PUTTING COMMUNITIES FIRST

WORKING TOWARDS REAL REFORM OF THE NSW PLANNING SYSTEM

PLANNING SHOULD BE ABOUT PEOPLE, PLACES AND THE ENVIRONMENT, NOT JUST PROFITS FOR DEVELOPERS AND THEIR MATES.

We all know that under the former NSW Labor government property developers and the big end of town were given far too big a say on planning.

Years of pro-developer planning laws left ordinary people cut out from the key decisions that were affecting them and their neighbourhoods.

Large scale developments – high-rise apartments, coal mines, commercial precincts, urban sprawl and more – were all forced on unwilling communities with complete disregard to heritage, local character or environmental protections.

For many people the final straw was in 2005 when Labor introduced the notorious Part 3A into the *Environmental Planning and Assessment Act*. These provisions gave the Planning Minister the ability to approve any development, anywhere, at any time.

Ongoing corruption scandals and widespread community opposition saw Barry O'Farrell and the Coalition elected in March 2011 on the promise of repealing Part 3A and returning planning powers to local communities.

Now the NSW Planning Minister Brad Hazzard has finally unveiled his blueprint for the state's planning laws and it is clear he has been listening closely to the developers and shutting his ears to the cries for real reform from the community.

Instead of putting people at the heart of the planning system, the O'Farrell government's Planning White Paper expands on Labor's planning nightmare by:

- Reducing the power of local communities and their elected councilors
- Centralising planning powers in the Minister and unelected regional boards
- Dumbing down the law, expanding private certification and delivering for developers

None of the government's plans or proposals even mention the need to address the challenges of climate change.

The Greens NSW have always been strong advocates of a community-centered planning system. We have opposed the state government's constant attacks on the powers of local councils as well as the Ministerial call-in powers that allowed developers to corrupt the planning process with a donations-for-favours culture.

A new Planning Act must empower local communities to deliver ecologically sustainable development (ESD). This means development that respects the precautionary principle and looks beyond the "market" to balance the environment, the economy and social well-being.

Once again the Greens will take a stand, side by side with residents groups and communities, calling for real reform, working with community groups, the environment movement and progressive figures in local government, to deliver real democracy and vision in our planning system

We hope you'll stand with us.

David Shoebridge,
Greens NSW MP,
Planning spokesperson

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Legendary Green Bans campaigner Jack Mundey with David, launching the Greens NSW Heritage Policy, 2012

In the 1970s Jack, the Builders Labourer's Federation (BLF) and community groups led a series of 'Green Bans' against inappropriate development across Sydney, saving now-iconic areas such as the Royal Botanic Gardens, the Rocks and critical urban bushland from destruction.

THE O'FARRELL GOVERNMENT'S PLAN TO MAKE NSW A DEVELOPERS PARADISE

The NSW government's proposed drastic changes to planning laws in NSW, laid out in the April 2013 White Paper, will have a direct, and damaging, impact on your neighbourhood and your local environment. Rather than putting an end to the pro-developer planning culture cultivated by Labor, the O'Farrell government is planning to entrench it.

In brief, the planning system proposed by the O'Farrell government will:

- Hand over the key planning decisions on land use to unelected regional bodies dominated by Ministerial appointees
- See up to 80% of development approved in 10 to 25 days without any community notification or input
- Force local councils to deliver unpopular planning decisions made at a state and regional level
- Further reduce heritage and environmental protections
- Take the democracy out of planning by removing councilors from most decision-making on developments
- Let developers off the leash by "letting the market decide" where new housing and development will occur
- Introduce new taxes so that new in-fill development subsidises detrimental urban sprawl
- Expand the use of developer-paid private certifiers to assess and approve the majority of developments

These measures constitute a direct betrayal of the O'Farrell government's pre-election promise to return planning powers to the community.

Planning White Paper

TAKING THE ENVIRONMENT OUT OF THE PLANNING ACT

The primary object of the government's proposed new Planning Act is to "promote … economic growth and environmental and social well-being through sustainable development." This may at first sound positive but is in fact a quite conscious decision by the government to reject the concept of "ecologically sustainable development" (ESD).

