A submission in response to

A New Planning System for NSW,
Green Paper

by the NSW Premier's Council for Active Living (PCAL)

September 2012

PREMIER’S COUNCIL FOR ACTIVE LIVING
NEW SOUTH WALES
Executive Summary

This brief submission has been prepared by the NSW Premier’s Council for Active Living (PCAL) in response to A New Planning System for NSW, Green Paper. PCAL supports the comprehensive review of the NSW Planning System and has prepared the following submission to help inform the process.

To assist preparation of this submission, PCAL in collaboration with UNSW’s Healthy Built Environment’s Program (HBEP) convened a forum on August 8th 2012 of relevant healthy built environment stakeholders to identify the key issues that need to be addressed. A selection of government, non-government and industry representatives attended the forum and a list of agencies represented is provided at Attachment 1. The content of this submission draws upon the previous PCAL Submissions to the Planning Review and a compilation of suggestions and recommendations that emerged from the forum.

The body of this submission provides the background and rationale to PCAL’s responses to the Green Paper proposals related to health and well-being. Three key recommendations are provided followed by responses to relevant Green Paper proposals under the headings of the online discussion forum topics. Answers to specific forum questions are provided where relevant. PCAL has also taken this opportunity to comment on other planning issues impacting on health and wellbeing that were not specifically addressed in the on-line forum.

PCAL’s key recommendations are;

- The promotion of health and wellbeing should be a principle purpose and a key objective for a new Planning Act.
- Internationally accepted definitions of health and wellbeing should be incorporated within the revised Act.
- A state – level planning policy on health and wellbeing should be developed to consolidate existing fragmented provisions.
- Health should be represented on the proposed Chief Executive Officer’s Group and as a key stakeholder on Regional Planning Boards.
- A NSW Healthy Planning Expert Working Group has been established to offer assistance to DP&I in relation to ongoing healthy planning matters.
1. Purpose of the Submission

This brief submission has been prepared by the NSW Premier’s Council for Active Living (PCAL) in response to A New Planning System for NSW, Green Paper. The submission commences with a re-iteration of the strong body of evidence for acknowledging public/human health and well-being as a planning matter, followed by PCAL’s key recommendations in response to the Green Paper. Answers are then provided to ten specific questions from the five on-line forum discussion topics. The submission concludes by listing one additional issue not included within the on-line forum.

Of note, PCAL supports the comprehensive review of the NSW Planning Act. To assist the preparation of suggestions and recommendations of how the 2012 NSW Planning System Green Paper could respond to the compelling body of evidence linking the built environment to community health and wellbeing, the PCAL in collaboration with the UNSW’s Healthy Built Environments Program (HBEP) convened another forum of relevant stakeholders to identify the key issues that need to be addressed. A selection of government, non-government and industry representatives attended the forum and a list of agencies represented is attached (see Attachment 1). The following recommendations represent a synthesis of priority responses from the stakeholder group.

2. Reiterating the case for health as a planning matter

Infrastructure Australia in its State of Australian Cities Report\(^1\) highlights that ‘the design of urban environments can contribute to the health and well being of communities by supporting active living, physical activity through walking, cycling and using public transport and opportunities for social interaction’.

Characteristics of urban environments that have demonstrated links to increased physical activity include:

- Mixed land use and higher density
- Footpaths and cycleways and facilities for physical activity linking key destinations
- Street connectivity and design
- Transport infrastructure systems, linking residential, commercial and business areas
- Neighbourhood aesthetics, including access to public open space.\(^2\)

Australian research\(^3\) has also demonstrated a negative relationship between urban sprawl and physical activity. For example, people living in outer Sydney suburbs tend to be 30-50% more at risk of being overweight and 40-60% less likely to be adequately active than inner-city counterparts. Furthermore, a higher proportion of people in the lowest socio-economic groups live in areas characterised by poor urban design, and inadequate infrastructure.\(^4\)

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\(^2\) National Heart Foundation of Australia, 2009. *The built environment and walking*, Position Statement prepared on behalf of the National Physical Activity Program Committee (Chief authors: Gebel, K., Bauman, A., Owen, N., Foster, S., Giles-Corti, B.)


