



Submission on *A New Planning System for NSW - White Paper*

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Southern Sydney Regional Organisation of Councils

Ashfield Bankstown Botany Bay Burwood Canada Bay Canterbury
City of Sydney Hurstville Kogarah Leichhardt Marrickville Randwick
Rockdale Sutherland Waverley Woollahra

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1 Introduction

Southern Sydney Regional Organisation of Councils (SSROC) is an association of sixteen Councils formed for mutual benefit through collaboration and cooperation. Collectively, the group extends across an area covering more than 600 square kilometres, with a population in excess of 1.6 million people. Our region comprises approximately one quarter of the population of greater metropolitan Sydney and is highly developed, with a complex and relatively dense mix of industrial, commercial and residential land usage.

Member Councils deliver and maintain in excess of \$20 billion of local infrastructure and other assets. Key state and national infrastructure is located within our geographical area, including the City of Sydney, Sydney Airport, Port Botany, the M4 and M5 as well as major health (Prince of Wales, RPA, St George, Sutherland hospitals) and education centres (University of NSW, Sydney University and UTS). The SSROC region is critical to the economy of the State and the nation.

SSROC supports the Government's efforts to achieve the integration of land use and infrastructure planning, and acknowledges that there is a need for reform of the planning system. The Environmental Planning and Assessment Act (1979) is now more than thirty years old and has become the most amended piece of legislation in NSW. While the EP&A Act was ground-breaking in its time, it is now widely criticised for its complexity and inefficiency, unsuitability to the demands of population and employment growth in major centres, its negative impacts on economic growth, and its weaknesses with respect to acts of corruption.

The new system needs to restore community confidence in the planning processes and deliver the right balance between the interests of different stakeholders. It also needs to foster sustainable development, and achieve a balance between environmental, social and economic needs. There is also some a sense of urgency around gearing up the planning system to be more responsive to forecast demand for housing and jobs and leveraging greater economic productivity and prosperity for NSW.

SSROC sees merit in a number of the proposals and basic principles outlined in the White Paper. In particular the:

- emphasis on the integration of land use and infrastructure planning;
- opportunity for participation of the community in strategic planning;
- establishment of a CEOs group;
- consolidation of all planning rules by site;
- concept of an ePlanning portal, including mapping and 3D visualisation software.

However, SSROC has grave concerns about the:

- quality and sustainability of development under the new system;
- greatly reduced opportunities for local communities and their elected representatives to participate in local decisions;
- prominence of unelected regional bodies in key planning decisions;
- shift in the balance of rights towards developers;
- overemphasis on growth;
- untenable position that Councils could be in, required to deliver planning decisions that do not reflect the community's aspirations as identified in Community Strategic Plans
- increased role for developer-paid private certifiers
- changes to certain aspects of the new infrastructure contribution rules.

2 Sustainable Development

2.1 Basic Sustainability – Power, Participation and Politics

The first object of the Act (1.3 (1) (a)) is “economic growth and environmental and social well-being through sustainable development”. The first object of the Act should be sufficient alone, and is undermined by the other objects, all of which should be features of real sustainable development.

Furthermore, this object is in outright conflict with other features of the new system. In particular, principle 10 of the Principles of the New Strategic Planning Framework (White Paper s5.1) states that “Local Plans ... should not contain overly complex or onerous controls that may adversely impact on the financial viability of the proposed development”. This principle is irreconcilable with sustainable development, which requires that growth be assessed in terms of environment, society and economy. While financial viability is essential, it justifies development only for those will financially profit from the development. For society and for the community that will live with the development, it is the environmental, social and economic benefits that justify it.

The flawed thinking that permits financial viability to override sustainability (in the sense that it is used in the Brundtland Report) that has caused the loss of confidence in planning processes, and which needs to be overcome. Financial viability is very different from economic benefit, and must not be confused.

SSROC contends that the White Paper and draft Bill give too much weight to the short-term benefit of a simpler system that delivers faster results, and this benefit will outweighed by the long-lasting impacts of inappropriate development on communities and the environment.

SSROC recommends that the Bill should make sustainable development the primary object of the Act, and should define the term “Sustainable Development” as: “Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.¹”

Further, the definition should at least be consistent with the United Nations definition, and could use this definition:

“development that meets the needs of the present without compromising the ability of future generations to meet their own needs.²” The Act should also acknowledge in the Australian context these two key concepts:

- the concept of 'needs', in particular the essential needs of the world's poor, to which overriding priority should be given; and
- the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs.

2.1.1 Power

A key part of the new system is that it allows for a whole-of-government approach to land use planning and infrastructure planning. This is a considerable failing of the present system and results in poorly connected communities, ad hoc infrastructure provision and disconnect between government agencies. Yet in the proposed new system, the Minister has absolute control. Power and equity are key elements

¹ Australia’s National Strategy for Ecologically Sustainable Development, endorsed by the Council of Australia Governments, 1992.

² Our Common Future: Report of the World Commission on Environment and Development, “The Brundtland Report”, World Commission on Environment and Development (1987).

of sustainable development, and principles of strategic plans include “cooperation in preparing and implementing” them. Cooperation implies equal power, which is not the case: Councils will not have control of very much, and will be required to “cooperate” in the delivery of decisions with which they do not agree. This is not cooperation but obedience. Councils are made up of the elected representatives of local communities: disempowering them in this way disempowers the communities that they represent. SSROC welcomes the opportunity for community participation in strategic planning, but has reservations as to how effective this process can be.

Furthermore, there is a lot of scope for Local Plans to be overridden by the Minister or by increased flexibility for developers to bend the rules. Such interventions would seriously erode community confidence in the new system.

It is also vital that there be a clear line of sight between the hierarchy of plans proposed for the new system, as these plans are expected to have clear roles and functions yet build upon each other. The aim is to achieve consistency between each layer, with each layer giving effect to the plans above it. By necessity, the higher order plans (planning policies, growth plans) will need to be in place before the lower ones can be developed (subregional delivery plans, local plans). SSROC acknowledges there is going to be some period of uncertainty for Councils while this process is taking place, particularly in relation to the development of Local Plans. However, we question the appropriateness of the current consultation in relation to the draft Growth Plan for Metropolitan Sydney when the framework within which it is intended to be developed and to function is not yet in place.

The success of the lower order plans will rely heavily on the success of consultation in the development of the higher order plans, otherwise they will be dominated by State Government objectives and not representative of the interests of the wider community.

