

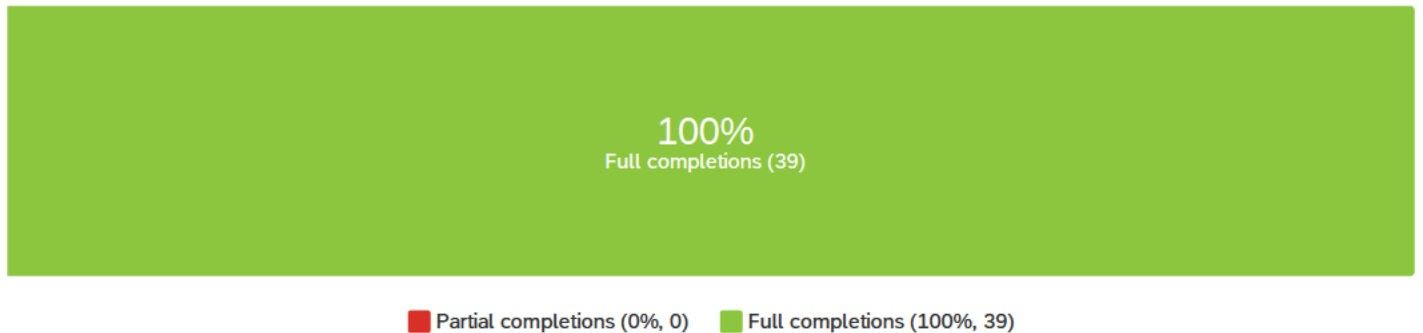
Discussion paper - A new approach to rezonings

P&A - A new approach to rezonings - Discussion paper

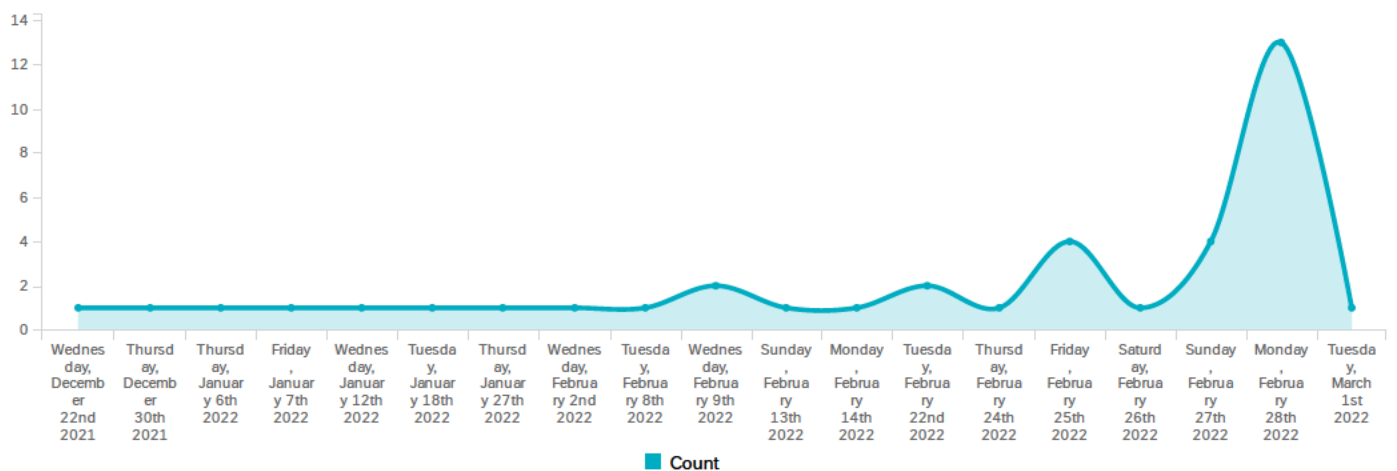
March 1, 2022 9:46 AM AEDT

Survey performance

Full survey completions vs partial survey completions



Count of survey responses received by date



About you

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[REDACTED]	[REDACTED], Tuggerah NSW 2259	[REDACTED]
[REDACTED]	[REDACTED] Mudgee NSW 2850	[REDACTED]
[REDACTED]	[REDACTED] Beecroft NSW 2119	[REDACTED]
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[REDACTED]	[REDACTED], Kingscliff NSW 2487	[REDACTED]
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[REDACTED]	[REDACTED] Sutherland 1499	[REDACTED]
[REDACTED]	[REDACTED] Parramatta NSW 2150	[REDACTED]
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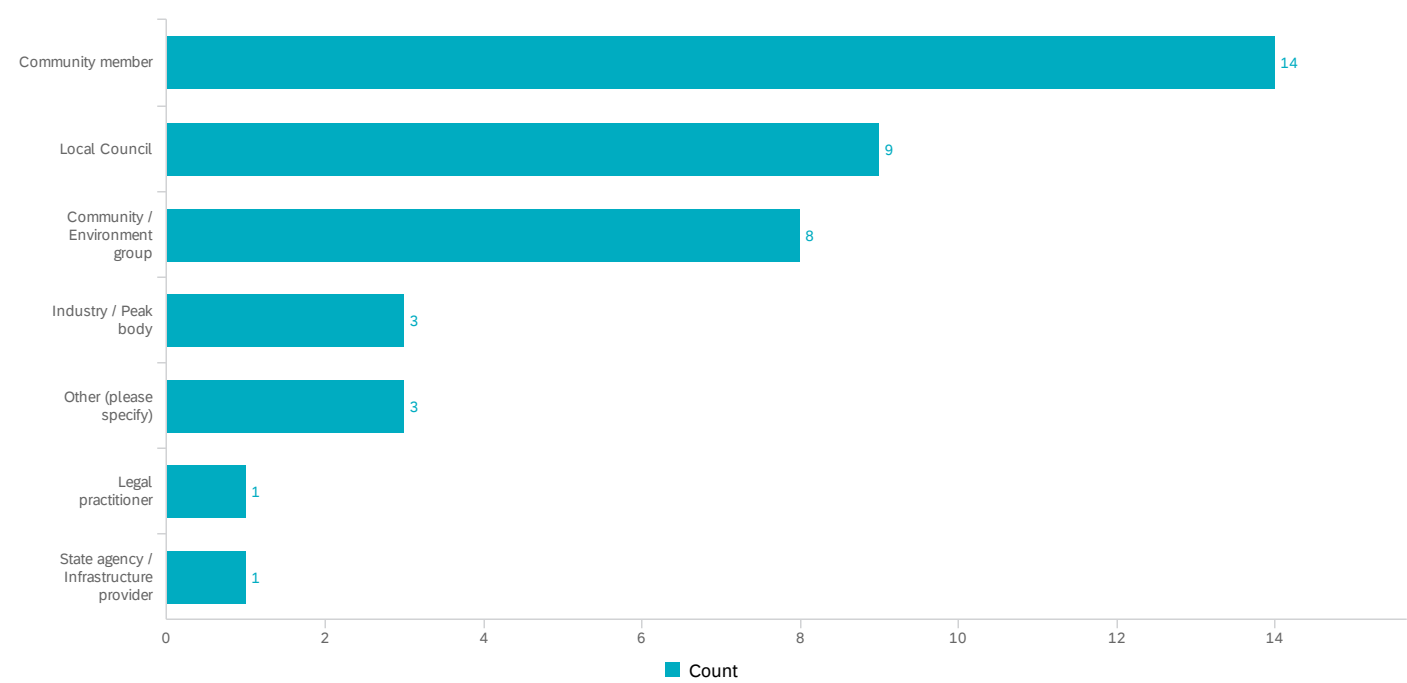
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[REDACTED]	[REDACTED] Ettalong Beach NSW 2257	[REDACTED]
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[REDACTED]	[REDACTED] Sydney 2000	[REDACTED]
[REDACTED]	[REDACTED] Narrabri	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED], Roseville NSW 2069	[REDACTED]

* With which group do you most have an affinity?



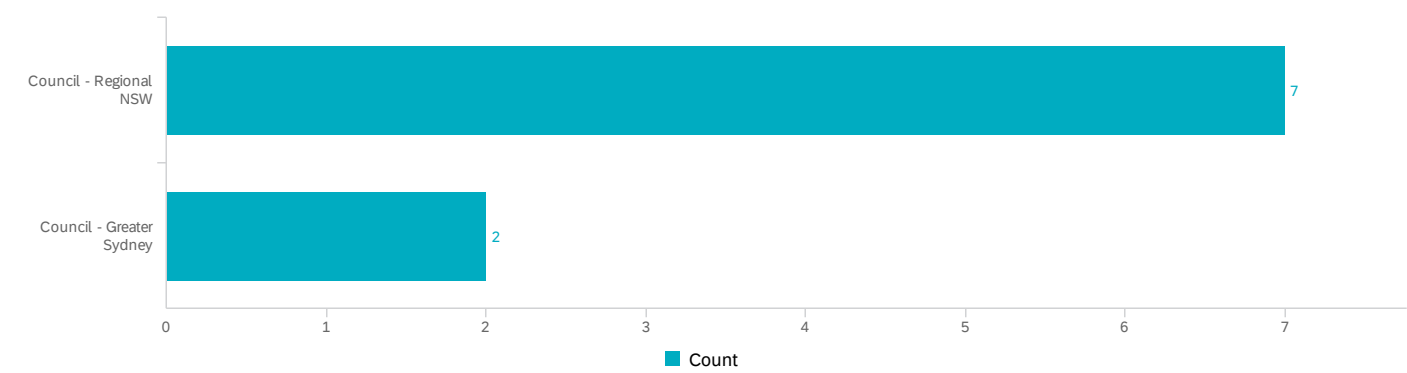
Field	Choice Count
State agency / Infrastructure provider	2.56% 1
Other (please specify)	7.69% 3
Local Council	23.08% 9
Legal practitioner	2.56% 1
Industry / Peak body	7.69% 3
Community member	35.90% 14
Community / Environment group	20.51% 8
39	

Showing rows 1 - 8 of 8

Other (please specify)

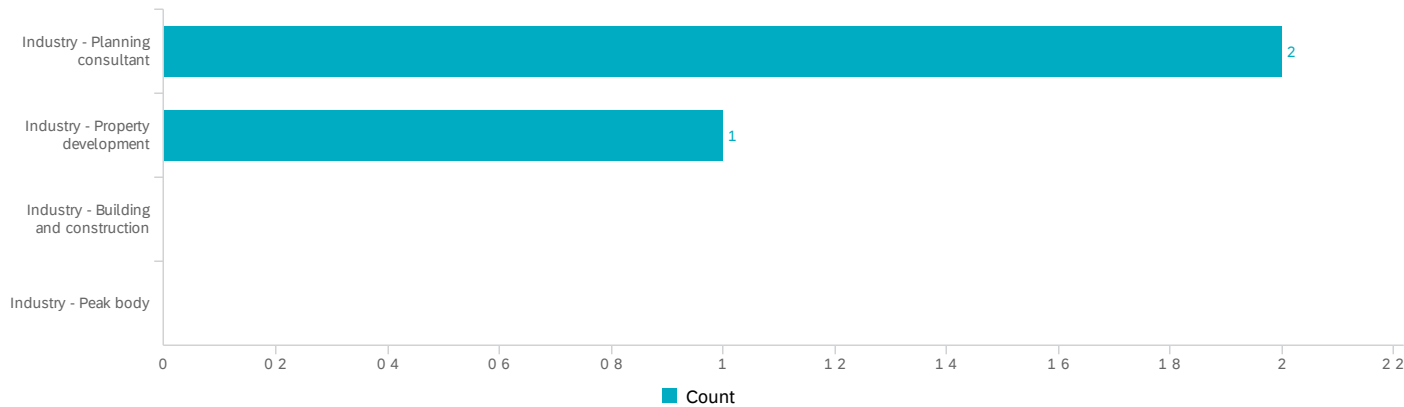
Other (please specify)
LALC
land my family own Callala Bay
Local resident - property owner

* Is your Council within Greater Sydney or in regional New South Wales?



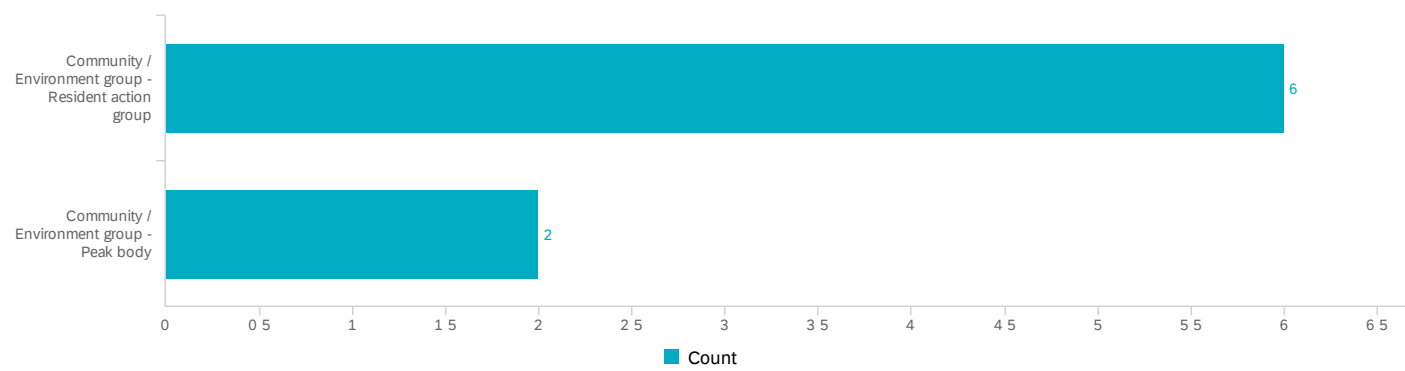
Field	Choice	Count
Council - Greater Sydney	22.22%	2
Council - Regional NSW	77.78%	7

Industry and Peak body: * With which sub-group do you most have an affinity?



Field	Choice Count
Industry - Property development	33.33% 1
Industry - Planning consultant	66.67% 2
Industry - Peak body	0.00% 0
Industry - Building and construction	0.00% 0

Community group: * With which sub-group do you most have an affinity?

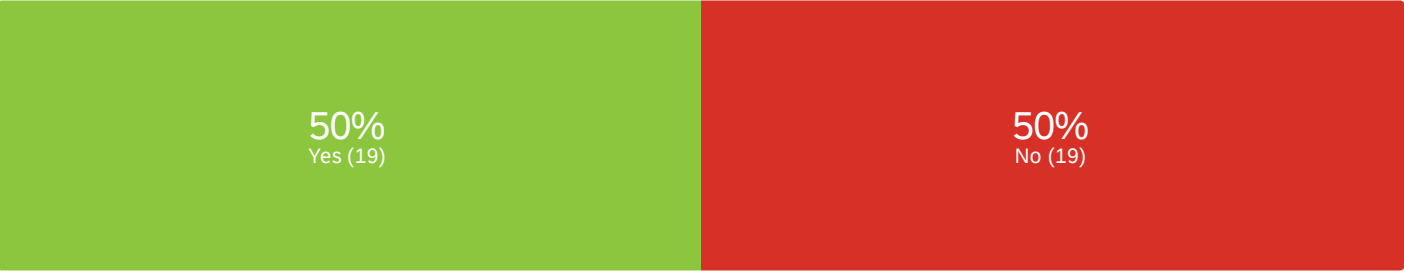


Field	Choice Count
Community / Environment group - Resident action group	75.00% 6
Community / Environment group - Peak body	25.00% 2

8

Showing rows 1 - 3 of 3

Is this a fair summary of the issues with the current framework?



■ Yes (50%, 19) ■ No (50%, 19)

Field	Choice Count	
Yes	50.00%	19
No	50.00%	19

38

Showing rows 1 - 3 of 3

Are there any other problems that need to be addressed

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- clarification/revision of the role of NSW Government agencies in the process - clear definition of the difference in information required by agencies between planning proposals and development applications

1) PP assessments often consider too much DA related detail too early. DA related matters should be deferred to relevant time (not during PP) because: - many DA matters can be solved with intelligent and detailed architectural and engineering input following more comprehensive assessment and design coordination, which is not appropriate for the early PP phase, - DA assessments will have greater proponent and authority rigor, - a PP / LEP outcome does not circumnavigate the standing SEPP and DA requirements 2) Too much weight placed on small short term local political/personal issues rather than serious environmental, economic, social issues that effect the whole population

1) there are no time based or performance based kpi's that allow the current or future planning system to be evaluated. No performance measures mean that any further tweaks are subjective. 2) the planning issues in the regions are profoundly different to those in Sydney, Wollongong and Newcastle. Yet the approach taken for consultation, the structure of the planning review process and the performance kpi's/measures of success are one size fits all and are biased towards the cities 3) each regionally LGA approached LEPs and planning issues very differently. This lack of consistency makes no sense. For example, Kiama and Shoalhaven are geographically close, have the same issues in terms of planning pressure but treat LEP management completely differently. This is hard for the community to understand, makes no sense and is only because of an historical legacy. Let's fix this. 4) the consultation process has not captured industry representation properly. For example, what engagement has been had with rural industry, the dairy industry etc. As a result the current industry consultation is biased towards developers.

A need to increase community engagement.

At the moment, there is a general unwillingness of the Department to actually meet with proponents at critical stages of the process, which can lead to misunderstanding and confusion. Too often, the plan making process requires complex and detailed information that is often largely irrelevant as to whether or not the proposed amendments to the LEP are meritorious. A one-size fits all approach is not fit for purpose.

Community feedback is a must. We are the ones that have to live with the approval outcomes. If the past two decades are anything to go by our views and wishes have been ignored. The ongoing issues of traffic congestion, pollution (dirt from construction being one of the worst) people congestion is not what any of us want. Ryde residents have had enough. Between the concrete city of Meadowbank and Rhodes we don't want any more apartment developments.

Easier Public consultation on proposed developments. It appears most DAs are outside the current planning and development regulations. Needs to be stricter adherence to regulations otherwise what is the point of having them?

I fully support streamlining of rezoning where the property owner or developer applies for this with the consent of the property owner. However no one or no council should have any right to rezone properties, particularly residential properties without prior consent of the property owners. I live at 62 Botany Road and the SCC is rezoning our property with no consultation and no agreement of the owners and minimal information. Our building is only 18 years old and SCC has put out rezoning plans with drawings showing our building replaced. This is disgusting and should be prohibited You probably have no idea how much stress, anxiety and uncertainty this process is causing owners. Many owners are in their 60s and the last thing they need in retirement is the threat of being rezoned and removed from their homes and community. Although I suspect this is precisely what you want facilitate. There are plenty of under-utilised properties in this area begging for easier rezoning rules and I support that but don't make it easier for greedy developers to dislodge resident from their own homes unless they have consented or are the proponents.

It does not really represent the current process and experience in the regions.

It is Council's experience that the current zoning framework is restricted by often competing State planning policy objectives and strategies, with limited guidance for coordinated implementation. Rezoning determinations interact with other legislation managed by other state government agencies and in certain cases the policy interest may not align. / In NSW, zones have become entrenched as a tool of regulation rather than facilitation to deliver on the community's cognitive and sound strategic planning directions as set out in LSPS and regional plans/ Delay can be due to the state government's onerous standards and process; such as the pedantic technical LEP mapping requirements, which must be submitted as pdf maps (rather than electronic).

Are there any other problems that need to be addressed



It may be useful to have two average current timeframes; one for Administrative changes, and one for more complex changes. The 89 week average timeframe seems relatively quick compared to the various rezonings I have been involved with which are generally 3-5 years. Inclusion of Administrative changes distorts the average (in the same way Council's sometimes use timeframes for sheds, decks and houses to distort DA assessment timeframes for more difficult DAs).

Lack of enforcement of council building guidelines.

Lack of trust and legitimacy of process amongst the community is my greatest concern. Some Central Coast Council re-zonings are particularly worrying when we see large-scale developments become reality that defies environmental and transport connectivity objectives.

