

**Notes of Planning Review Meeting with
Australian National Retailers Association**
Bridge Conference Room, 23-33 Bridge Street Sydney
Monday, 5th September 2011

Attended by:

Margy Osmond, Australian National Retailers Association	Planning System Review Tim Moore, Co-Chair
Matt Toohey, Bunnings	Ron Dyer, Co-Chair
Chris Mills, Senior Development Manager Property, Coles	Lia Saunders, Planning System Review Manager
Paul Oates, Woolworths (via telephone)	Rosemary Bullmore, Legal Officer, Department of Planning and Infrastructure (Notes)

Tim Moore & Ron Dyer (Planning System Review)

- Brief overview of process
 - NSW-wide consultation to meet with key groups and community members, please see the website for details of dates and locations
 - The web site will publish notes of all meetings to ensure maximum transparency in the process of the review
 - All written material must be provided by 4 November 2011, all written material submitted to the Review Panel will be published on the website
- The only outcome instruction that has been given to the Panel is that the Minister requires our outcomes to maximise the use of information technology capabilities
- General timelines
 - A listening and scoping of key principles and objectives for system will be undertaken from now until mid-November 2011
 - A discussion paper outlining identified issues & tensions within the system will be put on exhibition in the first week of December 2011 for public comment until 17 February 2012
 - A green paper will be submitted to the Minister for Planning and Infrastructure before the end of April 2012.

Overview of discussion points:

- Need to develop a planning system which is simple, fast and equitable within a modern and coherent piece of legislation
- Present NSW planning system is particularly legalistic with multiple opportunities for often vexatious third party appeals
- Not enough good quality planners to go around 152 councils with the best poached by private sector, leaving mediocre skill level in council planning departments
- Default position of councils is to refuse development
- Suggestion to review the 'as of right' development system ie if the boxes are ticked, introduced in Queensland
- Part 3A was introduced because nothing was happening in the planning system
- Part 3A made councils 'behave' under the threat of the Minister calling in a development and Council would be cut out of the process
- By shifting development from Part 3A back to Councils, the Government is giving the responsibility for the State economy to councils who have no accountability for the economy, as council is only accountable to local residents
- Part 3A philosophy was sound but failed in the execution
- There is no incentive for councils to make brave decisions - politics
- Need for a merit based system to manage applications for rezoning

- Third party appeals should be based on a point of law, not just on planning merits. There is no penalty for objectors who engage in delaying tactics/ going to L & E Court
- It is extraordinarily difficult to get an approval for a supermarket in NSW
- Joint Regional Planning Panels (JRPPs) generally have high quality and experienced planners
- JRPPs help a decision to be made and put pressure on council staff to get a report prepared
- Need to have a body making determinations that has a high skill and a State focus
- Have a low cost form of appeal for refusals to progress rezoning applications
- Land use zones are too prescriptive and as a result most large projects will require a rezoning to be made
- Need for a State level process which can handle thousands of state significant applications and is appropriately staffed and resourced
- The Planning Assessment Commission works well and can be used as sounding board by the Minister, however, there is only one PAC and thousands of applications - Land and Environment Court is a better process to deal with a larger volume of applications
- Development contributions system is not working in Queensland
- In Northern Territory, councils do not have any planning powers – all development is state managed
- Victoria has powered ahead whilst NSW has gone backwards since the Olympics