2.1.2 Participation

The draft Metropolitan Strategy for Sydney to 2031 *is* the new Regional Growth Plan for Sydney: so does that process represent the model for community participation under the new system?

The consultation process for the development of that plan was very poor, given what is now known about the broader significance of the plan in the context of the White Paper reforms. According to the White Paper “these [Regional Growth] plans will be the subject of significant community participation”, but SSROC does not believe this to have been the case in relation to the draft Metropolitan Strategy. Furthermore, the requirement for community participation is not reflected in the Bill. SSROC therefore recommends that the Bill should be amended to reflect the White Paper in this regard, and that the Metropolitan Strategy should be re-exhibited and given the appropriate level of public exposure and consultation before it is used to set the direction for lower order plans.

As noted above, community participation in strategic planning is welcome. However, the removal of community participation in the vast majority of local development decisions is a backward step, which is of serious concern to SSROC. Even if the Government can achieve real community participation in the development of strategic plans, the conceptual development identified in those plans (even with the best 3D simulation software) remains only conceptual. It is not until an actual development is planned that anyone can envisage the true impacts on neighbours, the neighbourhood and the broader community. Merely informing neighbours of the development is inadequate.

2.1.3 Appeal Rights

There is an imbalance in review and appeal rights, with expanded rights for developers, but restricted rights for the communities in which development takes place.

SSROC supports the inclusion of merit appeal rights for the community in Regional Growth and Subregional Delivery Plans. In addition to providing the community with avenue to dispute merit assessment outcomes, this would also act as a disincentive for corrupt decision-making by consent authorities.

2.1.4 Politics

The White Paper aims to “depoliticise” the planning system. Councils “that consistently fail to meet benchmarks to establish a determinative independent hearing and assessment panel” will be required to replace councillors in development assessment decision-making. Councils that do not deliver can have their planning powers handed to Regional Planning Panels – three Minister-appointed bureaucrats. SSROC would suggest that this is depoliticising to the point of eliminating communities’ legitimate representatives from the process.

The system is designed to deliver the State Government’s priorities, not those of the local community. Far from “depoliticising” the system, it appears to be more open to political interference than ever from State politicians.

2.2 Basic Sustainability – Balancing Environmental, Social and Economic Needs

Strategic Impact Assessment following “the principles of economic appraisal” makes no sense in the context of sustainable development and requires clarification.

The phrase “Local Plans should facilitate development that is consistent with agreed strategic planning outcomes and should not contain overly complex or onerous controls that may adversely impact on the financial viability of proposed development”, suggests that controls such as a requirement to complement the streetscape, or to respect the need for a particular habitat to be retained, would be deemed “overly complex or onerous controls” and therefore overridden.

The implication is that any control that adversely affects financial viability is too “onerous”: this is simply wrong. If a development is to be sustainable then the social, economic and environmental implications all carry equal weight. None is subservient to financial viability.

SSROC recommends that all codes should be required to give effect to the principles of sustainable development, and that decision-makers must apply these principles (as well as financial viability and other considerations) in all development decisions.

2.3 The Precautionary Principle

Evidence-based plans are good, but so is applying the precautionary principle when there is no evidence or where evidence is insufficiently robust or consistent. For example, the precautionary principle should be applied where a similar situation has occurred before e.g. destroying a section of bushland may result in a remnant too small to support a resident species, even before any specific ecological community becomes endangered.

The White Paper uses an example of incorporating koala habitat protection in the strategic planning framework (figure 11, p71). Councils are expected to consider these, to identify them, and zone them appropriately or “apply special provisions to control development of that land” in their Local Plans. The paper gives no indication of how Councils are to reconcile the requirement to “provide habitat ... to ensure a permanent free living population ... and reverse the current trend of ... population decline”, with the need to deliver the growth plans. Councils will also need to be able to identify how much habitat of what particular type is required: this information may not be known for all species, so Council should be required to take a precautionary approach.

In this example, it would be very unlikely that Councils would be able to provide evidence as a basis for limiting development, to precisely define “potential” or “core” habitat. Even if a koala population existed in an area, a developer could easily challenge the area defined as “core”. The koala is an iconic species, whose protection would be likely to garner popular support, and for which a national management strategy exists. The same would apply for any other endangered or threatened species or ecological community, that are less appealing and lack specific management policies. Similarly, the proximity of homes to polluting (or potentially polluting) industries could be challenged.

In such cases, where evidence is lacking or inconclusive, SSROC urges to Minister to apply the precautionary principle.

2.4 Environmental Protections

The White Paper persists in treating “the environment” as if it were some other place separate from where we all live. Rather than limiting the concept to the natural environment, the new system should recognise that environment is the whole, and is comprised of the natural and the built environment as well as the air, water, earth, atmosphere and ecological systems on which human life depends.

The Planning Bill object (1) (e) includes “(i) the conservation of threated species, populations and ecological communities and their habitats, and (ii) the conservations and sustainable use of built and cultural heritage”. The object itself is welcome, but does not go far enough, and is not carried through the rest of the Act. There is a need to prevent increasing the number of threatened species, and to protect what we have. There is also an increasingly urgent need to address climate change by both reducing our carbon emissions and adapting to the effects of such change as is now inevitable. SSROC recommends that consideration of climate change should be a requirement for the preparation of all strategic plans and in development assessment decision-making.

Codes should include provisions for mandatory, leading practice efficiency measures for all developments (including refits). Updating the Building Sustainability Index would be required. The Government could also add incentives for developments to include higher standards of sustainable design and construction, such as prioritised assessment, reduced assessment costs or cost rebates after benefits can be demonstrated.

2.5 Expectations of Growth

SSROC questions the apparent need for ongoing and largely undefined expectations of growth promoted in the White Paper. The White Paper does not address the questions of speed of growth, the capacity of Sydney and its suburbs to continue to absorb growth, or at what point will our finite resources be insufficient to sustain us?

Responsible growth is based on knowing how much growth, and at what pace, is sustainable for Sydney as a whole as well as regionally and locally. This has not been examined, and it should be. These considerations should be covered in the Metropolitan Strategy, which will be implemented through the new Planning System, but presently are not.

For the most part, the SSROC region is already highly developed. The new system appears to be designed to keep increasing our population and all that this expansion implies in terms of infrastructure, transport, essential services and economic growth. Yet it lacks the safeguards required to ensure that we deliver liveable places, fluid movement, adequate air quality and open space. By treating “the environment” as somewhere separate from the places where we live, we are in danger of failing to provide basic necessities for life.

