

From: [REDACTED]
To: [REDACTED]
Subject: Webform submission from: A new approach to rezonings in NSW
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Attachments: [submission-a-new-approach-to-rezoning-in-nsw-domenic-pezzano-personal-2022.pdf](#)

Submitted on Mon, 28/02/2022 - 14:22

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Domenic

Last name

Pezzano

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Leppington

Please provide your view on the project

I am just providing comments

Submission file

[submission-a-new-approach-to-rezoning-in-nsw-domenic-pezzano-personal-2022.pdf](#)

Submission

Please find attached my personal submission which contains comments and recommendations

I agree to the above statement

Yes

28 February, 2022

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

Subject: A new approach to rezoning in NSW (Feedback by Domenic Pezzano – President Leppington Progress Association)

Background:

The NSW Government is building a faster, simpler planning system to support jobs, homes and open space. As part of the Planning Reform Action Plan, we are proposing to speed up the process for changing planning rules on a particular piece of land – known as rezoning. The NSW Government is building a faster, simpler planning system to support jobs, homes and open space.

As part of the Planning Reform Action Plan, we are proposing to speed up the process for changing planning rules on a particular piece of land – known as rezoning.

The department has prepared a discussion paper that sets out proposed solutions to how we can create a better rezoning process and appeals or review framework. The discussion paper includes specific questions we are seeking feedback on.

Transparency and trust

Greater accountability and transparency are required for all parties involved in the planning proposal process. The community must be engaged in the strategic planning process, including how planning authorities consider and interpret the drivers and need for change. There is a perception among the community that, with considerable work completed before the gateway determination, decisions are already made. Councils also want better communication with the department, particularly before planning proposals are exhibited and finalised. Review mechanisms, such as planning panels, are not widely known and not clearly defined in legislation. Transparency and trust issues arise when communities see a council reject a planning proposal that is later approved through the review process.

Examples of identified concerns with the rezoning of Oran Park and Leppington and lessons learned from these planning errors and decisions.

I wish to raise the following two major concerns with the planning and development of areas such as 'Oran Park and Leppington', in order that these concerns are never replicated. It is intended that my discussion paper and feedback to the Department of Planning via 'A new approach to rezoning in NSW', is taken into consideration as part of the 'Planning Reform Action Plan'.

Background:

Item 1: Oran Park and the South West Rail Link Extension Corridor

The first draft plan for the Oran Park development according to the NSW Department of Planning website was 2007. Reference is made to a document titled: '*Camden Council – Submission to South West Rail Link Extension Corridor Preservation 2015*'. In this document Camden Council have identified as many issues as possible to avoid the South West Rail Link Extension going ahead (pages 19 to 26) via a land surface corridor. This major dilemma was brought about because of the preferences of developers such as 'Greenfields Development Corporation', voicing their opposition to any proposed rail line to Narellan, unless it is underground. Reference is made to an article dated 20 July, 2005 – Camden Advertiser – (Author: Kerrie Armstrong), titled: 'Send rail underground or not at all: Oran Park Developers'.

The concerns with this situation has all been brought about because of the absence of transparency in planning and development in the initial early stages of the Oran Park land rezoning and release. Multi national developers such as the 'Greenfields Development Corporation', lobby State and Local Governments in order that rural land that they own is rezoned, such as the Oran Park site. We are then made aware that 'off-set agreements' are entered into between developers and local government (councils), whereby land is either set aside for public use, as an example, the Camden Council Chambers site at Oran Park.

It has been widely reported that Camden Councils new \$35m administration centre, which includes the council chambers, was built on land that was donated by 'Greenfields'. The council received a 1-hectare site for \$1 as part of deal with Greenfields to convince Council to locate its new offices at the site. It was reported that Camden Council had engaged independent legal advice to draft the sale contract with the Greenfields Development Corporation, whilst also engaging a probity advisor and auditor to oversee the process.

