

Planning Reform, Interest Group Participation and Influence: the Case of New South Wales

Tingting Cui¹ and Nicole Gurran¹

¹Faculty of Architecture, Design and Planning, The University of Sydney

Abstract: Interest group participation in urban development and management is a key factor influencing planning policy-making. Interest groups are often active participants in the process of legislative change. Changes to planning laws are particularly significant, with planning system reform implying increased/decreased development entitlements, obligations, and consultation rights for different stakeholders in the decision process. When the interests of particular groups seem to dominate planning reform processes, the legitimacy of subsequent reforms is often challenged. This paper examines these issues with reference to recent planning reforms in the state of New South Wales (NSW). It examines written submissions, government documents, parliamentary speeches and media reportage, investigating the claims made by different types of interest groups; the strategies each sector used to advance these claims; and how these strategies evolved over time. It also examines which particular interest group sector (across industry and community interests) appeared most influential at different stages in the reform process, focusing on four rounds of public consultation (2011-2013) to provide a narrative framework for analysis. The study shows that the extent of influence of interest groups altered over time in different stages of the planning reform. In particular, business-related or pro-growth interest groups tended to be more professional and efficient in the initial policy design stage. However, after the release of the draft legislation, which addressed the intentions of pro-growth interests, grass-roots community and environment groups quickly responded and established networks to contest the proposed reforms, which ultimately stalled. The case of planning reform in NSW suggests that government actions and apparent policy preferences influence the reactions of interest groups to planning reforms, which in turn mobilise different strategies and tactics in support or opposition to the government's agenda.

Introduction

In recent years many Australian states have conducted or are proposing to conduct significant reforms to their planning systems. These reforms appear to have very similar agendas, focusing on a push for economic growth to be achieved through reductions in 'red' and 'green' tape, including 'streamlined' decision processes which often implies less community consultation (Ruming and Gurran, 2014). With local communities concerned that their interests are increasingly subsumed by the planning system in favour of major developers, and industry groups advocating for decreased local intervention, planning system change has become intensely political in some jurisdictions. Indeed, planning reform was one of the election platforms of the 2011 NSW election in NSW, with the (ultimately victorious) Liberal-Coalition party promising to "return planning powers to the community", "deliver certainty about planning rules" and "remove politics out of planning decisions (Neeham, 2010,p.57).

Thus began a three year public consultation process from July 2011 to late 2013, proceeding from a review of the current system, followed by a Green and White Paper and two Bills to implement new planning legislation, which ultimately stalled in November 2013. Many different groups participated in this process, representing communities and local government, the development industry, business, environmental and social justice interests, in addition to other state and Commonwealth government agencies. Interest groups actively lobbied the State government during this time through private and public meetings, media commentary, protest activities, and written submissions. This extended consultation process accompanying the NSW planning reform proposals, and the extensive wealth of formal and informal documentation about interest group engagement and the government's reactions to different representations, provides a unique window into the strategies employed by interest groups in public policy processes overall and in relation to spatial planning processes in particular.

In this context, this paper uses the NSW reform process between 2011-2013 as a case study for investigating interest group participation and influence. It is organised in relation to three research questions:

1. Which interest groups were most active the planning reform process, and what system changes were they seeking to exert or oppose?
2. What strategies did these groups employ in responding to government proposals and the demands of other sectors, as the consultation process unfolded?

3. Which interest groups seemed most influential in shaping the government's reform agenda and outcomes?

The first section of the paper reviews existing research and literature on the role of interest groups in policy-making processes. Secondly, research methods and data sources used in this study on NSW are outlined. Thirdly, the paper draws on a detailed analysis of written submissions, community forum and meeting notes, government documents and reports, and media reportage on the NSW planning reforms between 2011 and 2013, to analyse the change role and influence of interest groups in this process across four distinct rounds of public consultation.

Interest groups in planning and interest group influence in policy-making

One of the key functions of the urban planning system is to reconcile competing interests in the development process. On the one hand, the planning system is intended to prevent and manage negative externalities from the development process, such as pressure on local amenity, infrastructure, and the environment at large. Planning laws do this by establishing a process for assessing and mitigating potential risks arising from private development, including acceptable standards and controls which must be adhered to. However, this legislative framework must also support and enable development activities in response to the requirements of business, industry, and to meet the needs of changing populations – coordinating opportunities for commercial, industrial, and residential development and ensuring appropriate provision of infrastructure and services.

Conflicts between competing interests in the planning and development process are often reduced to a binary classification. For example, Pacione (2013) and Krebs (2005) characterise interest groups as 'anti-growth' or 'pro-growth' according to their preferences over developments. 'Anti-growth' interest groups include local resident organisations, conservation groups and local councils. These groups "want either to stop growth altogether or to limit its negative consequences" (Krebs, 2005,p.2). According to this classification, 'pro-growth' interest groups consist of developers, professional bodies working with developments, and potential consumers. These groups' main interest is to promote policies that encourage intensification of land use within the city or facilitate the development application processes.