2.6 Provision of Infrastructure

The White Paper raises a number of concerns for SSROC in the area of infrastructure provision. It narrows the list of infrastructure for which contributions can be charged to only essential types – local roads and traffic management, local open space and embellishment, basic (land and capital) community facilities and the capital cost of local drainage.

There is some concern that the list may be narrowed further. SSROC member Councils support the inclusion of library buildings and inventory, community and civic centres, aquatics and leisure centres, childcare centres, emergency service facilities, sporting facilities on open space and some car parks as essential infrastructure.

There is also the potential that reforms will further restrict the levying of development contributions for infrastructure, which will limit current and future programs for the provision of community infrastructure across the region. As is presently the case with section 94 contributions, Councils should be able to seek the apportioned full cost of infrastructure needed as a result of a new development from the infrastructure contributions derived from that development.

The White Paper requires contributions to be spent within three years, unless otherwise approved by the Minister, or risk being instructed to spend it on other infrastructure in the sub-region. This could hinder the long-term planning by Councils for the provision of high capital costs items, particularly where provision cannot be staged such as childcare centres. For example, some Councils may have 20 year infrastructure plans that enable Councils to save for the infrastructure requirements of population growth over that period. By contrast, a three-year accumulation period (with fewer funds available to be accumulated) does not allow for effective long-term strategic planning. Unless contributions received can be cross-loaned to fund other items, a significantly longer period than three years will be required to accumulate the funds necessary to provide this infrastructure.

SSROC member Councils seek more information as to the intended application of contributions policy.

2.7 Affordable Housing

SSROC is also concerned about the proposed limitations of Voluntary Planning Agreements (VPAs). These have provided Councils with beneficial outcomes, not the least of which has been the capacity to influence the supply of affordable housing. There is no detail as yet in relation to the way in which the new planning system will address housing affordability and this is of significant interest to SSROC member Councils, which have high demand for such housing.

It is essential that the NSW Government include Councils in the drafting of the affordable housing policy in order to account for localised issues. SSROC member Councils would like to see a commitment to workable policies that achieve affordable housing, and a direct reference to planning mechanisms that have proven successful in achieving affordable housing.

SSROC considers that inclusionary provisions are the most effective way to levy for affordable housing. This is where there is a component of affordable housing as a proportion of the total floor space of a development (or a contribution in lieu thereof), or provisions that capture some of the uplift in value of the land when it is rezoned. These methods have been successful in Pyrmont and Green Square, and should be widely applied.

Until the new policy is drafted and implemented, Councils should be able to request affordable housing commitments as part of the existing VPA process.

2.8 Building Regulation and Certification

SSROC is pleased with the inclusion of regulation and certification in the White Paper. The introduction of consistent, standard development consent conditions across NSW has many advantages. Every building site across the state will be subject to standard conditions and environmental specifications. It will be easier for builders to implement, and easier for certifiers and Councils to monitor and enforce. The changes to fire safety schedules will reduce red tape and compliance costs.

The development of statewide environmental specifications should be sufficiently detailed to ensure appropriate levels of environmental protection. Environmental factors vary significantly across NSW, and care will need to be taken to ensure that environmental specifications are compatible for every site. There will need to be a significant investment of resources to ensure that all building professionals are educated on standard condition requirements.

To this end, more templates must be produced for building manuals and compliance schedules as well as the issuing of Notices and Orders by Certifiers and Councils. These should be developed in consultation with industry and local government.

SSROC is satisfied that Councils will have a stronger role in enforcement and greater capacity to carry out investigations and recover costs through higher penalties and cost compliance notices. Councils will also be able to take advantage of the broader range of remedies they can seek through the Courts. These initiatives will provide a stronger deterrent to offenders and the general community from committing offences against planning legislation.

SSROC member Councils have expressed concern previously about the need to improve oversight of private certifiers. This need will become more urgent as the role of certifiers expands under the new planning system. As more certifiers enter the system, councils will have no access to data for many developments and will have reduced capacity to monitor development activity across LGAs.

Undoubtedly Councils will receive queries and complaints from residents in relation to developments that are being certified by private certifiers: the inability of Councils to provide information will create dissatisfaction. The new system needs to provide a mechanism whereby people can find out what development is occurring: the proposal that “neighbours will be informed” is largely inadequate.

3 Community Participation in Plan-Making

The State Government undertook to put communities first in its review of the planning system but appears to have interpreted this undertaking very differently from what was expected.

The White Paper sets out a system designed to deliver the State Government's priorities. The commitment to "put people and their choices at the heart of planning decisions" is reflected in opportunities for community participation in strategic planning, potentially enabling communities to take ownership of the character and evolving built form of their environments. But the commitment is absent from local input to development decisions, and largely missing from the draft Bill, which in this respect does not reflect the principles outlined in the White Paper.

3.1 Legislated Requirements for Community Participation

This draft Bill does not include adequate provision for community input to the development of strategic plans, in spite of the emphasis on this aspect of the new system in the White Paper. Part 2 covers community participation. It sets out the principles for the Community Participation Charter, and defines community participation in "strategic planning, planning decisions and other planning matters" as "the **process of engaging** the community (including industry, businesses, residents, interest groups and organisations) in those planning matters".

SSROC does not agree that these words in the legislation adequately reflect the intent of participation that is put forward strongly in the White Paper. Placing "people and their choices at the heart of planning decisions" suggests a very different role than merely a process of engagement.

The White Paper states that the community will be involved in setting priorities and targets for growth. Yet the draft Bill clearly states that it is the Director-General who prepares a draft regional growth plan (clause 3.5 (1)), which is submitted to the Minister who may then make any modification that he or she "considers appropriate" (clause 3.7 (2)). Public submissions must be provided to the Minister, but there is no requirement for them to be taken into account, and no other reference to the community involvement clearly proposed in the White Paper.

A fundamental flaw in the principles for the Community Participation Charter is evident in clause 2.1 (1)(e) of the Bill, which states that participation is to be "proportionate to the significance and impact of the proposed development". SSROC contends that "significance" and "impact" are highly subjective terms that are influenced by the scale of development, and describe the response of an individual or community to it. A development that is insignificant and low-impact for the Minister may be very significant and extremely high impact for the people who live next-door to it. The implication of this for the new system is that it needs to accommodate the widely varying perceptions of significance and impact in a "proportionate" level of participation. The Bill as currently drafted fails to do so.

