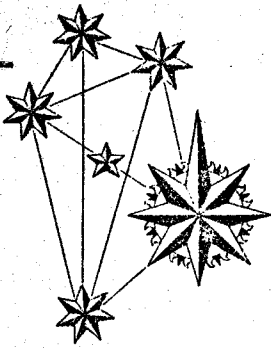


31.3.1975

Telephone: 92 1124



ROYAL AUSTRALIAN PLANNING INSTITUTE
NEW SOUTH WALES DIVISION

196 MILLER STREET NORTH SYDNEY NSW
BOX 541 P.O. NORTH SYDNEY 2060

31 March 1975

The Hon. Sir John Fuller MLC
Minister for Planning & Environment
139 Macquarie Street
SYDNEY NSW 2000

For the attention of the Special
Advisor, Mr Nigel Ashton

Dear Minister :

In response to your invitation for submissions on the new planning system for the State, the Institute has canvassed the views of members and related professionals through the publication of draft statements in its Newsletter and further, held a One Day Conference on the subject on March 8, 1975. This Conference was attended by approximately 100 persons. Discussion at the Conference was vigorous.

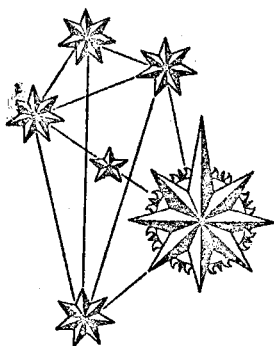
The Division has not since found time to accomplish the difficult task of drafting a summary statement which could be said to fairly reflect a consensus of views held by Institute members.

The Division Committee has, therefore, resolved that the attached summary of discussion at the Conference be submitted for your consideration.

We look forward to an opportunity to comment on the Special Advisor's proposals which we understand will be published on June 2.

Yours faithfully

G. Clarke, Convenor, RAPI Planning
Legislation Task Force.



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One Day Conference on :

A NEW PLANNING SYSTEM FOR NEW SOUTH WALES

8.3.75

Chairman for the Day : David Briggs (F), RAPI Vice President

9.30
to 11 am

First Session:

Local Planning and Development Control

Moderator:

George Clarke (F), Convenor, RAPI Planning Legislation Task Force.

Panel:

Ald Robyn Hamilton (North Sydney); John Fisher (RAIA President); Terry Byrnes (M); Doug Daines (M).

Reviewer:

Don Caldwell (M), Town Planner, Lake Macquarie Shire Council.

11.30 am
to 1 pm

Second Session:

Planning at Regional Level

Moderator:

Tom Cappie-Wood, Director, NSW Department of Decentralisation and Development.

Panel:

Ald Andrew Briger (City of Sydney); Peter Kacirek (F); Jonathan Falk (M); Erika Rathgeber (F).

Reviewer:

Ald Terry Keenan (Bankstown).

2.00
to 3.30 pm

Third Session:

Planning at State and National Levels

Moderator:

Prof Denis Winston (F).

Panel:

Dr Leigh Pownall, Commissioner, NSW Planning and Environment Commission; Nigel Ashton (F), Special Adviser, Ministry of Planning and Environment; Bruce McDonald, Urban Development Institute of Australia; David Wilmoth (M).

Reviewer:

Prof Jim Rose, Macquarie University.

4.00
to 5 pm

Fourth Session:

Summary Review

Moderator:

George Clarke

Local Planning:

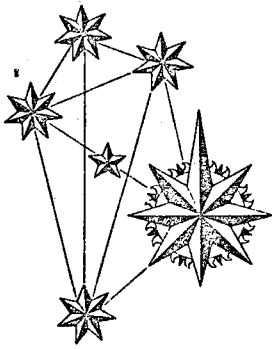
Don Caldwell

Regional Planning:

Ald Terry Keenan

State Planning:

Prof Jim Rose



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RAPI One Day Conference, March 8, 1975.
"A New Planning System for NSW"

A Review of the FIRST SESSION

Reviewer: Don Caldwell, MRAPI

1. The views expressed by the Conference

(a) There is a lack of understanding by the State Government as to what is meant by planning and, consequently, a lack of direction to its departments and to local government as to the respective roles to be played in the planning system.

The principles and objectives of planning should be defined, separately from administrative procedures, before any review is made of the existing system or a new system is devised.

(b) There is a need to take a broad view of planning, not the narrow view that planning is merely land use planning.

The Institute's submission should not be confined to issues raised in the "Green Book" for it does not grapple with what planning is about: "the sharing of resources and power in the community".

(c) Any new planning system should aim at bringing about the coordination and control of the statutory authorities in the State in the preparation and implementation of planning schemes.

The Institute should press for the appointment of a coordinator either at Ministerial level or at top level, close to Cabinet. The failure of previous planning systems administered by the Cumberland County Council and the State Planning Authority was partly due to lack of power to control development by the various State departments in accordance with master plans approved by the State Government.