More widely, a larger literature examines the ways in which interest groups influence public policy (Dür and De Bièvre, 2007), including the particular tactics used by different types of groups and the differential influence able to be achieved. For instance, it has been suggested that diffuse interests (represented by community organisations, consumer protection associations, and environmental groups) may be less successful in their lobbying than those of specific firms or powerful individuals, because they are less well-resourced (Klüver, 2012, Wilson, 1980). In comparison, business-related interest groups have more incentives to form influential lobbying to pursue their interests (Wilson, 1980). These interest groups are better resourced in terms of campaign funding, expertise in particular policy area, access to policy-makers and information (Dür and De Bièvre, 2007, Mahoney, 2007).

However, many scholars claim that these benefits enjoyed by business groups do not guarantee success in influencing policy outcomes. For example, Woll (2007) shows that business group impacts on final policies depend on the level of convergence between their objectives and those of government. In other words, the government plays an important role in deciding the influence of interest groups (Mahoney, 2004). Others argue that the deliberative processes such as 'notice and comment' during policy making enable less-privileged organisations representing the broad public to perform more influence in policy-making (Nixon et al., 2002). The deliberative policy-making process may facilitate non-business groups to attract a large number of 'grassroots' members and may succeed in empowering less-privileged diffuse interest groups meaningful influence in policy-making processes (Mahoney, 2007, Dür and De Bièvre, 2007). Such situations can be particularly evident in the planning processes with increasing emphasis on deliberative forms of participation and collaborative cooperation in urban governance (Innes, 1996, Bäcklund and Mäntysalo, 2010).

Nevertheless, there is only limited research on the different levels of influence achieved by different interest groups in the urban planning process overall and Australian planning processes in particular. More specifically, the particular strategies and actions employed by groups at different stages of policy and decision-making, and the extent to which these tactics have resonated with governments as reflected in policy outcomes, remains largely unexplored in Australian research. This is despite a widespread perception that the planning system is heavily susceptible to influence by powerful development and industry groups on the one hand, and captive to parochial "Not In My BackYard (NIMBY)" home owners on the other (Gurran and Phibbs, 2015).

Investigating interest group participation and interest in NSW planning system reform

This study addresses these issues with particular reference to the NSW planning reform process underway between 2011 and 2013, using a mixed methods approach. Discourse analysis was used to examine distinct sets of evidence: 1) comments and arguments from written submissions in response to four rounds of public consultation (2011-2013); 2) minutes and notes from relevant community forums; 3) published government documents and reports; and, 4) media reportage on NSW planning reform between 2011 and 2013.

We classified the major interest groups with reference to the State government's Green Paper Feedback Summary and White Paper Feedback Report (NSW Department of Planning and Infrastructure, 2013). Nine categories were used to code the type of submissions, namely, individual, community groups, environment groups, local governments, industry, businesses, specialist groups (representing professional bodies working with planning, such as Planning Institute of Australian and Australian Institute of Architects), State governments and Australian governments and others. Submissions from individuals were excluded from this study since they do not conform to the definition of 'interest group'.

Four rounds of public participation punctuate the period under examination. Table 1 summarised the time and contexts of the four rounds of public consultation in the planning reform process. Two initial rounds of public consultation were conducted for the planning system review by the independent panel appointed by the State government. The third round of public consultation was performed on the Green Paper and the fourth round of consultation was on the White Paper and two Bills. Submissions from these four rounds of public consultation were coded according to the above nine classifications. Context and discourse analysis was then used to investigate in detail the claims made by interest groups and to explore the strategy they utilised in the planning reform process.

Table 1: Summary of the contexts of the four rounds of public consultation

	Time of consultation	Objectives	Authorities
First round	Sep. 2011 – 4 Nov. 2011	Collecting opinions on the broad objectives for a new planning system for NSW	Independent panel appointed by the NSW Government
Second round	6 Dec. 2011- 2 Mar. 2012	Collecting opinions on the Issues Paper	Independent panel appointed by the NSW Government
Third round	14 Jul. 2012- 14 Sep. 2012	Collecting opinions on the Green Paper	The NSW Government
Fourth round	16 Apr. 2013- 28 Jun. 2013	Collecting opinions on the White Paper, Planning Bill 2013, and Planning Administration Bill 2013	The NSW Government

A total of 19 groups, reflecting different interests were selected for the analysis (Table 2) taking care to include cross-sector representation (at least two interest groups in each classification) and a number of stakeholders within each interest sector. As shown in Table 2, this resulted in a total of 57 written submissions for analysis, across the four consultation periods, with not all groups making a submission in response to each stage in the process.