Accommodating both perceptions would necessitate a system that permitted significant local input to smaller developments, including complying developments. This is in direct contrast to the system as proposed in the draft Bill.

3.2 No Input to Compliant or Code-Assessment Proposals

80% of development applications will be complying or code assessed within five years: so local communities will have no say in them. This target eliminates local input to local development, when it is critical to those directly affected.

When a development is code-compliant, neighbours will be informed, but will have no rights to object or seek adjustment in view of any impacts on them, or even to comment. Furthermore, without a

definition of “neighbour” it is impossible to identify who is actually informed, and by whom. Strictly, it could be interpreted to mean only the occupants of the adjacent blocks. For most people it is only when they see the actual development proposed that they can begin to appreciate what would mean for them: whether they are immediate neighbours, in the same street, in the neighbourhood, or a regular passer-by.

The community or individual community members affected by a development may not accept that their “right” to object has been removed, especially if they are subject to perceived or actual adverse amenity impacts or do not “own” the plan for their area. Whether this lack of ownership is because they did not or could not participate at the time, or because they are new to the area, the effects – dissatisfaction and neighbourhood disagreements – will be the same. Councils will undoubtedly bear the brunt of complaints, while residents will have to live with the development.

The draft Bill allows for period review and staged repeal of Local Plans (clause 3.15). SSROC believes that a more formalised process of regular, independent review of codes should also be required in order to ensure that they continue to be up to date, effective, and represent best practice in all aspects.

3.3 Participation in Strategic Planning

SSROC welcomes the intent for participation by the community in strategic plans, and supports the increased emphasis on strategic planning in the White Paper. The present framework has no specific requirements for strategic planning at the state or local levels and the new system is expected to be more coherent and integrated across tiers of government.

However, if the consultation process for the draft Metropolitan Strategy is an example of how such participation is to take place, then it is extremely unlikely to be achieved. Regional Growth Plans are a critical part of the new system, and it is fundamental to those plans that the community is “involved in the setting of priorities and targets for growth in the region, including planning for major infrastructure (p50, figure 6)”. Yet these things were unknown at the time when the Government developed the draft Metropolitan Strategy for Sydney, and so the Government has undermined its own process in relation to this vitally important region of NSW.

SSROC understands that local plans will be performance-based insofar as they need to demonstrate how development is facilitated while managing and protecting resources and the environment. There will also be a requirement for the plans to demonstrate the financial feasibility of development, which will be supported by the development of an Urban Feasibility Model to analyse dwelling potential and financial feasibility under existing and proposed planning controls.

The reduction of zoning categories to only a single residential zone means that there will no longer be a distinction between areas approved for certain types of density. Decisions about what housing form is permissible will depend on whether the proposal meets the standards set in the development guides, which we understand are an element of Local Plans replacing DCPs. The community can no longer expect Councils to make decisions based on the established character of an area or apparent land use conflict if the community, in the drafting of the development guide, has not considered or understood the potential impacts.

SSROC considers that the Department of Planning and Infrastructure will need to do a great deal to educate the people of NSW about Local Plans, how the new system works, and changes to the way that developments are approved. Local Plans will not provide the land use certainty that the community presently expects, but could help to establish a common set of expectations about what types of development might occur in a certain location. Engaging at the strategic planning phase will require a change in the public mindset as to their rights and responsibilities as well the development of high levels of familiarity with strategic planning processes.

3.4 Development Assessment

SSROC supports in principle a faster, more transparent planning system that is simpler, more certain and will save money. A fundamental objective of the White Paper is matching the level of assessment required with the level of impact associated with the development. The amount of assessment effort required will also be tempered by the extent of community commitment to the vision for an area.

This approach is supported by Councils who perceive that it will remove the time, cost and effort in applying unnecessary assessment effort where a proposal has low risk of adverse impact and fits within community expectations of development. This support in principle does not extend to the full detail of how the objective will be delivered (see section 3.1 above).

There is a risk that the development assessment process will deliver unacceptable outcomes if strategic planning does not accurately capture the aspirations of the community and elected Council. There is also the risk that the community, if not adequately engaged and allowed to actively participate, will become dissatisfied with the operation of the planning system and the built environment that results. Local Government will be the target of much of this frustration, however unreasonable that may be.

SSROC can foresee that communities will dispute the removal of their ‘right’ to be consulted about developments, particularly those next-door. There will inevitably be disagreements about details of developments that could not have been identified and considered at the strategic planning stage. Development applications will be concept approvals only, with much of the detail missing. Where the community can be consulted about a development, they will only be able to comment on the inconsistent or merit-assessable component, even though this component might only be understood in the context of the overall proposal. This creates the possibility that the overall impact of the development cannot be properly assessed. SSROC recommends that developments should not be split in this way, but should be fully merit assessed if they are not entirely covered by the code.

It is critical to balance speed, cost and certainty in the assessment process with the quality of development outcomes. The short-term benefit of a quick and easy approval for one developer can be far outweighed by a development that negatively affects the local community for decades to come. SSROC regards the achievement of this balance as the one of the biggest challenges in reforming the planning system – so that good outcomes are delivered, the community accepts its rights and responsibilities in the overall process, and the outcomes are sustainable.

3.4.1 Complying Development

There appears to be no process for determining the type of development that would fit into complying and code-assessable development ‘tracks’. SSROC cautions against further expansion of these codes (such as including first-floor additions and two-storey dwellings) without such a process. While such proposals may have the appropriate general form for complying or code-assessable development, the specific detail may not.

We therefore suggest to that the Community Participation Charter should be extended to all code-assessable development assessments, and clear information provided on both the development and how to participate. The community should also be permitted to participate in decision-making when amendments to codes are being considered.

The type of development intended for these tracks should have only low risk and low impacts on a locality. SSROC asks that code assessment should be excluded from areas such as:

- environmentally sensitive land, critical habitat, endangered ecological communities and areas of high conservation value;
- those of significance to Aboriginal culture and heritage;

- areas currently protected e.g. koala habitat, wetlands.

These areas have already been recognised as threatened in some way or worthy of conservation and therefore any proposed development could represent an unacceptable risk or impact.

The increase in the amount of complying or code-assessable development presents a challenge in developing ways in which subjective considerations such as privacy, solar access, view loss and design quality can be incorporated into the codes. Currently these issues are dealt with on their merit and assessed against objectives outlined in Council DCPs. There is no requirement in the White Paper for this type of assessment to be undertaken, and SSROC believes that this is one of the areas in which the new system is inadequate.

