



## PLANNING GREEN PAPER

### Preamble

The Glebe Society welcomes the Review of Planning Legislation. We responded at length to the numerous questions circulated by Tim Moore and Ron Dyer, which addressed the numerous concerns regarding the Environmental Planning and Assessment Act since it became law thirty three years ago.

It is hardly surprising the legislation is out of date after such a long period. Many things that have since become major issues were barely recognised in 1979. Heritage had only just begun to be recognised, but it was clearly of such significance that it received its own Act. Since then the recognition and recording of Heritage has spread throughout the State, though it is by no means universal. This Review presents an ideal opportunity for Heritage to be enshrined in the new legislation and be recognised as one of the key goals to be pursued at all levels. Another change that should be made to the Green Paper is that the Group of CEOs should include the Chief Executive of the Office of Environment and Heritage.

Even less recognised were issues of Sustainability and those related to Climate Change. Planning decisions we make now will have a major impact on future generations, and just as Heritage Conservation ensures our past is preserved for future generations to enjoy, so our development must ensure a better way of life for future generations.

### Growth

Much of the emphasis in the Green Paper, unlike that in the Review, is on ways of promoting growth. While a certain amount of new development needs to take place to house any increase in population and accommodate new industry, it is important to realise that encouraging sufficient growth is only one goal of a Planning Act. Ensuring that the environment is protected, both now and for future generations, is at least equally important, as is the conservation of the State's heritage. Producing a more sustainable society is even more important, especially by reducing the likelihood of adverse climate change. It is the overall public good that should be the aim of a Planning Act, and this requires a balance, not one narrow goal.

Most of the changes that have been made to the EP&A Act over the last three decades have been designed to make approval of development easier. This was particularly true of Part 3A, where even the most ordinary proposals were taken out of the hands of the proper authorities, declared State Significant, and determined by the Minister. Despite all these efforts investment and growth have been very modest, but the reputations of the Department of Planning and a succession of Planning Ministers have been undermined. While it is important to ensure developments are dealt with in a timely and efficient manner, this is best ensured by increasing the resources of the local authorities and reducing double handling rather than by developing a whole new bureaucracy, as is happening already and is encouraged by the Green Paper.

This particularly applies to large projects. These are, of course, likely to be the proposals of the largest development companies, and by their very size and complexity it is reasonable to expect they would take some time to assess. There is no particular reason why such projects should be expedited. In countries where this has occurred, such as Ireland and Spain, the economic consequences of ill-considered planning decisions has been particularly severe.

## **Public Participation**

The Glebe Society welcomes the idea of a Charter to ensure Public Participation. The Society also agrees this participation should begin at the earliest stage, in planning the strategies for land use, densities and the like. However, this is indeed only the beginning.

At present, this participation occurs when a Local Environment Plan is placed on public exhibition. With a consultative Council, such as the City of Sydney, it begins even earlier when Design Studies are carried out to determine the content of the LEP.

The Green Paper is vague and general as to how even this early stage of public participation is to be achieved. Electronic means of communicating plans and seeking responses has been available for more than ten years, and has been widely used by local authorities. The response is typically less than 1% of the population. There is nothing in the Green Paper to suggest the Department of Planning can do any better. Only one thousand persons, out of a population of seven million, less than a hundredth of one percent, are recorded as attending its meetings on the Planning Review, a much worse result than achieved by local government. Moreover, this figure includes all those with a professional and special interest.

It is well established that participation increases once a specific proposal is lodged. Hence the Glebe Society believes that the Charter should include guaranteed resident participation at all levels. Leslie Stein's Paper provides examples of representative and elective representation, but also notes that electronic ballots are now possible. A rigorous regime whereby the wider community is consulted at all stages of an application should be instituted.

It is especially important that participation should not be weighted in favour of those with a financial interest. Hence, while those in the construction and development industries should be included, it should only be as individuals who have the same democratic rights as any other citizen.

Furthermore, there is no doubt local authorities are the best placed to make decisions, not only because they are familiar with the local issues but are also experienced in securing public participation in decision making. The legislation should defer to their greater knowledge and experience.

## **Community Representation**

The Glebe Society also welcomes community representation in decision making as proposed by the Green Paper, but the details need to be clarified. The resident community should have representation on every panel at each level, chosen through a democratic system of voting. The legislation should avoid the charge of tokenism by mandating multiple community representatives, and requiring them to be remunerated at the same rate as other members of the panel. It would also be necessary for resources and training to be provided under the legislation.

## **Existing Plans**

It is unclear what is proposed for existing plans. In many cases these would simply need to be supplemented to make them suitable, as is the case with the recently approved CityPlan. Certainly the idea of creating a completely new set of plans for all the LGAs would be very costly and time consuming, as well as unnecessary.

## **Infrastructure and Transport**

The Glebe Society welcomes the incorporation of infrastructure and transport into the planning legislation. This has been one of the main deficiencies in planning in NSW. All major developments make huge demands on infrastructure and transport, and the

cumulative effect of a number of such developments can create such problems that any advantages there may have been are severely reduced or completely obscured.

Despite the release of the NSW Transport Plan on 3 September, there is little information available to the public on priorities, funding or starting dates for new transport infrastructure. It would be sensible to delay any major projects until such time as these elements are in place.

This is especially true of public transport. Previous governments have wasted public funds building expressways, and the benefits of these is temporary, lasting only until new traffic fills them up. The effective alternative, as has been demonstrated in most cities throughout the world, is to improve the public transport system by the expansion of the heavy and light rail networks. A case in point is the Sydney CBD, which has reached gridlock, and where the extension of the existing light rail network though the CBD could be achieved at relatively little cost.

### **New Development**

A major concern, especially since the Bankstown fire of 6 September, is the quality of new development and the standard of certification. As noted in our previous response, private certification has been discredited, and it is likely the Coroner will call for greater regulation. The review of the Strata Titles Act should also include requirements for builders to provide comprehensive plans and extend their liability, as well as to update the regulations surrounding Bodies Corporate and building management. Far stricter controls are required, especially for high-rise buildings where so many lives are at risk.

### **White Paper**

The Green Paper is a very general document, making broad statements with very little support or detail. All the necessary detail should appear in the White Paper that precedes legislation, and this should be available for public comment for at least three months.

The above is the initial response of the Glebe Society to the Green Paper. We may make further comments as new information comes to hand.

Yours faithfully,  
Neil Macindoe OAM,  
Planning Convenor.