

24 November 2017

Secretary
Carolyn McNally
Department of Planning and Environment
320 Pitt St
Sydney, NSW 2000

Review of Environmental Planning & Assessment Act Regulations 2000

Dear Sir,

Submission on the review Environmental Planning and Assessment Regulation 2000

1 INTRODUCTION

This submission is in reference to the issue paper released by the Department of Planning and Environment (Department) in September 2017 regarding a review of the *Environmental Planning and Assessment Regulation 2000* (Regulation) seeking public feedback to the Department in their review of the Regulation.

Calibre takes this opportunity to provide our feedback on the review of the Regulation based on our current experience with Development Applications (DA) with local Councils. These issues are addressed in Section 2 of this letter and we would anticipate the Department's strong review of these issues in its amended Regulation.

2 MATTERS OF CONCERN / INEFFICIENCIES UNDER THE CURRENT REGULATION

2.1 Rejection of development applications and requesting additional information

The current Regulation under *Clause 51 Rejection of development applications* and *Clause 54 Consent authority may request additional information* provides an explanation on the grounds Council may reject or seek for additional information.

These two (2) Clauses need to be reviewed more closely as they are often blurred and Councils are unnecessarily rejecting DA's when they can be issued as a Stop the Clock or seeking additional information. This puts additional burden on administrative staff who receive high volumes of lodgements each day and on assessing officers who can direct their time on other matters. An example of this issue, is where a Remedial Action Plan (RAP) Report was required when the Council could have been requested as additional information. This becomes time consuming on all parties involved and there should be more clarity in the Regulation as to reasons for rejection to accept DAs.

2.2 Online lodgements

Digital lodgements are intended to lighten administrative burden and requirements easier to satisfy Council. The amended Regulation should provide in – depth detail on what grounds electronic lodgements may be rejected and the expected timeframe for this DA to be officially lodged. Additionally, the Regulation should explain whether all DA's can be lodged online or if there are any exclusions.

Previous experience with a Council has not allowed for Calibre to lodge electronically on the basis it was within the South West Growth Centres and that it needed to be low risk. These limitations need to be amended as they will not lighten any administrative burden or quicken timeframes in its current form.

2.3 Fees and charges

Clarification is sought to confirm DA fees for subdivision works as currently the fee is charged with a base fee plus an additional fees as per the number of lots created. The fees charged for master plans need to also be investigated into by the Department as some Councils are quoting excessive amounts at DA stage. Additionally, the fees that Councils are charging for rezoning submissions is excessive and should be regulated.

2.4 Planning certificates

The amended Regulation needs to take into consideration the following matters to ensure a more smooth transition:

1. Bushfire Prone Land

These maps need to be updated more frequently. Every Council updates their maps at different times and it is inconsistent. Bushfire Prone Maps should be made mandatory to be updated every few years by every Council in NSW to ensure consistency and have updated and accurate bushfire levels.

2. Registration of Application / Consents

It should be mandatory to have DA's and Consents publicly available on the e – Planning Portal for public access.

3. Section 149 (5)

Relevant DA Consents should be for any consents issued in the last five (5) years instead of two (2) years as all Consents are valid for a five (5) year period from the date of issue by a Consent Authority.

2.5 Environmentally sensitive area

Subdivisions near environmentally sensitive areas are currently deemed to be under designated development if they contain wetlands on the site. The Regulation should be amended so it is not required to be a designated development if there are no works being held on land identified to contain wetlands. This makes it time consuming and delays development consent. Wetland maps are also not regularly updated and this should be updated to ensure accuracy. The requirement for an E.I.S as designated development is considered as unnecessary as the development assessment would address similar matters.

2.6 Council policies on VPAs

Councils are acting unreasonable in their negotiations on Voluntary Planning Agreements (VPA). VPA's are meant to be facilitating to encourage a developer to undertake work upfront for a development. Calibre's experience with negotiating VPA's with Councils is that they are placing expectations on VPA's negotiations that unless agreed, their development will not proceed.

We hope these issues raised in this letter will be of assistance in the Department's review of the *EP&A Regulation 2000*. Should you have any questions pertaining to the matters raised in this letter, please do not hesitate to contact me on 8808 5000 or alternatively via email at: peter.lee@calibregroup.com

Yours faithfully

Calibre Consulting (NSW) Pty Ltd



Peter Lee
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