Further reference is made to a website link;

<https://www.landcom.com.au/industry-news/industry-news/oran-park-town-from-paddock-to-masterplanned-town-in-southwest-sydney/> title: '*Oran Park Town: From paddock to master planned town in South West Sydney*' – dated 15 November, 2021.

There is not one mention of any railway infrastructure that should be an integral part of any master planned town, particularly given that the Badgery's Creek Airport would be a major link from Oran Park to the Airport, in delivery of services, goods, jobs and people between these locations.

The following is a comment made by a community member about this article:

'Why not run the line to the far south of the Northern Road, and impact of less residents, rather than run straight through prime real estate as proposed by both the

government and Greenfields? Isn't much of this land owned by the Perich family on both proposals?'

From a community perspective, it can be seen that this type of agreement (donation of land to council), can influence rezoning, planning and development decisions, which can have a significant financial impact of tax payer funds which are collected by the NSW State Government.

We now have a situation whereby a rail corridor that should really be constructed above land (given the rural setting prior to design and planning of Oran Park), is now being tunnelled at the cost of hundreds of million dollars to the NSW tax payer, because of incorrect planning and influences between private enterprise (developers) and governments of the day. If a surface ground rail corridor had been designated by the DPIE and Department of Planning during the early stages of planning, we would now be in a situation of having a rial network connecting Leppington to Oran Park. Unfortunately, we are now in a position, where DPIE and Greenfields are arguing over the rail line location. This now impacts innocent people that have purchased and built new homes, that now will have to be acquired and demolished, at the cost of hundreds of millions of dollars, all at the expense of the NSW State Government and angst of the community.

I would strongly recommend that any future rezoning of rural land and that involves large land ownership by land barons / companies, must have a dedicated transport corridor (rail/ road) designed where it has been identified as a major transport link. This will avoid the same errors of the Oran Park rezoning and development and blow out of millions of dollars to be now incurred at the expense of the NSW tax payer.

Item 2: Leppington Town Centre zoning and subsequent review

In November 2011, the former Minister for Planning and Infrastructure released the Leppington Priority Precinct (the Precinct) for rezoning investigations. The draft Precinct Planning package, exhibited between 10 November and 19 December 2014, was a key step towards the introduction of new planning controls to enable urban development in the Precinct, which is within the South West Priority Growth Area. (source: NSW Planning & Environment - (Leppington Stage 1) Finalisation Report October 2015.

Fast forward to January February 2022 and we have Stage 1, 2 & 5 released. The Leppington Town then took on a review process during 2017 with a consultation paper being released by the DPIE. Along the boundary of Rickard, Ingleburn and Byron Rds, which are directly located opposite and adjoining the Leppington Town Centre, this section of land was zoned 'Business Park' as per the Final ILP.

Firstly, the obvious and major concern with this type of zoning (Business Park) being directly located across from the Leppington Town Centre and Leppington Train Station, is this type of zoning does not integrate with the objectives of the overall aims of the Town Precinct:

The following is an extract from Nsw government website;

'Leppington Town Centre is located within the South West Growth Area and offers the opportunity to provide more new homes close to great public transport links.

Leppington Town Centre is on the T2 Airport, Inner West and South train lines. It takes around 45 minutes to reach the Domestic Airport terminal, and around 15 minutes to reach the Liverpool CBD by train from this precinct, making it highly suitable for the location of new homes, jobs and community services'.

The question now asked by impacted land owners and general community groups within Leppington is;

'Why was a 'Business Park' zoning designated for this location when the necessity for residential zoning's to be accommodated within close proximity to the main town centre, train station, transport hub and major retail shopping centre' ?

We now have a situation where by landowners within this area, have been placed in limbo, by now having all this uncertainty of a pending review taking place. The landowners have had an unprecedented spike of land rates due to the release of the area and zoning. The issues being experienced now by landowners within this location, is that potential buyers / developers are holding off engaging in purchasing of land, as they are not aware of what the review will deliver, thus placing uncertainty. The landowners are forced to pay significant increased rates to council, whilst waiting for another review to take place and then to be finalised.