There is widespread agreement that there are benefits in modifying the built environment to encourage healthy, active and more liveable communities.\(^5\,6\,7\) COAG’s National Criteria for capital city strategic planning systems includes addressing health, liveability and community wellbeing.\(^8\) Infrastructure Australia in its State of Australian Cities Report recommends active living related indicators such as ‘the proportion of people not engaged in sufficient physical activity to confer health benefit’ and ‘access to quality open space’ as active living related indicators of liveability.\(^9\)

The NSW Government has acknowledged and responded to the growing evidence linking the built environment, health and active living. The Department of Planning and Infrastructure issued an Active Living Position Paper\(^10\) that articulated active living principles as a priority of the NSW Planning System and acknowledging the role of supportive physical and social environments in promoting active living. The NSW Government has recently released its plan for the State ‘NSW 2021’\(^11\) which includes several targets such as reducing population obesity levels and increased active travel, which will be enhanced by more supportive environments for active living.

There is also a growing body of evidence demonstrating the positive economic advantage of investment in strategies to promote more walking. For example, PCAL commissioned a number of studies to inform development of a NSW Walking Plan. One study estimated the benefits of achieving a 5% and 10% switch of vehicle trips of less than one kilometre in length within the Sydney Metropolitan area to walking. PWC estimated benefits of $134 million and $214 million over five and ten years respectively as a result of a switch to walking.\(^12\)

3. PCAL’s Key Recommendations

3.1 Health and wellbeing as a specific purpose of the new Act

A new cultural and built environment agenda has emerged for the modern 21st century Planning System to address. There is now an abundance of evidence on the impacts of ageing of the population, climate change, childhood obesity, chronic disease, environmental sustainability and rising Government costs (such as health care) on people’s quality of life and lifespan. This context has changed since the 1970s and 1980s when the current legislation was formulated and enacted. A central starting point of the new Act must be the protection and promotion of the well-being of NSW communities.

While two of the ‘purposes’ of the new Act proposed within the Green Paper relate the health – ‘improve people’s quality of life’ and connect people and places’ – PCAL strongly believes that ‘community health and wellbeing ‘warrants specific listing, to authorise current and future provision of facilities, infrastructure and supportive environments for health.

\(^5\) National Heart Foundation of Australia, 2009. The built environment and walking, Position Statement prepared on behalf of the National Physical Activity Program Committee (Chief authors: Gebel, K., Bauman, A., Owen, N., Foster, S., Giles-Corti, B.)


\(^7\) City of New York, 2010, Active Design Guidelines Promoting Physical Activity and Health in Design.

\(^8\) Council of Australian Governments Communiqué from meeting 7 December 2009


\(^10\) NSW Department of Planning Position Statement – Planning for Active Living, 2010.

\(^11\) Department of Premier and Cabinet, 2011, NSW 2021 A Plan to Make NSW Number One.

PCAL endorses public/human health and well-being as an objective of the new legislation and recommends that ‘promoting the health and well-being of the community’ and/or ‘provision of supportive environments for community health and well-being’ be specifically included as an objective of the new Act. Similar objectives are included in the Planning and Development legislation in other States (i.e. Victoria, Queensland, South Australia and Tasmania). For example, Queensland’s Sustainable Planning Act (2009) identifies that advancing the Acts purpose includes ‘applying standards of amenity, conservation, energy, health and safety in the built environment that are cost effective and for the public benefit.’