(d) There should be new ways to improve the present inadequate administrative efficiency of planning by the central State planning authority in order to overcome the lack of communication and the poor flow of information between the authority, the public and other statutory authorities.

The Institute should point out that the real issue in respect of the present system is bad management. If the present State planning staff were to overcome their prejudices, improve their efficiency, and adopt better management techniques, most of the dissatisfaction with the present system would be overcome.

(e) The success or failure of planning depends upon whether the consumer, the public, is satisfied.

The Institute should point out that at present people are not being involved in planning. The "mystery" of planning should be dispelled by increased emphasis on detailed planning at local level, by strengthening the positive aspects of planning by, for example, emphasising those things which should be done rather than those things which are prohibited, providing for the granting of broad planning consents (rather than consents for individual developments).

(f) There is a need to decentralise the powers of decision-making from the central State planning authority and to delegate these powers to local government.

The Institute should press the principle that decision-making should be made at the lowest possible level of authority. Legislation should provide powers for local government to determine local planning matters guided by objectives and policies approved by State or regional planning authorities. Local government should be recognised as a competent and responsible partner in the planning system.

(g) The responsibility of those who have the responsibility of translating planning schemes to the user should be acknowledged in any new legislation.

The Institute should point out the role to be played by planners depends on whether the legislation is strong or weak. The present system of discretionary controls at local government level is unsatisfactory.

Statutory schemes are generally outmoded and not responsive to change. The approval machinery is too cumbersome and subject to too much personal interpretation.

(h) There is a need to provide funds for the preparation and implementation of planning schemes by local councils, other than out of rate revenue.

The Institute should indicate in its submission if there is any validity in the criticisms that planning has achieved little and that planners have not demonstrated an ability to produce an improvement in living, then the lack of finance to implement planning schemes has largely given rise to these criticisms.

- (i) Any new legislation should provide for third party appeals and other wider rights of objection by the public.
- (j) Any new legislation should be more responsive to change.

2. The Reviewer's Opinion

The views expressed during the First Session of the Conference can be summarised as follows :-

- (a) The need for a broad approach to be taken to planning.
- (b) The need to decentralise and delegate power.
- (c) The need for the coordination of statutory authorities.
- (d) The need for improved administrative efficiency.
- (e) The need to provide for better information-flow and public participation, and extended rights of appeal and objection.
- (f) The need to provide funds for planning from sources other than rate revenue.

My opinion, which generally coincides with views expressed by the majority of local councils in the Hunter Region and the Local Government Planners Association, is set forth as follows :-

1. The NSW State Planning Commission should immediately direct its attention to improving administration of the existing planning system and environmental control system.

2. A new Planning Act should be drafted incorporating parts of Parts XII and XIII and XI of the Act, the Planning Commission Act and the State Pollution Act, and providing for :-

- (a) the planning body at the State level being concerned with the integration of State planning with national and regional planning and with taking an advisory role, not a regulatory role, in respect of regional and local planning by providing back up data collection, research, and policy guidelines for decision-making at regional and local levels thus avoiding the massive, over-centralised administrative work of the past.
- (b) The decentralisation of regional planning and environmental control to regional planning and environment authorities set up in joint partnership between State and local government and

incorporating State regional advisory committees and Australian regional organisations. The regional planning and environment authorities should prepare strategic outline schemes and development guidelines for approval by the State planning authority, and act as a data collection agency for the region.

The regional planning authority should be empowered to approve of local statutory land use, structure plans, environment control plans, prepared by local government.

- (c) Local government should be empowered to prepare and implement statutory planning schemes by :-
- (i) approving of development plans for areas designated in structure plans after notification in local newspapers and consideration of objections including those based on environmental issues;
 - (ii) approving of development applications without the need to consult with or obtain the concurrence of other statutory authorities where prior agreement has been reached in respect of development codes with no regional authority.
- (d) ensuring public participation as a right with provision for local advisory panels to act as a "sieve" against irresponsible objections to local council decisions.
- (e) the abolition of State levies on Local Government to pay for central planning costs, and the provision of funds to local government, particularly for works of State or regional significance.
- (f) the phasing in of any change of new legislation in order that work done to date will not be wasted, and to give time for the public to be educated in any change.
- (g) flexibility in the application of any new system having regard to the different nature of different regions and local areas.

Mr Don Caldwell concluded by saying that he was confident that local government elected representatives and their staffs can take on any additional responsibilities for planning decision which may be given them. Local government is performing more efficiently than the higher levels of government and in the future I expect that this efficiency will improve, as corporate planning at local level is extended.

Four members of the Conference presented the following summary statement, particularly relating to the allocation of power in decision-making.

