**A New Approach to Rezonings Discussion Paper: Comments**

The proposed changes to rezoning procedures in this document favour developers unduly, at the expense of councils and communities. This is summarised in the question on p.33 *Do you think the public interest is a necessary consideration?* preceded by *What roadblocks do you currently face?* Many of the proposed changes could be incorporated into the existing procedures, bringing immediate improvement in time taken to reach approvals, one of the issues at the heart of this paper.

State Government can act to reduce the amount of time proponents spend in the proposal process by providing local councils with assistance and support to clarify their requirements, simplify them as scale dictates, and reduce inconsistencies in interpretation.

The other issue is council land use zonings, which are the result of extensive consultation with their communities and are made within the legal frameworks of environment and strategic plans at local, regional and state levels. They shape and control the way in which local communities adapt to pressures on their built and social environments. Zoning changes need careful consideration if the best possible long term outcomes are to be achieved. This may take more time than developers would like, as it impacts on their profit margins. Category 3 and 4 proposals should not be dealt with in this document as they are matters for strategic planning, and need to be assessed for their cumulative impacts.

**Mandatory scoping**

Mandatory scoping in the early stages of a rezoning proposal is a good idea, giving the proponent a clear guide to what information is required and the chances of approval. Proponents need to have a good understanding of the objectives of strategic plans, as proposals that are inconsistent should not progress. Development supports, it does not shape, strategic planning. Proponents can make their case for rezoning when the plans are periodically reviewed.

**Assess before exhibiting: keep the Gateway**

The public do not have the expertise to analyse and evaluate complex planning documents. We deserve to be given all relevant information about proposals, in accessible language, so we can make informed comments. This includes an assessment of the strategic merit of the proposal. We do not need to have our time wasted by being asked to comment on proposals that are incomplete or unlikely to proceed.

The Gateway determinations are a critical component of the rezoning process and should be retained at an early stage. Existing inefficiencies can be improved by making the state agencies involved accountable for the timeliness and effectiveness of their responses to stakeholders, as the document recommends.

Efforts to streamline and automate the exhibition process may well result in making it harder for us to access and comment. One way to engage us meaningfully is not overload us with unnecessary big changes. Use the systems already in place, just use them better.

**Conflict of interest**

Where there is a conflict of interest, owners or managers of land subject to rezoning proposals, including state agencies, should stand aside and applications should be determined by independent planning panels.

**Cost recovery yes, penalty fees no**

While it is reasonable to ask a proponent of rezoning to bear the cost of reviewing an application, and to establish desirable time frames for stages of the application to be

processed, the arbitrary imposition of fees should those timeframes not be met runs counter to good outcomes. Timeframes should be indicators, not set in concrete with fines for non-compliance. If the rezoning authority (usually council) finds it needs more time then the process must allow for deadlines to be negotiated, regardless of the timeframe limit. Quality outcomes are more important than speed. Councils should be able to call on state agencies for assistance in providing additional information and expertise, if resourcing is an issue. Whichever fee model is adopted, councils should not wear the cost of rezoning proposals.

**Right of appeal not warranted**

Giving the right of appeal to private proponents at the end of the process is not warranted and would extend the approval timeframe, as the result of any such appeal should be subject to further consultation with the community and local authority before being presented to a determining legal body. Under the existing process the hurdles are addressed much earlier (see Gateway) so if and when all the information needed is presented for assessment, the proponent knows the likely outcome of the proposal.

The existing system works. It just needs to be tweaked, better resourced and implemented.

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