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8.3.1975

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# ROYAL AUSTRALIAN PLANNING INSTITUTE NEW SOUTH WALES DIVISION

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

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

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9.30 to 11 am	<b>First Session:</b>	Local Planning and Development Control
	<b>Moderator:</b>	George Clarke (F), Convenor, RAPI Planning Legislation Task Force.
	<b>Panel:</b>	Ald Robyn Hamilton (North Sydney); John Fisher (RAIA President); Terry Byrnes (M); Doug Daines (M).
	<b>Reviewer:</b>	Don Caldwell (M), Town Planner, Lake Macquarie Shire Council.

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11.30 am to 1 pm	<b>Second Session:</b>	Planning at Regional Level
	<b>Moderator:</b>	Tom Cappie-Wood, Director, NSW Department of Decentralisation and Development.
	<b>Panel:</b>	Ald Andrew Briger (City of Sydney); Peter Kacirek (F); Jonathan Falk (M); Erika Rathgeber (F).
	<b>Reviewer:</b>	Ald Terry Keenan (Bankstown).

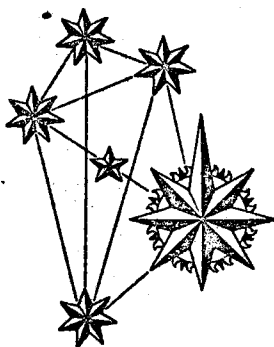
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2.00 to 3.30 pm	<b>Third Session:</b>	Planning at State and National Levels
	<b>Moderator:</b>	Prof Denis Winston (F).
	<b>Panel:</b>	Dr Leigh Pownall, Commissioner, NSW Planning and Environment Commission; Nigel Ashton (F), Special Adviser, Ministry of Planning and Environment; Bruce McDonald, Urban Development Institute of Australia; David Wilmoth (M).
	<b>Reviewer:</b>	Prof Jim Rose, Macquarie University.

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4.00 to 5 pm	<b>Fourth Session:</b>	Summary Review
	<b>Moderator:</b>	George Clarke
	<b>Local Planning:</b>	Don Caldwell
	<b>Regional Planning:</b>	Ald Terry Keenan
	<b>State Planning:</b>	Prof Jim Rose

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## AGENDA QUESTIONS FOR RESPONSE FROM THE CONFERENCE

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1. What basic management principles should we apply in designing legislation for the new NSW environmental planning system?
2. What basic principles should we follow in apportioning powers and duties throughout the hierarchy of Local/Sub Regional/Regional/State/National levels of authorities?
3. Should we continue to apply the principle that lower, decentralised levels can only be trusted with minimal powers, that initiatives must come from above, and that most, if not all, local proposals should be subject to the concurrence and approval of higher levels before they have effect?
4. Or should the new legislation be based more on the reverse principle that no decision should be made, or job done, by a higher or more centralised authority if it can at all reasonably be carried out at a lower or more decentralised level?
5. Should we put the onus of proof on Local or Sub-Regional or Regional authorities to demonstrate how much power or initiative they are capable of exercising responsibly?
6. Or should we put the onus of proof on State (or National) bodies to demonstrate that it is impossible for particular decisions or tasks to be carried out reasonably at lower levels?
7. Should we try to achieve the maximum feasible devolution of power from National to State to Regional to Local Authorities, consistent with minimum essential degrees of coordination, and maximum feasible citizen participation?
8. If so, should National, State and Regional planning activities be normally confined to :
  - (a) setting minimum overall State and Regional guideline objectives and policies;
  - (b) the planning, coordination and implementation of major systems or projects (eg. regional transportation, water, sewerage, etc) which overlap many local areas or are beyond local financial resources;so as to allow Local Authorities to plan the environment and

control development within their own areas, subject only to the intervention of higher authorities if and when a Local Authority does something that seriously jeopardises (a) or (b) above?

