

20 March 2023

Better Planning Network

**RE: Better Planning Network Candidates Questionnaire**

Thank you for reaching out to the Greens NSW with the Better Planning Networks 'Questionnaire for Candidates in NSWVotes 2023'

Please find the Greens NSW responses below:

**1. Do you believe the current NSW land use planning system strikes the correct balance between the voice of property developers and local communities?**

NO

The centrepiece of the NSW planning system is the outdated, complex and extremely difficult to use Environmental Planning and Assessment Act 1979 and its supporting Regulations, policies and procedures. Nothing short of a complete review and replacement of the Act is needed.

The Greens will work to initiate widespread consultation with community and professional organisations on legislation to replace this legislation.

Restoring democratic objectives and processes is foundational to the Greens' objectives including to:

- Remove the discretionary powers of the Minister for Planning to make political appointments to planning bodies and alter environmental protections, consultation processes or appeal rights in relation to any project - - Establish an Independent State Planning Commission comprised of nominees of community and professional organisations. The composition of the Commission to be subject to approval of 75 per cent of members of both the NSW Legislative Assembly and the Legislative Council and supported by legislation to ensure its independence.
- The Commission's task will be to assess major, infrastructure and utility projects with a construction value greater than \$100 million or that has a significant impact across multiple council areas, against objective criteria with no role for the Minister for Planning to exercise discretionary power .

- Ensure State-wide planning provisions are put in place through amendments to the Act or by disallowable Regulation and not by unilateral Ministerial Direction without parliamentary oversight.

3.4. Abolish Joint Regional Planning Panels, Sydney Planning Panels and Local Planning Panels and return their decision making power to local government.

**2. Do you believe State Planning Policies grant excessive decision-making discretion to the Minister for Planning?**

YES.

The Greens don't support the proliferation of State Planning Policies that override local planning controls. Community input into local planning decisions is fundamental to our democracy, whereas the continued introduction and expansion of SEPPs often isolates our communities from the planning process. They can place it instead into the hands of bureaucrats and industry insiders, reducing it to little more than a box-ticking exercise.

**3. Do you regard it as a priority for the next NSW Government to address climate impacts of developments more comprehensively under the planning system? YES NO If yes, please detail what policies you have adopted and what initiatives you will pursue if elected.**

YES

Greens MP Jamie Parker introduced his Environmental Planning and Assessment Amendment (Climate Change Response) Bill 2022 in the last term of Parliament, modelled on the work of the Environmental Defenders Office to ensure the planning system addresses the impacts of climate change.

The Greens will bring this legislation back in the next term of parliament and act as a priority to ensure the climate impact of developments is addressed by the planning system.

**4. Do you think the concept of "State significance" in NSW planning is applied correctly?**

NO

The bigger a development proposal is, the more likely it is to be exempt from local heritage, environmental and social protections by being declared State Significant Development, for approval by the Minister for Planning.

The Greens want to see all major planning decisions made by the parliament and not by the Minister for Planning. We do not support the executive power that has been given to the Minister to determine approvals for State Significant Infrastructure and State Significant Developments. We have seen an increase in the types of planning decisions that could be considered to have State Significance.

Community input is being steadily eroded as decisions that could rightly be made at the local level are being inappropriately classified as State Significant Development.

**5. Do you think the NSW Independent Planning Commission is sufficiently independent of the Government?**

NO

When The Greens studied the determinations of the Independent Planning Commission in 2020 we found that this body had upheld the departmental decisions in an astonishing 92% of cases - despite widespread community opposition and expert advice to the contrary.

Appointment of commissioners must be done at arms length from the Minister for Planning if the community is to have any confidence in it as a body for true independent oversight of the government's decisions.

The Greens want to see an Independent State Planning Commission comprised of nominees of community and professional organisations. The composition of the Commission should be subject to approval of 75 percent of members of both the NSW Legislative Assembly and the Legislative Council and supported by legislation to ensure its independence.

Yours sincerely.

Cate Faehrmann, MLC  
Greens NSW spokesperson on Planning

Jamie Parker MP  
Greens NSW spokesperson on Local Government