



Better Planning Network Inc.
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Better Planning Network AGM for 2021 – 2022 Deferred AGM held 25 February 2023

Leadership Group Annual Report to the AGM

Statement of Purpose:

Our aim is for a robust and visionary planning system for NSW - one that fosters best practice environmental, heritage, social sustainability and design outcomes; and makes sure best practice planning is achieved through a collaborative and authentic community partnership engagement approach.

BPN continues to actively promote the planning principles outlined in the *Planning for People Charter* and to represent the interests of our members and communities to the Government. BPN also continues to inform our members of Government policies and processes in the context of the many new planning developments across NSW.

The BPN Constitution continues to be followed. BPN does not support any political party, but will criticise (oppose or support) political party decisions dependent on their impact on BPN's Constitutional objectives and the Planning for People Charter. Member groups, Affiliates, Friends and Supporters may choose to support political parties individually. BPN encourages all to be actively involved in their community and support policies from political parties where these seriously address better planning for NSW.

An Overview:

BPN has been hit as hard as any with COVID, with only one face to face meeting with members last year being able to be held, the deferred AGM for 2020-21 held in May 2022. In the last two years there have also been several Leadership Group members having to step down for significant periods as a result of personal issues. A difficult time indeed.

At the same time, since the advent of the pandemic the Department of Planning, Industry and Environment (DPIE) (now the Department of Planning and Environment (DPE)) has increased its rate of change to the Planning System, with significant new legislation and regulations being proposed and/or introduced on a regular basis.

BPN therefore consistently engaged with DPIE/DPE at online meetings, at the very least on a monthly basis and frequently more often, as well as having made submissions on the continuing stream of important Planning and Environment changes.

Given the BPN Leadership Group (LG) has suffered member losses and heavy workloads including weekly LG meetings, as well as work outside LG, we have not been able to make submissions on all legislative planning changes. BPN is, after all, a volunteer organisation and we need more experienced members to step up to volunteer for the LG, and to help with submissions that the LG could endorse.

BPN encourages its members to continue to make their own informed submissions on issues that affect or are of concern to them. While it is often not possible to completely prevent what we view as negative planning outcomes, we can all get amendments and improvement to the final outcomes. **Never, ever give up.** Both the quality and quantity of submissions matter because they show the decision makers the depth of community concern which gives them cause to consider their decisions. This must be backed up by even just a small number of quality, detailed submissions that cover the legislative and regulatory reasons why a poor planning outcome is not acceptable.

The Department of Fair Trading granted a deferral for the AGMs of some community groups, including BPN, as a result of the ongoing difficulties, largely due to the previous COVID related AGM deferral. As a result, the deferred BPN 2022 AGM is being held on 25 February 2023. The Leadership Group reiterates the need for members with the time and capacity to join the LG to enable the workload to be shared across more people. There's always more we could do and BPN needs you all to help make that happen.

If any members or groups are interested in joining the Leadership Group, please do fill in the nomination form which is sent out prior to the AGM. All Leadership Group meetings are held by Zoom so regional members are able to attend.

This Report:

As the AGM was deferred, it was decided by the Leadership Group that this AGM Report would cover the period from the last AGM until this AGM. Therefore while the Financial Report covers the financial period from 1 July 2021 to 30 June 2022, this AGM Report covers the 8 months from the last AGM in May 2022 to the end of January 2023.

Leadership Group:

Members of our Leadership Group are volunteers involved with planning issues in their local areas and across the State which brings a depth and breadth of knowledge to the group. The geographic spread of the Leadership Group members, from the Sydney metropolitan area to regional towns, means that the BPN has perspectives in Sydney and beyond with local knowledge.

We assure you that the LG has been trying hard to represent our common interest in a better planning system across NSW, one that responds to community needs, rather than the interests of the development industry.

We have been active in several areas since the AGM in May 2022:

BPN representatives have regularly participated, along with other not-for-profit groups including the Nature Conservation Council (NCC), Environmental Defenders Office (EDO) and Shelter in the Department of Planning (DPE)'s online Stakeholder Engagement Group, which has provided a valuable channel for 2-way communication.

