

Inquiry into the Development of the Transport Oriented Development Program 24 July 2024

Penrith City Council – Response to Question on Notice

Question – p.25 of Transcript:

The Hon. PETER PRIMROSE: Given we've run out of time, can I put a question on notice? Mayor Carney and Ms Powell, if you would please take on notice in your consultations with the department—I understand that's been quite close in terms of your dealings—what sort of things do you think could be improved in that process to make it more efficient, better, easier et cetera.

TODD CARNEY: Yes.

Response:

Whilst we acknowledge the opportunities that were afforded to Council to respond to the Transport Oriented Development (TOD) Program following its announcement by the Premier in December 2023, in our view the overall consultation process around the Government's proposed planning reforms, in particular the TOD SEPP, was generally lacking and could have been improved by implementing the following:

- **Early Engagement:** Council was not engaged in relation to the Government's TOD Program prior to it being formally announced by the Premier and Minister for Planning and Public Spaces on 7 December 2023. Consequently, we were surprised by the inclusion of St Marys as a TOD site given the very public strategic planning pathway that Council had already substantially progressed for the Town Centre – including endorsement of a Structure Plan in 2022. Engaging with Council early in the process would have allowed for a more thorough understanding of the status of our St Marys 2041 strategic planning pathway and the issues specific to the St Marys context.
- **Treat as Partners:** We appreciate the State Government partnering with Council on planning for our local communities. Council has already significantly progressed local strategic planning to deliver housing growth in our LGA. The top-down approach by Government of imposing planning controls pre-empts our St Marys 2041 strategic planning model and may jeopardise the long-term vision for St Marys.

It's crucial to treat all stakeholders as partners rather than just participants. By involving us as equal partners in the decision-making process, the Government could benefit from our on-the-ground insights and experience, leading to more practical and effective policies.

- **Policy Development Participation:** The proposed TOD SEPP will have significant implications for parts of St Marys and Council's development of a Master Plan for the Town Centre. The program document describing the proposed changes at the time did not contain sufficient detail for Council Officers to fully understand and respond to changes prior to its implementation.

We want to deliver housing and have made this commitment through both our Local Housing Strategy and our detailed centres planning for St Marys Town Centre. Had we been consulted with prior to the release of the TOD SEPP, we perhaps could have provided some local contextual insights to guide policy development.

We have consistently said we welcome the opportunity to work with Government to deliver a comprehensive planning model for St Marys that takes into account the necessary infrastructure to meet growth. Allowing stakeholders to inform and participate in policy development from the outset, rather than simply commenting on drafts, would lead to more comprehensive and well-rounded policies. This approach fosters a sense of ownership and responsibility among all parties involved.

- **State Agency Collaboration Group:** Council's St Marys Town Centre Structure Plan was developed through extensive community consultation and engagement and has established an ongoing Collaboration Group including several state agencies, including the Department of Planning, Housing and Infrastructure, that continues to provide input to the Master Plan. This established and ongoing forum is a model of effective information-sharing and risk mitigation that could have helped inform the TOD Program if it was made aware.

It is essential that the NSW Government works in collaboration with local councils and communities to deliver nuanced, place-based approaches to transport oriented development, founded in evidence and linked to infrastructure delivery. The established Collaboration Group could have provided a platform to add significant value to the process, including in particular greater understanding and appreciation of the status and future timing of the required 'enabling infrastructure', and potential government owned catalyst sites.

- **Confidentiality and Cabinet-in-Confidence Issues:** While confidentiality and cabinet-in-confidence are important, they can sometimes limit engagement opportunities. Finding a balance that protects sensitive information while still allowing for meaningful stakeholder engagement is essential. This is particularly relevant to understanding the Government's housing targets for our LGA and the quantum of growth that is expected to occur in St Marys Town Centre.
- **Local Circumstances and Community Issues:** Bringing local circumstances and community-specific issues to the table is vital. These nuances are often overlooked but are crucial for developing policies that are both effective and sensitive to the unique needs of different areas. The blanket approach of the TOD SEPP does not address unique town centre contexts. Our built form modelling indicates potential issues with the proposed controls in St Marys, necessitating a more nuanced approach to achieve desired outcomes. A flexible approach to planning controls within the TOD SEPP is needed, allowing adjustments based on local conditions, site constraints, and built form modelling outcomes.

By addressing these areas, we can create a more efficient, inclusive, and productive consultation process that benefits all parties involved.