

c2025-210I
GRNS--The Greens

LEGISLATIVE COUNCIL

Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025

Second print

Proposed amendments

No. 1 **Definition of “development standards”**

Page 4, Schedule 1[3]. Insert after line 25—

- (xiva) measures for the protection of development from the impacts of natural hazards and climate change,

No. 2 **Development Coordination Authority advice, recommendations and reports to be published**

Page 7, Schedule 1[16], proposed section 2.11F. Insert after line 14—

- (2) The Development Coordination Authority must publish on a website maintained by the Department advice, recommendations and reports provided to the Minister under subsection (1) within 10 business days of the advice, recommendation or report being provided.

No. 3 **Development Coordination Authority transparency**

Page 7, Schedule 1[16]. Insert after line 14—

2.11FA Development Coordination Authority transparency

The regulations may require that specified documents and information, or documents and information of a specified class, relating to the Development Coordination Authority must be made publicly available on the Development Coordination Authority’s website or the NSW planning portal.

No. 4 **Consultation about cultural heritage and Aboriginal land**

Page 8, Schedule 1[16]. Insert after line 10—

2.11J Consultation on cultural heritage and Aboriginal land

- (1) Before exercising a function that may or is likely to affect Aboriginal cultural heritage or land subject to native title or a claim made under the *Aboriginal Land Rights Act 1983*, the Development Coordination Authority must consult with the following—
- (a) the New South Wales Aboriginal Land Council,
 - (b) the relevant Local Aboriginal Land Council,
 - (c) the native title representative body for New South Wales as declared under the *Native Title Act 1993* of the Commonwealth, Part 11.

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- (2) The Development Coordination Authority must have regard to advice received during consultation under this section.
 - (3) The Development Coordination Authority must publish on the Authority's website or the NSW planning portal written advice received during consultation under this section unless the body being consulted has requested the written advice, or a part of the written advice, not be published on the grounds of cultural confidentiality.
 - (4) The regulations may deal with consultation required under this section.

No. 5 Community participation plans

Page 12, Schedule 1[27]–[33], lines 1–27. Omit all words on the lines. Insert instead—

[27] Section 2.23 Community participation plans—preparation

Insert after section 2.23(2)(c)—

- (c1) Participation in planning processes should be supported by the timely public availability of all documents and information relevant to a planning decision for the full duration of the planning decision's exhibition period.

[28] Section 2.23(3A)

Insert after section 2.23(3)—

- (3A) A community participation plan must be consistent with, but may exceed, the minimum standards approved by the Planning Secretary and published on the NSW planning portal.

No. 6 Statement of reasons for decisions

Page 13, Schedule 1. Insert after line 26—

[40A] Section 2.32

Insert after section 2.31—

2.32 Statement of reasons for decisions

- (1) A consent authority must prepare a written statement of reasons for each determination made under this Act, section 4.16.
- (2) The statement of reasons must—
 - (a) identify the matter determined, including the land or proposal to which it relates, and
 - (b) specify the decision made and the statutory provisions applied, and
 - (c) set out the principal reasons for the determination, including reference to any relevant considerations under section 4.15, and
 - (d) set out the rights of appeal for interested persons, if any.
- (3) The consent authority must publish the statement of reasons on the consent authority's website or on the NSW planning portal within 7 days after the determination is made.
- (4) The Minister may, by order published in the Gazette, specify further classes of decisions to which this section applies.

No. 7 Special consultation procedures concerning threatened species

Page 14, Schedule 1[43], lines 1 and 2. Omit all words on the lines.

