Responses to the *Sydney Morning Herald* re ICAC’s submission on the planning system Green Paper

1-2 October 2012

**Inquiry:** Department requested to respond to a number of issues raised in ICAC’s submission.

**Response**

- We welcome the ICAC’s submission which, like the more than 800 other submissions received on the Green Paper, will assist the Government to create a world class planning system for NSW.

- It should be noted that ICAC has endorsed many of the Government's proposals in the Green Paper, including:
  - increased and earlier community engagement;
  - a greater emphasis on upfront strategic planning as the cornerstone of planning decisions; and
  - enhanced governance arrangements for expert planning panels.

- The new system outlined in the Green Paper has at its very heart a proposal to increase community participation and boost transparency.

- The feedback received to date has welcomed these proposed changes.

- The Green Paper also proposes to entrench the concept of independent decision-making on development applications and retains objector appeal rights.

- These measures are in response a system which, for too long, had left ordinary members of the public feeling excluded from its processes and confused by its complexity.

- By contrast, the Green Paper proposes that local communities are strongly represented and involved at the upfront strategic planning stages, so they have a say in how their areas should grow and develop over time.

- This approach will then also deliver improved efficiency and certainty at the development application stage, where councils are being encouraged to follow the State Government’s lead and put in place independent decision-making bodies.

- As always, decisions will be made on the merits of the project against clear and transparent criteria established upfront in consultation with the community and given effect through strategic plans, including councils’ own Local Land Use Plans.

- The feedback received in all submissions, including ICAC’s, will be carefully considered in the preparation of the White Paper.

**Inquiry:** Will “NSW Planning Policies” not be legally binding?

**Response**

The new planning system will include important statutory planning controls. These controls, including those relating to things such as height, scale and density, will guide the transparent and merit-based decisions made by independent and de-politicised decision-makers.
While the Green Paper proposes that NSW Planning Policies would not themselves be statutory instruments, they would be given effect through other statutory instruments.

Page 30 of the Green Paper describes it in the following terms:

NSW Planning Policies will not be statutory planning instruments in themselves but will be identified in the Act and given effect through the development of strategic regional, subregional and local plans.

Where existing State Environmental Planning Policies include important development control provisions these controls will be collapsed into Local Land Use Plans and associated development standards and guidelines or adopted in the development of the relevant Subregional Delivery Plans.

Further details of how the Green Paper proposals would work in practice will be established through the preparation and exhibition of the White Paper and draft legislation.

**Inquiry:** How will Enterprise Zones work and is the CUB site at Broadway a good example?

**Response**

The CUB case study is not relevant to the concept of Enterprise Zones. The CUB site is given as an example of where a streamlined assessment process could have worked well once the original concept plan and development controls had been established for the site.

Enterprise Zones are more about providing an innovative regulatory approach particularly for employment generating development in areas which are seeking to attract investment.

The department has received some feedback, including in country areas, expressing the desire for this sort of approach to attract jobs.

We are still working through submissions on the Enterprise Zone concept to help develop the upcoming white paper, including ICAC’s submission.

The government will not introduce a planning mechanism which constitutes an increased corruption risk.

As outlined in the Green Paper, local government and community support would be fundamental to the success of Enterprise Zones.