



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: JD:lb:EP&D:661692
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12 November 2012

The Hon. Brad Hazzard, MP
Minister for Planning and Infrastructure
Parliament House
Macquarie Street
SYDNEY NSW 2000

Email: office@hazzard.minister.nsw.gov.au

Dear Minister

Environmental Planning and Assessment Amendment Bill 2012

I am writing to you at the request of the Law Society's Environmental Planning and Development Committee (Committee).

The Committee represents the Law Society and its members in relation to all aspects of environmental and planning law and practice. The Committee includes experienced practitioners whose expertise has been developed in representing a wide spectrum of stakeholder interests.

The Committee's main concern is that there has been insufficient time for proper consideration of the implications of the amendments, particularly those relating to development control plans (DCPs) contained in Schedule 1[1], [2], [3] and [5]. The Committee has expressed concerns on previous occasions regarding other topics which are dealt with in the Bill (for example, paper subdivisions and the activities of certifiers), but the legislative timetable pursued by the Government works against a comprehensive discussion of those issues in this letter. As you are aware, the Bill was introduced and passed in the Legislative Assembly on 24 October 2012 and moved to the Legislative Council on the same day.

The Committee wishes to record its concern at the rushed introduction of these amendments through Parliament without proper consultation with all relevant stakeholders. The result of such a process in the past has been flawed legislation with problems arising out of the drafting which may have well been avoided had a draft been exhibited for comment prior to the introduction of the Bill. While Committee member's views differ as to the merits of the proposed changes, all agree that the amendments as currently drafted would benefit from proper consideration with all relevant stakeholders to avoid problems arising out of the drafting.

It is unfortunate, in the Committee's view, that the effort expended on developing and introducing this Bill was not directed towards the overall review of the planning system and in the timely release of a White Paper. This is particularly the case since some of the amendments (in particular those relating to DCPs) in the Bill might be seen as pre-empting any discussion that would be generated by the White Paper. This is especially disappointing given that the current comprehensive review of the planning system has as one of its core platforms "effective community participation".

The Committee requests that the Bill be deferred for consideration until early 2013 to allow for proper consultation. If there are provisions in the Bill which, in the Government's view, must be passed this year, the Committee urges that the amendments relating to DCPs be deleted from this Bill.

The Committee would be happy to elaborate on the views expressed in this letter. Should this be of assistance, the Law Society contact is Heather Moore, Manager, Policy and Practice Department, on telephone (02) 9926 0256 or via email: heather.moore@lawsociety.com.au.

Yours sincerely



Justin Dowd
President