Question: How will the Government ensure community engagement is effective and genuine, and will this be subject to review?

RESPONSE: The Planning Bill commits to upfront community engagement in strategic planning which will be enshrined in law for the first time through a charter.

That community input will help prepare new strategic plans to guide development and manage growth, delivering on our promise to return planning powers to the community.

Any NSW planning policy or strategic plan must be placed on public exhibition and communities given a chance to have their say on what is proposed. The Minister and councils must explain how the views of the community have been taken into account following consultation. Any breach is subject to appeal.

An independent Community Participation Advisory Panel will also form part of the ongoing review. The Panel will have an independent chair and include community members. It will be set up next year to ensure all planning authorities consult with their communities, using best practice methods, ensuring that the voice of even the most hard-to-reach communities is heard. The plans will initially be reviewed after one year.

Question: Do expanded judicial review rights apply to infrastructure plans?

RESPONSE: Judicial rights have been expanded in the new planning system -- both from the current system and from what was proposed in the White Paper. This includes the right to seek a judicial review of the preparation of new growth and local infrastructure plans.

New restrictions on judicial review opportunities outlined in the draft exposure bills were scrapped.

Question: Are strategic compatibility certificates still part of the bill?

RESPONSE: Strategic Compatibility Certificates are to implement the Regional and Subregional plans developed with community input and can only be issued when they are consistent with these plans.

They have been retained in the new planning system but with additional safeguards.

These certificates will now be issued by the independent regional planning panels, where there are more than 25 objections received or where a council objects to the proposal, and not the Director-General of the Department.

There will also be a mandatory 28 day public exhibition of applications for a certificate and development applications that rely on a certificate. Councils must be consulted before any SCC is issued.

Question: The Director-General of Planning will have the power to override the Heritage Council in the case of unreasonable delays or if it is unable to resolve a conflict with another
agency. Who will decide when the department can step in and how long in an “unreasonable delay”?

**RESPONSE:** The Department will work with the Heritage Council to establish appropriate protocols and guidelines on the time needed for decisions. These guidelines will ultimately be included in the supporting regulations of the new system.

**Question:** Has the Government determined the growth areas and urban renewal areas where code assessment will apply or which councils are involved?

**RESPONSE:** Growth areas will be those areas where the Government has made significant investment in infrastructure, typically major transport links.

Subregional Planning Boards (where local government will have a majority), will play a key role in determining where code assessment is applied.

Outside identified growth precincts, councils will determine where code assessment is applied. They will not be required to use code assessment in established low-density areas.

Code assessment will be reviewed after two years.

Planning polices will set a broad planning directions. They will not be used to nominate specific growth areas where code assessment will apply.

As distinct from the current system any policy will be subject to mandatory community consultation.