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## **Joint Regional Planning Panels Discussion Paper – UDIA NSW Submission**

The Urban Development Institute of Australia NSW (UDIA NSW) supports the introduction of Joint Regional Planning Panels to determine development applications of regional significance. UDIA NSW's support for the new framework is contingent on its ability to provide on a continual basis:

- greater transparency in decision making;
- greater efficiency over the current assessment framework in assessment timeframes; and
- a more competitive fee structure than the current framework.

UDIA NSW has reviewed the Discussion Paper and offers the following comments and recommendations for consideration by the Department of Planning. UDIA NSW has an extensive regional Chapter network and consulted extensively with its members in developing its response to the Department.

### **Part 3A Approach for Regionally Significant Development**

The expansion of the scope of applications that will now be classed as *Regionally Significant Development* will reduce the number of applications that will benefit from the Part 3A reforms – specifically the comparably tailored approach to assessment, and the need for agency concurrence for approvals. While the reforms to Part 4 assessment processes may streamline the agency consultation process, significant hurdles will likely remain where duplicate approvals are required.

Many constraints of the Part 4 process are beyond the scope of control of the Department of Planning, or local councils for that matter. Specifically, issues in regard to threatened species legislation, Aboriginal Heritage consents, etc. The Part 3A process provides a framework for dealing with these assessment issues in a more tailored and efficient manner.

UDIA NSW understands that coastal subdivisions that are currently determined under Part 3A are proposed to be determined under Part 4 of the Act in the new JRPP process. UDIA NSW recommends that these projects be remain classified as Part 3A projects but be determined under the new JRPP process. This will ensure that the benefits of the Part 3A process are applied to the new assessment and determination framework for coastal subdivisions.

### **Fees and Costs to Operate JRPPs**

The EP&A Act provides that Councils are to fund the costs associated with operating Regional Panels for their area. Preliminary investigations by the Department have estimated this cost to be in the order of \$2 million to \$3.5 million each year depending on the number of regional matters.

UDIA NSW suggests that the funding of the panels should be shared between the State Government and Councils. Any suggestion that development applications fees should be increased to fund the operation of the panels is strongly opposed. The cost of assessment processes and levies already in NSW already put investors at a significant disadvantage to their competitors in other states.

UDIA NSW recommends that the escalating fee scale applied to Part 4 applications is replaced with a fixed threshold structure based on the capital investment value of the project, with a prescribed maximum fee cost. Similar to that applied for Part 3A applications.

UDIA NSW also recommends that to provide greater incentive for meeting determination timeframes, once the assessment application exceeds the deemed refusal period, the consent authority must refund 50% of the cost of the fees. This will provide a strong material incentive for streamlined assessment of applications.

### **Transitional Arrangements**

UDIA NSW understands that some staged applications that are presently being dealt with under the current Part 3A assessment process will face some uncertainty as to their status under the new JRPP framework. UDIA NSW recommends that any projects that would fall under this category must continue to be assessed and determined under the current legislative framework.

### **Council Officer Delegations**

UDIA NSW understands that the approach to Council officer delegations to assess and determine development applications varies significantly throughout NSW. Ideally this should reflect an alignment with skills and responsibilities of Council officers.

UDIA NSW recommends that despite the prescribed investment thresholds for the JRPPs, Council officers should retain their existing delegations to assess and determine projects that would normally be determined by the JRPP under the new framework. This may assist in maintaining the scope for professional development for local government planners.

To ensure that there isn't scope for Councils to take advantage of these provisions to subvert the JRPP process by expanding their delegation structure, UDIA NSW recommends that Councils be required to publicly prescribe their existing determination delegations. Any application to exceed their current delegations would need to be approved by the Minister for Planning.

### **Assessment Timeframes**

No formal advice has been received from the Department in regard to proposed assessment timeframes and deemed refusal periods. Given the extensive scope of projects that will now be classed as Regionally Significant development, UDIA NSW recommends that prescribed assessment timeframes reflect the value and complexity of projects. For example – the assessment timeframe for a 20 lot coastal subdivision should arguably be different from a \$90 million infill development.

UDIA NSW recommends that the following deemed refusal periods be applied:

- Development of a capital investment of less than \$40 million – 70 days.
- Development of a capital investment of between \$40 million and \$100 million – 90 days.

These deemed refusal periods are generous to the consent and assessment authorities, particularly given efforts within other areas of Government to streamline the assessment of major project investment.

### **Review of Performance of JRPPs**

UDIA NSW advocates the implementation of a robust review process for the operation of the JRPPs. UDIA NSW recommends that an annual review be conducted on the operation of the various JRPPs and must account for:

- decisions made at variance to Council officer recommendations;
- assessment timeframes;
- suitability of classes of development determined by the JRPPs – including capital investment value thresholds; and
- qualitative feedback from on the performance of the respective JRPPs from applicants and stakeholders.

### **Conclusion**

UDIA NSW welcomes the opportunity to comment on the Discussion Paper. The successful implementation and operation of the Joint Regional Planning Panel framework will be vital to the broader success of the Government's planning reform agenda. UDIA NSW has offered a series of recommendations it believes, if implemented, will assist in improving the JRPP framework. We would welcome the opportunity to expand on any of the points raised in the submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Judy McKittrick', is written over a light grey rectangular background.

Judy McKittrick  
**President**