

12th February 2020

Felicity Greenway  
Executive Director  
State Policies and Strategic Advice  
NSW Department of Planning, Industry and Environment  
Locked Bag 5022,  
Parramatta NSW 2124

Via email: [rapid.assessment@dpie.nsw.gov.au](mailto:rapid.assessment@dpie.nsw.gov.au)  
cc. Peter Achterstraat AM: [productivityfeedback@treasury.nsw.gov.au](mailto:productivityfeedback@treasury.nsw.gov.au)

## **Draft Rapid Assessment Framework**

Dear Ms Greenway

I write in relation to the *draft Rapid Assessment Framework* prepared by the Department of Planning, Industry and Environment (DPIE), for comment until 12<sup>th</sup> February 2021.

The bulk of the proposals within the Rapid Assessment Framework package will add red tape, time and cost to the preparation of major project applications. Most of the processes and new requirements proposed in the framework contradict the package's title. Urban Taskforce is greatly concerned that the policy team at DPIE is even proposing adding additional layers of red tape to the NSW Planning System when precisely the opposite is needed.

That said, the Urban Taskforce supports an efficient assessment process that tailors the assessment process commensurate to impacts. Reductions to the time taken to assess DAs for major projects will reduce the cost of delivering significant development, infrastructure and investment in NSW, providing the new homes and jobs critical to NSW's post COVID-19 economic recovery.

The Urban Taskforce has advocated to Government for improvements to the time taken to determine major project applications. In this regard the following commitments in the Framework are supported:

- The production of industry specific SEARs (but not the proposed "scoping report")
- The initial assessment steps for more straightforward State Significant development projects being reduced from 28 days to seven days
- The commitment to cut assessment times on major projects by up to three-quarters

In the interests of transparency and accountability **Urban Taskforce recommends** that DPIE introduces an assessment target for the assessment report to be completed in 28 days from the point the proponent submits the response to submissions (RTS) report.

While the Urban Taskforce supports the commitments relating to the standardisation of SEARs and reductions to assessment timeframes, Urban Taskforce generally opposes the remainder of the Framework. The package as drafted mostly serves to create additional layers of regulation and requirements that shifts assessment responsibilities away from DPIE planners and onto the proponent, adds to the never-ending expansion of information required to have a development application exhibited and determined and is ultimately a make work scheme for planning and environmental assessment consultants.

### **1. The draft framework shifts assessment responsibilities away from DPIE planners and onto the proponent**

The proposed, additional layers of regulation proposed are unnecessary and consistent with a growing trend from DPIE in increasing the regulatory burden of those wishing to undertake development in NSW.

The Urban Taskforce is increasingly concerned about additional imposts on the proponent and the subsequent reduction in tasks to be undertaken by DPIE's planners in assessing applications. DPIE's assessment planners are some of the most experienced and capable in the State and are best placed to ensure applications are fit for purpose and appropriately assessed.

The Urban Taskforce is very concerned that the Framework is simply a means to improve timeframes of major project assessment team.

SSD applications which do not comply with DPIE policy and planning law should be assessed as such by DPIE staff. Saving time at DPIE by transferring responsibility to the private sector does not constitute reform. This is akin to improving the medical error rate in hospitals by treating less patients. Doing less work is not the way to improve timeframes. Fixing the ridiculous burden of consultant reports, design reports, plans, community engagement and associated responses represents genuine reform.

Accordingly, **Urban Taskforce recommends** that the current role and responsibilities of DPIE planners assessing applications for major projects are retained until such time that the State Significant DA system is overhauled.

## 2. The draft Framework adds to the expansion to the scope of information required to have a development application exhibited and determined in NSW

While the Urban Taskforce supports the standardisation of requirements to improve the timeliness of process, such as that proposed with industry specific SEARs, we **recommend** the Government reduces, not expands, the level of documentation required at the early stages of an assessment.