The new development guides will cover “acceptable solutions” which “illustrate the preferred way of complying with a corresponding performance criterion” (p.99), but it is difficult to imagine how a code will be able to prescribe acceptable solutions in every unique circumstance. There will also be differences between communities as to their sensitivity to these issues. For example, while inner-city dwellers might not value or even expect high levels of privacy, many living in outer suburbs will. Undoubtedly, the built outcomes of an imposed 80% complying and code-assessable target will be unacceptable to some communities.

SSROC considers this target to be unrealistic and unnecessary. It is unlikely that the 80% can be achieved in areas where there are significant amounts of land prone to bushfire, flood, instability, contamination, steep slopes, coastal processes or heritage.

Market demand for certain types of development also influences the take up rate of different development tracks. In areas where there are high property values (such as in coastal areas) it will be difficult to achieve the 80% target because proponents are more likely to want to fully exploit the potential of their land and propose development that falls into the category of merit assessment. In this circumstance, it is difficult to see how the target could be met – or indeed how it would help performance management – if more than 20% of the DAs received are merit-assessable.

A target of this nature is more appropriate to an efficiency goal rather than good planning outcomes and sustainable development. While an efficiency target has a place in managing the performance of a system, applying it universally and without exception will result in perverse outcomes. SSROC favours regions establishing their own targets in line with the types of development appropriate to the environment and the community.

3.4.2 Complying with Variation

A further sub-group of the complying development track is that of Complying with Variation – which is effectively non-complying Complying Development. SSROC considers that it adds complexity, does not add value to the proposed system and should be left out. The White Paper provides little detail as to the extent or number of variations that can be approved by Council to enable a proposal to proceed as complying development.

3.4.3 Amber Light Approach

SSROC is wary of the amber light approach (p135). While it may lead to good outcomes eventually, it could be very time consuming for Councils. The Department will need to accommodate delays, particularly when reporting on Council assessment times. The 120-day timeframe for applicants to produce information under stop-the-clock provisions creates an imbalance between it and the time allowed for Councils to review information. Moreover, waiting for this time to expire simply extends processing times. Overall, SSROC contends there is an over-reliance on turnaround times that are unrealistic.

The approach also raises the prospect of planners becoming active facilitators of development. This is a considerable shift in their role and could put them in a position that conflicts with the culture of independence and impartiality that is required of them, and which has been highlighted by recent ICAC inquiries. Planners will require training that enables them to transition into this new role and to clearly distinguish between impartiality and bias, and to avoid the appearance of corruption.

3.4.4 Merit Assessment

Where a proposed development falls outside the code and is subject to merit assessment, then SSROC recommends that additional criteria need to be taken into account (p134). This would include more general considerations such as the cumulative effects of the combination with other existing and future developments in the locality, the suitability of site and neighbourhood for the development, likely contributions to climate change (both positive and negative), and likely impacts of climate change on the development.

3.4.5 State Significant Development

SSROC recognises the need for special consideration of developments that are of particular importance to NSW. We urge that these developments should be subject to EIS and consultation during assessment, and that decision-makers take into account Local Plans.

The White Paper offers no insight into what criteria would be met in order for a proposal to be classed as State significant. The draft Bill (clause 4.29) allows for the Minister to declare a development to be State significant. SSROC is concerned that this process is too closed, and that clear and objective criteria should be applied to this decision, which clearly demonstrate the importance of the proposal to the State. The development should also be assessed in terms of the merit assessment criteria, including the additional criteria identified above (section 3.4.4).

4 Planning Processes

4.1 Subregional Planning Boards

The White Paper allocated substantial responsibilities to the Subregional Planning Boards, but offers no guidance on how the Subregional Planning Boards would work in practice; specifically, who actually does the work of writing the plan? Who actually develops the plan and sectoral strategies that the Board oversees? Who actually prepares the plan of management if there is core koala habitat (p71)?

SSROC supports the development of the Subregional Planning Boards as independent agencies providing strategic direction and implementation of the subregional delivery plans. It is unclear whether the Boards will also be responsible for preparing these plans or whether this will be done by the Department in consultation with the community.

In relation to the make-up of the Boards, SSROC notes that there is no rationale provided for selection. SSROC would hope there would be some basic requirement for a balance of qualifications and expertise to ensure well qualified and capable participants. Independent Hearing and Assessment Panels (IHAPs), for example, are required to consist of members having experience in at least one area of expertise relating to planning, architecture, law, engineering, tourism or government and public administration. While many councillors would bring these (and many other) skills to the Board, some basic objective selection criteria should be established. If the expertise is government and public administration, a minimum time served as councillor should be factored in.

If it is intended that Councils should provide the resources required to support the Boards, then SSROC would question this. While some Councils may have the capacity to allocate resources to facilitate the work of the Boards, others would not have sufficient existing capacity. A preferred solution would be that the Boards are allocated an annual budget that would support:

- the development of a secretariat formed by seconding council staff on a rotating basis across representative Councils; and
- enable the Board to commission work from Councils and/or independent consultants including any research, monitoring, review and reporting functions.

4.2 Regions and Subregions

There is need for some consistency and the links to the Regional Action Plans.

As a regional organisation of Councils, SSROC is aware of the many benefits that a collective approach can bring to individual Councils as well as to the wider community. The subregional planning focus presents a very exciting opportunity for local government, and SSROC will be please to facilitate and support the process.

Ten of the sixteen SSROC member Councils will become part of the central subregion, a collective of seventeen councils in total. It will be a significant challenge to bring together these diverse council areas to agree on a future direction for this subregion. More information is required as to how the communication and consultation processes will unfold, and local government will look to the example set by the Department.

SSROC is concerned about a potential conflict between Subregional Delivery Plans and Local Plans. At the Subregional Delivery Stage, mandatory development parameters will be set to shape subsequent development, including building envelopes and the identification of exempt, complying and code assessable development applying to the precinct. Yet the controls for these precincts will be contained

in Local Plans, and “cannot be overridden by councils”. It is not clear how this process would work should a Council not agree on all or some of the proposed parameters of their relevant SDP.

4.3 Complying with Variation

The White Paper provides little information about variations that can be approved by Council to enable a proposal to proceed as complying development. A proposal that is largely complying except for “Quite minor variations” (p128) can be approved by a certifier if Council agrees that the variations “do not have significant additional adverse impacts on neighbours”. Refer to previous comments on the subjective nature of impacts (section 3.1) and the term “neighbour” (section 3.2). SSROC infers that if the required variation to a control is greater than can be dealt with under the Code track, it should go to the Merit Assessment track or be classified as prohibited development; this area needs further clarification and review if it is to be a feature of the new system.