Table 2: Selected interest groups and the rounds of consultation they have made submissions

	Initial Review	Issue Paper	Green Paper	White Paper
Community Groups				
Save Our Suburbs	√	√	√	√
Better Planning Network				√
Council of Social Service of NSW (NCOSS)		√		
Federation of Willoughby Progress Association (FWPA)	√		√	√
Environment Groups				
Australian Conservation Foundation (ACF)			√	√
Nature Conservation Council (NCC)	√	√		√
Environmental Defender Office (EDO)	√		√	√

Industry Groups				
Property Council of Australia (PCA)	√	√	√	√
Urban Taskforce	√	√	√	√
Urban Development Institute of Australia (UDIA)	√	√	√	√
Business Groups				
Shopping Centre Council of Australia (SCCA)		√	√	√
NSW Business Chamber (NSWBC)	√	√	√	
Local Governments				
Western Sydney Regional Organisations of Councils (WSROC)		√	√	√
Local government and shires associations of NSW	√	√	√	
Specialist Groups				
Planning Institute of Australia	√	√	√	√
Australian Institute of Architects	√	√	√	√
State Governments and Australian Governments				
Independent Commission Against Corruption (ICAC)		√	√	√
NSW Treasury		√		
Heritage Council	√	√	√	√

An overview of the planning reform and the four rounds of public consultation

In July 2011, the NSW Government established an independent panel to undertake a review of its planning system. It aimed to “consult widely with stakeholder groups and communities throughout the State to identify issues that require consideration in developing a new planning system” (Moore and Dyer, 2012a, p.153, Moore and Dyer, 2011). This review consisted of two rounds of public consultation. The first round of consultation -“listening and scoping”, invited public views on what should be “the broad underpinning principles for the new legislation to replace the Environmental Planning Assessment Act 1979” (NSW Government, 2011a). The process included over 100 community forums and meetings community meetings and generated a total of 326 submissions with 201 submissions from interest groups (NSW Government, 2011b).

Following this first phase of public consultation, an Issues Paper titled ‘The way ahead for planning in NSW’ was prepared by the Joint Chairs (Moore and Dyer, 2011). The Issues Paper summarised the Chairs’ perspectives on issues surrounding planning reform, calling for further public feedback in response to a total of 238 questions. This sparked a second round of public consultation, and resulted in a two volume Review Paper, which marked the end of the work by the Independent Panel (Moore and Dyer, 2012a, Moore and Dyer, 2012b).

In July 2012, a Green Paper named ‘A New Planning System for NSW’ was released (NSW Government, 2012a), triggering the third round of public consultation which lasted two and a half months and stimulated a new round of meetings and written submissions. These were summarised by the government in its Green Paper Feedback Report (NSW Government, 2012b). A White Paper setting out the government’s final reform proposals was released in April 2013 (NSW Government, 2013a), along with two Bills (NSW Government, 2013b, 2013c) to implement the reforms through changed planning legislation. A fourth round of public consultation accompanied the release of the White Paper and Bills.

Figure 1 below shows the number of submissions by each category of interest group in the four rounds of consultation and the total number of submissions by interest groups in each consultation. The column figure below shows the number of submissions by different interest groups. As shown, the number of written submissions by interest groups increased steadily throughout the process. Submissions from community groups increased significantly in the Green Paper and White Paper consultation. While submissions from business groups, industry groups and specialist groups generally remained constant during the whole four rounds of consultation, other groups were more volatile.

