Submission to the NSW Department of Planning

Draft SEPP (Sydney Region Growth Centres) 2006 and Regulation
Draft Amended Growth Centre Structure Plans

March 2006

1. Introduction

The Planning Institute of Australia (PIA) is the peak professional body representing professions involved in planning Australia’s cities, towns, regions and places. PIA is a not-for-profit association delivering benefits to over 4,200 members nationally. Our members are drawn from a range of planning professions – urban and regional planning, social planning, urban design, environmental planning, economic development planning, transport planning and planning law.

The shared core interest of PIA, as stated in its Constitution is:

"the community, and the education, research and practices relating to the planned use of land, its associated systems, and of the natural and built environmental, social and economic impacts and implications of the use of land".

The following submission is lodged on behalf of the NSW Division of the PIA.

2. Staging of Release of Precincts

We note in the Draft Precinct Maps that there is no indication in the current exhibition material to identify the precincts earmarked for release in the first stage. We recall in the previous exhibition material in July 2005 that in the North West the North Kellyville, Alex Avenue and Riverstone Precincts were identified for first release, and in the South West the Oran Park, Badgally Road and Edmondson Park Precincts were identified for first release.

We understand that the precincts for first release will now be identified by recommendation of the Growth Centres Commission. The requirements to be included in a Precinct Plan (as identified in Annexure B of the Draft Regulation) will be onerous, but importantly time consuming. A commitment on what precincts will be released in the first round is required from Government in the immediate future to permit this process to commence and to achieve first development by 2007.

Therefore PIA NSW recommends that:

As part of the forthcoming gazettal of the draft Growth Centres SEPP that the First Release Precincts be simultaneously declared by the Minister.
3. Precinct Planning

Draft Clause 13 of the Regulation provides for the declaration of part of a precinct by the Minister and Clause 16 provides for the preparation of a Precinct Plan by the Commission or a landowner on behalf of the Commission.

We understand that it has yet to be determined whether the Commission or land owners will ultimately take carriage of the preparation of the Plans. To date, considerable planning work has been undertaken at some cost by owners of large landholdings that will be ultimately borne by either Government through the Commission or the development industry. Reference to the table in the Draft Infrastructure Plan in the previous Exhibition material in July 2005 suggests that these costs will be borne by Government and included and recovered in the Infrastructure levy applicable to each lot.

It is apparent to us that to achieve the land supply target by 2007 will require significant ‘catch up’ by the Commission if it should be given the mandate to take sole control of precinct planning, at considerable burden to the public purse. It would also be preposterous if the considerable investment by landowners to date was wasted.

Therefore PIA NSW recommends that:

- It be confirmed that the development industry may prepare a Precinct Plan on behalf of the Commission and that the Regional Infrastructure Levy (through the Infrastructure Plan) acknowledge potential credits in the payment of the Infrastructure Levy where land owners undertake, and underwrite the cost of, the preparation of the Precinct Plan;

The Commission focus its Precinct planning efforts on areas of fragmented land ownership

4. Draft Structure Plan

We note that the amended Draft Structure Plans for the Growth Centres currently on exhibition do not fully acknowledge or reflect the content of submissions to the exhibition in July – October 2005. As many submissions were derived from detailed analysis and investigation of the sites, (information that the Department did not have the benefit of using when it prepared the Structure plans) it is appropriate that, although the Structure plans are not part of the SEPP, they accurately reflect the most appropriate form of future development for land.

This is particularly important as Clauses 16 and 17 of the Draft SEPP gives statutory weight to the Structure Plans as a matter for consideration in considering interim development and use of land identified for future urban purposes.

Therefore PIA NSW recommends that:

The Draft Amended Structure Plans be amended immediately to reflect the detailed planning undertaken to date by landowners in order to permit the proper functioning of Clauses 16 and 17 of the SEPP following its gazettal.

5. Development Code

We note that the Development Code is still in preparation and we applaud Government for introducing consistency into the land development process. (Currently for example, developers are subject to over 40 different standards for road reserve widths in new release areas in NSW alone).

However we suggest caution is exercised in the preparation of the Development Code. Experience at Spring Farm, Elderslie, Edmondson Park and the Southern Hoxton Park Aerodrome lands, which have adopted an urban design approach based on new innovative ideas, demonstrate that the adoption of codes that radically seek to influence built form and the land development process is fraught with complications.
For example, Camden Council has recently resolved to remove some of the more ‘radical’ components of the Elderslie DCP (based on New Urbanism principles) as they were proving unworkable.

Therefore PIA NSW recommends that:

The Draft Development Code be exhibited widely and tested to ensure that it is realistic and pragmatic in its intentions and expectations for development, and that the lessons learnt from the adoption and implementation of recent DCPs based on innovative urban design, are incorporated into the final document.

6. Response to Submissions on Previous Exhibition Material to Amend Growth Centre Boundary and Other Matters

We note that no comprehensive briefing or feedback has been given to those who prepared submissions on the last exhibition material.

We understand that the Department is not prepared to release the assessment criteria adopted by the Land Release Advisory Committee in its review of recommendations for amendments to the draft documents contained in submissions.

We believe that the failure to make public information that is vital to consultation process is inappropriate and contrary to the adoption of a transparent process.

Therefore PIA NSW recommends that:

All reports and recommendations prepared by the Department and Land Release Advisory Committee regarding requests to amend aspects of the material in the July 2005 exhibition be made public.

The Criteria against which the Land Release Advisory Committee assessed requests to amend the Growth Centre Boundary be made public.

7. Summary of recommendations

PIA NSW makes the following recommendations:

1. That, as part of the forthcoming gazettal of the draft Growth Centres SEPP, the First Release Precincts be simultaneously declared by the Minister.

2. That it be confirmed that the development industry may prepare a Precinct Plan on behalf of the Commission and that the Regional Infrastructure Levy (through the Infrastructure Plan) acknowledge potential credits in the payment of the Infrastructure Levy where land owners undertake, and underwrite the cost of, the preparation of the Precinct Plan.

3. That the Commission focus its Precinct planning efforts on areas of fragmented land ownership.

4. That the Draft Amended Structure Plans be amended immediately to reflect the detailed planning undertaken to date by landowners in order to permit the proper functioning of Clauses 16 and 17 of the SEPP following its gazettal.

5. That the Draft Development Code be exhibited widely and tested to ensure that it is realistic and pragmatic in its intentions and expectations for development, and that the lessons learnt from the adoption and implementation of recent DCPs based on innovative urban design, are incorporated into the final document.
6. That all reports and recommendations prepared by the Department and Land Release Advisory Committee regarding requests to amend aspects of the material in the July 2005 exhibition be made public.

7. That the Criteria against which the Land Release Advisory Committee assessed requests to amend the Growth Centre Boundary be made public.

We trust that this submission is self explanatory. However we are happy to present and or discuss any part of this submission with you if it will assist.

Monique Roser
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Planning Institute of Australia

10 March 2006