Once again, this is another example of the planning process and rezoning of land within this specific location being inappropriate, unsuitable and incompatible, thus causing multiple impacts, such as delays within the precinct development and construction, along with the impact that it has caused to the landowners/farmers of there physical well being and mental health.

It is a very important lesson to be learnt by the Department of Planning, Town Planners and any Planning section within a Council. I hope that via the this review of 'a new approach to rezoning' taking place, these planning errors are not replicated into the future.

In response to questions contained within the 'Discussion Paper' dated October 2020, please find the following responses;

Do you think benchmark time frames create greater efficiency and will lead to time savings?

Yes. As long as the various authorities are held accountable to these benchmarks and time frames. And if they are not met, what will be the procedure be to ensure that the delays are address in a timely manner ? Will there be some form of penalties imposed for not complying within the time frames ? When road blocks are encountered with this time

frame within the four categories, who will review these obstacles to ensure that they do not occur again and into the future.

With any new policy implementation, there should always be a review period on how the policy is now operating and functioning, if it is in fact efficient, does it need adjustment and further negotiation, etc. I would suggest that a review period be set in order to determine the efficiency of the new policy introduced. I note that it is a maximum time period of 50 weeks for category 4, perhaps a review should be conducted at the 3, 6 and 9 month period initially and then at the 12 month period.

Clearer time frames for completing each step in the rezoning process gives stakeholders certainty and encourages better performance. Our proposed time frames will apply to councils, the department, state agencies and private proponents, depending on the category of the rezoning application.

What do you think about giving councils greater autonomy over rezoning decisions?

My concerns are that Councils do not have the necessary expertise or staff / staffing profiles to deliver this outcome.

Your papers states: *To support this expanded role, councils will be better resourced through a new fee scheme that will compensate councils for the full cost of assessing a rezoning application, while also enabling them to invest in staff and better systems. The department would still be available to offer support and assistance where needed, as well as education and training.*

In reality this will not occur. The need to reduce operating costs and staffing levels will override this intended outcome. What safeguards are going to be put in place that councils will be resourced ? When you state the Department will still be able to offer support, assistance, training, has the Department of Planning established a dedicated 'Support and Training Unit', that has sufficient experience staff and staffing profiles ?

What additional support could we give councils to enable high-quality and efficient rezoning decisions?

Suitable qualified staff and resources. Priority should be given to Councils that are in a high category development region. Provide dedicated Department of Planning Support and Training staff on secondment to Councils. Provide incentives, recognition and awards to Councils that conform within the time frames and benchmarks. Maintain benchmark time frames and closely monitor that these are being complied with.

I would suggest to have penalties incorporated within a performance target if not met. Ensure that a review period of the new introduced policy (time frames / benchmarks) does in fact occur as part of the policy process. The review period is crucial to ensure that introduced policies and procedures are operating as intended and if required can be

adjusted or amended accordingly. The need to allow the various stakeholders within this process to provide comment and feedback and even constructive criticism in relation to the newly introduced policy and procedures.

What changes can be made to the department's role and processes to improve the assessment and determination of council-led rezonings?

That they are complying with set time frames, that check lists are submitted with any council-led rezonings in order to not delay the Departments assessment phase. All too often it is reported that insufficient information has been provided or that documentation has not been submitted, the relevant documents have been misplaced or lost and this delays the approval process. By having well established procedures and check lists that are recorded on a portal in order to track the process, will streamline the process.

I would also strongly recommend that the Departments role should involve a detailed knowledge of the specific rezoning that has been prepared by Council, to ensure that there is not conflict between council and developer. A detailed due diligence report approved by a Department of Planning 'Review Committee', should also be submitted with every council-led rezoning.

What do you think about giving councils greater autonomy over rezoning decisions?

