

24 June 2026

Kiersten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Submitted via [the Planning Portal](#)

Re: Submission: Variations and changes to complying development: explanation of intended effect

Dear Ms Fishburn

Thank you for the opportunity to make a submission to the Department of Planning, Housing and Infrastructure (DPHI) regarding the *Variations and changes to complying development: explanation of intended effect* (the EIE). This submission has been prepared with the input and support of our member councils but should be considered draft until it is formally endorsed by the NSROC Board.

The Northern Sydney Regional Organisation of Councils (NSROC) members are the eight councils in the northern Sydney area: Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde, and Willoughby. NSROC brings these councils together to work on projects and common goals to create solutions that benefit not just individual communities, but the entire region. NSROC member councils service an area of 639km² with a population of 662,281 as of 2026 which extends from the Hawkesbury River in the north to Sydney Harbour in the south, west to Meadowbank on the Parramatta River.

Overall, NSROC is supportive of reforms that will result in a more efficient, risk based and proportionate planning system. However, reforms must be developed and implemented with careful consideration of downstream effects. Many of our member councils will be providing detailed feedback on the EIE. Our submission highlights several of the major concerns. Our recommendations include:

- Share the evidence base for the complying development variations approach to allow stakeholders to better understand the problem and to build support for the proposed reform.
- Provide councils with the opportunity to provide feedback on a consultation draft of the amending regulation so that they can understand, inform and prepare for the variation assessment process.
- Target assessment times (published and monitored) are a more appropriate mechanism to monitor efficiency than the proposed deemed approval.
- The target assessment time for variation certificates should be 15 working days to allow a check of the accuracy of the claimed variations, a site inspection, and any referrals to technical staff such as an arborist or development engineer.
- The proposed fees should be set to better reflect the assessment work required as well as the number and complexity of variations sought.

The EIE presents limited evidence to justify the proposed reform.

It is acknowledged that collecting quantitative data on non-qualifying development can be challenging. However, providing evidence to justify the proposed approach would help build support for the reform. A clearer understanding of the barriers to complying development uptake would provide stakeholders with some assurance that the proposed changes will achieve the reform objective.

Councils also need more detail on process and implementation than is included in the EIE to understand the risks that they will need to manage and potentially mitigate.

Recommendations

Share the evidence base for the complying development variations approach to better understand the problem and to build support for the proposed reform.

Provide councils with the opportunity to provide feedback on a consultation draft of the amending regulation so that they can understand, inform and prepare for the variation assessment process.

The reform does not account for cumulative effects of more than one variation for a proposal

Without additional supporting evidence and context, NSROC does not support allowing variations to complying development standards. Of particular concern is the proposal to allow more than one variation for a single proposal. The cumulative impact of up to 3 or 4 variations for one proposal would lead to adverse amenity impacts for neighbouring properties. Council's assessment would be limited only to variations sought and not the whole CDC application, therefore cumulative effects could not be adequately considered.

Deemed approval periods for variation applications risk negative community impacts

NSROC does not support the proposed deemed approval mechanism, as variations should not be approved by default without proper assessment of their potential impacts on the community.

The 10-day timeframe for assessment of variations to complying development standards is too short and does not reflect the level of assessment required for variations that can directly affect adjoining landowners and streetscape outcomes. Further, the reference to 'calendar' rather than 'working' days is problematic particularly when public holidays are factored in.

Recommendations

Target assessment times (published and monitored) are a more appropriate mechanism to monitor efficiency than the proposed deemed approval.

The target assessment time for variation certificates should be 15 working days to allow a check of the accuracy of the claimed variations, a site inspection, and any referrals to technical staff such as an arborist or development engineer.

The fee schedule is inadequate

The proposed fees for variation certificates are inadequate, particularly where an applicant can seek variations for up to four complying development controls as part of a single application. The assessment of variations to controls such as height, gross floor area, setbacks, privacy, and bulk and scale standards requires professional planning judgement and administrative processing. These matters are not minor administrative tasks, particularly where multiple variations could be sought and where the outcome could directly affect adjoining properties and the streetscape.

If a variation pathway is adopted, the proposed fee schedule must be reviewed to ensure fees are commensurate with the assessment work required, the number and complexity of variations sought, and the anticipated increase in variation applications.

Recommendation

The proposed fees should be set to better reflect the assessment work required as well as the number and complexity of variations sought.

NSROC supports the proposed shift to a more risk-based, efficient and standardised planning system. Its effectiveness and broader community acceptance will be contingent on striking the right balance between efficiency gains, design quality, local character and community outcomes.

NSROC would welcome the opportunity to continue to work with government on planning system reform. For any further information, please contact Dr Meg Montgomery, NSROC Executive Director on 0401 640 823 or mmontgomery@lanecove.nsw.gov.au.

Yours sincerely



Dr Meg Montgomery

Executive Director

Northern Sydney Regional Organisation of Councils