000 and it takes six weeks. They then review it and that takes another six weeks. It just adds time and costs to the whole process when in some cases it is not required. We need a coordinator who can say to the department, "This project—and we done numerous of them—does not need that study and here is the justification." In a recent development involving the Department of Planning and Environment, the staff did not have a full understanding. As a result, they took the responses from the department as written and that is what we had to do.

**The Hon. RICK COLLESS:** The Namoi Councils Joint Organisation submission states:

...most large developers would have no difficulty in meeting a development application fee that would permit a Council to employ consultants to assist in providing a rapid and thorough assessment of a major project.

In other words, it should be someone who is trained in all those different aspects. It would not be a council employee or an agency employee but a private consultant who knows which particular points to nail. How would your organisations feel about that sort of approach rather than simply paying a flat development application fee that may or may not cover some of these issues?

**Mr BRYANT:** I think we would welcome it. Our team would be working alongside that person or those persons.

**The Hon. RICK COLLESS:** It is a bit like the go-to person.

**Mr BRYANT:** Absolutely.

**Ms BATH:** When we talk specifically about something like poultry or a beef abattoir there is a lack of knowledge. We need someone specifically trained in and who understands the industry. That is why at the moment the Department of Planning and Environment or the council, whoever the consent authority may be, is hamstrung because they are completely reliant on the agencies. The agencies are requesting studies often without even being on site or doing a site inspection. Once they are on site they can see that it is not warranted. I think a go-to person would facilitate that.

**The Hon. MICK VEITCH:** Who pays in the scenario put forward by the Parliamentary Secretary? If it involves a private individual, who would pay?

**The Hon. RICK COLLESS:** The developer pays. That is what the submission suggests.

**Mr IRELAND:** If that were their charter—to facilitate and to come to a consensus view with the agencies or authorities and individual departments within the authorities—that would be money well spent.

**The Hon. RICK COLLESS:** The bottom line would be that you would get your application processed far more quickly. The real cost is in those applications being held up for months or years.

**Mr IRELAND:** That is correct.

**Ms DICKSON:** I think Ms Bath has raised a key point. Very few of the agencies understand the nature of the poultry industry. It is important that we have someone who understands the intricacies of the industry. That would really help.

**The Hon. RICK COLLESS:** I refer to the point that we spoke about earlier in terms of voluntary planning agreements. Rather than paying a section 94A contribution that disappears into the local government

ether, would you feel more comfortable about entering into a involuntary planning agreement that identified what you would be paying for? One example would be the new bridge at Manilla. Instead of paying hundreds of thousand dollars in development application fees, the council would identify what you needed to pay for to get approval.

**Mr BRYANT:** Correct. Our developments, and probably Biaida's, do not take up a lot of local resources. We build our own houses, so the council does not have to invest in local infrastructure to support our developments. That contribution is therefore not warranted. If it could be diverted to widening the road or for a bridge, it would be money well spent.

**The Hon. MICK VEITCH:** Do you have any experience with voluntary planning agreements?

**Mr BRYANT:** No, I do not.

**The Hon. PAUL GREEN:** You do all those wonderful things, but those people still use the roads, libraries and pools. There must be some contribution for the good of the community. The second page of your submission agrees with what the Hon. Rick Colless said. You mention that applicants invest in projects that will generate jobs, stimulate the local economy and support the regional community, and, given that, councils should be able to waive their charges. Are you stating that the current weighting of those outcomes is too low or that it does not occur?

**Mr IRELAND:** At this stage, the section 94A charges are very blunt at a flat 1 per cent. There is no ability to offset charges or requirements if we undertake important road upgrades or upgrades in the immediate community where potentially any impact would be seen or felt. There is no ability to offset those charges, and that would be welcomed. Griffith City Council has gone through a process of waiving infrastructure charges as a council policy initiative designed to stimulate economic growth. It would be a good tool for councils to have in their toolkits to encourage projects. We are often talking about millions of dollars' worth of development and the charges add up very quickly to a point where they are a significant part of the cost of development.

**The Hon. PAUL GREEN:** I understand that. However, if those fees are waived then someone else will have to pay for that infrastructure.