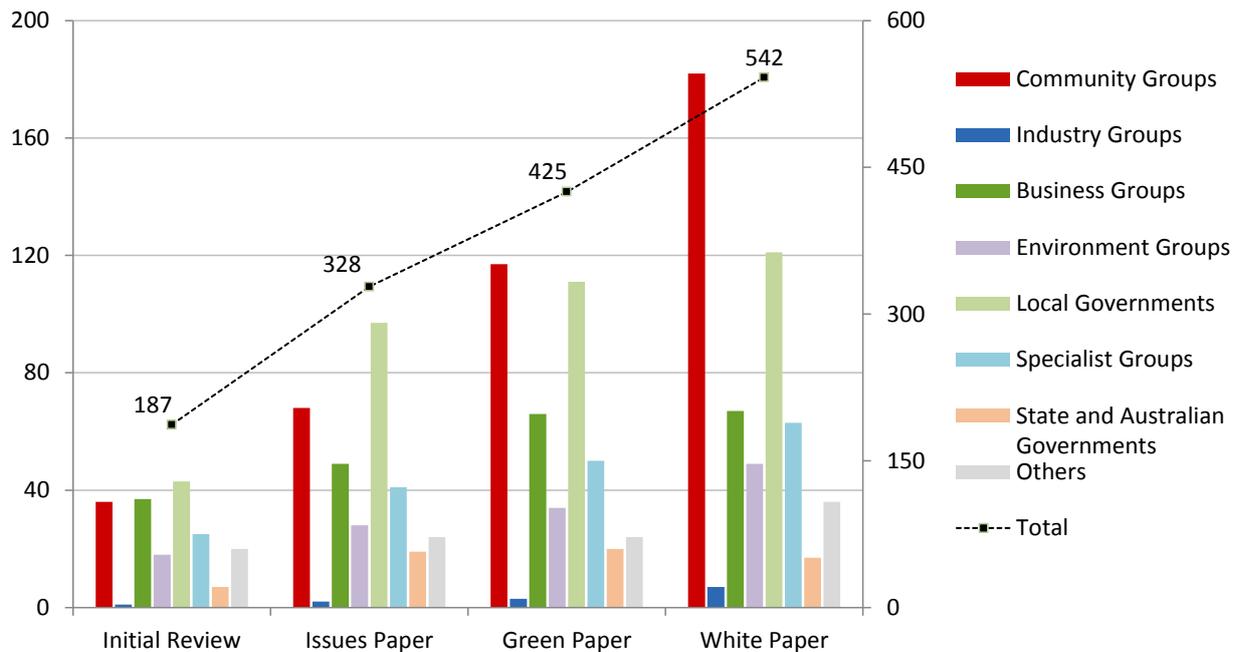


Figure 1: Submissions by interest group, NSW planning reform consultations 2011-2013

Initial independent review – Nature of interest groups participating in planning reform processes, and the desire for change in planning legislation by sectors

Interest groups were active in articulating agendas for planning system reform from the beginning of the process. In general, groups expressed support for the notion of planning reform. Many cited uncertainty and complexity in the planning process as a reason for change (Moore and Dyer, 2011). Another ostensible reform driver was concern about overly centralised planning powers assumed by the State government under previous rounds of planning reform (MacDonald, 2014). Generous and ambiguous slogans made by the State government about the objectives and likely outcomes of planning reform may also promote consensus over planning reform.

During the 2011 State election, the incoming Liberal-National Coalition promised that they will rewrite the planning laws to return local planning powers to local communities and local councils. Also, the Coalition proposed to return powers to planning decision-making to promote economic growth (Neeham, 2010, Farrelly, 2011). This is a feature of post-political style governance, which governments attempt to appeal to the widest number of interests, sometimes even conflicting interests, to imply public consensus on their political actions (MacDonald, 2015, Inch, 2012).

Although some consensus over the need for planning reform emerged, interest groups held different opinions on the direction of this reform. Industry groups, business groups, and specialist groups, which fit with Pacione’s (2013) ‘pro-growth’ classification, claimed the planning system was “in urgent need of a major overhaul” (Urban Taskforce, 2012b, p.3). As shown in Table 3, the ‘pro-growth’ groups advocated for a system that prioritises economic growth, by increasing certainty and confidence to development investment (UDIA, 2011, NSW Business Chamber, 2012). These three categories of interest groups advocated reforms involving increased use of state and regional assessment panels (which remove state and regional decisions from local councils); reduced public participation in development assessment processes (with increased emphasis on strategic plan-making). The need to promote code assessable development was mentioned by nearly all selected submissions made by this category of interest group.

The business and industry groups, tended to have access to resources and expertise for presenting arguments in a professional and convincing way. For example, the Property Council of Australia commissioned community surveys on perspectives on the planning system, found strong preferences for homeowners assessing local developments. They submitted the report to support their recommendations of increasing the use of planning panels in the new system.

Table 3: Summary of submissions to the initial planning review, by industry groups, business groups and specialist groups

Objective of the new Act	Objectives should be 'balanced' and ESD should not have more weight than other objectives (PCA) More emphasis should be placed on economic viability (UDIA) Promote ESD, liveable communities (Urban Taskforce) Objectives of the new Act should be 'balanced'; and economic objectives are essential (NSWBC) Objectives of the new Act should be measurable and be linked to legislated instruments (PIA) The overarching goals of the Act should be to promote integrated planning, balancing ecological, economic and social sustainability, and community engagement (PIA)
Plan-making processes	Public consultation should be at the front of strategic plan making processes (UDIA) Efforts should be made to implement the metropolitan strategy (Urban Taskforce) Public consultation should be brought forward to the strategic plan making stage (NSWBC); Strategic plans should be statutory instruments and local plans should implement metropolitan / regional strategies (NSWBC); Public engagement in strategic plan making is fundamental (PIA, AIA)
Development assessment process	Promote the role of independent panels Joint Regional Planning Panels (JRPP), Planning Assessment Commission (PAC) in assessing development (PCA, UDIA); Expand 'complying' development which is not contestable (UDIA) Economic viability and 'anti-competitive' provisions in decision-making should be removed (Urban Taskforce) Promote the role of independent panels Joint Regional Planning Panels (JRPP), and Planning Assessment Commission (PAC) in assessing development (NSWBC); The Minister for Planning or his delegation should retain current power over state significant development and infrastructure (NSWBC)
Appeals and enforcements	Decisions on merit-based assessment by Joint Regional Planning Panels (JRPP) and Planning Assessment Commission (PAC) should be appealable in the Land and Environment Court by the proponent and the relevant government agency or local authority (UDIA) It is essential that community consultation becomes more strategic, rather than project specific (PIA) Appeal rights should be maintained for landowners but not third parties (NSWBC) Applicants should have appeal rights maintained, also open standing should be maintained to third parties on judicial review(PIA)