1. There should not be a fourth level of decision-making introduced into the current hierarchy of Federal, State and Local Government.

The State should devise policies in consultation with the local level of Government. The local level should carry out the policies. There should be a two-way interchange during policy formulation. Some decisions might need to be made by more than one local government area acting in accord with its neighbours.

2. A Minister of State and his Department should have the role of direction (as opposed to coordination) over all Departments whose functions concern aspects of planning and the environment.

Coordination has not worked in the past in NSW, and therefore must be replaced by a policy of direction to prevent Departments such as the DMR, MWS&DB, Decentralisation, etc, etc, acting unilaterally.

3. Planning should move away from the use of codes as control measurements and be replaced by statements of objectives and performance standards.

Some of the ugliest urban environment complies with the codes which are frequently outdated before they are adopted.

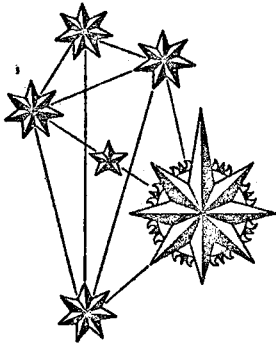
4. The staffing of the new Commission should be a small nucleus of highly trained and educated people who may be supplemented from time to time by special consultant expertise.

The range of skills required to cover all the aspects of planning is too great to be kept on a full-time staff. The specialist staff cannot be fully engaged on their particular field at all times. This affects morale, and leads to inefficiency in the use of scarce human resources.

5. NSW does not necessarily need a new system but rather needs alterations to the existing system.

At no time should it be construed that we do not need a system.

Change and improvement could be more effective than a new system provided all existing legislation is put into one Act. This is imperative.



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RAPI One Day Conference, March 8, 1975.
"A New Planning System for NSW"

A Review of the SECOND SESSION

Reviewer: Alderman Terry Keenan, Bankstown

Peter Kacirek, FRAPI :

Need to determine best system to achieve planning objectives and the need to rationalise responsibilities and powers as between Federal, State and Local Governments.

Essentially a management problem.

How much can be safely left to Local Government without upsetting State objectives?

Saw the need for different approaches in the Sydney/Wollongong/Newcastle conurbation and the rural areas. An effective system should provide for :-

- (a) Desirable level of maximum Local control;
- (b) Effective participation;
- (c) Due regard for State and Regional objectives
- (d) Speed and efficiency - particularly needed by private sector.

Erika Rathgeber, FRAPI :

Saw need for regional structure plan based on ecological land capability study, further evolved in accordance with State and national objectives, into which local planning would dovetail.

If such environmentally based planning were administered at regional level by a body similar to present RAC, such a body would have to have statutory powers.

Necessity for large issues - eg. Woodchip industry, to be resolved at national and/or State level and only after land capability study has been carried out.

Expressed the opinion that some LG area amalgamations were clearly desirable in the interest of efficiency and rationalisation of resources.

Felt a strong need existed to clearly delineate roles, powers and responsibilities of SPEC and SPCC.

Suggested LG Authorities would probably be interested in being involved in this. Suggested that instead of getting hung-up on "regional" planning we ought to think in terms of national planning areas.

Concern was later expressed by members of the Conference about the need to enhance and foster our food protection areas and protect them from speculators.

Johnathan Falk, MRAPI :

Referred to "The future of development plans", the British report of 1968, which suggested those things to be included in Regional Structure Plans :-

- Population - its location and growth;
- Employment centres;
- Major communication networks;
- Major landscape requirements;
- Regional services - water, transport;
- Broad State and National objectives, policies and priorities.

Felt it important that a local plan show the rationale for both its own content and that derived from the Regional structure plan.

Necessary for ever-present point of contact with regional organisations, for citizens and councils alike.

Part of the need for regional organisations is the coordination of the existing regionalised structure of many Government departments.

Any Regional body should also involve people from Health organisations, Education, etc, etc.

Alderman Andrew Briger :

Spoke of Sydney City Council's frustration with SPA and other government instrumentalities. Felt we need all think of planning in a wider sense, involving community services (health, welfare, transport, finance, etc). The Sydney City Council's Strategic Plan is the beginning of corporate planning.

Warned of the dangers inherent in public participation - referred to "Government without responsibility" by small groups.

Considered staffing to be important. Insufficient supply of quality planners. Planners often ignorant. Spoke again of need for finance. Problems do

arise that cut across municipal boundaries but LG does not, at present, have the resources to deal with them adequately. Felt it is often difficult to separate local from regional issues. Spoke of the need to protect or insulate Aldermen from undesirable local pressure.

George Clarke advanced an idea involving Government-appointed "intermediaries" who would be senior men with power to act, at least in many cases, on behalf of the Government. They would be attached to a number of Councils, interpret Government policy to those Councils, and serve as a direct channel of communication between the Councils and Government, etc. Alderman Keenan said he felt the idea had real merit and was worth serious consideration.