We regularly post information about planning matters on our Facebook page at <https://www.facebook.com/BetterPlanningNetwork>

In November, we hosted a webinar 'Trees in our Towns & Cities, presented by arborist and consultant Gwilym Griffiths – the recording is now available for viewing [HERE](#) - Passcode: !3NZ7q\$U

BPN LG delegations have met recently in person with senior advisers to Planning Minister Anthony Roberts and with Shadow Minister Paul Scully, and online with Greens Planning spokesperson Cate Faehrmann, to discuss our agenda and seek the support of the major political parties for improvements to the planning system after the 25 March 2023 election.

We are working on a BPN 'platform' for the State Election on 25 March 2023, and will be circulating this to member groups and other contacts in the New Year to use in campaigning.

An LG working group is also considering BPN Constitutional amendments.

We have responded to a number of specific enquiries from local groups.

We have recently made two GIPAA requests for information about lobbying in relation to:

- the Guidelines and conditions of consent for SSD/SSI developments; and
- the Registered Environmental Assessment Practitioners (REAP) scheme.

We are also developing a new website on a new Shopify platform with improved functionality.

Governance and Administration:

BPN records are up to date, LG Minutes have been maintained and the Treasurer will present an annual Financial Report, indicating our financial stability.

Membership:

BPN has contacted most current Members and affiliates since the May 2022 AGM to update our records. As at January 2023 we have

- 28 Member groups
- 14 Affiliate Groups
- 16 Individual Members

- 15 Friends

In addition, we have several hundred other contacts with whom we communicate by email and through Facebook. We plan to increase the frequency and range of communications in future.

Department of Planning and Environment, and its Ministers:

The Department of Planning Industry and Environment has changed its name back to Department of Planning and Environment (DPE), to reflect the change of Ministers from Rob Stokes back to Anthony Roberts, who did not keep the Industry portfolio.

To recap, Planning Minister Roberts, to the disappointment of many, quickly revoked former Minister Rob Stokes' Planning Principles *"to ensure focus remained on the government's priority of delivering a pipeline of housing supply"*. Minister Roberts has also stopped the Draft Design and Place SEPP (State Environmental Planning Policy) from being implemented. While BPN believed that the Draft SEPP did not go far enough in providing a robust and visionary planning system for NSW, and said as much in its submission on the Draft SEPP, the SEPP was at least a step forward. Instead the Minister has taken what BPN believes to be a step backward in not introducing the whole Design and Place SEPP, but just one part of this, as a Sustainable Buildings SEPP, incorporating BASIX type provisions.

The Department has held numerous stakeholder online meetings each of which was attended by members of the BPN Leadership Group. Various heads of Department attend these meetings including the Government Architect Executive Director, DPE State Policy and Strategic Advice Executive Director, DPE Local Government and Economic Policy Executive Director, and the DPE Planning System Policy Executive Director, together with others depending on the meeting agenda.

The Department has said the DPE team appreciates the input provided by BPN at these stakeholder meetings. We ensure the meetings are a lively mix of information sharing together with substantial question and answers sessions.

DPIE/DPE also conducted a series of webinars on various planning matters, most of which the LG attended.

Some of the recent topics discussed at the monthly DPE stakeholder meetings included, in no particular order:

- Quarterly Housing Insights Monitor
- Expression of Intended Effects (EIE) for Changes to the Housing SEPP
- Varying Development Standards - Clause 4.6 of the Standard Instrument LEP
- Agritourism Planning Reforms
- Housing 2041 Strategy
- NSW Reconstruction Authority
- Regional Plans
- Unblocking Homes Package

- ePlanning Program

BPN is given the opportunity at these DPE meetings to make comments regarding the information provided as well as engage in useful question and answer sessions on each topic. BPN has over time developed a good respectful working relationship with the heads of department at DPE.

Please note that you can subscribe to the DPE News Bulletins [Here](#)

This Dept of Planning Community Guide to Planning 2020 is a little dated but remains a valuable resource and is [here](#)

Also, the DPE 2022 Year in Review and 2023 Outlook document is [here](#).

