



Regulation Benchmarking Study: Planning, Zoning and Development Assessments  
Productivity Commission  
GPO Box 1428 Canberra City ACT 2601

## **Submission for Reform to Zoning Appeals Process**

### **Productivity Commission Submission , Planning, Zoning and Development Assessments**

*The purpose of this submission is to draw the commissioners attention to a severe lack of accountability and fairness in the current land re-zoning appeals process, and the problems that are caused by this policy including the systemic abuse of power and incompetence that thrives under these conditions.*

**Prepared by**

**Climate Specific Architects**

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While there are a number of options available to have a development application reviewed, ultimately a guaranteed fair and legal decision may only be obtained through the Land and Environment Court where by all relevant documents can be reviewed and taken into account. For the purpose of a re-zoning application there is no review option even at the preparation stage of a new Council LEP. This means that the Council has total discretion and is not held accountable for their review process or decisions.

Section 54(2) of the EP&A Act does allow for the Minister to Facilitate the preparation of an LEP under certain Circumstances, but as we have found this process has little value as the Minister simply sends it back to the Department of Planning who advise the applicant to take it up with Council. Attached to this document is our attempt to get the Minister to intervene under section 54(2) of the EP&A Act by facilitating the preparation of an LEP to rezone land for the purpose of Seniors Housing by a community based trust.

We submit that for a fair, transparent and legal system of obtaining zoning approval it is absolutely necessary for the opportunity to obtain a legal qualification of the merits of a re-zoning application based on strategic justification under the Act.

It is further submitted that a review panel needs to be established to address the submissions made to local councils as part of the Draft LEP process. The lack of accountability in the current process apparently means that the Councils response needs not be qualified or based on any strategic document.

The attached "Report to Minister - Grounds for Gateway Review" outlines the systemic failures of the current system which is further emphasised by the fact that after 5 months the report has still not raised a written response from either the Planning Ministers office (who sent it to the Planning Department) or the Planning Department (who would only advise verbally that the applicant go back to Council and have them submit another Planning Proposal) is, we submit grounds for a review of this re-zoning appeals process.

We ask the Commissioner to take the Time to read through our "Report to Minister".