Alderman Keenan pointed out that almost all speakers had agreed that more power ought be given to Local Government. The only difference of opinion was as to how much power. To those who denigrate the capacity of Local Government, it was pointed out that many extremely able people were Aldermen and Councillors, and this at a time when many in the community felt that LG was not given power and resources to adequately fulfill its function. How much more likely was it that, given the power and resources, more capable people would be attracted.

He pointed out that there was very little argument presented today in favour of an extra tier of authority in the planning system. It appeared likely to further stifle, and inhibit local decision making and to act as a vehicle for big brother's (the State's) decisions.

Healthy democracy depended on strong, effective local government - responsive to local needs. In this regard, it was time the State Government either "put up or shut up". In the past few years, almost all State Government interference had been to denigrate, hamper, downgrade and emasculate local government. He wanted a clear statement from the Government, backed up by some solid evidence, that they were really interested in strong, efficient, viable local government. Until that was forthcoming, the Government's proposals would be regarded with suspicion by large segments of LG.

Returning to regional planning organisation, Alderman Keenan pointed out that the desirable composition of any "region" would vary as the subject under consideration changed, eg. North Sydney may need to discuss workforce ramifications with Sydney City, transport with Warringah and social services with Willoughby, etc.

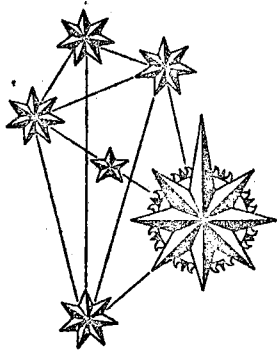
The DURD regions are quite inappropriate - eg. Bankstown is coupled with Botany. In any such "federation", this would mean a blind following of leads from areas one was unfamiliar with, and enshrine parochialism. Local Government is not yet used to thinking regionally. Voting system

makes it difficult anyway. Strong bias in favour of local view. Perhaps regional organisations could be advisory initially. They would tend to be remote from people.

If such a body was to have some power - executive - over councils, it would also need some statutory power to deal with Government and ad hoc departments. A discussion between a Council without power, and a Government department, was analogous to a "discussion" between a little old lady and two hoods with bike chains.

In event of dispute, need exists for some independent arbiter to advise relevant Minister, or an independent Commissioner or upper-house Review Committee to resolve conflicts and make decision. Perhaps SPEC.

It was recognised that the needs in the rural or country areas of the State were different to those in the metropolis, and the system should be also.



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RAPI One Day Conference, March 8, 1975.
"A New Planning System for NSW"

A Review of the THIRD SESSION

Reviewer: Professor Jim Rose assisted by Robert Johnson

Bruce McDonald :

He saw the present exercise to reform the planning structure as being a reaction to Labor's promise at the Hawkesbury By-Election to abolish the SPA. Today, Federal Labor with its agencies DURD, Cities Commission, have changed the ballgame. Moreover, the government of NSW is now moving into the action as an active developer in its own right.

The Urban Development Institute does not agree, quite basically, with the propositions put forward in the "Green Book" especially under Items 4.1 - 4.3, in particular, it feels that State Government involvement should be reduced.

Although the existing system is inefficient, it could be improved. This could be done in part by giving third parties the right of appeal in challenges to planning decisions.

SPEC will fail, like its predecessor, because it is not empowered to demand and require coordination among government instrumentalities.

McDonald saw need for much more precision in the formulation of planning aims; felt that details over whole State could not and should not be the province of a State-wide authority. McDonald maintained that talk of alternative government structures not realistic unless they included recognition of the governing role of the BLF.

David Wilmoth :

The division between State and Federal powers in the development field is nowhere explicitly defined in the "Green Book". There must be explicit recognition of the need for, and the definition of, sharing of functions and responsibilities.

Quite explicitly, DURD has no responsibility for Land Use Planning, but DURD does have responsibility for the allocation of resources and the provision of facilities. Therefore, the Federal system will have to be "locked in" with State arrangements.

In addition, the Federal Government does have quite positive powers of initiation in that it can direct the location and scale of office employment growth both as between different centres within a region, and between/ among cities, a power that could be of fundamental importance in the development of the Melbourne-Sydney "growth axis".

A considerable difficulty in Federal-State planning relations is the fact that only a few states have any organisational counterpart to DURD itself. But, in any case, the implementation of DURD notions and policies is going to have to rely heavily on existing or future State agencies. Any "deconcentration" of Canberra-based activities would, for example, have to be done within existing State frameworks, and such deconcentration is definitely on the cards, provided it doesn't occur in existing major cities.

DURD favours integration of regional boundaries, preferably in a consistent and "nested" pattern and wishes to have its own program in this direction, complete with boundaries coinciding as much as possible with the counterpart State regions; the regional structures should be developed jointly with the aim of becoming multi-functional regional organisations.

