



9 October 2015

The Executive Director, Regions
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

By email: pregatewayreview@planning.nsw.gov.au

Dear Executive Director

Re: Pre-Gateway Review

The Southern Sydney Regional Organisation of Councils (SSROC) is an association of sixteen municipal and city councils. SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. Together, our member Councils cover a population of over 1.6 million, or one third of the population of Sydney.

In order to make this submission within the timeframe of the review, it has not been possible for it to be reviewed by councils or to be endorsed by the SSROC, therefore, consider this submission is to be considered a draft, and we will get in touch if any issues arise as it is reviewed.

The details of SSROC comments are as below.

General Comment

The Pre-Gateway Review Findings and Recommendations Report is commendable and made some robust recommendations to improve efficiency and transparency. None the less, there are a few issues to consider to enhance the expected outcomes from the review.

Specific Comments

Presumption against re-zoning

1. The principle that the process of a Pre-Gateway review should be based on the *presumption against rezoning* unless there is a compelling reason for change is supported. However, there are doubts as to whether the proposed Pre-Gateway changes will achieve this.
2. The recommendation that the Department of Planning and Environment (DP&E) will ensure that the assessment of proposals at Pre-Gateway stage will be based on the application that was submitted to Council is welcome. It was often the case that the proponent amends the application before submission for Pre-Gateway review.
3. There should be a specific prohibition on planning proposal proponents to amend their proposals after a council's decision and before the Pre-Gateway review. If the proponent does so, the application should be referred to council for reconsideration.
4. The 90 days trigger for a Pre-Gateway, should only come into effect if reasonable requests for information by council, have been provided by the proposal proponent. Applicants should not be allowed to seek a Pre-Gateway review if Council is awaiting outstanding information.
5. Council's decision based on Local Environmental Plan (LEP) and local circumstances, should be accorded priority and the burden to demonstrate that rezoning is warranted should be with the development proposal proponent. This consideration should go beyond the number of houses and temporary construction jobs that the proposed development will yield.

6. The Planning Assessment Commission (PAC) and in future, the Sydney Planning Panel should be held accountable for decisions on Pre-Gateway reviews. They should have the independence and integrity to refuse proposals that are inconsistent with a well established strategic vision of a locality. A process where proposals rejected by council are given all clear by PAC or a Pre-Gateway review to proceed to Gateway only to be eventually rejected, costs council and the community considerable resources in time and money.

Increasing number of spot rezoning proposals

7. The revised process does not address the increasing numbers of spot rezoning proposals being submitted to Councils since the Pre-Gateway process was introduced. The emphasis of the recommendations seems to be more on achieving efficiency improvements.
8. If the Pre-Gateway process is simply streamlined without a rigorous strategic framework and guidelines, there is a risk of encouraging additional speculative spot-rezoning proposals being submitted to Councils. Often the underlying expectation is to proceed to a Pre-Gateway review. This will undermine existing local strategic plans that have been developed with significant Council resources and community consultation.
9. A planning system that encourages and supports spot re-zonings undermines community confidence in local planning controls and creates confusion.
10. The increased number of planning proposals for spot re-zonings since the Pre-Gateway process was introduced, has increased burden on resources of several SSROC member councils, example Randwick City Council and Woollahra Municipal Councils to mention a few. This has diverted activity away from strategic planning. This needs to be reversed.

Strategic Merit Test

11. The revised Strategic Merit Test recommended in the Pre-Gateway review should be more precisely defined. It needs to indicate the degree of linkage to strategic plans that would be considered appropriate to demonstrate consistency of the proposal with relevant strategies. For example, a rezoning proposal may be located within a Priority Precinct or Urban Renewal Investigation area identified in the *Plan for Growing Sydney* or a District Plan, but inconsistent with the relevant LEP. Until detailed planning work for the Priority Precinct/Urban Renewal Investigation area has been completed and adopted to inform suitable development in this location, there is limited information.
12. The high level plans such as the *Plan to Grow Sydney* contain very limited information to inform the assessment of the appropriateness of a single site spot rezoning application. The Pre-Gateway Review report does not explain how this will work in practice, leaving decisions on Strategic Merit unclear and subject to differing interpretations.
13. Increased weight should be given to public interest in Pre-Gateway assessment of proposals proceeding to the Gateway stage. Councils should be able to place sufficient weight on local context and the local strategic framework when assessing planning proposals.
14. The Strategic Merit criteria should make provision for relevant proposals to be more appropriately incorporated into a broader periodic review of a Council's principal LEP. For example, if a planning proposal is seeking to increase heights and floor space ratios on a site within a town centre, this should be a matter to be considered by a Council as part of its broader review of the planning framework for that centre. This will ensure that more resources are efficiently allocated to detailed research and analysis on matters relevant to the centre. These matters include economic drivers and social impacts, urban design and character studies, integrated transport planning, and also community engagement and consultation.
15. There seems to be the tendency to emphasise the assessment of development proposals based on 'its merits' or dwelling and job outcomes rather than local strategic planning and local planning controls. This weakens the strategic planning framework within a council area and encourages piece meal planning changes.

