

Mark Latham Sheet No. A02.4

**Amendments to the
Environmental Planning and Assessment
Amendment Bill 2025**

[1] Objects of Act

Page 3, after line 2, insert new Item [A1]:

In existing Section 1.3 of the *Act*, insert new subsections:

- (ca) to promote housing affordability and housing choice by encouraging the supply of new housing,
- (cb) to promote economic growth and increased employment opportunities,
- (cc) to promote higher living standards,
- (cd) to encourage investment in the development of new property assets.

[2] Mandatory community participation requirements

Page 4, after line 7, insert new Item [9A]:

In existing Section 2.22 of the *Act*, insert new subsection:

- (3) A consent authority must not place an application for zoning or development consent for State Significant Development on public exhibition.

[3] Prohibition on Unsolicited Proposals

Page 4, after line 7, insert new Item [9B]:

Insert new Section 2.32 titled "Prohibition on Unsolicited Proposals":

The use of Unsolicited Proposals, as per the NSW Government Unsolicited Proposals Guide for Submissions and Assessment, for the assessment of land use planning, rezoning, development applications and any other responsibility of this *Act* is prohibited.

[4] Time Limits

Page 5, after line 34, insert new Item [25A]:

Insert new Section 3.40A titled "Time Limits":

The Minister can, by the making of regulations, set time limits on the processing of applications in any part of his *Act*, after the expiry of which applications are automatically approved.

[5] Evaluation

Page 5, after line 34, insert new Item [25B]:

In existing Section 4.15(1) of the *Act*, insert new subsection:

- (ca) the social, economic and environmental benefits of that development;

[6] Imposition of Conditions

Page 5, after line 34, insert new Item [25C]:

In existing Section 4.17 of the *Act*, insert new subsection:

- (1A) The consent authority must, unless it considers that the circumstances warrant otherwise, ensure that any conditions of consent:
 - (a) do not include matters of detail or process that are more appropriately dealt with as a matter of detail design in the plans and specifications prepared for a construction certificate or subdivision works certificate application, and
 - (b) do not prescribe practices or procedures that restrict or hinder the efficient performance of work, and
 - (c) do not contain provisions that have the effect of restricting or hindering efficiency or productivity in the construction or operation of new premises.

[7] Abolition of the Independent Planning Commission

Page 11, after line 22, insert new Item [48]:

Further amendments to the *Environmental Planning and Assessment Act 1979* to abolish the Independent Planning Commission and remove references to it throughout:

- (a) Division 2.3: repeal in its entirety.
- (b) Section 1.4: delete the words "*Independent Planning Commission* means the Independent Planning Commission constituted under Part 2."
- (c) Section 1.5: delete existing Notation (b)(iv) and replace with "State significant development (development that requires consent by the Minister)" so that references to the Independent Planning Commission are removed.
- (d) Section 2.4(1)(c): repeal in its entirety.
- (e) Section 2.15 Notation: delete all text in the parenthesis.
- (f) Section 2.21(1)(d): repeal in its entirety.
- (g) Section 2.26(1): delete the words "The Independent Planning Commission or a" and replace with "A".
- (h) Section 2.27(1): delete the words "The Independent Planning Commission or a" and replace with "A".
- (i) Section 2.28(f): repeal in its entirety.
- (j) Section 2.31(1): delete the words "the Independent Planning Commission,".
- (k) Section 3.32(2)(c): delete ", the Independent Planning Commission".
- (l) Section 3.34(2)(e): delete the words "the Independent Planning Commission or other" and replace with "a".
- (m) Section 3.34(5): delete the words ", the Independent Planning Commission or".
- (n) Section 4.5: delete the whole section and replace with "in the case of State significant development, the Minister or his delegate."
- (o) Section 4.6: repeal in its entirety.
- (p) Section 4.16(6): repeal in its entirety.
- (q) Section 4.16(7): repeal in its entirety.
- (r) Section 4.20(2)(a): repeal in its entirety; merge (b) into (2).
- (s) Section 4.36(3): delete the words ", but only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development".
- (t) Section 4.38(6): repeal in its entirety.
- (u) Section 5.7(1)(d): repeal in its entirety.

- (v) Section 5.8(5): delete the words “Except where the Minister has requested that a review be held by the Independent Planning Commission, the” and replace with “The”.
- (w) Section 5.9: repeal in its entirety.
- (x) Section 5.12(5): delete the words “The Independent Planning Commission or”
- (y) Section 5.18(2)(c): repeal in its entirety.
- (z) Section 5.19(2)(c): repeal in its entirety.
- (aa) Section 5.28(1)(e): repeal in its entirety.
- (bb) Section 7.38(7): repeal in its entirety.
- (cc) Section 8.2(1)(a): delete the words “the Independent Planning Commission or”.
- (dd) Section 8.2(1)(b): delete the words “the Independent Planning Commission or”.
- (ee) Section 8.3(8): repeal in its entirety.
- (ff) Section 8.3(9): delete the whole section and replace with “The review of a determination or decision made by a delegate of the Minister is to be conducted by another delegate of the Minister who is not subordinate to the delegate who made the determination or decision.”
- (gg) Section 8.6(3): delete the whole section and replace with “There is no right of appeal under this Division against a determination of, or a failure to determine, an application for a complying development certificate.”
- (hh) Section 9.35(a): delete the words “or the Independent Planning Commission”.
- (ii) Section 9.35(c): delete the words “the Independent Planning Commission,”.
- (jj) Section 10.2(3): repeal in its entirety.
- (kk) Section 10.2(4): repeal in its entirety.
- (ll) Section 20(1)(a): delete the words “(or the Independent Planning Commission)”
- (mm) Section 20(1)(b): delete the words “(or the Independent Planning Commission)”
- (nn) Schedule 2 Clause 1: delete the words “(a) the Independent Planning Commission,”
- (oo) Schedule 2 Part 2: repeal in its entirety.
- (pp) Schedule 2 Part 4 Clause 11(4): repeal in its entirety.
- (qq) Schedule 2 Part 4 Clause 11(4A): repeal in its entirety.
- (rr) Schedule 2 Part 4 Clause 12(1): repeal in its entirety.
- (ss) Schedule 2 Part 4 Clause 14(1): delete the words “(other than a full-time member of the Independent Planning Commission)”.
- (tt) Schedule 2 Part 4 Clause 14(2): repeal in its entirety.
- (uu) Schedule 2 Part 4 Clause 15: in the title, delete the words “(except for Independent Planning Commission)”.

- (vv) Schedule 2 Part 4 Clause 15(1) delete the words “*planning body* does not include the Independent Planning Commission.”
- (ww) Schedule 2 Part 5 Clause 23: repeal in its entirety.
- (xx) Schedule 2 Part 5 Clause 25(1): repeal in its entirety.
- (yy) Schedule 2 Part 5 Clause 25(2): delete the words “(other than the Independent Planning Commission)”.