

ANNEXURE B: Summary of Submissions

	Submitter	ToR (a) Effectiveness of NBJP Act	ToR (b) Exercise by ICG of functions conferred by Act	ToR (c) Legal and economic benefits of applying legislation and manner implemented to other projects	ToR (d) Options and mechanisms for applying principles
3.	Armidale Dumaresq Council 15/04/10			The Review Panel needs to bear in mind the objectives of the EP&A Act in NSW: - to promote the sharing of responsibility for environmental planning between different levels of government - to provide increased opportunity for public involvement & participation in environmental planning & assessment	
32.	Ashfield Council 15/05/10			Strongly opposes the potential expansion of the use of the NBJP Act to facilitate the private redevelopment of land beyond that envisaged by the NBESP in NSW.	Urges Review oppose the potential expansion & application of the Act as there are many current & planned mechanisms in place to improve the efficiencies of the NSW planning system without the need for yet more legislative reform.
34.	Association of Independent Schools of NSW 18/05/10	The Act assisted schools to expedite the planning approval stage of their projects, particularly the larger P21 & SLC projects. Consequently, schools were able to continue to progress their projects within the timeframes established by the Australian Government for projects funded under the BER Program.	Independent schools have appreciated the expediency with which applications have been dealt with & the opportunities to meet with officers of the NBJP Taskforce to discuss applications as required.	Experiences under NBJP Act have highlighted benefits of a more streamlined planning approval process & demonstrated that the simpler process adopted by the Taskforce does not diminish the end result. Previous short term projects which had a much reduced scope, such as Southern Sydney Hailstorm Recovery Taskforce, did not require special purpose legislation. In contrast, there are other circumstances which have had special legislation, such as the World Youth Day & the Olympics. In both these instances there was no clear delivery agency & they had the time to establish & recruit the necessary resources. The NBESP was unlike both these situations, in that it had core agencies able to deliver the assets & programs, however the quantity & schedule was significantly different to 'business as usual'.	AISNSW would expect, if consideration were to be given to continuing to apply the principles of the Act to other significant projects/classes of projects, that independent schools would have access to those provisions in a manner providing parity with the other school sectors. Should principles of the Act be extended the future assessment process must include a clear set of criteria for projects that include: - projects must satisfy a NET community benefit analysis including provision of public open space; community transport; affordable housing & community services. - all projects should meet at least 5 star sustainability ratings & be carbon neutral. - planning must include community input to the proposal through the local council on matters of amenity & streetscape. - projects should meet all applicable development contribution obligations under adopted contributions plans. - all projects should comply with all LEP & DCP requirements in force.

33.	Australian Institute of Architects 15/05/10	The NBJP Act was successful in meeting the NBESP objectives. Large architectural practices have reported that they were able to fill around 200 jobs for architects which otherwise would not have existed.	Impressed by the focus & 'no nonsense' approach of the ICG & his team. Attended a number of industry briefings & found a willingness to respond to our questions. There were initial concerns that the contractual requirements of the major BER contractors were exceptionally onerous & unfair. Even though they were not under the direct control of the ICG & his team, their intervention helped rectify the situation.	The implementation of the NBESP was a highly unusual circumstance requiring an unusual response. The government deserves credit for acting as promptly as it did. However, the possible extension of this process to other projects should be treated with caution. The reforms of June 2008 were a major step forward to clearer & more responsive development assessment processes.	Consideration of major projects by JRPP & PAC has been a positive move to de-politicise the development assessment process. Similarly exempt & complying codes provide a clear & consistent process for small-scale projects. There is no justification for implementing the extension of the ICG's functions which would cut across newly introduced processes.
36.	Bankstown City Council 19/05/10		Since enactment last year, numerous projects, have been approved even though they are inconsistent with local planning guidelines, have undergone minimal or no public consultation or consideration of environmental impacts. A serious concern is about Part 6 s.27 of the Act which extinguishes the right of any person to bring a legal challenge against any decisions made by the ICG. This is against public interest, effectively silences the ability of the community to have a voice & is inconsistent with the fundamental principles of democracy. Further, under s.31 of the Act, unusual in comparison to other legislation, the ICG has been given responsibility to determine the time to repeal the Act. How does this relate to his role of overseeing the expenditure of the funds?	The possible extension of the 'emergency' powers, which have been implemented under the NBJP Act, to cover other types of development projects will amount to giving unprecedented power to a public official without check & balance, adequate transparency or accountability. The enacting of the NBJP Act to provide the ICG with a range of extraordinary emergency powers seemed to be & was doubtless a good purpose. Therefore councils & their communities recognised that extraordinary times such as the global economic crisis called for extraordinary measures. & as a result councils & their communities supported the initiative. The trade-off was agreed based on an assurance from the then Premier that those powers would only apply to NBJP projects during the identified time period. If these powers were extended, the community's right to input would be eroded. This extension has no public interest justification nor is it good policy.	If the principles of the Act are implemented then it will create a super Part 3A, completely side stepping councils & their communities & devoid of any public input or effective consideration of environmental issues. Under s.23 of the NBJP Act the ICG can declare that a specified project is exempt from all or any specified development control legislation. If a project that is being authorised is so important that it overrides the need for public input & environmental checks & balances, does it bring into question the usefulness of our whole planning system. The fact that this legislation is deemed as necessary is a reflection on the adequacy of the current planning system in NSW & its ability to process major projects efficiently & in a timely manner, having been subject to proper assessment & consultation with the local community. The challenge is to devise a 'real' planning system which does not have to resort to emergency measures on a permanent basis cutting communities out of the planning process.
4.	Bathurst Regional Council 19/04/10				Council would not support the broadening & extension of Nation Building powers.

25.	Blue Mountains City Council 14/05/10 18/05/10	BMCC is concerned with the operation of the Act & the results of its application on local communities & the operation & function of the Council. The use of the Act in the Blue Mountains LGA is of particular concern as the locally developed design controls have been expressly established within the unique context of a World Heritage Area, containing site constraints particular to the Blue Mountains & unlikely to be relevant elsewhere.	Conditions developed by the Taskforce were generally so broad that the project developers instigated a range of approaches which required further comment by the Council. This is an inherent problem in drafting conditions that are meant to apply to a broad range of circumstances. A number of projects appear to utilise materials & construction methods beyond scope of acceptable practice, e.g. the use of heavy duty reinforced concrete driveways for temporary access at construction sites. The cost & effort required to construct & remove them is above the usual industry practice. BMCC has questioned this practice & is no longer approving these as construction site accesses.	Permitting private enterprises & public authorities to override local controls is contrary to the very nature of local government & will at times result in compromised community outcomes & with no community input into the process at all. Expansion of the Act to include 'other significant projects' is already being captured by legislation, namely those undertaken by JRPPs in conjunction with Council officers who assess the projects according to appropriate legislation, local & other. Expansion of the Act to include such projects would remove the need for these projects to meet the requirements of planning instruments & their design controls. In addition, the majority of school projects would be covered under SEPP Infrastructure provisions & therefore the Act could be viewed as a duplicate. The vast majority of development applications, including those of a 'significant' nature, achieve design & planning outcomes that benefit not only the community but also the developer. The time taken to assess a development application is an investment in community results & should be properly acknowledged as such. It appears that good design has been sacrificed for expediency, & while this could be considered an acceptable approach during the GFC, it is not a justification for continuing to deliver poor outcomes beyond the life of the Federal Stimulus Package, especially in light of the current economic forecasts for Australia.	The consideration of expanding the legislation to cover other significant projects or classes of projects, as deemed by the State Government, is of great concern to BMCC. BMCC does not support the application of the principles of the NBJP to significant projects or classes of projects. Therefore no options or mechanisms are proposed. BMCC has serious concerns with the long term impacts of incorrectly designed & located projects in the Greater Blue Mountains World Heritage Area as well as local amenity. Results to date in the implementation of the Act have only increased the concerns. Therefore the BMCC requests that the NBJP Act 2009 be repealed in the short to medium term & that the scope of the Act not be extended into areas such as commercial or industrial development.
6.	Carol O'Donnell 23/04/10	No specific comment. This submission, while addressed to the Review, is a submission to the Productivity Commission and Victorian Competition and Efficiency Commission on other matters.			
9.	Carol O'Donnell 30/04/10	No specific comment. This submission, the same as that of 23/04/10, was addressed & emailed to the Productivity Commission but copied to the Review.			