4.4 Mandatory Development Parameters

The provision of a mandatory and standardised toolbox of consent conditions, application forms and planning instruments are all positive steps toward making the system more universal and user-friendly. SSROC member Councils applaud the support in the White Paper of improved administrative justice for small-scale developers such as a family building a new home for themselves, and are pleased that the *Planning Bill 2013* retains many of the section 82A review provisions of the existing legislation.

4.5 Integrated Planning and Reporting

The proposed planning system introduces another set of stakeholders, and a range of reports that are central to the development of NSW and Sydney, but which are not integrated at all to the existing system of “integrated” planning and reporting.

4.5.1 Community Strategic Plans

See our comments above (section 5.4). SSROC is unclear how Local Plans and Community Strategic Plans integrate if they are not aligned, and how Local Plans fit with the requirements of Integrated Planning and Reporting.

4.5.2 Amendments to Local Plans

The Local Plans will need to be balanced so that they are well-defined and robust enough to enable desired outcomes to be achieved, without being so restrictive that they undermine councils’ ability to meet the 80% target for complying and code assessable development within five years. A good balance would mean that controls are easy to find, understand and use and will give effect to higher level strategic plans, but which also enable communities to retain the controls, or aspects of controls, most valued (such as those which support existing suburban character).

Local Plans will take direction from State Policies, Regional Growth Plans, Subregional Delivery Plans, the consultation undertaken in the preparation of those subregional plans, and by criteria for acceptable development rather than absolute controls. In theory this should deliver a reduced need for amendment, and a commensurate reduction in the capacity for amendment should be acceptable, providing more consistency and certainty for all stakeholders. Based on this logic, it is unclear why the White Paper allows for amendments to the in-principle agreed development standards.

The ability for applicants to apply for modification of the agreed standards undermines the goal of the new system for upfront community agreement. It provides no guarantees that the development will conform to the agreed standards. It is essential that if the community is to feel a sense of ownership of their plan that key agreed planning outcomes not be altered.

More information is required about the content and operation of Local Plans and in particular what the community will and will not be empowered to make decisions about, including whether they will have a voice about State-determined housing and employment targets in their areas.

4.5.3 Community Participation Plans

Councils already consult extensively with their communities so using their established channels might be better. Guidance from the Department would seem to be belittle Councils' extensive experience and expertise in this area.

The White Paper states there will be an audit of community participation plans by an "expert panel" appointed by the Director-General (p49). SSROC suggests that the panel should make use of the considerable body of expertise that resides in local government in this field. The panel should also be required to provide Councils with guidance on how they will judge effectiveness, so that Councils can verify whether or not their existing strategy is likely to be assessed as effective, and make any appropriate improvements.

4.6 Development Guides and Zoning

To a large extent the success of the new system will depend on how well development guides work, and whether developers can make the adjustment to outcomes-based development, or will they continue with an adversarial approach and exploit the lack of clear rules to prohibit a development proposal.

SSROC urges the Minister to consider how the proposed delivery culture can be conveyed and engendered among developers, so that they contribute to the delivery of strategic objectives, rather than focusing on their own profits. The scale of cultural shift and attitude change required of developers is far greater than that required of any other stakeholder in the planning process.

4.7 Technology

Undoubtedly there is much more that could be done to exploit the potential of technology for e-Planning, for mapping, and for visualisation. However, these are expensive applications, and the necessary data (particularly detailed mapping and visualisation), very labour-intensive and therefore expensive. They are generally prohibitively expensive for Councils.

SSROC therefore supports the development of a planning portal by the Department. Member Councils look forward to the provision of ePlanning systems, mapping and 3D interactive modelling software by the NSW Government, as well the data collection programs that will enable stakeholders to make use of these functions of the portal.

The technology proposal suggests that Councils ultimately need not be involved in the 80% of development applications that will be code-compliant. Indeed it appears that they will not even be aware of a large proportion of them that are exempt or complying, which will create major difficulties in Council-community relations.

4.8 History and Defining Character

The Regional Growth Plan will include "an understanding of the region" including "its history and defining character". However it is unclear how this will influence the actual developments proposed or the decision-making process. SSROC recommends that these regional characteristics should be mandatory considerations for all lower order plans and development assessment decision-making processes.

SSROC understands that heritage items and conservation areas will be identified under Local Plans. Suburban Character Areas (SCAs) will form part of the residential zone to preserve "established development patterns and amenity" (p.96). SSROC believes that the SCAs should be extended to apply

to other zones, including commercial. We would also suggest that they could be applied to future developments, to create neighbourhoods of a particular character (including e.g. high-density with neighbourhood amenities and social infrastructure) in accordance with Local Plans.

No detail is provided for how this mechanism will work or the implications for communities. The relationship between heritage conservation areas and SCAs is unclear, as is whether code development would be permissible in these areas or whether only merit assessment will apply.

5 Council Role

The Planning White Paper describes a new system that has a sweeping impact on Councils, and a serious negative impact on local influence over development decisions.

5.1 Urban Design

The system described in the White Paper makes very inadequate provision for urban design. No one has responsibility for it. Developers have access to “best practice”, but no obvious incentive to deliver it, and anyway are responsible only for individual developments with financial viability the key criterion for undertaking them. No one in the proposed system is responsible for developing an overarching vision for the design of an urban area, and no role exists which has the responsibility and authority to deliver any such vision. SSROC believes that this is a very serious omission, and urges the Minister in the strongest terms to reconsider this aspect of the reform and address this failing.

SSROC believes that urban design is a critical element of the planning process and a key role for local Councils. While the Government has yet to receive and respond to the report of the Independent Local Government Review Panel, the objective that it has set of “A more sustainable system of democratic local government that has added capacity to address the needs of local and regional communities, and to be a valued partner of State and federal governments” is undermined by this omission.

5.2 Cumulative Impacts

The new system has little regard for the cumulative impacts of actual development, and appears to take cumulative effects into account only at the strategic planning stage. SSROC believes that there is an additional need for cumulative impacts to be taken into account in provisions is the codes, since effective planning is by nature forward-looking and rightly considers cumulative impacts at the broad strategic level over a period of time. However the cumulative impacts of multiple developments should be considered for individual developments as well. If the strategic planning process has foreseen the impacts then the process should be quick; it is the unforeseen impacts that are not adequately dealt with in the new system as set out in the White Paper.