Opportunities exist to refine a Response to Submissions report, particularly when a large volume of submissions are received during the public exhibition of a Major Project DA. The issues raised in submissions are not always relevant to the application. Instead of requiring the applicant to respond to all submissions, **Urban Taskforce recommends** DPIE synthesizes the submissions to identify the key issues that require a proponent response.

In particular for urban development and industry specific SEARs development

- Requirement for an “Amendment Report” is a duplication. Any design changes should be able to be included in a streamlined RTS
- Pre-SEARs community engagement is a duplication of the pre-EIS consultation and should only be required for high impact development such as waste facilities and mines. The level of detail available at the pre-SEARs stage is not sufficient for community consultation and may lead to miscommunication

Urban Taskforce members are also concerned about the level of research and information proposed to be required for a ‘Scoping report’ and before the plans and EIS are even prepared for State Significant Infrastructure, and the potential for such a requirement to be extended to other types of major projects.

Urban Taskforce members are very concerned about other proposed additions to the assessment process including the requirement for pre-SEARs community engagement and for an “amendment report” to accompany design changes. Both of these additions duplicate existing processes, adding no material outcomes to assessment quality or engagement standards.

Accordingly, **Urban Taskforce objects** to the proposals for:

- scoping reports
- amendment reports, and
- pre-SEARs community engagement

as they will add to the cost and time required to work through the state significant development processes.

### 3. The draft Framework is ultimately a “make work scheme” for planning and environmental assessment consultants

The Urban Taskforce **strongly objects** to the proposed requirement for all EISs to be certified by an “accredited professional practitioner” before submission, known as the Registered Environmental Assessment Practitioners’ (REAP) scheme.

Urban Taskforce asserts that the quality assurance process for an EIS should be the assessment of the proposal under the EP&A Act (albeit through a fast-tracked process). The proposed additional process of the accredited REAP reviewing and certifying major project applications adds cost, adds time and is contrary to providing a “rapid” assessment.

The proposed process is unnecessary – and very much in the interests of the planning industry at the further expense of the development industry.

While an early review of any state significant planning application prior to exhibition is supported, this should be undertaken by the experienced planners in DPIE who ultimately also prepare the assessment report.

The NSW Productivity Commission Green Paper was highly critical of the NSW Planning System, identifying it as a major constraint on the productivity of the NSW economy. This framework goes in the opposite direction to that proposed by the Productivity Commission. The draft Framework is yet another signal that the planning system is “not delivering for NSW”<sup>1</sup>. The **Urban Taskforce recommends** the NSW Planning system is urgently reformed and that this work includes an overhaul of the state significant DA system.

Table 1 includes a summary of Urban Taskforce recommendations.

The Urban Taskforce is available for additional engagement in developing much needed improvements to the NSW Planning System.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Forrest', written in a cursive style.

**Tom Forrest**  
Chief Executive Officer

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<sup>1</sup> NSW Productivity Commission, *Continuing the Productivity Conversation*, August 2020

Table 1:

**Summary of Urban Taskforce recommendations**

	<b>Urban Taskforce recommendation</b>
1.	DPIE, in seeking to meet the stated assessment timeframe targets, introduces a target for the assessment report to be completed in 28 days from the proponent submitting the response to submissions report.
2.	Urban Taskforce Recommends that any requirement for additional reports and processes be removed from the requirements of the reformed SSD and SSI (State Significant) framework including the <b>removal</b> of new requirement including: <ul style="list-style-type: none"> <li>• scoping reports</li> <li>• amendment reports, and</li> <li>• pre-SEARs community engagement</li> <li>• The proposed Registered Environmental Assessment Practitioner (REAP) review and certification scheme</li> </ul>
3.	The current role and responsibilities of DPIE planners assessing applications for Major projects are retained until such time that the state significant DA system is overhauled. The proposal to reduce DPIE timeframes by transferring responsibility to applicants is not a reform and must be scrapped.
4.	The Government reduces, not expands, the level of documentation required at the early stages of an assessment by having DPIE synthesize submissions received to proposals to identify the key issues that require a proponent response.
5.	The NSW Planning system is urgently reformed - inclusive of an overhaul of the state significant DA system