Local governments held different perspectives to State and Commonwealth agencies on the direction of planning reform (shown in Table 4 and Table 5 **Error! Reference source not found.**). Interest groups wanted more powers in planning administration practice, more resources to facilitate their work or more benefits that planning to the realm they are working with. Since government agencies generally hold a relatively high degree of knowledge and expertise in relation to the planning system, they were able to make in-depth recommendations. For example, the NSW Heritage Council addressed the protection of heritage in planning processes and sought development approval powers relating to heritage issues (NSW Heritage Council, 2012). The Local Government and Shires Association (LGSA) sought to strength local government capacity and the financial and resource base of local governments (Local Government and Shires Association, 2011).

Performing as the representative of local councils who are the consent authorities for local planning matters, the LGSA's submissions covered nearly every aspect and stage in the planning system. These ranged from broad perspectives on the structure of planning system, the process of plan making, and development assessment, to more detailed and specific issues such as private certification scheme and social impact assessment.

Table 4: Summary of submissions to the initial planning review by local governments

Objective of the new Act	The new Act should strengthen the core objectives of the existing planning system (Local Government & Shires Associations of NSW)
Plan-making	The new Act should strengthen the delivery of strategic planning and local councils

processes	should play their roles in this process (Local Government & Shires Associations of NSW) Engage communities prior to and as part of drafting of plans (Local Government & Shires Associations of NSW)
Development assessment process	Enhancing the application of Planning Assessment Commission (PAC) and ensure it is purely independent, remove the practice of Joint Regional Planning Panel (JRPP) (Local Government & Shires Associations of NSW)

Table 5: Summary of submissions to the initial planning review by State and Australian governments

Objective of the new Act	ESD should be the over-arching objective (Heritage Council) Clearly articulate objectives and which one should be given priority (ICAC)
Plan-making processes	Strategic policy document should be mandatory for consideration for the making of planning instruments (ICAC); Public consultation should be made before the release of strategic plans (ICAC)
Development assessment process	The new Act should provide opportunities for competing public interests to be considered when assessing and approving state significant developments (ICAC) The assessment of state significant development should involve community consultation (ICAC);
Appeals and enforcements	Expand the categories of development subject to third party merit appeals to include private sector development (ICAC)

Community groups and environment groups generally represented anti-growth interests, advocating for a 'sustainable' living environment over economic growth. They do not support simplifying development assessment processes to facilitate development activity due to the risks of potential negative impacts on communities and the environment (Refer to Table 6). All of the selected interest groups include specific proposals for the legislative design of a new Act. By contrast, community and environment groups tended to be less specific, rather, suggesting principles and guidelines such as "a focus on strategic planning", "genuine, appropriate and timely public participation" and "making planning law climate change ready" (Environmental Defender's Office, 2011, p.3 and p.4). But the submissions contained no details on how these broad and abstract principles should be implemented into legislation. Similarly, community groups identify broad principles such as promoting water protection and community health in their submissions (Save Our Suburbs Liverpool Plains, 2012), along with their dissatisfaction on the environment outcomes and their experiences in planning processes, but did not suggest how the Act should be changed to resolve the problems (Recsei, 2011).

Table 6: Summary of submissions by community groups and environment groups to the initial planning review

Objectives of the new Act	Support for objectives in the current Act (NCOSS) Ecologically Sustainable Development should be the overarching objective (EDO);
Plan-making processes	The making of State Environmental Planning Policies (SEPPs) and Ministerial directives should be under scrutiny by representatives or the public (SOS, NCOSS) Ministers and councillors should be involved in plan and policy making stage (NCOSS) The new Act should have strategic planning at its core; (EDO); The public should be engaged in the plan making stage (EDO)
Development assessment process	Do not support the use of Joint Regional Planning Panels (JRPP), Private Certification and 'one size fit all' Code assessable assessment in every council area (Federation of Willoughby progress associations) Argue that ministers and councillors should play less role in development assessment (NCOSS) Transparency and accountability should be enhanced for all development, including major public projects; Improving the credibility and role of Environmental Impact Assessment (EIA) (EDO);
Appeals and enforcements	Recognise the pre-eminent role of the Land and Environment Court (EDO); Retain 'open standing' in the new Act (EDO)