21.	Carol O'Donnell 14/05/10	No specific comment. Similar to the above.			
7.	Christine Wells 23/04/10	Concern regarding the lack of democratic rights and the negative impact projects have had on the community. Widespread concern re the ability to bypass council regulations	.	There would be an economic and legal disadvantage to extending the Act as it appears to make other requirements such as the Metropolitan Strategy and similar regional plans redundant.	Does not support an extension of the Act and believes it would address the social housing issues in a superficial manner.
15.	City of Botany Bay 13/05/10	Council requests that future proposals under the Act that affect heritage items (associated with schools in particular) are required to prepare thorough Heritage Impact Statements by reputable Heritage professionals. Council believes that heritage provisions in the Act need to be strengthened so development proposals are designed appropriately & heritage items are not compromised. An example of this issue relates to St Therese's Primary School where a classroom building built in 1939 was proposed for demolition.	ICG powers do not need to be extended as Council is best placed as the determining authority for a range of development proposals throughout the City of Botany Bay.	The Act has served its purpose in expediting development approvals for infrastructure, social housing & schools. It has played a successful role in generating jobs & stimulating the economy. Council has played a key role in responding to development proposals made under the Act & providing direction on local issues. Council does not believe that the Act needs to be extended to apply to other significant projects or classes of projects in NSW. There is an increasing amount of legislation which is centralising planning powers to the NSW Government. Council plays a vital role in assessing development application & is best placed as the determining authority for proposals throughout the LGA.	Council objects to extension of the Act to additional classes of projects. However, if it were to occur, Council would require continued involvement as the referral body to ensure local issues are addressed.
39.	City of Sydney Council 24/05/10 26/05/10	Taskforce Office records indicate average approval time for non-contentious applications exempt from formal notification & consultation over period 1/1/10-30/3/10 was 58 days, with average for school projects 61 days. Is 50% longer than standard statutory deemed refusal time for DA determination which is typically subject to the process obligations under EP&A Act. Would appear that Councils are being held to achievable timelines & are expected to process DAs with superior performance to the streamlined Taskforce.	ICG has unprecedented war-time style powers not known to exist in any other NSW Act. NBJP Act suggests that the ICG is effectively answerable to no-one except perhaps Parliament itself & is also able to repeal the NBJP Act itself, if desired. The ICG's novel powers are unchecked because the holder is classified as a 'protected person' immune from challenge or proceedings (s27) & also immune from personal liability (s28). These types of protections may have been deemed necessary for short-term emergency action, however they would be entirely inappropriate &	It would be a dangerous error of judgement for NSW government to extend the life of the NSW Nation Building legislation in order to apply it to private sector development, in particular multi-unit housing at the behest of the developer lobby. The Object of the Act & almost every feature of the Act is unsuitable for translation to speculative investment in property. The key features of the NBJP Act available at the exclusive discretion of the ICG (namely exemption from the following: planning controls, concurrence requirements, notification, consultation, development contributions) if exercised, are unsuitable for any class of private sector development, in particular multi-unit housing. Further, the non-discretionary features of the Act including 'protected function' & 'protected person' which excludes legal recourse or	If the NSW Government has planning resources to spare it should consider the following priorities: - amplify the strategic planning workforce in the Department of Planning so that strategic plans throughout the city can be well considered & put in place - focus on a strategic planning framework, particularly in relation to amplifying public transport for infill areas & Green field areas. The government needs to get the planning controls right rather than focusing on the assessment process where the planning controls may not be right - there may be a role for the Taskforce in solving transport plans. The value of public transport to an efficient & sustainable economy goes well

<p>City of Sydney Council (continued)</p>	<p>NBJP experiment provided useful evidence about approval speed, not normally available under NSW law. NBJP 'fast track' approvals was not a more effective determination pathway because:</p> <ul style="list-style-type: none"> - approvals not significantly faster on average - proved to be no justification for lack of formal notification, esp given that alternative pathway was relatively slow - applications not assessed against relevant state & local planning controls: removes certainty, underlines quality design & increases risk of serious environmental, amenity & heritage impacts. <p>Because NBJP Act did not apply to private sector development /investment, a no of potentially damaging risks & precedents were avoided:</p> <ul style="list-style-type: none"> - inappropriate zoning departures - market distortions - investment uncertainties - destabilisation of the 'planning system' - departure from core controls such as floor space & height in schools (may not be the case in social housing) - immunity from legal appeal was unlikely to be a major issue - extensive amendments to private projects pushes design problems to construction stage. <p>Further lessons learnt from the 'not so effectiveness' of the NBJP Act 2009 are:</p> <ul style="list-style-type: none"> - the quality of the application drawings & reports, which become legal documents after they are 	<p>contrary to ICAC guidelines on governance, code of conduct, corruption & accountability for longer term ongoing applications particularly re decisions on private sector development. Legal review does not appear to be available under the Act, except that individuals' actions could be proven not to be carried out in good faith. Such a finding might not change a decision.</p> <p>Taskforce records indicate a number of policy concerns & issues falling under the control of the ICG:</p> <ul style="list-style-type: none"> - online documentation inconsistencies where approval forms are dated before applications are made e.g., No IPA 09/0511 H – this may be a form error - online record keeping inconsistencies where approval records in 2009 have significant information missing compared to online record keeping in 2010 (although there appears to be progressive rectification recently) - patchy referral system & failure to formally notify councils that projects were being declared by ICG through 'orders' - policy of ICG to exclude s94 payments for social housing developments < 20 units reduced pool of s94 contributions to local governments to provide services for additional residents in an already strained environment of revenues, also capped by rate pegging - policy of the ICG that applicants must consult with local councils & neighbours prior to lodgement has not been effectively enforced despite efforts by Taskforce 	<p>appeal, are unsuitable for managing community & private interests in private sector development. Related issues if applied to private sector development are set out below.</p> <ul style="list-style-type: none"> - Act is built on a fundamental premise that specific classes of federally funded projects will with absolute certainty be delivered, resulting in spending & jobs within the construction industry. Is simply no guarantee that any particular project approval would result in immediate development taking place. - any translation of the Act to private sector development would undoubtedly be drawn to most profitable & contentious form of development - private sector multi-unit housing. This class can range from less than 4 to 200+ dwellings. If the NB legislation was applied to particular classes of development & set the climate for a favourable treatment, this would consequently affect other weaker property investment choices & potentially make them less competitive. In an unregulated market, multi-unit housing will almost always outbid other uses & deny their long-term inclusion in any particular redevelopment mix. - a parallel system such an extension of the NBJP Act would undermine s94 contribution & jeopardise the new Integrated Reporting requirements as directed by DPC & Dept of Local Government. - the NBJP Act provides an alternative approvals pathway & thus if extended private sector development applicants could choose to lodge parallel applications & select the more favourable approval. - the Government Information (Public Access) Act 2009 will place high demands on the system particularly if the notification & consultation practice remain as they are. - if decisions under any revised NBJP Act that applies to private sector development are not protected from appeal, the Taskforce will require a robust legal framework & team to defend their decisions, which is a duplication of existing councils' processes - there is a risk associated with setting aside planning controls for private sector development applications as the intent may not be to develop but rather to sell 	<p>beyond its sectoral viability. Public transport needs to be subsidised so that cities can work efficiently in other ways</p> <ul style="list-style-type: none"> - identify specific Council areas that need & desire assessment assistance – however recent feedback suggests that most Planning Panels have found that professional planning assessment staff at Councils are by & large doing good work
--	--	---	--	---