**Mr IRELAND:** It is up to councils to make that call.

**The Hon. PAUL GREEN:** That brings me to my second point. The submission also states that if it can be demonstrated that the project will bring significant benefits there should be flexibility for councils to consider the upgrades in lieu of section 94A charges.

**Mr IRELAND:** Yes.

**The Hon. PAUL GREEN:** My understanding is that that option already exists and that a council can make such a determination by way of a resolution.

**Mr IRELAND:** Yes. When we have tried to negotiate with certain councils their section 94A—

**The Hon. PAUL GREEN:** That is the problem—different councils operate with different goalposts.

**Mr IRELAND:** Yes.

**The Hon. PAUL GREEN:** EVO cities are all challenging each other to get regional development, so they are doing whatever they can to help businesses to come to town. However, some of those councils keep moving the goalposts and make it too hard. You talked earlier about trying to develop and the fact that there might be an existing facility that was established before the odour and Environment Protection Authority laws came into effect. I understand that Riverstone has some poultry sheds and urbanisation involving 100,000 houses. The odour was there before the urbanisation occurred and before the introduction of strict Environment Protection Authority regulations. Which comes first, the chicken or the egg?

**The Hon. MICK VEITCH:** He has been rehearsing that.

**The Hon. PAUL GREEN:** How can we address that? There will be urban growth, even in Tamworth, and there will be a push towards these piggeries, poultry farms and farmland. How do you deal with things like this?

**Mr IRELAND:** There is an existing processing plant that has been there for a long time. If someone lodges a development application to increase capacity or to upgrade, the contemporary requirements all flood in. It is very difficult to retrofit or to do things to an existing facility to bring things into line. We have had issues where we have been upgrading or introducing new technology that will reduce the odour footprint, but it still does not comply. We have Environment Protection Authority reticence to approve because we are not meeting the criteria. That is what happened with that particular example. People must understand the reverse amenity impacts. There is a responsibility on council in its decision-making to consider the potential rural uses of surrounding land and potentially raise that in the assessments and conditions of approval. That is, it could state that there will be rural uses in the area and they may have impacts, but that is an ordinary part of living in a rural zone.

**The Hon. PAUL GREEN:** The technology has not yet progressed to the stage where there is odourless poo from chooks?

**Mr IRELAND:** No.

**Mr BRYANT:** I will give you another example of the goalpost moving. In Griffith you establish a facility and it has buffer zones that you have identified around it, and if an application was put to council to build a house within that buffer zone it would be knocked back. Tamworth would allow that house to be built so there are two different councils, two different rules.

**The Hon. PAUL GREEN:** That is interesting. You have talked about water, and about putting in a development application because it has to be re-assessed if you want to put in a shed. Suddenly someone has to jump through all the hoops again of a lot of the EIS studies that have been done previously and proven. Once again it is more than likely the laws have shifted. The Committee has seen this in relation to bushfires when a house built 20 years ago and was burnt down by accident and when a new house is sought to be built the laws have changed and it will cost \$200,000 more not because you have done anything wrong or changed the use of your land. Will you comment on that? How do you see through that? How can you strip out those elements of a re-assessment of a development application, for instance?

**Mr IRELAND:** With respect, I know there needs to be flexibility in the EPA decision-making. They are typically the agency that is dealing with it, although sometimes the local DA sits with council. There just needs to be some broader consideration of the context in which you are doing the development. The EPA guidelines and the criteria are applied differently from office to office and officer to officer. There are levels of conservatism built in from the emissions side, from the receiving side and from the modelling side. If you are applying that strictly to existing facilities where you have a house right next door immediately there is no issue; there is no way forward. So consideration that it is an existing facility has an important role, a historic function in that location, and needs to be a bigger factor in their decision-making and have more weight in their decision-making rather than just strict adherence to criteria.

The other example was the water, and this is one that comes up and we have all been dealing with it. Water is highly regulated. We have licences, we have allocations, we have water-sharing plans and yet when you come to do a development application you have to prove that your licence is there; you have to prove that the bore is acceptable even though you have already had to get a bore permit; and look at your impact on ground-water ecosystems. So there is just no recognition that if you were running a lucerne farm you could use as much water as you like in accordance with your permits with no assessment and suddenly if you are doing a poultry farm everyone is interested to the nth degree.