I support this greater autonomy being exercised by councils over rezoning decisions, based on the following;

- 1.They have the necessary expertise and qualified staff to make sound and correct rezoning decisions.
- 2.That Council is subject to any conflict of interest being declared and are not gaining in favourable decision making with large organisations / land barons and corporate companies that provide off set agreements and land donations to councils in return for favourable rezoning decisions. **(Example provide within item 1 of this document).**

Councils if properly resourced and having qualified and sufficient personnel, should in theory be able to make sound rezoning decisions, as they know their region in more detail than a remote group of town planners from the city that have no idea what the region represents, what it can deliver and provide for the community and region.

Is there enough supervision of the rezoning process?

No. There is not sufficient supervision of the rezoning process. If this was the case, we would not have the situation of what I described within this document (Item 1).

What else could we do to minimise the risk of corruption and encourage good decision-making?

In order to maintain the integrity of the planning system through transparency, consistent decision-making and checks and balances, an 'Independent Review Committee' (IRC) should be created by the DPIE that will consist of non-political based appointments, community representatives and professionals from the field. This will act as an important anti-corruption measure. I have highlighted in detail (Item 1) within this document of the concerns when a council/state government and developer/corporation/land barons are involved in the lobbying process and rezoning application / proposal.

To further safe guard and protect the integrity and install public confidence within this process, I would recommend that all 'conflict of declarations' are submitted from all relevant individuals / groups / companies that are involved with a rezoning, where it has been highlighted by the IRC and signed off by a Parliamentary Authority. This procedure would ensure that there is no perceived conflict of interest by either a council / state government official or representative and an individual, group or organisation.

Do you think the new approach and the department's proposed new role strikes the right balance between what councils should determine and what the department should determine?

Once again, the concern is the influence and relationships that certain individuals, groups and corporations have with councils and state governments.

I support the new approach of;

- *In some circumstances, a council can approve an inconsistency, rather than notifying the department and seeking approval from the secretary*
- *in other circumstances, the department will be given the opportunity to comment and/or approve an inconsistency.*

However, the inconsistency that is proposed for approval, must be able to withstand scrutiny, criticism and have no perceived sign of corruption. The establishing of an IRC will ensure that these issues are addressed in a complete open and transparent manner.

Should councils be able to approve inconsistencies with certain s. 9.1 directions? If so, in what circumstances would this be appropriate?

Yes, response as above.

Is it enough to have agencies involved in scoping and to give them the opportunity to make a submission during exhibition?

I support the information contained on page 22 of the Discussion Paper. The only addition would be that a community representative should always be part of the consultation

process, even when public authorities are holders of infrastructure.

Do you think it would be beneficial to have a central body that co-ordinates agency involvement?

Yes, this is certainly a requirement. However the 'Central Body', must have a representative from the community.

If a state agency has not responded in the required time frame, are there any practical difficulties in continuing to assess and determine a rezoning application?

There would be issues with objections at a later date, etc. However, the State Agency should be held accountable at the objection period. The onus and responsibility is on the State Agency to ensure that they are fulfilling and complying with the rezoning policies, procedures and guidelines, they should not be holding up the process. They should be also held accountable and should also be reprimanded, fined and cautioned if it is determined that they are simply not in compliance with policy and procedures, there needs to be set standards to be adhered.

Should a council or the department be able to refuse to issue study requirements at the scoping stage if a rezoning application is clearly inconsistent with strategic plans?

Once again the introduction of this other layer (scoping process) is a significant additional cost to the proponent, with no guarantee that a rezoning application will be approved. On one hand, this maybe beneficial, as it can determine if the application has the necessary information and is consistent with planning requirements, etc. I would expect that the report would have to be prepared by a Town Planner or similar qualified person / organisation and that this can be a significant cost at this early stage of the process.

I can understand the need for this requirement for complex applications, but who will determine if it is a requirement for basic applications. Will a basic application be determined by way of cost, size and type of development ? This needs to be clearly determined in order to not incur more financial hardship with the general applicant, as opposed to large organisations, multi national groups, etc.

