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Business Regulation Benchmarking
Planning, Zoning & Development Assessments
Productivity Commission
PO Box 1428
CANBERRA CITY ACT 2601

MY (PDS)

23 July 2010

Dear Sir/Madam

RE: REVIEW OF EXEMPT DEVELOPMENT

North Sydney Council (Council) would like to thank the Productivity Commission for the opportunity to provide comments in response to the Issues Paper regarding the performance benchmarking of Planning, Zoning and Development Assessments.

It is understood that the Issues Paper is the first step of the study, with a draft report to be prepared and is anticipated to be released for public comment in October 2010. However the document requests that submissions raise any relevant regulatory matters or highlight any data sources that may be relevant to the study. As such Council provides the following comments.

Focus of Study

The study appears to be economically driven, with its primary focus on understanding the impact of planning on the market place. However, land-use planning involves balancing of a variety of different considerations, with the promotion economic growth being only one of these considerations. Whilst it is acknowledged that planning should not actively seek to directly influence the marketplace, providing development controls on land is vital for protecting the amenity and liveability of the urban environment.

As such, the study needs to take a more holistic approach to understanding planning. The draft report should provide quadruple bottom line policies, giving further consideration to environmental, social and governance issues. Market conditions are not considered to be the best way to shape urban environments as they do not necessarily give due consideration to these issues. Accordingly, any report should acknowledge the limitations of economic markets to provide sustainable outcomes.

Character of Area

The Issues Paper fails to adequately acknowledge that each area has different issues for consideration, which may affect the planning regulations in that area. As each area is unique, it would involve addressing differing environmental, social and economic goals and objectives.



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Benchmarking regulatory practices may fail to properly address the differing characteristics of each individual area. Ensuring that development is consistent with the character of the area and sensitive to the existing environmental conditions is a vital consideration in planning.

Power Structure of Planning

The Issues Paper fails to address the power structure within planning and the role in which the political system and public consultation is involved in the planning process. This involvement is an integral part of the planning system and ensures that the planning system is transparent and allows public consultation in the decision making process.

Public involvement is present at all levels in government in both a formal and informal capacity. This involvement is vital for achieving outcomes that adequately represent the interests of the community. As such, Council would continue to support public involvement as an intrinsic part of the planning system.

It is recommended that the benchmarking study assess the impact that the political system and public consultation has on the planning process. This analysis should not only seek to improve this process but recognise its importance in the planning system.

Greenfield Development

Any report that focuses on the regulations that affect the release of land should have a strong focus on Greenfield development. The study should focus on jurisdictions containing large amounts of land available for existing and proposed Greenfield development. In particular, the study should provide an analysis of the regulations involved in the land release of both the North-West and South-West sectors of Sydney.

Additional Data Sources

It is noted that the Issues Paper states that submissions should highlight any data sources or documents that may be relevant to the study. It is considered that the following documents are relevant to the study:

Development Assessment Reform

In July 2008, the DoP exhibited proposed changes to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act), aimed at creating a quicker, cheaper and simpler development assessment process. It should be noted that these changes are yet to be introduced, and it is likely that they would be amended before they come into force.

Analysis of these changes to the development assessment process should also give consideration to other recent changes in the DA process such as the introduction of Planning Assessment Commission, Joint Regional Planning Panels and the Codes SEPP. These have been introduced with the aim of simplifying the DA process.

Draft Centres Policy

The draft Centres Policy was released in April 2009, to guide planning for retail and commercial development in NSW. The Policy is based on a number of principles that would allow the planning system to promote economic growth in accordance with market demand.

This document would be relevant to the benchmarking study, as it seeks to create centres that are flexible and are able to respond to market demand.

Development Assessment Forum

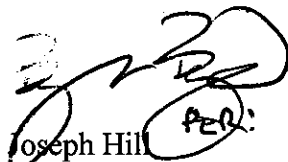
The Development Assessment Forum (DAF) was formed in 1998 to recommend ways to streamline development assessment without sacrificing the quality of the decisions made. The DAF's membership includes people from all levels of government, the development industry and other related professional associations.

The DAF has produced many documents that would be relevant to the benchmarking study, including a "Leading Practice Model for Development Assessment" and its own benchmarking project for DAs. As such, this information would be useful for the Productivity Commission when completing the benchmarking study.

Council would again like to thank the Productivity Community for the opportunity to comment on the Issues Paper, and welcomes the opportunity for continued involvement in the benchmarking study.

If you have any further queries please contact Mark Yee of Council's Strategic Planning Department on 9936-8100.

Yours faithfully



Joseph Hill

MANAGER STRATEGIC PLANNING