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SUBMISSION

To

**New Planning System Team,
Department of Planning and Infrastructure
GPO Box 39, Sydney, 2001.**

on

The Planning Green Paper

Compiled by John Edwards for
The Clarence Environment Centre
31 Skinner Street
South Grafton
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Submission to Department of Planning and Infrastructure on The Planning Green Paper

Introduction

The Clarence Environment Centre (CEC) has maintained a shop-front in Grafton for over 23 years, and has a proud record of environmental advocacy. Over the last decade, we have written submissions to a plethora of planning proposals that have been released, it seems, almost on an annual basis. As such we assert that good planning, that follows the Precautionary Principle, Intergenerational Equity, and the principle of Ecologically Sustainable Development, is critical when catering for unavoidable growth.

Having said that, it must be recognised that we live on a finite planet, and any growth that relies on finite resources is, by definition, unsustainable, and this fact has to be incorporated into any planning processes.

Background

When the previous Planning Minister, Frank Sartor, introduced the notorious Part 3A planning regulation that gave the Minister unquestioned powers of approval and veto, environmental protection took a dive for the worse. Any perceived benefits from the current Premier's pre-election promise to scrap Part 3A, were soon dashed with the introduction of Part 3B. Now, the Green Paper clearly outlines that this means:

- Less opportunity for community input
- less environmental assessment for developments.
- Less compliance monitoring leading to lower levels of accountability.

With regular State of the Environment reports, ever growing lists of endangered and vulnerable species, populations and communities, and biodiversity management plans at all levels of government, identifying falling biodiversity levels across the state, now is hardly the time to cut environmental protection, but rather to bolster it with more rigorous legislation, backed by appropriate compliance enforcement.

Summary

We see climate change as one of the greatest problems facing planners from around the world in the 21st Century. Issues such as:

- sea level rise,
- impacts on flood plain and coastal communities from flood events and tidal surges caused by extreme weather events,
- changes to agriculture resulting from higher temperatures,
- issues with bushfires, and the need for forest management to lessen the impacts,
- the need for migration corridors for fauna and flora in the face of global warming,
- the need to retain carbon sinks such as forests.

So how can the Green Paper be taken seriously as a planning document, when climate change fails to get a mention?

That failing aside, the Government's vision for a new planning system in NSW is clearly focused on "strategic planning", a phrase that appears time and again on every one of its 89 pages, but what exactly is strategic planning?

Our reading of the Green Paper found no attempt to define its meaning. There is an assertion that, *"Proper strategic planning is fundamental to a successful Planning Act"* which, according to graphics on page 14, will reduce development assessments by 80%.

The Green Paper unashamedly boasts that the proposed changes are all about streamlining development assessment processes and cutting "red tape" (for 'red tape', read 'environmental assessments'). While claiming a desire to improve public participation, this is only proposed at the earlier 'strategic' planning phase, so the reality is the public's involvement will be curtailed as a result, and replaced by a regime of code based assessment, with a presumption in favour of a right to develop where a proposal meets agreed requirements.

There is no doubt that this 'one size fits all' process will see the precautionary principle sidelined, with a resultant fall off in environmental protection.

While giving lip-service to recommendations to integrate environmental considerations and natural resource management much earlier in the planning system, the Government gives no further indication as to how this will be done.

There is no indication about how merit assessment will be carried out, and whether decision makers will be required to ensure that objective criteria (such as a maintain or improve test) are met, which we believe will result in environmental considerations losing out to economic interests, and leading to greatly diminished sustainability.

In short, rather than filling the clear need to increase environmental protection in the face of declining native vegetation and loss of biodiversity, the proposed system provides greater rights to developers to continue with this ecological destruction. Rezoning proposals that retain recent policy changes on rezoning; increasing code complying assessment principles with a presumption in favour of a right to develop, and allowing developers to lodge applications that fail to comply with planning instruments, are all backward steps for environmental protection.

The Green Paper.

With the aim of achieving: *"Strategic compliance to reduce costs and speed up delivery of development"*, the new planning regulations will reduce compliance monitoring and enforcement by: **Removing concurrences through strategic planning**, which in turn will be achieved through,

- *switching off concurrences and referrals in the local land use plan once regional or subregional strategic planning is complete.*
- *Integrating the assessment of regional development in the same way as State significant development—removing the need for separate agency approvals by involving the agencies in the single, timely, comprehensive assessment.*
- *allowing Councils to deem State agency approvals in accordance with standard conditions and guidelines if no response within time frames.*

However, there is no detailed environmental impact assessment undertaken during the regional and subregional planning processes. In fact the Green paper makes it clear that it, *"seeks to focus its effort on the development of good strategic planning, and to move away from the site specific conflicts that"*, they claim, *"are symptomatic of a lack of good upfront policy development"*. This means that a threatened species, that isn't identified during the regional and subregional planning processes, cannot slow the approval process when it happens to be found on the site as the bulldozers move in. No doubt a great outcome for the developer, but not so great for a species facing extinction.

It is proposed to scrap the 40 odd SEPPs (State Environment Planning Policies) and replace them with a single “State Biodiversity and Conservation Policy” which has still to be developed. So, at this point in time there is nothing to comment on other than to say it is to be hoped that protection for those matters currently protected under the SEPPs, are in no way diminished by the changes. However, as the purpose of the changes is to “streamline” the planning process, with a *strategic intent to facilitate growth*, that hope appears to be a vain one indeed.

The reality is though, that changes need to be made, as many of the existing SEPPs have failed dismally in the past, SEPP 44 for Koalas is one such example, with the recent release of shocking statistics on the decline of that species in NSW.

It is imperative that environmental protection is not only introduced at an early level in the planning process, as recommended by the Environmental Defenders Office and peak environment groups, but that it must be supported and enhanced at all levels of the process.

It concerns us that there appears to be a focus on identifying ecological values at a landscape level early in the process, an evaluation that will likely fail to identify many critical environmental issues such as endangered species and currently unmapped populations. Our fear is that, under the proposed changes, these values will not be identified at later levels of the development process, and even if they are, they can be ignored.

With regular State of the Environment reports showing continued declines, ever growing lists of endangered and vulnerable species, populations and communities, and biodiversity management plans at all levels of government, identifying falling biodiversity levels across the state, now is hardly the time to cut environmental protection, but rather to bolster it with more rigorous legislation, backed by appropriate compliance enforcement.

We thank the Minister for this opportunity to comment

Yours sincerely

John Edwards
Honorary Secretary.