ESD is a well-established concept. It includes the precautionary principle, intergenerational equity and the conservation of biological diversity and ecological integrity. The removal of ESD from the legislation has caused widespread concern amongst environment groups across NSW.

On strategic plans the government is explicitly prioritisng development and economic activity while only "having regard to" the environment.

When it comes to making Local Plans the government's proposed strategic planning principles don't even reference the environment, focussing instead on "facilitat[ing] development" and protecting the "financial viability of proposed development".

This downgrading of the environment in state and local planning controls will almost certainly see the loss of existing environmental protections for matters as diverse as waterways, coastal development, acid sulphate soils, vulnerable species and habitats.

The government has already indicated that all land currently protected by E3 "environmental management" zonings will be downgraded to a general "rural" zoning. This will see some of the most environmentally sensitive land in the state – which is acknowledged to have special ecological, scientific, cultural or aesthetic values – lose most environmental protections.

WHO DECIDES WHAT?

Body	Who is this?	Makes decisions about	With any restrictions?
Planning Minister	A state politician.	State-wide planning policies. Approves state significant development and state infrastructure development. Has ultimate veto over all proposed Regional Growth Plans, Sub-Regional Delivery Plans and Local Plans.	**Unrestricted**: Can approve any development, any site, anywhere, even if largely prohibited by local planning laws.
Director General of Planning	Chief bureaucrat heading the NSW Department of Planning.	Regional Growth Plans, including setting mandated housing and employment targets.	**Unrestricted:** But subject to the political control and direction of the Minister.
Planning Assessment Commission	Up to 9 bureaucrats, all appointed by the Minister.	Matters referred to it by the Minister. Provides "advice" to the Minister on state significant development.	**Some Restrictions:** Has no final decision making power unless delegated by the Minister.
Sub-Regional Planning Boards	One nominee from each relevant council, plus five bureaucrats appointed by the Minister (including the Chair).	Sub-Regional Delivery Plans, outlining which land is to be rezoned to increase development and which developments can be exempt and complying.	**Unrestricted:** But the Minister has a veto over any plans drafted by the boards.
Regional Planning Panels	Three bureaucrats all appointed by the Minister, one "representing" local government.	Regionally significant development. Can also be directed to take over all of a local council's planning powers by the Minister.	**Restrictions:** Limited to regionally significant development. Entirely reliant on staff and resources provided by local councils.
Private Certifiers	Private people accredited by the Building Professionals Board and paid by developers.	Will decide the majority of development in NSW under expanded "complying development" rules. Not required to consult neighbours or the community.	**Restrictions:** Can only approve "complying development". The government intends to greatly expand the scope of "complying development" to most new homes, extensions and even retail, commercial and industrial development.
Local Councils	Local bodies headed by representatives elected by, and responsible to, local residents.	Implement the decisions of the state, regional and sub-regional planning bodies through a "Local Plan," which must "facilitate development". Approve code assessable development (without consulting neighbours) and a small number of "merit assessment" matters (more like existing DA processes).	**Restrictions:** Planning powers will be handed to Regional Planning Panels if councils do not toe the line. Must implement decisions made by the Minister, Director General and Sub-Regional Boards. **Most of their current planning powers will be exercised by state appointed bodies and private certifiers.**
Members of the community	Over seven million people.	No power at all under the proposed planning laws. But can throw Planning Ministers out of office.	**Restrictions:** You can only throw NSW governments and Planning Ministers out every 4 years.

THE WHITE PAPER UNPACKED

The government has categorised five main types of development assessment:	Approved by	Approval Time	Public notice / consultation
1. Complying Development: The vast majority of developments, determined only by a tick-a-box set of performance criteria with no consideration of impact on neighbours/environment.	Private certifiers	10 days	Zero
2. Code Assessable Development: Classes of development based on state-government mandated "performance outcomes".	Local Councils	25 days	Zero
3. Merit Assessable Development: A very small proportion of developments with a very short consultation period with neighbours.	Local Councils	TBD	14 days
4. Regionally Significant Development: Those developments that have a large impact on a local area, such as sub-divisions, and some large retail, commercial and industrial development.	Regional Planning Boards	TBD	14 days
5. State Significant Development: Any development that the Minister says is state significant. Large coastal developments, coal mines, etc.	Planning Minister	TBD	28 days

PRIVATE CERTIFIERS UNDERMINING THE INTEGRITY OF THE SYSTEM

The private certification system as introduced by Labor in 1996 has a fundamental flaw at its core – the certifier is selected and paid for by the developer. The community can have no confidence that private certifiers will make objective decisions free of bias when those paying the bills clearly want particular outcomes.