Let's just be honest here- These issues are only really of concern to developers who want government approved carte-blanche to destroy green spaces and wildlife habitat, without having to take into consideration anything other than the most basic regulatory procedures.

Limited resourcing and funding for strategic planning in regional councils, including for preparing strategies and assessing planning proposals.

Many delays are caused by inaction by proponents - this is not recognised in the summary.

NSW Planning Portal not integrated and fit for purpose, resulting in delays and transparency issues.

Our lands have been Rezoned C2 and C3 in December 21 We have tried for years with Shoalhaven Council to amend the previous zones to be able to build family homes and we get brick wall reactions always. Our land is within metres of regular low rise residential houses and we lack the communication and historical evidence and data that reflect councils Zoning decisions.

Present system massively favours the developers with Department constantly overriding Council and community for developer benefit.

Resining does not favour residents but rather vested external interests

Rezonings and additional permissible land use LEP amendments need to be more transparently advertised to the community for the purpose of providing feedback/submissions during any exhibition period. All proposed changes should be on exhibition for 28 days and advertised throughout the Local Government Area to which it concerns.

Sutherland Shire Council supports the review of the current framework. The current system is unnecessary complex and lengthy. It can certainly be improved and streamlined. At present it is a "one size fits all" that ignores complexity and risk. Categories will help improve the timeliness of processing. However, there are matters which appear simple at face value which turn out to be complex and generate very significant community input. The new framework must ensure that there is adequate opportunity for the community and the elected Council to be involved in the process. The proposed reforms reduce the role of the elected Council to a single decision point at the end of the process. Given that rezoning applications are often highly controversial, the elected Council will reasonably want to be able to understand the nature of the matter and represent the views of their community. More opportunity is needed within the streamlined processing for this to take place.

The current process is not taking too long without reason. There are complex issues and sometimes consent authorities, including councils, need adequate time to consider them and consult with the community.

The current situation is that developers have manipulated the system, to the detriment of local residents. As an example at the time of rezoning the Mowbray Precinct the height limit in the western end of the precinct was increased to 17.5 metres, with the height limit for the rest of the precinct remaining at 14.5 metres. Unfairly using various devices there is now no development in the western end of the precinct with an approved height of less than 20 metres. The roads in the area are still the narrow roads provided when the area was first developed after World War 2. Also there is no buffer between E4 zoned properties and the now excessive R4 zoned properties in the area, which will cause massive overshadowing

Are there any other problems that need to be addressed



The description of the various appeal processes against decisions unfavourable to the proponent is inadequately discussed. The existence of alternative approval paths for these proposals adds uncertainty to the process for all parties and works to disempower those impacted by the proposal and their elected representatives. The motivations of private proponents of securing increases in land value are also not adequately addressed. Intensification of development always imposes costs on the public sphere, both financial and to amenity. The background should explicitly address the mechanisms available within the planning system to share the increases in land value associated with rezoning. Finally, the explicit presumption is that, regardless of specific circumstances or complexity, the rezoning process must be sped up. Existing planning documents have usually been developed over considerable periods of time and will tend to balance the competing needs and uses within a specific community. Unsolicited planning proposals work to undermine that balance; always in favour of private gain for the proponents and often at the expense of other community members.

The list of issues is biased towards developer and economic concerns. It needs to be balanced with more issues relating to transparency and opportunities for community input, as well as consideration of wider public interests including environmental protection, ecologically sustainable development and response to climate change

The rezoning process is completely different to the development approval process. Rezoning is strategic in nature and must be managed accordingly. The proponent initiated rezoning process is very often flawed as the rezoning is often localised, financially driven and politically influenced. Rezoning should be planned years in advance of any proponent driven proposal. Govt agencies should be part of that forward planning.

The slow processing & communication by state departments & agencies to requests from LGA's.

There has been break down of trust between the Community, Council and the Dept of Planning. We, the community, perceive that the Dept of Planning simply overrides the wishes of the Community, does not take "consultation" very seriously and bowls ahead regardless of what Councils and the Community wish. This is not a proper reflection of the democratic process.

Toomelah LALC tenure issues have made it next to impossible to develop or plan for the future as the whole block is designated as residential. The ability to be able to easily, with community consent, apply to change tenure boundaries would allow for the community to have more economic opportunities.

Why is this system so focused on meeting needs of developers and not the community? It is virtually impossible for the regular citizen to know about developments/rezonings and be given the opportunity to comment. You have the emails and street address of every rate payer- when a development in an area is happening (not just on their street) they should be notified. A development/rezoning request needs to be considered in it's entirety and the collective impact of multiple developments or rezoning to needs to be considered- rather than approving them each on their individual merits. The impact on the community needs to be considered. Additionally an objective professional planning body like the LPP needs to decide on a rezoning. The process takes time to ensure that the right thing happens - and developers would be used to this and should plan for it

Yes our Environment and the Fragmentation of it .

Yes plenty with Regional Development Corporations, Regional Growth Development Corporations, Urban Growth Development Corporations, Urban Development Institute of Australia, politically appointed Local and Regional Planning Panels and administrators, all having more say in our future than the 350,000 residents of the Central Coast. We don't want faceless bureaucrats making decisions for our region as well as Private Certifiers changing the local areas and democratically elected councils having no powers. This has been a well orchestrated and stealth program that has been slowly introduced to not allow the people to understand what is happening.

Yes, the fundamental dissonance between the supposed aims of the reforms - ie to benefit strategic planning - and the narrowing down of public scrutiny and participation which are inherent in the reforms need to be addressed. The aims are in contradiction to what is proposed. Where flexibility is warranted eg to reconsider approaches to climate change mitigation, this is not going to be possible or feasible under this model. Strategic planning for climate change needs more research and engagement, not less.

Do you wish to make any other comments in relation to Part A of the discussion paper?

Do you wish to make any other comments in relation to Part A of the discuss...

Yes, the Gateway Process, at least where regional developments are concerned is a farcical substitute for real strategic planning. I have seen it many times over, there is very little public consultation until much later ie at the individual Project Assessment phase. Scarcely any consultation, even though Gateway Applications are advertised, they don't contain enough information and there is no active attempt to inform or engage the public.

There is a clear loss of government strategy due to the generational loss of corporate knowledge within the public service. Agree that the current rezoning process could be shortened in time with proper preliminary strategic planning which is missing in the current environment.

The stakeholder issues summary of 6 items contains 5 items that are raised in the local media every year or so, mostly by developers disgruntled with a legitimate council decision. The issue "Lack of trust and legitimacy of process amongst the community" is something I have never heard of in the community.

The processing time does not need to be reduced- and the community should be given ample time to comment

The ongoing issues of traffic congestion, pollution (dirt from construction being one of the worst) people congestion is not what any of us want. Ryde residents have had enough. Between the concrete city of Meadowbank and Rhodes we don't want any more apartment developments. How do we the residents get to own our own destiny?

The barriers placed on LALC does not allow for these communities to escape the welfare trap and there needs to be less red tape put in front of indigenous communities trying to enhance the economic future while protecting residential rights.

See above

Our community does not support developer led planning. Inviting developers to lodge unsolicited planning proposals through a simplified rezoning process will lead to overdevelopment in our community. I want to ensure Council can review the merits of a rezoning before it goes to community consultation – to ensure the community is informed on the merits, and can understand the implications of the proposal. Removing the Gateway hearing could mean that more time is wasted on a rezoning proposal that has no merit. It will also mean community members who are not planning experts, are being consulted without understanding the full implications of a proposal. Stifling community participation will undermine public confidence and trust in strategic planning. At the very least, community notification and broad consultation must be mandatory at the scoping stage. I am concerned about the decision to reduce processing times. Some rezoning proposals, particularly those that may involve heritage or green space, may need a longer period of time for consultation. Flexible timeframes for assessment and determination are essential, especially where there are cost implications for planning authorities who do not meet deadlines. Forcing councils into rushed decisions will lead to poor planning outcomes, particularly where there are complex matters for assessment. In terms of the cost structure that is proposed, developers must be charged the full cost of assessing and determining a rezoning proposal, with fees structured to ensure there is no advantage or incentive for a developer to prefer one consent authority over another.

One size does not suit all and the people should have a greater input into any decision making process. This is simply a dictatorial process that is not worried about the people.

Not all Councils have struggled with dealing with proponent led planning proposals. Sutherland Shire Council has only three proponent led rezonings on hand and all have made timely progress.

No.

No

Need a new development plan, particularly for the Peninsula which is grossly overcrowded. Green spaces are shrinking. There seems to be little regard for the environment and too much emphasis on developers making the most (5 and 6 storey buildings) financial profit they can. Shop fronts are another problem with multi-storey developments. There are many empty shopfronts on the whole of the peninsula - we don't need any more.

Do you wish to make any other comments in relation to Part A of the discuss...

It would be useful if the discussion paper had in the process canvassed options for land use management in NSW that would deliver a framework suited to the future, rather than an approach focused on adjusting a framework designed in the past and delivering what may be a temporary fix to a seemingly faulting rezoning process. / A rezoning determination is a significantly different determination to that of Development Application for the simple reason that a DA is for a use generally supported on site/ location and hence often more about the terms and conditions under which it may occur. A rezoning unlike a DA has the capacity to significantly alter the base uses and value of the land for the benefit of an individual landowner, hence the process should allow time for to consult the community and afford capacity for councils to seek a contribution for community betterment associated with this gain or to ensure critical infrastructure provision such as via planning agreements.

I am supportive of the statement that regional councils would welcome support from the Department through the planning proposal process. Additionally, that Council would like more empowerment to reject planning proposals at an earlier stage before full assessment. I think this can be achieved with backing from the Department in the proposed scoping stage.

Apart from the effect on the natural environment -which is under supported and dismissed by those who have money to make or favours to return for political donation-there is also the issue of overburdening existing infrastructure which is not capable of supporting even the current level of habitation, yet little regard is paid to this by those who give consent to speculative building.

All this 'change' in the planning rules appears to be is to effectively hand the planning of development to the developers who will obviously just take advantage of the situation as they are already doing. The needs of the community have been completely ignored and if this 'change' is adopted we can expect that developers will ride roughshod over the needs of the community and indeed the Local Councils

Ad hoc rezoning applications are likely to reduce in number with the two tiered strategic and local planning reforms.

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



■ Yes (46%, 17) ■ No (54%, 20)

Field	Choice Count	
Yes	45.95%	17
No	54.05%	20

37

Showing rows 1 - 3 of 3

Do you wish to make any other comments?

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SUBMISSION The discussion paper focuses on rezoning applications to make or amend LEPs. Objections / Issues of Concern The new approach to rezoning will divert resources from the hierarchical process in which higher-level strategic plans inform councils' local strategic planning statements for each LGA. The new approach will allow applicants to continue to pursue rezoning applications even when they are not supported by the local planning authority. The new approach will encourage developers, investors and speculators to persevere in seeking approval for rezoning applications. For State agencies, councils the community the new approach would impose an extra burden in terms of resources, time and effort to respond to rezoning applications. State agencies and Councils would be subject a more urgent time pressure that would be particularly stressful if penalties are imposed for exceeding time limits. Adopting a process similar to development applications is not suitable for rezoning proposals. Time frame "include initiatives to reduce processing times by a third by 2023." Flexibility should allow for increased time frames due to complexity and lack of information. The processing of a rezoning application should be put on hold if further information is required to assess the proposal. Merits appeal "establish an appeals pathway for planning proposals". An appeals pathway will prolong the process for rezoning applications and incur unnecessary effort and expense. I do not support merit appeal rights for proponents of rezoning applications. An adversarial court process would be costly and time consuming for all parties and is not suitable for rezoning applications. If an appeals pathway is established, then objectors should also be granted merit appeal rights in respect of Category 2 and 3 rezoning applications. This is important when there are valid planning reasons to review the decision. Otherwise outcomes will be heavily biased in favour of proponents. Private proponents "giving private proponents control and responsibility for rezoning requests" The proposal to allow the proponent of the planning proposal to have applicant status should be rejected. Councils should retain control of the rezoning application and assessment process. Developers will have a strong financial incentive to pursue rezoning applications that increase development potential of the land. Economic factors "The economic benefits of an efficient and consistent rezoning process should not be underestimated" This indicates that priority will be given to economic outcomes associated with rezoning, such as investment and jobs. If undue weight is given to economic factors this has the potential to override environmental and social consequences that need to be considered. Environment Rezoning applications should be subject to strong environmental criteria at the preliminary phase. If a rezoning proposal does not satisfy relevant environmental criteria then it should be rejected and not proceed to a subsequent phase. Council and community consultation "empowering councils to make decisions on matters important to their communities" Rezoning applications should be assessed initially by Local Government planning departments. Local Government also needs to notify and consult the local community as they are familiar with the area. Rezoning applications and proponents should not be able to bypass local councils. Only when the Council has decided that a rezoning application is justified, should it proceed further. A rezoning application should first be considered by Council to decide whether or not to submit a proposal to the State Government and these procedures must include community engagement.

Transparency and consultation with communities affected is critical if governments don't want to see Trump-like protest groups take hold.

I am supportive of having more consistency with the rezoning and development application processes, to provide further opportunity to combine the processes. I did not realise that this option was available. I note that the proposed benchmark timeframes are a maximum however they do not seem to account for time taken for Council endorsement if still required. Lodgement time of 1 week is not practical and should be extended.

The costs of poor planning process, already evident in the application of new Rapid Assessment Guidelines for SSDs, are felt down the line. It will lead to inferior environmental impact assessment, and poor public consultation. The fact that there is no right of appeal to the public against a decision to rezone, means that the merit of decisions will surely suffer. This is a definite. And where land use planning decisions are concerned which lock-in medium to long-term environmental, including social impacts, this is unacceptable.

the planning proposal system was originally set up with time-frames and these have not been able to be upheld - setting any time frames without fundamentally altering the process that is being followed can not result in any significant changes to efficiency of lead to time savings

The new categories will provide clarity.

This is all designed to allow developers to have a simpler and easier process using certifiers. Too many people including RDC, RGDC, UGDC, and Urban Development Institute of Australia ignoring the concerns of existing residents and land owners.

This approach will entrench the power of applicants and make community participation less effective.

Of course they will but that is not a price worth paying - see our attached submission

Do you wish to make any other comments

The process will certainly be sped up significantly, but speed is not equivalent to efficiency. A proponent has unlimited time before the formal approval process begins to prepare and obtain advice with a view to ensuring success. The time constraints on the assessment process, especially when combined with inadequate resourcing within council planning departments, will result in compromises to the quality of assessment. This will be more pronounced for more complex and intrusive proposals which require more effort in assessment and more time for engagement with community and elected representatives.

The timeframes are too prescriptive. Flexible timeframes for assessment and determination are essential, especially where there are cost implications for planning authorities who do not meet deadlines. Forcing councils into rushed decisions will lead to poor planning outcomes, particularly where there are complex matters for assessment.

However, the changes should not be allowed to erode the autonomy of a council. The Councils are elected by the community to represent that community. A proposal for rezoning by a DEVELOPER SHOULD ALWAYS BE ROUTED THROUGH THE APPLICABLE COUNCIL AND REZONING PROPONENTS SHOULD NOT BE ABLE TO BYPASS COUNCILS.

An appeal process will delay the rezoning process. If the strategic planning was managed properly there would be no need for an appeal process. An appeal process will only benefit private proponent driven rezonings, providing developers a window to continue lobbying. Govt agencies, if they are functioning efficiently, should provide the strategic fundamentals in all rezoning applications.

We Should not be Rushing to Destroy our Natural Environment

Being able to have clear visibility of the processes and clear understanding will allow for better local planning around LALC

The question that needs to be asked is: How do residents put a stop to all the massive residential redevelopment in our suburb? The redevelopment process does nothing to stop this.

The needs of the community are best served by the assessment of local developments being managed by Local Councils, who are in a position to best understand those needs. Also from experience the genuine independence of the so-called Independent Planning Panels are questionable in view of the recent approvals that have been given

Again-this is not -nor should it be, a one size fit all policy framework

Benchmark timeframes should be treated as a guide only and should not be applied in an absolute sense. Timeframes should be a matter for discussion at the scoping meeting. It is unrealistic to set a councils' performance measurement frameworks - timelines and assessment certainty - where they may have to address matters outside their controls such as reliance on state government input. Adequacy assessment: Category 2, 3 & 4 rezonings should be able to have a longer assessment timeframe applied – this could be agreed to at the scoping meeting (suggested range of 4-6 weeks). Capacity should be available to stop the clock - the options as presented do not allow for this. The process needs to set out what happens if the rezoning information provided is insufficient for exhibition; such as does the clock stop or is the requirement for the rezoning application to be returned within 14 days of lodgement?

I think, not so much that they definitely will, but more like they might. I don't know whether this is where I should be suggesting this, but I believe and so do many other that the major hold up with the current assessment process is with referral agencies (I'm not taking the mickey here, as I understand that the referral agencies don't just deal with our referrals but will many many other things as well, and we are all time poor). My suggestion is to make referrals to agencies apart of the mandatory and upfront pre-lodgement process, where agencies would provide the applicant/proponent with a sort of EARs, this would give applicants/prononents responsibility over the process and ensure that once lodgement is made, that agency requirements are met. May need to even refer back to agency during the pre-lodgement so that referral agency can tick and flick EARs type requirements before formal lodgement. This would make the applicant/proponent carry the responsibility to make sure that referral agencies and their requirements are properly addressed without jeopardising time frames.

Changing an LEP is a statutory instrument. Ultimately, the Minister should have a right to make these changes. Unfortunately, in my experience, the economic benefits of a planning proposal are largely ignored by Council and too often given insufficient weight by the Department.

Do you wish to make any other comments

Benchmark timeframes are a useful guide for both council's and proponents. However, they should not be mandatory because there will regularly be circumstances that reasonably force delays. Even relatively simple matters often tend to unearth some complex issue that simply would not have been known at scoping stage. The following issues have all presented themselves during the assessment stage of recent planning proposals and resulted in unavoidable delays: the migration of contaminants from a site in the vicinity; the implications of proximity of a vulnerable species that were not understood until referrals were complete; the need for amended massing or form as a result of advice from a Planning Panel and Design Review Panel; and where a proponent agreed to enter into a Planning Agreement on the eve of Gateway referral delaying exhibition until the terms of the Agreement are resolved.

Nsw Government should not be able to overuse the local Council

What are the proposed consequence for exceeding timeframes? What transparent reporting for all council areas would occur to show which area is performing well vs areas that are not? This creates peer pressure and continuous improvement.

Timeframes only work if they come with strict consequences. If benchmarks are extended, but with no consequences, it adds more risk, time and cost and can be abused by local authorities.

Can clarity be provided around whether a Rezoning Authority can refuse to lodge or exhibit a proposed rezoning at these respective stages, or can they only refuse it at the "Assessment & Finalisation" stage? If they cannot refuse it early on, the proponent may have to prepare significant documentation to get to the end of the process only to have it refused at the final stage. The current Gateway process does at least give proponents an indication of support (which I note the Scoping stage would somewhat provide). Also, which category would a rezoning application fall into that IS consistent with strategic planning but is not basic (Cat 1), or standard (Cat 2). It would appear to fall under Cat 3; however this states that it is related to applications which are NOT consistent with strategic planning.

Potentially there will be time benefits. However, PP timeframes have already been substantially reduced and with the new guidelines now released, can be expected to continue being reduced. There is already too much emphasis on timeframes as opposed to getting good planning outcomes - which can take time. It is important that proper consultation occurs with the community and agencies.

There should be no timeframe on applications. Each application deserves full consideration no matter the time taken.

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

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

What do you think about giving councils greater autonomy over rezoning deci...

Absolutely the Council should have greater say

Agree BUT Councils must have that strategic vision that has been set in place earlier by the state govt. agencies.

As a rural Council we struggle with resources and to undertake this additional work in the proposed associated reduced timeframes seems quite unachievable. I hope that not only has there been proposed compensation in the form of new fees, but a mechanism to help with resourcing for rural and regional councils who do not have the staff capacity.

Councils are best placed to balance the needs of the community.

