



INDEX OF LATE REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON TUESDAY 18 NOVEMBER 2025

LATE REPORTS	2
09) Mayoral Minute - Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025 - Impacts on Blayney Shire Council	2

09) MAYORAL MINUTE - ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (PLANNING SYSTEM REFORMS) BILL 2025 - IMPACTS ON BLAYNEY SHIRE COUNCIL

Author: Councillor Bruce Reynolds

File No: LP.RP.2

Recommendation:

That Council:

1. Note recent amendments to the Environmental Planning and Assessment Act which have been passed by NSW Parliament.
2. Note one of the amendments removes planning determination powers from local Councils in regional NSW to a new Local Planning Panel.
3. Write to the Minister for Planning requesting the NSW Government reconsider its decision to remove planning approval functions away from local elected representatives in regional NSW.

Item:

The NSW Government passed legislation through both houses of the NSW Parliament on Tuesday 11 November. The legislation has some major ramifications for regional Councils, including Blayney Shire Council.

One of the major reforms is to remove local councillor decision making for development applications. If the reform is implemented in the regulations, the local Council will no longer consider any planning matters, with a local planning panel to make planning decision local councillors previously made. The local planning panel will not have any local councillors on it.

Local Government NSW has stated *“the Bill will remove local councillor decision making for development applications in rural and regional areas and shift the costs from the State to councils with no clear indication as to the provision of funding to assist councils with the cost of this additional work. LGNSW opposes any moves that further restrict the ability of democratically elected councillors to determine locally appropriate development and calls for locally elected representatives to be included on these panels should they proceed.”*

LG NSW states Councils’ concerns primarily relate to:

- Enshrining the Housing Delivery Authority (HDA) in legislation which circumvents the input of councils, overrides existing endorsed strategic plans and will allow the HDA significant new powers to recommend the progression of applications to rezone land without community input.
- Formalising the Development Coordination Authority (DCA), which centralises power with the Planning Secretary and is opaque about how it will engage with councils to provide specialist agency advice.
- Introducing the proposed new approval pathway for Targeted Assessment Development (TAD), which will be contingent on strategic planning and consultation to have been completed upfront and could

apply to a broad range of residential and non-residential development types and expressly prohibits further consideration of environmental impacts, site suitability, and public interest where these matters have been earlier considered.

- Imposition of local planning panels for all rural and regional councils, which will remove local councillor decision making for development applications in these areas and shift the costs from the State to councils with no clear indication as to the provision of funding to assist councils with the cost of this additional work.
- Changes to bushfire provisions, which may impose additional burdens and liabilities on councils.
- Changes to complying development, which require councils to issue 'variation certificates' within strict timeframes after which time the variation will be deemed to be approved.
- Changes which roll back the opportunity for community input, such as amendments to the objects of the Act and other provisions with expressly intend to reduce, and in some cases remove community participation.

Attached is the NSW Government media release and the media statement from LG NSW.

Below is the new legislation on Local Planning Panels.

Division 2.5 Local planning panels

2.17 Constitution of local planning panels

(1A) The local planning panels specified in Schedule 2, Part 3A are constituted for 2 or more areas.

(1B) If a local planning panel is constituted for 2 or more areas under subsection (1A)—

(a) a council for one of the areas must not constitute a planning panel for the area under subsection (1), and

(b) a single local planning panel must not be constituted by 2 or more councils under subsection (3) for any of the areas for which the local planning panel is constituted by the Planning Secretary, and

(c) a function exercisable by a council of one of the areas in relation to the panel must be exercised jointly by all the councils.

(1C) The Planning Secretary may, by order published on the NSW legislation website, amend Schedule 2, Part 3A for one or more of the following purposes—

(a) to constitute a local planning panel for 2 or more specified areas,

(b) to abolish a local planning panel constituted under the part,

(c) to change the name of a local planning panel constituted under the part or to change the specified areas for which it is constituted,

(d) to make savings and transitional provisions consequent on one or more of the above.

