

15 February 2022

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

Dear Sir/Madam

Submission – A New Approach to Rezoning in NSW

Kiama Municipal Council would like to take this opportunity to thank you for allowing us to work collaboratively with the Department on the new approach to rezonings within the NSW Planning System.

Council supports proposals and reforms which seek to simplify the NSW Planning System.

Council is generally supportive of the proposed approach to the rezoning process however, the following comments are provided for consideration:

- The discussion paper indicates that State Agencies may be present at these meetings. While this is a positive proposal, it is not clear how this will be administered.
- While there is some merit to this proposal, deferring assessment of strategic merit to the end of the process will cause significant concerns for the community and time delays for Complex (i.e., proposals which are inconsistent with Strategies) and Principal (i.e., brand new LEPs) proposal.
- There are no details provided within the proposal to explain how the proponent will respond to submissions through the exhibition process. There is a concern that the proponent may need to access private (i.e., contact details) information and the community expectations will be for Council to provide responses to any submissions provided. There is uncertainty as to how this will be appropriately managed. The opportunity for proponents to engage closely with the community during the process, is supported, however further detail is required to assist in the management of this process, and to ensure that the community is allowed appropriate time and process to consider proposals.
- While the proposed process is generally logical, the proposed changes may be at the expense, both financially and reputationally, of Council.

- Upon consideration, Option 3, as discussed in Part B – New Fee Structure, would provide a balanced approach, enabling Council to recoup as much cost as possible and reduce the administrative burden. This option would be the preferred option for Council.
- It is also somewhat concerning that the Department is considering introducing an appeals mechanism for the final decision when they are also placing this responsibility on councils. This will place an additional financial and administrative burden on Councils which needs further consideration and review.
- Councils and their respective communities should have the opportunity to appeal the decision of the Department.

We appreciate the opportunity to provide this submission to you for consideration. We have also taken the opportunity to complete the survey, that has been provided by the Department on this reform program.

While Council is aware of the Department's Reform Schedule and timeframes, we would like to express our disappointment at the timing of the exhibition period and the number of reform packages that were released at this same time. The Discussion Paper was placed on exhibition on last day of the NSW Local Government caretaker period and closed within a month of the new Council forming. This has left very little time for new Councillors, or for the community to be informed of the proposed changes and provide adequate feedback.

Should you have any further enquiries regarding this matter please contact me on [REDACTED].

Yours faithfully

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Jessica Rippon
Director Environmental Services