Nigel Ashton :

The essence of effective regional planning is :-

- Know what resources you have
- Define your objectives explicitly
- Create your structure in the best way possible to achieve your objectives with whatever resources are available - make appropriate allocations.

Notes that DURD is bringing in appropriate quantities of resources but, at the same time, is generating far too many committees. It has not given sufficient attention to structural considerations. Planning is a "decision tree" process, and feedback continuously generated is essential if it is to function healthily and effectively. The existing system certainly needs to be modified and changed, but no decisions have yet been made about the structure of new system. This is what the discussion of the "Green Book" is all about.

It seems necessary to ensure that the new system will concentrate more than previously on regional resources and environmental planning patterns, rather than the former over-concentration on urban plans.

Within the regional arrangements, there will have to be differential arrangements made for different parts of the State, and this may be difficult to encompass in laws drawn up by legal advisers.

The Barnett recommendations will have to be implemented, some time or other, at least in part, and appropriate planning structural regulations and organisations will have to be designed to cope with piecemeal periodic amalgamations.

Corporate planning at the regional level is essential, but it is quite vital to the success of the entire operation at this level that the "subsidiary areas" should be firmly and fully integrated into regional decision-making.

At the local level, it will be necessary to give planning organisation the strength and muscle necessary to stand up and hold their ground (sometimes literally) in the face of inevitable pressure from developers and their legal advisers. The new system must give scope to cater for local aspirations.

Dr Leigh Pownall :

One approach to the role of SPEC is that from a management viewpoint. The role of the communications sytem is crucial. It will be necessary to improve the machinery for gathering facts and opinions and for harnessing them into a manageable form.

Performance targets must be clearly defined, and made known, and every level must be accountable for performance. This must be measured and monitored.

The need for flexibility should be stressed. We must continue to stimulate the grassroots approach, and always give full weight to local expertise.

George Clarke :

Is there support or opposition to the question of whether or not NSW should have a Coordinator-General (on the Queensland pattern)?

George Ward :

Outlined in some detail the Victoria 1968 Act's provisions, which he seemed to view favourably.

Bruce McDonald :

Viewed the Victorian Development Areas Act of 1974 as highly relevant. He believed this State should have a Coordinator-General, but there was comment that no State Minister would like to see any Public Servant so powerful.

Professor Jim Rose :

At a lower level, coordination in planning might be achieved by a not-so-threatening figure in the form of officers akin to the Prefects in France.

Don Caldwell :

Local coordination of Councils' and Government Departments' activities is already proceeding effectively at Lake Macquarie. Advisory panels meet and discuss proposals well ahead of their implementation, and all Councils are thus informed of activities both of State instrumentalities and other Councils.

Alderman Zions :

Could Nigel Ashton give us some guidance as to :-

- What is a "Local" plan and could we in Local Government set out our own codes?
- Please define clearly the roles to be played by Local Government?
- What is to be done about providing adequate finance?
- Are there to be restrictions on participants in the planning process at the local level? If not, can the process ever reach any decision?
- In any case, thanks for emphasising the need for differential arrangements to be made for different areas - the Barnett report was basically country-oriented.

Nigel Ashton :

Consolidation must occur if communication is to be effective - a State instrumentality cannot afford to contact all of 90 different Municipalities and 133 Shires.

The metropolitan area clearly differs in its needs from the Western Division of the State and no system can uniformly cover both.

The Appeals system, as currently operating, should be regionalised and "de-legalised".

Financial responsibilities are difficult and touchy, but regional finance raising will come, and similarly, the devolution of State-level decisions and personnel should occur at the regional level.

Local Councils will have to give adequate notice of any planning decision to the higher (regional) level where there is any doubt as to the locus of decision-making power. There MUST be a certificate that the scheme does not contravene regional policy.

Alderman John Ambler :

Why cannot the State function as the "appropriate region"? How many tiers do we really need for effective planning decisions? Is the intermediate step really necessary? "Regional" decisions should be a State function. God save us from another bureaucracy. In any case, decisions concerning more than one council area should be made by councils combined to consider that particular issue, not a whole new set of functionaries.

John Robertson :

Maybe the metropolis doesn't need a separate "regional" level but the country areas certainly do. "State-level" decisions may be OK in the metropolis but they are not good in the country.

Rachel Roxborough :

Planning decisions are far more than bricks and mortar matters. Land resources are at stake here. We don't seem to consider them. Resources to provide for shelter, houses and buildings; resources to provide our food; resources to provide for our recreation. At these levels, there is no doubt that local councils and their staffs would be completely competent to make informed decisions.

Bruce McDonald :

There should be a State's Constraints Map - areas reserved for specific purposes, defined and promulgated.