It is really scaling the level of assessment and the nature of the requests and the information that you are asked for so what are the actual issues on the ground and what are the actual issues with respect to that poultry development. Typically they are odour, traffic and a little bit of noise occasionally. They are the big things that we are always dealing with and a lot of the time the other stuff is just clouds and noise when that is what we really need to deal with. So anything that can scale down the noise and come up with key issues, we are happy to do whatever assessments, whatever studies to make sure those ones are the ones that are addressed.



**The Hon. RICK COLLESS:** That would be the concept in the submission of ProTen when proportionality of the Secretary's Environmental Assessment Requirements is mentioned.

**Mr IRELAND:** Absolutely.

**Ms BATH:** Yes, at the moment the Act and the agencies, it is all encompassing whether it is a coalmine, a poultry development or a child care centre. You seem to have to address everything whether it is materially relevant or not. So building proportionality into the Act where you consider the nature and the scale of the specific development generates project-specific SEARs would expedite the EIS process and it would also make it far easier for the councils or the consent authority to digest. Because there are issues covered to the same level of detail, that, say, odour, which is the most important issue often, but the other issues that are not materialistically significant.

**CHAIR:** What is SEARs?

**The Hon. RICK COLLESS:** Secretary's Environmental Assessment Requirements.

**Ms BATH:** Yes.

**CHAIR:** Time has expired, but it has been a very interesting and you have been very helpful. I am an old lawyer so I should know better than to ask a question when I do not know where the answer will go. I cannot let Mr Bryant go without asking how did you make the wonderful decision to move the businesses to the beautiful New South Wales, Australia, and away from New Zealand?

**Mr BRYANT:** A significantly larger amount of growth in Australia, a bit warmer and a very tight and long relationship with Baida; and have done ever since.

**CHAIR:** Well done; a good decision.

**(The witnesses withdrew)**

**LIA MAHONY**, President, Tamworth Business Chamber, Tamworth, sworn and examined:

**CHAIR:** We are grateful to you for appearing this afternoon. It is a little bit late in the day. Do you want to make a short statement?

**Ms MAHONY:** Tamworth Business Chamber is the largest regional business chamber outside Sydney. We currently sit at 450 members for a town this size. We cover a diverse range of industries with retail, hospitality and health care being the primary sources of our membership, but also employment within the area. But Tamworth's benefit is the fact that we are a regional city that relies on the diversity of our economy. We initially started as an agricultural city many, many moons ago but now we are extending to all these other sectors including the extraction services, poultry, and a number of different areas. So the diversity is the strength of our town. The focus that Tamworth Business Chamber has is employment, retaining young people within our community, attracting and retaining high level executives and professionals to our city and being able to continue to serve the area and the region within these services, keeping services locally and enabling to attract new businesses, new development and new entrepreneurs into our city.

**The Hon. MICK VEITCH:** I want to ask you about three areas. What is the view of the chamber of section 94 contributions and its impact on stimulation of the local economy?

**Ms MAHONY:** Tamworth Business Chamber is really focussed on enabling the advance of contributions as easy and as beneficial as possible. It is very important that we support this and we are quite in favour to be able to enable that to happen.

**The Hon. MICK VEITCH:** This Committee is about regional planning, and the processes of stimulating regional economies and promoting regional development. What is the view of the chamber about that? How can planning stimulate regional development?

**Ms MAHONY:** Perhaps the biggest shortfall is we are seeing on a number of occasions the multilevel barriers. I think I heard the previous panel was talking about changing the goalposts and different organisations and different levels of planning requiring different information, whereas you provide information to the organisational sector. First, you have to provide the same information but in format B to group C and that is perhaps the biggest concern that we are having. But to be able to ensure that development is stable and growth build for our economy is vital and important.

**The Hon. MICK VEITCH:** The Committee has heard from a number of individuals about a go-to person within the State bureaucracy around planning development applications. What is the view of the chamber about that? Is there a broader or similar role in regional development within the bureaucracy?

**Ms MAHONY:** Absolutely. Business is growing to such an extent that in communities like ours, in any regional community, in past decades it has been a local entrepreneur who has been able to grow and survive, and manage a local business. But now business growth is of such high income and has such resource-dominant requirements that a local operator struggles to be able to keep up with those ongoing changes and the ongoing requirements to satisfy. Therefore, to be able to have one point of contact, to have one person and that standardisation and access is vitally important.

