

EXTRACT FROM NATIONAL TRUST NEWSLETTER JULY 2013

SUMMARY OF MAIN ISSUES – CHANGES TO NSW PLANNING SYSTEM

Heritage Council

“The Heritage Council considers that the recommendations in this submission represent the minimum essential safeguards needed to avoid serious adverse impacts on heritage values in NSW given the highly flexible and discretionary nature of the new planning system. Unless such safeguards are included in the new planning system there is every likelihood that when development occurs in NSW it will be at the expense of protection of the environment and heritage.”

National Trust

“It is proposed (with code assessment) that the community will not be entitled to submit objections, but will merely be ‘notified’ and that ‘merit assessment’ will not be permitted unless a development is “non-complying”. If there is no longer a formal objection process the community’s only other option would be to voice their anger and frustration with their local parliamentary representative. A reasonable balance needs to be re-established between development and heritage conservation. The role and powers of the Heritage Council and the legal effect of the Heritage Act should be restored to that originally intended in 1977.”

Independent Commission Against Corruption (ICAC)

“In some cases , the discretion conferred on decision-makers in the draft legislation appears largely unfettered. The most notable examples involve Ministerial decision-making. Examples include the power of the Minister on various occasions to alter local plans and make local infrastructure plans. The new system creates complexity and confusion by allowing developments to be approved that do not comply with the stated requirements. The limited availability of third party appeal rights under the proposed system means that an important disincentive for corrupt decision-making is absent.”

Better Planning Network (BPN) (representing 410 community groups across NSW)

“A close reading of the White Paper and Planning Bills reveals that under the new planning system, ordinary residents will not be able to comment on up to 80% of developments, including major development such as blocks of residential flats or land subdivisions. The impetus for the new planning system is a reactive response to the need for more housing which tilts the planning system in favour of the development industry at the cost of community wellbeing, our environment and heritage. “

And from the Conservation Council

Aspects of the draft Bill would limit citizens’ rights to take legal action to review the merits and legality of development approvals.

The legislation’s emphasis on economic growth, limiting ecologically sustainable development, is the overarching aim of the new planning system

We need a planning system that provides protection for our environment, that holds decision makers accountable, and restores community rights to appeal poor planning decisions.