Submissions:

The Leadership Group has made submissions on a range of proposed legislative and regulatory changes. Members and Affiliates have assisted at times in making submissions in their field of expertise and BPN is grateful for their input. Some of the main written submissions made by BPN since May 2022 were on:

- Draft Coastal Design Guidelines
- Sustainable Buildings SEPP
- Public Spaces Charter.
- Flexible zoning; any mix of residential, business, industrial on a site
- Affordable, public and social housing in new developments and on public land
- **A New Approach to LEP Rezoning**
 - The original proposal allowed the proponent of the rezoning planning proposal to have applicant status and to have a new appeal process if dissatisfied with Council delay or decisions.
 - There were also arbitrary time limits with penalties for councils for exceedance of them and a rigid fee structures not set by Council.
 - Arrangements did not allow adequate community consultation about proposed rezoning.
 - Following consideration of critical feedback received, DPE's discussion paper has been withdrawn, but DPE is now proposing a series of individual changes, including: delegating the Gateway decision to councils for straightforward and strategically consistent planning proposals, subject to criteria yet to be established; and introducing unacceptable new post-Gateway panel review opportunities for applicants when there is a delay after exhibition, and also when a Council does not support the planning proposal!
- **Draft Design and Place SEPP - BASIX and Sustainability Remnants**

- The Draft Design and Place SEPP's draft Urban Design and draft Apartment Design Guides sadly were scrapped, but it's good that many of the sustainability provisions have been included in the new Sustainable Buildings SEPP, which incorporates BASIX, will reduce greenhouse gas emissions and require monitoring of embodied emissions of building materials from 1 October 2023.
- However, as the desired life of new buildings is beyond 2050 with its net zero emissions target as set by the Federal and NSW governments, the SEPP should not just recommend, but require all new buildings (residential and non-residential) to be designed to achieve net zero emissions immediately and all existing buildings to be retrofitted to achieve the same by 2035.
- There still needs to be a total ban on the use of gas in new residential AND non-residential buildings, as potent methane leakage from pipes and at the point of ignition contribute to a serious greenhouse gas emissions problem through the whole gas extraction and delivery system. To allow new assessors to determine whether new buildings have the electrical services and space to allow them to be gas-free by 2035, is unacceptable.
- Standard requirements allow for review every few years to be consistent with updated scientific evidence so as to adequately mitigate and adapt to increased global warming inertia arising from climate change.
- The new requirements should not simply exempt North Coast climate zones and buildings less than 6 storeys high, but if it is not cost-effective to include these areas and buildings, at the very least, a lower increase in the standard of energy and thermal performance should be specified.
- The NSW Government should show leadership by exceeding the planned inadequate 2022 updates to environmental performance standards in the National Construction Code.
- Competing provisions in BASIX targets, other environmental planning instruments and/or DCPs should be allowed to exceed the current policy position highest standards if they are designed to provide better environmental outcomes.
- The SEPP's applicability should be for all development including alterations and additions that exceed a value of say \$20,000 (not the current \$50,000) and for the installation of a pool or spa of more than say 20,000 litres (not as recommended for more than 40,000 litres).
- Newly proposed measures for BASIX performance assessment and compliance must be designed to result in better measurable local outcomes and sufficient funding provided to Councils to regulate this with expert assessors and compliance officers.
- BPN recommends that the proposed move away from BASIX must not be done despite so-called "consultation" until proper consultation and analysis has been done on alternative "flexible" pathways, and only after the work in relation to these alternatives has been completed.

