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Dear Clay,

## Discussion Paper – Improving development assessment

### Introduction

Thank you for the opportunity to comment on the Improving development assessment discussion paper (the discussion paper). HIA supports the measures proposed in the discussion paper to enable consent authorities to assess development applications (DAs) more efficiently and consistently, and to reduce the escalating requests for further information from applicants.

In this regard, HIA supports both stages of the proposed reforms to improve development assessment, which are:

- Stage 1 – Supporting higher quality applications, including development of an interactive online tool to provide tailored guidance on the information required for DAs, including specifications for drawings and plans, and the requirement for accredited professionals to prepare that information.
- Stage 2 – Reforms to the lodgement process, including an online payment gateway for DAs, additional provisions to make sure payment and lodgement occur after a certain time, and to provide clarification for when a DA is submitted and lodged.

The comments below focus on the proposed improvements to development assessment and have been developed in consultation with HIA members. They reflect their experience with the DA process as it currently operates.

### Application quality and lodgement performance

HIA strongly endorses the opinion that lodgement issues remain a key issue across the system, with the DA return rates data cited in the discussion paper demonstrating the significance of this. The data shows that Fairfield, Liverpool, Canterbury-Bankstown, Campbelltown and Sutherland councils are all returning more than half of the DAs submitted to applicants. This is a key area of concern for HIA members who are experiencing an increasing number of requests for further information (RFIs) from councils, which can lead to significant delays in lodgement.

Therefore, HIA strongly supports the proposal to standardise information requirements to support DAs, which is applied consistently across the state.

## **Interactive digital tool**

The development of an interactive digital tool is supported to reduce uncertainty in the DA lodgement process for applicants and minimise the need for applications to be returned or supplemented prior to lodgement. Consolidating and clarifying the documents and drawings to be submitted with a DA will improve transparency and make it easier for applicants to navigate DA requirements across all councils, including when a site has unique land-use features such as bush-fire prone land or heritage status.

An important point to note is that an address-based entry point to pre-fill information may not work for unregistered sites, particularly on greenfield lots. This is because newly subdivided lots do not have a registered street address (or deposited plan number) until the site is formally registered by the NSW Land Registry Services.

The discussion paper does not specify whether it will be a mandatory requirement for applicants to use the online tool, prior to submitting a DA on the NSW Planning Portal. Further, there is no clarification about whether the online tool will connect to the portal, to register a pending DA prior to it being submitted. More clarification about this is needed.

A document missing from the list of existing requirements on page 4 is the NSW Government's *Low Rise Medium Density Design Guide for Development Applications*. The guide includes information covering preparation of a development application (refer page 199 of the Design Guide).

On a more general matter, will the online tool be designed to be intuitive about options for planning pathways? For example, will the tool be able to identify proposals that are exempt development or complying development, meaning that the applicant would not need to apply for a full DA.

## **Requirements and standards for development applications**

General requirements for drawings – the proposed requirements identify the need for levels to reference the Australian Height Datum (AHD). This is not always necessary, particularly for smaller developments where levels referenced to a nominated benchmark (BM) would be sufficient. The need for AHD levels can add to cost and should only be specified where necessary. This may include flood prone land where the levels are critical to the development.

Requirements for site plans – regarding section 4.2.2 *Requirements for site plans*, it is not reasonable to expect site plans to include details of the use of rooms for adjoining neighbouring properties (dot point 5). This is because the applicant would not necessarily know or be able to find out this information. Furthermore, contour plans should only be required where there are changes to the land levels proposed. For example, contour plans would not be needed for a new carport over an existing hard surface area.

Proposed standards – it is noted that requirements for a *Clause 4.6 Variation request* are not included as part of the exhibition material.

Whilst HIA is aware that a Clause 4.6 Variation request is not always required for a DA, guidance on what information should be included would be valuable. This is because these reports, if required, form an integral part of the planning documentation. This is if there is a proposed breach of the relevant Local Environmental Plan (LEP) development standard, such as building height or floor space ratio.

Guidance on Clause 4.6 Variation reports would provide consistency for applicants when working across multiple council areas.

Arborist Report – The proposed standards for an Arborist Report are quite broad and would appear to apply to any tree on the site or adjacent land. Consistent with the purpose, the 'When is it required' should limit the application to protected, significant and heritage trees. A definition of 'protected tree' may also be required. The need for an 'arborist report' to justify the removal of a tree or assess its health may not be relevant in all cases.

## **Improvements to the DA process**

We support the proposed DA submission and lodgement changes, and in particular the regulatory changes to:

- clearly define the terms 'submitted' and 'lodged' and removing the word 'made' in relation to the DA process
- require the lodgement of a DA within 7 days of submission
- the removal of the 'return' function on the Planning Portal

HIA members consistently comment on the frustrations for applicants caused by the delays with DA lodgement and therefore, improvements in the regulatory requirements are considered essential.

It is also recommended that further consideration is given to the consent authority's powers to use the 'request for further information' provision to trigger 'stopping the clock' during the DA assessment process. The 'stop the clock' action can lead to time delays in assessment and lack of transparency for applicants if not used consistently.

## **Implementation**

HIA supports the roll-out of the online tool later this year. However, we urge that priority is also given to the Stage 2 subsequent reforms to develop regulations that give effect to the proposed submission to lodgement changes, the planning portal changes, and the introduction of the online payment gateway. These Stage 2 changes are vital to addressing some of the difficulties experienced by HIA Members in navigating the development assessment process.

If you have any questions or require further information on the matters raised in this submission, please contact Michael Said, Director, Policy NSW, by telephone 9978 3390 (email [m.said@hia.com.au](mailto:m.said@hia.com.au)) or Cathy Towers, Assistant Director Planning, by telephone on 9978 3387 (email [c.towers@hia.com.au](mailto:c.towers@hia.com.au)).

Yours sincerely  
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