Conflicts can be identified between industry and community groups. Indeed, the fighting between developers and communities is not a new story (Inch, 2009). Communities who seek to protect their

low-density and leafy living suburbs want to set restrictive regulations on development activities to save their suburbs from overly-developed by high-rise buildings. However, developers, on the other hand, attempt to be unconstrained by communities' scrutiny to make the development application process fast and predicable. In the case of the NSW planning reform, such conflicts appeared since the very initial stage of the reform. Community groups characterised developers as money driven, ignorant of communities' preferences and local capacity, but able to gain unfair influence in the planning process. For instance, the 'Save our Suburbs' group claimed developers had gained "far too much influence and access to decision-makers and policy-drafters" (Recsei, 2011, p.7). At the same time, development and property groups implied that those seeking more public consultation in the planning system were selfish NIMBY groups unable to consider the development needs of society at large (Property Council of Australia, 2011).

Based on the analysis above, the competing interests of pro-growth groups and anti-growth groups represented the fundamental conflict in the planning reform in NSW 2011-2013. In particular, this conflict is especially evident between development and property groups and community groups. Pro-growth groups tended to be better prepared since they had clear ideas of the desired legislative outcomes and their arguments. At this stage, the advantages of expertise and resources enjoyed by these groups enabled them to be more professional and powerful in lobbying.

Green Paper Consultation- State government's response to conflicts in planning, and strategies each sector used

In July 2012, the NSW Government released a Green Paper setting out the broad scope of the planning reform. It proposed four fundamental reforms including: promoting effective community participation; addressing the strategic focus of planning; increasing the use of streamline approval; and shifting the provision of infrastructure. Encompassing these four reforms is "delivery culture" which promotes "an increased focus on delivery and the creation of a more facilitative planning culture" (NSW Government, 2012a, p.3) The Green Paper included many proposals, including: shifting community participation earlier in the strategic plan-making stage (but reducing consultation opportunities during development assessment), a Public Participation Charter to guide consultation activities, increased use of 'e-planning' (online submission of development applications and availability of planning information), a new structure for statutory planning and increased use of code-assessable development.

Following the release of the Green Paper, a third round of consultation, lasting two and a half months, commenced. There appears to be a clear nexus between proposals in the Green Paper and the recommendations made in the previous stage of consultation, by the industry groups, business groups and specialist groups who generally represent pro-growth interests. Consequently, the majority of proposals in the Green Paper were supported by these groups (See Table 7). For example, the Urban Taskforce declared that: "it is encouraging to note that the Green Paper acknowledges each of our key concerns with the existing Act" (Urban Taskforce Australia, 2012, p.11). Others sought to ensure their recommendations would be fully implemented by suggesting specific wording for new planning legislation, which should "ensure the objectives clearly articulate the desire for growth and investment" (Property Council of Australia, 2012, p.4).

Table 7: Summary of submissions to the Green Paper, by industry groups, business groups and specialist groups

Objectives	Objectives should address more on growth and investment (PCA) Broadly support the objectives for the new system, as set out in the Green Paper (PIA)
Community participation	Support the proposed Public Participation Charter and shifting community participation to strategic plan making stage (PCA, UDIA) Support the proposed consultation provisions (NSWBC) Support the introduction of a Public Participation Charter and strategic plan-making engagement(PIA)
Strategic planning	Strategic targets should be monitored against performance indicators for sub-regional plans (PCA) Give primacy for the market feasibility in plan making (PCA) Support the proposed changes to strategic planning (NSWBC) Include Retail Development policy into the new Act (SCCA) Support the emphasis on a strategic planning approach (PIA) Recommend the preparation of a single state policy rather than 10-15 separate

	policies (PIA)
Development assessment systems	Support the retention of the Planning Assessment Commission and Joint Regional Planning Panels, which are attempted to reduce local political involvement in significant decisions (PCA) Support the use of Strategic Compatibility Certificate and make the full use of it (PCA) Support proposals to 'de-politicise' development assessment (NSWBC) Support the shift of development assessed by independent expert panel (PIA) Support the use of Strategic Compliance Certificate (PIA)
Provision of infrastructure	Support the approach of calculating levies according to cost recovery and benefits (NSWBC)

The number of submissions made by both community groups and environment groups increased significantly during the Green Paper consultation process (See figure 1). To some extent this reflected increasing efforts by community and environmental sectors to raise awareness about the proposed changes to the planning system. Submissions (See Table 8), expressed many concerns about these proposed changes. Firstly, many expressed concern that Environmentally Sustainable Development was not clearly stated as an objective of the Act (Environmental Defender's Office, 2012). They also questioned the State government's proposals for 'Enterprise Zones' and the use of a 'Strategic Compatibility Certificate' (to enable development that would otherwise be uncompliant with a zone), on the basis that these reforms may put local, social and environmental values at risks. Another concern was the removal of public participation during development assessment process, and the increasing reliance on the Joint Regional Planning Panels which were seen as displacing the role of local councillors in representing local residents' interests.