	<p>City of Sydney Council (continued)</p>	<p>stamped & approved, is often below standard & incomplete.</p> <ul style="list-style-type: none"> - detailed strategic planning assists in reducing no of broader site issues which need to be addressed thus reducing approval times - Taskforce requirement for applicant to undertake a no. of pre-lodgement processes would improve approval times for councils - while the role & decisions of the ICG are 'protected' from legal action, there appears to be potential for any erroneous or deficient assessment by contract planning staff which leads to death, injury or loss, to be open to duty of care actions by a 3rd party as assessments by contract staff, in contrast to the ICG's protected 'decisions' may not be protected by Act - a review of Taskforce approvals reveals that there was at times heavy reliance on use of conditions to solve evident design problems at later stages. <p>Some approvals for simple buildings had 80+ conditions, including requirement to redraw the design at completion & resubmit for records. Effect is to time displace unresolved issues from approval phase to construction phase. Assists with approval times on paper.</p> <ul style="list-style-type: none"> - review of Taskforce assessments shows small no of projects, perhaps 5%, should have been refused due to poor design or unacceptable impact on a site. Fact that there are no known refusals & designs had to be reworked to the satisfaction of TF, may have contributed to slower than expected approval timelines. 	<p>planners to contact Councils where consultation was obviously lacking</p> <ul style="list-style-type: none"> - the early policy position of the ICG that applicants seek an 'order' to be exempted from local approval processes (but only if local approval times risked completion deadlines) was changed in July 2009, creating considerable uncertainty for applicants – this appeared to be an over-reaction to representations made by Housing NSW 	<p>the land with a 'new set of controls'.</p> <ul style="list-style-type: none"> - exemption from formal notification & consultation will not be acceptable to the community if this is applied to the private sector, in particular multi-unit housing. Pushing the onus on developers for a defensible & rigorous consultation system will only add time, create mistrust & add cost to the applicant. In the case of exemption from planning controls for private sector development, the risk of: excessive speculation; approval-banking; escalation of land value; unsustainable outcomes; strategic decision making of significant projects at approval stages. In the case of significant private sector developments exempt from consultation, the risk of: community unrest & poor legitimacy due to lack of formal notification/consultation to iron out; & poor choices, poor assumptions, errors & negative impacts there may be some potential benefits in extending the application of the NBJP Act to other classes of federally funded projects, which would be generally consistent with the special-purpose object of the Act. The main aspects of the Act which would greatly assist in achieving potential benefits in relation to other government funded (not-for-profit) projects, specifically relate to Parts 3 & 4 of the Act. These Parts enable the ICG to effectively manage the obligations & required cooperation of other government agencies, public authorities & state owned corporations to achieve a coordinated outcome. Publicly funded projects which might benefit from the coordination functions of the Act include: <ul style="list-style-type: none"> - multi-jurisdictional public interest transport projects, in particular light rail, heavy rail & metropolitan-wide networked cycle ways (extending the City of Sydney network now under construction) - complex multi-agency decentralised electricity master plans & projects faced with entrenched regulatory barriers - hospital projects which may flow from the 20 April 2010 COAG National Health & Hospitals Network Agreement 	
--	--	--	--	---	--

49.	Department of Planning, NSW 19/07/10	See Annexure G for the submission to the Review which the Department included as part of its Response to Review Questions			
28.	Dubbo City Council 14/05/10 17/05/10		The approach taken in implementing the NBJP Act currently leads to inconsistent application of local planning guidelines & policies. The ICG is able to disregard these policies & guidelines.		An extension of the application of the NBJP Act will weaken the effectiveness of Council's strategic planning & diminish the effectiveness of engaging people in the process. This sets up false expectations about the future urban character & outcomes as council's ability to implement them will be reduced. Council objects to processes that reduce opportunities for public participation & provide additional wide-ranging, discretionary powers for the position of Minister for Planning or the ICG. Centralisation of decision making is contrary to principals of participatory democracy. Local councils should be retained as the central authority in the management of their local area.
29.	Environmental Defender's Office (NSW) 14/05/10	NSW Government has committed to the principles of ESD under the National Strategy for Ecologically Sustainable Development 1992. It is not mentioned in the NBJP Act & there is little evidence to suggest that the ICG is having regard to ESD when issuing authorisations. The Act should be bounded by the principles of ESD including the precautionary principle, the conservation of biodiversity principle & intergenerational equity. S.3 should be amended to insert 'in line with the principles of ESD' at the end of the objects clause. S.23 must be amended to stipulate that the ICG cannot exempt infrastructure projects from all development controls. At the very least the requirement for a species impact statement or environmental impact statement where required		The NBJP Act should not be extended in scope under any circumstances & should be repealed as soon as all projects under the NBJP are complete. The EDO strongly opposes the expansion of the Act to other projects beyond those identified by the Commonwealth in the NBJP as foreshadowed in terms of reference (c) & (d). Reasons for this include: - is unnecessary because there are a number of other regimes namely: ISEPP 2007 as well as Part 3A, Part 4 or Part 5 of the EP&A Act 1979 - will significantly widen the feeling of disillusionment among the community - will remove any accountability or transparency in relation to infrastructure projects, and - will have significant long-term effects on the environment. The NBJP Act as with Part 3A of the EP&A Act has significant deficiencies in terms of public participation & adequacy of environmental assessment. Creating yet another level of 'fast-tracked' major projects over & above what is already fast-tracked by Part 3A will exacerbate these existing tensions & alienate local communities.	EDO strongly opposes the expansion of the NBJP Act but recommends that broad consultation needs to be undertaken to establish a new best practice approach to planning for major projects & infrastructure projects in NSW. The pathway to a new approach would include the following steps: - establish better differentiate between the nature of major projects - simplify the pathways to decision-making, including removing the new multi-layered forums (arbitrators, JRPP, etc) - increase the checks & balances of the Planning Assessment Commission (PAC) through legislation to ensure clarification around its role & its independence - build in comprehensive environmental assessment requirements & community involvement to ensure transparent, informed & objective decisions are made.

