

12 February 2019

Mr Brett Whitworth  
Deputy Secretary  
Department of Planning and Environment  
320 Pitt Street  
SYDNEY NSW 2000

**By Email:** [brett.whitworth@planning.nsw.gov.au](mailto:brett.whitworth@planning.nsw.gov.au)

Dear Brett,

**RE: Environmental Planning and Assessment Amendment (Contributions Plans) Regulation 2019**

The Urban Development Institute of Australia (UDIA) NSW is the leading industry body representing the interests of the urban development sector. UDIA NSW advocates for better planning, timely and affordable housing, and the building of vibrant communities to increase local job opportunities.

On 25 January 2019 the *Environmental Planning and Assessment Regulation 2000* was amended to prevent consent authorities from determining a development application for urban development unless there is a section 7.11 contribution plan in place.

We recognise that it is important developers contribute to the provision of adequate infrastructure in a timely manner.

However, we are concerned this amendment could unreasonably delay development for the following reasons:

- Applicants do not have control over the section 7.11 plan process, which includes exhibition, Council resolutions and IPART review.
- Councils could hold up the section 7.11 plan process to prevent development.
- There are many development applications that are for the purpose of urban development but do not currently trigger section 7.11 contributions, such as access roadworks, bulk earthworks, infrastructure relocation/augmentation, and procedural subdivision.

For this policy to not delay development, UDIA NSW recommends the NSW Government amends clause 270A subclause 3 in the regulation by adding:

- (c) *the consent authority has otherwise reasonably determined that there will be a reasonable provision of local infrastructure as part of the proposed development or as a requirement of a condition of the development consent.*

As an interim measure the Department should reissue Planning Circular PS 19-002 to clarify that development can proceed where there is adequate provision of infrastructure and defines 'minor nature' is defined as to apply to any development application that does not comprise a final residential lot. The relevant contribution is payable at the subdivision certificate stage. This would allow enabling works to get underway. These amendments are detailed in attachment A.

We would be pleased to meet with you to discuss this matter further. If you have any queries, please do not hesitate to contact Elliott Hale, General Manager Policy, Media and Government Relations on (02) 9262 1214 or at [ehale@udiansw.com.au](mailto:ehale@udiansw.com.au).

Yours sincerely

A handwritten signature in black ink that reads "Steve Mann". The signature is written in a cursive style with a long horizontal flourish at the end.

Steve Mann  
**Chief Executive**