Table 8: Summary of submissions to the Green Paper by environment groups and community groups

Objectives	Climate change considerations are overlooked (ACF,EDO) The expression of the objectives of the new Act is unclear. ESD should be the over-arching objective (EDO) ESD should be the over-arching objective of the new Act (Shelter NSW)
Community participation	Participation in early strategic plan-making stages welcomed, but reduced opportunities in DA process should be reconsidered (EDO) Oppose proposals to reduce community participation in development assessment processes (SOS)
Strategic focus	Strategic plans should incorporate environment and ecology protection priorities (ACF) Spot rezoning and appeals against rezoning decisions should not be available if proposals do not comply with strategic plans (ACF) Need to indicate how environmental protections will be retained (EDO) The proposal of 'enterprise zones' is not supported (EDO)
Development assessment	Third party appeals right should be available for all state significant developments (ACF, EDO) Oppose the proposal for 'Strategic Compatibility Certificates' (EDO) Limit code-complying assessment to low impact development (EDO)

Although, local governments expressed positive responses to the overall Green Paper, they also made some objections (See Table 9). For example, they criticised the State governments' focus on economic growth and apparent lack of consideration on environment and social values in the reform agenda. Local councils also sought to protect their powers in decision-making, opposing the expanded use of Joint Regional Planning Panels, and proposals to enable the Director-General of planning to issue a 'Strategic Compliance Certificate', permitting uses which otherwise would not comply with the provisions of local land use zones.

Table 9: Summary of submissions by local governments in the Green Paper consultation

Objectives	The 'growth' focus and economic imperative underpinning the reform is not supported and ESD should be the over-arching objective (LGSA)
Community participation	Support Public Participation Charter, but concern about practical engagement of the public in strategic plan-making stage (LGSA)
Strategic focus	Support the new hierarchy for proposed new plans (LGSA)

	Oppose 'Enterprise Zones' (LGSA)
Development assessment	Oppose the removal of development assessment decisions from elected councils (LGSA) Strongly oppose the expansion of the use of JRPPs in Development Assessment meetings and reviewing councils' decisions (LGSA) Oppose the power of Director General to support re-zoning via Strategic Compliance Certificate (LGSA)

White Paper consultation and the outcomes of reform

On 16 April 2013, the NSW Government published the White Paper and two draft Bills: the Planning Bill 2013 and the Planning Administration Bill 2013, and commenced a fourth round of public consultation. Conflicts between interest groups during this phase of consultation were much more intense than before. The main debates concerns proposals to reduce community participation in development assessment and proposals to increase the range of activities subject to code-assessable provisions. Environment groups and community groups strongly opposed many aspects of the White Paper and the Bills, while business and development and property groups showed strong supports for the proposed legislation, almost in its entirety.

Opposition from community and environment groups reflected the fact that the White Paper and draft Bills generally continued the agendas set in the Green Paper. In turn, as noted above, the Green Paper appeared in many ways to reflect the interests and advocacy of pro-growth development and property groups. In response, community and environment groups united to fight against the State government's proposals. Their submissions to the White Paper and draft Bills are summarised in Table 10 . One group, the Better Planning Network, deserves particular mention. Formed in October 2012, the network pulled together 470 community, environment, and heritage groups. It quickly gained a public profile through its media releases, events, and protest activities

Table 10: Summary of submissions by environment groups to the White Paper consultation

Overall Objectives and Principles	The White Paper focuses on prioritising growth and flexibility for development. ESD should be the over-arching objective (ACF, BPN) The objectives in the White Paper is unbalanced (EDO)
Community Participation	Community participation must be conducted for development assessment stage (ACF) Community participation must be conducted for development assessment stage (BPN)
Strategic Planning Framework	The strategic planning principles in the White Paper did not consider environment and social outcomes (ACF) The use of Subregional Planning Boards is opposed (ACF) The performance of strategic planning should be monitored according a range of parameters including social and environmental values (BPN)
Development Assessment	The proposal to have significant proportion of developments in NSW determined as complying or code assessable development is opposed (ACF, NCC) The proposal to have 80% of developments in NSW determined as complying or code assessable development is opposed (BPN)
Provision of Infrastructure	Housing affordability should be an important factor for consideration when deciding infrastructure plans
Building Regulation and Certification	Certifier who is responsible for assessing a development must be objectively accredited by an independent authority (BPN)

The campaign by community and environment groups was very influential. In October, 2013, the then Government retreated to revise the Bills, in response to the high volume of community pressures. Specific changes were made - for instance, the key target that 80% of all development applications should proceed as 'code-assessable' (that is, without any discretionary determination) was removed; as was a provision to enable the Minister to amend strategic plans without public exhibition (NSW Government, 2013d). These amendments were generally considered as attempts to win support from local councils and community groups, further, the revisions were not opposed by business and development interest groups eager for the legislation to pass.

