

all storm water systems within the suburb of Coombs will be subject to a filtering process before there is discharge into the Molonglo River.

The tip of Coombs may be subjected to future residential development. However the agreement now provides that the ACT Government cannot seek further development approval until after a Statutory Plan of Management for the Molonglo River Corridor is completed. This process is expected to take several years.

### ACT Commissioner for the Environment amendments

A Greens' bill, the Commissioner for the Environment Amendment Bill 2012, passed the ACT Legislative Assembly in May 2012, with government amendments. The Act:

- changes the name of the commissioner from the *Commissioner for the Environment* to the *Commissioner for Sustainability and the Environment*, and similarly amends the Commissioner's functions and the name of the Act
- inserts a new objects section which includes several concerned with furthering ecologically sustainable development in the Territory

The Act requires ACT State of the Environment (SoE) reports to be given to Assembly members within 6 sitting days of receipt by the environment minister, rather than the previous 15. [An executive summary of the latest ACT SoE 2011 report can be accessed at [www.envcomm.act.gov.au/actsoe2011/executive\\_summary.html](http://www.envcomm.act.gov.au/actsoe2011/executive_summary.html).]

The Act requires the minister to respond to SoE and special reports within six months of tabling.

The a/g Commissioner for Sustainability and the Environment, Bob Neil, has been appointed to 30 June 2012<sup>57</sup> but his appointment is expected to be extended to November 2012.

### National capital planning and management

The National Capital Authority (NCA) received higher funding in the 2012–13 Commonwealth Budget (\$11.9m over the forward estimates), in part to progress the Government's response to the report of the independent review of the NCA – *Canberra a Capital Place* – completed by Dr Allan Hawke AC in 2011. The NCA advised stakeholders at its annual forum on 31 May 2012 that its

first priority was to progress the report's recommendations about simplifying the planning system to reduce duplication between the National Capital Plan and the Territory Plan, to better recognise matters of national significance, and to better recognise the role of the ACT Government. Estate management, including to address challenges like pest plants in areas having national significance, will be a higher priority in 2013–14.

The Australian Heritage Council has invited public comment till 30 June 2012 on a discussion paper concerning the nomination of the Canberra Central National Area and Inner Hills to the National Heritage List.

## New South Wales by Dr Nicholas Brunton

### Marine reviews

In May 2012 the NSW Government announced, before it released its detailed response to the 22 recommendations of the Independent Report into NSW Commercial Fisheries Policy, Management and Administration, that it would:

- implement a \$16m structural adjustment program to ensure ownership of fishing entitlements more closely matched the level of access to the resource
- reform governance processes
- reform consultation mechanisms

See: [www.dpi.nsw.gov.au/fisheries/commercial/reform/review](http://www.dpi.nsw.gov.au/fisheries/commercial/reform/review)

Submissions on the report of the Independent Scientific Audit of Marine Parks in New South Wales (released in February 2012) closed on 30 June 2012. The panel recommended, amongst other things, that:

- a Coastal and Marine Management Authority (incorporating the NSW Marine Parks Authority, NSW Coastal Panel, NSW Fisheries and any other relevant bodies) be established for the NSW marine estate with governance aligned with the five catchment management authorities covering the NSW coastal drainage systems
- an independent Scientific Committee provides the science for the Authority with priority research in the social and economic sciences and the application of findings to management.

See: [www.marineparksaudit.nsw.gov.au/](http://www.marineparksaudit.nsw.gov.au/).

57 *Commissioner for the Environment (Acting Commissioner) Appointment 2012 (No 1) NI2012-109.*

## RECENT DEVELOPMENTS

### Planning review

The long awaited major issues paper on the form and structure of the proposed new planning system is currently with the NSW Government for consideration. It is expected to be released sometime in June 2012. Interestingly, the Government will also release its response to the issues paper at the same time. A second volume (other issues) will be provided to the Minister for Planning and Infrastructure by July 2012. It is expected that a White Paper will be released followed by a draft bill towards the end of the year.

### Initiatives to fast track housing development

The Department of Planning and Infrastructure has issued a circular advising councils and industry about proposed reforms to policy, practice and legislation in relation to the way riparian corridors, bush fire planning, biodiversity, and Aboriginal cultural heritage are to be considered in the planning and development process. The aim of the amendments is to abolish the double handling of issues at the rezoning and development application stage. In future, many of these issues are to be fully addressed when a council proposes a rezoning for residential, commercial or industrial use or at the subdivision stage.

### Riparian corridors

The size of corridors and types of uses allowed in them affect housing supply by impacting on the amount of land available for development and on the type of infrastructure located within or crossing the corridors. The NSW Office of Water (NOW) has developed a flexible approach for regulating controlled activities in riparian corridors, resulting in significant savings while maintaining water quality and other environmental outcomes. To provide certainty and shorten approval times, outcomes will be decided as part of the rezoning process. The following reforms will be introduced by 1 July 2012:

- the former Riparian Corridor Objective Setting (RCOS) approach will be replaced by the Strahler stream ordering methodology. This is an objective approach which includes set riparian corridor widths
- more land will be made available for urban development and greater certainty will be provided to developers, government and landholders by:
  - » establishing and publicising rules on the width of riparian corridors
  - » a broader range of uses will be allowed including detention basins, cycleways, roads and recreational areas

- » enabling works and activities to be offset along the length of a riparian corridor
- » providing greater flexibility with watercourse crossing design
- » removing the need for vegetated buffers in addition to a riparian zone
- » introducing a streamlined assessment approach so compliant proposals can be assessed more quickly.

The Department of Planning and Infrastructure (DP&I) will implement the new policy immediately in Sydney's Growth Centres – Catherine Fields (Part), East Leppington, Leppington and Marsden Park Precincts. The new principles will be applied across the state from 1 July 2012. The NOW has updated its website to provide clarification on how the existing exemptions under the *Water Management Act 2000* (NSW) operate for work undertaken on behalf of a council or agencies. This will provide certainty for developers undertaking 'works in kind' as part of a development.

### Bush fire planning

Bush fire planning impacts on housing supply because the current legislative framework requires assessment at various stages in the planning and development process (i.e. rezoning, subdivision and dwelling application stage). The role of consent authorities (including councils) has been clarified through an amendment to s 79BA.

Consent authorities are responsible for the assessment of applications for infill development on bush fire prone land. Development applications on bush fire prone land need to satisfy the requirements of *Planning for Bush Fire Protection 2006*. To determine whether a development proposal meets the policy's requirements, consent authorities can either undertake their own assessment, or rely on a certificate provided from a qualified consultant in bush fire risk assessment. If the development satisfies the requirements, the consent authority is required to determine the application without referral to the Rural Fire Service (RFS). Only applications that do not meet the requirements of *Planning for Bush Fire Protection 2006* have to be referred to the RFS for assessment under s 79BA. The RFS will continue to provide support and advice to councils for development on bush fire prone land if requested. In addition the RFS will continue to implement a training program for council development assessment staff to assist in the assessment of development applications in accordance with *Planning for Bush Fire Protection 2006*.