

Frequently asked questions for councils

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.

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 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?

- 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.

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WHAT IS THE ROLE OF COUNCILS IN THE NEW PLANNING SYSTEM?

- Local councils will be taking a leadership role in the new planning system.
- Compared to the existing system, councils will have a greater focus on strategic planning. This is planning which caters for long-term growth, infrastructure provision and environmental protection across council areas and regions.
- For the first time local councils will be a partner in strategic planning at the regional and subregional levels, through the creation of Regional Planning Boards.
- The boards will provide independent advice to State and local government and have representatives from relevant local councils as well as State Government, stakeholders and community.

WHAT IS THE ROLE OF COUNCILLORS IN THE NEW PLANNING SYSTEM?

- The new planning system will engage councillors in strategic planning so they are involved in setting the broad direction for both their council area and its communities as well as the surrounding region.
- Councillors' role in making decisions on local development applications remains unchanged. However the Green Paper strongly encourages councillors to consider the option of delegating their decision making powers for local development applications to council staff or Independent Hearing and Assessment Panels established by Council. This approach is already being used by many councils in NSW, including around a quarter of all councils in the Sydney area.

HOW HAVE THE PREVIOUS SUBMISSIONS MADE BY COUNCILS TO THE INDEPENDENT PLANNING REVIEW BEEN CONSIDERED?

- The Green Paper builds on the recommendations of a review undertaken by an independent panel. The panel members were former Environment Minister the Hon. Tim Moore and former Public Works Minister the Hon. Ron Dyer. The panel's recommendations were based on feedback received as part of the listening and scoping workshops held across the State, meetings with local councils and the 600 submissions received on the panel's Issues Paper.
- Additionally, the department has reviewed all the submissions received, particularly from local councils, and used them to inform the transformative changes of the Green Paper.

HOW WILL LOCAL DEVELOPMENT APPLICATION DECISIONS BE DE-POLITICISED?

- Councils will be encouraged to establish independent expert panels to decide on the four per cent of local development applications currently determined by elected local politicians (councillors). A quarter of Sydney's councils have already established these panels.

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- This is consistent with moves to de-politicise decisions on regional and State significant development applications (through the introduction of joint regional planning panels and the Planning Assessment Commission).
- Research by the Property Council of Australia in January 2012 found that 78 per cent of people want independent experts in charge of local development application decisions.
- Council staff, under delegation, currently determine some 96 per cent of development applications. This will not change.

HOW WILL COUNCILS BE INVOLVED IN STRATEGIC PLANNING?

- Councils will have a key role in developing Regional Growth Plans and Subregional Delivery Plans in their regions. Through the Regional Planning Boards their local strategic planning will inform regional and subregional planning outcomes.
- Councils will be key partners in the development of sectoral strategies for housing, employment, environment and natural resources that will inform the Subregional Delivery Plans.

HOW ARE LOCAL LAND USE PLANS DIFFERENT FROM EXISTING LOCAL ENVIRONMENTAL PLANS (LEPS)?

- Currently, LEPs are highly prescriptive documents that tend to rigidly impose local development controls with little consideration for the broader strategic context. As a result, decision-makers must often approve or refuse individual developments with little, if any, guidance on how the area relates to its broader regional context.
- Local Land Use Plans, on the other hand, will form a key part of the overall strategic planning approach and ensure that local planning is consistent with the agreed direction set at the regional and subregional levels.
- They will be plain English documents that provide a clear explanation of the strategic focus for an area and establish appropriate development guidelines to assist with local decision-making.
- There will be one Local Land Use Plan per council area (152 in total) – compared with the more than 300 LEPs and thousands of development control plans (DCPs) currently – and will reflect community expectations and input.
- Importantly, every Local Land Use Plan will include a section on the delivery of infrastructure and services, ensuring this important aspect of planning forms a key part of local decision-making.

HOW WILL THE SYSTEM DEAL WITH INFRASTRUCTURE CONTRIBUTIONS AND PLANNING?

- The Green Paper acknowledges that, in the past, far too much of the burden of funding infrastructure has been placed on individual developments, which has made housing less affordable.

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- Instead, the Green Paper includes a number of broad suggestions for a fairer and simpler system based on the idea that the cost of new infrastructure and services should, wherever possible, be shared by those who will benefit from them.
- As such, the Green Paper outlines some key principles for how infrastructure should be funded under a new system, including the issue of local Section 94 contributions which is an ongoing challenge for State and local government. These include principles such as that the levy system:
 - Should be based on the principle of contributing to cost recovery.
 - Must be competitive with comparable markets in other jurisdictions.
 - Must not compromise housing affordability or inhibit housing delivery.
 - Should spread costs to the broadest base of beneficiaries, including over time.
 - Should support contestability.
 - Must provide a clear, transparent link between levy revenue collection and infrastructure programming and delivery.

HOW CAN COUNCILS PROTECT LOCAL AREAS WITH SPECIAL CHARACTER AND ENCOURAGE HOUSING AND BUSINESS DEVELOPMENT?

- The Green Paper proposes three new land-use zones.
- One of these zones is a 'suburban character' zone. This zone would allow councils and the community to preserve some areas known for their urban character or established development patterns from higher density development.
- Additionally, an 'enterprise zone' which will provide a flexible planning approach generally to target employment-generating development. A 'future urban release area' zone will provide a clear intention to provide greenfield housing over time.

HOW WILL THE CHANGES HELP IN RETURNING PLANNING POWERS TO LOCAL COUNCILS?

- 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 councils by making them key participants in the creation of new long-term regional and subregional plans, including sitting on Regional Planning Boards.
- Councils will also be responsible for developing Local Land Use Plans.

WILL THE NEW SYSTEM REQUIRE CULTURAL CHANGE IN LOCAL GOVERNMENT?

- The current system has inevitably bred a culture of legalistic regulation and prescriptive decision-making amongst those who administer the system. This needs to change.

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- The Green Paper outlines the Government's commitment to engender an outcome based culture within planning in NSW that focuses on delivery.
- While many planners across NSW take this approach, including in local councils, there is a need for widespread cultural change within both State and local government. This is an opportunity to entrench greater efficiency, transparency and customer-service within our planning organisations.
- The Green Paper also proposes regular public reports outlining whether housing and job targets outlined in regional, subregional and local plans are being met. This additional information and accountability should also assist in cultural change.

HOW CAN YOU HAVE YOUR SAY?

- The Government encourages members of the community and local councils to have their say on the Green Paper and on issues raised by the independent review report.
- Following requests from some sectors of local government, the NSW Government has extended the time for local council consultation until 5 October 2012.
- An online consultation forum has been set up at www.haveyoursay.nsw.gov.au/newplanningsystem to allow for comments on each of the proposed changes to the system and 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.

FURTHER INFORMATION

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