Dear Dr Shepherd

Re: Review of Implementation of the Nation Building and Jobs Plan

Introduction

The Planning Institute of Australia - NSW Division (PIA NSW) welcomes the opportunity to comment on the Review of Implementation of the Nation Building and Jobs Plan.

The Planning Institute of Australia is the peak body representing professionals involved in planning Australian cities, towns and regions. The Institute has around 4,500 members nationally and around 1,300 members in New South Wales. PIA NSW plays a key role in promoting and supporting the planning profession within NSW and advocating key planning and public policy issues. This letter has been prepared on behalf of PIA NSW by members of the Institute.

This submission focuses on concerns related to the ‘Terms of Reference’ of the Review. In particular, the instruction for the Review Panel to examine the following:

“...the legal and economic benefits and consequences of applying the principles of the legislation, and the manner in which it has been implemented, to other significant projects or classes of projects in NSW;“

In regard to the above, PIA NSW submits that it cannot support any extension of the legislation to cover approvals for significant private sector projects, both commercial and residential developments, outside of the NSW Statutory planning legislation.
Background

The NSW Nation Building and Jobs Plan (State infrastructure Delivery) Act was enacted on 13 March 2009 to attain the timely delivery in NSW of infrastructure projects funded by the Commonwealth under the Nation Building and Jobs Plan. A key objective of the Act being to fast track projects and the subsequent expenditure of Community funds, so that a steady flow of jobs was secured. Developments falling under the provisions of the Act include school buildings, social housing, community infrastructure and land transport infrastructure. The Act required the appointment of a NSW Infrastructure Coordinator General, to plan and oversee a program for the delivery of the infrastructure projects and also to exempt the infrastructure projects from development control legislation (including the Environmental Planning and Assessment Act 1979).

Discussion

PIA NSW advocates an emphasis on urban planning at the local level. This needs to be integrated with the ‘top down’ State and Regional Strategic Plans and the ‘bottom up’ planning responsibilities of Councils under the recent ‘Integrated Planning and Reporting’ requirements of the Department of Local Government. To obtain local support and remain politically sustainable, urban planning at the local level must involve full and proper community consultation and engagement at every step.

The Institute cannot support any proposal to extend the powers of the Coordinator General to exempt classes of significant development (both residential and/or commercial) from existing urban planning and development control legislation. The reasons for this are set out below:

- The role of local Councils to deal with local planning and development matters, which is a principle that underpins the NSW Planning legislation, would be undermined.

- Local government planning processes and the views of local communities in those processes could be marginalised, in the interests of short term economic considerations. This would not be consistent with the objects of the Environmental Planning and Assessment Act in NSW, which include the following requirements under section 5(b) and (c):
  
  “…to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and to provide increased opportunity for public involvement and participation in environmental planning and assessment”.

- The complexity of the NSW Planning system would be added to and mechanisms already established under the Environmental Planning and Assessment Act for the delivery of major projects, critical infrastructure and developments over $10m through various consent authorities would be duplicated.

- Any confidence the community has in the role of planning in NSW to deliver certainty, good outcomes and consultation on matters of significance to communities could be weakened. The proposal could lead to mistakes being made on the design, planning and delivery of projects that will inevitably leave a legacy of bad development.

- The Nation Building program approves buildings which would not ordinarily be permissible due to heritage, zoning or density issues.
If the Government takes over the planning assessment of significant residential and commercial projects, which authority will be responsible for the local planning of areas to determine how these projects will fit in with Development Contributions Plans. There would need to be clarification about whether the Government or Local Councils would be responsible for compliance with Local Environment Plans and Development Control Plans in force at the time.

The issues of transport planning, traffic generation, utilities and services are matters which cannot be assessed project to project. There could be some confusion in outcomes with no concept of the cumulative impacts of development.

The Terms of Reference for the review do not appear to include consideration of the social issues arising from the implementation of the National Building and Jobs Plan. PIA NSW contends that these issues are integral and critical to any project.

**Recommendations should the Scheme be Approved**

Should the Nation Building and Jobs Plan be extended to include other classes of significant projects, the future assessment process must include a clear set of criteria for projects that include the following:

- Projects must satisfy a NET community benefit analysis (this should include provision of public open space; community transport; affordable housing and community services).
- All projects should meet at least 5 star sustainability ratings and be carbon neutral.
- Project planning must include community input to the proposal through the Local Council on matters of amenity and streetscape.
- Projects should meet all applicable development contribution obligations under adopted contributions plans.
- All projects should comply with all adopted Local Environmental Plan and Development Control Plan requirements in force.

**Keeping Informed**

PIA NSW has welcomed the opportunity to comment on the Review of Implementation of the Nation Building and Jobs Plan. The Institute would like to be kept informed of the progress of the Review process and would be pleased to receive a copy of the final report and recommendations.

Please contact, Robyn Vincin, PIA NSW State Manager, on telephone number (02) 8904 1011 should you require any further information at this stage.

Yours sincerely

Tony McNamara
President