5.3 Merit-Based Assessment

Councils will continue to assess the minority of DAs which are not code-compliant. We note that developments that “may have significant adverse external impacts which cannot be code assessed (for example, those on some environmentally sensitive land)” (p134) would be subject to merit assessment under the new system. As such, they would be assessed against the merit criteria. SSROC would urge that such developments should be subject to EIS assessment provisions.

5.4 Integration with Community Strategic Plans

It is also unclear how the Government’s ambitious goals around economic growth and housing supply will be balanced against the vision of communities who do not share these goals. It is simplistic to think that affected people will just move away or ‘put up and shut up’, especially if they are immediately affected by a development. Council have already been through a process of developing Community Strategic Plans under the Integrated Planning and Reporting requirements: these plans reflect the needs and desires of the local people. They may not be easily reconciled with the top-down approach of the hierarchy of plans outlined in the White Paper: Councils may be put in an untenable position should the State priorities reflected in the Local Plan conflict with the community’s priorities reflected in the Community Strategic Plan.

The White Paper does not explore or accommodate this issue, noting only that “land use strategies identified in a Community Strategic Plan will then be translated into a Local Plan through a detailed vision...” (p91). The Bill appears to be silent on the issue. The Government will need to address any

conflicts between the top-down approach of the Local Plan and the bottom-up approach of the Community Strategic Plan, perhaps by means of incentives for communities that are to experience extensive, unwanted development – possibly through the prioritisation of transport and community infrastructure provision.

5.5 Role of Developers

SSROC considers that the balance of power under the new system is shifted too far in favour of developers. In particular, limits are needed on developments outside the strategic planning processes: proposals that would necessitate rezoning should be subjected to an open, transparent and objective process including community consultation. Proponents should be required to demonstrate that a proposed development would maintain or improve environmental and social outcomes, based on real evidence. Where developers have rights to appeal and review, community participation in the review and appeal processes should be actively sought.

6 Implementation

6.1 Local Government Reform

It appears that Councils will need to be engaged in a major plan-making exercise at the same time as they will be required to reform and potentially to amalgamate. The White Paper proposes to limit the planning powers of local government prior to the outcomes of the Independent Review of Local Government and the Local Government Act taskforce. SSROC considers that these reviews of local government legislation and operations should take priority and be allowed to take their course before any changes are made to local government controls – planning or otherwise. We ask that the Minister take due account of local government reform and the review of the Local Government Acts in developing the implementation approach for the new system.

The White Paper proposes some very drastic changes to the way development applications are processed and approved it is regrettably unclear about implementation and transitional arrangements for stakeholders, particularly local government.

The commitment to prepare multiple layers of integrated plans, policies and guidelines with a solid evidence base and meaningful community engagement is a huge undertaking. Haste and lack of resources will not deliver the outcomes as planned and it is envisaged that the new system will take several years to become fully operational. It is essential that the Government ensures that transitional arrangements are planned carefully and in full consultation with the agencies that will be straddling very different planning systems for a prolonged period of time, harnessing the resources and expertise of Councils where available.

While the White Paper makes reference to supporting Councils, no detail is provided as to how or when this support would be provided. Staffing, administrative and resource implications are likely to be significant but cannot be fully predicted at this stage. The level of community education and consultation envisaged would also require extensive resources.

6.2 Delivery Culture

SSROC is glad to see culture change acknowledged as an issue, but recognises that it is a very difficult thing to achieve. It involves articulating the characteristics of the desired culture, and demonstrating leadership exhibiting those characteristics. This might be feasible within the Department and within Councils, but it is difficult to see how it could be achieved in the broader industry – particularly when a development is not approved.

Culture change is extremely difficult to achieve, and SSROC offers the following comments on bringing change about, which need to be part of the implementation plan:

- The action group will need to include specialists with experience in bringing about cultural and attitude change, and the authority to act;
- Change will need to occur at the top; the new system signally fails to demonstrate the commitment to “people and their choices at the heart of planning decisions”, and highlights the desired culture change is not yet being exhibited;
- Leaders – political and executive – must be seen to demonstrate the new culture in their every action and attitude;
- Practitioners will need to be allowed the freedom to act in accordance with the new culture;
- Performance monitoring systems will need to be revised to reflect the changes;
- The disparate nature of the stakeholders in the industry will make this change even more difficult
 - How will developers participate in the change?

- What will happen when the “can-do” attitude comes up again something that cannot be done?
- Councils generally do have a “can-do” attitude already: it is where development is inappropriate or illegal that conflicts arise.
- The aim of most developers is to maximise their ROI: they will still want this, and it will still lead to conflict;
- Developers will need to change their culture to one of building communities and places – how will this happen? They maximise their profits by doing so.

By virtue of the fact that it has its own chapter, the Government is obviously very concerned with the present culture of professional planning and infrastructure delivery. Indeed, the EP&A Act has become the most amended piece of legislation in its thirty-four year history, and ‘the culture’ has been influenced by the evolution of the Act as well decisions of the Land and Environment Court and recommendations of the Independent Commission Against Corruption.

If delivery culture is now sluggish it is a by-product of the system in which the profession operates. It is a system that has become overly complex and difficult to navigate, even for professional staff. SSROC supports the development of a more straightforward and streamlined approach to planning and infrastructure delivery, but cautions against the pendulum swinging too far towards a free-for-all delivery culture that dismisses many of the safeguards built into the present system that have arisen from the important and valuable lessons learnt over past decades.

The ‘can-do’ delivery approach and the revised role of council planners as facilitators of development will change the relationship the community has with Councils insofar as development applications are concerned. The role of Councils in making development happen as opposed to balancing out competing concerns in the interests of the wider community is an important philosophical and practical shift that bears serious consideration. SSROC is concerned that it may result in a negative impact on the balance of trust that Councils have with their constituents, especially if the community has not been successfully engaged in strategic planning processes and does not understand why unwanted development is taking place.

In order for Councils to not become the scapegoat for objections to development in their areas, it will be vital that the NSW Government commit the appropriate resources and work with Councils to ensure the success of early and meaningful community engagement initiatives.

SSROC would also like to comment on performance monitoring of the delivery culture. If the Government plans to seek evidence of positive economic outcomes at local or regional levels through the setting of targets, this would need to be made transparent. It would also be necessary for the Government to provide safeguards for Council planning professionals so that they are protected against claims of inappropriate conduct while working to meet targets.