The chamber has had a number of businesses that have said, "I want to enter our community, but I am not getting the support from Tamworth Regional Council, although I satisfy State Government requirements and I have fulfilled all this and then vice-versa Tamworth Regional Council is very excited to have us here and this is how it is prepared to support us, yet I cannot make it marry with a State level of requirement." To have one person to be able to open a pathway and to have a point of contact as liaison will be most beneficial.

**The Hon. MICK VEITCH:** Just extrapolating from that, a number of members of this Committee have spent too many years in local government. In my time in local government it employed an economic development officer who was the go-to person. I know a number of other councils have an economic development officer [EDO]. What is the view of the chamber about the benefit that is provided by EDOs to new enterprises coming to town?

**Ms MAHONY:** I think they are very valuable. My concern is that it often becomes lots of silos doing perhaps similar work. Dubbo and Tamworth councils have similar discussions with respect to similar

organisations about similar projects and to be able to collate all that skillset, all that information with a clearer band, like a clearer opening of that information, would be most valuable. But as a local business owner with a local person it would be excellent if we want to develop something just in Tamworth, but if we want to replicate that somewhere else then it is a whole extra workload that could quite easily have been simplified with a more transparent pathway.

**CHAIR:** What is the package that has made Tamworth grow so well?

**Ms MAHONY:** Tamworth has a lot going for it. We are half way between Sydney and Brisbane, which is very good. We are inland as well. We have good business opportunities. The coast is perhaps becoming a glut of businesses at the present in a number of different sectors. I am a pharmacist, for instance, in my real job. So economically there are good businesses that are able to do that. We have a good lifestyle. The land is cheaper. I think there are lots of different opportunities. I think Tamworth in particular is well placed to benefit from the mining sector without the stigma, for want of a better term, of having a mine in the backyard.

We are a big city. We have attracted good health care that also enables regional centres to benefit from that and so all those factors enable us to be attractive. We have good food. We have a good health service. We have good education. We have all these good things that make families want to come and, therefore, an entrepreneur who does not necessarily have a Sydney-centric business can say, "You know, I grew up in the country. I would love to be able to give my children that experience." But it has come on. The highway is easy to get to Sydney and Brisbane. I think we are just in the sweet spot.

**The Hon. MICK VEITCH:** How important is the lifestyle package to attract professionals, in particular, and their families to a place like Tamworth? You mentioned health care, the arts, the sporting facilities, the cultural aspects and education.

**Ms MAHONY:** Absolutely. I think it is fundamental. For instance, I am looking for a new pharmacist for a maternity leave position at the present time. I had somebody apply from Port Macquarie who wants to know how long the commute would be. Seriously, you would not take the cutting each and every day, three hours each way, but I think Tamworth has so much to offer. My pharmacist in Moree, for instance—this is a fantastic story—we could not find anybody to go to there. We ended up with a young fellow from Lebanon who is out here. He had a student visa and he transferred through to a 187—I may be wrong on the number. I was expecting after the two years he would pack up and head back to Sydney but he said, "No, no. I love it out here. I really want to stay." Just to have that experience and to be able to offer good food, good coffee, good sport and good community is great. I think Tamworth is also quite multicultural as well, so that enables people from different demographics to come to town and feel like they are not the only Asian, African or Middle Eastern person. We have a number of different cultural backgrounds, which is really good.

**The Hon. RICK COLLESS:** It actually happens a lot. People from the cities take an appointment in a regional area and they never go back to the city.

**Ms MAHONY:** Absolutely.

**The Hon. PAUL GREEN:** Who are your competitors regionally for population growth and decentralisation?

**Ms MAHONY:** Tamworth and Wagga Wagga are perhaps the key ones that are growing more than any other area. Wagga does have the benefit of the army base and the university down there. We have Armidale, which has our university as we like to say.