Councils need to be clustered into regions to allow clear commonality between similar regions outside of the major urban areas. Most small councils cannot keep strategic planning staff in the regions and quite honestly councillors are severely under skilled and not conflicted to make honest decisions for rezoning applications.

Depends on the Council. I think clarity is needed as to whether rezonings go to a Council meeting or not. It would be preferable to have assessments similar to DAs where they are either made at a staff level, LPP or RPP level depending on significance. This removes politics from planning.

Excellent proposal. Communities feel totally left out of the process once a rezoning proposal goes to State Gov't.

Fine for minor proposals. PP's are generally delegated to Councils if local planning significance under the current system. It is important that the Department has some involvement in more significant proposals. The importance/impact of 'housekeeping' proposals should not be underestimated.

Generally supportive - reinforces local accountability and decision making.

Having a local authority (at the coal face) is important to local residents who will then feel they have a voice in re-zonings.

I agree that it is a very good idea. The Councillors are closest to the community

I agree.

I believe that this is good idea. However, I am concerned that smaller Council's (like Gwydir) will not have suitable resourcing to meet approval times. At present Gwydir Shire Council does not have a Strategic Planner. Can small Council's out source to suitably qualified and autonomous assessors and then present to Council for decision?

I think this could be a very positive change.

Many rezoning decisions are straight forward and are not of any State significance. It is logical and appropriate that these proceed through a more streamlined path. Giving council ownership of the process is welcomed in these instances.

NO

Only if developers are unable to influence Councils. However, that is not the intent of the reforms. It appears apparent from statement of former Planning Minister Rob Stokes MP that the interests of developers are paramount to the reforms. His words to Property Council: "the Government is committed to the idea of intervening where there's been a planning failure, where local Council doesn't have the capacity or the interest."

What do you think about giving councils greater autonomy over rezoning deci...

Recommend oversight and review processes by DPIE are coupled with the proposed amendment. This, or a like process, supports the implementation of the State framework and intended hierarchy as many Council strategies are not endorsed by DPIE and can be inconsistent with State-based objectives and plans.

The State Government has a useful role in overseeing the council rezoning approvals to make sure they are consistent with Ministerial directions etc.

The problem is with the proposed new spot rezoning system which renders an LEP just a framework that will now be able to be readily overridden. So its not whether Council ssssshould have mpore authority; its that an LEP once formulated should not become a dead letter by spot rezoning.

There is merit to this concept in circumstances where the Council is supportive of a planning proposal. In circumstances, where a Council is opposing a meritorious planning proposal, then a different process and pathway for approval is required.

This could be a problem when Council's vote against adopted strategic policy or succumb to pressure from the development industry - no checks on process or adherence to Council or NSW Government strategic directions - no safety net

This is generally a sound approach in that councils are more directly accountable to their communities. However, the provision of merit-based appeals to proponents only, including automatic "deemed refusal" appeal rights will work to undermine this accountability. If there is to be a merit appeal process it must be made harder or riskier to access, and also be available to objectors and those directly affected by an approval. The judicial system is generally not accessible to those of modest means, while councils must also balance legal costs against many competing funding priorities. The significant costs of defending an appeal tend to create imbalances of influence where proponents have the advantage and direct financial incentives to launch and continue proceedings.

This is needed so long as the said Councils represent the views of the local residents.

This question seems to rely heavily on "private proponent" classification. Can we have more clarity on what exactly that means?

This will definitely not work due to the fundamental misalignment of the core objectives between a) local council strategic / environmental / economic / social objectives b) state-wide strategic / environmental / economic / social objectives To solve serious state-wide issues, a state-wide approach is required that still caters to but isn't driven by local concerns. Local council decision making places weight on: a) local individual voters' opinions which: - often do not care about the serious social, environmental, economic sustainability of the broader community - aren't understanding of the complexity of the broader issues that will impact the community - would prefer 'other' local councils deal with the serious issues facing the community - cater to the subjective and often unsubstantiated views of an influential minority, rather than the objective evidence based solutions that will socially, environmentally and economically benefit a broader majority - local community / landowners who have a financial conflict with state objectives. Supply minimisation drives up value of personal property and council owned property, and council owned development opportunity State led assessment can objectively balance a suite of approvals that collectively amount to a cohesive solution.

Too much autonomy is a mixed blessing - we need Departmental involvement as a check against Councils which pursue agendas not supported by their local communities (and vice versa!)

Totally disagree! Central coast council has no democratically elected representatives. Until it has council should have no autonomy.have planning tr

We Dont Have A Council that we Voted For ! So Any decisions made are not made in a Democratic Manner ! and What if Council is Corrupt etc

We elect Councillors because they are generally locals and answerable to the community. All the above corporations and institutes are focused on two things, their jobs and their masters.

We should keep the Gateway process to allow for a review of the merits earlier on in the process.

Where the LEP amendment (rezoning) is consistent with an endorsed land use strategy it is considered appropriate.

What do you think about giving councils greater autonomy over rezoning deci...

Whilst giving councils greater autonomy over rezoning decisions is supported in principle, the process need to provide an alternative means of independent checks and balances to ensure the rezoning proposal and supporting assessment reports meet the 'strategic' legislative framework for exhibition and that there is consistency in the assessment process. This helps to negates any risk being non-transparent or a situation for corruption to arise. Staff support the formalisation of a pre-lodgement scoping meeting, as this largely reflects existing informal practice and provides a means to achieved the above.

Yes, local councils have a better understanding of the local issues and can respond in a more appropriate timeframe. This is especially the case in LALC.

no!!! not without an objective planning credentialed body to review-similar to the LPP

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

What additional support could we give councils to enable high-quality and e...

Councils should be able to refuse to issue study requirements at the scoping stage if a rezoning application is clearly inconsistent with strategic plans.

Have planning rules and regulations in place which are to be adhered to.

Stop state governments over ruling local decisions (ie Gosford CBD's super high rise developments).

As above, more resourcing for undertaking the process.

Offer them an objective planning credentialed body to review rezoning decisions

The aforementioned statement of the previous Planning Minister Stokes answers this question in part. If "capacity" of local government is the problem, or part of it, this should be addressed by examining the incapacity of an organ of government to fulfil its role, not to take away its role by stealth under the guise of "no capacity or interest"

Design and implement a system that re-enforces alignment with adopted land use policy as considerably simplifies the current process

Funding for land use strategy work, updating infrastructure strategies, urban release strategies and developer contributions.

Stop dismissing Councillors and merging councils

Support needs to be for communities who have to manage this biased process on a voluntary basis. The appalling experience of the 2036 'Plan' for Crwos Nest St leqaonards is a glaring case in point. Communities need access to paid expert advice.

See our attached submission

Ensure that fees for assessment are sufficient to provide for resourcing at a level sufficient to deal with periods of increased demand or more complex proposals. Fees should also include a provision for covering the costs of a certain proportion of appeals. For example, if a certain proportion of applications within each category are presumed to result in an appeal, the fee for all applications in that category should include an amount to offset the average cost of the ones which end up in the court. There also needs to be a mechanism for councils to share the benefit to private proponents from land value increases. The mechanism used in the ACT is a possible approach.

We should keep a role for the State Department to offer support via Gateway hearings.

The Dept could fund the cost of reasonable enquiries by the Council in respect of such matters

No funding so they can carry out proper long term strategic planning which will make proponent initiated rezonings unnecessary, including many spot rezonings. Allow Councils to tighten up their planning controls to restrict poor development. Allow Councils to have a greater say on heritage, especially local. Restrict the influence of some of the SEPPs such as senior housing and child care centres in heritage areas

Democracy ie Central Coast .

What additional support could we give councils to enable high-quality and e...

More dedicated officers to rezoning must be a priority. More detailed and accessible mapping to local residents will enable a more comprehensive applications

State planners need to be stripped of their power to override Council when it comes to banning a development.

Templates for the new process, including forms, submission or applications requirements (similar to SEARs), report templates etc

Help Councils, possibly with temporary secondments from the Department of Planning in assessing major rezoning proposals

Scoping meetings input from applicant, Council, and state government agencies. This to include a DPE regional office representation as mandatory at that meeting – akin to the Department's role in issuing 'Gateway' determinations on all private rezoning proposals to:

- confirm there is agreement by the state on the application category
- manage the involvement other state agencies.

A template that sets an agenda for a robust scoping meetings that encompasses in addition to that in the DP:

- scope of investigations including the regulatory/policy basis for the request - where policy positions align and deviate and if so, how a resolved position could may be reached or has been reached at the meeting
- process timeline review and early indicators where a variation to the specified rezone timeframes may be relevant
- need for a Planning Agreement (to cover the shortfall over and above what can be legally levied in a contribution plan)
- scope of community consultation - suggestion that the more the rezone deviates from the strategic plan and or regional plan the greater the consultation
- signed off by all parties with the intent to encourage early mediation of issues rather than waiting to the end and conflict resolution by appeal or other means however should this occur, it would be basis for terms for any appeal/determination review - this to form part of the exhibition documentation

Councils need assistance to determine the economic benefits associated with Planning Proposals. In my experience, Councils proceed on the basis of inadequate or unrealistic economic modelling which means that planning proposals are assessed without proper assessment.

As long as a Council has professional, efficient & experienced relevant staff, they should be capable of performing within the timeframes.

Councils do value the input of their DPE colleagues. It allows further insight to be gained in relation to state's objectives and also gives an opportunity for conclusions to be tested. While keeping the proposed streamlined process, perhaps DPE could be treated as another state agency with the proponent being required to seek DPE input at scoping stage and also at exhibition stage. This would allow officers to include the position of DPE within the final determination report to Council and in any subsequent appeal.

More support on their proposals rather than overriding local interests

Cluster regional councils together and allow standardisation of planning rules across multiple similar regional council areas Treat the regions fundamentally differently from the major urban areas of Newcastle, Sydney and Wollongong

To deal with the misalignment of state vs local objectives: 1) state appointed resources seconded into councils to champion state wide social, economic, environmental issues 2) clear rules about what matters are to be assessed at PP stage, and importantly, which matters can only be assessed at time of DA 3) pro-activity testing and criteria to ensure Council's are held to account on being supportive and contributing to the broader issues facing the state

Talk to the community and look at the need for more land to build, this generates council fees, and employment to the area. Are the zoning changes in some areas really necessary ?

Funding to provide internal assessing officers on a contract basis for significant rezonings.

Improvement in communications by the state.

What changes can be made to the department's role and processes to improve the assessment and det...

What changes can be made to the department's role and processes to improve...

We encourage DPIE to be actively involved in the prelodgement process and undertake monitoring to ensure integrity and transparency is upheld

To be involved in the scoping stage and to be held accountable for advice given at this stage.

The departments role and processes should be re-aligned to assist Councils, with the support of their communities achieve valuable re-zonings rather than trying to find ways of rejecting them. (I speak from bitter experience).

The department should have the NSW wide measure of biodiversity values lens on for all LEP making and amendments/rezonings. Then the department should also consider the LGA biodiversity values front and centre of the decision making process for assessing applications for rezoning/amendments in the context of both the LGA and the NSW wide biodiversity values/measures to achieve a sustainable level of growth and development.

The Department should have input at the Scoping stage to inform the necessary documentation for a rezoning application. It is not clear to what extent the Department gets involved at this stage and clarity and authority from the Department early on would set clear direction to move through the process with minimal ongoing involvement from the Dept.

The Department needs to have the ability to "step-in", in circumstances where Council have changed their mind as to the merits of a proposal or in circumstances where a meritorious planning proposal will not be supported.

The Department need to re-imagine the role of Government Agencies in the planning proposal process, have a more transparent 'adequacy' process with a formal response to Council's when requiring changes to planning proposals that have been endorsed by Councils rather than emails back and forth and clarify the relationship between Ministerial Directions and the Regional Plan with regard to biodiversity assessment

The Department can learn that a community needs to be listened to, not just treated as an inconvenience with a box to be ticked on engagement..

See our attached submission

See above - suggest keeping Gateway hearings.

Officers at Sutherland Shire Council currently have a good working relationship with DPE officers, but this has not always been the case. DPE officers need to feel empowered to provide advice that can be relied upon.

No changes are required.

Make the correct call and do not keep changing tack and process

Local planners are mostly well across where zonings will work for the long-term. A one-size-fits-all approach for regional cities might be efficient at head office, but doesn't always work (ie coastal v mountains v arid plains etc).

Less political interference in state govt agencies. Greater co operation between LG and state govt. Greater strategic planning in state govt agencies. Greater funding for state govt agencies Give Councils greater control over heritage and minor land use corrections. Restrict SEPPS more like seniors/aged care and child care in heritage precincts

Leave Councils to assess most developments. If there is a need for an independent review, say for some of the larger projects, absolutely ensure that any such panel is truly independent

What changes can be made to the department's role and processes to improve...

Keep your nose out of it as there are too many chiefs and not enough indians.

Increased transparency of the department's processes and more consultation between the department and councils would be beneficial. Decision making processes must be perceived to be fair and with any political policy considerations clearly documented.

Give more environmentally aware scientists a chance to influence decision making

Decentralisation of processes and more regional offices will lead to better decision making and better engagement and education

Council-led rezoning efforts need to be supported by the local rate payers. For this to occur it needs to be put to the vote.

Council should never be allied to rezone properties without consent of the owner and never without appropriate consultation and negotiation with owners.

Continue pre-lodgement review of applications.

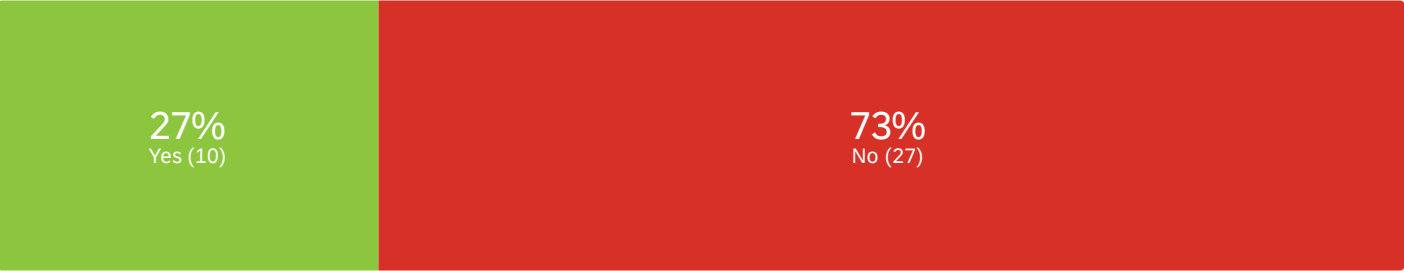
Consideration should be given to allowing the Department to review or check each proposal but not necessarily issue a Gateway determination. Perhaps a letter or step in the portal could be used to say that the Department has reviewed the proposal and provides councils with delegations?

By providing the Department's regional offices greater decision-making authority on regional rezoning decisions, while at the same time reducing Head Office's involvement in having to sign-off on everything that the regional offices do in this space.

Be clear on the escalation and dispute resolution process if councils underperform

1) Greater depth of department resources to assessment council led rezonings 2) An independent assessment that tests whether - true highest and best use is being sought after and planned for - there are any real or perceived local conflicts that could be detrimentally limiting the capacity for the proposal to greater contribute to the state wide objectives / District Plans etc. 3) Stronger hand in holding councils to account on time frames 4) Stronger and more public delineation of local community conflicts of interest that work against the broader state agenda 5) Stronger assessment and consequences for Council underperformance

Is there enough supervision of the rezoning process?



■ Yes (27%, 10) ■ No (73%, 27)

Field	Choice Count	
Yes	27.03%	10
No	72.97%	27

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

What else could we do to minimise the risk of corruption and encourage good...

less proponent initiated rezonings and more forward planning by councils. more funding for councils. expert panels available to assist councils, like the regional panels as they provide broader experience to the often under resourced local council. less influence by larger developers as these changes will benefit the big developers the most.

State level rezoning is the issue. The State overrides local Councils. This has to stop.

State government should oversee private proponent rezoning applications and council proponent rezoning applications. For proponents, there may be a strong financial incentive to rezone land for increased development. A level of scrutiny is required to ensure that vested interest does not influence rezoning decisions.

[See previous comments](#)

[See our attached submission](#)

Rezoning and additional permissible land use LEP amendments need to be more transparently advertised to the community for the purpose of providing feedback/submissions during any exhibition period. All proposed changes should be on exhibition for 28 days and advertised throughout the Local Government Area to which it concerns.

Removing the role of the Department will increase the risk of corruption and poor decision making because Council's will not have to be required to justify significant departures from adopted policy and land use strategies.

Reinstate the Dept of Environment , (OEH) and Have it independant from Dept of Planning

Reduce the opportunity for private landholders to directly profit from planning decision making. Require a detailed analysis of infrastructure needs and provide a financing plan for those needs including identifying sources of income.

Never allow rezoning if private properties with appropriate consultation, negotiation and agreement of the property owner. You don't own privately owned property.

Need to ensure rezoning proposals are aligned with broader strategic plans and that they factor in the cumulative impact of rezoning decisions. What may seem 'small' could have a considerable impact when replicated a number of times across the suburb or State.

Keep developers well away from the decision process. For instance, having lived in the Hawkesbury area for many years, pressure by developers to open up agricultural and flood-prone lands for housing has been obvious and detrimental to local food production (food miles) and flood damage (ie rising insurance rates) which has led to the proposed raising of Warragamba's dam wall.

It is important that proponents do not over ride Councils - particularly smaller regional Councils. There needs to be checks and balances which the Department currently provides.

What else could we do to minimise the risk of corruption and encourage good...

It is agreed that the current rezoning framework is overly complex and contains inefficient duplication by DPE and councils. However, the checks in the current process guard against corruption and poor decision making. It is acknowledged that this is at the cost of efficiency. The proposed process maximises efficiency but does allow more opportunities for poor or corrupt decision making. Perhaps an alternative is to use a DPE referral as a flag to highlight poor decision making. Determination reports could contain a mandatory section to highlight how the recommendation aligns with the referral advice received from DPE. Where there is departure from DPE advice, Council could be required to inform DPE as part of its referral of the plan to Parliamentary Counsel. This referral could also be used where a Council decision departs from the officer's recommendation. While either of these outcomes could be entirely appropriate and reasonable in the circumstances, it would simply provide a flag and give an opportunity for DPE to identify poor decision making before a LEP is amended.

It appears some state decisions are based on the size of the development rather than anything of significance-in other words just because it's a large scheme the Government should not be in a position to override Council. There is too much secrecy in the Government's processes and then it claims openness and calls for input once the receipts are made. The Frenchs Forest site is a good example where the State disclosed little and invited input when it was a fair accompli.

Insist that developers carry out more detailed environmental assessments and also fund the cost of a truly independent assessor appointed by concerned parties

Increase transparency. Publish into the public domain all decision justification. Remove Kiama councils obsession of Non Disclosure Agreements so that we all can see how and why decisions have been made and therefore allow consistency in precedent management.

In the case of a major rezoning put in place a system that ensures that a real planning process is completed. An example when the Mowbray Precinct was rezoned there was no visible planning at all. All that occurred was that the developers actually ran the process to benefit themselves. What a proper planning process could have achieved was that larger (higher) buildings could have been planned for Mowbray Road with lower buildings in the areas closer to the bushland (The Batten Reserve)

In my opinion, these recommendations are problematic. There should be an opportunity for the Department to have carriage of a private led planning proposal in circumstances where the project has strategic merit. Removing the Department from the private led planning proposal process can only increase corruption risks and reduces supervision for what is a necessary part of the planning system.

I have concerns that the Department will not assess/determine the Council proponent rezoning applications, specifically the example provided "strategically consistent spot rezonings". Will it be Council that determines if the application meets this exemption? If so, this could provide opportunity for local politics to influence this decision making.

Full disclosure requirements for applicants and their consultants plus Council guidelines for the decision-making process.

