

7 March 2022

Ms Paulina Wythes  
Director, Planning Legislative Reform  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Dear Paulina,

### **Submission - A new approach to rezonings in NSW**

Mirvac is one of Australia's leading and most innovative property groups. For 50 years, Mirvac has partnered with Government and played a vital role in the evolution of our cities to create places that enrich the home, work, and social lives of thousands of Australians.

We have \$9.4bn current invested in properties and \$15.3bn in projects across NSW and have a strong commitment to future investment in the State.

We welcome the opportunity to provide a submission on "A new approach to rezonings" December 2021 Discussion Paper. We commend the Government's intention to improve the rezoning process and recognise the critical function it plays in optimally repurposing redundant land to maintain housing supply, growth and the enhancement and betterment of our cities.

We have made comments in our submission, but would like to highlight three key points:

- It is critical there is a system in place which provides applicants certainty and confidence in a fair and merit-based decision-making process in order for sustainable investment in the State.
- The significant time taken for most Councils to update their Local Environmental Plans (LEPs) to recognise new strategic work such as the District Plans means that a transparent and efficient planning proposal process is a necessity.
- The importance of Department of Planning & Environment's (DPE) role in providing direction and regulation of this process to ensure that the State's strategic objectives are met.

We have made suggestions on improving the rezoning system below to ensure the continued delivery of jobs and economic growth in our state, particularly in a post-covid environment. We look forward to continued engagement with the Department on this reform.

If you would like to discuss this submission further the contact for your office is Stephanie James, Senior Manager – Government Relations and Stakeholder Engagement [REDACTED].

Yours sincerely,



Toby Long  
General Manager – Residential Development NSW

## **Mirvac feedback**

We are supportive of a review of the process to facilitate appropriate and reasonable development for the growth of NSW. We provide the following feedback for consideration.

**We are supportive of the following items set out in the proposal and believe that with continued industry engagement could assist in delivering positive outcomes to the system:**

- Review – the ability to have a Planning Proposal reviewed in a timely and structured way is supported.
- Adjustment to Proposal – the ability to adjust the proposal from feedback and design development through the process to negate the need to 'start again' for reasonable changes is supported.
- Council as Relevant Authority – the ability to have the Department to step into the role of Council in certain circumstances is supported.

**However, we recommend the following items undertake greater engagement prior to the next iteration of this reform paper:**

- Department's involvement in the Planning Process – the Department has the expertise to assist Local Council to assess the merits of a Proposal. We would therefore recommend that the Department remains involved in the process of all assessments.
- Scopes – the ability for Council's to impose unrestricted requirements on the Planning Proposal proponent will need further discussion. A set list of reports endorsed by the Department would minimise a Council requiring superfluous and unjustifiable considerations.
- Timely Milestone Reviews – Maintaining a mechanism to periodically review the suitability of a proposal to minimise both proponent and Council costs would be appropriate.
- Public exhibition timing – we support appropriate engagement with stakeholders and the community and recognise the mutual benefits of genuine engagement. However, the timing of Public exhibition should be carefully considered to ensure Council, DPE and the applicant have applied a level of assessment and rigour to a proposal prior to compulsory assessment
- Length of Public exhibition – to increase the length of public exhibition is counter to the aspiration of more timely assessments. The current public exhibition period is sufficient for the community extra four weeks of accepting proposals run concurrently to Council assessment.
- Re-exhibition of proposals – the re-exhibition of proposals needs careful consideration to ensure that timeframes are not prolonged unnecessarily particularly for minor or non-material considerations based on a clear threshold list.
- Timeframes – we acknowledge the aspirations to reduce timeframes. Enforceable timeframes would assist all stakeholders in focusing on the assessment and the priority of information required at different stages of the planning process. The introduction of an escalation mechanism would assist in the timely approval of proposals in the event the enforceable timeframes are not met.

**Critical items not addressed in this paper:**

- The need to minimise political nuance of assessment and encourage State planning experts in the Department to be more involved in this important Strategic element of the system.

## **Summary**

We look forward to further discussions to work through these concerns together in order to support a New Approach in its next iteration.