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- No. 8 **Evaluation of “significant” likely impacts of development**
Page 16, Schedule 1[63], lines 27 and 28. Omit all words on the lines.
- No. 9 **Evaluation—climate change and other considerations**
Page 16, Schedule 1. Insert after line 28—
 [63A] Section 4.15(1)(b1)
 Insert after section 4.15(1)(b)—
 (b1) the likely impacts of climate change on the development and the
 contribution of the development to climate change,
- No. 10 **Evaluation—factors**
Pages 16 and 17, Schedule 1[64], line 29 on page 16 to line 5 on page 17. Omit all words on the lines.
- No. 11 **Natural hazard and climate risk assessment**
Page 17, Schedule 1. Insert after line 48—
 [65A] Section 4.15A
 Insert after section 4.15—
 4.15A Natural hazard and climate risk assessment
 (1) A consent authority must not grant consent to development on hazard
 prone land unless a natural hazard and climate risk assessment for the
 development has been prepared and considered.
 (2) A natural hazard and climate risk assessment must address, to the fullest
 extent possible, the likely impacts of relevant natural hazards and the
 projected effects of climate change on the development and on the
 affected or likely to be affected environment.
 (3) Without limiting subsection (2), for development on bush fire prone
 land, a natural hazard and climate risk assessment must be prepared in
 accordance with guidelines approved by the Commissioner of the NSW
 Rural Fire Service.
 (4) The regulations may make provision about the form and content of a
 natural hazard and climate risk assessment.
 (5) In this section—
 hazard prone land means the following—
 (a) bush fire prone land,
 (b) flood-affected land,
 (c) land subject to coastal hazards, as identified by or under an
 environmental planning instrument.
- No. 12 **Declaration of targeted assessment development**
Page 18, Schedule 1[69], proposed section 4.20A(1), line 39. Omit “development,”. Insert instead
“development for residential purposes,”.
- No. 13 **Declaration of targeted assessment development**
Page 18, Schedule 1[69], proposed section 4.20A. Insert after line 40—
 (1A) A State environmental planning policy must not declare development, or a
 class of development, as targeted assessment development unless—
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- (a) the development is likely to have minimal environmental impact and limited social effect, and
 - (b) public consultation would not materially assist the assessment or determination of the development.

No. 14 Revocation or modification of development consent—compensation

Page 27, Schedule 1. Insert after line 9—

[108A] Section 4.57(7)

Omit the subsection.

No. 15 Duty to consider environmental impact

Page 27, Schedule 1[113], lines 19 and 20. Omit all words on the lines.

No. 16 Duty to consider environmental impact

Page 27, Schedule 1[114], proposed section 5.5(2), lines 23–25. Omit all words on the lines. Insert instead—

- (2) Without limiting subsection (1), a determining authority must, when assessing an activity, consider bush fire hazards, including the projected effects of climate change on fire frequency and intensity.

No. 17 Duty to consider environmental impact

Page 27, Schedule 1[114], proposed section 5.5(2), line 23. Omit “may”. Insert instead “must”.

No. 18 Duty to consider environmental impact

Page 27, Schedule 1. Insert after line 25—

[114A] Section 5.5(4)

Insert after section 5.5(3)—

- (4) In examining and taking into account matters affecting or likely to affect the environment by reason of an activity, a determining authority must have regard to the following on the affected or likely to be affected environment—
 - (a) natural hazards, including flood, bush fire, coastal erosion, and other extreme events,
 - (b) the projected effects of climate change.

No. 19 Duty to consider climate impacts

Page 27, Schedule 1. Insert before line 26—

[114B] Section 5.5A

Insert after section 5.5—

5.5A Duty to consider climate impact

A determining authority must, when assessing an activity, consider the likely impacts of climate change on the activity and the contribution of the activity to climate change.

No. 20 Affordable housing contributions for complying development

Page 27, Schedule 1. Insert after line 38—

[117A] Section 7.33A

Insert after section 7.33—

7.33A Extension to certain complying development

- (1) This division extends to the grant of a complying development certificate for development that is or substantially is for residential purposes as if a reference to—
 - (a) a development application were a reference to an application for a complying development certificate, and
 - (b) a consent authority were a reference to the council, and
 - (c) consent to a development application were a reference to consent to a complying development certificate, and
 - (d) the grant of consent to a development application were a reference to the determination of an application for a complying development certificate.
- (2) To avoid doubt and despite section 4.28(6)(a), a council may impose a condition on a complying development certificate under this section.
- (3) For subsections (1) and (2), the council may impose a condition under this division on a complying development certificate—
 - (a) for a complying development certificate completed by the council—at the time the certificate is completed, and
 - (b) for a complying development certificate completed by a registered certifier—within 14 days of being notified of the determination of the application for the issue of the complying development certificate under section 4.28(11)(b).

No. 21

Community participation plans

Page 31, Schedule 1[154] and [155], lines 34–37. Omit all words on the lines.