Ensure public is notified of rezoning request Have an objective (non council) credentialed group to review- similar to the LPP used to review DA's

Ensure merit appeal rights are preserved for the public to have an opportunity to question some decisions.

Enforce council building guidelines. Most opposition to development is because they are out of council building guidelines for the area.

Decisions should only be made with support of the Council or in extreme circumstances the community involved to and about the area where the rezoning is to occur.

Corruption is not just a 'risk'; in this State it's an unprovable reality. Developers regularly have meetings with the Department the details of which are not made public. So we need a complete end to the 'commercial in confidence' nonsense that surrounds so much of the dealings of government, a community rep at all meetings with developers prior to decisions being made, and publication of what occurred

Consult with the community regarding what they think is the best future for their community regarding development.

Bring everything back to Council control as your department is more likely to be persuaded by outside sources and ignore all concerns of the real stakeholders, the community. Having Zoom forums does not constitute Community Consultation but does make your job easier.

As above re: Scoping involvement

What else could we do to minimise the risk of corruption and encourage good...

Any application that applies to lands owned by a Councillor (even if a Cat 1 or 2), DPE remain the authority. Councillors should also be provided with rigorous training on the matters that can be considered in a rezoning application and that the decision they make need to be on planning grounds. We have issues with Councillors making decisions on DAs on non planning grounds (generally siding with submitters) and ending up in the LEC which the costs can be significant.

Allow maximum community involvement.

1) Include an independent report that comprehensively interrogates and considers a) the true nature of underlying local benefit from a rejection of a proposal, rather than taking face value of what a submission lists as a reason b) what the true highest and best contribution to strategic objectives could be if not fettered by local politics and agendas

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?



Yes (34%, 13) No (66%, 25)

Field	Choice Count	
Yes	34.21%	13
No	65.79%	25

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Do you wish to make any other comments?

Do you wish to make any other comments

the current process appears to be more drawn out than in the past. the process of listing local heritage seems to be very drawn out.

Yes - See our attached submission

The proposals appear to put development in the hands of developers who will merely exploit the situation for their own benefit to the detriment of the community and indeed the city as a whole.

The process needs a more centralised and well resourced control function, otherwise the Government led objectives will never be delivered due to fragmented progression with widespread misalignment of local objectives and agendas.

See above

Removing the role of the Department in ensuring the quality of planning proposals and consistency with State Government policy as well as supporting Council's through negotiations with NSW Agencies will leave Council's vulnerable to legal proceedings, especially for small regional Council's with no legal budget.

Refer my previous comment above.

No.

No, but thanks for asking.

My 'yes' response depends on the definition of 'state or regional significant' proposals, and whether Councils have a strong say as to which proposals meet that definition.

More work is needed to simplify this further. The process is still complex making it necessary to use planning consultants to digest and interpret the rules. Our aim is to simplify all elements of the planning process so that all stakeholders can understand and use the system properly.

Keep out of our business as the decision makers don't understand local issues and mostly do not live in the region. One size does not fit all.

It really depends on each individual Council's ability to adequately resource taking on part of the departments current role. But I do like the fact that Council will be more at arms length from the application process.

I have no faith in the State making the correct call and being clean

How many times does it need to be said. A great part of the decision making needs to remain in the hands of the local community that will be affected by any rezoning decision.

Generally yes, but there should still be a substantial role for councils in the development of state-initiated processes that affect them and neighbouring areas.

For all the above reasons. There will be no protection for an LEP, there will be no transparency, there will be little effective community engagement.

Councils should be able to review the merits of a proposal earlier in the process. Furthermore, I am concerned about the proposal to remove the presumption against a rezoning request that looks to amend LEP controls under five years old. This could result in ad-hoc decision making that is inconsistent with broader strategic plans.

▲
Do you wish to make any other comments

Byron Shire Council and its community commend the NSW government to embrace progressive and well-articulated strategic planning backed by: • sound technical research • State government agencies that strategically resolve their policy differences and actively engage with the local government in the strategic planning process to resolve issues • engaged discussion over strategic options as precursor to setting policy • a legislative framework that affords strategic plans a statutory status • funding, skills and state government support and respect to enable the above.

As above, I think that allowing Councils to determine Council initiated applications has the potential for inconsistent and politically influenced decisions.

As above re: Scoping involvement

Should councils be able to approve inconsistencies with certain s. 9.1 directions?



■ Yes (61%, 22) ■ No (39%, 14)

Field	Choice Count	
Yes	61.11%	22
No	38.89%	14

36

Showing rows 1 - 3 of 3

If yes, in what circumstances would this be appropriate?

▲
If yes, in what circumstances would this be appropriate

where it has no strategic or broader impact.

With DPE input.

Where the inconsistency is minor. Due to their nature it is often impossible for a planning proposal to satisfy all Ministerial Directions. Compliance with Ministerial Directions is usually just box ticking exercise or duplicates other components of the document and not a valuable part of assessing the merits of a planning proposal.

Where the inconsistency is consistent with an endorse strategy or plan of the rezoning authority.

Whenever council believes it is necessary.

When the development is grossly non compliant and impacts the community in a negative way. For example in Ettalong 237-245 Ocean View Road was approved by Ministerial Approval- 5 storeys 53 units amidst a strictly one storey residential area!!! The impact is catastrophic. Perhaps- perhaps if council with their knowledge of the area would not have approved this DA. DA 49986

See our attached submission

Possibly. This is a very wide subject and circumstances will differ from issue to issue.

My response may change from no to yes, dependent on the communities assessment/perception of Council staff/management & Councillors at the time such a proposal arises!

Ministers come and go. Most have no experience in their portfolio and only local Councillors and staff know what is best for the region.

In the event it does not detract from the potential highest and best use of the site.

In all circumstances excluding bushfire matters

If the department is provided the opportunity to comment.

I agree with this for House keeping of LEP's

How can trust a council with this. They are inconsistent, easy corrupted and do not make decisions in the interest of their ratepayers.

Generally where there is strong public support for a matter, and where the developer's influence is minimised.

Generally when the inconsistency has the effect of lessening impact to public amenity. S9.1 directions relating to ensuring protection of environmental and heritage and similar public goods (including diversity of housing types and affordability) must not be able to be overridden.

For minor variations in proposals of local planning significance.

At present the s.9.1 directions are very high level and open to interpretation. It is questionable just how much value they add. The reforms are based on the aim of a 'plan-led' system – an approach that ensures strategic planning is the foundation for all decisions about potential land-use changes. This must equally apply to DPE. There is enough strategic context with the District Plan and State Environmental Policies to determine the strategic merit of applications. The s.9.1 directions add very little. Perhaps they could be set within a strategic context to make intent clear.

If yes, in what circumstances would this be appropriate

All circumstances

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



■ Yes (55%, 21) ■ No (45%, 17)

Field	Choice Count	
Yes	55.26%	21
No	44.74%	17

38

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Do you wish to make any other comments?

Do you wish to make any other comments

this question is very unclear- i would like the agencies to continue to have as much input as possible- they are the experts

the earlier the input from govt agencies the better. the agencies should have the resources to be 'ahead of the game' and therefore prepared to act quickly at the early stages. but also have the authority to add further at the exhibition stage.

Would Council lose delegations to deal with a proposal if there are unresolved agency objections? This is currently the case and should continue.

Timeliness is of importance with planning and rezoning and any thing that can alleviate this would be welcome

This proposal duplicates the effort of NSW Agencies in the process (at scoping and submission) and due to the requirements for integrated development will mean that in some instances Agencies review details of a proposed development three (or more) times. Agencies have a role to play in guiding Council land use policy at the strategic planning stage but their role in the planning proposal process required serious revision and scaling back (e.g. on what grounds can an agency object to a planning proposal)

They need to be actively engaged with community

The process does not need streamlining as this leads to errors and manipulation.

State agency notification should be mandatory during the community consultation process in addition to the pre-lodgement phase.

State agencies should have a veto role in rezoning applications. Applications that are not supported by a State agency should be rejected.

See our attached submission

Rezoning and additional permissible land use LEP amendments need to be more transparently advertised to the community for the purpose of providing feedback/submissions during any exhibition period. All proposed changes should be on exhibition for 28 days and advertised throughout the Local Government Area to which it concerns.

No.

No

My suggestion is to make referrals to agencies part of the mandatory and upfront pre-lodgement process, where agencies would provide the applicant/proponent with a sort of EARs, this would give applicants/proponents responsibility over the process and ensure that once lodgement is made, that agency requirements are met. May need to even refer back to agency during the pre-lodgement so that referral agency can tick and flick EARs type requirements before formal lodgement. This would make the applicant/proponent carry the responsibility to make sure that referral agencies and their requirements are properly addressed and give the referral agencies more contribution to the application without jeopardising time frames. I also think that referral agencies should still be able to make a submission during exhibition period if necessary.

Minimisation of early agency involvement is key. They have their own subsequent protections and power to deal with their fields of influence. Any further involvement will result in over analysing matters before they've been properly solved for by the proponent. It would also absorb resources unnecessarily at a time when such resource could be directed to solution focussed activities. Exhibition phase is sufficient.

It would depend on the size and scope of the rezoning.

It will be very time consuming to seek state agencies input at the scoping stage.

▲
Do you wish to make any other comments

If the planning authority believes that submissions are required from specific public authorities in relation to a specific proposal, any delay to the assessment due to that authority's submission not being timely should not trigger any deemed refusal appeal right. The clock should stop until all essential input is received.

I hear the words "State" and "Agency" but I don't read or hear any reference to local rate payers. It is better to get their input before a lot of time and expense is wasted in preparing submissions.

For there to be community trust in the process the adequacy assessment needs to ensure the rezoning and supporting assessment reports are as reliable and robust as has been past practice with the issuing of gateways prior to exhibition. Byron Shire would not be alone in having multiple internal and cross-agency interests – such as coastal lands management, bushfire prone land, Pacific Motorway and arterial roads and significant farmland. It is therefore essential that under the proposed new process if Council is to be held accountable for assessment timeline that rezoning scoping stage and adequacy assessment makes it mandatory for state agency engagement/interaction to provide required input, mediate conflicting policy positions and come to acceptable terms based on the needs for the community. With these matters considered to a sufficient level to enable an informed exhibition.

Council's efficiency has suffered from poor agency involvement. However, the issue is not just time but the nature of the advice given. Agencies do not always seem to appreciate the difference between a Planning Proposal and a Development Application. Many seek detail that is simply not known at rezoning stage, or provide conditions which cannot be imposed at Planning Proposal stage. It is helpful to be able to ask DPE to chase input from agencies. This element should be retained.

Climate change adaptation is calling on multi-disciplinary input into highly complex planning. There needs to be more round-table, community-centred, evidence-based discourse around zoning. This needs to be improved, not further diminished.

BUT the wishes of the Community, normally expressed through the Council should be the determining factor.

All scoping should be in conjunction with transparent and timely communications with every party concerned – hopefully that means community objection gets a chance to be heard.

Agencies poke their noses into everything without knowing what is happening on the ground.

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



■ Yes (69%, 25) ■ No (31%, 11)

Field	Choice Count	
Yes	69%	25
No	31%	11

36

Showing rows 1 - 3 of 3

Do you wish to make any other comments?

Do you wish to make any other comments

in theory that exists already, with the Dept of Planning

Yes and no. Yes to consistency across NSW. No to another layer of bureaucracy and cost or delays.

This is not a Communist State. Decentralisation reduces the possibility of corruption.

This has been used in QLD, State Assessment and Referral Agency co-ordinates agency responses. Unsure if it works well, but worth investigating.

The processes are dominated by lawyers playing and in the event of a knock back the referral to the Land and Environment Court is a threat they use and the Court often sides with the legality rather than local need to the detriment of the community

See our attached submission

Particularly, for applicant/proponent/consultant enquires during the pre-lodgement phase.

No.

No.

Making extra layers of bureaucracy only leads to more opportunities for mistakes and mismanaging.

It would be better to adequately resource agencies.

It needs to be adequately resourced.

It is valuable to be able to ask someone for help that has clout with State agencies. It would also be beneficial if DPE or an agency looked at the information Council's receive from agencies because it could be improved to make the advice more relevant to the assessment of the merits of the planning proposal.

Guidelines need to clarify that if a response is not received from an agency within the specified time frame that the planning proposal can be finalised. There are currently no guidelines that state that a planning proposal can-not be finalised if an agency response remains outstanding, only if an objection is received.

Basically for most developments including the rezoning of, for example, individual properties, Local Councils should be able to properly assess the proposal. For larger and more complicated rezoning proposals such as the Mowbray Precinct The Department of Planning could at least do some planning- something that was entirely lacking at the time of the rezoning

At least the disgruntle public can publicly clobber one group without needing to know all the departments and agencies who have their dirty fingers in the pie. Too much corruption in the complete process.

An escalation process to an independent body of is good governance

...provided that agency does not end up being captured by the developer interests

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

If a state agency has not responded in the required timeframe, are there an...

yes. Agencies provide valuable input and a 'reality check'. They provide a balanced assessment, otherwise the proponent's consultants/councils can just be pressured to support proposals without a proper assessment of potential impacts.

there should be a statutory requirement for agencies to formally respond. the response should be at the start of the process but timing often comes down to resourcing

Yes. "State agencies are the knowledge-holders on matters that can affect the viability and appropriateness of rezoning applications such as infrastructure provision, environmental impacts and bushfire safety"

Yes, the information from the State Agency may be relevant. To assess and determine a rezoning application before the information is received could result in a very poor planning outcome.

Yes, as your department has one job and that is scrutinizing all major developments and if you cant do this, then simply change the system. Look at how many development decisions once approved, go off the rails and become major defects for a region.

Yes there will be, and each State Agency must accept its responsibility and obligation to respond within a time frame

Yes - strict disclosure rules and minimising of commercial-in-confidence for all developer communications is needed.

Yes - particularly as regional Council's don't often have in-house skills in biodiversity, bushfire, transport. Council officers would find it impossible to proceed without technical input from agencies, where required.

Where an agency issue is critical to the matter at hand, Council cannot simply proceed with the rezoning. Take for example a recent issue Council has had with the proximity of a site to a nationally significant grey headed flying fox camp. Council could not proceed without knowing whether potential impact would be considered detrimental to the population. To proceed without the advice would have been reckless and contrary to achieving good planning outcomes.

What's the point- if there is no accountability by state agencies? Again, funding would probably be the answer here but we know funding to so many environmental areas is being cut, rather than enhanced/supported

There should be no issues, they should be treated as any other respondent and if they have not responded then have no recourse.

The size of the rezoning would be a major issue.

Not usually but there are occasionally instances where input is beneficial in which case we contact the agencies and follow up on their referral.

Not unless there is something glaringly obvious, that has not been addressed or questioned by a referral agency.

No. The rezoning should progress.

NO

It depends on the Council's internal expertise

▲
If a state agency has not responded in the required timeframe, are there an...

Impossible to answer, as could depend on the nature & size of specific proposals.

If the issue then becomes problematic at development application stage.

If the application includes specific expert advice that Council does not have within their organisation, than this could be a major issue when it comes to assessment and determination.

For the transparency and the reasons answered above on receipt of a response it may then be necessary for changes made during the planning proposal assessment process with further reporting back to council. If there is an issue relating to a legislative matter it is unclear how Council would be in a position to determine. It has been Council's experience with seeking endorsement of a strategy where a state position is unresolved endorsement does not occur or is conditional. The position is seen as Council being unable to override state policy.

Assessment cannot continue in these circumstances. It is unacceptable that councils will be subject to strict time limits with no capacity for extension due to delays caused by public authorities.

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?



Yes (71%, 27) No (29%, 11)

Field	Choice Count	
Yes	71.05%	27
No	28.95%	11

38

Showing rows 1 - 3 of 3

Do you wish to make any other comments?

Do you wish to make any other comments?

agree with the need to act early and avoid unnecessary delays and rejections later.

This would allow resourcing to be directed to strategic land use planning and sound planning proposals.

This will prevent speculative applications from being lodged, only to be destined for a slow refusal and simply draw on council's or an agencies already stretched resources.

There is significant scope for Councils to abuse this system as a de facto means of rejecting otherwise meritorious private led planning proposals.

The scoping stage should include some form of public notification of the intention to lodge a rezoning proposal and an outline of the intentions of the proposal.

The introduction of appeal rights for rezoning applications will see a dramatic increase in applications being received by councils because rezoning can deliver windfall land value to the proponent. We can expect to see far more speculative rezoning applications simply because the proponents will have little to lose but potentially make very significant gains. There should be a way to refuse highly speculative applications at the onset where they are clearly inconsistent with strategic plans. Failure to do otherwise will result in council expending limited and valuable resources on projects that clearly do not have strategic or site specific merit. A quick refusal path is also needed where the information submitted does not meet the study requirements issued at the scoping stage.

The Council should be able to refuse to issue study requirements; however, this should be able to be reviewed by the Department upon application. This gives proponents up front clear direction from Council as to their appetite for the rezoning and potentially saves substantial time/cost in preparing a rezoning which may then get refused late in the process.

Such a suggestion would result in unscrupulous Owners/ Developers coming up with all sorts of unsuitable plans. It could also result in an increase in corrupt practices.

Strategic plans may be out of date and not reflect the current situation. Plans should be assessed on their overall merit.

Strategic planning requires a dynamic element, likewise, many regional councils are not well resourced to develop, implement and monitor strategic policy in a timely manner. In this regard, private proponents are often on the 'front line' of reviewing and delivering strategic initiatives. It would be erroneous to remove this opportunity by restricting the ability to submit a contemporary request for rezoning.

See our attached submission

No.

Murray River Council has strategies underway at the moment but gaps in other types of existing strategy (e.g. employment lands strategy). If a rezoning request is made associated with commercial type development how will it be able to proceed if there is no strategy for it align/be consistent with?

In some ways this proposed stage in the process produces less transparency than currently exists and does not reduce the complexity of the process. While some form of scoping is usual practice, formalising this stage could lead to problems down the track if an issue is not adequately identified during this phase. Again, redefining the role of agencies in the planning proposal process is integral to reducing the complexity of this process and increasing transparency. Uncertainty in the process will also increase because the stage is outside the suggested time frames

I would have said yes, but unsure if procedural fairness/natural justice needs to be considered here also.

Every development decision impacts on all local areas with most residents not knowing of what is going on. It may take longer to have mandatory community consultation, yet the outcome may be the best for the community and not all the greedy developers.

Do you wish to make any other comments? ▲

Community input could be crucial during the 'scoping' stage.

A proposal must pass a strategic planning test. Strategies can always be reviewed and revised to support worthy proposals. This approach provides incentive to keep strategic planning up to date.

A deviation from agreed regional plans should be explained fully.

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



■ Yes (73%, 27) ■ No (27%, 10)

Field	Choice Count	
Yes	72.97%	27
No	27.03%	10

37

Showing rows 1 - 3 of 3

Do you wish to make any other comments?

Do you wish to make any other comments?

Rezoning applications are not the same as development applications. It is preferable that Council provides background and environmental information in addition to the proposal submitted from the private proponent.

This seems like it would be a waste of time and resources for both the proponent and for council staff.

No.

All development proposals that have the possibility to change a neighbourhood or street must go on exhibition

... but if it seeks a spot rezoning they need first to have engaged community and reflected input.

Needs to be some scope for negotiation and refining proposals, to avoid proponents lodging clearly unacceptable proposals

Proposals must have been subject to the scoping stage. Failure to address inconsistencies with strategic plans and other essential considerations (eg s9.1 directions) at the scoping stage should be specifically identified in any subsequent appeal.

if not at exhibition , then when do they submit it. It is logical that the proposal should be complete. Often politics are involved when incomplete submissions are made.

No. This makes sense

Need to change the conversation to one where the owner is view as a temporal custodian of that land and hence whilst the landowner may use the land for their own benefits this must occur within the caveat of being aligned with the greater community/environmental wellbeing now and into the future.

I think that it should be mandatory for the proponent to submit a fully formed proposal at the lodgement stage prior to exhibition, and have the opportunity to address any submissions prior to assessment.

