

Helpful Tips for your Submission

New Planning Legislation proposed 9 January 2017.

Submissions close: 31 March 2017

For online submissions and more information, go to

www.planning.nsw.gov.au/Policy-and-Legislation/Legislative-Updates

Some key initial observations, with input from the Local Government Association, are:

- The proposed **Local Planning Panels** (which will comprise two experts and a community representative) have concerning aspects. Most significantly, it appears elected representatives have been purposely excluded from acting as community representatives on these panels. We are concerned that the Planning Minister will be able to impose panels on councils and there are no clear criteria on how to replace councillors with a panel, or the basis for this decision. Clarification is needed to prevent arbitrary decisions and political interference.
- There are two key **changes to local plan making powers** –requirements for community participation plans and local strategic planning statements. Most councils already have community participation plans (the requirements for which can also be met by community strategic plans). The requirement to obtain signoff for local strategic planning statements (from the Department of Planning and Environment or the Greater Sydney Commission) reinforces an already top-down plan-making process. **This proposal essentially negates any council or community engagement in these plans and will allow the Planning Department to override council determined zonings** . The proposed system is too directive and doesn't give councils adequate opportunity to incorporate local knowledge and expertise in plan-making, eroding the input, characteristics and amenity of local communities.
- The proposed **expansion of complying development** to include medium-density housing is problematic as it effectively gives the green light for 'tick-a-box' development without consultation. We note the Minister has proposed improvements to some existing complying development arrangements. As discussed in our December 2016 newsletter and on the FOKE website, these complying developments would include rows of townhouses and 2 storey flats within R2 residential areas.
- The proposal to standardise the process of **voluntary planning agreements** (VPAs) is one the community will need to look at closely. It is important councils retain the power and flexibility to negotiate these in ways that are of genuine benefit to communities. The point of VPAs is that they provide a means of delivering local infrastructure and amenity required by law. The law needs to remain neutral and fair so councils can negotiate outcomes that improve and maintain liveability in communities undergoing densification. This should not be a standardised approach.

In an announcement in January the Minister proposed to slash approval times for state significant developments such as mines. This does not deliver on long standing promises to protect water catchment and protect farmland from mines.

Overall the proposed changes will allow NSW Planning to dictate plans to local councils, including changes in zones and density. Local communities and their councils can be disregarded in favour of Government appointed panels. It is a removal of our rights as residents in our communities, and more importantly, another removal of local democracy by this Liberal Government.

Please Act Now to become informed and make a submission.