



PlanCom Consulting Pty Ltd's Submission in response to the Department of Planning's Planning Reform Package

I have reviewed the Department of Planning's Planning Reform Package dated November 2007. I found the material contained on your website www.planning.nsw.gov.au to be very well researched, well written and containing many good ideas.

As a consultant who has practiced primarily in New South Wales for over 20 years, primarily in the consulting industry and to a lesser extent in local government, I provide the following comments for your consideration:

Changing Land Use & Plan Making

Figure 1 – Overarching concept for this reform: tailoring process to complexity (p.23, Discussion Paper) is an excellent depiction of where resources and effort should be focussed for the planning process.

To more fully implement this approach the following matters need to be adopted:

- The major focus of planning energy should go into ensuring that regional, sub-regional and LGA level planning is thoroughly resourced (in terms of funding, human resources, and technical resources) and evaluated to set the framework and justification for land use planning decision-making during the life of the proposed environmental planning instrument. Once this work is done there is very little reason why it should be amended, apart from milestone reviews. Such an approach will provide certainty to all stakeholders including the market, residents, infrastructure providers, financiers etc.
- The key causes of delays cited on p.23 of the Discussion paper - *absence of clear strategic context; poorly drafted LEPs; multiple consultation/referral layers; late advice from NSW government agencies; and unclear rules/policies governing plan-making* are issues that have been around for a very long time. These issues can only be ameliorated through a better integrated and streamlined approach by all parties involved in the process. The regional and sub-regional planning processes have been quite helpful although they could go even further towards guiding and, when needed, even dictating LGA plan making where Councils have been recalcitrant in contributing towards the needs of the region and the State.
- A major difficulty in plan making over the last few years has been the concurrent planning at LGA level by Councils and regional level planning/policy level planning (such as the Standard LEP template) . This has made LGA planning very cumbersome and frustrating for all parties involved (Local Council, Department of Planning, consultants) resulting in time delays, cost over-runs, inadequate guidance on expected deliverable/s and problems with resourcing suitably experienced staff.

- Effort would be better spent for all relevant parties if regional planning/policy level work were completed first prior to drafting of plans. During that time all of the local level constraints and opportunities work could be undertaken by Councils. Once regional planning/policy level guidance has been completed then there should be no reason why plan making could not follow expediently.
- Funding for regional and LGA level plan is totally inadequate and warrants major attention. The planning reform levy on DAs is nowhere near enough nor is the allocation of funding to Councils to do this work. I can tell you first hand that many professional consulting organisations are unable to realistically provide the levels of effort needed to adequately conduct the work. As a result many professional planners involved in such work are subjected to highly stressful situations, there is immense pressure from the client and from senior management within consulting organisations and a greater proportion of work is done on personal time. The result is work/life stress and an exodus of talented and experienced staff away from this fundamentally significant area of land use planning. It has also resulted in a decision by many organisations to focus attention away from this type of planning work and for other client sectors.

Table 5 - A possible gateway model: providing for early assessment of proposals and subsequent streaming (p.38) & the Contents of a Justification Report (pp39-40)

- The Social and Essential Services test which forms part of the Infrastructure and Services test on p.39 of the Discussion Paper should also consider factors such as childcare, aged-care, libraries, open space, community centres for all ages and groups, retail facilities, banking facilities and other services that are fundamental for a community to function in a sustainable way, ie, to reduce vehicle kilometres travelled and to provide readily accessible services for all members of the community (not just the vehicle drivers of the household).
- The Investment Certainty criteria should go further to gain a clearer understanding of the motivations and financial position of the applicant. I am well aware that some developers seek a consent to add value to their property and have no intentions whatsoever in developing the property within the specified timeframe. This has the effect of distorting expectations amongst interested and affected stakeholders. Investment information should be sought from both the demand side (what is the market demand for such a product in the locality/region, what demographic group is being targeted, can they afford the product etc) and the supply side (what similar projects have been built in the locality/region, what is the market take up, is there an over/undersupply? etc). This could be achieved through requesting the proponent to provide details about the project's financial viability in accordance with NSW Treasury guidelines, such as a financial analysis or better still a benefit cost analysis which also contains information on intangible items such as environmental and social issues. Details of proposed funding arrangements and discussions should also be provided.
- Once the Justification Report has been endorsed these sustainability criteria should form part of the key criteria for subsequent EP&A Act approval phases relating to the subject land.

Rationalising SEPPs and REPs (p.43)

- The concept of rationalising SEPPs and REPs is a sound one. However, more serious consideration is required at the commencement of the process to the timeframe and steps involved in rationalising such instruments. Transparency about the tasks involved and more accurate timeframes would greatly assist stakeholders in their major project/program planning. For example, delays about the gazettal date of the Infrastructure SEPP impacted upon major project planning.