The Department and the public need to understand that the politics of local government mean that there is an inherent bias against approving changes to their LEP. Equally, there is very much a public interest in ensuring that meritorious applications are supported and approved by the State Government. That means the system needs to ensure that appropriate checks and balances are in place to ensure that private led planning proposals are treated fairly, expeditiously and that those with merit are approved.

If the proposal passes the scoping stage.

A key concern is councils being forced to defend appeals against refusal of a rezoning which was not supported by the studies identified at the scoping stage. Council will be forced to do a complete assessment without the required information to defend its position and in all likelihood the proponent will produce the required information at the appeal. An option may be to link the formal scoping stage to the appeal such that an appeal can only lodged where all the required information was submitted to Council at lodgement.

Some proponents proposals are unrealistic and Council should have the ability to not waste their time and money assessing. Equally, the proponent should have the ability to have this reviewed as per above comment.

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?

What sort of material could we supply to assure community members that exhi...

for this process to work properly the council must be satisfied BEFORE lodgement on the portal that all is well. Otherwise council needs more than 7 days. Perhaps 2-3 weeks.

Unnecessary.

This will never change, the community often think exhibition of DAs or rezonings implies support.

This is often a matter raised in the DA process and it is one of the better elements of the existing planning proposal process is that the application is not exhibited until the PP contains adequate information. Some wording on the exhibition page on the planning portal might be enough. Otherwise it is simply and educational process that we will have to go through every time with a rezoning application.

This information should be clearly articulated with every piece of public exhibition material. It is also unclear from this Discussion Paper if the responsibility of organising the public exhibition lies with Council or the proponent. If it is the proponent's responsibility which is identified in the figures/flowcharts then this provides opportunity for inconsistency.

There needs to be sufficient detail to understand the proposal

The introduction of appeal rights will lead to a large volume of speculative rezoning applications due to the potential windfall gains from up-zoning. There is little value in saying that it could be refused, because it could be approved as well. Community anxiety will be real and may jeopardise council's ability to engage its community in the preparation of local housing strategies in a meaningful way.

The answer to this lies in how people currently engage in rezoning discussions. It is rarely framed as a community matter to be discussed in a collaborative way but in a polarised win-lose way.

Succinct information about the step by step processes needed for objecting to an application, and all documentation required-also a reasonable timeframe for completion, so it cannot be thrown out on a "technicality" hitherto unknown to objectors.

Statement in the exhibition material.

State that clearly in the correspondence and ensure that some applications which go on exhibition are indeed rejected!

Simply start with honest and complete determinations that cannot be changed as the D.A. proceeds. I feel the department is coming under so much pressure by disgruntled residents that you don't have the answers. Guilt is ever growing from a dysfunctional and completely overwhelming process which needs all involved, including the general community to become professional planning experts.

Simply clearly state that fact!

Realistically, it will take time for the community to understand the new process.

Maps, charts and population figures must be in plain English and easily understood for before and after zoning with consequences.

It should not proceed if not in accordance with the LEP or bush fire areas etc

What sort of material could we supply to assure community members that exhi...

I dont know the answer to this - but it would involve improved communication to the public to let them know about the exhibition and opportunity to comment !! This via email (using Council database) , all socials, and newspapers. Actually - a step by step outline of the process would be helpful.

Fact sheets, call the exhibition period another name?

Clear statements about the process/guidelines

Assurance that the exhibition period is at least 28 days and that applications are thoroughly advertised to the local community inviting submissions, not just to have it go live on the planning portal.....

As much as possible - this is a common misconception, but often justified!

A register of all rezoning applications in a similar category showing whether they were approved, rejected (including if on appeal) or in assessment. All previous applications for all or part of the same land should be identified in the information above. The Planning Portal is not very useful for the exhibition of rezoning proposals - there is no ability for members of the public to subscribe to email notifications of proposals of any kind in their areas of interest.

A preferred approach is that a proposal does not proceed if it is found to be inadequate or does not meet desired criteria. Why wait until the final assessment stage?

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?

What do you think of removing the opportunity for a merit assessment before...

A merit assessment before exhibition is more likely to save time and money. It will avoid processing applications that are unlikely to be approved in the final assessment stage.

All merit assessment should be preserved. Definitely not wait until the end of the process.

Could just result in more proposals proceeding to exhibition and later not being supporting. This wastes time for all concerned and creates distrust in the community.

Depends who is driving the merit assessment

Discussed above

Do not remove the merit test. The merit test give opportunity to consider the fundamental objectives relatively objectively without getting caught up in the detail. Mahy other detailed items can be addressed down the track.

How can moving the same stages around possibly save time or money when proponents and or Councils still have to go through the same stages?

I am not sure

I do not think this is a good proposal and it won't save time/money in the long run. By having the merits assessment early in the process, it can save time and money on a costly public exhibition if the proposal is deeply flawed. By delaying the assessment, it could mean that time and resources are put into exhibiting a rezoning proposal that has no merits.

I dont think it makes much sense to remove the merit assessment before exhibition as the application may be completely inconsistent with strategic plans and planning controls.

I doubt it. Ideally, the process should give applicants some comfort that their proposal has merit before it is formally exhibited. Preparing a Planning Proposal is time consuming and expensive and it is a waste of resources if the proposal goes too far down the process without an indication that 'in principle' the proposal is meritorious.

I have found that earlier merit assessments help in developing more acceptable plans. I think that the transparency is assisted by such early assessments.

I think it provides potential opportunity for a lack of certainty for the proponent.

It's a bad idea. Why waste the community's time by exhibiting a proposal and seeking submissions on it when that proposal has had no basic assessment of its merit by the planning authority.

Leave all assessments to the end of the process.

Maybe.

Merit is a personal issue. What you think as having merit may not be that of the general community.

What do you think of removing the opportunity for a merit assessment before...



No

No if the developer does not get what they want they will lodge regardless and exaggerate the scheme in the hope it will be reduced to that which was intended in the first place

No way.... Locals need to know about an application and be given time to digest its contents. There is no short cut when it comes to achieving this.

No.

Shifting all 'merit assessment' processes until after exhibition not only lacks transparency with the public, but will substantially increase the risk of having to re-exhibit a rezoning if further changes are required post-exhibition (ie. in order to be supported). This goes against the core principals of community engagement and has the potential to generate a lot of unnecessary angst among the most affected stakeholders, as well as divert resources of the Rezoning Authority away from other high priority projects. All of this can be avoided by ensuring the rezoning and supporting assessment reports are at a reliable standard prior equivalent to that of a gateway prior to exhibition.

The new, draft process is supported and is expected to compress and integrate the assessment timeline.

There needs to be a way to terminate speculative rezoning applications early in the process before the community is galvanised in opposition. For example, if council receives a rezoning application for 50 meter residential flats in a zone where development is limited to 9 meters, and there is no strategic context that supports a new direction, what is the point of raising community anxiety through public exhibition? A simple "no" is needed without appeal rights.

There should be the ability for Council to reject/refuse on more than just adequacy grounds early on in the process before resources are committed to exhibiting the application. It is noted that there is not meant to be any assessment of the application when first lodged, however an assessment (even if brief) inherently occurs. An application might be adequate, but inconsistent with s9.1 or strategic direction/documents. Although the submission requirements are provided at pre-lodgement, an applicant can ignore this and proceed to lodge, wasting Council staff time but also agency time when the application is inevitably referred back to the agency. As stated above however, there may be some issues in terms of procedural fairness that override this.

Uncertain, it may lead to confusion.

Wherever possible, the merit assessment should occur prior to public exhibition, so that the public can more appropriately assess any concerns.

Yes - should be an iterative process

disagree. There should be the option for council to do a merit based assessment early before exhibition. Council do a basic assessment for DA s before exhibition.

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



Yes (81%, 30) No (19%, 7)

Field	Choice Count	
Yes	81.08%	30
No	18.92%	7

37

Showing rows 1 - 3 of 3

Do you wish to make any other comments?

Do you wish to make any other comments

The public should have the opportunity to comment before the rezoning application is assessed, as they are familiar with the local area.

Experts should examine the re-zoning and present a clear plan for exhibition to the public.

No.

The earlier that all issues are identified, then the earlier they can be weighted and given proper attention in planning.

This approach may lead to mis-information of the community as planning proposals may require significant revisions after exhibition meaning that the version they saw and commented on is not what is likely to proceed.

The public's input should be focused at the land use strategy stage.

Totally the community has to live with the outcome be it good or bad, but all currently put to the Central Coast stinks of too much influence from developers and others.

To suggest otherwise would be a gain to neuter community engagement.

See our attached submission

And to comment or object to aspects of the assessment too.

The community should be able to comment on a rezoning proposal after the Council has performed a merit assessment. The merit assessment will help ensure that the community is better informed when giving feedback.

a preliminary assessment by the public will avoid negative reactions, especially for contentious land use changes.

This is essential. Rezoning may very well severely affect the amenity of the local community.

Yes, refer to comments of matters to be addressed at a scoping meeting - a recommendation for applicants to undertake pre-consultation with communities likely to be directly affected by a rezoning request, which will assist with identifying issues of concern and enable the rezoning proposal to respond at an early stage. Pre-consultation can also reduce costs, time and quantities of submissions received at the exhibition stage.

If not, you are seriously downgrading the public's role in the process!

For reasonable rezoning application, the move straight to exhibition is supported. However, this requires speculative applications to be able to be terminated at the scoping stage.

Public input is paramount and must be taken into consideration and all vested interests should be declared in the process

No

Rezoning changes the lives of residents and community they live in. It is critical that the community and those directly impacted are widely consulted.

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

What other opportunities are there to engage the community in strategic pla...

see comments above

by actually understanding that we live where we live and care for and value our natural Environment , and stop bulldozing our Bushland Assets

agree with the view above. allow further comment after the exhibition period as well. Keep communication and transparency open in case further issues arise after exhibition.

Wish I knew the answer. Many communities aren't interested until they see a DA (ie something is about to happen). Strategic planning can be too high level and broad for them to be interested.

Where and how will the applications be communicated to the public for feedback? All changes to an LEP should go on exhibition for at least 28 days and use very clear language to communicate with the community.

Through draft strategies, LSPS's, regional plans etc. We all need to plan more strategically.

This is a very poor question. This should have been a weighted multiple choice question which lists what the Department already does/knows should be done.

There is sadly an inertia in the community on such things. Some Councils do communicate with fortnightly or monthly emails upon what is happening. This is a good process and helps the community awareness.

The planning proposal is not strategic planning - it is the mechanism for amending planning instruments to align with strategic planning. This should be clarified in this process.

The community should be engaged in the strategic planning or rezoning process at each stage. This includes the preliminary stage of a rezoning application before any development application is received.

Sutherland Shire Council uses the Join the Conversation platform as the basis of its engagement programs. This is coupled with notification through electronic media in addition to traditional advertisements in the local paper and letters to land owners. This approach works well however, the streamlined rezoning process allows only one week for notification. This is inadequate. Advertising in local media requires more than a week's lead time to secure space. It also takes time to craft tailored Join the Conversation web pages. Sutherland Shire Council tries to include frequently asked questions, plain language explanations of proposals and artwork to support a high standard of engagement. This will be undermined by the streamlined process exhibited.

Simply by taking community input seriously and providing feedback as to why any community input is considered incorrect or inappropriate, etc.

Simple educational and graphical pamphlets / snapshots that annunciate the broader strategic imperatives that all local communities must morally consider when responding to proposals.

See our attached submission

See above

What other opportunities are there to engage the community in strategic pla...

People's time is precious. Applicants for rezoning will have the time they invest in the process rewarded - even if unsuccessful. It's important that opportunities to provide meaningful feedback are maximised. Those affected by proposed rezonings should be supported by being given the key information in an understandable form and with opportunities to ask and receive answers to questions and to participate in a deliberative discussion about the proposal. If this process results in increased costs, they should be borne by the applicant as part of the assessment fee.

One of the most common complaints councils receive when a PP goes out on exhibition is that they've had no preliminary (or up-front) consultation about the proposal. Hence a key opportunity to strategically engage the community in a meaningful and accessible way is to mandate that the proponent undertake pre-lodgement consultation with the community. This is consistent with the process for DAs deemed to be 'community significant development' as per Council's Community Participation Plan. It would appear that under the proposed changes, public exhibition would occur before Councillors have seen any documents, which is a significant departure for Council's Community Participation Plan and other policies around staff/councillor communication and engagement (eg. strategic planning workshops). All councils will need more clarity regarding exhibition process so they have time to update their Community Participation Plan.

One could engage community groups such as the one I represent at the time the proposal is lodged

It's up to the department to make sure the entire region is understanding of what is being proposed. Cumulative impacts from not looking at the big picture are out of control. The community has lost all confidence in the planning process and do not trust the departments or agencies. Most major development proposals are generally exhibited during holiday seasons which make it difficult for all to respond, but this is part of the deceitful process.

I would like to hear from Council to get a clear understanding on what their global development plan for the Council area looks like. Then, if approved by the locals, a new application can be assessed based on this agreed to goal.

I love this!! And again please look at other ways of alerting public to opportunity to comment- EG newspapers, social, email (using council data base)

Greater engagement at the land use strategy stage.

Exhibition early on as proposed within this document is encouraged.

Develop a database of community groups in Council areas where the keenest interest is to research re-zoning plans and comment meaningfully.

Council led Planning Proposals are the best way to do this, however, in my experience Councils are very slow moving and too often their proposals fail to properly take into consideration economic considerations.

Could the applicant do some mandatory scoping of the immediately impacted area as part of the pre-lodgement phase.

Community consultation is only worthwhile if taken into consideration rather than just noted and ignored

Being able to link the Portal with Council's own engagement platforms (e.g. Your Say Murray River). The community are familiar with Council's engagement platform and can find information in the one spot.

At the very least, community notification and broad consultation must be mandatory at the scoping stage.

A much broader audience needs to be reached and clearer and more basic language needs to be used so that The WHOLE of the community understands what is being proposed.g

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

Do you have any suggestions on how we could streamline or automate the exhi...

in this day and age, everything is electronic. newspapers are disappearing. there are no local papers . so there is a need to reach out through the various forms of media coverage. This is an evolving process and is hard for older people to grasp.

Your website and social media site, through local Councils and local newspapers.

The exhibition process is critical to valid community engagement. It is not currently a source of delay and should not be reduced. We should be looking to improve engagement, not streamline it such that the community's views are diminished.

The NSW Planning Portal should automatically accept proposals should the 7 days be reached without a formal information request or rejection be issued.

Pre-consultation with communities most directly affected by a rezoning will assist with identifying issues of concern and enable the rezoning proposal to respond at an early stage. Pre-consultation can also reduce costs, time and quantities of submissions received at the exhibition stage. It would be useful for the Department to focusing its efforts on delivering the best-practice planning outcomes for affected communities, rather than obsessing with the need to standardise or streamline everything in the planning system. To date the history of consistently applying the latter approach has been to make the NSW planning system more complicated and less effective.

Please don't streamline the process just to save time. If the community is affected, the community needs to be engaged

No.

No

NO, NO, NO... We don't want to make it easier, as it is our way of life that is being changed by faceless bureaucrats.

It would be useful to be able to easily subscribe to notices and reminders of exhibitions and deadlines.

Ensure Councils urgently advise all their appropriate community groups/associations of the commencement of a public exhibition period for all relevant rezoning proposals.

Don't try and streamline as that just means make it faster for a developer which imposes a huge burden on voluntary community input

Do not automate it!!!!!! But do cascade to newspapers and FB interest groups, all socials, email addresses

Developers would love to streamline the process but this is certainly not the best outcome for locals.

As above.

As above, provide the ability to link the Portal with local website/platforms that the community already engage with.

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?

Do you think the assessment clock should start sooner than final submission...

- A right of appeal for developers is not justified, especially where community advocates and elected councils do not also have this right. I strongly oppose the right of appeal based on a 'deemed refusal.' Some rezoning applications are quite complex - forcing councils to make a determination in a shortened timeframe and with the threat of losing rezoning fee applications and/or facing fines, will lead to rushed decisions that may not adequately align with community expectations. This will fundamentally undermine the public's trust in the development process.

streamlined enough

Yes the assessment should start sooner.

Yes it should start at lodgment to ensure Council's comply with the 7 days assessment timeframe.

We the community do need time to become aware and to assess. Please do not shorten the timetable.

There should be no assessment clock.

There seems to be a concerning haste about the need to achieve decisions in a shorter timeframe- who exactly benefits from that? Certainly not the community, who may well consider their views have been ignored/declared groundless, all in the name of timelines that favour the developer and the speedy completion of process -and add to the perception of corruption. Those who wish to object should be heard and their concerns given proper consideration. Developers will no doubt vigorously defend their corner, but whatever uneasy compromise is achieved should not be curtailed by the calendar, but by the issues at hand

The purpose of the system should be to ensure that Planning Proposals are assessed as quickly as possible. One of the best ways to achieve this would be to limit the matters that need to be considered at the early stages of the process and for a full assessment to only occur once the proposal has 'in principle' support.

The department's obsession with time frames over process is too narrow in scope and can not address the fundamental problems with the current system that have been identified through this process (e.g. reduce complexity, increase transparency etc)

The clock should only start at the final assessment stage. There are many factors and processes outside of Councils control prior to this and therefore Council should not be judged (including the fee guarantee) on time frames prior to absolutely all information being available.

The assessment 'clock' does not appear to provide flexibility for complex proposals. If decisions are made under stress or without adequate information this can result in poor planning outcomes.

Streamlined enough.

Once all and every aspects of any development is finalised, then and only then should assessment clock should start.

Do you think the assessment clock should start sooner than final submission...

No. Also, any changes made to the proposal should come with an allowance of additional time for the assessment. There needs to be an opportunity for objectors to identify to the planning authority where they feel the applicant has not addressed the substance of their concerns, or to make further submissions on any changes made to the application in response to submissions. Under no circumstances should applicants be able to obtain a full fee refund. Any partial refund of fees should be determined after reasonable costs incurred in the assessment process have been deducted. The rezoning application process must provide strong financial incentives and other mechanisms to encourage applicants to engage constructively with planning authorities and the community generally.

No, the assessment clock should not be compressed. "Potential delays" needs specifying. The Discussion paper does not give any specifics about this. "Delays" is not clearly defined in the Discussion Paper, except at p. 9, where: Timeframes - why is there lack of accountability and certainty? Duplication - why is anyone surprised that Councillors would want to have more than one opportunity to discuss or debate a major development? Gateway - this should be a critical part of strategic planning, instead it is a shell of an empty process which allows dangerous impactful projects to advance with little or no scrutiny Finalisation - what is causing these delays? please look at substance of the problem, not just the form

No, any concept of a clock should be the last step. I strongly believe there should be no assessment clock. there should be no appeal process either. The only person who benefits is the large scale developer. I see no benefit for Council nor the public.

No - This is the first instance for staff to properly assess the proposal. The clock should not start any earlier. There is a strong likelihood that the proposal or studies do not adequately addresses certain key issues and further information is required, in turn causing delays. The process need to allow time for Council to consider the application.

Longer is better...

It is understood the DPE is relying on the scoping stage to sort out matters that become potential delays. However, this assumes a willing applicant with a professional and reasonable consultant team assisting. This is not always the case (in fact rarely the case). If the submission does not address the issues identified at the scoping stage, should they still be requested? If so, the clock should stop. If we are to proceed without the required information, are we to move to a quick refusal? If that is the case Councils will still face appeal which will require the matter being fully assessed before a case can be prepared. This is a no win situation for Councils.

It is really hard to predict where delays in any proposal may occur.

In many instances, especially where Council is the 'rezoning authority', early assessment could be crucial re community input.

If an area has a zone defined and a developer wants it rezoned for financial purposes it makes no sense, this is inherent in attempts by various Aboriginal Communities to maximise income at the expense of the established zoning, neighbourhoods and the local community. We

I think that the proposed approach needs to allow for those potential delays that may happen when the proponent is responding to submissions and/or working through any required amendments.

