

Concept proposals

○ Frequently Asked Questions

June 2017

What is the proposed amendment?

The proposed amendment to the *Environmental Planning & Assessment Act 1979* will provide clarity and prevent delays in the assessment and delivery of staged State significant, regionally significant and complex local development applications (DA).

The amendments will make it clear for applicants that a staged DA may include a concept approval and only one subsequent DA and provide clarity around the level of assessment required for concept proposals and subsequent staged applications.

What does the Bill do?

The changes in the Bill will replace the current provisions for staged development applications in the *Environmental Planning and Assessment Act 1979* (Part 4, Division 2A). It will mostly replicate the current provisions, with the following key changes:

- 'staged development applications' will be renamed 'concept development applications', to better reflect what they contain in practice,
- a concept development application will be able to be followed by only one development application for the site, rather than the multiple applications currently required, and
- a new provision (section 83B(5)) will make it clear that the impacts of carrying out the development may be considered when the concept proposals are being assessed, but must be considered where approval to carry out works is sought.

The Bill also includes savings and transitional arrangements to ensure that the new provisions for concept development applications apply to pending development applications, as well as development consents previously granted. The changes will not apply to development consents that have been declared invalid by a court before the public release of the Bill.

Why has the amendment been developed?

The proposed amendment will support the continuing assessment and delivery of more than \$8 billion worth of development. Without these amendments, the assessment and delivery of major state, regional and complex local development could be delayed by up to 12 months, including the delivery of 14,500 homes across NSW.

The proposed changes arise out of the Court of Appeal's decision in relation to a DA for the Walsh Bay Arts Precinct.

The proposed amendments reflect accepted practice and will allow for the continuation of established development and assessment processes.

Will the amendment apply to developments already approved?

The proposed amendments would apply to applications that are under assessment, and protect any approvals that have been granted since the release of the draft Bill for public exhibition.

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Will these changes affect the Court of Appeal's ruling on the Walsh Bay Arts Precinct?

The proposed changes will not affect the Court of Appeal's decision for the Walsh Bay Arts Precinct.

What will be the process for finalising and making the proposed amendment?

All submissions received during public exhibition will be taken into consideration by the Department before the Bill is introduced to Parliament later this year.

Where can I see and comment on the proposed changes?

The draft amendment is on exhibition until 5pm Monday 24 July 2017.

Have your say online at www.planning.nsw.gov.au/conceptproposals

If you cannot lodge your application online, you can write to:

- Department of Planning & Environment, GPO Box 39, Sydney, NSW 2001

All submissions will be made public in line with the Department's objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. Before making a submission, please read our privacy statement at: www.planning.nsw.gov.au/privacy

Where can I find out more?

- Call us on 1300 305 695.
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to us on 1300 305 695
- www.planning.nsw.gov.au/
- email information@planning.nsw.gov.au