(2) The following councils must constitute a single local planning panel for the whole of the area of the council—

(a) the council of an area that is wholly within the designated Sydney districts,

- (b) the council of the City of Wollongong,
- (c) the council of any other area prescribed by the regulations.
- (3) A single local planning panel may be constituted by 2 or more councils. In that case, any function exercisable by a council in relation to the panel is to be exercised jointly by all those councils.
- (4) The Minister may, under section 9.1, direct 2 or more particular councils referred to in subsection (2) to constitute a single local planning panel.
- (5) If a council fails to constitute a local planning panel that it is required to constitute, the Minister may constitute the panel and for that purpose is taken to be the council.
- (6) A local planning panel is subject to any directions of the Minister under section 9.1.
- (7) A local planning panel is not subject to the direction or control of the council, except in relation to any matter relating to the procedure of the panel (or to the time within which it is to deal with a matter) that is not inconsistent with any directions of the Minister under section 9.1.

2.18 Members of local planning panels

- (1) The members of a local planning panel must be appointed by—
 - (a) for a local planning panel constituted by a council—the relevant council, or
 - (b) for a local planning panel constituted by the Planning Secretary—the Planning Secretary. The members of a local planning panel are to be appointed by the relevant council.
- (2) Each local planning panel is to comprise (subject to this section) the following 4 members—
 - (a) an approved independent person appointed as the chairperson of the panel with relevant expertise that includes expertise in law or in government and public administration,
 - (b) 2 other approved independent persons with relevant expertise,
 - (c) a representative of the local community who is not a councillor or mayor.
- (3) A person is not eligible to be a member of a local planning panel constituted by a council if the person is—
 - (a) a councillor of that or any other council, or
 - (b) a property developer within the meaning of section 53 of the *Electoral Funding Act 2018*, or

Note.

Section 53 of the *Electoral Funding Act 2018* provides that **property developer** includes a person who is a close associate of a property developer.

- (c) a real estate agent within the meaning of the *Property, Stock and Business Agents Act 2002*.

However, a person is not ineligible to be a member of a local planning panel merely because the person carries on the business of a planning consultant.

- (4) For the purposes of this section, an **approved independent person** is an independent person approved by the Minister for appointment to the local planning panel or a person selected from a pool of independent persons approved by the Minister for appointment to the local planning panel. The Minister may approve different pools of independent persons.
- (5) For a local planning panel constituted by a council whose area is divided into wards— (a) the council must appoint representatives of the local

community for each ward as members of the local planning panel, and (b) the representatives are entitled to attend a meeting of the local planning panel, but only one of the representatives, designated by the chairperson of the panel, may form part of the quorum for the meeting and is entitled to vote and be heard on a matter before the panel, and (c) the representative designated by the chairperson for a matter before the panel must be the representative for the ward the chairperson considers is most closely associated with the matter.

(6) The representative so designated by the chairperson for a matter before the panel is to be the representative for the ward that the chairperson considers is most closely associated with that matter.

(7) Relevant expertise for the purposes of this section is expertise in at least one area of planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism or government and public administration.

2.19 Functions of local planning panels

(1) A local planning panel has the following functions—

(a) the specified functions of a council as a consent authority under Part 4 that are conferred on it under this Act,

(b) to advise a council on any planning proposal that has been prepared or is to be prepared by the council under section 3.33 and that is referred to the panel by the council,

(c) to advise a council on any other planning or development matter that is to be determined by the council and that is referred to the panel by the council.

(2) The Minister may give directions to councils under section 9.1 (either to particular councils or to councils generally) on the planning proposals that are required to be referred to a local planning panel for advice.

(3) This section does not limit the functions that may be exercised by a local planning panel under this Act.

Enclosures (following report)

1	LG NSW Letter for Minister Scully	7 Pages
2	Ministerial Media Release	2 Pages

Attachments (separate document)

Nil



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Our ref: R25/0035

10 November 2025

The Hon. Paul Scully MP
Minister for Planning and Public Spaces

By email: office@scully.minister.nsw.gov.au

Dear Minister

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

Thank you for meeting with me on 8 October 2025 to discuss the matters raised in my 2 October 2025 letter about the Environmental Planning and Assessment (Planning System Reforms) Bill 2025 (the Bill). I undertook to keep you apprised of further matters raised with Local Government NSW (LGNSW) by our members. LGNSW has now received a range of letters from members setting out views on the Bill.

