

Friday 12 February 2021

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UDIA NSW Submission to the Rapid Assessment Framework

The Urban Development Institute of Australia NSW (UDIA) is the leading industry body representing the interests of the urban development sector and has over 500 member companies in NSW. UDIA NSW advocates for the creation of liveable, affordable, and connected smart cities.

UDIA recognises that the exhibited reforms to the Rapid Assessment Framework (RAF) are a part of the Premier's Planning Action Reform Plan (PARP) announced in November 2019 and augmented as part of the COVID-19 response, which delivered additional initiatives like the Planning Delivery Unit.

UDIA led the industry advocacy in the immediate onset of the COVID-19 pandemic, through our *Project Bounceback: A Housing Led Recovery to COVID-19* noting that the development sector stands ready to support a construction-led recovery across NSW, and that planning reform is economic reform.

Through the COVID recovery phase UDIA has positioned our industry to act as the economic bridge towards a sustained economic recovery. The urban development sector drives economic growth in NSW, contributing 7.2% to GSP and currently supports over 246,000 jobs.

UDIA supports the proposed regulatory changes outlined in the *Policy Paper on Draft Regulation and Explanation of Intended Effect (EIE)*. This paper aims to standardise and strengthen the planning system and also increase transparency through the adoption of e-planning. Additionally the changes to the expiration of SEARs will assist in ensuring that EIS relate to contemporary environmental considerations.

It is critical that a commensurate assessment process is closely matched with a proposed State Significant Development (SSD) or State Significant Infrastructure (SSI). This will help ensure that key environmental issues are assessed in a timely manner that still achieves quality design and environmental outcomes. In this respect UDIA supports the adoption of industry specific SEARs to streamline the approval process for projects consistent with existing land use planning frameworks as well as the standardising of application procedures.

The 2018 UDIA NSW Building Blocks report identified that there are unnecessary bureaucratic induced delays in development assessment. UDIA advocates for the timely provision of critical SSI to ensure adequate housing supply via a streamlined development process.

Registered Environmental Assessment Practitioner

UDIA cautions the role of Registered Environmental Assessment Practitioner (REAP) which is presented in Section 3.5. If not managed correctly a REAP could potentially delay a project and reduce in time savings made elsewhere from the proposed changes.

As a worst case a REAP could force an applicant to undertake re-assessment of a key issue e.g. biodiversity, noise or traffic study, which essentially are studies that must occur within certain timeframes. Further it will be important to register an REAP who is outcome focussed and not solely aligned to one environmental issue. The Secretary or Minister should also have the power to override the REAP should a vexed issue emerge in the assessment process. The cost of engaging an REAP should not be borne by the industry.

Analysis of feasible alternatives

UDIA raises concern with the process to analyse feasible alternatives and contends that this concept needs more attention. The question of feasibility can apply different things to different disciplines. Meaning that feasibility from an engineering perspective may significantly contrast with feasibility from a land planning perspective e.g. inclusion of an additional station on a proposed rail line.

Typically the assessment of SSI alternatives has been undertaken and justified long before the EIS is publicly released, which lies in a strategic business case that is not publicly released. At the time an EIS is released, the proponent does not provide a full justification of one option over another and largely focusses on the benefits of the preferred option. There is usually only loose commentary about how other options were considered and/or cancelled.

Regarding analysis of proposed manners/methods of undertaking a development, again only loose commentary can be provided in the EIS especially if a tender for construction has not occurred. The best method to deliver a project and manage its impacts is usually obtained from the construction tender process with a sole focus to achieve time and cost savings and the preferred delivery may vary significantly from what was speculated in the EIS.

In this case, you could assume that the assessment of different methods to achieve an outcome is highly idealistic and largely based on standard and not innovative construction or delivery methods that may come from the tender process and its requirements.

As a potential back up, a development consent condition could be inserted that requires a further environmental assessment should the delivery manner documented in the EIS substantially change during the tender process with the aim of reducing or neutralising environmental impacts. This will ensure accountability in the EIS and proper consideration of all alternatives but also allow for potential change.

UDIA supports the stated goal of the RAF as a suite of proposed system improvements that increase the efficiency of major project assessments and speed up assessment timeframes while also improving assessment quality, engagement standards and customer service.

UDIA requests the Department of Planning, Industry & Environment (DPIE) reviews the points made in this submission. UDIA is open to further discussions with DPIE on the concerns raised, please contact Kit Hale on 02 8330 6907 and khale@udiansw.com.au in relation to this submission.