Professor Denis Winston :

Please, someone, answer or address yourselves to the question, DO WE NEED A THIRD, OR REGIONAL, TIER?

Alderman Terry Keenan :

No, we don't need it. Let us have the sensible and flexible arrangements suggested by Alderman Robyn Hamilton this morning - the shape of any region is likely to change according to the problem being tackled - fixed-boundary regions are basically antithetical to maximised local responsibility in government and planning decision-making. An additional tier would only lead to undue overlap and backscratching/tradeoffs.

Doug Daines :

It is completely undesirable, because it is impossible to believe that there will ever be any effective devolution of power from the centre, and without such devolution, another tier must be redundant.

Erika Rathgeber :

Saw regional structures desirable as providing sensible bases for effective decentralisation and the growth of local consciousness above the parochial (parish-pump), and below the State, level.

Martin Payne :

Strongly supported any structure which would ensure more effective coordination. Power should not be diffused, but communication should be emphatically improved, at all existing levels. But Cabinet and Treasury must remain as the effective coordinators at the State level. Below this level, any authority whether old SPA or new SPEC can obtain only partial coordinating powers.

Comment by Reviewer, Professor A.J. Rose :

* When decision-making and planning became localised in ancient times, the Roman Empire ceased to exist and the Dark Ages began. What happened to Caesar's Gaul should not be allowed to happen in our New Southern Gaul.

* The allocation of power and decision-making is generally regarded as resting with Parliament and Government. How far can any Government abrogate its responsibilities? It must retain final control, over both its regularly constituted instrumentalities which are erected to administer government decision, and over any system of local government, no matter how structured. We are really dealing today with two systems: An INFORMATION system, which is what Government is all about; and an ADMINISTRATIVE system which implements government policy. Government policy will vary according to the information that it receives.

* The meeting has displayed a clear variance of opinion on whether or not "regions" are desirable; and, if so, how boundaries should be defined. The majority who answered this question seemed to be agin regions, but there was strong support for them from country-oriented participants.

* Might I suggest, only half facetiously, an improbable solution to this dilemma ?

- Greatly expand the powers of local government;
- Concurrently, emphatically expand the boundaries of the LG Areas;
- Within these greatly expanded and much more powerful Local Government Areas, which must have strong planning functions, develop local district management areas, with no planning powers, and essentially an advisory character.

* The planning system, however devised, must be an instrumentality of government and, therefore, must remain subsidiary to government. The system must be as efficient as the skills at our disposal can make it.

* The major decisions in planning have slipped very largely out of State control (to the extent they have been retained since Federation) - decisions on matters such as population policy, essentially involving the intake of immigrants, the location and development of new urban areas.

* There seems an articulated and strong opinion in the meeting that planning systems should ensure more effective control of rural and primary resource land use.

* There is no unanimity on the most desirable structure. There seems to be a quite strong and widespread feeling against bureaucratisation, and the fear of the "new tier" (2nd, 3rd, 4th, as you like) seems to be bound up with this issue. Bureaucrats are as much distrusted and decried as politicians.

Extract from
"RAPI News"
December 1974

PLANNING LEGISLATION TASK FORCE PRELIMINARY STATEMENT OF PRINCIPLES

Over the last few months the Planning Legislation Task Force has contacted a number of planners who have produced statements giving views on the limitations of existing legislation, procedures and desirable changes. These statements varied from broad principles to detailed comments. The main criticisms and suggestions are outlined in this Newsletter to inform members and hopefully to obtain responses and suggestions from the whole membership.

CRITICISMS

The main criticisms of the present legislation may be summarised as follows:

- Method of financing local and state planning
- Delays in decision making
- Lack of public participation
- Lack of clear guidelines and policy statements
- Complicated and inflexible procedures
- Lack of co-ordination and integration with other planning agencies and forms of planning
- Lack of clear definition of planning responsibilities, both organisational and geographical
- Over centralisation of decision making.

This list should not be construed as an indictment but rather as a number of points most frequently expressed. The following section deals with items of consensus.

ITEMS OF CONSENSUS

There is a need for simplification and streamlining of planning procedures, machinery and legislation.

The Planning and Environment Commission should be a central policy group, an integrating force to ensure the co-operation of other authorities in

their financial and developmental programmes. This would require statutory power to enable enforcement of co-ordination.

There is a need for a more comprehensive planning approach including social and economic matters and effective public participation.

There is a need to precisely define planning responsibilities at each government level.

The competence and will of many planners and politicians to adequately understand and administer planning matters was seriously questioned.

The existing regional and local government boundaries were criticised as not being functional units and the need for boundary rationalisation was seen as essential to achieve reform of planning organisation.

There is a need to fund the Commission through Treasury, not by way of levy from local authorities.

There is a need to recognise that the best legislation cannot cure lack of conviction or ability. While there has been increasing political awareness of the role of planning there has not necessarily been acceptance of this role.

