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NSW Planning Reforms

May 2005

NSW PLANNING REFORMS

The NSW State Government has announced significant changes to NSW planning laws.

This is the second stage of a Government reform package first announced in September 2004. In the first stage, the Government undertook to reduce the number of council Local Environment Plans from 5,500 to 152 – one for each Local Government Area.

The second stage, announced Thursday 12 May 2005, focuses on streamlining the process for approval of major projects.

Highlights

- 85 planning instruments will be simplified into a single State Significant State Environmental Planning Policy allowing projects worth more than \$50 million to be declared State Significant. State Significant projects will be clearly defined in one document (*a new State Environmental Planning Policy - State Significant Developments*), removing the need to search through multiple policies to determine which matters require Ministerial or council approval.
- Hundreds of smaller decisions will be handed back to local councils. This will devolve to councils almost 60% of development applications not considered to be State Significant that would previously have been referred to the Minister.
- The introduction of a “critical infrastructure project” definition that will allow the Government to take full control of projects deemed essential to the economic or environmental wellbeing of NSW. Critical infrastructure projects will be exempted from numerous regulatory approvals. Examples of such projects may include a desalination plant, an important road or rail infrastructure project, the Metropolitan Water Plan, Freight Strategy, Railway Clearways Project or the rebuilding of key infrastructure after an emergency.
- The introduction of a “one assessment – one approval” process. In future, developers will have only one assessment process to follow, and one document to submit. The assessments required will be tailored to each proposal. This removes the need for multiple approvals under several Acts of legislation. Note that existing requirements for a license under the Protection of the Environment Operations Act will not change.
- The introduction of “concept approval”, by which investors can seek an up-front statutory approval for a proposed project before investing in detailed assessments on identified issues.
- An end to the “stop-the-clock” provisions of many Acts, in favour of one approval process.
- New Independent Hearing and Assessment Panels made up of technical experts

from a range of different fields will scrutinise environmental and community concerns.

- The Government will be given stronger enforcement provisions. The Government's powers to enter and inspect development sites will be strengthened, fines will be increased, and there will be new powers to stop work on a project if there is a danger of any environmental harm.
- Projects that previously required a license under the Protection of the Environment Operations Act will still require such a license. Under the Environmental Planning and Assessment Act, the applicant and consent authority must consider all aspects of the environment when assessing a development's impact, including social and economic factors. There has been no change to this requirement.

Further details will become available with the release of the relevant legislation and regulation.

Hawker Britton

Hawker Britton was founded in 1997 by Bruce Hawker and David Britton, former chief of staff and senior media adviser respectively to Premier Bob Carr. From its initial office in Sydney, Hawker Britton has grown in the ensuing six years to have five offices in Australia; Sydney, Melbourne, Adelaide, Perth, Brisbane, and three located internationally; Washington, Wellington and London.

Hawker Britton is Australia's only national and international public affairs company providing advice on managing government relations, strategic communications and campaigns.

The firm boasts a wide range of clients in a variety of industries, including banking and finance, film and entertainment, information technology and telecommunications, primary industries, property development, health care and health technology, transport and infrastructure, construction and mining, water and environment, sport, hospitality and gaming.

Of Hawker Britton's current clients, 23 are in the *BRW Top 100* list of Australian companies and five are large multi-nationals.

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Key services in Government Relations include:

- High-level strategic advice on all areas of government
- Expertise in infrastructure developments
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Strategic Communications

Hawker Britton's Strategic Communications include:

- Media and issues management
- Crisis management
- Media training
- Stakeholder communications
- Reputation management

Campaigns

Key Campaigning services include:

- Community campaigns and consultation
- Corporate and association elections
- Public affairs campaigns
- Corporate campaigns

Hawker Britton brings to the corporate boardroom a unique approach to strategy and campaigns, borne out of corporate and political experience. Our specialist consultants are drawn from the ranks of former ministers, members of parliament, chiefs of staff, and senior policy and media advisers. Corporate clients appreciate our political and strategic communications heritage and the value that it brings to corporate planning.

Hawker Britton
Level 1, 71 York Street
SYDNEY NSW 2000

Tel: 02-9279 0200
Fax: 02-9279 0211
Email: info@hawkerbritton.com.au

Web: www.hawkerbritton.com.au

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