IMPROVING DEVELOPMENT ASSESSMENT – DISCUSSION PAPER

While this is described as a Discussion Paper, there will be no further exhibition before the proposed reforms are implemented. **Submissions close 5:00pm 30 July 2026**

https://www.nsw.gov.au/have-your-say/improving-development-assessment

WHY THIS MATTERS

The Department is exhibiting the *Improving Development Assessment* (IDA) discussion paper alongside a separate *Standard and Model Conditions of Consent SEPP*. Together, they standardise both what goes *into* a DA and what comes *out* of it. Efficiency gains may occur, but the joint effect risks engineering site-specific safeguards (bushfire, flood, canopy, heritage, contamination, acoustic) out of assessment. Submissions must be made via the Have Your Say page.

WHY BPN OPPOSES THE REFORMS AS DRAFTED

1. **Provision of all the listed "commonly required" documents and drawings must be made mandatory where relevant, and incorporated into the EP&A Regulation.** Currently a developer can refuse to provide requested documents and the consent authority can do nothing about it. The developer must not be allowed to refuse to provide requested documents.

2. **Improvements to the quality and completeness of DAs would be enhanced by mandatory documentary requirements.** Councils regularly complain that deficient documentation is one of the major causes of slower assessments. Making documents and drawings mandatory would eliminate most delays.

3. **Additional documents need to be mandatory where relevant.** These include a Vegetation Management Plan, a Fauna Management Plan and a Strategic Bush Fire Study.

4. **Appropriately qualified consultants must prepare reports** eg arborists must be members of IACA, Structural Engineers to have Bachelor of Engineering (structural or civil) degree, etc.

5. **Necessary standards have been omitted from listed documents, including:**
   - Statement of Environmental Effects – type of fill, stormwater easements
   - Photomontage – must have photos from four directions not just one
   - Subdivision Plan – indicative building envelope
   - Arborist Report – list of trees, size, health, tree plan, TPZs and SRZs
   - Geotechnical report – soil and rock types
   - Heritage Impact Statement – curtilage; views to and from heritage item or HCA
   - Plans of Management – for daytime venues not just night venues; must include acoustic limits
   - Soil and Water Management Plan – existing and proposed easements

6. **Necessary standards have been omitted from listed drawings, including:**
   - Structural Report – details of all frames and beams not just steel ones; dilapidation reports
   - Shadow Diagrams - clarify "adjoining" windows and open space are in neighbouring properties
   - Survey Plan – topography of adjoining property should not be "where relevant". "Significant trees" should be "trees" only, because surveyors are not qualified to assess tree significance.
   - Floor and Roof Plans – from experience developers won't provide room layout unless required
   - Landscape Plan – must be for all residential buildings. Must be mandatory to adopt State's tree canopy targets

7. **Application of proportionate requirements is conditionally supported.** While small DAs may apply proportionate requirements (e.g. arborist report if trees are removed or pruned), thresholds must be transparent. Larger DAs must incur full current mandatory report and diagram documents.

8. Improving Development Assessment must be considered together with the exhibited Conditions of Consent. They share the PSR Act (2025) as their enabling statute but the IDA paper does not analyse their combined effect. The Department should model and consult on the joint effect.

9. Online tool is supported but with conditions. The following needs clarification: Who owns and updates the data layers? Who is liable if outputs are wrong or out of date? How are specialist-report and referral triggers actually calculated? The tool must provide LEP/DCP and Council-adopted controls with equal weight to State controls. Correct input into the tool is vital to the tool's integrity and success.

10. Rejection as a mandatory consequence. All relevant "standards" must be mandatory. Failure to provide required documents, drawings and information must trigger rejection (as different from refusal) of a DA, under clause 51 of the EP&A Regulation.

11. The 7-day rejection window is inadequate. The 7-day rejection window compresses the consent authorities checking time. It should remain at 14 days. Non-minor amendments should trigger re-notification to neighbours and submitters.

12. Deemed lodgement must not automatically freeze the legislative and policy framework applicable to the DA: Where reforms introduced after deemed lodgement deliver stronger environmental, heritage, bushfire or amenity protections, those improved protections must apply to still-open matters. Otherwise, “deemed lodgement” becomes a savings-and-transitional loophole that locks in weaker standards for years.

13. Where a DA is amended the application must also be assessed under the legislative and policy framework that is current at the time of the DA amendment. Drawing requirements must be mandatory for amended drawings.

14. The Christmas/New Year exclusion is supported. The exclusion is sensible. However, the growing reliance on *deemed* approvals and *deemed* non-refusals when consent authorities fail to meet timelines, should not substitute for genuine merit assessment.

QUICK OPPOSE / CONCERNED / SUPPORT CHECKLIST

Oppose: minimal mandatory requirements for documents and drawings; use of non-expert consultants; drift toward automatic consent when boxes are ticked; weakening of Council discretion to refuse where developer-provided expert opinion is inadequate; 7-day rejection window; freezing framework at deemed lodgement; DA amendment assessment under old legislation and policies; any framing that treats *IDA* as unrelated to the *Standard and Model Conditions of Consent.*

Concerned: whether data will be kept up to date in online tool; responsibility and legal liability for the tool; lack of re-notification for amended DAs.

Support: conditional support of the online tool concept; Christmas/NY exclusion; clearer "made / submitted / lodged" terminology; removal of the undefined "return" limbo.

HOW TO MAKE YOUR SUBMISSION

Write in your own words. Identical submissions are counted as one; personalised submissions carry more weight.

Lead with your local example. A recent DA in your area where poor documentation, stale mapping, or standardised conditions caused harm makes the strongest evidence.

Be specific. Cite the section number in the discussion paper (e.g. s.4.3.2 on standards; s.5.1.2 on deemed lodgement; s.5.3 on amendments).

Submit via nsw.gov.au/have-your-say/improving-development-assessment

Closing date: 5:00pm 30 July 2026