	Environmental Defender's Office (NSW) (continued)	under the EP&A Act 1979 must apply. Act should be amended to ensure that public notification is a mandatory condition under s.24(6) & not subject to the discretion of the ICG. Furthermore, the Act must mandate community consultation prior to an authorisation being granted.			
46.	Esperia Court Pty Ltd 07/06/10 10/06/10			<p>An expanded ICG model should involve & aim to attract a partnership of private capital investment, close to transport hubs & one which is aligned with the Metropolitan Strategy.</p> <p>Delay currently occurs for larger or cross jurisdictional developments due to bureaucratic lethargy to collectively consider broader opportunities. It is proposed that an overarching empowered ICG can speedily increase the utility of public infrastructure at minimal public cost. This overarching coordination role is needed as numerous government departments involved in developments get entangled in a jurisdictional bottleneck.</p>	<p>Commonwealth's stimulus measures can attract local support which provides demonstrable local community infrastructure. Similarly, a 'private social contribution' model can substitute for Commonwealth funds in defined circumstances. The involvement of the ICG in a prescribed manner can provide an economic gain for the developer of that site with a proportion of the capital gain being allocated to the ICG for the construction of agreed community infrastructure. The prescribed manner could include development requirements such as being within 100 metres of prescribed transport infrastructure & complying with identified development concessions such as increased floor/space ratios. A potential model for residential developments would involve a direction by ICG (based on that office's powers re defined Transport Infrastructure projects as per the suggested Amendment) for a nominee from each of the identified Councils & Public Authorities to attend a (quarterly) Standing Committee to be chaired by the ICG. The task then is to fit the Co-ordinator model within the rest of government service delivery (or vice versa!).</p> <p>As an inexpensive circuit-breaker (championed by the respective Minister/s for 'Local Government' & 'Infrastructure') the paradigm for a symbiotic functional relationship between local government & the ICG could be encapsulated in a (joint) Memorandum of Rights & Responsibilities; The terms of this Memorandum</p>

	Esperia Court Pty Ltd (continued)				could address areas of delegation & cooperation & similar overall goals (so concisely set out in the revised Metropolitan Strategy). Initially ICG's powers should include infrastructure projects relating to (per 2010 Metropolitan Strategy): 'the integration of land use & transport (to) promote sustainable travel & productivity improvements'. pp19-20 provide a Draft Bill: NBJP (State Infrastructure Delivery) Amendment Bill 2010.
19.	Fairfield City Council 14/05/10	The objectives of the NBJP may be achieved but they may be at variance with those of the EP&A Act.		The extension of the NBJP Act to include projects outside those funded by the Australian Government's Economic Stimulus Package will mean that unspecified developments may completely bypass the processes involving Council & the community & the consultation framework established under the EP&A Act.	Continging NBJP process will have the following consequences: - exemption from EP&A Act & Councils LEP & DCP - removal of community consultation - exclusion of Council staff from assessment process - provision of unpaid advice to applicants. Strongly objects to any extension of the NBJP process beyond the current type of applications. The State Government already has provisions through the Infrastructure SEPP & the JRPP process to improve processing applications.
18.	Gosford City Council 13/05/10	Unaware of any information that is available to measure effectiveness though true measure will be forthcoming over time when developments are completed & operational. An associated measure would relate to ongoing functionality & community's acceptance of the finished product. Concern over minimal opportunity for Council input into assessment process & lack of community consultation.	No comment	Terms of reference limited to legal & economic benefit of the legislation with no consideration of social & environmental impacts.	The review should not be limited to the stated ToR - should also address transparency of the development process under EP&A Act 1979. Could be a perception in community that there is one set of rules for the majority of people & another set for others. Due to short timeframe the NBJP Act has been in operation it is difficult to support further expansion of its use for other projects in NSW. This legislation has been drafted to respond to the global economic climate at a particular time. There is no mention or provision in the Act for the efficient delivery of quality & functional infrastructure as well as economic, social & environmental impacts or benefits of these projects to the people of NSW.

45.	Housing Industry Association Limited 07/06/10			The success of the planning approval procedure changes warrants consideration for other types of development projects.	There are a number of instances where lengthy delays associated with referrals & assessment of compliant applications on land already zoned for residential purposes could be effectively removed through changes that extend the application of the NSW Housing Code. HIA supports the introduction of a pilot program for critical residential projects in inner ring council areas of metropolitan Sydney. This could include lower density local government areas where access to transport is already established.
50.	Housing NSW 11/06/10	See Annexure F for the submission to the Review which Housing NSW included as part of its Response to Review Questions			
24.	Infrastructure Coordinator General (ICG) 14/05/10	The Act has undoubtedly been a key element in the successful implementation of the NBESP. Key features are that it: - has a single point of operational authority – the ICG - places obligations & authority on the ICG for both program rollout & planning approvals - is not procedural & does not mandate the planning approval regime, but provides the flexibility for the ICG to develop appropriate processes is critical - allows the ICG to ‘turn off’ development control legislation & to resolve all conflicts (to date to the satisfaction of the administering agencies) - provides no avenues of appeal to decisions made by the ICG - has significant ‘step in’ powers available to the ICG with respect to taking over government agency roles in whole or part with respect to the NBESP - places significant legal obligations	The ICG & Taskforce have been equipped with both the tools (the Act) & the resources & management framework to carry out the task. Neither the Act nor the management team could have achieved the outcomes to date in isolation – it is the combination that has achieved the results. Part 3 (which obliges & authorises the agencies to cooperate with the ICG) & Schedule 2 (amends the Public Sector Management (Goods & Services) Regulation to provide for the ICG to determine policies & procedures with respect to the procurement of goods & services) have allowed ICG to cut through red tape in a managed, transparent & well documented manner. Part 4 allows the ICG to take over the agencies’ roles with regard to NBESP projects. There has been no need to use this part of the Act to achieve either the objectives of the Act or the NBESP. Part 5 re exempting projects from	No comment	Previous short term projects which had a much reduced scope, such as Southern Sydney Hailstorm Recovery Taskforce, did not require special purpose legislation. In contrast, there are other circumstances which have had special legislation, such as the World Youth Day & the Olympics. In both these instances there was no clear delivery agency & they had the time to establish & recruit the necessary resources. The NBESP was unlike both these situations, in that it had core agencies able to deliver the assets & programs, however the quantity & schedule was significantly different to 'business as usual'.

	<p>Infrastructure Coordinator General (continued)</p>	<p>on agencies to cooperate with the ICG - authorises agencies to cooperate with the ICG despite the provisions of any other Act or law - amends the Public Sector Management (Goods & Services) Regulation 2000 to provide for the ICG to determine policies & procedures with respect to the procurement of goods & services</p>	<p>development control legislation. The approach taken to planning approvals was based on merit assessment, addressing the usual range of environmental considerations & where possible adhering to the relevant standards & planning instruments, or at least their intent. Many planning instruments don't explain reasons for identified limitations e.g. setbacks, height limitations & zonings.</p> <p>A no of orders have been developed to authorise classes of developments, e.g. small buildings in schools, substations, demolitions. Average elapsed time for planning approvals has been 32.2 calendar days from lodgement.</p> <p>Planning applications which ICG approved were 25% of total NSW education & housing budgets. They were the most difficult in planning terms & usually contained heritage, bushfire, height, zoning, setback, tree removal, car parking, overshadowing & similarly contentious issues. It was also predicted that these projects would face delays through the council approval process & thus risk meeting the Cth deadlines.</p> <p>All projects considered by the ICG were assessed in terms of social & environmental impact despite the lack of a formal community consultation process as normally undertaken by councils.</p>		
--	--	--	---	--	--