The local government sector does not shy away from the need to improve the efficiency and effectiveness of plan-making and development assessment processes and on that basis we have been broadly supportive of your actions to update the planning framework through this Bill. Yet councils continue to raise the critical need for timely investment in infrastructure to accommodate growth. Without this investment, and without fair council and community input to the planning system, the outcome of any reforms to speed up approvals will be compromised and risk harming the social licence for these reforms.

Consistent with our earlier feedback, I now write to emphasise LGNSW members' concerns with the Bill that remain, and those that have arisen as LGNSW's member councils have had a greater opportunity to consider the Bill's impact. Councils' concerns primarily relate to:

- **Enshrining the Housing Delivery Authority (HDA)** in legislation which circumvents the input of councils, overrides existing endorsed strategic plans and will allow the HDA significant new powers to recommend the progression of applications to rezone land without community input.
- **Formalising the Development Coordination Authority (DCA)**, which centralises power with the Planning Secretary and is opaque about how it will engage with councils to provide specialist agency advice.





- **Introducing the proposed new approval pathway for Targeted Assessment Development (TAD)**, which will be contingent on strategic planning and consultation to have been completed upfront and could apply to a broad range of residential and non-residential development types and expressly prohibits further consideration of environmental impacts, site suitability, and public interest where these matters have been earlier considered.
- **Imposition of local planning panels for all rural and regional councils**, which will remove local councillor decision making for development applications in these areas and shift the costs from the State to councils with no clear indication as to the provision of funding to assist councils with the cost of this additional work.
- **Changes to bushfire provisions**, which may impose additional burdens and liabilities on councils.
- **Changes to complying development**, which require councils to issue 'variation certificates' within strict timeframes after which time the variation will be deemed to be approved.
- **Changes which roll back the opportunity for community input**, such as amendments to the objects of the Act and other provisions with expressly intend to reduce, and in some cases remove community participation.

These concerns are detailed in the **attachment** to this letter.

Need for implementation panel and local government briefing

Many of these questions and concerns have arisen as councils have not had the opportunity to be consulted, to hear from the Government and to ask questions directly about the reforms. Much of the detail required to understand the impacts of these reforms is not yet known as it will be contained in future regulations, environmental planning instruments (EPIs) and policies.

As discussed in our 8 October meeting and our subsequent conversations, LGNSW would like the NSW Government to establish an implementation panel with local government representation to inform development of the EPIs and policies, alongside broad and meaningful sector consultation. I thank you for your engagement on this issue so far and note that we would like to see this continue in an open and transparent way with the sector. LGNSW stands willing to assist on this front.

Local government is a key participant in the planning and development process, and as the democratically elected representative of local communities it is critical that councils are given the opportunity to hear from you, discuss implications and contribute to the development of these reforms.



To this end I respectfully request that you:

1. Consider and address the key concerns set out above and in the attachment to this letter.
2. Commit to including locally elected representatives on local planning panels for rural, regional and remote councils
3. Commit to prioritising the review of the NSW strategic planning framework with funding provided to councils to review and update their strategic planning documents.
4. Provide an online briefing about the Bill and associated reforms for all NSW mayors and councillors as soon as practicable, to allow them to obtain answers directly that would help them understand the reforms.
5. Establish a formal implementation panel with transparent membership and local government representation to inform development of the EPIs and policies, alongside broad and meaningful sector consultation.

Thank you again for taking time to meet with me and to consider LGNSW's requests.

For further information, you are welcome to contact me directly on 0419 600 877. The LGNSW staff contact for this matter is LGNSW Director Advocacy Damian Thomas (damian.thomas@lgnsw.org.au or 02 9242 4063).

Yours sincerely



Mayor Phyllis Miller OAM
President

Attachment – Local government concerns in response to Planning System Reforms Bill



Attachment – Local government concerns in response to Planning System Reforms Bill

Enshrining the Housing Delivery Authority in legislation

The Bill enshrines the Housing Delivery Authority (HDA) in legislation and affords it powers to override local planning controls. The new powers afforded to the HDA in the Bill appear to bypass the two existing generally accepted pathways through which an EPI can be made or amended (i.e. rezonings can occur), both of which have requirements for public exhibition. The Bill gives licence to the HDA to enact amendments to EPIs under s3.22 of the Act. This will open the door to rezoning without public consultation and undermines local plans.

