



Our reference:

A new approach to rezonings

Discussion paper

Response from Temora Shire Council

28 March 2022

Thank you for the opportunity to comment on the draft discussion paper.

Temora Shire Council provides the following comments:

1. Overall, the process seems to be metropolitan Council focused, with not regard for the impacts upon rural Councils, which operate very differently to metro-based Councils. Often rural Councils only have one or two staff members involved in the planning process for their Council. There are ever increasing demands for rural Councils to meet the requirements that can realistically only be met by metropolitan Councils.
2. Temora Shire Council currently works well with developers and the community to support future, suitable growth and development. The issues and concerns that the Department highlights are not major issues in Temora Shire, so the implementation of any changes should be not applied or deferred for rural Councils.
3. Council does not support the change in name to rezoning application. Not all changes that require amendment to the Local Environmental Plan (LEP) involve a change in zoning. We consider this name change to be confusing and unnecessary. The name Planning Proposal now has general awareness within the community and it does not seem suitable to change this name.
4. Council supports the mandatory pre-lodgement process. This already occurs at Temora Shire Council in relation to planning proposals. However, it would be supported to mandate and structure this process to improve its effectiveness
5. Council does not support the lack of involvement of elected representatives as part of the new process, particularly the lack of upfront involvement. Elected Councillors have a role to represent the community and having early involvement in reviewing draft planning proposals is considered to be an important component of their role.
6. The current process of receiving a planning proposal, after consultation with the applicant, presentation to Council and then review through the Gateway Determination works well for

Temora Shire. This gives all parties a fair role in the process and includes the community and their elected representatives. The oversight from the Department provides the review against the Local Strategic Planning Statement, Regional Plan and other Government plans. In general, planning proposals have moved through their consideration, exhibition and determination within a reasonable timeframe. There does not appear to be a need to change this process for rural Councils.

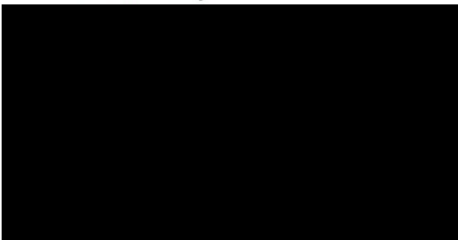
7. The allocation of only one week to assess the adequacy of a draft application is inadequate. Small rural Councils may only have one person who could carry out this work within their Council and allocating one week to complete this task is insufficient. At least two - three weeks should be allocated to this task. Other timeframes proposed based on categories are considered suitable.
8. Notification of draft proposals should still require a letter from Council to affected and adjoining landowners, where the proposal is not LGA wide. If the application has not been previously considered and supported by Council, this is confusing if a landowner receives a letter from Council. This is particularly of concern if elected Councillors and/or staff are not supportive/not fully informed of the proposal. Council staff should be receiving and assessing submissions on behalf of the community, in conjunction with the applicant being provided the opportunity to respond and forwarding this advice to those making the submission. Consultation directly with the community and/or State agencies by the applicant does not seem appropriate, as there is a genuine situation of conflict of interest. Placing the proposal in public exhibition without assessment of the merits of the proposal also creates unnecessary concern and angst for the community when proposals may be wholly unsuitable.
9. Council supports the current approach of DPE determining a proposal that involves Council owned land.
10. Council does not support the application of consistent fees across the state for proposals. Currently Temora Shire Council sets a rezoning application fee at \$3,500. This appears to be one of the lowest in the state, according to the information provided by the DPE. However, Councils should have the ability to set their own fees as they see appropriate to their community and not have the same fees as a metropolitan Council where land values are significantly higher. The proposed approach is too inflexible for rural Councils. The high cost of servicing land that is rezoned for urban purposes is a significant barrier to future development. Therefore, modest rezoning fees support progression of development of land that has strategic merit and is supported by Council and DPE. The high cost of supporting studies such as biodiversity, Aboriginal archaeology, bushfire and agricultural assessment prevent the submission of unsuitable planning proposals that would lack genuine merit, as they would not end up being supported by Council and/or DPE. Proposals that do have strategic merit and the support of Council would benefit from DPE support to fund the necessary studies to allow these proposals to be progressed.

11. Council does not support the use of a planning guarantee in Temora Shire. Council officers endeavour to always provide honest and fair feedback to those seeking advice on planning proposals. The new approach appears to place a large work burden on Councils and then if the imposed timelines are not met, Councils are required to refund fees. This will leave Councils worse off in relation to work demands without adequate funding of that work.

12. Council is not supportive of introducing appeals processes that place increase risk of cost and work load burden to Councils when a proposal has already been through a process of being considered and determined by the local planning authority that acts in the interests of the community and is overseen by DPE on behalf of the NSW Government.

Thank you once again for the opportunity to comment.

Yours sincerely



Kris Dunstan

DIRECTOR ENVIRONMENTAL SERVICES

On behalf of

GENERAL MANAGER