

Ms Pauline Wythes  
Director, Planning Legislative Reform.  
Department of Planning, Industry and Environment.

Reference: Submission – A New Approach to Rezoning’s,  
February 2022.

Dear Ms Wythes,  
Thank you for the opportunity to present our concerns and comments on the proposed changes to the way that amendments are made to the Local Environment Plan (LEP) and Rezoning’s.

Our organisation, the Battler is a community based organisation in the Cumberland Local Government Area seeking to represent the interests of ordinary residents.

We strongly believe the proposed changes will discriminate in favour of Property Developers and tip the scales unfairly further against the interests of ordinary residents.

We note the comments of the former Planning Minister, Mr Rob Stokes when addressing the NSW Property Council, “the interests of Developers is paramount in these reforms.”

We are opposed to the proponent (developer) of a planning proposal being given applicant status.  
Developers already have too much power to manipulate LEP’s and Rezoning’s in order to boost their profits at the expense of our communities’ amenity.

Councils should retain the control of the rezoning application and assessment process.  
At least the Council has limited accountability to their community where a Developer has none.

We reject the proposed change to give Developers the right of appeal in Category 2 & 3 Rezoning Applications.  
Rezoning’s should only be carried out with the broad consent of the communities that are impacted.  
The fact that no right of appeal is given to local communities is an open attack on our democratic rights at a local level.

We already have too many bad examples where Developers have been allowed to manipulate the Planning System and our communities end up suffering massive disasters like the Opal Tower fiasco in Olympic Park, Aya Eliza Apartments in Auburn, the Auburn Central disaster and the more recent High Rise disaster on the corner of John and Mary Street's Lidcombe.

All these buildings have been called out by the NSW Building Commissioner, it is our communities that have to live with these long term disasters that are a legacy of a failed planning system.

Our communities need more consultation over proposed rezoning's not less.

Local Planning Panels need to be given more powers in overseeing proposals to amend the LEP and change Rezoning's.

We also need to change the representation on these panels, reverse the current formula with a majority of community representatives and one technocrat (professional) in an advisory role.

This would infuse some Local Democracy into the Planning Regime.

The NSW Department of Planning really needs to address the massive problems in our Construction Industry.

The poor quality of design, the lack of environmental sustainability and energy integrity in most high rise developments, problems with poor quality materials and fraudulent documentation.

Currently there is a huge oversupply of empty apartments in our suburbs and gaining a reputation as Ghost Buildings.

So we are amazed that the Department would even consider opening up the Planning Regime to more Rorts by Developers.

Only stricter regulations and enforcement of Planning Guidelines, LEP and DCP conditions can bring integrity back into our Planning System.

Yours Faithfully

Tony Oldfield

Secretary Battler

[REDACTED]

[REDACTED]