With the nominated 18 months time frame and the need to start again with new study requirements, this is also a major concern. As you are aware, with the recent issues the State and Community have been exposed to with the Covid 19 Pandemic, these complications can cause significant delays in the way we operate daily. Perhaps, consideration should be given within the 18 month time frame and over, if it has been determined that through these types of delays, the 18 month time frame can be extended, where it is determined that this is not via the fault of the proponent, but rather other circumstances outside of their control (Dept of Planning and Councils staffing have been impacted, etc).

Or should all proponents have the opportunity to submit a fully formed proposal for exhibition and assessment?

Yes, refer to comment above.

What sort of material could we supply to assure community members that exhibition does not mean the rezoning authority supports the application and may still reject it?

Providing updated progress of the rezoning application, example, a check list that indicates that all strategic merits have been met during this phase. This will provide a clear, open and transparent guide to the public on how the application is tracking.

What do you think of removing the opportunity for a merit assessment before exhibition? Will it save time or money to move all assessment to the end of the process?

I do not support removing a merit assessment before exhibition. It would be prudent to have an indication from authorities in relation to requirements are being met before hand, such as a preliminary discussion. It is not about just saving money and time, but it will reduce a lot frustration and minimise conflict with applicants and authorities.

Should the public have the opportunity to comment on a rezoning application before it is assessed?

No. Comments being provided before hand could unfairly influence, prejudice and create a perceived conflict or even a biased view. It is important that there is the ability to allow transparency and consistency with any consideration of a rezoning application.

What other opportunities are there to engage the community in strategic planning in a meaningful and accessible way?

Provide community workshops and information sessions to the community in order to provide and deliver adequate information and understanding about the strategic planning.

It is also strongly recommended that changes are also made to the requirements of **Section 10.7 Planning Certificates.**

Current Section 10.7 Planning Certificates indicates the following;

DISCLAIMER AND CAUTION

The information on zones, controls etc., given below relates to the land for which the certificate was sought. If enquirers wish to know what zones, other controls, etc., apply or are proposed on nearby land then they should make enquiries in

person at Council's offices.

The information contained in this certificate is accurate as at the date of this certificate. In providing this certificate Council has in good faith relied upon information provided to it or sourced from third parties.

Where Council has obtained the information from third parties, either exclusively or in conjunction with information held by Council, the Certificate details the source of that third party information. Council cautions persons against relying upon information in the Certificate sourced from third parties as to its accuracy, applicability to specific lands and its currency without verification from the specified third party and, where appropriate, professional advice and the adoption of prudent land acquisition measures and appropriate professional advice. To the full extent permitted by law Council disclaims liability with respect to any information in this Certificate sourced from third parties.

With all due respect, this critical / caution information should be amended, with emphasis within the 'section 10.7 planning certificate' to highlight and read as:

'DA has been lodged that could impact this property, contact council staff for further information'. (This will allow the potential buyer the ability to perform all of their due diligence checks with the relevant authorities and council, via there own personal checks and there appointed legal representative).

This is another level of process that will provide additional community engagement and is a vital key in developing trust and transparency in the planning system. These changes / amendments will also provide another layer alongside the planning portal, council notification and proposed NSW App.

Do you have any suggestions on how we could streamline or automate the exhibition process further?

I strongly suggest that the exhibition process should not be just a process of lodging the application via the NSW Planning Portal or Council email notifications. It is recommended that where there are significant DA's or Rezoning applications in certain categories that will have a significant impact on the community and general area, region and public, that these DA's and Rezonings are placed on public notification via local newspapers and circulated to registered community organisations and groups. Notification via a NSW Service App is certainly a step in the right direction of ensuring that the community are fully made aware of any specific DA or rezoning application.

Do you think the assessment clock should start sooner than final submission for assessment, or is the proposed approach streamlined enough to manage potential delays that may happen earlier?

Once again, the proposed time frames appear to be appropriate. I would suggest that there are allowances built into the process to cover any potential delays that maybe experienced due to human error or an unfortunate circumstance or situation. A common sense approach should always be applied and considered in order to not unfairly impact on relevant parties / authorities.