Instead of fixing this inherent corruption risk by ending private certification, or at least ensuring that developers are assigned certifiers from a common pool rather than choosing them directly, the O'Farrell government is expanding their role to making decisions about the vast majority of local developments.

Even if a development is rejected by a private certifier as being non-complying, a developer can still bypass the local community by applying to council for a "variation certificate" to approve the non-compliant element of the development.

With no community notice whatsoever the non-complying development can then be approved if council determines the development does not "have any significant adverse impact on development on the surrounding land."[1] And you will never even know until the building starts.

DUMBED DOWN ZONING HIGH-RISE NEXT TO YOUR YARD?

The amenity of people's homes is currently protected with "zonings" which set out exactly what can, and cannot, be built in given parts of a local government area.

An obvious example is "low density residential" zoning, which normally allows only detached houses with a maximum of two stories, and expressly prohibits development such as high rise flats, shopping centres and factories.

Areas where there are a lot of townhouses and low rise flats are typically zoned "medium density residential". "High density residential" zoning allows the really big apartment blocks, like those found in the Sydney CBD, North Sydney, Chatswood and parts of Newcastle and Wollongong.

With the government's reforms these protective zones will be lost. Instead, there will be a single "residential" zoning, with no limits on the density of development allowed.

According to the government these "open zones with fewer prohibitions provide for greater flexibility and will minimize the need for spot rezonings."

In truth it means that if you live in a low-rise community, unless your suburb is one of the few areas protected as a "suburban character area", it will be opened to high-rise development. Quite literally, a block of flats could be built behind your back fence.

David with Greens Councillor Dominic Wy Kanak inspecting Aboriginal heritage in Waverley, 2013.

HERITAGE PROTECTIONS UNDERMINED

Undermining years of consultation with Traditional Owners, Land Councils and Knowledge Keepers, the O'Farrell government is proposing to transfer decision making on Aboriginal Culture and Heritage from the Office of Environment & Heritage to the Department of Planning & Infrastructure.

Decisions on non-Aboriginal heritage, including on the protection or destruction of more than 1,600 state listed heritage items, will also be taken from the Heritage Council and handed to the pro-development Department of Planning. This is a backward step.

The Greens NSW support more, not less, heritage protection, with Aboriginal people being the prime decision-makers regarding their heritage.

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1. *White Paper page 95*

STATE SIGNIFICANT DEVELOPMENT: PART 3A ALL OVER AGAIN?

STRATEGIC COMPATIBILITY CERTIFICATES: SPOT RE-ZONINGS BY THE DEPARTMENT OF PLANNING

Though the O'Farrell government was elected on the promise of repealing Part 3A and returning "planning powers to the local community", they are proposing something worse in its place - Strategic Compatibility Certificates (SCC).[2]

An SCC allows a senior planning bureaucrat, the Director General of Planning, to "certify that specific development on specific land is permissible... despite any prohibition on the carrying out of the development" in a Local Plan.

Effectively, local planning laws can be overridden whenever the Director General thinks that provisions in local planning laws which restrain a development have not been amended to "give effect to" a regional or sub-regional growth plan.

This gives developers a free hand to challenge any restrictions in local planning laws by going directly to the state government for site-by-site rezonings.

SO WHAT IS STATE SIGNIFICANT DEVELOPMENT?

Under the proposed laws, any development the Planning Minister declares to be a State Significant Development (SSD) will fall under the state significant development provisions. It is as simple as that.

The government has provided no criteria against which to judge if a development is state significant or not. There is a requirement for the Minister to get advice from the Planning Assessment Commission (PAC) on the matter, but the PAC has no criteria either, and the Minister is not bound to accept the PAC's advice.