**The Hon. MICK VEITCH:** They also have a RAAF base at Wagga.

**Ms MAHONY:** That is right. But we are the only two cities that are growing. Within the Evocities set-up Wagga is number one and we are just behind in population and population growth, which, considering we do not have those three key services, is a big attraction. If you look at Dubbo, Bathurst and Orange, they are little pockets that are smaller individuals ones but when it comes to our location between Sydney and Brisbane I think that is definitely a big industry. For instance, there is a kitchen and professional hospitality supply place at a little town in Bingara because they have found that they are in the prime spot to be able to get things through the whole north-west. They are not based in Tamworth, they are based in Bingara because it just

happens to be easy. The trucks are coming down from Brisbane through that way, they can stop there and then they become a hub. Just simple things like that I think are very important.

**The Hon. PAUL GREEN:** In terms of the Tamworth Business Chamber, what are the growth goals for the future? What is the population now and what are you looking at in 2030?

**Ms MAHONY:** We are sitting at around 61 and we would like to be 70 by about that time. I think that is a big ask, really. Tamworth Regional Council, I think you spoke with them today, have a really good Fit for the Future type plan and pillars that they are looking at. They have just launched that into the community. I think growth is very important. When it comes to the numbers our next goal is obviously to attract our own university, I guess you would say, and to attract a lot of those industries that are perhaps based in Western Sydney who may not necessarily need to be located there. Given the improvement in the transport infrastructure to be able to get into and out of Tamworth I think is one of our big benefits definitely.

**The Hon. PAUL GREEN:** Knowing all those goals, what are the hindrances in regional planning such as green tape and red tape that might be holding those numbers back?

**Ms MAHONY:** The number of concerns that we are having is again the breakdown between the planning processes to be able to make approvals easy for a number of different people. Just anecdotally I was speaking to one of our members the other week who is a property developer and he has a company that wants to build a bulky goods type situation. They are having difficulty getting land space to be able to do that to be released because the council is holding it for different purposes. Just that cross-purpose, I guess, with respect to clearly defining development and planning goals for Tamworth CDB, extending to Tamworth city proper, extending to Tamworth region proper and extending to the whole of New South Wales. We need to just have clearly defined guidelines rather than Tamworth CBD having this plan but Tamworth regionally having that plan and New South Wales having a different plan.

**The Hon. PAUL GREEN:** Has Tamworth got a fair bit of industrial land? If this guys want to do bulky goods can he not do it in IN zones?

**Ms MAHONY:** I have been hearing different stories.

**The Hon. PAUL GREEN:** The Government has just released a new State Environmental Planning Policy and upgraded it for bulky goods in IN zones.

**Ms MAHONY:** This fellow was saying that for his previous development they had to go through four different environmental planning applications or reports and the first one ended up being the one that was adopted. Just having one set of guidelines, one set of goals, one set of plans to be able to do that. With respect to the land, it is about having the right land on the right highway access. I think they were talking about the chicken farm previously. I grew up in Manilla so I know the area very well. To be able to have the land on the key highway areas is vital as opposed to those smaller towns where you are going to get residents who have been passionate about their small communities for a long time and obviously have hesitations about that.

**The Hon. RICK COLLESS:** It is a funny situation though, isn't it? People who live in those small communities are really passionate about their town yet they do not want any development that will actually underpin their town.

**Ms MAHONY:** You can do anything you want as long as you do what I want. My dad was the pharmacist growing up in Manilla. We still have the pharmacy out there. I know and love the town. I hear what you are saying. People are so passionate. They want more jobs, they want more teachers, they want their hospital services reinstated, they want their police services to be 24 hours again. They want all those things but to be able to do that they need population growth. Whilst Manilla is not declining it is very stagnant. There is no growth. There is no loss, which is very good, but there is no actual growth there. To be able to offer those services you need new industries.

**The Hon. RICK COLLESS:** Is it fair to say that the only reason it is maintaining its population is because it is so close to Tamworth?

**Ms MAHONY:** Absolutely. When I grew up, for instance, most people lived and worked in Manilla. There was the high school and the students lived and went to school in Manilla. They often got jobs in Manilla

and stayed there. Now most schoolkids will come into Tamworth and so many people commute into Tamworth for work, whereas it was considered prohibitive back then. People would say, "Oh my goodness, why would you commute 500 kilometres a week, half an hour each way, to do that?" Now everybody does it. It is good that way and it is beneficial that way. Plus Manilla has a lot of prime agricultural land. A lot of working farms that are still viable and valuable are in that area, which keeps it sustainable.

