Departmental statement in response to St George and Sutherland Shire Leader article on White Paper – 26/7/13

Quotes from Department of Planning and Infrastructure Executive Director of Communication and Community Engagement Trish Oakley:

“We welcome the input from local community groups, because community participation is a key pillar of the new planning system we’re looking to create.

“We’ve conducted more than 200 consultation sessions over a two year period – one of the most comprehensive programs of community engagement ever seen in this State.

“Far from being sidelined, the community’s right to participate in important planning decisions will for the first time be enshrined in law.

“Community members and the local councils that represent them will have a seat at the table when decisions are being made upfront about the future of their areas.

“The new system retains, and in many cases strengthens, key protections to do with heritage, the environment and rights of appeal.

“The proposed reforms are designed to enable the efficient delivery of the homes and jobs we need as the State grows strongly, while also protecting the important community and other assets we value so highly.

“We’re continuing to work through the more than 4,500 submissions we’ve received on the planning White Paper to ensure the feedback from communities, planners and industry bodies shape the way planning is done in NSW for decades to come.”

Additional information on specific issues:

Heritage

• The new planning system will benefit the conservation of heritage as heritage will be considered upfront when the planning vision for an area is set, not as an after-thought once a development application has been lodged which is often the case currently.

• There will be little change to the Heritage Council’s role deciding on development applications relating to State heritage items and the listing of new State heritage items is not touched at all by the new planning system as it is covered under separate NSW legislation, the Heritage Act.

Community rights and consultation

• In an Australian first, the community’s right to participate will be enshrined in law. A Community Participation Charter will be part of the new legislation and require that all planning authorities, including councils, effectively engage the public in important planning decisions.
• The community will be involved upfront when important decisions about the future of their area are being made.

• Any proposed development that does not meet the criteria established in consultation with the community will have to lodge a development application with the council, be exhibited for public comment and go through a full merit-assessment.

• Consultation has been, and will continue to be, a key element of the new planning system. Since the consultation process began in July 2011, the Government has held more than 200 consultation sessions running for more than 300 hours, which have been attended by more than 5,500 people in at least 50 locations.

Environmental protection zones

• While the new system proposes to simplify land use controls by reducing the overall number of zones, important environmental values will continue to be protected.

• Guidelines to protect and manage lands with special ecological attributes will form part of new council-wide Local Plans to ensure that development does not adversely impact on those values.

• These guides will control the intensity and extent of development and will require the planning authority to consider potential impacts on the environment, regardless of whether the land has a residential or rural zoning.

Ecologically sustainable development

• Use of the term ‘sustainable development’ rather than ‘ecologically sustainable development’ in the proposed legislation ensures that social as well as economic and environmental outcomes are considered.

• This is a strengthening of sustainability considerations, not a weakening, and aligns NSW with the approach of most Australian states, the United Kingdom and even the United Nations.

Appeal rights, corruption risk and Ministerial discretion

• The department’s intention is to ensure that existing rights of appeal in the current planning Act are maintained and the proposed new planning system retains the existing processes allowing objector merit appeals against high-impact projects.

• The department is also committed to producing a new planning system which reduces corruption risks, including minimising discretion and increasing appropriate checks and balances on authority.

• In the two years since coming to office, the NSW Government has consistently reduced Ministerial discretion in planning matters. The Minister for Planning & Infrastructure has not approved a single private development during this time and the number of major projects
approved by the Minister has dropped from 32% to just 2%. There is no evidence to suggest the new planning system proposes to change this.

**Strategic Compatibility Certificates**

- Strategic Compatibility Certificates are proposed to be an interim measure to ensure adequate supply of housing, jobs and infrastructure during the transition to a new planning system.