

Wentworth Shire Council – Health & Planning Department Submission

to A new approach to rezonings discussion paper December 2021

1. Council does not support the term ‘rezoning application’ as it implies that all amendments to the LEP are rezonings. Council submits that the term either be to ‘amendment application’ or retain ‘planning proposal’.
2. The proposed terminology for the party responsible for the assessing and determining the application should be consistent with the terminology for the application (as per 1. Above).
3. Providing benchmark timeframes should only be a guide and not legislated. Rural and regional Council’s generally have planning resources shared over development approvals and assessing/managing planning proposals, strategic projects and other organisational activities. Therefore, generally smaller councils do not have dedicated staff managing planning proposals through the amendment process.
4. Figure 4 of the discussion paper outlines the roles of the Department, Council and private proponent. Council submits that if any planning proposal is inconsistent with S9.1 directions, that proposal should be assessed and determined by the Department. Or alternatively, approval granted subject to concurrence from the Department.
5. Page 19 states that ‘Councils will be better resourced through a new fee scheme’. Council submits that ‘standardising’ fees state wide to be paid for the work involved in managing amendment applications will outprice smaller, private proponents/developers in rural areas.
6. Wentworth Council is supported well by the Western Region team. DPE needs to ensure that the current support and guidance provided by regional teams to local councils is not reduced or impacted by refocussing DPE staff resources on state-led, strategic and collaborative planning.
7. The initiative to conduct pre-lodgement consultation with state agencies will only be beneficial to all parties where the agencies have the resources to take the time to be engaged in that consultation. If agencies do not respond to pre-lodgement consultation requests or provide advice at that stage, any submission received seeking more information or objecting to a proposal, should only form part of the assessment of the proposal and not delay the continuation of the processing and finalisation of the proposal.
8. There should not be the ability to refuse to issue study requirements at the scoping stage, regardless of whether the proposal is inconsistent with a strategy or plan. Small scale proposals may have been conceptualised outside of a strategy or plan preparation, and should still be considered based on its environmental and economic/social benefit to the community.
9. Applications to amend an LEP should be assessed and supported by Council prior to exhibition.
10. Exhibition processes will still need to be conducted through Council’s normal advertising processes. There will be less engagement if forcing the public to access the portal, should it be conducted through that medium.
11. Requests for more information should only be permitted where the determining authority deems it absolutely necessary and that information would likely alter the final outcome of the proposal. This is where the scoping stage, if implemented, needs to be stringent.
12. To assist Council with limited GIS resources, mapping should be prepared by DPE. This will cut down on finalisation times as currently mapping goes to and from Council to the DPE mapping team. Not all rural councils have GIS resources causing an added expense to engage suitable consultants to prepare the mapping.

13. Assessment and support for a planning proposal should be considered at the beginning of the process, ie. following formal lodgement of the application.
14. Fixed and variable assessment fees should be determined and applied by the assessment and determining authority.
15. Refunds should only be applicable where the determining authority does not support the application, and only the lodgement fee, not any fees incurred for the scoping stage.
16. Public authorities, Councils, proponents and the public (those who object to a proposal) should have access to an appeal process. Appeals should be directed to the Independent Planning Commission. If the public(objectors) do not have access to this appeal process then they should not be consulted with through the exhibition stage...?
17. General comment/question...could the scoping stage and process be managed through the planning portal? May ensure the process is conducted thoroughly and make consultation with state agencies more open, transparent and efficient...