STATEMENT OF PRINCIPLES

From the views expressed to the Task Force the first problem appears to be the definition of the planning roles at various government levels. In order to define these roles it is necessary to have a clear conception of the role of planning in New South Wales and then to consider the ways in which the total planning responsibility could be distributed.

When one has regard to the existing powers and responsibilities previously vested in the State Planning Authority it is obvious that it was within its competence to exercise a very wide sweep of planning if it had so desired and had had the resources, the will and political approval to do so. The fact that it has not done so stems from the permissive nature of the legislation and the lack of any real accountability in programming. It also stems from the fact that individual members of the Authority tended to look after their own departmental interests rather than being concerned with co-ordinating activities. The political realities of the State public service structure are such that sweeping changes are likely to be resisted and partisan interests are likely to intrude in any co-ordinating proposals. Nevertheless, there is no doubt that co-ordination is required, both within the public sector and between the public and private sectors. The means of achieving such co-ordination poses a problem which is basic to the distribution of planning responsibility.

The main role of planning in the State could be considered as the development of an integrated urban and rural policy, ideally in harmony with Federal objectives. Such a task would mean broadening the base of current planning practice to include economic and social planning as well as effective public participation.

A broader based philosophy is likely to require a broader based organisation in which local government is given more effective participation and regional advisory councils may be given a decisive role. The planning profession, which claims to have an intimate knowledge of the shortcomings and pitfalls of local government, needs to seriously consider operational changes which may improve the system. To clear the air it might be as well to forget about the old system of planning scheme preparation altogether. There is a need to think imaginatively about the future and not be blinded by the criticism of past performance and difficulties. Those who know the existing legislation will be aware that the law provides for most of the concepts, the absence of which has been so ardently criticised — from public participation through to co-ordination and environmental planning. It seems that complicated procedures, lack of public and professional understanding and acceptance and lack of consistent decision making have obscured the issues.

The development of an integrated urban and rural policy would inevitably require a regional base and the distribution of planning responsibility would flow from the regional structure.

The Minister has already indicated that greater responsibility should be given to local government and that existing regional advisory councils would provide an infrastructure *"for obtaining a proper reflection of public opinion"*.

To date planning practice has been concerned basically with development control, by way of the preparation of planning schemes or interim development orders and the administration of adopted or gazetted controls. Both local councils and the S.P.A. have been involved in scheme preparation and scheme administration. It is considered that if a planning scheme is an adequate control tool, and this could well be questioned, then the administration of the scheme should be purely a local matter. In this case a state authority would only be concerned with regional elements and the structural balance of these elements between local areas.

To be effective regional planning would need to establish objectives, policies and priorities in order to provide guidelines within which local authorities can operate. Such objectives, policies and priorities would of necessity be interdependent with the objectives and programmes of various servicing and developmental authorities. Because these other authorities generally operate at the

State level it is unlikely that effective co-ordination could be achieved at a regional level. In this case it would seem that regional policy making and priority establishment should be the task of the Planning and Environment Commission, although the regional advisory councils should play an important consultative role, possibly in the manner of a steering committee.

The regional planning task would then have effects in two directions. First, the co-ordination of regional objectives, policies and priorities would be necessary and once again would be appropriate at the state level. Second, the guidelines evolved in the regional policy plan would form the basis of detailed planning at the subregional and local levels.

In this fairly simplistic analysis then the Planning and Environment Commission would be responsible for:

The preparation of regional objectives, policies and priorities in consultation with regional advisory councils and servicing and constructing authorities, and

The co-ordination of regional objectives, policies and priorities into a State policy plan.

Local authorities would be responsible for:

Providing the regional advisory councils with local views, information and objectives for consideration in the framing of regional objectives, policies and priorities, and

Preparing and administering local detailed plans.

Both of these local planning tasks would require the establishment of effective community consultative groups. The tasks would also require a broader range of planning expertise than is currently available to local councils.

The most effective means of ensuring co-ordination is through direct funding on the one hand and a requirement that any regional policy plan should be accompanied by a capital investment programme prepared on say a five year basis with annual extensions. Such a requirement would not only mean that specific time periods would be required for the formulation of regional plans but also that their implementation should proceed in a programmed manner rather than in the present haphazard form.

The principles outlined above constitute a preliminary assessment by the Task Force of those matters which the Planning Institute may consider as a basis for a submission to the Minister. In very broad terms five points are listed below as a proposed framework for the Institute's submission. It is suggested that all members should give serious consideration to these points and if members feel strongly about any of these points please

- submit your ideas and comments to either George Clarke, Harry Waite or the Division's secretary Mrs June Jones.