I don't think that the assessment clock should start sooner but I do think that once the assessment phase starts that the proponent can not continue to provide changes to the proposal. I also think that the assessment time frame should be adjusted to take into account the meeting schedules in regional areas, which may only be once a month, if not less from time to time, and depending on when lodgement, exhibition and response to submissions are received, assessment reports may miss meeting agenda cut off times, which can leave you will a 4 week or more wait before the next sitting of Council

I don't know

Do you think requests for more information should be allowed?



Yes (94%, 34) No (6%, 2)

Field	Choice	Count
Yes	94.44%	34
No	5.56%	2

36

Showing rows 1 - 3 of 3

Do you wish to make any other comments?

Do you wish to make any other comments

The need for additional information cannot always be predicted at the preliminary stage. If seasonal data is required this would delay the process.

FOI's should always be allowed so people effected can have clear access to the changes.

The request for further information should be restricted to: 1. scope of works and sufficient assessment detail of studies submitted 2. assessments identified through the scoping phase but not formally submitted 3. matters raised through the public exhibition process.

absolutely yes

request for information are an important conversation about the proposed project and should be allowed.

The proposal that state agencies can request information directly to proponents removes Council from the loop with they need to be a part of as the determining authority. The proposal that a rezoning authority can request more information within 25 days is unrealistic as assessment of detailed reports may be required and is not conducive to good decision making. 25 days for stop the clock is unreasonable and there is no equivalent requirement for Development Applications

At times, matters come to light later in the process.

Anyone wishing to receive more information has a concern no matter how small. Every concern must be addressed to the objectors acceptance.

See our attached submission

Rigorous application of time limits is likely to encourage applicants to game the system. A significantly amended application that is submitted after the exhibition period should (at least) extend the assessment time limit. An applicant should be obliged to give reasonable notice of their intention to lodge an appeal on deemed refusal grounds. Moving from a consultative assessment process to the adversarial method of the courts should be avoided whenever possible.

I would hope that the late requests would be used sparingly

a proponent or agency will never get the initial submission correct first time. issues develop over time no matter how short it is. But it is important to get as much detail as possible at the beginning

Information requests should be allowed, but as identified above, discouraged. Having the submission requirements set out early should reduce the need for an information request. However, outlawing an information request entirely may lead to an undesirable outcome where an information request can't be made, causing the refusal of an application. I am sure an applicant would prefer to be able to address an information request rather than receive a refusal.

The community need to be fully informed regarding any proposals that materially affect them

The DP's premise for discouraging this aspect of the rezoning process appears to be: that by providing an opportunity for all necessary information to be identified upfront in the study requirements at scoping stage, this apparently removes the need for any further information requests. This is patently false as requests for additional information are one of the most fundamentally important (and unavoidable) aspects of the rezone process. Such requests often follow the specialist reviews of technical studies and other supporting information and in the absence of the proponent providing this additional information, a planning proposals under the current arrangement would be rejected from ever proceeding to Gateway. Although ongoing information requests are cited (above) as one of the causes of delays in the rezoning application process, this is often due to proponents not providing councils with complete or reliable assessment information at the time of lodgement or during the assessment process. Removing this component will only lead to more appeals.

Yes, but only for minor correction of information and clarifications. Not for consultants reports.

Do you wish to make any other comments

There is significant scope for abuse of the 'requests for information', particularly by a hostile Council. Appropriate checks and balances need to be legislated to protect the system from abuse.

Yes – even with detailed scoping there will still be times when issues are identified during the consultation phase that require investigation.

Information should not be restricted for the sake of expediency

A request should only be allowed a) when the information is genuinely missing b) when the proposal was otherwise going to be rejected, but proponent is offered opportunity to provide more information to resolve a particular matter

No.

Are there any other changes that we could make to streamline the assessment and finalisation process more? What roadblocks do you currently face at this stage of the process?

Are there any other changes that we could make to streamline the assessment...

The focus on streamlining the assessment and finalisation is an attempt to speed up the process without due regard for the long term outcome. A greater emphasis should be given to the criteria used to assess the rezoning proposal.

I have not been involved directly in this process.

Improvements in the transparency and monitoring of the NSW Planning Portal

Absolutely not. Streamlining is leading to inferior planning decision making.

The process and time frames for Council reporting can be considerable especially when a planning proposal is controversial and this is not adequately reflected in the proposed process. Re-exhibition requirements will be minimised if planning proposals are not exhibited as soon as they are received

Once it reaches this level, the community is simply left out of the process. The only road blocks the community face is simply the department working for the developer and not caring about the existing community.

Surely the goal of the system should be to ensure that planning proposals are in the public interest. Use of the language "streamlining" and "roadblocks" is undesirable in this context. It is important that the system functions effectively and resolves matters in a timely way, but this is not the sole or even the most important criteria. Trust in the planning system is eroded by the systematic disempowerment of communities in order to expedite planning decisions, particularly given the substantial sums of money that are often associated with an approval.

Not that I can think of

this is a matter for councils. Not community representatives

Don't know

The proposed 25-day window for requesting more information is inadequate and does not reflect the already-stretched resources of councils together with the challenges of assembling a specialist review team to identify key information gaps and issues to be addressed more thoroughly in the planning proposal.

Time seems to be wasted at the final stages of drafting by Parliamentary Counsel. For most planners this still seems a somewhat mysterious process and there are times when the final drafting loses the initial intent of the amendment. When LEPs moved to the standard instrument template council planners assumed that final drafting would become routine, yet this does not seem to be the case. Planners identify provisions in other LEPs that now seem to be unacceptable. The system would be improved if there was a comprehensive list of provisions that have been deemed to be acceptable and can be used by councils without negotiation or redrafting by the PC.

Remove DA related matters from the rezoning phase of the planning process.

Guidance on re-exhibition should be provided. I.e. what level of change dictates exhibition. Minor changes, or where impacts are reduced should not be re-exhibited. Without guidance on this issue, there will be no consistency.

Are there any other changes that we could make to streamline the assessment...

I have not faced any roadblocks that were of any great issue.

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

Do you think the public interest is a necessary consideration, or is it cov...

The public interest needs to be considered, as well as the environment and external costs.

yes it is absolutely necessary and no it is not as yet covered enough.

Public interest is paramount! S

Yes the public interest is a very necessary consideration as it is usually those people that have to live with the rezoning and/or development.

Public interest is always necessary so residents don't feel ignored and get upset when a re-zoning is gazetted and say they didn't know what what going to go ahead.

Unsure.

We encourage the specific assessment of public interest.

100% necessary!!!!!!

Public interest is a necessary consideration.

Yes the public interest is a necessary consideration.

Totally, as we live with your mistakes be them big or small. Collectively it is the homeowners who are the biggest stakeholders and they must know what is going on and be able to have more input into any decision.

????? The public interest should be the overriding interest

See our attached submission

The public interest is surely the sole criterium. That interest includes among many others any benefits that may accrue to applicants. Putting any individual interest at the centre of the assessment process can only work to damage the broader public interest and to undermine confidence in the integrity of decision making.

Yes, public interest is a necessary consideration that is not adequately covered under other items.

I believe that public interest is a vital consideration

yes, being overarching that provides an opportunity to consider the pros and cons from a holistic view point.

Yes The Public Interest is Important as well as the Interest of all the Species that are affected .

I think it is already covered by the other proposed considerations. A public interest test is not going to be the deciding factor of a rezoning application, there are likely to be other matters on which a case will turn.

Do you think the public interest is a necessary consideration, or is it cov...

The public interest is critical in any rezoning decision.

It is a vital consideration and those who do not believe so should have no place in determining outcomes.

The process is unclear as to when the rezoning proposal is to be considered by Council. Further more it does not draw a distinction between staff and Councillors in the advice/decision making the process just views it as 'Council' – if this remains unclear (depends on the legislation wording) council may have to set up a policy to set out expectations and process for different applications including consideration of delegations and committees.

The public interest is essentially a catch-all phrase. Other considerations should be sufficient, but ultimately, discretion to approval a planning proposal on 'public interest' grounds alone should be retained.

Public interest should be prioritised whenever a proposal creates public interest.

The problem with a "public interest" consideration is that many people think that if there is enough opposition to the proposal, it can be refused as it is not in the public interest. Planners know that planning isn't a democracy, but this is a difficult point to get across. It is used as a catch all reason for refusal at present.

All aspects are important but priority should be locally based

Broader public interest is key. Local public interest is important but often heavily conflicted, so therefore can be objectively and professionally planned for and catered to.

No, public interest is so broad and interpreted in so many different ways, it can have no meaning and can be used as a facile reason to refuse applications. If the rezoning achieves strategic merit, then it should be interpreted as achieving the public interest; especially noting that regional plans etc. have been publicly exhibited at length.

Yes, it should be a consideration.

Public interest is a prime consideration.

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

Are there any additional matters that are relevant to determining whether a...

Climate change and the sustainable use of land, energy and resources.

Yes, biodiversity value measures.

Council need to apply consistently the LEP rules to all property developments. The Central Coast has many inconsistent DA variations resulting from hidden re-zonings unbeknown to locals.

No.

The community are not always around the local LEP's, DCP's or other planning processes. That is why your department exists, just do it with the existing community in mind.

See our attached submission

All LEPs should be able to provide for inclusion of community determined requirements such as a proportion of affordable housing, or limits on the cumulative impacts of certain allowable uses such as licensed premises.

Just that the wishes of the immediate community should always be considered important.

as land use controls (rezonings) works on a prohibition basis this is why the public interest is important. rezonings are essentially permanent and the long term effects are important. Hence the need for generational strategies- 20 to 50 years minimum.

whether or not it is Beneficial in Improving our Natural Environment ,

Yes....impact on health (so much dirt), impact on roads and congestion (less density not more), impact on infrastructure and facilities.

We need to ensure that the local community is fully appraised of the issues

DPE has sought standardisation of approaches to regulating development in recent years but this has come at the expense of retaining local character, which is equally a valid planning outcome. LEPs should be able to be tailored to deliver local priorities and this should be a relevant matter in determining whether the LEP should be made.

The quality and existing lifestyle of the community is paramount. Bush land needs to be preserved and is on the process of a series of attempts to get rezoning underway for no more reason than the \$. The area around Oxford Falls is a huge resource for all in the community and not just locally. The proposal to see refining of large tracks of land is unconscionable

The current system is acceptable.

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

Do you think a body other than the council (such as a panel) should determi...

Similar to a council, a panel should engage with the community if it is involved in a rezoning application.

Yes

No

Unsure.

No objection raised to multiple determination authorities.

100% Re the DAs having the local planning panel decide DAs has been very reassuring as we know there is a lot of VPA here on the Central Coast and that is how many of these non compliant DAs were approved I would like to see something similar for rezoning applications

No

No.

If a council has a conflict of interest, obviously some other authority needs to make the decision. Local and Regional Planning Panels do not reflect the communities concerns and if they have a token community representative on the panel they are usually not residents of the community being impacted upon or are former council staff members. Eg. Budgewoi Ward community representatives (a total joke!)

No. Further, there should be no avenue of appeal against refusal to reach agreement on terms of a VPA. The current system creates perverse incentives to accept VPAs due to the cost of defending a refusal in court combined with a reasonable chance of loss. That loss results in the negative impacts of the planning exceedance combined with the costs of defending the appeal and the loss of the value of the VPA.

Yes

No

yes, agree. As a planning panel member I see the importance of this.

No...

Possibly. Our experience of VPAs (three) is that they invariably are commercially unsound and the community has been disadvantaged as a result.

yes

No supported- The VPA Practice Note (Feb 2021) is quite comprehensive in its principles, policy and strategic considerations for when and how planning agreements can be used. What's missing is that consistency with this Practice Note needs to become a legislative/ mandatory requirement for all councils (not just optional) where a VPA forms part of a rezoning application. Councils are often required to invest a lot of time in negotiating and reviewing VPAs at the rezoning stage and hence are best placed to determine the corresponding rezoning applications.

Do you think a body other than the council (such as a panel) should determi...

It may be helpful for smaller Council's, such as Gwydir, who do not have the resources or expertise, to assessment application, to have an body that assessment them but I think that the decision is should be made by Council.

Yes - in most circumstances.

VPAs cover a wide range of issues and not all are of such substance that they pose a risk to good decision making. DPE has made it clear the VPAs are not for value capture and are really no more than "works in kind" that allow public infrastructure to be delivered with development. A better trigger is needed for referral to a Panel than simply all matters which involve a VPA.

No council is very relevant and voted in by locals

Yes.

Only if it is evident Council are acting in conflict and a review is requested by the proponent.

No

No.

Yes

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?

Where a council has a conflict of interest, should a rezoning application b...



As above. Provided the Council are not acting in conflict then it can remain with Council if both Council and the proponent are in agreement.

By Panel

Department should be responsible

Determination by a local planning panel would be acceptable in those instances where a council clearly has a conflict of interest.

Everyone has a hidden agenda, so maybe the should be Community Consultative Committees where as true residents they democratically allow or disallow the development which is in their own area.

Go first to the Local Planning Panel, if there is any material conflict of interest

I am unclear where the council has any conflict of interest, this is not clear in the survey

I think it should be a department led assessment.

If there is a genuine Independent Local Planning Panel in place then the matter could be referred to that panel

In either case community consultation should take place. A rezoning application requires a broad based assessment of the land use implications.

It should be refused.

Local Planning Panel or another independent body - not the Department.

Local only...

Local planning panel.

Not any cases of that in our region.

Sutherland Shire Council has deferred consideration of a Planning Proposal to its Local Planning Panel due to a conflict of interest. This process worked well and was accepted by Council. The Local Panel is in many ways preferable to the Department because it allows objectors to make a submission direct to the panel. It more closely replicates the Council determination process.

The Department should take full responsibility for the assessment.

The current system is acceptable

Where a council has a conflict of interest, should a rezoning application b...



The department has a responsibility to oversight if there is any possibility of conflict of interest

The question is more complicated than as posed. Where a council's interest in the entirety of the proposal is minor (for example a laneway) then full disclosure of the interest would be sufficient. As a general principle, rezoning decisions should be determined by elected representatives. Those representatives should be given guidelines for addressing conflicts of interest and the option to refer the decision to the department or panel if desired.

Yes

Yes in most cases, but for large or 'messy' proposals, the department should determine. It would also depend on who is responsible for selecting the members of the local planning panel??

cannot trust the Gov Dept or the Gov appointed Panel !

depends on the size of the application involved. Spots can be dealt with by the panel, but larger ones the dept will probably need to take control.

oh yes - as above!

the department should take full responsibility.

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

Do we need a consistent structure for rezoning authority fees for rezoning...

probably need to go with option 3 because of the variation in sizes and associated resources required. It would be ideal to have some level of transparency to justify the scale of fees.

not really but it is fine so long as based on full cost recovery for Council's

i cannot comment

Yes.

Yes.

Yes, it should be similar to DA fee structure. Time cost based fees do not encourage efficient assessment.

Yes, fees need to be commensurate with the level of service afforded and fit for purpose to proposals.

Yes

Yes

This seems desirable, but it may require consideration of differences between local government areas based on their individual circumstances.

The current system is acceptable.

Section 94 contributions are all over the place along with other fees. If it is a registered resident of a region then minimal fees should be applied. If it is a developer wishing to develop housing estates, then all fees should apply, as their development usually impacts the most with externalities unforeseen. My DA for a granny flat under the Affordable Housing Act was calculated to have a \$18,000+ section 94. After contacting Brad Hassard the then Minister for Planning, it was then simply reduced by one phone call to \$8,000. No section 94 should be possible when all we were doing is looking after my 92 year old mother, yet I would have needed to fight this decision in court to have common sense prevail.

Resourcing and fees should not be a reason an authority can't or is slow to assess a proposal. The fee structure should allow for fees to be paid that allows the authority to openly and quickly appoint extra resources to assess. Option 3: Fixed and variable assessment fees - which allow for extra fees to go towards extra resources to fast track assessments.

Probably.

Option three - help ensure developers are covering the costs of requested rezoning most effectively.

Option 3 preferred - See our attached submission

Option 3 could be viable!

Option 3

Council should set their fees and developers be required to pay where appropriate. Council are elected and the ratepayer should not be penalised by low or uneconomic fees. If a developer goes to Land & Environment Court they should be responsible for Council costs

Do we need a consistent structure for rezoning authority fees for rezoning...

As there are no examples given and I don't know the scope of the variations I cannot comment

A one-size-fits-all fee structure is not supported as councils vary widely in their ability to source the right staff or sufficient expertise to efficiently assess and determine applications. Such an approach fails to recognise differences between councils in high growth vs low growth areas in NSW and that fees charged are relative to the staff time and resources (often over a number of years) to progress and planning proposal. In reality the fees currently charged by regional councils in high growth areas are only a minor fraction of the potential increase in value that a proponent will realise through the rezoning process. Therefore there is no evidence base demonstrating that council fee structures are creating a "barrier to entry" for rezoning applications that have strategic merit. Suggested approach: Need ability for variation as council may need to outsource reviews of certain studies Fees should be paid in stages to eliminate the need for refunds

A consistent structure seems most relevant with fixed and variable assessment fees.

Very few councils would have the ability to track actual costs associated with an individual application. To impose this requirement would add another administrative burden to the process. The Discussion Paper states that "to support the expanded role of councils under the reforms, 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 scale of the rezoning fee must deliver on this commitment. It needs to be beyond cost recovery and contribution towards the cost of broad strategic planning.

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?

What cost components need to be incorporated into a fee structure to ensure...

this is a matter for councils not a community rep

review scoping document agency referrals review agency feedback pre-lodgement meeting preparation pre-lodgement meeting complete assessment issue written advice inc. PP requirements assess planning proposal prepare report to Council submit planning proposal to gateway Revise planning proposal as required review gateway determination Action gateway conditions consult with agencies update planning proposal as required Liease with department re mapping and instrument Exhibit planning proposal review submissions review changes to planning proposal prepare Council report finalise LEP

Wages are usually 70% of all running costs for businesses, therefore hiring senior experienced planners who are locals is critical and efficient. Please no more contractors from consultancies that may have little long-term interest in finalised plans.

Unsure.

Time for pre-lodgement and preparation of submission requirements Time for adequacy check Exhibition fees may vary depending on the number of land holders to be notified. Time for meeting with agencies Merit assessment Administrative support for these processes.

This should be put to the Councils: But Planning, Engineering, Water Sewerage, Public amenities would be some of the headings

The Discussion Paper states that "to support the expanded role of councils under the reforms, 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 scale of the rezoning fee must deliver on this commitment. It needs to be beyond cost recovery and contribution towards the cost of broad strategic planning.

Recruitment costs & some loading for establishment of consultant panels that can be called on to rapidly assess the proposals.

Option 3: Fixed and variable assessment fees' best reflect the realities of the rezoning process. However it is critical that both the fixed and variable components are paid up-front by applicants at each stage of the rezoning process. A staged fee structure should also eliminate the need for refunds. To do otherwise would leave most councils with a funding shortfall before the rezoning application can be finalised, which is totally unacceptable when payment for specialist staff and consultants often needs to be made as work is completed. Up-front payment also ensures that applicants are serious and genuine about their commitment to the rezoning process from the start rather than speculative and that councils aren't placed under more financial stress than they already have.

N/A

Fees need to be able to fully cover costs of assessment and determination and the fixed costs of maintaining skilled planning staff. The rate of applications and complexity of assessment is likely to be highly variable so that allowance must be made to ensure that fee income averages out over the medium term. Fees must include a component to finance the cost of appeals, based on the presumption of a certain defined proportion of each category of application ending up in court. Fees should have a significant amount that increases with the complexity of the proposal. Ideally there should be a value capture formula that shares any appreciation in land value that results from a rezoning with a suitable infrastructure fund. The fee would apply on the sale of the land or strata developed on the land. Offsets against this fee could be provided in the form of affordable housing or public amenities with the approval of the planning authority. See my other comments above.