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<th>Key Point</th>
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3.2 Definitions

PCAL believes that health and wellbeing is a fundamental component of ‘quality of life’ and ‘sustainable development’ and should be included in any definition of these terms. Definitions are an essential element of a statutory planning system and PCAL recommends the inclusion of definitions embodying the following:

- Health: a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.13
- Healthy Design: the aesthetic, physical and functional qualities of the built environment (relating to both land use patterns and the transportation system) that are supportive of human health as part of everyday living.14
- Healthy Planning: the systematic integration of healthy design into the planning system: legislation, controls, policies, plans, guidelines and assessment of development proposals.
- Liveability: refers to the way the urban environment supports the quality of life and wellbeing of communities.15
- Quality of Life…. is a broad ranging concept affected in a complex way by the person’s physical health, psychological state, personal beliefs, social relationships and their relationship to salient features of their environment16 Quality of Life and well-being encompasses mental and physical health, happiness and life satisfaction for individuals and supportive social relationships in communities.17
- Ecological Sustainability: is a balance that integrates - (a) protection of ecological processes and natural systems at local, regional, State and wider levels; and (b) economic development; and (c) maintenance of the cultural, economic, physical and social wellbeing of people and communities.18

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13 World Health Organisation (1946)
15 The Department of Infrastructure and Transport (2010), Our Cities Discussion Paper, Commonwealth of Australia
16 World Health Organisation (1997), Measuring Quality of Life
17 The Department of Infrastructure and Transport (2010), Our Cities Discussion Paper, Commonwealth of Australia
18 Queensland Sustainable Planning Act 2009
4. PCAL’s response to specific Green Paper proposals

4.1 Community and Strategic Engagement
4.1.1 What would you like to see included in a public participation charter for the NSW planning system?
PCAL fully supports the intent of enhanced community participation at the strategic planning stage, which if managed well, will lead to more effective and efficient delivery of the new system. PCAL recommends that;

- Care be taken with terminology to distinguish proactive ‘participation’ from reactive ‘consultation’
- Clear engagement methods and processes be established, with input from experienced practitioners (including health professionals)
- Participation should include an educational element, covering substantive issues such as health and wellbeing, as well as other Government imperatives such as housing and employment targets
- Adequate resourcing be provided to enable meaningful participation
- Key performance indicators and quality reporting be provided and implemented for community engagement processes.

4.2 Strategic Planning
4.2.1 What do you think about the introduction of NSW Planning policies?
Given the significant role proposed for the NSW Planning Policies within the future planning system (and in transition to it) and the body of established research linking planning to health and wellbeing19 a Planning Policy should be developed that addresses community health and well-being. The instrument would require plan making and development assessment (DA) by State and local governments to address such matters and would improve current planning processes by consolidating existing Ministerial Directions and previous draft SEPPs. Precedents within the current system include;

- SEPP BASIX, requiring action at the DA level on environmental sustainability
- SEPP 65, Design Quality of Residential Flat Development, with its principles, legal requirements, Design Review Panels and Guidelines
- The ministerial S117 (2) direction requiring consideration of active transport at the plan making and DA stage; the direction replaced former draft SEPP 66 provisions relating to plan-making (the provisions requiring consideration of active transportation at the DA stage have not been replaced).

19 Kent J; Thompson SM and Jalaludin B (2011) Healthy Built Environments: A review of the literature, Sydney: Healthy Built Environments Program, City Futures Research Centre, UNSW
4.2.2 What do you think about Regional Growth plans?
The introduction of Regional and Sub-regional Strategies into the Planning system has had a positive influence on the coverage of active living matters within the NSW planning system. PCAL supports the development of Regional Growth Plans, as they provide a mechanism to link with broad infrastructure plans (such as Transport for NSW's Long-term Transport Masterplan) and an opportunity for positive state agency coordination. PCAL recommends that health should be represented on the regional boards and that PCAL provides a sustainable example of how a range of diverse agencies can collaborate to improve planning outcomes.

