



28 February 2022

Director, Planning Legislative Reform
Department of Planning, Industry and Environment

A new approach to rezonings in NSW

<https://www.planningportal.nsw.gov.au/rezoning-new-approach>

The Tomaree Ratepayers and Residents Association Inc (TRRA) represents the community on a range of issues which affects the Tomaree Peninsula in Port Stephens LGA, including planning and development, economic development, cultural infrastructure and resources, the built and natural environment, tourism and other grass roots issues.

Based on our experience of planning proposals in Port Stephens over the last 14 years, we would like to make the following comments:

- The proposal to allow the proponent of the planning proposal to have applicant status is worthy of consideration, as Councils' strategic planners have been put in the invidious position of having to draw up and defend planning proposals which the Council as a whole may not support. There may be merit in making it clear that a planning proposal is from an interested party, with Council playing a neutral role in assessing the proposal.
- Developers should not be the only parties to have appeal rights. They can often well afford the cost of a court appeal, while even Councils are reluctant to incur the costs, and community groups could rarely fund litigation even if they had appeal rights. If the proposed reforms are adopted, there must be some merits appeal rights for Objectors in respect of at least Category 2 and 3 Rezoning Applications. While an automatic right of appeal for all objectors would be unworkable and is not necessary, it should be possible to devise criteria for allowing low cost appeals in matters where a clear public interest can be demonstrated.
- Arbitrary time limits with penalties for exceedance of them re inappropriate. There must be flexibility in processing times dependent on individual case circumstances, particularly where inaccurate or incomplete documentation is provided.
- There must be no loss of transparency, public notice and community consultation about proposed rezoning. In particular, where the assessing authority receives significant new information from a proponent (e.g. where



the 'clock is stopped' to allow for further reports) then this information must be made available to objectors and other interested parties for further comment.

- In regard to the proposed types of assessment fees, we favour Option 3: Fixed and variable assessment fees. Whatever structure is adopted, the proponent of a planning proposal should pay the full cost including the Council's costs in assessing and processing the proposal.

We have no objection to this submission being published in full, unredacted.

Nigel Waters
Convenor, TRRA Planning Committee

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