

## **EPHING CIVIC TRUST SUBMISSION - JUNE 2013**

### **NSW PLANNING REFORM WHITEPAPER AND DRAFT BILLS**

#### **INTRODUCTION**

The Epping Civic Trust has been a voice for the community of Epping and surrounds for over 40 years and has always played a positive and active part in the planning decisions for the area. In this regard the Epping Civic Trust has been an active supporter and contributor to outcomes for significant urban change in the Epping area, including local plan development and implementation and major infrastructure projects such as the M2 motorway and the Chatswood to Epping rail link.

The Trust believes it is well qualified to comment on the planning initiatives being put forward by the Government to change planning law in NSW and accepts that it is time to update the current legislation which has been amended to the point where it now lacks clear contemporary policy objectives and effective procedures.

#### **OUR SUBMISSION**

The Epping Civic Trust has critically reviewed the Government's proposals for a new planning system for NSW, reviewed publicly available documentation on the planning reform proposals and engaged with its members in preparing this submission.

This submission calls for:

- A return of planning powers to the community in accordance with the Government's election promise. The Bills, as currently drafted, are a direct attack on our rights as citizens.
- The definition of 'sustainable development', as recommended by the independent review of the NSW planning system conducted by Moore and Dyer, be used as the primary object of the new Act.
- A reduction in the 'top down' power of the Minister and the Director General of Planning to amend approved plans. The provisions in the draft Bills will increase the opportunity for corruption and will undermine public confidence in the planning system.
- The removal of the words 'having regard' in the planning Bills when referring to environmental and social considerations. The term 'having regard' has no legal standing.
- The Community Participation Charter to be supported by precise and enforceable legislative provisions for community participation.
- The community to have the right to comment and participate at each stage of the planning process.
- Improved local involvement in the composition of Subregional Planning Boards and the making of subregional plans. The proposal that the Minister will determine the appointment of up to five representatives (including the chair) is outrageous.

- Complying and code assessable approvals to be limited to low impact developments only.
- The removal from the planning Bills of provisions for Spot Rezoning and Strategic Compatibility Certificates because they undermine planning decisions arrived at through due process and can become the tools of corrupt administrators.
- Private Certifiers to be objectively accredited and selected by an independent authority. A system where the regulated pays the regulator is open to abuse.
- Stronger provisions in the legislation for the conservation and protection of our heritage including the restoration of the role and powers of the Heritage Council.
- Infrastructure plans for upgrading existing infrastructure and transport networks to be in place before any development flowing from local plans are approved.

## **SUMMARY**

Our reading of the Planning White Paper and draft Bills is that the Government has been unduly spooked by reports of housing shortages and by developers claiming that approvals have been inhibited by planning law. For example, we have read in our newspapers recently that the inner city and inner west are approaching capacity in the supply of apartments.

The draft Bills appear to be biased towards developers. What concerns our organisation is that the community that owns the land (in a social sense) seems to have been substantially written out of the draft legislation. There is much more to planning than economic development.

The new planning laws as exhibited appear to be a design for conflict between the community and the development industry. The industry may feel that they have won this battle but they may not do as well in the war that will follow when development expands under a loose planning regime and people (and voters) start to defend their right to have a say in the developments that directly affect them.

Our recommendation is that the Government should broaden provisions in the legislation for community engagement and reinstate the full meaning of 'ecologically sustainable development'. As to 'upfront' consultation with the community, this will only work if the community has access to procedures that will allow it to bring developers and administrators into line if they transgress.