

# Planning Reform Implementation Frequently Asked Questions

## 1. What is the planning reform legislation?

- ❖ *Environmental Planning and Assessment Amendment Act 2008 (EP&AA Act)*
- ❖ *Building Professionals Amendment Act 2008 (BPA Act)*
- ❖ *Strata Management Legislation Amendment Act 2008 (SMLA Act)*

## 2. When was the legislation passed by Parliament?

The legislation was passed by both houses of Parliament on 18 June 2008.

## 3. Was the legislation amended by Parliament?

The *BPA Act* and *SMLA Act* were not amended.

The *Environmental Planning and Assessment Amendment Act 2008* was amended in the Legislative Assembly. The amendment clarifies the application of development standards in environmental planning instruments to the determination of s.96 modification applications.

The *Environmental Planning and Assessment Amendment Act 2008* was amended in the Legislative Council. The amendments relate to:

- ❖ Section 22 Committees – appointment and procedures
- ❖ Board of Trustees to manage contributions in the Growth Centres areas
- ❖ Manner of appointment of, and reporting requirements for, council Independent Hearing and Assessment Panels

## 4. Where can I get a copy of the legislation passed by Parliament?

Copies of the *EP&AA Act*, *BPA Act* and *SMLA Act*, as made, are available on the Legislation NSW website [in 'browse A-Z as made'].

## 5. When did the Bills become Acts?

The Bills became Acts when they received assent from the Governor.

The Bills received assent on 25 June 2008.

## 6. When will the Acts commence?

No parts of the Acts commenced on assent.

The Acts will commence on dates to be proclaimed by the Minister.

A timetable is currently being developed for the staged implementation and commencement of the reforms.

Significant regulations, guidelines, EPI amendments and protocols are required to support the operation of various aspects of the new legislation the before it can commence. This will have a bearing on the order of commencement of the various components of the reforms.

Further information will be available in relation to the implementation process once the timetable is finalised.

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### 7. What parts of the Acts are likely to commence first?

It is proposed to commence the parts of the reforms that do not require any significant regulations or guidelines to operate at an early stage.

The implementation of the Planning Assessment Commission will also occur once the administrative arrangements for the Commission have been undertaken.

### 8. Who is responsible for the implementation of the Acts?

The Department of Planning is responsible for the *Environmental Planning and Assessment Amendment Act 2008* and *Building Professionals Amendment Act 2008*.

The Department of Commerce is responsible for the *Strata Management Legislation Amendment Act 2008*.

### 9. Who is being consulted on the implementation of the planning reforms?

The Implementation Advisory Committee has been established, with broad representation, as a consultative body to provide advice on the implementation of the reforms. It will have its first meeting in early July.

The Complying Development Expert Panel and the Certification Committee will continue to be consulted on the implementation of the relevant parts of the reforms.

There will be further public consultation in relation to the implementation of some parts of the reforms, for example the exempt and complying development codes and the accreditation schemes for council officers and fire safety engineers will be released in draft for public comment before they are made.

The Department will work closely with local councils and State agencies to implement the reforms and will be conducting a community education and communication program to ensure the community are kept informed of the changes to the planning system, as they are rolled out.

### 10. What commitments have been made regarding the regulations and guidelines to support the planning reforms?

A number of Regulations were approved by Parliament including for:

- Planning bodies and planning arbitrators;
- Development assessment
- Third party reviews
- Certification
- Contributions

Five Policy Statements were also released by the Minister in May setting out various processes that would be followed in implementing the reforms and the contents of various regulations and supporting documentation which would be prepared before the legislation came into operation.

These policy statements relate to:

- Complying Development
- Planning Arbitrators
- Certification
- Joint Regional Planning Panels
- Concurrences and Referrals

These Policy Statements are available on the Department's website.