



Warringah Urban Fringe Association Incorporated,

PO Box 125,

Belrose, 2085

Ph: 0419 777 502

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29 February 2012

Chairpersons of the Planning Review,  
Department of Planning and Infrastructure,  
GPO Box 39,  
Sydney, 2001

Dear sir/madam,

I am writing to you as the President of the Warringah Urban Fringe Association. Our association represents over 150 land owners who all own land (typically between 10,000m<sup>2</sup> and 200,000m<sup>2</sup> per land owner) on the urban fringe of the Warringah Local Government Area.

Further to our submission of 4 November 2011, we would like to provide the following comments on the Issues Paper dated December 2011:

A18 Should there be a right of review or appeal against a council decision concerning the zoning of a property?

Yes there must be. All decisions by council should be subject to review or appeal.

A19 Should there be any distinction between a council decision to change a zoning and a council refusing an application to change the zoning?

No

A20 If there is to be a right of appeal or review of a council zoning decision, who should decide that appeal or review?

Either the Land and Environment court or a panel of people who can interpret what is in the greater interest of our society.

B14 Should the information available about land on a central portal be able to be legally relied upon, if there is the ability for it to be certified for accuracy?

Yes this is very important. Just as the Torrens Title system guarantees the title of the land, so there should be a system which provides information about zoning and what can and can't be done



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with the land, which can be legally relied upon. If it cannot be able to be legally relied upon, what is the point in having it?

B15 Would this be able to replace section 149 Planning Certificates?

Yes, it should replace the 149 Certificate.

C3. Should new legislation prescribe a process of community participation prior to the drafting of a plan?

Yes.

1. Any proposed changes which impact on properties must be notified to each and every owner by mail to the mailing address for rates, with a full explanation of the impacts to the specific property. The details of all the avenues that the owner has at his/her disposal to object must also be provided in this correspondence.
2. If requested by the community either individually or in a group, councils must hold public meetings. Minutes of such public meetings along with council responses, if any, are to be made publicly available.
3. Discussions & voting on planning matters by council, including meeting in committee, are to be minuted and made public.
4. Councils to respond fully and individually in writing to each submission made with respect to LEP's & DCP's.
5. No land should be allowed to be downzoned without a full public enquiry into the downzoning. I define downzoning as the reduction in any way of what can be done on the land.
6. Any downzoning of land must require that the landowner is adequately compensated.

C21. Should there be a review process to deal with issues arising between the Department and councils that relate to the preparation of local environmental plans?

Yes. Refer to the answer for C3.

C22. Should there be a legislative provision to establish this?

Yes. Refer to the answer for C3.



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C23. How should rezonings (planning proposals) be initiated?

Rezonings should be able to be initiated by either Owners, Councils or the Department of Planning.

C26. Should there be a right for a landholder to seek compensation for the consequences of a rezoning of their land?

Yes. If a property is downzoned, then the owner should be awarded compensation through an easy to access process, that does not require the initiation of legal proceedings by the owner.

C27. When local environmental plans are being made or amended, how can transparency and opportunities for negotiation be improved during consultation with government agencies?

Each landowner that is affected by proposed rezoning must have written correspondence posted to the address for rates. The days for reliance of public notices in newspapers must end. Refer to our answer to C3.

D14. When there is a change in zoning of the land, should an application be able to be made to a council for a declaration of the nature and extent of an existing use?

Yes. Existing use must be maintained through an easy to use process. What was allowed to be done on the land should also be maintained, or compensation paid.

D25. What public notification requirements should there be for development applications?

Notification of Development Applications (DA) must be sent to all properties that may be affected by the DA. For noise related activities, the notification of the DA must be sent to all owners who could be affected by the noise. For non-noise related activities notification should be sent to all neighbours and people opposite the property.



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D26. How can the community consultation process be improved?

The community consultation process needs to ensure it involves members of the community who have relevant interests.

D27. Should deemed approvals take the place of deemed refusals for development applications?

Yes. Unless Council refuses an application and provides a list of what needs to be done to make the DA acceptable to council within a reasonable timeframe, then the application should be deemed to be accepted.

D40. Sometimes there are changes that would rectify problems with a proposal and thus permit its approval. Should it be mandatory during an assessment process for the consent authority to advise of this?

Yes. This should be a mandatory requirement of refusal of an application.

D82. Should elected councillors make any decisions about any development proposals?

Yes. Elected Council should be the determining party for development proposals, with appropriate safeguards as outlined in our answer to A20. Elected Council should not be controlling the strategic direction of land rezoning.

D83. What should be the requirement for a decision making body to give reasons for decisions – in particular as to why objections to a proposal have not been accepted?

Yes. All decisions should be backed up with written justification.



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D116. How long should development consents last before they lapse?

Development Consents should last for 20 years if no work has commenced, and for 40 years if work has commenced.

We hope you take our comments into consideration when drafting the new Planning legislation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Holman', is written over a light blue horizontal line.

John Holman  
President