

Charing Cross Precinct's response to:
A new approach to rezoning, NSW Government Dec 2011

We agree with the following principles of the proposed rezoning plan:-

- Simplifying the rezoning process – but we say no to short-cuts
- Improving transparency – in a timely manner
- Improving consultation HOWEVER the proposal MUST address the needs of the community and be responsive to community input
- Empowering local governments to support local communities and uphold their Community Strategic Objectives

We disagree with the proposed "solutions" for example:-

1. We do not support allowing the proponent, of the planning proposal (and their teams of well-resourced developers), to have applicant status. Councils should retain control of the rezoning application and the assessment process.
2. We do not support allowing developers to initiate and pursue rezonings regardless of council's and the local community's views.
3. We do not support the potential impost to Council. For example, if councils are appointed the "planning consent authority", they could face huge fines if they don't meet assessment deadlines.
4. We do not support the government's proposal to create a right of appeal for developers who are dissatisfied with a rezoning decision
5. We do not support the government's disregard of the views of local community first and foremost and taking away democratic rights in favour of private profit seeking developers.

Our Rationale

- This proposal demonstrates a lack of consultation, with the Community, from the outset, and disregards the Community's right to 'have a say' – to be heard in a meaningful manner – the playing field is 'not even'
- There is a notable absence of community engagement, as exposed, in the section that outlines the 'engagement process' underpinning "The need for reform" (***A new approach to rezoning, NSW Government Dec 2011 see page 8***)
- The assertion that the proponent (eg well-resourced private developers) is capable of balancing their financial objectives with the strategic objectives of an LGA, like Waverley in particular is almost impossible due to the lack of

'green fields' and restrained in-fill possibilities due to existing high density, clogged roads, excessive demands on amenities and infrastructure and not to mention pressure from high rates of visitation and pressure on overstretched services.

- GSC and the State Government have imposed major planning reforms since 2016 resulting in the development of a suite of planning documents, as part of the State Governments 'Integrated Planning System' – the challenge and cost borne by LGA's. Council is therefore well informed. (Developers are not nor are they interested)
- As a result, Councils are in the best position to assess 'rezoning' applications because they have consulted stakeholders and they have developed a suite of comprehensive strategic guidelines and plans eg Livable Places Strategy, Local Character Strategy, Open Space Strategy that feed directly into the Local Strategic Planning Statement (LSPS), LEP, DCP, – processes that private developers WILL NOT FUND AND tend to disregard in their decision making.
- our experience with the developers in the LGA such as the East Group (Waverley Bowling Club), St Catherines, Uniting (the War Memorial Hospital site) and Whitten Family (Charing Square Planning Proposal) demonstrates this point. Profit drives their decision making NOT community benefit.

Possible solutions

- Better resource Local Councils - the State Government states in ***A new approach to rezoning, NSW Government Dec 2011*** (see page 10) that *some councils don't have the resources – WELL - FUND THEM fromfor example*, mandated contributions from developers and the State Government Dept of Planning or from the coffers of the many NSW government's community consultation funding streams (GSC surely has deep pockets)
- Support and fund meaningful Community Consultation and extend that to new initiatives such as Citizen's Panels (no more tick a box exercises)
- Support orderly and sustainable planning through the Local Environment Plan 10-yearly strategic review process, reject any further attempts to empower proponents. Any rezoning should be considered by Councils with their communities (and land owners) through a properly informed process, not through opportunistic developer pressure or the vagaries of the housing market.
- Recognise that existing communities are equal stakeholders in the planning process and deserve land use certainty, as do land owners. Random changes to the rules drive community dislocation and distress, contradicting the government's community building aspirations.

- If the proposed changes are adopted, as a minimum guarantee Objectors Merit appeal rights. Merit appeals should be based on the consideration of factual evidence not just process or legal inconsistencies
- Quality in the built environment is not often achieved by speed. Arbitrary time limits with penalties for exceeding them should not be allowed. Some timeframe flexibility could reflect the scale of an application, but in general, decisions affecting the built environment need comprehensive assessment and consultation, and are often improved through an iterative design process.

We have a robust planning framework – not perfect but why undo it and introduce an anomaly that would tip the balance towards the interest of the private sector at the expense of the community.

It's a bit rich, when in times of crisis eg COVID, flood, drought, bushfires, the government gives a 'shout out' to the community to rally the forces and provide support however when it comes to planning community space and local development the government gives the community "the bum's rush".

Look forward to your considered response.

Happy to discuss.

Julie McAlpin - Convenor
On behalf of Charing Cross Precinct Waverley
26 February 2022