- BPN also expresses its concerns among others, about the so-called “independent pathway” outside BASIX using a “suitably qualified ... accredited assessor” instead of an expert BASIX assessment. Our members’ experiences with so-called “independent” private certifiers has left us extremely wary of any such new experiment.
- The current BASIX process for energy and water benchmarking should be continued and improved, rather than transferring it to the weaker national standard of NatHERS.
- The new SEPP should include enforceable standards for stormwater retention and Water Sensitive Urban Design in all developments.
- There are many other design features that should be required or at least recommended in all new developments such as green vegetated roofs and walls, as in Biophilic Design, rather than all too frequent heat absorbing dark coloured tile roofs and unshaded walls. However green roofs and walls must not be used as an offset for other vegetation or tree canopy cover.
- The SEPP should include increased BASIX water standards and we suggest the need for a review of the effectiveness of the SEPP in two years.
- Recognition of embodied carbon and setting a pathway to regulation is also important. This should include comprehensive and transparent reporting frameworks.
- Electric vehicle fast charging points in all new car parking stations, frequent kerbside charging points and electric vehicle ready buildings are important to be mandated, as well as cycling infrastructure.
- Maximum mature tree retention, canopy cover, planting and green space requirements should preference diverse locally endemic native planting and drought tolerant plants.
- It is good that the Cost Benefit Analysis section notes a cost savings over time, but should acknowledge that earlier, more significant savings, will result from reduced energy and emissions.

- **Infrastructure Contributions and Rate Pegging**

The BPN LG had previously made two major submissions opposing the NSW Coalition government’s outrageous abolition of fair public value sharing by Councils of unearned land value windfalls for land owners from rezoning for denser development. This resulted in Councils facing large funding shortfalls to pay for the community infrastructure and facilities needed for the increased local population. In some high growth Council areas, this left shortfalls of up to \$1 Billion.

Wide protests including 830 submissions and BPN’s led to an Upper House Inquiry and the legislation before Parliament being suspended. Some Council’s also received approval to increase their s7.11 and s7.12 developer contributions to partially compensate them for the loss of public value share.

After the Independent Pricing and Regulatory Tribunal (IPART) originally set a 2022-23 Council rate peg increase of only 0.7%, Council complaints resulted in Councils getting an additional population growth supplement. The 2023-24 peg was set at 3.7% plus any population growth allowance.

IPART does not set the actual rates that households and businesses pay as this is a decision for Councils and their communities. However, Councils must set those rates to ensure the change in total rates income stays below the rate peg limit. IPART is currently reviewing the methodology it will use to set the rate peg for 2024-25. Submissions closed in November last year. **A draft report will be released in February 2023 with more submissions taken and a public hearing held, most likely in March 2023.**

- **Affordable, public and social housing in new developments and on public land.**

The concept of **Affordable Housing** was introduced in the 2009 SEPP that was designed to increase the stock of 'affordable' housing. The SEPP allowed the inclusion of a % or a whole site to be used. It required a developer to rent the dwellings at a % of market rent for up to 10 years when it would then revert to the market.

Developers used the boarding house section of the SEPP to build student housing as it was the best return on investment. The way developers used the SEPP was reviewed in 2021 and changes were made to retain such housing as affordable for 15 years.

Public Housing

Documents tabled in Parliament in 2022 showed that dwellings have reduced significantly over the past 15 years and waiting times have gone to 10 to 15 years in most areas.. The government sold off \$3bn worth of social housing during its decade in power, while failing to meet its own targets for new properties.

Land and Housing Corporation (LAHC) is the manager of public housing assets and is required to meet Treasury rules on Return on Investment on assets. This has seen dwelling maintenance significantly reduced. It has also seen public housing sold off in areas such as Millers Point where the sale price is high. However the funds raised are not reinvested in replacing the sold 'assets' in the area.. Another significant loss was the sale of the Sirius building. Demolishing and increasing density is currently planned for areas in Glebe, Redfern, Waterloo and more. Replacement buildings will be significant increases in density with dwellings for sale or rent in the private market and no increase in public housing. The replacement dwellings are to be contracted out to social housing providers rather than kept as public housing. Given the challenges and impacts on people of housing affordability in the buyer and renter markets it is critical that the government change its policy to include the public interest in housing provision not just the \$ rule that currently applies.

Evidence given to Parliamentary Inquiries and the Independent Planning Commission

- **Parliamentary Inquiry into Heritage Act.**
- **Parliamentary Inquiry into the Biodiversity Conservation Act Offset Scheme**

- **Independent Planning Commission hearing - Narrabri Underground Mine Stage 3**
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 - It's never been cheaper or easier for Australia to invest in clean energy, clean industries and clean jobs which will make our country more prosperous and resilient, and protect more ecosystems.
 - The Independent Planning Commission should have rejected this polluting coal mine and in doing so, it would have had the strong support of the public. As shown in the latest Climate of the Nation report, 75% of Australians expressed concern about climate change - the highest level of concern since this survey began.