Employ staff that understand their job. When I placed my DA into council the staff member had never heard of the Affordable Housing Act. Simply not good enough considering we are paying for their wages. Minimal costs to registered residents.



What cost components need to be incorporated into a fee structure to ensure...

Don't know

As above

As above

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?

Should the fee structure be limited to identifying for what, how and when r...

Fee schedule

Fees charged should be consistent so a new schedule would be good.

Unsure.

We encourage a fee schedule, matched with complexity and level of service thresholds.

Yes!

A combination of the two.

A fee schedule should be most useful, but it will need to have both fixed and variable components

a basic structure of some sort is probably required for transparency

Don't Know

Neither scenario is supported for the reasons stated above. This component of the rezoning reforms should be scrapped altogether.

First option.

A fee schedule is appropriate. However, there will be times when extensive community engagement is required and additional fees should be able to be charges in such instances. Similarly if a matter has to go before a design panel repeatedly, addition fees should be paid.

Rezoning shouls rest eith the Council

Department set fee schedule.

The current system is acceptable.

What is your feedback about the 3 options presented above?

What is your feedback about the 3 options presented above

There is limited detail... Combination of fixed and variable fees may be able to address the variation in types of applications and circumstances

The current system is acceptable

See comment above

Resourcing and fees should not be a reason an authority can't or is slow to assess a proposal. The fee structure should allow for fees to be paid that allows the authority to openly and quickly appoint extra resources to assess. Option 3: Fixed and variable assessment fees - which allow for extra fees to go towards extra resources to fast track assessments.

Preference for option 3.

Option 3: Fixed and variable assessment fees' best reflect the realities of the rezoning process. However it is critical that both the fixed and variable components are paid up-front by applicants at each stage of the rezoning process. A staged fee structure should also eliminate the need for refunds. To do otherwise would leave most councils with a funding shortfall before the rezoning application can be finalised, which is totally unacceptable when payment for specialist staff and consultants often needs to be made as work is completed. Up-front payment also ensures that applicants are serious and genuine about their commitment to the rezoning process from the start rather than speculative and that councils aren't placed under more financial stress than they already have.

Option 3 preferred - See our attached submission

Option 3 if the staff understand it.

Option 3

Option 2: Variable assessment fees preferred as Council's may or may not require expert advice or assistance and have varying capacities for assessing and processing planning proposals. Also planning proposals vary widely in their complexity.

I support Option 3.

I have had no feedback

Fixed fee

Fees need to be simple in their application so that potential applicants understand how much an application will cost. It is preferable to say \$65,000 than "cost recovery based on complexity". Very few councils would have the ability to track actual costs associated with an individual application. To impose this requirement would add another administrative burden to the process.

Consistent structure

Consistency is key for all involved.

As previously stated, Option 3 could be viable as some flexibility could be critical re ongoing Council financial stability, plus unexpected complications regarding individual proposals.

All seem slanted to vested interests



What is your feedback about the 3 options presented above

1 above seems to be appropriate

Should fee refunds be available if a proponent decides not to progress a rezoning application?



■ Yes (36%, 12) ■ No (64%, 21)

Field	Choice Count	
Yes	36.36%	12
No	63.64%	21

33

Showing rows 1 - 3 of 3

If yes, what refund terms should apply? What should not be refunded?

▲
If yes, what refund terms should apply? What should not be refunded

Would depend upon what costs have already been borne by Council.

They run the risk and have incurred Council - that is the ratepayer- in costs and need to be liable

The fee is to contribute towards Council's costs in processing rezoning applications. It is not a fee for approval. Under the proposed framework Council will have to invest considerable resources at the scoping stage. A separate fee should apply to this stage because many matters will not proceed beyond scoping. This element of the fee should not be refundable. Once the exhibition is complete, Council officers are heavily invested in the application. Submissions would generally be read as they are lodged and officers would have typically commenced their investigation of any issues raised. As such a refund is not appropriate once exhibition is complete.

Refunds resulting from an applicant's decision to withdraw the rezoning application should only apply to those stages where payment has been received, but no work has commenced. Where work has already commenced on any particular stage, then there should be no refund provided. At a minimum any fixed fees that a council charges up-front (ie. for a particular stage) should not be refundable. Variable fees should only be refunded as per comments above.

Refund would be dependent on how much time has been spent/what stage they are up to.

Percentage based on where the rezoning is up to in the rezoning framework flow chart.

Partially

No - will put pressure on proponents to do their homework prior to proceeding.

It would obvious vary for each case

If the matter has not been acted on.

If Council is delivering the service they should be able to cover the costs. It is not reasonable for a Council to be expected to refund money receipted in association with this process in any circumstance. Planning proposals generally result in significant uplift of land values and speculative planning proposals should be actively discouraged by any system that is implemented

Depends on the reasons for delay-perhaps a table of diminishing refunds depending on cause of delays

Depending on the progress of the application, partial refunds should be applicable.

Depending at which stage the application is withdrawn. Maybe a percentage of the fee eg When withdrawn before exhibition than 60%, after exhibition 30% and after assessment has begun 10%. This would hopefully cover any expenditure already undertaken by Council at each stage.

Changing land use comes with great risk. Given that developers arguably gain most, making them bear the risk would encourage better public consultation beforehand to ensure that they present better projects for assessment.

All reasonable costs incurred in or committed to the assessment of the application should be withheld from any refund if there is any provision for refunds. No refunds should be available for matters which are appealed.

A withholding amount should be stated up front and the amount to be retained by Council should increase the longer the application has been lodged

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?



■ Yes (41%, 14) ■ No (59%, 20)

Field	Choice Count	
Yes	41.18%	14
No	58.82%	20

34

Showing rows 1 - 3 of 3

If yes, 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?

If yes, what mitigation measures (for example, stop-the-clock provisions, o...

Set a limit of charges for refunds.

Both stop the clock provisions and refusing applications before payment are practical measures.

Stop the clock, coupled with an appeal/independent process for review.

If Council is delivering the service they should be able to cover the costs. It is not reasonable for a Council to be expected to refund money receipted in association with this process in any circumstance. Planning proposals generally result in significant uplift of land values and speculative planning proposals should be actively discouraged by any system that is implemented

Your department sets the rules and your asking the general community to give you the answers, total joke!

All of those.

I think that is one for the lawyers

no - as stated above the proponent should do their own serious assessment before they decide to proceed. Why should council wear the costs of poor applications?

I imagine there are many Council's that are not interested in a fee guarantee. If this approach is pursued, the time frame to be measured must only relate to the final assessment stage to when the rezoning application is sent to PCO. There are too many factors outside of Council's control prior to this stage.

Don't know

I may not agree with wholesale development but I do see the need for a considered approach to it. However if a council delays with no demonstrably good reason -regardless whether it is consent or denial- that should be taken into account and again, decisions for refunds need to be made on a case by case basis when they fall into this category.

Yes but only if the proponent is unable to make substantial alterations to the application once assessment has begun and if any minor changes or clarifications are needed after assessment, the clock stops. A set of refusal reasons would avoid unnecessary avoidance of fee refunds due to time frame expiration.

Ultimately, incentives need to be created to ensure Councils assess applications in a timely manner. The less this system can be gamed by the Council the better.

Refining relies on availability of third parties and staff the developers should be aware of the issues. It appears this question may be the result of lobbyists

None. It should be be part of the consequences that help motivate council cooperation.

If yes, what mitigation measures (for example, stop-the-clock provisions, o...

Stop the clock for the proponent to provide information and stop the clock for exhibition timeframe. Assessment timeframes should start as soon as exhibition is over regardless of whether all State agencies have responded. This encourages Council's to use their power to determine applications without agency input if they have not provided it in time.

Timeframes should be set and adhered to with exception for addressing requisitions or technical requirements.

If no, what other measures could encourage authorities to process rezoning applications promptly?

▲
If no, what other measures could encourage authorities to process rezoning...

There should be stringent obligations on applicants to engage constructively with the planning authority and the broader community. Applications should be developed to be as easy to assess as possible. Public authorities need to be able to respond when required, but when there are delays, this should stop any assessment clock.

The deemed refusal appeals mechanism being proposed will be sufficient to ensure the councils determine applications in a timely manner. To be forced to refund the fee and defend an appeal is a double hit to councils' limited financial resources. It is in direct conflict with the commitment made in the Discussion Paper that "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." Councils need more funding not less.

The current system is acceptable

Set a time limit for a decision. This might require more staff to process re-zonings.

Refunds are not supported as councils incur substantial costs and resources in assessing and processing planning proposals, often occurring over a number of years. Most timeframe delays are often out of Council hands. Such delays can include waiting for response from agencies, waiting for additional and adequate information from proponent, creating LEP maps that meet DPIE's technical requirements and having them reviewed and working through PC drafting. The notion that fees can be refunded based on not meeting assessment/ finalisation timeframes for a particular category of rezoning application will inevitably result in (i) more speculative planning proposals submitted and or (ii) poorer quality proposals if a proponent believes that they will get a refund if it is not supported

Promptly is not what this is all about. If a DA is taking some time to approve because of concerns, then that is the way it is, bad luck!

More resourcing. high quality submissions up front Often the delays are not caused by council but poor applications or political agendas.

I find this question offensive. All of the Local Government staff I have ever met in my 15 years experience in this space have been extremely hard working and dedicated. The notion that holding a whip over us can possibly make us work any faster is ludicrous. What evidence is there that Council's are unnecessarily delaying this process? The process has been acknowledged by the Department as too complex however no viable solution to this issue is proposed in the discussion paper - this is extremely disappointing and putting Councils and Council staff under more pressure is not going to fix this problem.

Have penalties that bite if the application is delayed beyond a point in time, the more complex the longer the time to be allowed.

Good planning principles and reliable criteria that can screen out rezoning applications at the initial stage. If there are fewer rezoning applications to process it is more likely they will be dealt with promptly, as the workload will be reduced.

Ensure authorities are adequately resourced and provide all information in a timely manner. Threatening authorities with the loss of fees for work done will not help - it will lead to rushed decisions and may force authorities to overlook certain complexities.

Don't know

Consequences could include: 1) If council doesn't assess on time, the proposal moves permanently across to the state 2) financial penalties 3) longer term score cards of council performance against state objectives

Attempting to ensure all involved parties, including the community, are efficiently kept in the loop.

Do you wish to make any other comments in relation to Part B of the discussion paper?

Do you wish to make any other comments in relation to Part B of the Discuss...

A concern is that the new approach will attract a greater number of rezoning proposals from developers and speculators, who will proceed to the final stage of assessment and then, if refused, will appeal the decision. A further concern is that rezoning applications will require a considerable input from councils and the community and will distract from the preferred focus on strategic and local environment plans.

If reasoning is applied for proponents should have a clear idea of what is reasonable

No

No.

Do better people. I simply can't believe this is the best you can come up with. How did we get so far away from what was originally envisaged when the planning proposal process was first introduced? What can be done to address these issues and actually CHANGE the current process. PLEASE bring some meaningful reform into this process that will actually achieve your objectives

Expecting the General community to cover your backside!

See our attached submission

no

NO

- At a minimum there should be a range of appropriate stop-the-clock provisions that have been created in response to further consultation with councils. - Ensure the rezoning process is not unreasonably held up by State agencies referrals that are either not responded to within a requested timeframe, or at all. At the same time, there should be greater resourcing of stage agencies to improve response turnaround times. - For any new approach to rezoning to signify a step in the right direction it must provide greater strength to strategic land use considerations and growth management that weighs up economic, social, and environmental opportunities, costs, risks, and the necessity for intergenerational equity. - Zoning provisions that incentivise the preservation of the resources and adoption at the local/regional level of ways that creates a setting of equity, certainty, predictability, and greater flexibility. Designing the right kind of land use change determination process is paramount. This process needs to avoid regulation and decisions that depend entirely on views of people in power. A successful reform requires continued involvement of local governments and community in recognising conflicting points of view in collaborative and participatory processes

If proponents have a right of appeal against council decisions, public authorities should also have a right of appeal. The real issue is the cost of appeal. Council would expect to see a surge in speculative rezoning applications once appeal rights are introduced because of the potential windfall gains rezoning can deliver. Decision of the Court are a considerable benefit for planners determining development applications and case law would also assist in relation to rezoning appeals. However, the most critical issue to council is that of cost. An independent but cost effective solution is preferred.

No

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



■ Yes (61%, 20) ■ No (39%, 13)

Field	Choice Count	
Yes	60.61%	20
No	39.39%	13

33

Showing rows 1 - 3 of 3

Do you wish to make any other comments?

Do you wish to make any other comments

The process needs input from the Council - being representative of the community

See our attached submission

Public authorities would have already made their submissions. The system is already weighted towards rejection and limitation. On the rare occasion a PP manages to progress it is testament to it's strong merit and anything further would be political not merit based.

Private proponents need an appeal process.

Objectors should have the right to commence merit based appeals for Category 2 and 3 Rezoning Applications.

Not sure either way. At least a review process maybe.

No

NO

It's the other way round. Impacted people need rights to appeal.

If proponents have a right of appeal against council decisions, public authorities should also have a right of appeal. The real issue is the cost of appeal. Council would expect to see a surge in speculative rezoning applications once appeal rights are introduced because of the potential windfall gains rezoning can deliver.

I don't support the LEC process. Independent planning commission better. Should be treated like crown DAs . Overall though I don't support the appeal process. Often the rezoning process becomes contentious because of political interference

I do not support an appeals pathway for private proponents.

Council is the only public authority that should be allowed to appeal.

At least some of our Councillors are democratically elected

An appeal system that end in a Court setting where wording and points of law a high on the agenda. This has the propensity to see a shift in the drafting of LGMS & LSPS as statutory worded documents. An out come that would appear to be misaligned with the approach the Department has encourage for LSPS.

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?

Which of these options – the Land and Environment Court or the Independent...

any

Possibly the Land and Environment Court

Non-judicial body

Neither

Land and environment court

Land and Environment Court. IPC is too much controlled by Planning dept.

Land and Environment Court - they have a clear structure and good independence/oversight.

Land & Environment Court

Land & Environment Court

LEC

Independent Planning Commission.

Independent Planning Commission

Independent Planning Commission

Ideally, both institutions should have an opportunity to hear an appeal from a proponent from a Council decision. IPC should apply for projects above a certain economic threshold, with a further appeal to the L&E Court. L&E Court for all planning proposals.

IPC provided it does not become the creature of the Department, or able to be overridden.

IPC or other non-judicial body.

IPC - with resourcing and strategic skills

IPC - but prefer no appeal process

IPC

Either. But their scope needs to include impacted parties.

Which of these options – the Land and Environment Court or the Independent...

Either, perhaps at the discretion of the planning authority.

Do not know-I am not convinced that as far as refining is concerned there should be any appeal apart on a point of law

Decision of the Court are a considerable benefit for planners determining development applications and case law would also assist in relation to rezoning appeals. However, the most critical issue to council is that of cost. An independent but cost effective solution is preferred.

DPIE, Land and Environment Court

Could RPP do a review if necessary

Community Consultative Committees not faceless people from every agency.

Commission or other non-judicial body preferred - must be low-cost. See our attached submission

Do you wish to make any other comments in relation to Part C of the discussion paper?

Do you wish to make any other comments in relation to Part C of the discuss...

An appeals pathway, particularly a merit appeal in the Land and Environment Court, is not appropriate for rezoning applications.

No

No

Strongly support the introduction of an appeal framework

Small Council's have no legal budget and will be forced to make decisions that are not in the interests of the community to avoid litigation. Big business players know this and will force their will on Council's knowing that they can take Council to court if they don't get what they want.

The community has lost all confidence in the departments ability to plan our future.

See our attached submission

no

NO

I oppose private developers having a right of appeal over zoning decisions. It is a fundamental misunderstanding of the nature of zoning rules, which must always remain a publicly accountable decision. By analogy, we do not allow citizens to appeal laws made by Parliament. The proposal lessens the status and role of zoning into something that individuals can seek to change because it suits their private interests. A Court, along with the parties' teams of lawyers are not the appropriate arbiter of public policy. Since when have developer groups ever been happy about having to wait time for Government to assess development proposals? If there is need for greater speed, Councils or other appropriate and accountable bodies should be provided with greater resources to do that job. In my experience, delays in assessing development generally is related to poor information, or lack of appropriate information, or a very complex proposal with finite resources. DPE should seek all possible means to bring greater speed to planning processes, but not through compromising proper planning principles. If Government refuses to properly fund public interest outcomes, another approach is for developers to pay Council's costs of the resources needed to expeditiously assessing zoning proposals. .

The basic process should be as follows: 1. Lodge PP with Council; 2. Council has a set period of time to assess the proposal; 3. The proponent has the right to appeal the decision (either when the proposal has been finally assessed by Council or when the set period in 2 has elapsed).

Part C appears to be another level of unnecessary red tape.

Do you wish to make any comments in relation to Part D of the discussion paper?

Do you wish to make any comments in relation to Part D of the discussion pa...

I am pleased that the discussion paper is seeking feedback on the concept or principles of the new approach.

No

There is mention of councils having the opportunity to adjust their processes and resourcing for the implementation of this new approach. Communication as early as possible on the transitional approaches will be greatly appreciated.

It is very superficial.

Your department and agencies use this process to make out you have consulted with the community. Have a good look at yourselves and see what you are expecting from the general community, or is this part of the game?

See our attached submission

The capacity and functionality of the planning portal website must be significantly improved - particularly for people potentially directly affected by rezoning proposals.

Strong Environmental performance standards should be specified.

I suggest you take a very precautionary position.

As LALC there is a need for timely and cost effective tenure resolution and planning. Effective planning to ensure the economic viability of the community is at the forefront of LALC.

As I said before. As much as possible of the assessment of rezoning proposals should be left in the hands of Local Councils who are best able to determine the needs of the local community

Having regard to the above, and with the revised LEP Guidelines now in place to deliver have substantial efficiency gains and a more effective system for all stakeholders this discussion paper is seen as both premature and pre-emptive. It may be appropriate for the recently implemented changes be given time to be tested, and the performance of the system be judged under the new Guidelines.

There needs to be a savings provision for planning proposal applications that are currently in the system.