Echoing the tactics of the community groups, a new network named 'Coalition for planning reform' was formed. Consisting of the NSW Business Chamber, the Property Council of Australia, the UDIA, the

Sydney Business Chamber, the Australian Tourism and Transport Forum, the Planning Institute of Australia and the Australian Institute of Architects, the group announced support for the Bills, urging Parliament to endorse reform. However, community groups remained unsatisfied, the Better Planning Network stating that “fundamental issues are still unresolved” (Better Planning Network, 2013).

During Parliament debate in November 2013, community and environment group dissatisfaction appeared to influence opposition to the Bills. The Bills were criticised as “having enormous discretion overriding the say of local communities to their local councils” (Shoebidge, 2014, p.7). The lobbying of the Better Planning Network was recognised in the parliamentary debates and become a reference point in opposing the Bills. For example, Jan Barham, a member from Greens, stated in her parliamentary debate (NSW Parliament, 2013, p.35) that:

“I oppose the Planning Bill 2013....The Better Planning Network has undertaken extensive consultations and information sessions and used its website, Twitter and other modern dissemination tools. People will be shocked when they have a true understanding of how these bills will affect their lives.”

Labour, the Greens and the Shooters and the Fishers Party united to oppose the Bills, resulting in 51 amendments to the legislation, including the removal of nearly all provisions on code-assessable developments. However, amendments displeased development and business interests. The Urban Taskforce wrote an open letter stating that “amendments to the Bill will significantly reduce its effectiveness and cannot be supported” (Urban Taskforce, 2013, p.1). Faced with a revised Bill that was significantly watered down from its original intentions and still faced widespread opposition, the State government did not proceed with the legislation. Rather, it proceeded to implement changes under the existing system. After two and a half years’ consultation and negotiation, the NSW Government’s attempt to introduce a new planning legislation in NSW had failed.

Conclusion

Interest groups participated actively in the process of planning reform in NSW between 2011 and late 2013 using various lobbying methods and appearing to greatly influence the policy-making process and the reform outcomes. This study of this process suggests however that the levels of influence enjoyed by different interest groups varied through different stages of planning reform.

The expertise, financial resources and information access enjoyed by pro-growth interest groups, including industry groups, business groups and professional bodies enabled them to be more efficient and influential at the beginning of the process. Interest groups tend to have particular perspectives and ideas assembled even before official consultation processes begin, and as such are able to make specific and professional recommendations and may even have been instrumental in bringing on the reform proposals. For example, the Urban Taskforce’s “10 ideas for a better planning system in NSW” submitted during the initial planning review stage illustrated a high degree of organization and focus (Urban Taskforce, 2012a). The expertise and resources available to these pro-growth interest groups also enabled them to make convincing arguments for their claims. The inclusion of many recommendations by the pro-growth interest groups in the government’s reform documents suggests these strategies were successful in the initial stages of reform. Community groups and environment groups, in comparison, tended to be less influential at this stage. Their submissions tended to be either very general on the broad principles of the planning system or very detailed on describing examples in particular local contexts.

However, after the release of the Green Paper, White Paper and draft Bills the community and environment groups became much more active, responding with coordinated lobbying. In particular, the Better Planning Network united more than 400 community, environment, and heritage groups, utilising online forms of communication such as Facebook and Twitter, and the mass media to advertise their campaign objectives. They also established their own website and organized and attended many discussion forums capitalising on their vast and decentralized membership. While the government’s final decision to abandon the Bills, may not be solely attributable to this campaign, undoubtedly of the vocal opposition of community and environment groups to the draft legislation played a large part in its withdrawal.

More widely, this study investigates how of the relative influence of different interest groups may shift during processes of policy change and reform. The findings from this case suggest that interest groups with access to expertise and resources may be more influential in the initial stage of policy reform. However, grass-roots community groups may gain power during public consultation processes, particularly if the processes are protracted and enable groups to mobilise. Under these

conditions, community groups are able to establish networked power and utilise similar lobbying methods to professional and established interest group representatives, including the mass media, social media and disruptive grass roots campaigns. However, as signalled by the NSW government's intention to pursue reforms without changing legislation, the outcomes may be a retreat to policy processes 'behind closed doors', where the influence of business and industry groups is likely to prevail once again.

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State Of Australian Cities Conference 2015

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