Do you think requests for more information should be allowed?

I strongly support a common sense approach should always be applied and considered in order to not unfairly impact on relevant parties / authorities. If a request for more information is required that will assist relevant parties /authorities, it should be applied and allowed, with a consideration of the level and detail of such a request. This will allow for a fair and transparent process to be undertaken and will remove any form of perceived unfair and biased treatment throughout the decision making process.

Are there any other changes that we could make to streamline the assessment and finalisation process more?

Public notification should not be just via the NSW Planning Portal. Much more emphasis should be given to public submissions. In particularly to community groups or representatives during the assessment and finalisation process.

On many occasions, the concerns raised by the community and general public are not given sufficient weight during the process.

The term 'public interest' is confusing and is used without it being applied to its full intent. The 'public interest' component should be reviewed and combined with the general consensus of the community and public comments and submission. Authorities regularly use the 'public interest' reference, without knowing exactly what the impact and intent of this reference relates to and how it plays a role within a decision making process". The **'public interest'** terminology should be replaced with **'focus of public attention'**, or at the very list be an additional subject and requirement to be addressed in planing applications, rezoning, etc.

What roadblocks do you currently face at this stage of the process?

Once again, not enough emphasis is given to submissions by the community / public, these will have a significant impact in the process and if the intent is to streamline the assessment and finalisation process, then to avoid community and public backlash during this phase, then importance needs to be assigned to these submissions.

Do you think the public interest is a necessary consideration, or is it covered by the other proposed considerations?

Absolutely ! As I have stated above and I will state again;

*"On many occasions, the concerns raised by the community and general public are not given sufficient weight during the process. The term 'public interest' is confusing and is used without it being applied to its full intent. The 'public interest' component should be reviewed and combined with the general consensus of the community and public comments and submission. Authorities regularly use the 'public interest' reference, without knowing exactly what the impact and intent of this reference relates to and how it plays a role within a decision making process". The **'public interest'** terminology should be replaced with **'focus of public attention'**, or at the very list be an additional subject and requirement to be addressed in planing applications, rezoning, etc.*

Are there any additional matters that are relevant to determining whether a plan should be made?

You have used the terminology 'strategic merit'. The panel that determines if the submission is deserving and is consistent with relevant planning authority guidelines, SEPP or Section 9.1 Directions, should rely upon and include a community based representative in the matters where 'public interest – focus of public attention' is specific to a major development and impact on the public/community.

Do you think a body other than the council (such as a panel) should determine rezoning applications where there is a VPA?

Absolutely ! As I have detailed previously within this submission, on too many occasions, there has been detailed 'conflict of interest' situations involving where councils / councillors, that have been involved in the rezoning process. These have involved large land barons and corporations and which have now resulted in millions of dollars of NSW State tax payers funds being spent on infrastructure, planning, development and additional expenditures, when it should have been all avoided. A body other then the council as I have described previously in this submission should determine rezoning applications where there is a VPA.

Where a council has a conflict of interest, should a rezoning application be determined by the local planning panel (as proposed), or should the department take full responsibility for the assessment and determination of the rezoning application?

Absolutely ! As above.

Do we need a consistent structure for rezoning authority fees for rezoning applications?

I support this proposal, subject to ensuring that the set fees are reasonable and just and should be monitored by an independent panel to ensure consistency with fee charges and any increases.

What cost components need to be incorporated into a fee structure to ensure councils can employ the right staff and apply the right systems to efficiently assess and determine applications?

Why should this type of fee be imposed ? This is a function by the council / local government authority and they should not have to charge additional costs because they do not have the staff with the necessary expertise. If they have to outsource this function, then they need to recoup these costs post development via incoming rates and the already significant contributions made by the developer.

That is why we have a Department of Planning. Surely the Department can support and assist councils when required in these situations. The revenue raised by council once the development is approved, constructed and is maintained and operated, will be the coverage of these initial costs that are associated with the initial application. Once again, we are charging the developer fees on top of fees, when it is a council / local government / Dept Planning, function, role and responsibility.