Local Environmental Plans and Strategic Merit Test

16. The issues of the currency of relevant Local Environmental Plans (LEP) for Strategic Merit Test needs to be reconsidered. An assessment of the relevancy or the contemporariness of an LEP should not be overly based on time. Time may not necessarily, all the time, have much to do with good strategic planning. Many Councils spend significant time and money in developing the strategic direction for their areas and often revisions of LEP are not warranted for several years.
17. Planning proposal assessment should also be based on the robustness of the strategic framework that underpins the LEP. Penchant for quick changes with little or no understanding of the holistic implications could complicate the strategic vision for an area.

Process and implementation

18. The recommendation that Pre-Gateway planning proposals are to be placed on the public tracking system at an early stage and that the Strategic Merit Test takes place earlier in the process are supported.
19. Transparent and independent review process is supported. Though, clarity is required on the Pre-Gateway process. This is more so now that the proposed Greater Sydney Commission (GSC) is expected to have Sydney Planning Panel as one of its four committees. The Sydney Planning Panel is expected to take on the functions of the Joint Regional Planning Panels (JRPP). The JRPP currently operates with a small number of staff. There are doubts on whether the establishment of the Sydney Planning Panel will herald sufficient resources to assess and pre-Gateway review in a timely manner. To have more of the same will lead to little or no improvement to current practice.

Timeframe

20. The timeframes recommended by the Pre-Gateway review process are reasonable and will ensure that the applications are assessed in a timely manner. They are also a positive step as in many instances Pre-Gateway proposals take a substantial amount of time.
21. If there is an option to allow community consultation prior to the Council's decision on a planning proposal, the 90 days timeframe to trigger a Pre-Gateway review should be extended.

Outcome for local communities

22. The justifications for the Pre-Gateway process by the Pre-Gateway review report are the thousands of houses and jobs that are delivered by development proposals that were rejected by councils but were successful at the Pre-Gateway review stage. Little or no consideration seems to be given to the appropriateness of the proposed developments in their respective locations. Further, no medium or long term view of community wellbeing appears to be considered.
23. While the revised Strategic Merit Test is welcome, the test is little or not helpful in determining whether a development proposal would deliver benefits to the community beyond the delivery of additional dwellings and construction jobs.
24. The Pre-Gateway process should lead to better outcomes for the community. A Strategic Merit Test model with the capacity to assess and give relative weight to dwellings, jobs, liveability and sustainability should be considered.

The Gateway process as a checkpoint

25. The Pre-Gateway process was referred to as a checkpoint before resources are committed. This is arguably not the case. Planning Proposals are increasingly more complex and require extensive resources to be committed early in the planning process. For the Pre-Gateway process to become a 'checkpoint', a change in approach would be required.

Sydney Planning Panels versus Joint Regional Planning Panels

26. As the proposed Sydney Planning Panel is likely to take over the functions of the JRPP in the Sydney metropolitan area, clarity is required on whether the Pre-Gateway applications assessment will be split between the Panel in Sydney and the JRPP in the regions.

27. The composition of the JRPPs /Sydney Planning Panel will need to be reviewed to ensure that the members have sufficient strategic planning experience. This is because, the assessment of development applications and strategic planning proposals require different skills.

Progress information on Pre-Gateway proposals

28. When proposals are being assessed, there needs to be a contact within the Department of Planning and Environment /JRPP who could provide information on the progress of the proposal. The current situation is that to obtain information on progress of applications in the Pre-Gateway process is cumbersome and requires protracted and persistent effort.

If you have any queries please contact Vincent Ogu, Strategic Planning Manager on 8396 3800.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dougall', with a stylized initial 'N' or 'D' at the start.

Namoi Dougall
General Manager
Southern Sydney Regional Organisation of Councils Inc