Once a project is declared to be SSD then key statutory protections for heritage (including Aboriginal heritage), bush fire safety, coastal protection, native vegetation and coastal lands are all removed.[3]

The Minister can then approve SSD even though the great majority of it would be prohibited by local planning laws. The legislation does not say what the Minister has to consider when deciding to approve SSD – again it is an open, unguided discretion.

CORRUPTION RISK - WIDE DISCRETION & MINING APPROVALS

WIDE DISCRETION: In its submission on the planning reforms, the Independent Commission Against Corruption (ICAC) raised serious concerns with the lack of clear development standards, saying "the prospect of sizable windfall gains combined with a wide discretion creates a corruption risk and has been associated with many instances of proven corruption."

The ICAC also made it clear that simply taking powers from local councils and handing them to state officials does not fight corruption: "there is no reason to suppose that a minister or state-level planning official is any more or less susceptible to corrupt approaches than a local councillor or professional planning officer".[4]

MINING APPROVALS: The government proposes to make approvals so "streamlined" for coal, coal seam gas and other mines, that once a planning approval has been granted under the state significant route, then the mining companies are automatically entitled to have their mining or production lease approved.[5]

This is regardless of the fact the applicant for the lease may have provided false or misleading information in that application or a previous application.[6] In light of the present scandal over mining leases being granted as political favours it is outrageous that such a corruption inducing planning regime is being pursued by the O'Farrell government.

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2 *See Division 4.7 of the Planning Bill*
3 *Planning Bill clause 6.2*
4 *ICAC Submission on NSW Planning Reforms, September 2012.*
5 *Planning Bill clause 6.3*
6 *This is the effect of clause 6.3, it requires a mining lease to be granted, regardless of the limitations in s63 of the Mining Act.*

PART 3A – A BRIEF HISTORY

Part 3A of the *Environmental Planning and Assessment Act* 1979 was introduced in 2005 by the then-Labor government to deal with major projects. It gave the Planning Minister the ability to take over all aspects of the approval process for any project and soon became notorious for bypassing environmental protections and removing both the public and elected local councillors from decision-making processes.

Rather than being used for developments of genuine state-significance, such as large-scale public infrastructure projects, Part 3A was mainly used by developers to bypass communities and local councils with large scale housing and commercial developments.

In December 2010 the Independent Commission Against Corruption (ICAC) released a report highlighting the corruption risks of Part 3A, saying "It is the loose criteria and the broad discretion that potentially give rise to perceptions of undue influence. The risk of this occurring is heightened by the Minister not being bound by the provisions of local environmental plans."

Even though the O'Farrell government repealed Part 3A in 2011, existing Part 3A development applications continued and the government then enacted essentially the same laws in a new Part 4B of the Act.

PART 3A – TWO OF THE WORST

HUNTLEE NEW TOWN (LOWER HUNTER VALLEY) Hundreds of hectares of endangered bushland, including one of Australia's rarest plants, was initially ranked last by the Department of Planning out of around 100 sites in terms of suitability for housing development. Following heavy developer lobbying[7] the site was rezoned under Part 3A. Spirited local campaigns produced favourable court decisions but were unable to stop a $1.5 billion development which will feature residential towers and commercial blocks in the midst of farmland.

SANDON POINT (THE ILLAWARRA) Over a decade of litigation and campaigning from Aboriginal Traditional Owners and the community was unable to stop Stocklands' Sandon Point development going ahead. These 61 hectares have significant Aboriginal cultural heritage and environmental value, including internationally protected species and biodiversity unsurpassed in the area. It was also the last sea-to-escarpment bushland corridor in Wollongong. All of these considerations were able to be completely ignored under Part 3A.

HOW SHOULD STATE SIGNIFICANT DEVELOPMENT BE TREATED?

The Greens believe development should be considered as state significant only when it comprises genuine state significant infrastructure. This would include significant public infrastructure and substantial private infrastructure that delivers essential public services: transport, power, water, sewerage, hospitals, airports, railways and similar.

Rather than removing heritage, environmental and planning controls for state significant development, the Greens believe that those developments with the highest potential impact on the environment and the surrounding area must be subject to the highest levels of scrutiny and the most rigorous controls.

A flawed approval for a project the size of Barangaroo, or a valley-destroying open-cut coal mine, can have enormous environmental and social impacts for decades into the future. These projects need more scrutiny than someone's home extension, not less.

