

Catherine Hill Bay Progress Association And Dune Care Inc

Catherine Hill Bay Progress Association
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Department of Infrastructure and Planning
GPO Box 39
Sydney NSW 2001

16 June 2013,

RE: A NEW PLANNING SYSTEM FOR NSW - WHITE PAPER

CONCERNS:

The Association has had first-hand experience with the present planning law, the *Environmental Planning and Assessment Act 1979(NSW)*, particularly the misuse of the Part 3A provision.

However it is obvious that the proposed New Planning System for New South Wales is set to leave the door open even further for potential corruption. The broad powers of the Minister to amend strategic plans without community consultation or community access to judicial review rights is a far worse situation than what existed under the *Environmental Planning and Assessment Act 1997 (NSW)*.

Much is made of the phrase 'evidence- based' strategic planning. Again the Association has experience. After a great deal of input from interested groups in preparation of the Draft Lower Hunter Regional Plan, a week before the Final Lower Hunter Regional Plan was released it was subverted by interest groups who provided 'evidence based statistics' from a "population expert" who claimed that the projected population of the region was indeed much higher.

This provided the 'evidence based' underpinning for the opening up of two conservation areas, Sweetwater and Catherine Hill Bay.

It is telling that these projected population figures have now been reduced.

The objective gathering of 'evidence based statistics' requires a lot of money and we have been informed that the Government does not have the funds required. If this is the reality then the problem should be faced and further checks and balances set in place. Such as, community consultation at all levels in the process and the right of the community to access judicial review. To not do so is to undermine the faith of the tax paying community in the planning process and in the Minister for Planning.

This proposed New Planning Laws are heavily weighted to the interests of developers and not the tax paying community. All Planning Bills should be audited by ICAC before they are finalised so as to minimize the risk of corruption.

It is very concerning that the White paper and the Planning Bill remove any reference to 'ecologically sustainable development' (ESD). The White paper only briefly refers to two ESD principles – 'integration' of economic, social, environmental factors, and consideration of 'present and future need'. At the same time it removes reference to three fundamental principles that underpin ESD as enshrined in Australian law.

- The precautionary principle
- Biodiversity and ecological integrity as a fundamental consideration
- Improved valuation, pricing and incentive mechanisms (including the polluter pays principle).

Ecologically sustainable development (ESD) should be the overarching object of the planning system and the new Planning Act.

The 10 strategic planning principles make no reference to environmental or natural resource management outcomes, cumulative impact assessment or climate change preparedness. Rather economic growth considerations are prioritised at the expense of social and environmental outcomes. This is short sighted and ignores the principle of intergenerational equity.

The development of Catherine Hill Bay was cynically dealt with in successive development applications in order that the two developers did not have to acknowledge cumulative impact. This new law will relieve the developers of another 'restriction'.

At the local plan level there is also potential for corruption and an undermining of the strategic planning process. Spot rezoning, new developer review rights, and strategic compatibility certificates' again weight the new laws in the interests of developers.

Also in the attempt to streamline the process of development approvals, the Association believes that the expansion of the Exempt and Complying Building Codes could result in some inappropriate outcomes. These codes were developed to 'fast-track' typical suburban project housing in metropolitan Sydney which assumes that the characters of urban environments are largely homogeneous. This may be true to an extent in urban areas but this is not the case in regional areas of environmental and heritage significance.

Yours faithfully

Suzanne Whyte
President
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