6.3 Costs

There are a great many implied actions for Councils which will need to be identified and their impacts assessed e.g. compliance with the community participation guidelines. The cost implications for Councils may be substantial. SSROC recommends that the Government should consider funding for the costs of implementation of the new system by Councils, which will need to be undertaken in addition to continuing to operate. The new system includes a significant paradigm shift, both philosophically and practically, in the role of local government, which has not yet been fully articulated and debated in the public arena.

Areas of significant change to the way local government operates include:

- The loss of the important nexus between the community and Council in balancing the assessment of individual development against social and environmental outcomes;
- Councils may be perceived locally as sanctioning unwanted development if the local community has not – for whatever reason – effectively participated in plan-making;
- The shifting role of development assessment officers from arms-length involvement to facilitators of development, which could result in the perception of corrupt conduct, and even to actual corruption, without appropriate training and oversight;
- Limiting of the role of democratically elected councillors in the assessment process undermines the planning process by removing an important layer of transparency and accountability from the planning system;
- Councils will need to engage more at the regional level possibly without additional resources and potentially diverting resources from their own local government areas for cross-boundary activities;
- Greater emphasis on strategic planning and technology will require a significant resource-shift and changes to business and operational practices;
- Changes to developer contributions will provide less flexibility for Councils and developers to enter into mutually beneficial planning agreements as well as less capacity for Councils to build savings for larger expenditure items.
- Some uncertainty as to affordable housing provision and the prioritisation of local and regional infrastructure planning.

These changes need to be clearly articulated and discussed in the context of how local government operates and what the community expects of it, because the White Paper proposes to make significant changes to those operations and expectations. Councils will need to make internal organisational, technological and procedural changes to accommodate these reforms, and future local government reforms, while continuing to deliver services as usual.

Although there is still considerable information to digest in relation to the development of policies and guidelines under the new planning system, it is clear that Councils face a period of dramatic upheaval and turbulence.

Some of the potential resource impacts are outlined below:

- Development of stand-alone Community Participation Plan or review and update of existing Community Strategic Plans,
- Specialist planning, systems capacity, logistics and administrative support for community engagement,
- Development of community education resources,
- Shifting resources away from planning assessment toward strategic planning,
- Skills development and/or taking on specialist staff across a variety of areas including the new planning system, community engagement and response, strategic planning, economic and infrastructure matters, regulatory compliance, IT and administration,
- Technology resources to deliver, integrate and maintain the online environment envisaged by the White Paper, including ePlanning portals, GIS and electronic information in a standard format,
- Investment in vendors to develop the required technologies that are not yet fully functional, e.g. computerised code assessable development,
- Supporting stakeholders (certifiers, developers and consultants) to develop technology capacity to ensure the smooth flow of information through the ePlanning system,
- Time and costs required to migrate from old to new business practices,
- Identification of reporting elements and business processes to ensure optimal data collection, performance monitoring and reporting.

6.4 Communication and Education

There will be potential for backlash at both state and local levels of government once the full implications of decisions made during strategic planning, combined with reduced public participation during development assessment, start to be realised. Community education programs will be essential in order for the public to grasp the long term and 'big picture' significance of strategic planning.

Success for the development assessment process is therefore absolutely dependent on strategic planning processed being undertaken as envisaged in the White Paper.

6.5 Impact of NSW Planning Portal

80% of development applications will be complying or code assessment within five years. The NSW Planning portal, which promises an application lodgement and tracking service, has the potential be a valuable component of the new system and SSROC supports its establishment. However this type of portal is complex and costly to design and deliver. The Government should not underestimate the difficulty involved in setting it up, or the amount of testing and refinement that will be required.

While SSROC looks forward to the portal becoming a robust solution to information management, its deployment prematurely would introduce significant risks to the process. It is essential that the new system should not depend upon the portal until it is thoroughly tested and proven.

7 Conclusion

In conclusion, the expressed intent of the White Paper is sound, but we are concerned that there are many flaws in the way that this intent will be delivered, and that there are some areas of the White Paper that are not accurately reflected in the Planning Bill. SSROC has made many comments and recommendations in the preceding pages, however, the most important are:

1. The single overriding objective of the new system and object of the Act should be sustainable development.
2. Sustainable development should be defined in accordance with existing principles of Australian and NSW laws and policies, reflecting the National Strategy for Ecologically Sustainable Development and featuring:
 - Equal consideration and weight for economic, social and environmental factors in all planning processes;
 - The application of precautionary principle;
 - Equity, including intergenerational equity;
 - Conservation of biodiversity;
 - Appropriate valuation of environmental and social assets, as well as of indirect economic impacts;
 - Community participation in decision-making.
3. Legislation needs to reflect the major transformative change of a system that “places people and their choices at the heart of planning decisions”.
4. The White Paper shifts the balance of power too far toward the developer, and more equitable rights should be established with community consultation on code-assessable and complying development.
5. Greater scope for merit appeal.
6. A specific responsibility for urban design should be established.
7. Development in sensitive areas should not be code-assessable.
8. Development that does not comply should not be permitted to qualify as complying development.
9. Consideration of cumulative effects existing and future development should be mandatory in strategic planning and decision-making.
10. Consideration of climate change should be mandatory in strategic planning and decision-making.
11. Consideration of a region’s character and history should be mandatory in strategic planning and decision-making.
12. The Community Participation Plan expert panel should make use of Local Government expertise in this field.
13. Councils will need to adequately resourced for the implementation of the new system, which will need to be integrated reforms under the process of Local Government review, the review of the Local Government Acts, and any actions taken to address TCorp’s review of financial sustainability of Councils.

This is a radical reform of the planning system, which carries a great risk that, if unsuccessful, will establish a more cumbersome and conservative system than the current one. We therefore urge the Minister to consider very carefully the major failings of the system as described in the White Paper, and as translated into the Planning Bill 2013. These need to be addressed and the changes carefully incorporated into a revised White Paper and draft Bill, before another round of consultation.

SSROC believes that the system needs to be substantially better than that proposed before implementation is fully undertaken. It would be better to spend more time now improving the new

system that to fix it later. It would also be better to understand the implications of local government reform before imposing additional changes to its role.

The Independent Local Government Review Panel aims to achieve “A more sustainable system of democratic local government that has added capacity to address the needs of local and regional communities, and to be a valued partner of State and federal governments.” The new planning system as described in the White Paper and proposed in the draft Planning Bill 2013 would undermine this system before it has begun.