RESPONSE GIVEN TO NORTHERN DISTRICT TIMES ON PLANNING BILL 2013

19 November 2013

Response to concerns about the Planning Bill, which have been raised by the Save Hunters Hill Municipality Coalition (SHHMC).

RESPONSE:

The NSW Government’s Planning Bill strengthens heritage and environmental protections, and addresses a key deficiency in the current planning laws by now requiring social measures to be considered when planning decisions are made.

We have undertaken 2 ½ years of unprecedented consultation on the planning reforms and have made a number of changes to the Planning Bill after it was exhibited earlier this year.

The Planning Bill returns planning powers to the community, while providing a planning system that will help us deliver the houses, jobs and infrastructure needed to support our growing population. It ensures everyone gets a say on the future of their suburb upfront where it counts most, provides certainty and delivers local planning for local communities. A number of stakeholders have issued letters and statements in support of the Planning Bill and these are available online at www.planning.nsw.gov.au

On heritage

The NSW Government’s Planning Bill maintains and strengthens heritage and environmental protection. In particular, there will be a NSW planning policy on environment and heritage that will include measures to identify State heritage in the preparation of strategic plans, such as Regional Growth Plans and Subregional Delivery Plans.

It is not accurate to suggest the Bill does little to protect heritage – in fact, one of the objects of the Bill is to “promote the protection of the environment and heritage”. The objects of the Bill have also been amended to specifically include Aboriginal cultural heritage. This contrasts to the current planning legislation which doesn’t recognise the protection of heritage upfront.

The Bill also includes specific savings and transitional arrangements for heritage so that all existing local and State heritage items, heritage conservation areas, and archaeological sites will continue to be identified in new local plans. Following public consultation it has also been decided that all existing zonings will also remain unchanged.

The Heritage Council will retain its role of issuing heritage approvals. Importantly, the advice of the Heritage Office must always be followed on local development applications affecting State Heritage items, unless there are unreasonable delays or they are unable to resolve conflicts with advice from another agency.

Furthermore, streamlined development assessment, known as code assessment, will not be required in heritage conservation areas, and will not apply to State heritage items or where Aboriginal Heritage Impact permits are required. The proposed 80 per cent target for streamlined assessment has been dropped.

The Heritage Council’s letter to the department, which is available online, said the “Heritage Council is pleased that many of these concerns have been resolved” and they look forward to working with the department to ensure changes to the Bill deliver the best heritage outcomes for NSW.
**On social outcomes**

The Planning Bill actually addresses a key deficiency in the current planning laws, where there is no upfront consideration of social measures. The Planning Bill balances social, economic and environmental considerations, without allowing ecological considerations to override the other two.

This approach – integrating all three bottom line considerations – is consistent with international and national best practice for achieving sustainable development. This approach is recognised around the world, used in nations including the United Kingdom and has been adopted by the United Nations.

**Environment**

The Planning Bill retains all of the valued environmental protections of the current planning system and provides new measures that will further strengthen environmental protections. The objects of the Bill now include the conservation of biodiversity and the Bill provides for biodiversity issues to be addressed more strategically, which will allow conservation measures to be tailored across a region.

The Bill will further bolster environmental protections by introducing new planning offences with significant penalties for development activities that harm – or are likely to harm – the environment.