Should the fee structure be limited to identifying for what, how and when rezoning authorities can charge fees, or should it extend to establishing a fee schedule?

I would support the fee structure being limited to identifying for what, how and when rezoning authorities can charge for fees. As I have stated previously, if the situation arose that the council required external support / advice from an expert, etc, then the cost could escalate. There needs to be a procedure and policy in place that these additional fees will not be borne by the applicant / developer. This is a local government / state government responsibility, role and function.

What is your feedback about the 3 options presented above?

I support the proposed three options put forward, with the requirement that the procedure should be monitored by an independent panel to ensure consistency with fee charges. I would also strongly suggest that a 12 month review period be established, in order to review the new procedure and obtain feedback from the various stakeholders and customers on the actual workings and operations of the new procedure. The feedback and comments should then be utilised to refine and address any issues that have developed over the initial 12 month period of operation.

Should fee refunds be available if a proponent decides not to progress a rezoning application? If so, what refund terms should apply?

I agree with fee refunds being made available, subject to set conditions and specific notification stages of the application. It is important to outline these options to the proponent at the very beginning of the application and that they acknowledge this in written form.

As detailed in your proposal;

If a rezoning application is withdrawn after lodgement, the proponent could be entitled to a set percentage refund of fees, depending on the stage the rezoning application reaches.

What should not be refunded?

Should the proponent withdraw post lodgement, fees not yet expended by the rezoning authority should be refunded. However where fees have been incurred by the authority for necessary administration, clerical, time dedicated by staff, professional works, etc, then these fees should not be refunded.

Do we need a framework that enables proponents to request a fee refund if a rezoning authority takes too long to assess a rezoning application?

Absolutely ! As I have detailed previously within this submission, there needs to be very strict compliance measures and targets set. Failure to reach these milestones and targets, should result in some form of refund and also reprimand against the various delegates that do not fulfil these obligations. At the same time, a system of rewards and recognition should also be established and implemented for delegates that achieve the set targets and milestones.

I support the 4 elements that have been proposed within the document on page 33. However, where it is determined that more time is required for a genuine reason or via situations out of the organisations/individuals control, such as: covid pandemic and other unforeseen circumstances, then consideration should be given to the set time frame and targets that have been identified.

If so, what mitigation measures (for example, stop-the-clock provisions, or refusing applications to avoid giving fee refunds) would be necessary to prevent a rezoning authority from having to pay refunds for delays it can't control?

Please use common sense ! If it is deemed that there is a pattern of non-compliance, then risks need to be closely monitored. I would deem these risk levels to be identified as either an 'extreme-high to high risk' category and therefore mitigation involves regular and closer monitoring, providing reviews and assessments as to the reason for failure and non-compliance. As I have stated previously, a review period should be implemented once the

new policy and procedure is introduced. Following the review period, then issues identified via feedback and comments, complaints, etc, that include human errors, inconsistencies, staffing shortages, lacking expertise, etc, need to be addressed with management.

If not, what other measures could encourage authorities to process rezoning applications promptly?

Compliance measures and performing duties as directed and not be caught up in red-tape, arguments and public service mentality, that is not in line with community expectation. At the same time, a system of rewards and recognition should also be established and implemented for delegates that achieve set targets and milestones.

Do you think public authorities (including councils) should have access to an appeal?

No. If the process has been adhered to and complies with all the set legislative and procedural requirements, there is no need to have access to an appeal. Rather, a review could be asked for, where a significant oversight or error has been made. The Review Committee should consist of a qualified panel to inspect and review the decision that has been made.

Which of these options – the Land and Environment Court or the Independent Planning Commission (or other non-judicial body) – do you believe would be most appropriate?

I would support an 'Independent non-judicial body' to be the most appropriate group to administer the 'review' process.

Forwarded for your consideration,

Domenic Pezzano JP