9. Has environmental planning and development control in NSW suffered in the past, and does it still suffer, because the State Government and State Authorities have been most reluctant to formally set, approve and regularly up-date, State and Regional guiding Objectives, Policies, Priorities and Plans (such as a Sydney Region Outline Plan and a Sydney Region Transport Plan) and instead, has activity and decision-making at State level been pre-occupied with local planning and development control?
10. If so, should we recommend that the State Government and State Authorities switch their resources to preparing, formally adopting, publishing and regularly up-dating State-wide and Regional statements of Objectives, Policies and Priorities, accompanied by Outline or Structure Plans which only specify and delineate the minimum number of items or projects which are of essential State or Regional significance? and that the infilling of these in all other respects be left to decentralised authorities, either Local, Sub-Regional or Regional?
11. The 1945-75 NSW environmental planning system has attempted to amalgamate all State, Regional and Local planning and development control data for each Local Government Area into a single document - the statutory planning scheme ordinance with its attached scheme map. Can we revamp this single document concept in some way and make it workable?
12. Or does the attempt to produce a single, precisely delineated, comprehensive document for each Local Government Area cause insufferable delays in preparation, approval and updating?
13. Should the new legislation require, possibly at each level of government, the production of three basic types of documents, namely :
  - (a) Statements of overall objectives/policies/strategies/guidelines/priorities - illustrated by diagrams called "structure" or "outline" plans?
  - (b) Land-reservation plans precisely delineating lands reserved or designated for the special uses or functions of the particular level of government concerned?
  - (c) Development Control Orders/Directives/Zoning Maps/Codes of Performance Standards/Ordinances precisely controlling particular types of development in particular areas?

14. Should the new legislation require the production, formal adoption and regular up-dating of a Statement of overall objectives/policies/strategies/intentions/guidelines/priorities (illustrated by diagrams which might be called "structure" or "outline" plans) for :
- (a) the State as a whole, stating current intentions for the future broad-scale distribution of population and economic activity between Regions, and current intentions (as far as they can be indicated) regarding the future location and scale of functions of major national or state-wide significance such as ports, airports, mining, heavy industry, growth centres, regional centres, national parks, and major transportation routes of inter-regional significance?
  - (b) each of the 9, 10 or 11 major Regions of the State, in more detail than the State-wide Statement, perhaps also dealing with such regional functions as water, sewerage, drainage, hospitals, secondary and tertiary education facilities and intra-regional transportation facilities?
  - (c) each Sub-Region, and Municipality and Shire, dealing with all remaining social, economic and physical matters required for the coordination of State, Regional and Local planning, conservation and development within each local area?
15. Who should be given the primary responsibility for preparing, or coordinating the preparation of, each of the types of documents suggested in Question 13?
- (a) for the State as a whole:
    - The NSWPEC? The NSWPCC?
    - The Minister for Planning and Environment?
    - The Minister for Decentralisation and Development?
    - The Treasury?
    - The Minister for Transport?
    - The Premier's Department?
    - A new State body with the status and ability to coordinate the plans of separate Ministries and Authorities?
  - (b) for each Region:
    - Any one of the above State authorities?
    - New Regional Planning Councils?
    - If so, how constituted?
  - (c) for each Local Authority Area:
    - The Local Authority itself, charged with the responsibility to consult both higher levels of government and its own citizens?
    - A Regional authority?
    - A State authority?

24. Could or should the Sydney Metropolitan Region be effectively divided among a number of Sub-Regional Planning Councils for environmental planning purposes? Could the suburban Municipalities and Shires be grouped into Eastern, Southern, South-Eastern, South-Western, Western, North-Western and Northern, etc, sub-regional bodies?
25. If Regional Authorities were created, how should they be composed? As federations of Local Authorities? With State Public Servant members? With other citizen members appointed by the Minister? or how?
26. If Regional Authorities with real powers and duties (not merely "advisory" or "consultative" bodies) are NOT introduced, would or should this mean that centralisation of planning in the State Authority would get worse? or would it mean greater real powers and duties for more effective exercise by Local Authorities?
27. Is there a simpler, alternative means of ensuring higher-level checks, coordination and review of the planning activities of Local Authorities, other than by having all of their documents flow to a centralised body like the old SPA, or by replacing Local Authorities by Regional ones?
28. Could such an alternative be the appointment of an individual full-time person (or say three persons part time), as a Planning Commissioner/Coordinator(s), charged with the responsibility of coordination and liaison between State and Local Authorities within a Region or Sub-Region, and perhaps given delegated power to approve, on behalf of the Minister, local plans?
29. Should the State-level planning apparatus be subdivided by function, so that a much smaller body than the old SPA is retained as an overall State-wide, central planning authority, with greater status and responsibility for coordinating the activities of the many separate State Departments and Authorities?
30. In this way, could the remainder of the presently over-centralised and cumbersome State-level planning apparatus be regionalised, with each regional planning authority being composed of State appointees and staffed by public servants, but reporting separately to the Minister, along the lines of the French system?
31. Do we need to re-think, rationalise and reorganise the functions and composition of the NSWPEC, the NSWPEC, the Department of Decentralisation and Development, and parts of other authorities concerned with major State-wide social, economic and environmental planning, so as to create an effective, smaller, but higher-level State planning and coordination body?