

A new planning system for New South Wales

WHY IS THE GOVERNMENT OVERHAULING THE NSW PLANNING SYSTEM?

- The legislation which provides the overarching framework for the planning system in NSW is over 30 years old.
- The legislation has been modified over 150 times to try to keep up with changes in the community, but it has reached a point where the State Government believes a new planning system is required.

WHO IS RESPONSIBLE FOR THE PLANNING SYSTEM?

- The State Government has responsibility for setting the direction of the planning system and major policies in relation to issues that generally extend beyond local council boundaries.
- Local councils have responsibility for setting local planning controls, like the regulations that apply to different land uses.

WHAT ARE THE PROBLEMS WITH THE EXISTING SYSTEM?

- The current planning system has become too complex and difficult to understand for many users of the system.
- Businesses and community members have also expressed their frustration about the red tape and delays that impact on development applications for both minor and major proposals.
- Environmental and biodiversity conservation issues and the protection of high value agricultural lands are managed in a piecemeal way, and are not proactively and appropriately catered for in current planning processes.

HOW DOES THE GOVERNMENT INTEND TO FIX THE PROBLEMS WITH THE EXISTING PLANNING SYSTEM?

- The Government is completely overhauling the planning system to make it more simple, user-friendly and better suited to the needs of the community and industry.
- Following extensive consultation with the community and industry throughout NSW, the Government has released a Green Paper – *A New Planning System for New South Wales*, which outlines major changes to the way the planning system will operate in New South Wales.

WHAT IS A GREEN PAPER?

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- A Green Paper is a document which outlines the broad changes and reforms the Government intends to undertake for a major area of policy, in this case the NSW planning system.
- The Green Paper – *A New Planning System for New South Wales* is effectively the 'blueprint' for fundamental changes to the planning system and provides an outline of how the Government intends to deliver those changes.

HOW WILL THE GREEN PAPER FIX THE PROBLEMS WITH THE EXISTING PLANNING SYSTEM?

- The Green Paper has identified what the Government believes the major problems are with the existing system and proposes ways in which we intend to fix those problems and implement a better system for the future.
- The Green Paper builds on a two-volume report released by an Independent Panel appointed to review the planning system. The panel members were former Environment Minister the Hon. Tim Moore and former Public Works Minister the Hon. Ron Dyer.
- The Green Paper and issues raised in the Independent Panel Report have been released for community and industry feedback for two months. Once the Government has received and considered the feedback from the community, we will be releasing what is known as a White Paper, which will provide much more detail on how the new system will be implemented.

WHAT ARE THE MAJOR CHANGES PROPOSED FOR THE PLANNING SYSTEM?

- The Green Paper outlines major changes in key areas of the planning system. These will result in reforms across a number of areas such as:
 - Involving the community early in guiding planning decisions that will shape the growth and future of our cities, towns, and neighbourhoods.
 - Placing much more emphasis on preparing good policies upfront to guide growth and development.
 - Reducing red tape and delay for the assessment of development applications for all types of proposals.
 - Ensuring that infrastructure is planned and delivered to support new and existing communities.
 - Promoting a 'can do' culture in the planning system and ensuring that councils and the government are accountable for delivering results.
 - Providing greater access to information about planning policies, planning decisions and your rights in the planning process.

HOW WILL THESE CHANGES IMPACT ME AND MY COMMUNITY?

- There will be more opportunities for you to have more of a say upfront about how your community will change over time and through a Public Participation Charter, your rights to participate in all stages of the planning process will be clearly defined.
- The State Government and councils will be putting more resources into preparing good plans and guides for how your community will change over time, so you can have more

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confidence that development will occur in line with agreed outcomes.

- Development applications (DAs) for swimming pools, garages, new houses, changing a shop's use and other routine proposals will be considered and dealt with faster by the local council or an accredited certifier.
- Applications for major developments that bring employment, housing and infrastructure will be subject to appropriate controls, without being strangled by unnecessary red tape.
- Communities will be able to have more confidence that new growth will be supported by infrastructure because of good upfront planning.
- Information about the planning policies that affect you and your community will be much easier to understand and much easier to access.

HOW WILL THE NEW SYSTEM RETURN PLANNING POWERS TO LOCAL COMMUNITIES?

- Since coming to office, the Government has handed back to local councils and communities a large number of applications that were previously dealt with by the State Government under Part 3A of the Environmental Planning and Assessment Act 1979.
- The new system will continue to return planning powers to local communities by placing community consultation at the forefront of planning decisions about how areas will grow and change over time and the decisions about the sorts of controls and guidelines that should apply to those areas.
- In addition, the Government will be involving communities more in planning decisions that extend beyond local government boundaries, by ensuring that councils contribute to strategic planning for the whole region.