41.	Infrastructure Partnerships Australia 26/05/10		<p>Although the role of ICG was established for a very specific purpose, the effectiveness of that role clearly demonstrates its ongoing benefits.</p> <p>It has been publicly acknowledged by COAG that the role of each jurisdiction's ICG can provide a useful tool for the roll-out of infrastructure.</p>	<p>The need for a role of this nature in NSW will not end with the completion of the NBJP. Maintaining the role of the ICG for other projects might assist the State in:</p> <ul style="list-style-type: none"> - responding quickly to the state's changing infrastructure needs – particularly in a crisis, such as a water shortage; - providing a streamlined, fast-tracked assessment process for major infrastructure projects of state significance; - incorporating due consideration of agency, stakeholder & environmental needs, while avoiding the risks of vexatious legal action; - removing unnecessary red tape & overcoming hurdles in the approvals process; - facilitating the roll-out of the State's Infrastructure Plan; and - ensuring the coordination of project delivery is attended to by the highest levels of government. 	<p>With Federal funding to be tied to planning reforms in the immediate future, the continuation of the ICG's role, alongside current reviews of the Sydney Metropolitan Strategy, the NSW ISEPP & the incorporation of COAG's Capital City Strategic Planning Systems criteria into the NSW planning system, is essential for preparing the state's existing frameworks for the delivery of infrastructure post-stimulus.</p> <p>Recommends that any expansion of ICG's powers be limited solely to major public infrastructure projects objectively deemed to be of state significance. Projects of state significance may include (list not exhaustive):</p> <ul style="list-style-type: none"> - major hospitals or medical facilities; - major educational facilities; - major water or energy projects - such as desalination & power plants, dams & pipelines; - major motorways or freeways - including those where large land resumptions would be necessary; - major transport infrastructure - such as rail, light rail, metros & freight corridors, including ports & associated infrastructure; - other major infrastructure projects where significant environmental, physical or other constraints need to be critically evaluated, or where there is a pressing significant or urgent need for delivery; and - major infrastructure projects requiring federal assessment or consideration (including projects falling under the Environmental Protection & Biodiversity Conservation Act or other major Act). <p>Projects of state significance should not include residential, retail or commercial development unless it is an inseparable component of a transport, medical or similar project of state significance.</p> <p>Any expansion of the ICG's powers should be focussed on a small number of large, state significant projects. Approval by the ICG should at all times remain a 'last port of call' in the planning process, as such it should be available as</p>
-----	--	--	--	--	--

	Infrastructure Partnerships Australia (continued)				<p>an option, but as an extraordinary mechanism in the planning & approvals system, rather than the 'norm'.</p> <p>As part of this amendment, NSW should consider strengthening & defining the ICG's head of power, as has been done in Queensland under the State Development & Public Works Organisation Act 1971 (Qld). The review of the NBJP Act might consider strengthening the ICG's role with respect to major infrastructure projects by enabling the ICG to:</p> <ul style="list-style-type: none"> - purchase land or assets & enter into contracts or agreements; - issue a 'progression notice' to a project's assessment manager (be it a state department or council) to decide an application within a designated timeframe (of minimum 20 business days) ; - if the progression notice is not complied with, 'step in' where the decision maker has failed to make a decision, & decide all or part of the application, or impose conditions & send the application back to the original assessment manager to determine; & - create infrastructure easements where needed, to assist in fast-tracking critical infrastructure delivery (such as used for the delivery of the Southern Regional Water Pipeline, Western Corridor Recycled Water Scheme & Gold Coast Desalination Plant).
2.	John McKenzie 13/04/10				<p>Urges review panel to not extend the powers of the Act as it is undemocratic. Maintains that stability of land tenure is essential for successful democracy.</p>
51	Keith Savvas 13/08/10 & 01/09/10				<p>Supports extension of IGC's jurisdiction to any type of planning application. Council system is anarchical, with 3rd party appeal rights on points of fact. LEPs and DCPs contradict each other & as a result applicants have to appeal. If ICG jurisdiction is extended applicants should be able to appeal to an internal mechanism with 3rd parties allowed appeal rights on points of law</p>

	Keith Savvas (continued)				through judicial system. (Similar to NCDC planning structure of ACT until self-government.) It is the function of legislature to make law (development controls) and function of administration to implement them.
43.	Lachlan Shire Council 01/06/10	Legislation is effective in fast tracking projects through the approval process but lack of community input can impact on the results of the project in terms of value for money & appropriateness.			
30.	Lake Macquarie City Council 14/05/10 18/05/10		The approach taken in implementing the NBJP Act currently leads to inconsistent application of local planning guidelines & policies. The ICG is able to disregard these policies & guidelines.		An extension of the application of the NBJP Act will weaken the effectiveness of Council's strategic planning & diminish the effectiveness of engaging people in the process. This sets up false expectations about the future urban character & outcomes as council's ability to implement them will be reduced. Council objects to processes that reduce opportunities for public participation & provide additional wide-ranging, discretionary powers for the position of Minister for Planning or the ICG. Centralisation of decision making is contrary to principals of participatory democracy. Local councils should be retained as the central authority in the management of their local area.
47.	Local Government & Shires Associations of NSW (LGSA) 02/07/10	Question review of the Act 'in isolation from the overall NSW planning system'. Agree there was successful stimulus of the economy but most common concerns of councils are: a. ICG's ability to override council & other planning policies b. lack of council and community consultation c. s.94 exemption (housing) d. scale & density, inadequate parking, height & character of developments.	NBJP Taskforce was an efficient special purpose project delivery vehicle but is not a substitute for an effective planning system. Few resources have been dedicated to ongoing regulation of development approvals.	Agree stimulus was achieved but ToR is limited to legal & economic benefit of the legislation with no consideration of social & environmental impacts. If a highly centralised development oriented authority with unprecedented powers is established it would be unacceptable to local government & community, & the economic focus, at expense of social & environmental consequences, goes against best practice planning principles & would result in long term problems.	LGSA don't accept need for Act to extend beyond stimulus package or for principles to be carried forward or included in other legislation. Don't support extension to private & commercial developments. EP&A Act, Part 3A, SEPPs, PAC, JRPPs, all centralise powers & remove /marginalise local government and communities. Centralisation reduces transparency /accountability. Additional layers & pathways increase complexity & encourage developers to 'shop around'. Considering another suite of planning controls or planning & development bureaucracy suggests current planning system, including recent reforms, is dysfunctional. LGSA agree it is & call for a complete, independent, holistic review of NSW planning system.

10.	Maitland City Council 06/05/10	Concern re the broad ranging powers which set aside the need for environmental assessment & community consultation that are inherent in the EP&A Act. This includes the removal of Council from the decision-making process, the reduction of s94 contributions & the limited consultation with Council & the community. The legislation has been applied across the State, without any recognition of those Councils that already have efficient & effective development application processing systems & who would be willing to work with State agencies to deliver projects in a timely manner.			
13.	Marrickville Council 12/05/10			The current review to look at permanent expansion of the NBJP Act & its associated planning approval powers is of considerable concern. This increase in centralising planning powers with the State Government will further reduce the ability of the community to be involved in the planning process. The special powers will further erode the development assessment role of local councils in large scale projects that will potentially have significant impacts on local communities. This review is opposed by Council as it is considered an unreasonable alienation of the community's rights & is outside the scope & objectives of the NBJP.	
22.	Matt Mushalik 14/05/10	The Act does not respond to the importance of oil dependency on the economy.			
23.	Mosman Council 14/05/10			The ToR relate to 'legal & economic benefits & consequences' only & make no mention of environmental, sustainable or social consequences of an expanded implementation of the legislation. The 'other significant projects or classes of projects' referred to is vague & could include a range of developments, shopping centres or schools. The	Potential outcomes of Review are of concern to the Council & would likely result in: - more development decisions made by the State - less development proposals notified to communities - limited ability for communities to influence planning policy

