

28 February 2022

Ms Paulina Wythes  
Director, Planning Legislative Reform  
Department of Planning and Environment  
Via online submission form

Dear Ms Wythes,

The Business Council of Australia represents the nation's largest companies and private employers. Our members come from a diverse range of sectors across the economy.

Many of our members have highlighted the need for the NSW Planning System to undergo urgent reform. It has reached the point where businesses are telling us they are choosing to invest in other jurisdictions, rather than risk the delay and uncertainty of outcome that the NSW system creates.

In this context, the Business Council backs the need to reform the rezoning process. We urge the Department to move forward rapidly to implement the new process.

In respect to feedback on the specifics of the proposal:

- The desire to cut the current 20+ month rezoning timeframe down to 8 ½ months is commended. However, even this timeframe is excessive, and further time savings should be sought.
- The Department should be conscious of not setting KPIs that lead to perverse results, where project outcomes are further delayed.
- Upfront certainty on requirements is necessary for proponents. There also needs to be upfront assurance of strategic merit, at the scoping stage. Certainty for proponents in these areas are critical before they invest significant time and money in preparing exhibition documentation.
- It will be important for there to be flexibility in the system, so that projects are not forced to restart the submission process unnecessarily.
- Fully support the Department having responsibility for assessing and determining state and regionally significant rezoning.
- Central coordination of State agency feedback is sensible and could be established in conjunction with a coordination function for development application referrals. This function should also be used to ensure that information is not being requested multiple times.
- The exhibition process should be the avenue where agencies request further information. The ability for agencies to request information beyond this should be removed.

- Fees should be fixed to ensure there is some certainty for the proponent. The State Government should bear the burden of ensuring resources are available for councils, given it is responsible for creating the process.
- Establishing an appeals process is supported. It should however be seen as an exception rather than a normal outcome. Decision making should not be 'outsourced' to the appeals process when it becomes difficult. The Land and Environment Court may be best placed to provide this.

Thank you for the opportunity to provide feedback. We again reiterate the need to move forward swiftly with reforms that reduce time and cost burden on those involved in the process.

Yours sincerely



Jennifer Westacott AO  
**Chief Executive**  
Business Council of Australia