PCAL recommends that regional level growth plans should include future-oriented structure plans to identify higher density activity centres, regional open space and transport (including pedestrian and cycling) networks and higher density activity centres. Such regional plans would acknowledge the significance of broad scale hard and soft infrastructure for promoting active living, community connectedness and the production and distribution of fresh food. When determining boundaries for regional plans, consideration should be given to walking, cycling and public transport catchments.

4.2.3 How best to undertake strategic planning at the subregional level?
PCAL supports subregional coordination of local government and state government stakeholders and recommends health representation/engagement on subregional planning boards. Given the significant role proposed for the Sectoral Strategies in the future system (especially at the regional and sub-regional delivery stages) these strategies will need to address health/well-being issues and actions.

4.2.4 What are your thoughts about the proposal to reform local plans?
PCAL supports Part A of the Local Land Use Plans proposed within the Green Paper that addresses the strategic framework of the plans. Similarly, Part C, with its focus on integration of land-use and infrastructure at the local level (see below).

However, the Green Paper does not clearly articulate the content of Part D of the Local Land Use Plans (LLUP). For example, where and how will detailed guidance such as Crime Prevention Through Environmental Design fit in the scheme? PCAL recommends that such detailed guidance should continue to have a key role in development assessment by inclusion (or reference) in Part D. Other Guideline documents should not disappear from the system, at the local level and/or informing higher order plans. For example:

- Planning Guidelines for Walking and Cycling (NSW Government)
- Healthy Urban Development Checklist (NSW Health)
- Development and Active Living: Designing Projects for Active Living (PCAL)
- Healthy Spaces and Places (PIA/National Heart Foundation/ALGA).
- Healthy by Design (National Heart Foundation)
In addition, and of equal significance, detailed place-based guidance at the precinct level—such as structure plans and masterplans—should continue. Such plans should continue to address both the private and public domains, identifying fine-grained pedestrian and transport networks and quality urban space. The Plans would also help inform Councils' Delivery Programs (under the IP&R framework), Development Contribution Plans and conditions of consent. As area based strategies, they have the potential to also deal with local land-use/infrastructure coordination, proposed for Part C of the LLUP. Most physical activity takes place in the public domain—in parks and reserves, plazas, along streets, cycle-ways and footpaths. Rather than treating private and public domains as separate matters, renewed emphasis should be given to planning’s role in place-making. PCAL recommends that such area-based guidance be promoted in appropriate locations and be included (or referenced) in LLUPs (Parts D and C).

4.3 Development Assessment and Compliance

4.3.1 What do you think about independent expert panels making decisions instead of local Councillors?

Irrespective of who is represented on Joint Regional Planning Panels the group will require access to / representation by professionals aware of the health implications of their decisions. The range of guideline documents listed in 4.2.4 (above), prepared by the health and planning sector should assist in informing the panels.

- Planning Guidelines for Walking and Cycling (NSW Government)
- Healthy Urban Development Checklist (NSW Health)
- Development and Active Living: Designing Projects for Active Living (PCAL)
- Healthy Spaces and Places (PIA/National Heart Foundation/ALGA).
- Healthy by Design (National Heart Foundation)

4.3.3 What are your thoughts about how best to streamline State Significant developments?

State Significant Developments should be retained with the following suggestions:

- Replace the term Environment Impact Assessment with Comprehensive (or Integrated) Impact Assessment, to more accurately reflect the breadth of their content and to include health impacts when relevant.
- Ensure that Director General Requirements (DGRs) continue to address health/social impacts (a list of sample DGRs addressing health/social impacts is provided within the PCAL Development and Active Living Resource).

4.3.4 Care with merit assessment and code complying assessment

PCAL is concerned that extending complying development will remove progress that has been made at the development application stage in addressing quality public domain, promoting healthy design and crime prevention through environmental design (CPTED). PCAL recommends:

- Ensuring that state-produced codes cover matters such as public-private domain interface; active streets, pedestrian access, on-site end-of-trip facilities, CPTED considerations
• Including a list of matters for consideration (that addresses social and health impacts) in the Act, to replace s.79C matters. Alternatively, such matters should be included in the proposed Local Land Use Plans / Standard Instrument.

