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Planning Legislation Updates/ 2017
NSW Dept Planning and Environment
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http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=8188

Submission on the Environmental Planning and Assessment Amendment Bill 2017

The Mosman Parks and Bushland Association Inc, originally The Ashton Park Association, was formed in 1964.

One of the aims of the Association is:

To advocate good principles of town planning especially insofar as they impact on bushland, parks and public open space. It is therefore of concern to the Association that changes to the planning system of NSW should continue to protect the environment and the public amenity of parks and bushland in Mosman and NSW.

Changes to the legislation that will have a positive effect on the environment and planning include:

1. Changes to Part 3A major projects.
2. The Community Participation Plans and improved exhibition periods

Our comments which include some concerns regarding the updates to the legislation:

1. The objects of the Act – always a most important aspect of legislation.

- The object concerning ecologically sustainable development should be strengthened as a stand alone basic principle.
- Protection of the environment and threatened species. This object should include the habitat of those species.
- The objects need to include climate change and the reduction of greenhouse gas emissions in accordance with the NSW government's net-zero emissions target.
- We question the removal of the object which encourages the retention of land for public purposes.
- The new objects supporting good design and the built, cultural and Aboriginal heritage are supported.

2. Additional requirements for Community Participation in planning

There are significant gains for the community in the new proposals for participation, including participation in the development of LEPs and SEPPs although the planning authority need only “consider” the community's advice.

3. Local Strategic Planning Statements, Local Planning Panels, standardising Development Control Plans and new powers for Secretary of Department of Planning and Environment

- Local Strategic Planning Statements should have legislated provisions for incorporating local community views
- Local Planning Panels are intended to bring necessary expertise, but clarification is needed regarding the composition and selection of members of the panels to guarantee that they will act genuinely and in the public interest.
- Standardised Development Control Plans: while standardisation may result in simplification for planners and public, localities are different and it is most important that local concerns and requirements continue to be incorporated.
- The new powers for the Secretary of the Environment to become involved in Integrated Developments endanger the proper assessment of environmental and other impacts by relevant organisations and experts.

4. Substitution of the Planning Assessment Commission with the Independent Planning Commission

- While the proposed public hearing process may give the community an opportunity to influence the outcome of State Significant Developments, they should not exclude the possibility of merit appeals to the Land and Environment Court.
Judicial appeal rights should be restored.

5. Proposed internal review of decisions for proponents is not balanced by rights of review for the community which would protect the public interest.

Formal merits review mechanisms should remain.

6. The end of transitional provisions for Part 3A projects

Supported. This law was particularly weak on environmental protections.

In conclusion the Mosman Parks and Bushland Association recognises the improvements that have been made to the planning process in the Environmental Planning and Assessment Amendment Bill 2017.

- increased community participation in planning
- the ending of Part 3A is welcomed

However, there are also disappointments.

- The environment continues to be inadequately protected particularly when considered in conjunction with the new legislation for biodiversity offsetting. Protection of our natural environment should be a central object of our planning laws. Areas of high conservation value should be absolutely protected.
- Requirements for ecologically sustainable development should be strengthened, not weakened
- Judicial review should not be weakened. Merit appeal rights should be reinstated in the legislation.
- Climate change and the need for greenhouse gas emissions reduction must be included in planning.



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