	Mosman Council (continued)			Government's reforms to the planning system have taken communities out of the process, e.g. Part 3A, Planning Assessment Commission, Joint Regional Planning Panels, Private Certification, standardised exempt & complying development & standardised LEPs. The Review's implicit intention could be construed to be the extension of government powers to bypass development control legislation. The NSW Department of Planning's stated priorities include improved investor & community confidence. If the powers in the Act are expanded this would undoubtedly deny the community this involvement.	- environment, sustainability & effects on amenity would be secondary considerations to economic & legal issues.
44.	Northern Sydney Regional Organisation of Councils (NSROC) 02/06/10	A range of inadequacies in the NBJP Act have been identified including: - fast tracked assessment process based on need to approve rather than assess - economic considerations override others - bypassing of traditional development & assessment process - inadequate consultation (notification of immediate neighbouring occupants & online access to plans) - lack of independent review - lack of consideration of Councils' LEP, DCP & other planning policies - inadequate exhibition of assessment reports & determinations.	Authority granted under the Act, which includes exemptions from development approval processes (s.23) & imposes limits to decision appeals (s.27), could be seen to undermine principles of informed, open & public planning decisions that are the foundation of NSW planning law. With respect to facilitating the timely delivery of some much needed infrastructure projects that benefit the community, the Act has achieved its purpose. However, the provision of valuable infrastructure in a short timeframe cannot be at the cost of long lasting negative impacts due to inadequate assessment & failure to consider local matters in detail. These costs include: - risks to health & safety - lack of attention to heritage issues - lack of consultation with council & the wider community - lack of compliance with EP&A Act - lack of consideration of council control plans - good design sacrificed for expediency	ToR are limited to legal & economic benefit of the legislation with no consideration of social & environmental impacts. Any long term continuance of the current legislation or its expansion to other types of projects is not supported. Whilst the ICG powers have been accepted (by many stakeholders) for application to the NBESP, given the extraordinary circumstances of the financial crisis, the extension of these powers is not supported. The reasons include: - inadequate meaningful consultation with council - lack of update to councils of progress on project in LGA - problems with generic conditions applied across a broad range of projects - lack of opportunity for council or community to express concerns regarding projects because of lack of transparency - lack of consideration of local control plans (guidelines & policies) which have a unique context such as World Heritage Area - powers are unchecked because the holder is classified as a 'protected person' immune from challenge or proceedings (s27 NBJP Act Protection of Exercise of Certain Functions) & also immune from personal liability (s28 NBJP Act Personal Liability).	There are already sufficient mechanisms for broad State & regional interests to be recognised in planning decisions through the SEPP controls & JRPP processes. Extension of the NBJP Act would be an unnecessary duplication. Provision of a range of extraordinary emergency powers to the ICG has been supported by many councils & their communities because extraordinary times such as the global economic crisis called for extraordinary measures. The trade off was agreed based on an assurance from the then Premier that those powers would only apply to NBJP projects during the identified time period. If these powers were extended, the results would include: - removal of Council from the decision making process - creation of a super Part 3A thus eroding council's & community's right to input - reduction of s94 contributions The objectives of the EP&A Act in NSW need to be focussed on in the future: - to promote the sharing of responsibility for environmental planning between different levels of government - to provide increased opportunity for public involvement & participation in environmental planning & assessment. The legislation has been applied across the State, without recognition of those councils that already have efficient & effective development

	<p>Northern Sydney Regional Organisation of Councils (continued)</p>				<p>application processing systems & would be willing to work with State agencies to deliver projects in a timely manner. NSROC would be concerned at any prospect of the plan being extended to categories of development that were not of a similar public benefit nature.</p> <p>Large projects with potential for significant social, environmental & economic impacts will not be adequately assessed if subject to limited timeframes & disregard for local planning matters & community consultation. Further layering & complication of planning system will result in legal consequences. The Act should not be extended once initial goal of short term economic benefit to community has been achieved, when other appropriate mechanisms are already in place. Expansion of Act to include 'other significant projects' is already being captured by JRPPs in conjunction with council officers who assess projects according to appropriate legislation, local & other. Economic benefits from a clearer & more efficient planning system would be far more beneficial & longer lasting than the path proposed.</p> <p>The proposal to extract additional classes of projects out of the 'system' is an ad hoc response that continues undermining & complicating the 'planning system' in NSW.</p> <p>There has not been a comprehensive review of current policy to examine ways to introduce improvement rather than a new parallel process. The strategic response should be to seek greater & longer financial & systemic gains by holistically reviewing the planning system.</p>
27.	<p>NSW Teachers Federation 14/05/10</p>		<p>Principals were discouraged from self managing their projects because of a range of issues include:</p> <ul style="list-style-type: none"> - cost 'blowouts' would mean that school would have to meet shortfall - consequences in terms of O, H & S requirements <p>Many Principals obtained quotes from local builders & thus are in a</p>		

	<p>NSW Teachers Federation (continued)</p>		<p>position to compare costing under the centrally managed scheme with their original quotes.</p> <p>It appears that BER program management fees will account for up to ¼ of the State's \$3.4 billion BER funding. Of great concern are recent reports that BER contractors have publicly stated that management fees are usually calculated at 2%, but managing contractors are receiving 2.85% & site supervisors 6.6%. It has been revealed however that managing contractors have been charging between 12.5% & 16.5%, about 3.5 times the amount suggested by the Cth Government, adding as much as \$500 million to overall costs.</p> <p>NSW Government figures show that more than 40 COLAs under the BER program have been costed at more that \$800,000 each instead of the 'normal' \$170,000 - \$\$250,000.</p> <p>It is estimated there will be less than \$10 b in actual value from the \$16 b allocated under the BER Program (across the nation).</p> <p>More detailed information available in document.</p> <p>15 Case Studies provided.</p>		
42.	<p>Orana Regional Organisation of Councils (OROC) 31/05/10</p>	<p>NBJP has stimulated the construction industry in the region, however there has been a noticeable short supply of sub-contractors which has led to a high demand & increased prices for construction in the housing sector.</p> <p>Investment in schools has been well regarded; however there is no long term employment stimulated by this infrastructure investment.</p> <p>Considerable investment has been</p>		<p>A future infrastructure investment program may consider rural & remote local government areas to engage staff &/or sub contractors to upgrade & maintain existing infrastructure; therefore meeting community needs & expectations without the pressure of new additional infrastructure assets to be maintained by councils in rural areas with diminishing populations & ageing infrastructure</p>	

	Orana Regional Organisation of Councils (continued)	made to rural & remote schools across the region & some of these schools are in jeopardy of closure as student numbers dwindle, conversely investment in these facilities may reduce the risk of closure in imminent years. A contractor engaged to undertake construction work in this region has recently gone into liquidation with a sub contractor claiming compensation. This has left a remote school & community in the OROC region with a very unpleasant experience of the NBJP.			
20.	Penrith City Council 14/05/10 25/05/10	As a vehicle to ensure the quick delivery of economic stimulus through construction works, the NBJP Act has had an impact in the Penrith LGA within a short timeframe.	NBJP introduces a further layer of bureaucracy, with systems already in place through councils & private certifiers.	The legislation was designed to implement a one-off spend to boost the economy & jobs. It clearly states that approval for exemption from development control legislation & the issue of authorities under the Act will lapse at the conclusion of the delivery of the Commonwealth stimulus package. This commitment ought not be altered. It would not be acceptable for the Act to be extended or expanded in the context of the current financial environment. Any such scheme to manage proposals for private development would raise significant concerns if normal community consultation processes were bypassed. The ToR are too narrow & do not take into account social & environmental issues; third party rights; community consultation; role of local government as a planning & decision making authority.	Land use planning decisions contained in Local Planning Instruments should not be subject to pressure such as may result from the NBJP Act on a long term basis. Using a mechanism such as the NBJP Act to implement, what in effect equates to a rezoning of land, to permit a development to proceed, may undermine the strategic vision & infrastructure planning of an area. There has not been a comprehensive review of the current policy to examine ways to introduce improvement rather than a new parallel process. Reviews of existing exempt & complying development SEPPs could include criteria to expand the scope of works which may be undertaken. The reform process including the introduction of JRPPs & changes to the Part 4 Assessment Process provides an opportunity to streamline existing systems.
35.	Planning Institute of Australia 19/05/10			Cannot support any proposal to extend the powers of the ICG to exempt classes of significant development (both residential and / or commercial) from existing urban planning and development control legislation. The reasons are as follow: - The role of local councils to deal with local planning & development matters, which is a principle that underpins NSW Planning legislation, would be	Should the principles of the NBJP Act be extended to include other classes of significant projects, the future assessment process must include a clear set of criteria for projects that include the following: - Projects must satisfy a NET community benefit analysis including provision of public open space; community transport; affordable housing and