A schedule of regular monitoring and evaluation should also be required to assess the implications of increased private certification.

4.4 Infrastructure Planning and Coordination
4.4.2 What do you think Growth Infrastructure Plans might look like?
PCAL supports the development of Growth Infrastructure Plans at the subregional level and recommends that the infrastructure plans have a spatial dimension linked to land use.

4.5 Delivering a New Planning System
4.5.1 Composition of a Chief Executive Officer’s (CEO) Group and Regional Planning Boards?
Health should be represented on the proposed CEO Group and as a key stakeholder on the Regional Planning Boards. Given the proposed enhanced role of ‘other planning bodies’ (Planning Assessment Commission, Joint Regional Planning Panels and Independent Hearing and Assessment Panels) and the scale and nature of the proposals they will deal with, health representation / input should be provided.

There is a compelling body of evidence demonstrating that failure to act on the planning system’s impact upon health matters will have dramatic longer-term effects on the ability of our settlements to support health and active living, with consequent impacts on community well-being and an exponential financial burden over time. Health representation on the CEO Group and Regional Planning Boards will ensure state and regional deliberations consider matters relating to the health impacts of planning decisions. Health agencies also bring extensive expertise and experience of evidence based practice and decision making.

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4.5.3 What might a mandatory performance monitoring process look like?
PCAL recommends basic health and physical activity-related data should continue to inform plan making at the local and regional level. The inclusion of health and active living related data would assist in prompting coverage of such matters as well as in evaluating performance against a healthy planning/active living based objective.
In addition, PCAL’s work on Key Performance Indicators (KPIs), featured in the Division of Local Governments (DLG’s) Integrated Planning and Reporting (IP&R) Manual (pg 52-54), addresses basic data relevant to active living including:

- Pedestrian access and mobility
- Public transport location and patronage
- Open space provision and location.

The intention of the indicators is to provide local councils with a selection of evidence-based measures that will help progress towards the development of more supportive environments for active living.

5. Additional Recommendations

PCAL recommends that, should the standard (Local Environmental Plan) LEP Instrument be retained, the objectives of the plan should cover ‘health and well-being’. In addition, that LEP’s be amended as follows:

- To extend the active transport objective in the business zones to other relevant standard zones, to authorise detailed guidelines / masterplans, local pedestrian and bicycle plans and public domain/ civic improvement plans
- To include a list of active living criteria (similar to those in the previous draft SEPP 66) as a special provision (for consideration with specified DAs).

5.1 NSW Healthy Planning Expert Working Group

As a result of the combined PCAL and HBEP series of healthy planning consultation forums, a NSW Healthy Planning Expert Working Group has been established. The purpose of the working group is to offer assistance to DP&I in relation to ongoing healthy planning matters. The PCAL Secretariat has offered to provide an initial point of contact when required.

### Key Point

| A NSW Healthy Planning Expert Working Group has been established to offer assistance to DP&I in relation to ongoing healthy planning matters. |

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Attachment 1: Agencies representation at the PCAL/HBEP Supportive Environments Forum 8th August 2012

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<th>Agency Name</th>
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<tr>
<td>Centre for Health Equity Training Research and Evaluation, University of New South Wales</td>
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<tr>
<td>Danny Wiggins Planning, Facilitation and Education Services</td>
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<tr>
<td>Healthy Built Environments Program, University of New South Wales</td>
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<td>Local Government Association of NSW and Shires Association of NSW</td>
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<td>Ministry of Health</td>
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<td>National Heart Foundation of Australia (NSW Division)</td>
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<td>Northern Sydney Local Health District</td>
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<td>NSW Commission for Children and Young People</td>
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<td>Office for Ageing</td>
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<td>Planning Institute of Australia</td>
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<td>South Western Sydney and Sydney Local Health Districts</td>
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