

To Dr Neil Shepherd, AM
Chair, Review Panel
Implementation of NSW National Building and Jobs Plan

Dear Dr Shepherd,

Thank you for allowing us the opportunity to make a submission to the NSW Government's Review of the effectiveness of the NSW Nation Building and Jobs Plan and the future role of the Co-ordinator General in determining infrastructure and housing developments in NSW.

As the Western Sydney Regional Organisation of Councils, (WSROC) we represent and advocate on behalf of 11 Western Sydney Councils, including Auburn, Bankstown Blacktown, Blue Mountains, Fairfield, Hawkesbury, Holroyd, Liverpool, Parramatta, Penrith and The Hills Shire.

These are all Local Government Areas that potentially carry a disproportionate share of future high density development and infrastructure needs.

In brief:

WSROC Councils are strongly opposed to any extension of the Co-ordinator General's overriding powers to approve housing and infrastructure developments.

WSROC believes that Local Government is best placed to make decisions regarding long term planning and housing and infrastructure needs for their communities.

WSROC is concerned that extending the powers of the Co-ordinator General will continue the trend to removing planning powers from local communities and councils and into the hands of a single, unaccountable, appointed authority who can override all existing planning, environmental, heritage and residential amenity laws.

WSROC believes the implementation of the NSW National Building and Jobs Scheme, in particular the building programs in schools, which is currently the subject of a Senate Inquiry, has clearly shown the problems inherent placing important decisions regarding needs, costs, suitability and viability in the hands of a distant and unaccountable authority, without consulting with the people most affected by the decisions.

With specific regard to the Terms Of Reference:

- a) the effectiveness of NSW Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 in facilitating the implementation of the Nation Building Economic Stimulus Plan in NSW

There is no doubt that an enormous amount of building has gone on – especially in NSW public schools. However, the constant complaints of bullying, waste, mismanagement and irresponsible spending would suggest it has been effective only in using the Federal Government's grant money, not in providing useful effective thoughtful improvements to our schools. The end result is many schools have been building sites for the past 12 months or longer, which is dangerous for the children and does not create a learning atmosphere. Under the NSW system of running all such projects through the Co-ordinator General, parents, teachers and students have consistently raised concerns regarding the lack of consultation and discussion about how best to spend the money and meet the needs of individual schools.

I refer the Review board to the current hearings of the Federal Senate Inquiry into the management of the schools funds and other grants issued to States under the National Stimulus Plan for more details on the level of waste and mismanagement that has occurred under this program, especially in NSW.

- b) the exercise by the Coordinator General of the functions conferred by the Act in accordance with section 30 of the Act;

WSROC is deeply concerned that the Co-ordinator General has not engaged in any form of consultation or discussion with stakeholders and the community regarding the development projects carried out under the National Building Plan. While noting that the Act does not require any consultation to take place, WSROC strongly opposes the continuation of any planning authority with overriding powers such as those described in the Act.

- c) the legal and economic benefits and consequences of applying the principles of this legislation, and the manner in which it has been implemented, to other significant projects or classes of projects in NSW;

There is no doubt that placing the power for approving all major infrastructure and residential developments in the hands of single authority which does not require developers to abide by Environmental, Heritage, Pollution, Zoning, or residential amenity laws will probably be of enormous economic and legal benefit – to the developers.

However, WSROC believes it is the role of the NSW Government to manage the state for the benefit and wellbeing of all the people of NSW – and in order to fulfil that role, they are required to maintain the environment, heritage and residential amenity standards of all NSW residents and allow those same residents to participate fully through meaningful consultations on the future developments of their communities.

- d) options and mechanisms for applying the principles should they be applied to such projects or classes of projects in NSW.

WSROC is concerned that this clause suggests the findings of the Review are already predicated towards recommending the powers of the Co-ordinator General be expanded to include all infrastructure and residential developments. We urge the Taskforce to keep an open mind on the issue and consider the rights of the broader community to participate fully in the decision-making process for their own local areas.

Should the Taskforce decide that the role of the Co-ordinator General is to be maintained, WSROC strongly recommends that the role be modified to require approvals to abide by environment, heritage and other laws and to proceed only after proper and genuine community consultation.

Key Points:

WSROC is concerned that the decision making on planning and individual developments is being taken out of hands of people who represent the community.

Placing a single authority – in this case, an individual and his personal delegates - in charge of approving all infrastructure and residential developments removes any requirement or opportunity for consultation with the wider community.

WSROC is concerned that too much power will be vested in a single authority headed by a single individual, which increases the potential for corruption and undue influence by unscrupulous developers. WSROC further notes that there is no provision under the State Development Act which requires the Co-ordinator General to maintain standards of integrity and transparency in the decision making process.

WSROC is concerned that under the current statutes the Coordinator General is not required to show consideration of environmental, residential, transport, infrastructure, competing land use or any other issues in making decisions.

In addition, the current statutes provide no opportunity for challenge, or recourse to higher authority for reconsideration or review.



WSROC considers it unacceptable that the Co-ordinator General is not accountable to anyone – even the Government – but especially not to the people of NSW and to the local communities these developments impact upon.

WSROC believes local councils are best placed to make decisions on developments relating to their communities. As elected representatives, local councils have immediate accountability to their constituents and those who are most affected by development decisions.

Further, local councils know their areas, they are familiar with how the land is used, what infrastructure is, or is not, available and the positive and negative aspects of their communities. Many councils have their own detailed Local Environment Plans, prepared in consultation with their constituents and key stakeholders which take a holistic approach to integrated urban development, based on the needs, wants, and individual characteristics of their communities.

In conclusion, WSROC strongly urges the panel to recommend against extending the powers of the Co-ordinator General.

Thank you for the opportunity to make this submission. WSROC would be happy to make ourselves available for any future consultation or information if required,

Yours faithfully,

Alison McLaren
President,
WSROC