	<p>Planning Institute of Australia (continued)</p>			<p>undermined.</p> <ul style="list-style-type: none"> - Local government planning processes and the views of local communities in those processes could be marginalised, in the interests of short term economic considerations and would not be consistent with the objects of the EP&A Act in NSW. - The complexity of the NSW Planning system would be added to and mechanisms already established under the EP&A Act for the delivery of major projects, critical infrastructure and developments over \$10m through various consent authorities would be duplicated. - Community confidence in the role of planning in NSW to deliver certainty, good outcomes & consultation on matters of significance to communities could be weakened & could inevitably leave a legacy of bad development. - Heritage, zoning or density issues could be compromised. - Responsibility for compliance with LEP and DCP in force at the time would need to be clarified. - Issues of transport planning, traffic generation, utilities and services are matters which cannot be assessed project to project could have a cumulative impact on development. - ToR for the review need to consider social issues arising from the implementation of the NBJP which are integral and critical to any project. 	<p>community services.</p> <ul style="list-style-type: none"> - All projects should meet at least 5 star sustainability ratings and be carbon neutral. - Project planning must include community input to the proposal through the Local Council on matters of amenity and streetscape. - Projects should meet all applicable development contribution obligations under adopted contributions plans. - All projects should comply with all adopted LEP and DCP requirements in force.
40.	<p>Property Council of Australia 21/05/10 27/05/10</p>		<p>Endorse principles used in the roll-out of the NBJP to date, specifically:</p> <ul style="list-style-type: none"> - Strong leadership to deliver motivation & accountability - Delivery of a whole of government response to ensure there were clear lines of communication between the key government agencies &, consequently, no unnecessary delays in delivery Transparency in the collection & timely dissemination of information & data to all stakeholders relating to 		<p>This review is an ideal opportunity to objectively assess the reforms to the NSW planning system undertaken in 2008 & identify areas of further reform. The introduction of both the JRPPs & the PAC as vehicles to determine residential, retail & commercial projects above \$10 million & \$100 million respectively were welcomed. Both need to be closely monitored & continually improved to ensure that gains are being made with respect to assessment timeframes & consistency & certainty offered to communities & proponents. Complying development & self assessment options were a fundamental component of successful delivery of infrastructure under NBJP. Broadening scope of complying development in</p>

	Property Council of Australia (continued)		the roll-out of the Plan particularly through the NSW Taskforce Update		NSW & subsequently streamlining assessment of a greater range of low impact development (with appropriate certification) is where significant gains could be made re progression of private sector projects. Unfortunately, principles of NBJP Act are not readily applied to assessment & approval of private sector projects, particularly large projects requiring concurrence or approval of a range of state government agencies. State agency approvals remain a headline concern with the planning system in NSW, significant improvement would be delivered to system if there was a mechanism to resolve delays in state agency approvals. Sydney Metropolitan Development Authority must be assessed against key performance indicators relating to delivery of housing & jobs across metropolitan Sydney.
5.	R.J.O'Halloran & Co., Solicitors 21/04/10			Local councils must have an input into all housing developments in the future & approve the developments instead of another body such as the ICG.	
12.	Shoalhaven City Council 11/05/10 12/05/10			Council does not support the extension of the Act to other types of development or projects & advocates the revoking of the Act at an appropriate time, once its purpose has been served. A range of inadequacies in the NBJP Act have been identified including: - Fast tracked assessment process based on need to approve rather than assess - Economic considerations override others - Bypassing of traditional development & assessment process - Inadequate consultation (notification of immediate neighbouring occupants & online access to plans) - Lack of independent review - Lack of consideration of Councils' LEP, DCP & other planning policies - Inadequate exhibition of assessment reports & determinations.	Options to overcome inadequacies in the implementation of the NBJP Act include: - Consultation requirements be amended to reflect the community consultation policy - Provide access to assessments, plans, reports & submissions via a website - Only extend powers of the Act to development that would be considered to be exempt or complying development under the EP&A Act 1979. - Assess whether the NBJP Act has resulted in a prudent use of public funds - Consider transferring the powers of the ICG to the Department of Planning to reduce the need to fund an additional tier of bureaucracy - Amend Schedule 4 of EP&A Act regarding s149 Planning Certificates to include a requirement that references the NBJP Act rather than a notation at the end of the Schedule.

48.	Shoalhaven City Council (supplementary) 02/08/10	Current consultation process – notification of immediate occupants, not landowners – is inadequate. NBJP Act should be amended to match Part 4 EP&A Act.			
1.	TCA Town & Country Asphaltting (roadwork contractor) 07/04/10	Agrees the importance of economic stimulus in order to avoid further unemployment, & asks for departmental assistance regarding current legal difficulties for the business (not related to NBJP).			
14.	The Hills Shire Council 13/05/10	Re facilitating the timely delivery of some much needed infrastructure projects that benefit the community, the Act has achieved its purpose. However, provision of valuable infrastructure in a short timeframe cannot be at the cost of long lasting negative impacts due to inadequate assessment & failure to consider local matters in detail. There is evidence to suggest that the rapid approvals have resulted in costly errors & risks to health & safety which may have been avoided if subject to thorough assessment & approval processes. The application of the legislation will ensure good planning outcomes.	The timely delivery of some beneficial infrastructure projects may be attributed in part to the effective management of the Act.	It would not be appropriate to extend such powers beyond the original intentions of the NBJP, which was to expedite certain infrastructure approvals to achieve short term economic outcomes. Large projects with potential for significant social, environmental & economic impacts will not be adequately assessed if subject to limited timeframes & disregard for local planning matters & community consultation. The further layering & complication of the planning system will result in legal consequences. The Act should not be extended once the initial goal of short term economic benefit to the community has been achieved, when other appropriate mechanisms are already in place. An alternative term of reference to this stated one needs to include that is social & environmental impacts.	Introducing another layer of planning is inappropriate & unnecessary. Better upfront planning of projects to be 'shovel ready' would lead to faster approvals under the NSW Planning System, that would not erode orderly development nor community rights for input.
8.	Trixie Whitmore 25/04/10	The areas where the NBJP Act has been implemented & seemingly overridden local government powers have been disastrous. There has not been sufficient infrastructure, however there have been negative outcomes regarding the environment and heritage.			Urges that the NBJP Act not be extended as it is local people and local government that suffer the consequences of these projects.

