



Willoughby Environmental Protection Association (WEPA) Inc
WEPA, PO Box 4263
Castlecrag 2068
wepa@wepa.org.au

30 March 2017
NSW Department of Planning and Environment
[Submitted online](#)

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2017

I am writing on behalf of members of the Willoughby Environmental Protection Association (WEPA) Inc in response to the call for comments on the proposed changes to the *Environmental Planning and Assessment Act 1979*.

WEPA, which was established in 1981, is a community-based group with a commitment to protecting the environment, particularly the local bushland and biodiversity in our immediate and nearby LGAs. While our primary interest is the City of Willoughby on Sydney's North Shore, our members are also involved with environmental matters at state and national levels. In its consideration of the aims of the planning system WEPA has been guided by [The Community Charter for Good Planning in NSW](#) which is supported by hundreds of community organisations across NSW.

Strengthening Community Participation

WEPA believes that the proposal to reform the existing EPA Act presents a welcome opportunity for the Government to bring a better balance to the planning system, particularly to allow local communities a greater say in how their neighbourhoods and districts are developed and their local environment protected. We generally support the proposals in the amendment bill which address these outcomes including the:

- inclusion of community participation principles;
- requirement for planning authorities to develop community engagement plans;
- requirement for councils to prepare local strategic planning statements; and
- the removal of transitional provisions that allow some projects to continue as Part 3A projects.



Overriding Powers Opposed

On the same basis, however, we are firmly opposed to those proposals in the Bill which impact on existing environmental protections, make it more difficult to determine the reasons behind decisions and place limits on local planning powers. WEPA notes that the Government is currently giving primacy to community involvement in its Greater Sydney Commission district planning exercise. In such circumstances, it would seem to be directly counter-productive in the planning reforms to deprive residents of a say on developments in their own streets.

For this reason, WEPA is concerned over the proposal's provision for:

- the Secretary of the Department of Planning and Environment to have 'step in' powers to give advice, concurrence or general terms of approval on behalf of another agency. The planning system should instead attempt to address the lack of resources or to breach the 'silo mentality' which can delay approvals from other authorities;
- additional internal review rights for proponents, with little transparency or equivalent rights for the community or public interest; and
- the provision of power for the Minister to require local planning panels to make decisions in place of democratically-elected local councils.

In addition, WEPA does not support the standardisation of Development Control Plans (DCPs) as proposed under the new Act. We see no benefit in removing or reworking DCPs, such as the one developed for the unique Griffin Conservation Area in Castlecrag. The Griffin Conservation Area DCP was developed with extensive heritage expertise and community consultation and reviewed and updated only a few years ago. DCPs for special heritage areas should be retained in Local Plans as enforceable prescribed development standards.

Need to Address Environmental and Heritage Concerns

WEPA finds it unfortunate that the proposed reforms have not addressed key concerns which have been raised repeatedly by environment and community groups. In the drafting of the Bill, we believe that further consideration should be given to making additional amendments to the EPA Act that would:

- ensure that ecologically sustainable development (ESD) remains a core element of the act;
- include an object encompassing the protection of built and cultural (including Aboriginal) heritage;
- restore environmental approvals for State significant development;
- remove the restrictions on third party merit appeal rights following a Planning Assessment Commission public hearing;



- limit the use of exempt and complying development, which proceed without community consultation, to genuinely low impact development. As noted in our earlier submission in relation to the draft Medium Density Housing Code, WEPA remains concerned that the changes outlined will have a deleterious impact on community involvement in decision-making about their home investment, environment and on the preservation of green space and urban tree cover;
- introduce changes to improve the integrity of environmental impact statements;
- strengthen the rules around biodiversity offsetting in line with the critique provided in the recent Nature Conservation Council report *Paradise Lost: The weakening and widening of biodiversity offsetting in NSW, 2005-2016* and in particular to provide absolute protection for areas of high conservation value; and
- require strategic planning and development assessment processes to better consider and respond to the impacts of climate change.

WEPA members have witnessed a sharp increase in medium to high density dwellings in the district over the last five to six years. As a result, we have seen the continuous replacement of houses, trees and gardens by high rise and concrete surrounds, pressure on open spaces and bushland, severe traffic congestion, rising noise levels and overflowing schools. These changes have served to strengthen our support for a fair and effective planning system which allows local communities to maintain the character and amenity of their suburbs. We trust that the recommendations made above will contribute to the achievement of these aims.

Please feel free to contact me if further information is required on WEPA's submission.

Dr Meredith Foley
Hon. Secretary, WEPA Inc
0438 890 902
mfolwil@bigpond.net.au
<http://www.wepa.org.au/>