



# Thirroul Village Committee

Thirroul NSW 2515

28 February 2022

Ms Paulina Wythes  
Director, Planning Legislative Reform  
Department of Planning and Environment  
Locked Bag 5022 Parramatta NSW 2124

Dear Ms Wythes

I write on behalf of the Thirroul Village Committee (TVC). This is a group of local residents who share an interest in the future of the south coast town of Thirroul and was formed in 1991. The TVC had significant input into the formulation of the Wollongong Development Control Plan 2009 (DCP) and takes a keen interest in town planning issues in Thirroul, in addition to garden maintenance and graffiti removal.

The TVC has recently become aware that changes are planned to the way amendments to the Local Environment Plan are made. The TVC is concerned that these proposed changes will not be in the best interest of those members of local communities who wish to object to, or make submissions in relation to, rezoning proposals (objectors).

Reviewing the proposed changes, it does appear they favour property developers to the detriment of objectors and residents. This is certainly cause for concern. Residents have a vested interest in any changes to land use zoning as they are the ones who, not only know the area intimately, but must live with the outcome.

The removal of the 'Gateway Process' is of great concern. Overtime this has evolved to become a merit assessment of the proposal, therefore an important early step. Removal of this will further erode Council's autonomy and control over rezoning decisions in their Local Government Area. It will compromise their decision making in such an important area of their business and could lead to inconsistency and uncertainty.

There is concern that the suggested changes will lead to more speculative requests which will be costly to process and lead to more unnecessary and unwarranted angst in local communities. The 'Gateway Process' is a positive step in the rezoning process and potentially can save time.

The TVC noted with interest that the Department of Planning and Environment is considering a new appeals pathway for planning proposals. The current review system using planning panels to provide independent review of decisions at various stages by Councils is working well. In particular, it provides a forum, and a voice, for objectors. Introducing appeals to the Land and Environment Court will add to the cost and time to complete the review process. It will be a denial of due process and natural justice if objectors are shut out of those appeals; and if they cannot institute appeals themselves.

Who will pay for appeals to the court? One hopes that it is not the ratepayers, as the limited funds available to Councils need to be spent more productively on updating aging infrastructure.

It is proposed that Councils will be provided maximum time frames in which to assess rezoning applications. If unable to make a determination within the prescribed timeframe not only will Council be required to forfeit a percentage of the application fee to the proponent, but it will trigger a right of appeal for a 'deemed refusal'. The TVC is concerned that the introduction of such prescriptive time frames will lead to flawed decision making. Perhaps it would be better to 'stop the clock' until relevant information is submitted. Flexible time frames are important as not all rezoning applications are the same, with some requiring a large amount and range of expert supporting documentation.

Reading the NSW Government Discussion Paper, it appears that grass roots community groups (of whom the TVC is but one of hundreds) were not included at all in the engagement process. This leaves us feeling alienated; as does our exclusion from the right of appeal afforded developers. This further disenfranchises objectors and local communities and limits the ability of the public to participate in decision making that impacts their local communities.

It is vitally important that any proposed changes take into consideration impacted local communities, not just developers. Any changes should recognise the importance of Councils and their communities. Failure to do this will result in flawed decision making.

Yours sincerely

Murray Jones

Secretary TVC