Experience tells us that state significant development should not be identified by a dollar value. Under Labor this led to many developers inflating their project costs in order to have their development considered under less stringent laws.

Unguided ministerial discretion to declare state significance must be prohibited. Clear rules and binding planning controls should be applied by a genuinely independent planning body.

The Greens propose the creation of an Independent State Planning Commission (ISPC) to determine state significant development.

The ISPC would be comprised of nominees from community and professional organisations, with this composition being subject to the approval of parliament, and supported by legislation to ensure its independence. Unlike the proposed Planning Assessment Commission, this body would make decisions, not just non-binding recommendations.

Members of the Sweetwater Actions Group at the Huntlee development site with the critically endangered Persoonia Pauciflora, 2010.

7 *ABC 4 Corners' 2008 report Dirty Sexy Money*

COMMUNITY PARTICIPATION – O'FARRELL IN SPIN DOCTOR OVERDRIVE

The government proposes a new Public Participation Charter to give "the opportunity for the community to participate ... [in] setting the vision and ground rules for local areas." They say that "community participation in the preparation of plans and the vision for their local areas represents a key change in the new planning system."[8]

But despite all the talk of "community participation", the government's planning legislation provides almost no legislative guarantees for community participation. The proposed new mandatory minimum community participation requirements are threadbare. They are:[9]

Statewide planning policy	minimum of 28 days public notice
Regional and sub-regional planning policy	minimum of 28 days public notice
Local Plans	no minimum requirements
Infrastructure plans	minimum of 28 days public notice
Community participation plans	minimum of 28 days public notice
Critical amendments to any policies or plans	no minimum requirements

28 days is an embarrassingly short minimum period for public consultation on state wide or regional planning policies. Yet this is all the government is promising in the new planning laws.

Worse still there is no promise of even a minimum 28 days of public consultation if the proposal is to make a new Local Plan or amend, potentially significantly, any planning policy.

Far from strengthening community participation rights, the government is proposing a scheme that will allow even less community notice of proposed new state and regional planning policies than is currently required for any one state significant planning project (which is currently 30 days).[10]

Despite the promise of a radical new way of doing things, there is almost no change being proposed for the consultation process to be engaged in by local councils when making new planning instruments. The government has gone as far as "cutting and pasting" most of the existing legislative requirements[11] for how local councils are to go about making new Local Plans.

The government's rhetoric also fails to acknowledge the very substantial community consultation that most councils already undertake when making new local planning instruments.

O'FARRELL GOVERNMENT CONSULTATION IN PRACTICE

The government has said that the draft 2013 Sydney Metropolitan Strategy will become the regional planning policy for Sydney, meaning this strategy is the best evidence of how the government is intending its public consultation to operate under the new planning laws.
Here's what they did:

1. Published a short, detail free, discussion paper, attracting a total of 155 submissions – virtually none from individuals.
2. Produced a two minute YouTube video of vox pops.
3. Held poorly promoted, and badly attended, community forums.[12]
4. Met with the property development industry and some local councils.
5. In late March 2013, the government released a draft 2013 Sydney Metropolitan Strategy. Rather than strategic planning, integrated transport or preservation of open space, the key objective is using the market to shoehorn a further 545,000 new homes and 625,000 jobs into Sydney.

The big developers wanted fewer controls and a greater role for the market in regional planning. Planning Minister Brad Hazzard delivered, saying "We're trying to [be] less constrictive and restrictive and what we're saying is the marketplace should have far more of a say in what the mix of housing is and where it should be."[13]

Far from being a revolutionary new way of engaging with the community on strategic planning, this is a direct replica of the process, and even the outcome, adopted by Labor in its previous 2005 and 2010 Sydney Metropolitan Strategies.

PUBLIC CONSULTATION PAPER TIGER

Remarkably no planning body, whether it is the state government or a local council, is required to comply with their own Public Participation Charter.

Hidden in the government's draft new planning laws is a proposal to prohibit any legal challenge when the Planning Minister, a Sub-Regional Planning Board or local council ignores public consultation requirements before making State, Regional or Local Plans.

Without penalties for failing to comply with the government's proposed new Public Participation Charter, the government's community consultation requirements are little more than a paper tiger.

