

ITEM 1

NOTICE OF MOTION - COUNCILLOR DEIDRE STUART - ENVIRONMENTAL PLANNING AND ASSESSMENT (PLANNING SYSTEM REFORMS) BILL 2025

Councillor Deidre Stuart has submitted the following Notice of Motion –

“I formally move that Council –

- 1 Note with concern the introduction of the Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025 and its potential to reduce local planning control, transparency, and community confidence in planning decisions for all forms of development, not just housing.
- 2 Note with concern the fundamental changes to the Environmental Planning and Assessment Act 1979 arising from amendments to the objects of the Act and to Part 4.15, including significant weakening of requirements to consider cumulative impacts, environmental impacts, site suitability, and the public interest in decision-making.
- 3 Note that the Bill has been described as “the biggest planning reform in 50 years,” yet has proceeded with minimal public consultation and limited engagement with local government.
- 4 Note with concern that the proposed Development Coordination Authority centralises powers within the Department of Planning and reduces the independent and specialist input previously provided by agencies such as the Environment Department and Rural Fire Service, with no clear mechanisms to ensure transparent or arms-length decision-making.
- 5 Acknowledge the critical role that councils play in managing housing density, infrastructure capacity, transport networks, and environmental sustainability through locally informed, place-based planning processes.
- 6 Write to the NSW Premier, Minister for Planning and Public Spaces and Member for Wollongong, and the Members for Heathcote and Keira:
 - a Seeking retention of local Community Participation Plans, ensuring meaningful and inclusive community engagement in local planning processes.
 - b Raising concern about the administrative burden and cost-shifting to councils that will result from the new time-frames and referral processes, leading to poorer planning outcomes and reduced.
 - c Highlighting broad concerns about governance, environmental assessment, and the public interest arising from the Bill, while acknowledging that recent Legislative Assembly amendments—such as the introduction of a 28-day minimum consultation period for targeted assessments, the exclusion of designated development (e.g. coal mines, power stations, concrete works), and the retention of bush-fire-prone-land provisions—represent partial but insufficient improvements.
- 7 Advocate through Local Government NSW (LGNSW) for a coordinated local-government response to the reforms.
- 8 Request staff workshops outlining the likely implications of the Bill for Council, including potential impacts on housing density, infrastructure planning, environmental and social safeguards, and community consultation, as further information becomes available.”

Background provided by Councillor Stuart:

The [Environmental Planning and Assessment Amendment \(Planning System Reforms\) Bill 2025](#) [the Bill], while presented by the government as a housing supply measure, makes sweeping changes to the *Environmental Planning and Assessment Act 1979* [the Act] which would impact all types of development across NSW, including large-scale commercial, industrial and infrastructure projects.

This Bill will significantly alter how planning decisions are made. Of serious concern is that the Bill was introduced without any public consultation and without engagement with local government, the tier of government closest to the community and most affected by planning outcomes.

The Bill introduces two new centralised planning authorities:

- **The Development Coordination Authority**, headed by the Planning Secretary, which has the power to assess and determine major projects.
- **The Housing Delivery Authority**, comprising the Planning Secretary and two Minister-appointed members, with no requirement for professional qualifications or independence.

Key issues of concern include:

- **Centralisation of decision-making:** The Bill removes key roles from councils and planning panels, concentrating power in state-appointed bodies with limited oversight.
- **Conflicts of interest:** The Development Coordination Authority is empowered to review its own decisions, eroding transparency and accountability.
- **Removal of environmental and public interest considerations:** A new “targeted assessment development” pathway expressly prohibits consideration of environmental impacts, site suitability, or the public interest in decision-making.
- **Erosion of biodiversity and habitat protections:** The Bill removes the requirement to consult the Department of Environment when planning proposals affect critical habitat or threatened species — an alarming proposed change for Wollongong LGA that includes or borders many areas of high ecological value and significance, such as parts of the legislated Woronora and Metropolitan Special Areas of the Sydney Drinking Water Catchment; Lake Illawarra, Illawarra Escarpment State Conservation Area, and the sea off our coastline.
- **Undermining of ICAC recommendations:** The Bill weakens transparency, consultation, and accountability measures previously identified by the Independent Commission Against Corruption as necessary to reduce corruption risks in planning.
- **Compressed timeframes and deemed approvals:** Councils would be required to assess complex variations to complying developments in as little as 10 days, or 20 days if the council is also assessing the complying development certificate, after which time the variation will be deemed to be approved.
- **Reduced community participation:** Consultation requirements are slashed, and key objectives of the Act that affirm the importance of public involvement in planning have been removed.
- **Risks to climate resilience:** Wollongong City is vulnerable to the impacts of climate change, including urban heating, flooding and sea level. The removal of cumulative impact assessments and the weakening of environmental assessment frameworks could have serious, long-term consequences for local residents and the natural environment.
- **Bypassing of local government:** The statutory enshrinement of the Housing Delivery Authority would enable state-led development that circumvents councils entirely; ignoring local planning strategies, infrastructure constraints, and community expectations.

The Bill’s reforms represent the most significant overhaul of the NSW planning system in decades. It overrides the principles of local democracy, environmental stewardship, and place-based planning and risks returning NSW to a planning regime that prioritises short-term development outcomes over public trust, long-term sustainability and the public interest.

Although several improvements were made in the Legislative Assembly to the original Bill, such as introducing a 28-day consultation period for “targeted assessment developments”; excluding designated developments like fossil-fuel or heavy-industrial projects from the “targeted assessment developments” pathway, and retaining bush-fire-prone-land provisions, the Bill continues to erode local decision-making, transparency, and environmental safeguards.

The Bill also still enables ministerial discretion to amend environmental planning instruments via the new Housing Delivery Authority, weakens consideration of cumulative impacts and site suitability, and diminishes opportunities for meaningful community participation.

Wollongong City Council strongly supports housing that is affordable, sustainable and community-oriented but we also recognise that meaningful reform requires genuine consultation, rigorous environmental assessment and respect for local knowledge and governance.

Council must take a strong, coordinated stand to defend the integrity of the planning system, protect the environment and biodiversity that define our region and uphold the democratic rights of our community to shape the future of their towns and landscapes.