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# Lane Cove Bushland & Conservation Society Inc

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## **Submission to the Department of Planning, Industry and Environment re discussion paper: A New Approach to Rezoning**

The Discussion paper provided by the NSW Department of Planning, Industry and Environment (DPIE) in December 2021 titled, *A New Approach to Rezoning*, includes proposals that raise major concerns for the Lane Cove Bushland & Conservation Society (LCB&CS).

Zonings in the Local Environment Plan (LEP) provide protection specific to the community's environment, such as the E2 zone for environmental conservation and RE1 for public recreation. We particularly rely on our Council to preserve these zonings against encroachment by development applications for vested interests, be they major developers or local residents.

In the case of major development applications, the DPIE considers that the processes of planning are too long and overly complex, but giving powers of initiating rezoning to developers without the right of community objections being heard, is not the solution.

The proposal that a developer as a proponent, independent of the Council, would be able to initiate the rezoning undermines the power of the Council over land management in its own Local Government Area (LGA). A proponent with control over public exhibition would not be as familiar with the needs of the community as the local Council. As the Council is the main voice of the community, such a move also further silences the community's input into decisions affecting their own environment. Allowing rezoning applications independent of Council oversight is also likely to encourage more applications for large - scale development.

It is presumed that LEP controls that have been in place less than five years will not be subject to amendment yet the rezoning proposal would override this.

Specified or limited time frames on Councils are problematic. A one-size-fits-all policy is inappropriate as some proponents supply incomplete documentation and inadequate detail and financial penalties will put pressure on planning authorities to make rushed decisions. Time frames should be subject to flexible duration dependent on individual case circumstances.

The LCB&CS, being a community organisation, advocates for community consultation in the management of land and zoning in the LGA. The Discussion Paper declares community participation in the process is important yet removing Gateway determinations will mean that the merit of a proposal will not be assessed as to whether an application should proceed, further reducing the opportunity for community consultation. While it is proposed that a proponent can appeal a decision, a similar right is not proposed for objections from the community.

To summarise: The Lane Cove Bushland & Conservation Society is opposed to:

- Developer-driven applications for rezoning and public exhibition;
- The removal of the merit review by the Council in the early stage of applications;
- Piecemeal rezoning that may result from developer- driven applications; further: the accumulative effect of development must be considered;
- A new proponent right of appeal on the merits in the case of a ‘deemed refusal’ following Council delay in determination and costs not fully carried by the proponent;
- That the right of appeal applies only to developers rather than all interested parties. The appeal process should continue to be via the Land and Environment Court and not the Independent Planning Commission.

Regards,

Susan Ingham,

Vice President, for the Lane Cove Bushland & Conservation Society.