The ability to hold governments to account is important for integrity. As ICAC said in its 2012 submission "the limited availability of third-party appeal rights under the EP&A Act means an important check on executive government is absent."

SUCCESSFUL STRATEGIC CONSULTATION

Rather than preaching and dictating to local councils about how to do public consultation, the O'Farrell government should be learning from them.

CASE STUDY: CITY OF SYDNEY LEP

More than 100 meetings on the City of Sydney Local Environment Plan (LEP) were held over the five year course of the plan's development, with a mix of formal, professionally facilitated and more casual meetings. Direct letters to residents combined with online and newspaper advertisements ensured that all ratepayers were aware of the proposal, and face-to-face meetings with 25 community groups were held.

This produced a draft LEP that went on final exhibition for a further two months. This was extended for two more weeks as a result of the large number of submissions. Submissions received outside the extended period were still considered where possible.

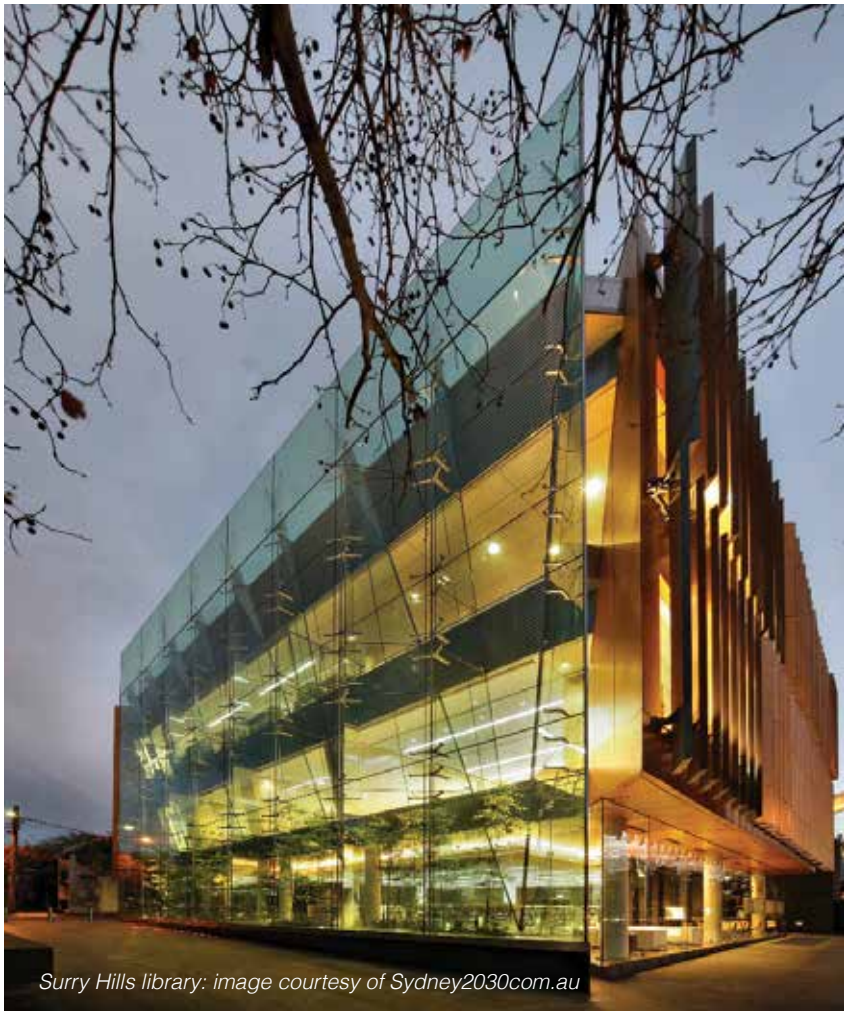
Over 1,000 responses were received as part of the final consultation. Consideration of these meant it took 11 months for the ultimate plan to come to council for approval, with a number of controversial areas being excluded from the plan as a direct result of the submissions received.

