

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

Dear Ms Wythes,

Many thanks for the opportunity to provide comment on the proposed changes to rezonings in NSW.

As elected councillors from the Greens, we strongly support moves to simplify the planning process to make it easier for communities to decide who gets to build what, and where.

As such, we welcome the new emphasis on Councils retaining control of the process whereby rezonings are discussed at pre-lodgement meetings, prepared, exhibited and finalised.

However, we do not accept the premise from the NSW Government that economic activity needs to be stimulated via more intensive and extensive development.

Furthermore, we reject the assertion that “speeding up the process” will lead to better social, environmental or community outcomes.

That public interest is being questioned as a consideration raises serious concerns about the intent of planning in NSW: whether it is used as a vehicle to drive economic growth or whether it is designed to deliver outcomes for our communities now and into the future.

To that point, we have concerns with the following aspects of the proposal:

- The fact that public benefit is raised as a question to be debated in this approach is at odds with Local Strategic Planning Statements which affirm that local communities should retain control of strategic planning via their elected councillors.
- The ability of developers but not objectors to appeal will mean that decisions about rezonings will ultimately be made by a court rather than local councils, undermining the ability of a community to decide who builds what, and where.
- The punitive approach whereby councils who do not meet imposed timeframes are required to return fees to developers does not take

into account external factors such as the need for more community consultation or delays in receiving information on a proposal from external agencies. If implemented, this approach will hamper councils' abilities to resource the process of assessing rezonings in a way that achieves positive outcomes for the community. Essentially the new statutory appeals mechanism further weights the planning process in NSW in favour of developers.

- The proposal to do a merit assessment after public exhibition is deeply problematic: it must be done prior to public exhibition.
- There are significant privacy issues in allowing developer proponents to run submissions processes - and if adopted this would undermine councils' public engagement strategies.
- Fees must continue to be set by councils rather than being mandated, otherwise cost recovery for already under-resourced councils is unlikely.

In conclusion, this proposal from the Department elevates economic considerations to the detriment of quality strategic decisions and community benefit.

The objectives to make the rezoning process (and indeed the whole planning process in NSW) simpler are reasonable. However, we conclude that pressures on councils have been raised significantly in this proposal, while developers are given new appeal rights which will undermine community decision-making.

Neither are appropriate, and both should be removed from this approach to rezonings.

Reform and economic imperatives must not be allowed to come at the expense of the long-term best interests of the community in NSW.

Yours sincerely,

Cr Monika Ball  
Cr Emma Heyde  
Cr Tania Salitra

Greens councillors, Hornsby Shire Council