

24 July 2017

Mr Marcus Ray
Deputy Secretary
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Mr Ray

Re: Legislative amendments for concept proposals

I refer to the letter addressed to the Hon Anthony Roberts dated 16 June 2017. In this letter, we voiced our concerns surrounding the implications of the Court of Appeal decision on *Bay Simmer Investments Pty Ltd v State of NSW [2017] NSW 135*.

We thank the Department for their swift action taken to address this serious issue.

We support the Department's objectives to clarify the process of lodging concept proposals, avoid costly delays and return to the status quo to ensure that established processes can continue.

Our comments in relation to the draft regulation (Attachment A) are based on some expert legal advice that the Property Council commissioned from Henry Davis York lawyers. We have also attached a marked-up version of the bill with our suggested changes (Attachment B).

Should you wish to discuss this further, please don't hesitate to contact Tim Wheeler, Senior Policy Advisor, on twheeler@propertycouncil.com.au or 02 9033 1909.

Sincerely



Jane Fitzgerald

NSW Executive Director