

A new planning system for NSW

INTRODUCTION

We all care about the regions, communities and streets in which we live. But many of us don't stop to think about how planning decisions are made to change or protect these areas.

The NSW Government is embarking on a major review of the system which defines how planning decisions are made. This will include the creation of new State planning legislation. This fact sheet explains how this review will be undertaken.

ABOUT THE CURRENT NSW PLANNING LEGISLATION

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the primary legislation governing land-use planning and development assessment matters in NSW. The law was developed in the 1970s and at the time was hailed as innovative and ground breaking. The law was originally designed to better integrate environmental concerns into land use planning and development control, more clearly define the role of State and local government, and increase community involvement in planning and assessment matters.

Over the last 30 years, the EP&A Act has been amended over 140 times – an average of more than four times per year. The majority of these changes were to speed-up planning decisions or deal with problems in the original legislation. Other changes responded to changing circumstances since 1979, including improving threatened species protection, defining the State's role in development assessment or dealing with corrupt activity. Many of these amendments individually had merit but have largely resulted in the EP&A Act lacking a clear overall focus and also being difficult to understand.

Furthermore, given the length of time since the EP&A Act was created, and the many new challenges and issues during this period, it is reasonable and timely to undertake a review and re-write. Issues likely to be examined include the role of any new legislation in regard to strategic planning, growth management and infrastructure provision. The roles of State and

local government and how to get high-quality public participation in the planning system will also be investigated.

THE PLANNING REVIEW PANEL

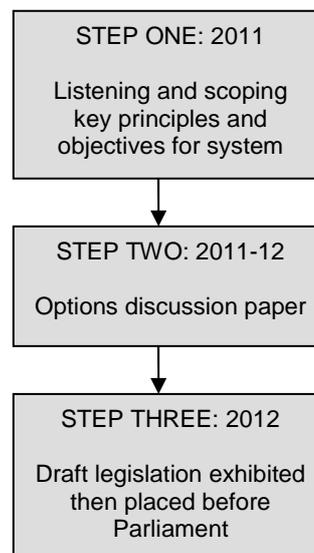
A Planning Review Panel will be established to oversee the review and provide independent advice to the Minister for Planning and Infrastructure and the NSW Government. The panel will also be the key interface with the community and key stakeholders and ensure a comprehensive community engagement and public participation process is undertaken.

To date, the NSW Government has announced that the review panel will be jointly chaired by:

- Former NSW Environment Minister and current Land and Environment commissioner Tim Moore; and
- Former NSW Minister Ron Dyer

THE STEPS FROM HERE

The review will be conducted in three stages.



Further information about the steps is provided below:

Stage One of the review will be a 'listening and scoping' stage led by the panel. The purpose of this stage is to identify the key outcomes and principles for a new planning system. At the conclusion of this stage, the panel will provide a report to the Minister for Planning and Infrastructure which will be publicly available.

Consultation with stakeholders and communities will be a key focus of this stage. The three stage review process has been designed specifically to build broad agreement and acceptance of the new planning framework through an inclusive consultation process.

It will be critical to the success of the review that individuals, stakeholders, groups and communities feel that they have had an opportunity to express their views and that the review process was genuine if we are to build confidence in the new planning system.

Stage Two will be the preparation and public exhibition of a discussion paper (or 'green paper') by a working group in collaboration with the panel. The discussion paper will be developed from the panel's recommendations from Stage One.

The discussion paper will put forward legislative and non-legislative proposals to improve the NSW planning system. These may include new administrative and governance arrangements and new delivery mechanisms.

In **Stage Three** the Minister for Planning and Infrastructure will build on the 'listening and scoping' and discussion paper stages, and the feedback received in each, to outline the NSW Government's new planning framework (or 'white paper') for the NSW planning system, including the new planning legislation in draft.

The Minister will use the panel as a reference group in developing the new planning framework and draft legislation. The draft legislation will be placed on public exhibition after being endorsed by Cabinet.

It is proposed to place the bill before Parliament in the latter half of 2012.

IMPORTANCE OF ENGAGEMENT AND CONSULTATION

The communication in the early stages of the review is proposed to be dynamic and interesting to ensure the community, local government and stakeholders are engaged and involved in the review. As such, there will be a clear program of engagement which goes beyond placing consultation document on a website and inviting comment.

Concepts being proposed include public talks, widespread public meetings, online consultation, advertising and intensive local government and stakeholder workshops.

FURTHER INFORMATION

Department of Planning & Infrastructure website: www.planning.nsw.gov.au or call our information centre on 1300 305 695.

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