

Save Our Suburbs (SOS)

NSW Department of Planning, Industry and Environment

A new approach to rezonings - Discussion paper (December 2021)

<https://www.planningportal.nsw.gov.au/rezoning-new-approach>

SOS Submission 28 February 2022

The proposals in the discussion paper change the balance between developer requirements and the wishes of the community. The proposals appear to tend to appease developers. This approach could have serious detrimental effects on the environment and amenity that attracted people to live in an area in the first place.

Specific areas of concern are:

Meaningful community consultation requirements should be specified including eliminating a tokenistic approach. Opportunities for community consultation including those provided by the gateway system must not be diminished. Adequate public exhibition periods must be specified such as a minimum of 6 weeks.

Rezoning changes must not be allowed to erode the autonomy of a council. Councils have been elected by the community to represent that community. A proposal for rezoning by a developer must be routed through the applicable council through all stages and rezoning proponents should not be able to bypass councils through a pre-lodgement stage. Similarly a private proponent must not be considered an applicant.

However if a council is the authorising authority there must still be some mechanisms for oversight in the rezoning process to ensure that community views are properly taken into account.

Objectors to a proposal (other than those of a minor nature) should have rights to make objections based on merit similar to those for proponents.

Flexibility to categorised timeframes in the rezoning process should be allowed in cases where circumstances warrant this. For example time frames should allow for “stop the clock” conditions if the determining authority requires further documentation from the proponents or referrals from agencies such as NSW Rural Fire Service or NSW National Parks. There should be no mechanism such as refunds of application fees to induce determining authorities to make over-hasty decisions that possibly may not be properly considered or fair.

The Land and Environment Court and not the Independent Planning Commission should be the final arbiter of planning decision appeals.

Strong environmental performance standards should be specified. Environmental studies should be mandatory for spot rezoning and any determination of rezoning must be considered in the context of the adopted LEP and must consider environmental and ecological sustainability.