Figure 3 How the gateway/streaming and one stop shop process would work together (p.46) & Recommendation P2 (p.47)

- I note the text in the top most box – “Council resolves to change policy”. It is suggested the gateway/streaming concept apply not just to Local Government but also to State Government authorities involved in land use planning. This would result in a more consistent and clear approach for all stakeholders.

Recommendation P4 – Fee for Service (p.47)

- The fee for service should be commensurate with rates in the professional consulting services industry. This approach would give Council or the relevant agency the opportunity to generate revenue from their efforts or outsource the service if required. It would also create an opportunity for Council or relevant agency staff to take a more outcomes focussed approach towards this area of work. This would result in improved project management skills and a better understanding of the workings of the professional consulting services industry.
- This comment is also relevant to Recommendation A16 – Fee for Service (p.63)

Recommendation P6 – Accountability of LEPs (p.47)

- This recommendation should apply not just to LEPs but to all Environmental Planning Instruments (EPs) such as SEPPs and REPs. State and regional EPs have far more significant implications to the State’s economic, environmental and social welfare. This would greatly benefit the community and the economic performance of the State and increase NSW’s competitive position against other Australian States.
- Appointment to the Planning Assessment Commission (PAC) or a Joint Regional Planning Panel (JRPP) needs to be via a robust, transparent, merit and integrity based selection process and NOT via a political process. It is noted on p.54 that the PAC would be appointed by the NSW Government and comprise a permanent Chair. Both the PAC and JRPP: need to comprise a team of highly qualified and experienced practitioners where each member is able to represent the broad cross section of the community; the performance of members should be independently reviewed; the term of each member should be limited to a period of say no more than two years. Other considerations include: How would the PAC and JRPP be accountable to the community?; and What recourse do people have to review their decisions?; Without such strict and enforceable performance criteria the community benefits of the PAC and JRPP would not eventuate.

Recommendation P9 – Issuing of LEP and DCP Guidelines (p.48)

- Quality and easy to understand guidelines would be most helpful. However, to minimise implementation difficulties it is recommended that the Department of Planning consult with local government and professional associations such as Planning Institute of Australia during the preparation of the LEP and DCP guidelines.

Recommendation A9 – Mandating DA Information Requirements (p.62)

- The Discussion Paper suggests that Councils would prepare appropriate guidelines to outline the minimum requirements for plans, reports and studies. Councils have an acute resourcing problem. A more appropriate approach would be through the Department of Planning taking the lead and facilitating such a process with funding provided by the NSW Government. Surely, a little research would uncover very useful and simple to use information to formulate such guidelines. The Department could develop guidelines and then consult with the public (including Councils and the private sector) prior to finalisation. Such guidelines could then be mandated across the State.

Recommendation A10 – ePlanning (p.62)

- ePlanning is an excellent notion. However, one should be reminded that Council computer systems are quite likely to have limited storage capacity and it would not take long before their systems start to experience problems. A good example is the difficulties the Department of Planning rapidly faced with storage of information for Part 3A projects on their computer system. It did not take long before the Department started requesting other parties associated with the application (such as consulting organisations) to host the information on their server and provide the Department with links to that information.

Recommendation A13 – Standardising Development Conditions (p.62)

- Refer to comments on Recommendation A9. There is no reason why the Department of Planning can not prepare a standard set of conditions if the NSW Government provided funding. What is really needed are template conditions for the management of specific groupings of issues (eg, traffic, parking, public transport, micro-climate, noise, air quality, construction hours, operating hours, residential amenity, sunlight/shade, etc) since that is where the majority of difficulty is experienced. Conducting research into Part 3A Statements of Commitments and developing standard conditions from them would be most useful. The standard conditions could then be mandated across the State. It is noted that many Councils already have standard sets of conditions, for example, the City of Sydney Council has a standard set of conditions which can be readily viewed on their website. <http://www.cityofsydney.nsw.gov.au/Development/PlanningControlsConditions/StandardConditions.asp>

Recommendation A16 – Fee for Service (p.63)

- Refer to comments on Recommendation P4.

Recommendation A17 – Consultation Guidelines & reference to Part 3A (p.63)

- The concept of requiring a submissions report and/or a preferred project report is acceptable for larger projects such as designated development. The approach does however add a considerable amount of time and cost to the assessment process, (one to three months and additional fees in the order to 10%). Extreme caution needs to be taken in mandating which other project types should adopt this approach.

Recommendation A18 – Measurable Outcomes (p.63)

- Measurable targets are needed for Part 3A projects and other projects not handled by local government.

I trust that this submission is helpful to Department of Planning officers during the refinement of the proposed planning reforms.

Should you wish to discuss any of the matters raised in this submission please do not hesitate to contact me on Mobile No: 0425 212 333.

Yours truly,

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