CASE STUDY: LEICHHARDT TIGERS DEVELOPMENT

Leichhardt Municipal Council worked on a Voluntary Planning Agreement (VPA) for the development of 200 apartments at 118-124 Terry Street, Rozelle. Detailed guidelines were developed for this process, with extensive consultation with residents and stakeholders. These were then used to make the final decision on the planning proposal and associated rezoning.

The final proposal was placed on exhibition for a total of 56 days, with notices being sent to 4,977 properties out of a resident population of 6,400. Newspaper notices were placed, with a readership of 96,000, and 500 flyers were circulated in the area. There were a total of 402 visitors to the relevant section of the council website and 50 attendees at public meetings. This process generated 32 detailed formal submissions, including two from state agencies.

NB: *The developer has now sought to avoid the consequences of this community consultation by taking its proposal to an unelected Joint Regional Planning Panel for approval.*



Surry Hills library: image courtesy of Sydney2030com.au

CASE STUDY: CITY OF SYDNEY 2030 STRATEGY

The City spent 18 months consulting on the 2030 Strategy with 30 community forums held and a large amount of proactive consultation with stakeholder groups such as businesses, artists and churches.

The project was exhibited for six weeks at Customs House, and the project was advertised in newspapers, on bus stops, on banners in the City and online. A City Talk was also held on the 2030 vision and consultation pods were set up at public events run by the City for people to provide feedback. By the end of the consultation period the 2030 website had received over 18,000 visitors.

Following the plan's adoption there have been follow up consultations, held in the City's 13 'village precincts'. The final outcome has strong community support.

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8 *Planning Bill 2013 Exposure Draft Schedule 2 .* **9** *Environmental Planning and Assessment Regulation 2000, cl 83.* **10** *Planning Bill 2013 Exposure Draft s3.21 compare with existing EP&A Act ss 56 and 57.* **11** *The government held 16 community forums at which an average of 15 people attended* **13** *Sydney Morning Herald, 20 March 2013*

AN ALTERNATIVE VISION FOR PLANNING IN NSW

PLANNING FOR THE FUTURE, NOT THE DEVELOPER

The current planning reform process is a chance to define our generation's built form legacy – a legacy that enhances the environment, fosters liveable neighbourhoods and provides public open space that residents want to use for social and community activities.

Meeting the challenges of climate change means minimising the greenhouse gas emissions of new development. New development must also be resilient in the face of expected climate change, including extreme weather and sea level rise.

To achieve this, the most important principle we can enshrine at the heart of our planning system is that of ecologically sustainable development (ESD). ESD can protect and enhance biodiversity while ensuring we have the jobs and housing we need.

WALKABLE, LIVEABLE NEIGHBOURHOODS

The Greens support sensible infill development in existing suburbs, accompanied by the infrastructure required to support increasing densities – this means more public transport, better protected and improved public open space and the retention of 'main streets' as community hubs.

Rather than endless urban sprawl, a smart planning policy would encourage appropriate development on land that is no longer needed for warehousing, industry or other defunct uses. What the development industry and their supporters in government don't tell you is that we can redevelop these areas with high densities without covering them with high rise towers.

A mixture of terrace and infill development, with retention of public open space, creates a vibrant and desirable local community.

Stopping the sprawl also ensures that precious farmland and bushland can be preserved, protecting our future biodiversity and food production.

We need to learn the best lessons of the past and match them with the brightest technologies of the 21st century. Much of the development in NSW in the late 19th and earlier 20th centuries produced beautiful, liveable and walkable suburbs that we now greatly prize. These Victorian terraces and garden suburbs were designed to be low energy and low impact developments with active local shopping precincts and main streets that generated local jobs and economic activity.

We need to facilitate local energy production using both solar and wind, energy efficiency, recycling and reusing urban water to build smarter, not bigger, new housing. Co-operative medium density housing, publicly owned and active open space and community owned energy infrastructure should be key planks in a new Planning Act.

Achieving such a vision requires best practice planning controls – developed with local communities, town planners, ecological consultants and health policy experts – and the consistent application of these controls. "Flexibility" sounds good as a concept, but when you realise that the main driver for most development in NSW is profit, flexibility means cutting back on social benefits, reducing open space and minimising expense.

In short, planning needs to be forward thinking, consistent and democratic so that it delivers for people and places, not profit.

