



Greater Sydney Commission Bill 2015

Background

In 2012, the Coalition Government proposed major changes to planning laws in NSW. In response to widespread public concern, Better Planning Network was founded with hundreds of local communities joining together to stop the legislation. As a result the legislation stalled in the Lower House in late 2013, after changes were made by the Upper House.

Subsequently, the government has introduced a range of regulatory changes to achieve what it could not get through the parliament. The Greater Sydney Commission Bill is the culmination of the incremental steps previously introduced through delegation, which gears up the system to fast track significant levels of development both on public and private land.

The Draft Bill

Legislation for the Greater Sydney Commission (GSC) is currently before Parliament. The Bill has passed through the Legislative Assembly with bipartisan support and no changes. It will be debated in the Legislative Council (Upper House) on Tuesday, 10. November, 2015. While there are no proposed amendments to view at this stage, we understand both the Greens and Labor Party are proposing amendments to the legislation.

Below are some preliminary comments – we welcome your feedback.

The draft Bill gives the GSC authority for the delivery Regional and District growth plans, review LEPs, and consider development and rezoning applications. The introduction of the Greater Sydney Commission supports the Government's plan to grow Sydney by 1.6M over the next 15 years.

The legislation establishes both a Greater Sydney Commission and introduces a new part 3B to the EPA Act. Part 3B, introduces strategic planning into the EPA Act. While commencing with Sydney, Part 3B also allows the Minister to introduce the same powers into other regions the Minister may declare. The application of this legislation for regional areas was not previously proposed as part of the Bill. Regional and in the case of Sydney District plans will be prepared in accordance with the new provisions under Part 3B.

The GSC will consist of ten Commissioners, being the Chairperson, and an Economic, Environmental and Social Commissioner, as well as six Commissioners representing Sydney Districts. The heads of Treasury, Planning and Transport Departments will be part of the Commission.

The proposed Bill gives high level powers to the Commission and the Minister. It is proposed that detailed process will be included in Regulations and Guidelines. This creates significant concern as these instruments can be changed through delegated authority with no need to go to elected members (state or local) for debate or sign off.

The proposed Bill excludes local Councils from the consultation and decision making process. The only mention of local Councils is the requirement that they provide information and resources, including staff, to the GSC if requested.

The legislation means that once a 'Land Use and Infrastructure Plan' for an urban renewal area is approved (e.g. Bankstown to Sydenham), developers and land owners can get land rezoned through the state government. In effect, the current spot rezoning process has been extended to multiple lots and nearly entire suburbs as is the case for 'Bankstown to Sydenham urban renewal corridor'.

Better Planning Network in principle supports the need for a coordinated and strategic approach to planning for Sydney and NSW into the future. However, the proposed Bill in its current form is more about shifting powers into an unaccountable body under ministerial direction. Further, the speed with which this legislation is being progressed does not allow sufficient time to assess the full consequences.



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Take Action

We urge you to contact the following parties in the Upper House; i.e. the Christian Democrats, the Shooters and Fishers, Labor, Greens and the Coalition.

We understand the Greens do not support the legislation in its current form and will be moving amendments. While the Labor Party supported the draft bill in principle in the Lower House, they advised the lower house they will also be proposing amendments in the upper house.

To take action, we suggest its best to call a member's office, to let them know your concerns and ask them to postpone the Bill so that the necessary amendments can be made. Also, call your local MP and urge them to make representations to Rob Stokes, the Minister for Planning.

Key Community Concerns

- The introduction of Part 3B into the EPA Act applies to the entire state, with no principles or governance process included for outside Sydney. While changes were mooted in the (now) stalled planning reforms, the government has not made it known it would try to implement broader strategic planning changes under this Bill.
- The Greater Sydney Commission and Strategic Planning Authorities will have responsibility for Regional and District Plans with no apparent role for Councils other than providing resources.
- The legislation mentions community consultation but there is no detail. This means the consultation process will be developed by planning bodies and can be cursory and/or invisible
- The objectives include ESD but again there is no detail.
- There is no mention of social infrastructure.
- Given changes to Crown land reforms, we suggest adding an Objective to protect and enhance public, open space and urban bushland.
- While Minister must consult local councils before appointing District Commissioners, he does not need to follow any advice provided. Further, while local councils can provide advice in relation to the proposed appointment of District Commissioners, there is nothing to suggest District Commissioners are accountable.
- Regional/District Plans and strategic plans such as a Land use and Infrastructure Plan for urban renewal areas will overrule local LEPs. Development Applications for 'strategic development' areas will be processed by the GSC.
- No detail is provided in relation to strategic planning authorities (other than they will be by Ministerial appointment) and who has responsibility for Regional and District Plans. We assume this will be covered by the Regulations; however drafts are not yet available for public scrutiny. Further, regulations may be approved by the Minister without parliamentary scrutiny.
- The legislation gives the Minister broad discretion, e.g. the Minister can declare any areas of the State a region; the Minister can make regional plans with such modifications as the Minister thinks appropriate; the Minister can dispense with requirements for making strategic plans to make changes that don't have significant adverse impact on the environment or adjoining land, or to make provision for matters that are, in the opinion of the Minister, of State or regional significance or of significance to a district.
- There is concern that the areas and characters valued by local communities will not be taken into account with the top down process over-riding the local fine grain.
- The only provisions that are mandatory for the purpose of legal challenges to making the strategic plan is a mandatory requirement for public exhibition.

To view the Legislation

[http://parliament.nsw.gov.au/prod/parlment/nswbills.nsf/0/69b90b4960628bb0ca257ee40018d0a9/\\$FILE/XN%20Greater%20Syd.pdf](http://parliament.nsw.gov.au/prod/parlment/nswbills.nsf/0/69b90b4960628bb0ca257ee40018d0a9/$FILE/XN%20Greater%20Syd.pdf)

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