**The Hon. RICK COLLESS:** I am sure you are aware of the Strategic Regional Land Use Plan that was released in 2012 and the new regional plan for the New England and North West which is currently being drafted. Has the chamber had any input into that process?

**Ms MAHONY:** We have had a number of informal discussions with a number of the key stakeholders there. We do know a number of people doing that. That is where we are up to with that at present.

**The Hon. RICK COLLESS:** From the chamber's perspective what is the impact of the British Aerospace facility withdrawing from Tamworth?

**Ms MAHONY:** It is huge. There is definitely going to be a big hole in the area. They are currently in discussions with a number of different organisations who may be taking over that area. We are not counting any chickens or making any assumptions with respect to that. There are a number of different studies producing a number of different results but they are looking at about a 200 job loss, which is significant in a town this size, as well as the opportunity to train and keep engineers and other avionics people within the city. Interestingly, Qantas has stepped up their avionics and engineering works in Tamworth and so they are aiming to grow that area.

I do see that there is the potential to balance job losses in one aviation sector with different jobs in the aviation sector—different jobs but still within the sector and keeping the airport viable. We have just upgraded the airport there. We are looking at a number of different business developments and a number of different development plans with regional council as well to be able to mitigate those services. Seeking a university presence is one of them to be able to just bring another industry that brings a core cohort of positions and then their follow-on effect.

**The Hon. RICK COLLESS:** Are you aware of any planning restrictions that you might bump into given the changing nature of the industry at the airport?

**Ms MAHONY:** No, I am not.

**The Hon. RICK COLLESS:** You cannot be until it happens, I suppose.

**Ms MAHONY:** At this stage I have not heard of anything that is going to be impacted there. The new upgrade to the actual commercial airport facility is almost complete now. TAFE and their engineering facilities out there are all done. There is quite a diverse range of industry out there already so the opportunity for any new industry to come there to fit into one of the already present industries should be quite significant. I have not seen or heard any to date.

**CHAIR:** Does the chamber have policy committees or policy officers or that sort of thing?

**Ms MAHONY:** Yes.

**CHAIR:** Do you have a group active in the planning space?

**Ms MAHONY:** We currently support the Tamworth Regional Council with their working group for the CBD as well as their whole regional planning group. Within our organisation we have a subcommittee that looks at the planning. We have on that board a real estate fellow, a property developer and a lady who works with Local Land Services and the environmental sector. We do have board members who we sit down with and make sure we get their feedback and the information. Then when the chamber is asked to respond to council or the State government or any other planning issue we go to the people who have skills within that sector rather than me as a pharmacist. If you want to ask me health care questions I am all over that, but when it comes to environmental impact I will be passing that on to the people who have the specialised skills. Conversely, they give me that information back when I need to relate that to the members.

**CHAIR:** I was hoping that was the answer. We want to know that the voice of business is directed to responding when these sorts of things come up.

**Ms MAHONY:** Absolutely. In the chamber as the president I am very focused that my skill set is health care and retail and I will always speak to that space. I am not going to make a comment on areas that are not within my sphere. If somebody comes to me with those questions it is very important that the right people are giving the right information and receiving the right information.

**The Hon. PAUL GREEN:** In relation to your expert area of health and ageing, what is Tamworth going to do for the ageing population and what are you preparing as a business chamber?

**Ms MAHONY:** Tamworth is actually quite well positioned for health care and especially for the ageing population. We have a number of very good aged-care facilities, plus a number of services that offer in-home care. Again, through changes within the pharmacy sector and I know within the doctors' sector as well there are new programs for people to be able to stay at home longer. With that TAFE in particular as well as other regional training organisations are increasing the number of aged care certification places that they are offering.

**The Hon. PAUL GREEN:** These guys are probably thinking we are in a health care inquiry, but I am merely talking about the regional planning policies that will embrace those needs.

**Ms MAHONY:** If you do not have good health care it does not matter what you plan, nobody can survive.

**The Hon. PAUL GREEN:** Well said.

**CHAIR:** We have run out of time for today. Thank you for coming along. It has been very helpful.

**Ms MAHONY:** Thank you.

**(The witness withdrew)**

**(The Committee adjourned at 5.26 p.m.)**