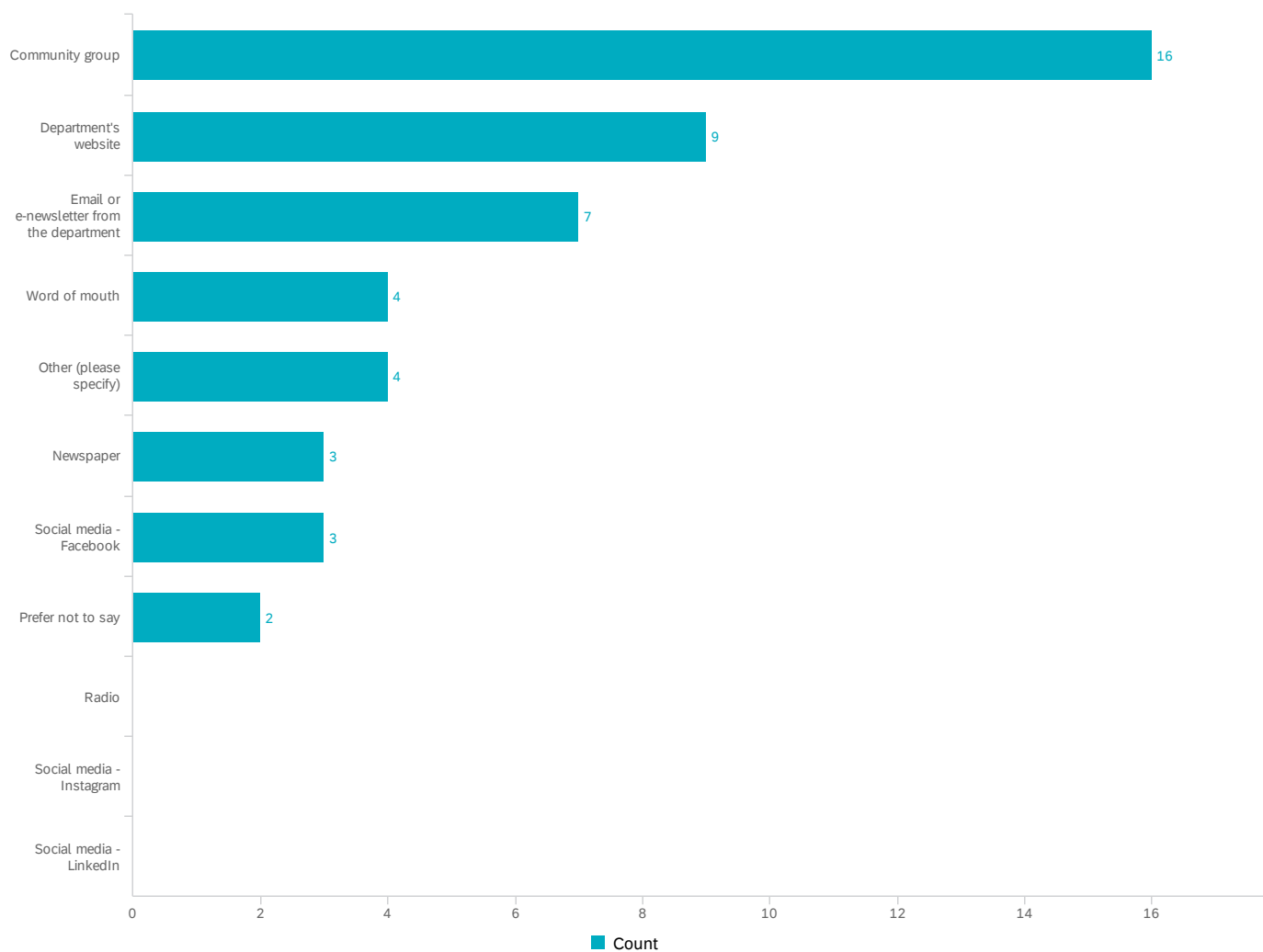
No. It is appropriate to leave implementation considerations until the detail of the reforms is clear.

I am not sure what is meant by "the greatest benefit" it seems to contradict the process

The above paragraph makes a presumption that the new approach is going to go ahead regardless of any community opposition.

Generally I feel the approach proposed here is an improvement but there seems to be no protection for property owners, particularly residential property owners to have any authority over their own properties.

* How did you hear about this opportunity to provide feedback?



Field	Choice Count
Community group	33.33% 16
Department's website	18.75% 9
Email or e-newsletter from the department	14.58% 7
Newspaper	6.25% 3
Radio	0.00% 0
Social media - Facebook	6.25% 3
Social media - Instagram	0.00% 0
Social media - LinkedIn	0.00% 0
Word of mouth	8.33% 4

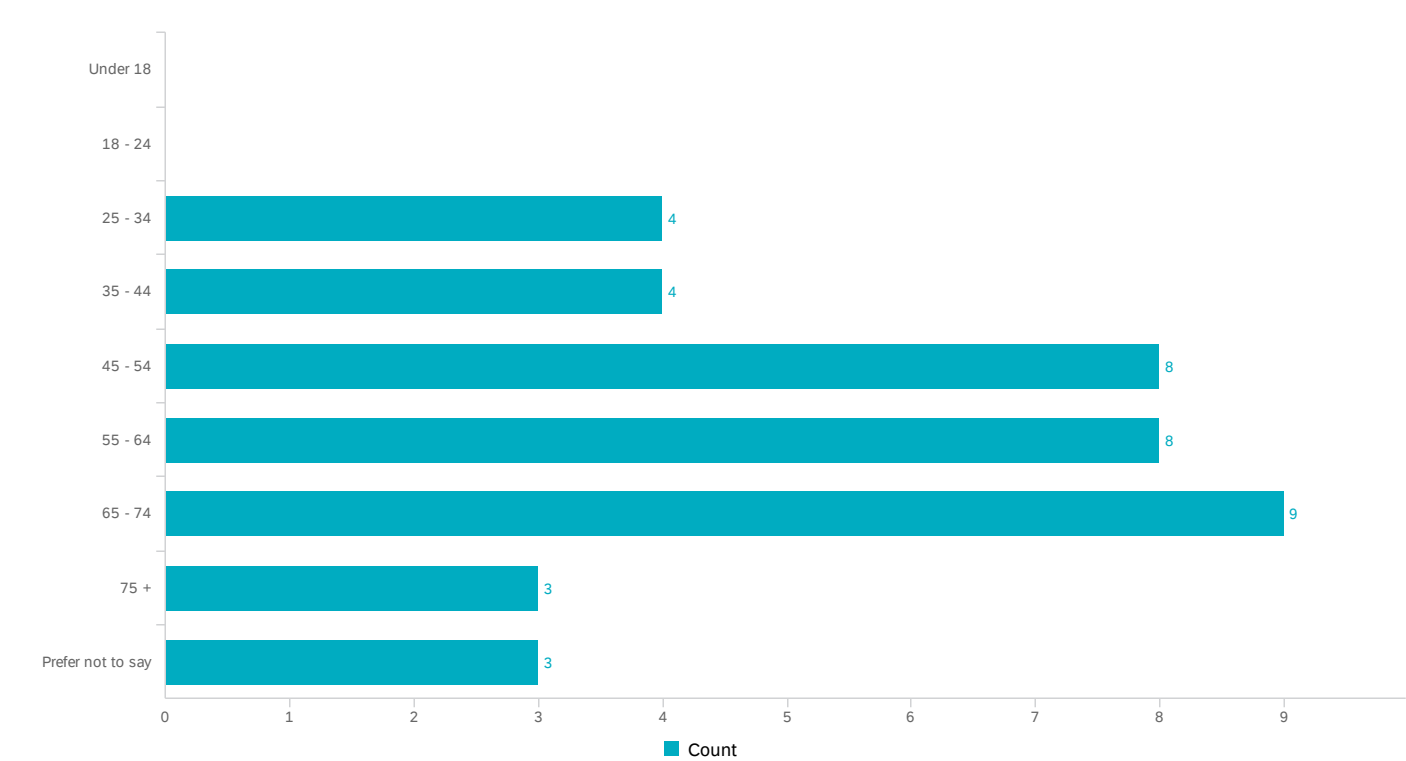
Field	Choice Count
Other (please specify)	8.33% 4
Prefer not to say	4.17% 2
48	

Showing rows 1 - 12 of 12

Other (please specify)

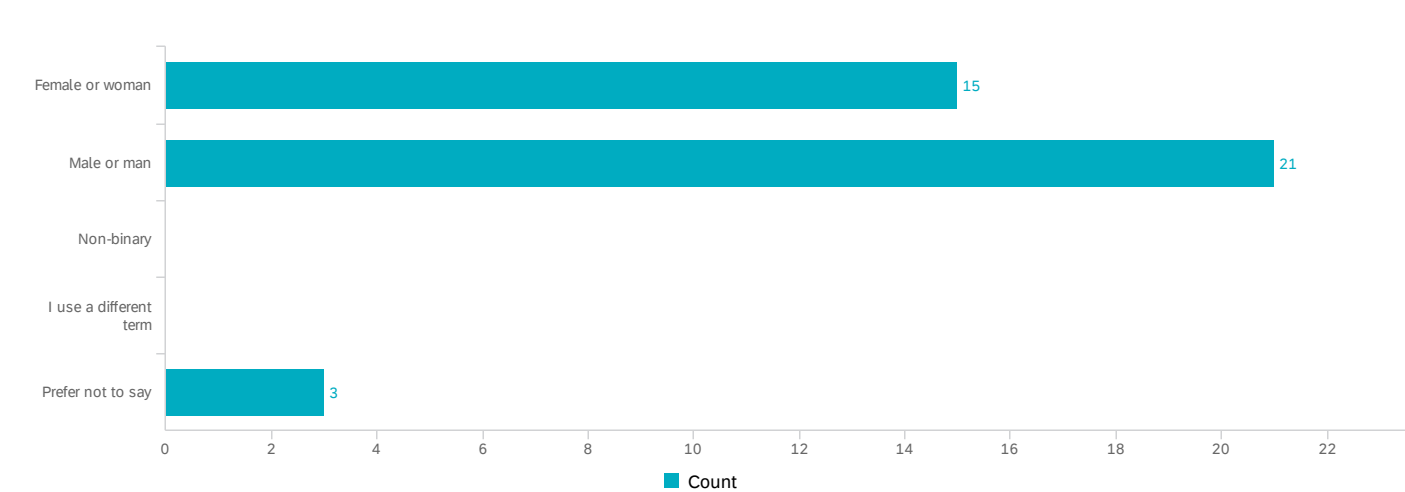
Other (please specify)
Local Council
Teams Meeting Invite
Postal drop in our letter box
Industry involvement

* What age bracket do you fit into?



Field	Choice Count
Under 18	0.00% 0
18 - 24	0.00% 0
25 - 34	10.26% 4
35 - 44	10.26% 4
45 - 54	20.51% 8
55 - 64	20.51% 8
65 - 74	23.08% 9
75 +	7.69% 3
Prefer not to say	7.69% 3
39	

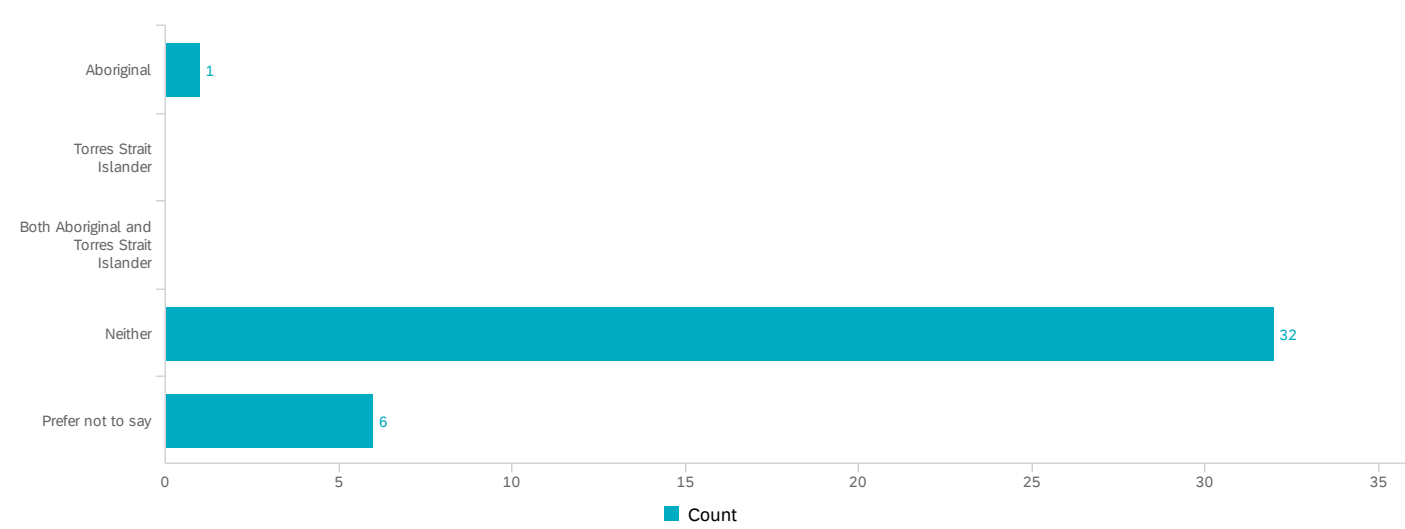
* How do you describe your gender?



Field	Choice Count	
Female or woman	38.46%	15
Male or man	53.85%	21
Non-binary	0.00%	0
I use a different term	0.00%	0
Prefer not to say	7.69%	3
		39

Showing rows 1 - 6 of 6

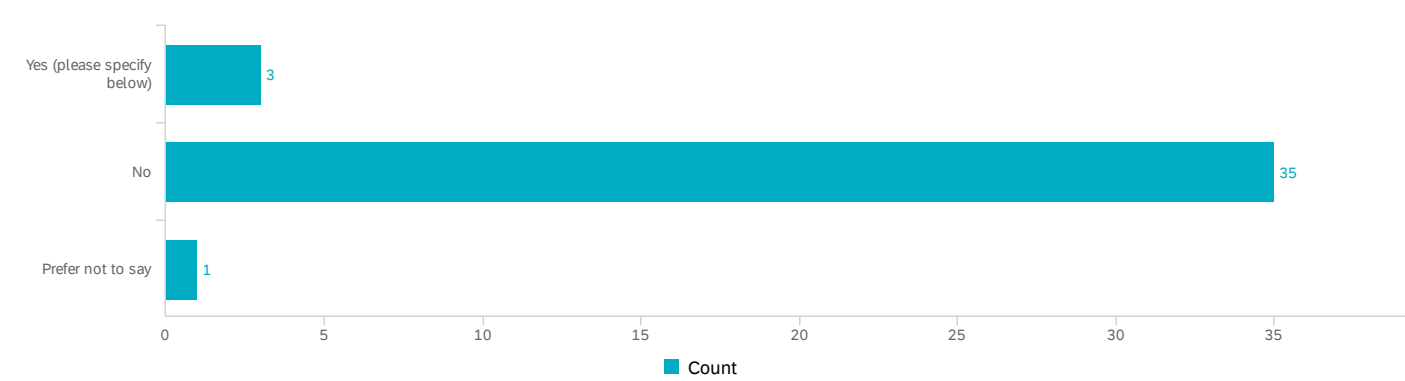
* Do you identify as Aboriginal and/or Torres Strait Islander?



Field	Choice	Count
Aboriginal	3%	1
Torres Strait Islander	0%	0
Both Aboriginal and Torres Strait Islander	0%	0
Neither	82%	32
Prefer not to say	15%	6
		39

Showing rows 1 - 6 of 6

* Do you speak a language other than English at home?



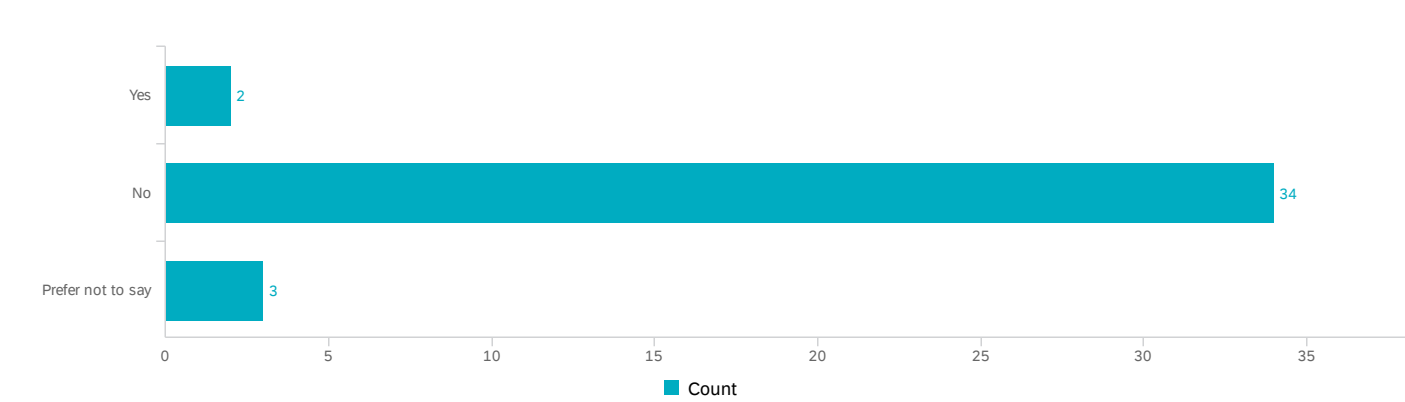
Field	Choice	Count
Yes (please specify below)	7.69%	3
No	89.74%	35
Prefer not to say	2.56%	1
		39

Showing rows 1 - 4 of 4

Yes (please specify below)

Yes (please specify below)
Persian

* Do you identify as a person with disability?

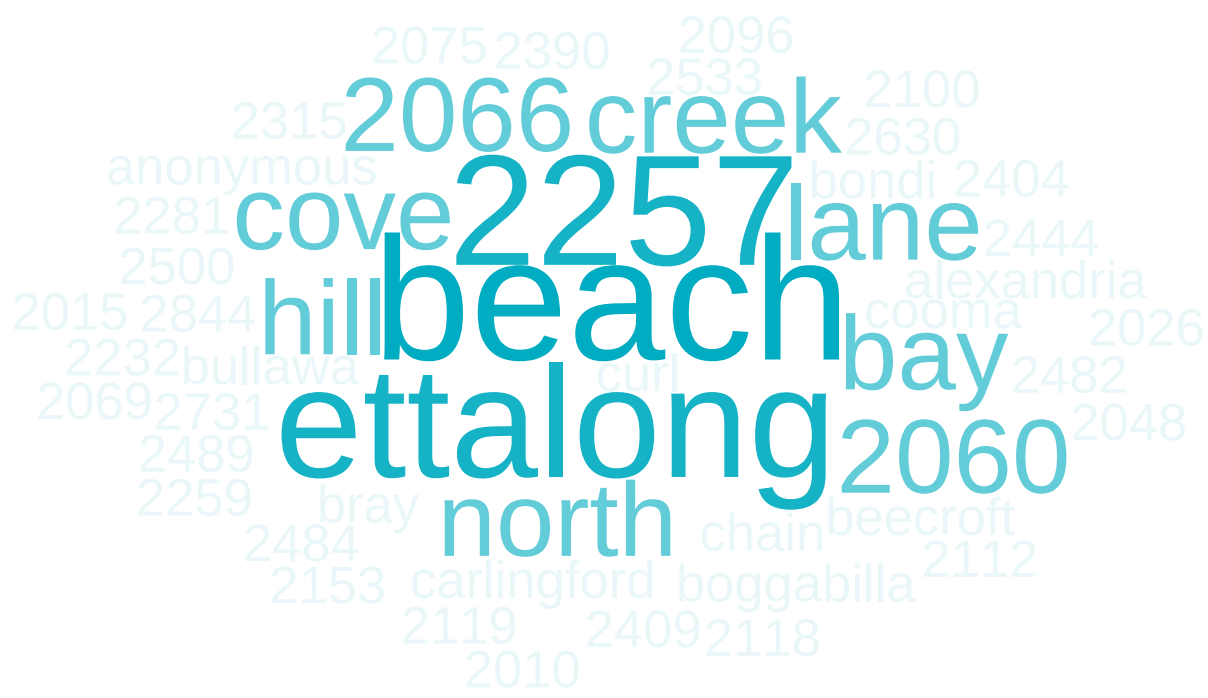


Field	Choice	Count
Yes	5.13%	2
No	87.18%	34
Prefer not to say	7.69%	3
		39

Showing rows 1 - 4 of 4

Postcode and suburb

Postcode and suburb



Postcode and suburb

Text
Curl Curl 2096
2444 - PORT MACQUARIE
2257 - ETTALONG BEACH
2257 - ETTALONG BEACH
2257 - ETTALONG BEACH
2731
2489
2257 - ETTALONG BEACH
2390 - BULLAWA CREEK

Text

Anonymous

2844 - DUNEDOO

2259 - CHAIN VALLEY BAY

2060 - WAVERTON

2315 - NELSON BAY

2026 - BONDI BEACH

2066 - LANE COVE

2069 - ROSEVILLE

2119 - BEECROFT

Norah Head

2409 - BOGGABILLA

2112 - PUTNEY

2630 - COOMA

2066 - LANE COVE NORTH

2075 - ST IVES

2482 - MULLUMBIMBY

2048 - STANMORE

2404 - KEERA

2060 - NORTH SYDNEY

GERROA

2232 - SUTHERLAND

2100 - OXFORD FALLS

2533

2010 - SURRY HILLS

Text

2118 - CARLINGFORD

2153 - WINSTON HILLS

2281 - NORDS WHARF

2500 - KEIRAVILLE

2484 - BRAYS CREEK

2015 - ALEXANDRIA

End of Report