

developers see community involvement as a tedious roadblock to ‘progress.’ Community members are capable of making clear sighted, constructive and intelligent comment, but are denigrated as NIMBYs or worse if they raise objections. This needs to change. While automating the process has some obvious benefits, it leaves many people behind. Few will monitor websites looking for re-zoning or development applications, many people cannot afford computers or are not technologically literate and others are simply not comfortable operating in that environment. This is especially obvious when it comes to decoding plans, diagrams and the like – impossible on a phone and difficult on a tablet or domestic computer. These need to be available in hard copy at least at council offices.

Page 32: Information requests

The assessment ‘clock’ should not begin until the authority has all the information to start that process. To do otherwise would allow a proponent to delay information, thus depriving the authority of valuable time to make a thorough and proper assessment. We believe that a determining body should be able to seek additional information at any time and the ‘clock’ should stop until that information is provided.

Page 33: Assessment and Finalisation

Public interest is a vital and essential component of any re-zoning proposal and should be considered alongside strategic and site-specific merit.

Page 41: Options

Merit appeals are probably as important in some re-zoning matters as they are in DAs. We favour appeals to the Land and Environment Court because it is objective and operates with appropriate legal rigour. While it may not yet have experience with strategic planning matters, this will be gained over time as with any new responsibilities a court takes on.

While we understand that merit appeals to the Court will be costly, we would hope that this may deter frivolous appeals, something that may well bedevil a planning panel.

We are also concerned that this paper proposes to give rights to merit appeal to proponents but not to third parties. Any re-zoning affects the community in which it occurs. The proponent is obviously motivated by the opportunity to profit and this can sometimes come at great expense to a local or wider community. We therefore recommend that third party merit appeals should also be permitted. If these appeals had to be heard by the L and E Court, only serious objectors could participate. It is not reasonable or just to allow one party (proponents) the right to a merit appeal on a decision, but not councils or communities. This is a vital reform if the Government and the Department wants to create a fair and just system that benefits everyone.

Conclusion

These changes have much to recommend them, but there are areas where improvements should be made. We thank you for the opportunity to make this submission and we urge you to consider our objections and proposals.

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