

14th December 2020

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

The Hon. Victor Dominello MLA
Minister for Customer Service
GPO Box 5341
SYDNEY NSW 2001

cc. Katie Stevenson Minister Stokes' CoS
cc. Jim Betts Secretary, DPIE
cc. Gino Cavallaro, ED ePlanning

Dear Ministers

Issues with lodgement of applications with Councils via the NSW Planning Portal

I write to raise concerns in relation to the practices of many Councils in the processing of applications via the NSW Government's Planning Portal.

Since July 2020, the NSW Department of Planning, Industry & Environment (the Department) has mandated lodgement of Development Applications via the NSW Planning Portal. The Urban Taskforce has supported the Planning Portal as part of the Government's E-Planning program with an expectation of improvements to the efficiency, transparency and consistency of DA processing practices.

However, as a consequence of the practices of many Councils and some referral agencies to the processing of applications, together with some small design "issues", the Portal is not currently delivering the anticipated efficiency outcomes espoused by both Government and welcomed by the development industry.

Urban Taskforce acknowledges that any new process or system is likely to *have teething problems*. Urban Taskforce members advise that issues with the Portal were raised with DPIE as part of a recent online forum. To date the issues are on-going and there has been no satisfactory response.

To formalise our concerns, the Urban Taskforce has consulted members and can advise of the following issues with the NSW Planning Portal:

1. Delays in processing DAs once submitted to Council

Some Councils are taking up to 2-3 weeks to process lodgements and issue invoices for payment of DA fees. It has taken up to 4-5 weeks for some Councils to just assess the completeness of the DA prior to registration in the Portal. The "clock" is not started within the portal until the application is logged.

2. Using the Portal screening process to make information requests not related to matters under the EP&A Act and Regulations pertaining to whether or not an application is complete

The screening process is sometimes being used by Councils to hold applications as pending whilst issuing 'Request for Information' for matters that would ordinarily be addressed through the assessment of the application.

This appears to be a practice used by many Councils to keep processing times down by delaying official entry of the application into the system. This "gaming" of the system must be stopped to maintain credibility of the e-Planning Portal.

3. The 'front page' of Active Work Screen on the Portal does not include sufficient information to determine the identity of each application

On applications with multiple concurrent DAs (eg. multi-staged master planned subdivisions) there can be several applications active over the same address, making it difficult to readily identify the matter that is of interest (the PAN number for each application must be known as there is insufficient other information to identify the application).

4. The main screen for each individual application does not show the purpose of the application until scrolling down some distance

This is a nuisance to users with multiple applications on the same property as it takes longer to identify whether you are looking at the correct application.

5. The portal does not distinguish between an applicant and an applicant's agent

The applicant's agent is often a consultant who is lodging and managing the application on the applicant's behalf.

This means critical correspondence is often delayed in reaching the agent who is the person responsible to action the matter.

There should be a separate line in the registration process for consultants' details to be included that are managing applications on behalf of an applicant.

6. The list of documentation for upload does not properly consider the documentation needed in support of a greenfield subdivision application

For example, there is no category for:

- Civil Engineering Plans
- Aboriginal Heritage Reports (Due Diligence Assessments)
- Salinity Assessments (as different from Geotechnical Reports or Contamination Assessments)

7. There is no way to delete a DA 'case' opened in error
8. Concurrence Activities are set up as separate applications rather than tasks in the parent application and this leads to a proliferation of matters on the Active Work page

This then takes time for users to associate each referral with each application (particularly where there are multiple applications with multiple referrals on the same property).

9. External agencies are requesting Integrated Referral Fees to non-integrated referrals which have no lawful charges attached to them
10. When completing the application form, the system does not recognise a variety of landowners for one DA

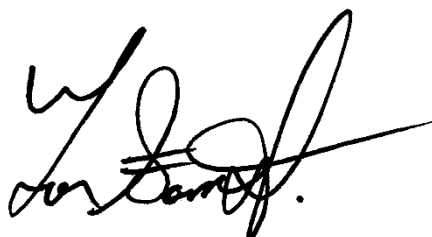
For example, if there is a landowner that is a company and a landowner that is a person, the system does not allow you to enter both details. The Portal requires a choice to insert one or the other, not both types of landowners.

It is understood the DPIE is looking at incorporating a whole range of other planning processes into the Portal, including Planning Proposals. Before doing this Urban Taskforce strongly urges DPIE to resolve the DA processing issues both prior to and over the Portal.

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

Wishing you a very merry Christmas, a safe and happy new year.

Yours sincerely

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

Tom Forrest
Chief Executive Officer