DENSITY & LIVEABILITY

Did you know that some of the most desirable and liveable residential areas also have the highest densities and few, if any, high rise tower blocks?

Newtown ranks as the 17th most densely populated suburb in Australia with more than 9,000 people per square km, while Bondi ranks 9th with a density of more than 11,000 people per square km and Darlinghurst fits more than 10,000 people in less than one square kilometre.

In Newcastle, Cooks Hill (density 4,720 people per square km) and Hamilton South (3,362 people per square km) are two of the most densely populated, and desirable, suburbs in the Hunter[13]

13 *ABS 2011 Census*

BIGGER HOUSES NOT NECESSARILY BETTER

In 1984 the average new house in NSW was 160 square metres in size and housed 2.9 people. By 2011 the size had blown out to more than 260 square metres in size and housed just 2.6 people. These are the biggest new houses anywhere in the world. Building bigger houses for fewer people is the wrong direction entirely.

Some of the world's most advanced and liveable nations, such as France and the Netherlands, build new houses that average 115 square metres in size. Any new Planning Act should be encouraging smarter, more affordable, energy efficient and compact housing units.

DECISION MAKING – LOCAL, INTEGRATED AND IMPARTIAL

The Greens NSW believe that most planning decisions are best made by local communities through elected councils. Any planning system that bypasses community voices and local councils will not have public acceptance and will not be long lasting.

The Greens believe in democratic councils, consulting with their residents to set good controls and then minimising the ability to seek exemptions, particularly for larger, more impacting developments. History shows us that overreliance on market outcomes leads to the proliferation of the most profitable developments rather than the most sustainable and liveable communities.

There will always be an essential role for state governments to set minimum standards in environmental and building controls. But these must be the minimum standards with the capacity for local communities, if they choose, to adopt higher targets for energy efficiency, sustainable construction methods or affordable housing targets.

We must also start using experts properly. Rather than developers choosing their own experts for planning reports and gaining the best opinion money can buy, key experts should be selected at random from common pools, and then assigned to developers.

Breaking the cash for opinion nexus will go a long way to restoring integrity in the system.

AFFORDABLE HOUSING - NOT NEGOTIABLE

Any new Planning Act needs to deliver for every resident in NSW, this means prioritising affordable housing. Remarkably the only strategy the O'Farrell government has for delivering housing affordability is increased land releases on Sydney's fringe. $500,000 house and land packages on Sydney's fringe are not an acceptable solution to housing affordability.

There are models in other jurisdictions that can be used to deliver affordable housing for NSW:

1. London UK – 50% affordable housing target for all significant new developments
2. Vancouver Canada – 20% social/affordable housing target for units in major residential projects
3. Melbourne, Victoria – 20% affordable or social housing target for all new housing

NSW desperately needs a clear affordable housing target, supported by legislative requirements, to ease the state's housing crisis.

PLANNING CAN BE DIFFERENT

The Greens know that planning can be different. We can have a planning system that guides new development into the most appropriate areas, that reins in urban sprawl and encourages more compact and liveable housing which costs less to build, less to run and saves the planet along the way.

We trust that ordinary people, armed with the best information and empowered to make decisions democratically, are best placed to decide the future of their state and their local community.

We have an eye to a brighter, more sustainable future that preserves our natural and built heritage and builds cities and towns that future generations will thank us for.

TAKE THE NEXT STEPS

The Coalition government has broken it's election promise of ending Labor's planning nightmare and "returning planning powers to local communities".

Now the government's proposed planning reforms are promising to deliver a developers paradise with corruption prone law being forced on unsuspecting communities.

Planning can be different. We have a unique opportunity to remake the planning system and create this generation's built form legacy – one that is climate change ready, community oriented and sustainable.

Once again the Greens are standing up for the community and the environment with a real plan to put democracy and the environment at the center of this state's planning system.

Stand with us: davidshoebridge.org.au/planning

3 things you can do:

1. Get involved with your local residents' association

2. Contact your local MP and make your voice heard

3. Engage in the public debate in newspapers, on radio and online

Get in touch & get involved

w davidshoebridge.org.au

DavidShoebridgeMLC

@shoebridgemlc

e david.shoebridge@parliament.nsw.gov.au

t (02) 9230 3030

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