



Sutherland Shire Environment Centre

PO Box 589 Sutherland NSW 1499 | office@ssec.org.au

www.ssec.org.au | ABN: 96 127 431 611

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Planning Legislation Updates 2017
NSW Department of Planning and Environment
Box 39 GPO
Sydney NSW 2001

Dear Sir

Submission EP&A Amendment Bill 2017

Thank you for the opportunity to comment on the proposed reforms to the EP&A Act. Sutherland Shire Environment Centres sees this move to reform the Act as an opportunity to restore balance to the planning system, in a way that favours the environment and society over economic growth.

Planning determinations tend to replace bushland or less developed landscapes with more modified ones. Our culture needs to recognise that “there is no economy without an environment” and that continued consumption of natural capital cannot go on ad infinitum.

1. New objects

- a. “Good design” should be a means to enhance health, wellbeing and sustainable communities.
- b. Protection of the environment and threatened species should include their “habitats”.
- c. Rather than simply “facilitating” ecologically sustainably development (ESD), the objects should be rewritten to “achieve” ESD by “implementing” ESD principles in decision-making, or acting “consistently” with them”.
- d. A new object should be included to respond to climate change to achieve the NSW Government’s recent target of net-zero emissions by 2050.

2. Community Participation Plans

- a. SSEC strongly supports the principle of community participation plans. However, the challenge will be, as always to engage the community during the planning process.
- b. The exclusion of the Christmas/New Year period from exhibition periods is strongly supported.

3. Local Planning Panels

- a. While standardised reporting is welcomed, speed of approvals is not an indicator of sound assessment or decision making. There is a need to clarify how community representatives will be selected, how member's independence will be vetted. Also, listed fields of expertise should include social scientists, and expertise in law or economics should be in a relevant sub-field.

4. Complying Development (CD).

- a. The reforms facilitate greater use of CD which provides no opportunity for community input. CD was originally intended to cater for low impact development that required no qualitative assessment and which had only minimal environmental impact. However, the amendments serve to make complying development one of the main approval mechanisms.
- b. There is a need to:
 - i. Avoid cumulative impacts, especially in environmentally sensitive areas.
 - ii. Improve enforcement action and governance of private certifiers.
 - iii. Ensure meaningful community engagement on design standards, and
 - iv. Mandate leading practice sustainability standards.

5. Independent Planning Commission

- a. SSEC remains opposed to the continued exclusion of third party merits appeals following a public hearing.
- b. We do, however, welcome increased transparency and certainty, and the two-stage public hearing process may allow the community and the Commission greater

opportunity to influence the project to minimise adverse impacts.

6. Climate change

- a. Most emissions in NSW are authorised by planning and development approvals, explicit or otherwise. The objects of the new Act need to address reduction of greenhouse gas emissions to achieve the State target of 'net-zero' by 2050.
- b. The decisions we make in 2017, on regional and city planning, transport, resource extraction, building standards and vegetation management, will have long lasting effects on future generations. The new objects should include a response to climate change through timely mitigation and adaptation, consistent with state, national and global aims for emissions reduction.

7. Updating consent conditions.

- a. The Act needs to incorporate a general power to keep consent conditions up-to-date with modern standards.
- b. Consent conditions should not be automatically transferable.
- c. Consent authorities should be able to update consent conditions, in the same way that NSW pollution laws and federal environmental laws already allow.

8. Biodiversity offsets.

- a. Biodiversity offset processes should be terminated and on-site protection required of all heritage values, particularly in areas with high conservation value.

Yours sincerely



Jenni Gormley
Chairperson