



Office of the General Manager

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1 March 2022

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

Dear Ms Wythes

SUBJECT: A NEW APPROACH TO REZONINGS IN NSW – DISCUSSION PAPER

Thank you for the opportunity to provide feedback on the discussion paper – a new approach to rezonings in NSW (Discussion Paper). Below is Council's feedback and proposed approach.

The Need for Reform

It is unclear from the Discussion Paper why it is necessary to proceed with these changes in a regional context. Council delivers LEP amends in a timely manner.

The Discussion Paper outlines the engagement process undertaken and Council questions if the current process was explored with Councils from the regions. It would have been beneficial for the engagement process to involve stepping through a practical example for a number of Planning Proposals to better gain an understanding of the process and times taken.

New Terminology

Council supports the simplification of terminology used, however, does not support the proposed use of 'rezoning application' to encompass all applications including to make or amend an LEP. This will create unnecessary confusion for the community. Rather, the term 'LEP amendment application' should be considered.

New categories and timeframes

Council supports the use of new categories and better alignment with varying fees. This will be beneficial in discussion with and advising proponents in relation to fees.

The benchmark timeframes for the application categories will provide a useful reference and service expectations for proponents. Timeframes for complex applications should not be

stipulated, as they will vary, due to the nature of the proposal. These timeframes should remain in the Local Environmental Plan Making Guideline as a guide.

New Roles

Council supports greater autonomy over land use decisions in our region without unnecessary departmental intervention. Greater autonomy should be granted where the proposal is consistent with a Department of Planning and Environment (DPE) endorsed land use strategy.

Council does not have concerns with the current 'rezoning review' process. Council understands DPE is considering an appeal process, but does not support the opportunity for a proponent to appeal an application because of a delay.

Scoping

Council currently invests significant time in meeting with proponents to discuss requirements prior to lodgement of a Planning Proposal. This process could be further strengthened by the requirement for a proponent to provide detail in the scoping report where they have gone against Council advice and their reasoning for taking a different approach.

Detailing what kinds of technical reports and studies are required for each category of application would benefit all councils in ensuring the appropriate level of detail is provided upfront.

Council meets with many proponents to discuss potential Planning Proposals, and on occasions these are not pursued. Council would like to highlight the high level of resources required for the scoping stage and potential for these never to progress.

Council and/or the DPE should have the ability to refuse to issue study requirements at the scoping stage, if an application is inconsistent with strategic plans. This will ensure Council resources are directed to sound applications and further strategic land use planning work.

Exhibition

Council supports the requirement for a proponent to summarise and respond to Council in relation to the matters raised in submissions.

Concern is raised regarding when re-exhibition is required depending on post-exhibition amendments to the application, this will need to be very clear to avoid confusion and delays.

Further information requests from state agencies should be made through Council to the proponent to avoid confusion ensure all stakeholders remain updated.

Fees and planning guarantee

Council supports the introduction of a fee for the scoping stage. However, where limited resources are available, this will not account for limited staff time spent away from other strategic land use projects and sound proposals.

A proposed planning guarantee is not supported by Council and does not support work undertaken by Council to date.

Resourcing

The success of the reforms and significant time savings will be achieved where Councils have DPE endorsed land use strategies in place. Accordingly, DPE may give consideration to providing ongoing funding of strategic land use work to assist Councils.

Should you wish to discuss the matters raised please do not hesitate to contact [REDACTED] on [REDACTED]

Yours sincerely

[REDACTED]

BRAD CAM
GENERAL MANAGER