THE GREEN PAPER TALKS A LOT ABOUT STRATEGIC PLANNING. WHAT IS IT AND WHY IS IT IMPORTANT?

- Strategic planning is about the preparation of plans and guidelines for how an area will grow and change. Good strategic planning is done upfront in consultation with the community, so the whole community knows what they can expect to occur in certain areas over time.
- Being involved in strategic planning is important for the community. It is the time in the planning process where they can have the most say and influence about the rules and guidelines which should be developed and applied to future development proposals, or how areas can be set aside for open space or conservation.

HOW IS THE ASSESSMENT OF DEVELOPMENT APPLICATIONS GOING TO BE IMPROVED?

- Many development applications are subject to unnecessary red tape and delay in their assessment. For major developments, this can add to the cost of housing or mean fewer employment opportunities. For more minor developments, slow and complex processes are frustrating and time consuming.

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- The new system aims to ensure that more complex development applications receive a more detailed assessment, while those applications which are more straightforward are dealt with under more appropriate and simple processes.
- To achieve this, the Government intends to expand the types of developments which can be assessed through the use of straightforward codes, rather than being subject to a full assessment of issues which have already been resolved through upfront strategic planning. This will ensure that more council resources are devoted to more complex applications which require detailed consideration.

IF DEVELOPMENT IS PROPOSED IN MY NEIGHBOURHOOD, WILL I HAVE A RIGHT TO OBJECT OR RAISE ISSUES OF CONCERN?

- Yes. Local residents will be notified and given the chance to have their say on the type of development that is allowed in their neighbourhood. In most cases, local residents will also be able to comment on individual development proposals in the same way as they do under the current system.
- Unlike in the current system, there will be far more community input upfront when the planning ground rules such as building height and bulk are being set for each area. This is when communities have the greatest opportunity to influence what is built.
- Where there is a development proposal that meets some but not all of the ground rules, then the community will be invited to comment on those areas of the proposal that doesn't meet the ground rules.
- Where a development application is totally outside the agreed ground rules, or no ground rules have been set upfront, there will be a comprehensive and rigorous assessment by the local council to determine whether it should proceed. The community will also have a clear right to comment on all aspect of these proposals, as they do now.

IF I HAVE AN EXISTING RIGHT TO APPEAL AGAINST A DEVELOPMENT DECISION, WILL I STILL HAVE THAT RIGHT IN THE PROPOSED SYSTEM?

- Yes. All existing appeal rights in the planning system are being retained.

WHAT ROLE WILL MY LOCAL COUNCIL HAVE IN THE NEW PLANNING SYSTEM?

- The role of councils in the new planning system will be retained and expanded to better focus the activities of the elected officials on engaging with the community on the preparation of good upfront plans to guide growth and development.
- The role of councils in the new planning system will also be expanded to give local communities a greater say in planning that is done for areas beyond the local government boundary, including through the establishment of Regional Planning Boards.

WILL MY LOCAL COUNCIL STILL MAKE DECISIONS ON DEVELOPMENT

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APPLICATIONS IN MY AREA?

- Yes. The government is encouraging councils to establish independent expert panels to determine the four per cent of local development applications that are currently decided by elected councillors. A quarter of Sydney's councils have already established these panels themselves.
- Council staff are currently responsible for determining some 96 per cent of development applications. This will not change.

HOW CAN I HAVE MY SAY?

- The Government encourages members of the community to have their say on the Green Paper and on issues raised by the independent review report.
- Have your say before 14 September 2012. During that time an online consultation forum has been set up at www.haveyoursay.nsw.gov.au/newplanningsystem to allow members of the public to comment on each of the proposed changes to the system and take part in online discussions.
- In addition to the online forum, a number of face-to-face and online events and workshops will also be held throughout the exhibition period for members of the public and industry representatives to provide their feedback.
- Any submissions on the Green Paper can be lodged online at www.haveyoursay.nsw.gov.au/newplanningsystem or be mailed to New Planning System Team, Department of Planning and Infrastructure, GPO Box 39, Sydney 2001
- All submissions received will be placed online at www.planning.nsw.gov.au. Names and addresses can be withheld on request.

WHAT ARE THE NEXT STEPS?

- Following consideration of community and industry feedback on the Green Paper, the Government will then prepare and release what is known as a White Paper – which will provide more detail on how the new planning system will operate.
- The White Paper and draft legislation will be released in late 2012 for extended public consideration.
- It is anticipated legislation will be introduced into Parliament in early 2013.

FURTHER INFORMATION

Department of Planning and Infrastructure website: www.planning.nsw.gov.au

© State of NSW through NSW Department of Planning & Infrastructure
23–33 Bridge Street, Sydney NSW 2000. GPO Box 39, Sydney NSW 2001
T 02 9228 6333 F 02 9228 6555 E information@planning.nsw.gov.au
www.planning.nsw.gov.au

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