Communications:

We apologise for insufficient communication this year, but the new BPN Leadership Group has been making steady progress in reviewing the organisation's records and making a transition from unmanageable IT systems to a new platform.

Facebook <https://www.facebook.com/BetterPlanningNetwork> - BPN has been less active on social media due to the withdrawal of our Administrator and previous Convenors. The variety of topics posted on the Facebook page has generated some interest, but we are considering opening a new page with a new Administrator if we have a volunteer, preferably on the new LG. There are some new people liking and commenting on the posts which is encouraging. Currently over 5,000 people follow the BPN Facebook page.

Posts have covered topics as diverse as zombie developments, heritage vandalism, waste incinerators, koalas, housing affordability, Crown Lands, the Pilliga gas pipeline, native fauna annihilation, the floods, planning timelines, National Parks, light rail, climate change, influence of the development lobby, ICAC, the list is endless.

Some noteworthy points regarding Facebook include the observation that after the 2021 Facebook stoush with the Federal Government, in which the BPN page was disabled along with many others as being a carrier of news items, the number of people reached by the BPN page dropped dramatically. Anecdotally this was also noted on other BPN member pages. We need more member comments, shares and likes as this widens the audience, so please interact with our BPN Facebook posts.

Twitter @BettPlanNetwork - BPN has an active Twitter account which keeps the more media and tech savvy members updated with a range of issues. The BPN Twitter account has over 2,000 followers.

Newsletters – Due to our Convenor stepping aside, and the work involved in updating the BPN membership and contact lists and in changing from NationBuilder to our new IT platforms and website, LG has not been able to provide members with frequent notifications via newsletters. An update was sent out in late 2022. Interested Members have been provided with links to Policy & Legislation pages, planning reforms and various submission links. Unfortunately due to ongoing difficulties with NationBuilder, for many members this information appears sometimes to go into their email Promotional or Spam folders and not be seen. **Could the people that are nominated as the contact person for member**

groups please ensure that any newsletters and other information is circulated to all their members?

Nature Conservation Council Connection and Insurance:

BPN continues to connect with the Nature Conservation Council (NCC) through membership and with their Planning Working Group, and is covered under NCC's public liability insurance policy. Any BPN member group or member that wishes to be covered by this policy for an event must advise BPN of the details of the event, who will in turn advise NCC. Failure to notify BPN/NCC will mean that you are not covered by the Policy. A copy of the Certificate of Currency must be obtained from BPN to ensure that your event and/or the situation will be covered.

Please note that under the terms of the Policy, *"Personal Injury or Property Damage directly or indirectly caused by, arising from or in connection with the participation of any Insured or Named Insured in any demonstration, protest march, civil sit-in, or any similar industrial action of any description"* is excluded from the Policy.

BPN Goals for 2023:

The Leadership Group (LG) will:

- Represent BPN membership by remaining strong in advocacy to all levels of government and especially around the 25 March NSW State election.
- Represent BPN membership and remain strong in advocacy when engaged in consultation where Industry, Lobby Groups and Developers are influencers and stakeholders
- Work with our members who are willing to support and assist in the writing of submissions to gather more knowledge and fact, and together to submit quality documents while continuing to meet deadlines set by the policy makers
- Engage more in submission writing. Each is a valuable source, for detail and fact
- Continue to assist membership in local matters when requests are made
- Complete the move away from NationBuilder to easier and more user-friendly platforms, including a revitalized website.
- Review the BPN Constitution and 2017-2021 BPN Strategic Plan to guide our ongoing work
- Build and strengthen membership
- Build media relationships to make BPN a 'first stop' for commentary on planning matters
- Improve our Facebook and Twitter presence
- Increase contact with members

BPN LG continues to adapt to system changes and represent the BPN Members with strength and integrity on matters of policy and development, action and implementation.

Contact us as needed at bpn@betterplanningnetwork.org.au