



13 February 2009

The Director, Standing committee on State Development
Legislative Council
Parliament House
Macquarie Street
Sydney, NSW 2000
By email: state.development@parliament.nsw.gov.au

Dear Sir or Madam,

Re: Inquiry in the NSW Planning Framework

Thank you for the opportunity to contribute to the inquiry.

SSROC believes that there is a need to reform the planning system in NSW, which has failed to tackle the challenges of population growth, transport and infrastructure provision, and ecologically sustainable development. The failures are systemic, and relate to some extent to legislation, but also to extensive and complex regulation, excessive changes to strategies, and conflicts between the priorities of different levels of Government.

SSROC is supportive of changes to planning processes that improve the quality of the built environment, facilities for the community, and which improve decision-making processes. However such changes must not have any adverse impacts on what the community currently expects, particularly their involvement in matters that affect them. There has been a substantial reduction in opportunities for local government participation in development assessment, their powers having been eroded and their regulatory frameworks undermined. This is reflected in extensions to exempt and complying development, use of private certifiers, and changes to the scope of LEPs.

Further development of planning legislation is absolutely critical to achieving a sustainable NSW even with its current population, before even considering future growth. However, “further development” needs to consist of a reduction in rules and complexity based on a fundamental re-think, and not a further overlay of still more rules introducing yet more complexity. Guiding principles should include the following:

1. Simplicity and minimal legislation, which does not duplicate the provisions of other legislation.

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2. A framework for planning that follows a national strategy and eliminates the incrementalism that is fostered by election and funding cycles.
3. Planning should be in the interests of the greater good, but individual property rights should not be lightly overridden.
4. The greater good includes not only the State's economy, but also – equally, as they are all inter-dependent – its:
 - a. individual people and communities,
 - b. biodiversity and supporting habitats,
 - c. future generations.
5. All parties should have the opportunity to be heard.

Planning and building rules and regulations should not be legislated, as these are subject to variation in response to local circumstances and to changes over time, such as improvements in technologies used in building construction.

Before any further changes are enshrined in legislation it is critical that local government is given the opportunity to have meaningful discussions with Government.

Yours sincerely,

David Lewis
General Manager
Southern Sydney Regional Organisation of Councils