37.	Urban Taskforce Australia 25/05/10		<p>The ICG's performance should be rated as A+. The NBJP Taskforce considered significant residential development proposals, involving the exhibition of plans, referral & negotiation with local council, consideration of public submissions & referral to an expert advisory panel within an 8-12 week period. Our experience would suggest that if left to the local council & subject to the usual development approval process, such development applications would not surface for at least 12 to 18 months.</p>		<p>The NBJP Act should be extended to a wider range of private sector projects when the proponent seeks coverage & the project:</p> <ul style="list-style-type: none"> - is within 400 metres of a transport corridor serviced by high quality public transport (e.g. buses, light rail); or - is within 800 metres of a train station; or - includes 1,000 or more residential dwellings; or - would create 200 or more jobs; or - is otherwise state or regionally significant. <p>If need be, this could be a temporary measure until the shortfall in NSW's supply of housing & retail premises is eliminated.</p> <p>In the event that the government considers it undesirable to extend the NBJP Act a similar result can be achieved via amendments to the Part 3A scheme under the EP&A Act.</p> <p>Modify the arrangements applying under Part 4 of the EP&A Act so that decision-makers are required to adopt an approach that is more akin to that adopted by the NBJP Taskforce. Changes require decision makers to:</p> <ul style="list-style-type: none"> - carry out their assessment of significant development proposals within 2-3 months; - approve development that is consistent with state or regional strategies, even when the zoning plan is not up-to-date; - ensure that development standards are applied flexibly; - remove the possibility of 'bottom draw' policies being used to influence decision-making; - approve developments that meet clearly articulated rules; - permit residential development in town centres; - better apply rules on residential flat design; - work as part of an expert team focusing on state or regionally significant projects. <p>This can be achieved either by amending legislation, or through environmental planning instruments, ministerial orders & ministerial directions.</p> <p>15 recommendations are identified.</p>
-----	--	--	---	--	---

31.	Wagga Wagga City Council 14/05/10 20/05/10			Council supports initiatives seeking to stimulate employment opportunities & capital investment. In pursuing this, the principle of driving down approval time is supported (however) further removing proper assessment from Councils & the communities that they serve is not. Council therefore does not support the wider application of the NBJP Act 2009 which seeks to further remove local development assessment functions & the rigour & assurances that the EP&A Act 1979 provides in terms of ensuring sustainable development outcomes for communities.	NBJP Act 2009 was introduced when the benefits of rapid commencement of projects outweighed the pitfalls & impacts of centralised, hasty & potentially non-rigorous development assessments that excluded community consultation. Pressures have now passed therefore further expansion of it is not supported.
16.	Warringah Council 13/05/10			Communities would prefer to make comment on applications prior to determination. Public notification of proposals, which would give the consent authority the ability to consider any submissions prior to determination, would offset community unrest which has arisen due to lack of consultation.	Prior to an application being made under the current legislation or any future legislation that is similar, it should be mandatory for an applicant to submit the proposal to the relevant Council/Consent Authority for advice & condition of consent or reasons for refusal. This would ensure that the consent authority has relevant information to assess any proposal in its local context. The provision of this service should be available for a fee.
38.	Western Sydney Regional Organisation of Councils (WSROC) 21/05/10	There is no doubt that an enormous amount of building has gone on. However, parents, teachers & students have constantly raised concerns regarding the lack of consultation about how best to spend the money & meet the needs of the individual schools. The Review Panel should note that a Federal Taskforce is investigating the management of funds associated with the BER Program. There is concern that the ICG is not required to show consideration for environmental, residential, transport, infrastructure, competing land use or anything else in making decisions. In addition, there is no opportunity for challenge or recourse to higher authority for reconsideration or review.	Deeply concerned that the ICG has not engaged in any form of consultation with stakeholders & the community regarding the projects included on the NBJP, whilst noting that this is not required under the Act.	It is the role of the NSW Government to manage the state for the benefit & wellbeing of all the people of NSW, this includes maintaining the environment, heritage & residential amenity & to allow residents to participate fully through meaningful consultations on the future developments of their communities	Concerned that this ToR predicates the recommendation that the powers of the ICG be expanded to include all infrastructure & residential developments. Should this be the case, it is strongly recommended that the role be modified to require approvals to abide by environment, heritage & other laws & to proceed only after proper, meaningful community consultation. WSROC strongly opposes the continuation of any planning authority with overriding powers as those described in the Act.

11.	Wingecarribee Shire Council 10/05/10	Council is concerned at the provision of NBJP Act to put aside local planning controls (LEP & DCP) & the opportunity for meaningful public comment..			A set of rules to deal with 'public benefit' projects such as those included in the NBJP is a reasonable proposition with its legitimacy being strengthened by the acute economic conditions that were the catalyst for its introduction. However Council would be concerned at any prospect of the plan being extended to categories of development that were not of a similar public benefit nature. It would have the potential to undermine & trivialise local planning strategies, in particular the Community Strategic Plan, now required under the Integrated Planning & Reporting regime as legislated by the Dept of Local Govt as well as the LEP process that all Council's must follow.
26.	Wollondilly Shire Council 14/05/10		The aspect of consultation with Council & its community during the approval process is of concern because of lack of transparency & the inability of either Council or the community to express concerns in relation to possible impacts of a proposal. Issues such as access to public transport & services have not been given due consideration particularly in the social housing developments in projects located at Thirlmere & Picton.		
17.	Woollahra Municipal Council 13/05/10 14/05/10	The NBJP Act has been effective in streamlining the development approval process & reducing the approval times, however this is a very limited measure of effectiveness. The Act is a very blunt tool, which is ineffective in providing meaningful consultation with Council & is not required to consult with adjoining owners or the wider community. It is difficult to be optimistic about design outcomes as	ICG has applied the special (authorisation) powers to 3 projects in Woollahra Municipality. Though there were no concerns, there are some suggested improvements: - request increased timeframes for Council to respond to proposals, in some instances only given 7 days. - provide more meaningful consultation, sometimes appeared quite token. - establish more comprehensive conditions of consent, including on-	The NSW Government has not demonstrated an economic, or other, justification for extending the principles of this legislation to other significant projects or classes of projects that it may apply to. It is therefore completely unreasonable for Council & the community to support such as extension. Such action is inconsistent with the EP&A Act 1979 objectives & would: - further diminish opportunities for meaningful community involvement in the planning process. - erode Councils' powers, responsibilities & input into planning decisions that affect the community for which they have been elected to represent.	The approach to planning associated with the principles of the NBJP Act is not in the local community's best interest. The NSW Government has implemented the SEPP mechanism to simplify the planning process for various types of developments. In particular the Infrastructure SEPP 2007 has been used for providing infrastructure associated with education facilities, hospitals, roads, railways, emergency services, water supply & electricity delivery. The expansion of the planning powers under the NBJP Act is strongly opposed by Council.

	<p>Woollahra Municipal Council (continued)</p>	<p>the Act contains no heads of consideration (as under the EP&A Act) & the NBJP Taskforce acknowledges that Council controls are not usually considered rather the complying development standards in the Infrastructure SEPP are typically used.</p>	<p>site construction management activities. - keep Council informed of progress of project to enable Council to understand how issues are being managed & answer enquiries from the community regarding the development.</p>	<p>- compromise the quality of planning outcomes. Similar planning powers were also passed for the Olympics & World Youth Day. These were one-off, very specific & unique circumstances, provided on a temporary & time-limited basis. NBJP Act must also be limited in its scope & life & any proposal to extend the planning powers must be rejected.</p>	
--	---	--	--	---	--