It is proposed that the Institute's submission to the Minister should comprise the following:

1. A statement of the role of planning in the State of New South Wales.
2. A statement of proposed planning bodies and their specific functions and inter-relationships.
3. A statement of the financial basis of such planning bodies and required legislative changes to enable such funding.
4. A detailed statement of legislative and procedural changes required to enable the various bodies to carry out their specific functions.
5. A statement on land tenure policies.

LETTER TO THE EDITOR

The Editor,
Newsletter's last issue carried a letter from Tom Whipple, which related to the Division's comments on the First Report of the Commission of Inquiry into Land Tenure and which invited the Division *"to demonstrate the validity of the assertion"* that value increments following rezoning are caused by community action and are therefore payable to the community; and to demonstrate this *"by a process of logical deduction which has as its start point a fundamental premise which is self evident"*.

I would like to rise to this invitation partly because I was a member of the small sub-committee which drafted the Division's comments and partly because the letter raises some interesting issues. The short answer is that I cannot prove the validity of the above belief by deduction normally used in formal logic. The nearest I can come to the request is to deduce it from the premise that one's monetary rewards in life should be related to the extent of one's own efforts and the value of these efforts to society — but I would not argue that this premise is self-evident.

Moreover, I believe that there is no opinion worth holding which can be deduced from a self-evident premise. If opinions could be proved or disproved so easily we would have no ideological differences in the world. The authors of the Division's comments firmly believe in what they said, but their belief is based on their sense of values and not on formal logic.

Dr John Roseth

STANTON LIBRARY — North Sydney's Municipal Library has a specialist collection of town planning and architecture books, the reference list is available at the Institute headquarters.

THE PLANNING AND ENVIRONMENT COMMISSION

The Planning and Environment Commission took office on 18th November, taking over the address, telephone number and staff as well as the functions of the State Planning Authority which for ten years had struggled manfully with the planning problems of this State. Those of us who can also remember the ideals and aspirations of the Cumberland County Council have been heard to mutter "And the best of British luck" or words to that effect. Sincerely, however, it is very much hoped that November 18th, 1974 will mark the start of a new and better era in town planning in N.S.W.

The Chairman of the Commission is Dr Leslie Leigh Pownall, Ph.D., M.A., B.A. and the other full time Commissioners are Mr Geoffrey Philip Webber, M.S.C., M.T. & C.P., B. Arch., F.R.A.I.A., A.R.I.B.A., and Mr John James Wickham, F.I.M.A., F.T.C.S. The part time Commissioners are Ald. Gregory Percival, President of the Local Government Association of N.S.W., representing local government, and Dr Joan M. Redshaw, M.B., B.Sc., D.C.H., representing community interests. The Institute offers congratulations on their appointments and wishes them all well.

Cabinet has also approved the establishment of an Advisory Co-ordinating Committee to assist and advise the Commission. The Committee will be chaired by the Chairman of the Commission, or by a Commissioner, and will comprise a representative of the Sydney City Council, to be nominated by the Council, a representative of the Local Government Association nominated by the Association, a representative of the Shires Association similarly nominated and senior officers of a number of government departments and agencies who will be nominated by the appropriate Minister. These are likely to be drawn from the Water Board, the Transportation Commission, the Pollution Control Commission, Dept. of Main Roads, Dept. of Local Government, Dept. of Agriculture, Dept. of the Treasury, the Dept. of Mines, and the Dept. of Decentralisation and Development.

The omission of Institute representation is immediately obvious and a matter of some concern, especially when one considers the contributions made over the years by the Institute's nominees to the State Planning Authority. The matter has been taken up with the Minister but to date he remains adamant that Planning Institute involvement with the Advisory Committee is not required, as it is not professional advice that the Commission requires so much as co-ordinating skills in dealing with the decisions of various government departments. With due respect to the high calibre and qualifications of the Commissioners, only one has a planning qualification. The professional expertise which our Institute has to offer, therefore, would seem to be the more valuable and necessary if the new Planning and Environment Commission is to succeed in the challenging and innovative tasks that lie ahead.

/ * plan preparation

* plan implementation
dev control -

ideology
* policies

processes
* machinery

* central
local

Jack M: the members
must follow the leadership
commune meetings
town meetings
permanent revolution

arbitration
conciliation
resolution / compromise

Sandereck's

Radiatralative

Conservative

GC

Consumers

Producers

partic → exposes conflicts highlights ^{major} issues

identifies ^{ideas} alternatives
costs to partic. groups
benefits to partic groups

hopefully, reconciles trivial or minor
conflicts

~~eliminates~~ ~~mis~~

reduces area of sheer misunderstanding

obtains intimate
local knowledge

Man by Objectives
Community learning
process
Man by Exceptions

partic. is ~~also~~ communicator
to political govt members to planners
& between groups

Adelaide

partic in plan making -
Exhibit plans
Objections

Adventure DAs - Make plans kind Crown
Third Party Appeals -