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Implications of Changes to the State Planning Legislation 2015

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Implications of changes to the State Planning Legislation 2015 - *Overview*

- The State Government introduced draft Planning Bills to parliament in November 2015, on the back of the Government's planning reform agenda.
- The draft Bills will replace the *Sustainable Planning Act 2009*.
- Most provisions have the same affect than under the current legislation (*Sustainable Planning Act 2009*).
- Few major changes.
- New terminology, new complications.

Some changes to Development Assessment Process relevant to Community Consultation

- **Two (2) stage assessment process:** Assessment Stage and Decision Stage.
- **Prelodgement meetings:** greater emphasis and encouragement for these to occur.
- **Shorter assessment timeframes:** no automatic extensions of time, extensions via mutual agreement.
- **Public Notification sequencing.**
- **‘Stop the clock’ options:** Applicant’s will have the ability to ‘pause’ the assessment process in order to address information requests, negotiate with relevant parties, respond to public submissions etc.

Public Notification Requirements – What's changing

- Process remains similar to that under the current legislation.
- Required for Impact/Merit Assessment applications and applications to vary the planning scheme.
- Same notification periods (15 business days & 30 business days)
- **One major change** – Applicant's will now have the ability to decide when they will carry out publically notify an application.

Public Notification – What's changing

- **Greater flexibility for proponents – Applicant driven process.**
- Currently, public notification can only occur once a of steps have occurred in the assessment process (e.g. may commence 6 months or more after the application is lodged).
- New legislation allows the applicant to undertake public notification once assessment stage starts (i.e. once application is lodge).
- **Some risk with going early** – may be required to re-notify later in the process depending on assessment outcomes.

Summary

- No major implications on the development assessment process.
- More of emphasis on development assessments being an applicant-driven process.
- Greater flexibility in terms of public notification requirements could facilitate improved community consultation process by proponents of major projects.