

11 January 2021

The Hon. Robert Stokes MLA  
Minister for Planning and Public Spaces  
GPO Box 5341  
SYDNEY NSW 2001

cc. Katie Stevenson Minister Stokes' CoS  
cc. Jim Betts Secretary DPIE  
cc. DPIE; Marcus Ray, Deputy Secretary DPIE

Dear Minister

## **Savings and transitional provisions in new and amended environmental planning instruments**

I write to raise concerns in relation to the practice of not including savings and transitional provisions in new and amended planning policies.

The most recent example of the exclusion of savings and transitional provisions from new policy relates to the recently gazetted amendment to the *Environmental Planning and Assessment Regulation 2000*. The amendment to the Regulation requires additional information to accompany development applications relating to design verification of manor houses or multi dwelling housing (terraces) and changes to the way that levies for the "loss of affordable housing" are calculated.

The Urban Taskforce opposes this amendment to current policy which will result in extra costs and effectively a tax on improvements to existing and creation of existing housing stock, often to the detriment of a suburb's amenity.

Notwithstanding our general opposition to the intent and outcome of the Regulation amendment, the Urban Taskforce strongly opposes savings and transitional provisions being excluded from the amendment.

This reverses a longstanding practice in the NSW planning system which gives investors confidence that the "goal-posts" will not be changed after the submission of an application which involves significant expenditure on preparing documentation and specialist consultant reports.

The position of the Department of Planning has, for decades, been that the inclusion of savings and transitional provisions should be the default position of Government in implementing most key policy changes. One way of achieving this would be via a State Environmental Planning Policy (SEPP) that sets out default savings and transitional provisions for all new and amending environmental planning instruments.

A Savings and Transitional provisions SEPP would give greater confidence to industry in making investment decisions in NSW. On-going investment in the development of new and

improved housing will be critical to NSW's competitiveness with other jurisdictions in these most difficult of economic times.

I look forward to your response. Please feel free to call me any time to discuss this matter.

Happy new year!!

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Forrest', with a large, sweeping flourish extending to the right.

**Tom Forrest**  
Chief Executive Officer