We appreciate the Government's willingness to provide for the statutory review of the HDA, however, we remain formally opposed to its operation.

Formalising the Development Coordination Authority (DCA)

We very much support the streamlining of the government referral and concurrence processes, however, the Bill removes the legislative requirement for specialised government agency advice on developments and gives the Planning Secretary new broad powers through the DCA, without transparent oversight or safeguards being apparent.

LGNSW members are concerned that this unfairly introduces a risk of corruption for the officers required to undertake this work and, without transparency yet available on its operations, has the potential to limit and/or reduce the expert advice that may be required from agencies.

Introducing the proposed new approval pathway for Targeted Assessment Development (TAD)

The Bill introduces new powers for the Minister for Planning to divert new projects through this proposed Targeted Assessment Development (TAD) pathway. The TAD pathway could apply to a broad range of residential and non-residential development types and expressly prohibits further consideration of environmental impacts, site suitability, and public interest where these matters have been earlier considered through the very important strategic planning process. The Bill also removes the legislative requirement to seek specialised government agency advice on developments in the TAD pathway.



Concerns have been raised that the TAD pathway could apply to major projects such as renewable energy and mining proposals. I am aware of your assurances that this pathway will not be used for these types of projects, but councils seek greater certainty and clarification that this will be the case.

Councils also seek your direct commitment to prioritise the renewal of the strategic planning framework in NSW and the commitment of funds to allow councils to then update their strategic planning documents,

In the absence of the above framework updates, we would seek that no development use the TAD pathway until this important strategic work can be completed, including with respect to the Government's TOD and LMR rezonings, which are yet to be assessed and factored into the broader strategic planning landscape.

Imposition of local planning panels for all rural and regional councils

The Bill will remove local councillor decision making for development applications in rural and regional areas and shift the costs from the State to councils with no clear indication as to the provision of funding to assist councils with the cost of this additional work. LGNSW opposes any moves that further restrict the ability of democratically elected councillors to determine locally appropriate development and calls for locally elected representatives to be included on these panels should they proceed.

Changes to bushfire provisions

Multiple councils have raised concerns with LGNSW about the Bill's amendments affecting s4.14 of the EP&A Act: Consultation and development consent – certain bushfire prone land. The Bill's First Print would have removed this section entirely. Subsequent Government amendments adopted in the LA reinsert a revised version of this provision in the Bill, but with some key differences.

LGNSW seeks to understand the policy intent behind the changes and to convey the concerns and potential impacts we are hearing from councils.

One of the changes is to remove the current provision (s 4.14(1)(b)) for councils to recognise certification of a qualified bushfire consultant. The assessment of bushfire risk is complex and specialised. Councils often rely on accredited bushfire consultants in line with 4.14(1)(b) of the current EP&A Act. By removing this option, the Bill places the sole onus and added risk on to councils, some of which may not have the necessary expertise available.



This amendment also appears to remove the current consultation requirement in the Act (in 4.14(1A)) for consent authorities to consult the RFS Commissioner before granting consent, if the development doesn't conform with the Planning for Bush Fire Protection guide.

Councils are also concerned that the Bill's proposal to create the Development Coordination Authority (DCA), which would be empowered to replace other approval bodies for integrated development, is a shift in authority and accountability and would remove decision-making from agencies such as the NSW RFS and NSW SES, undermining their statutory roles under the *Rural Fires Act 1997* and *State Emergency Service Act 1989*.

Changes to complying development

Changes to complying development would require councils to issue 'variation certificates' within strict timeframes (within 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. This is a challenging and potentially unreasonable expectation for many councils across NSW, given current skills shortages and with no indication of measures to fund this work.

Changes which roll back the opportunity for community input

The Bill is moving to reduce and restrict community participation, by

- Amending the objects in the Act to replace the current object of *increase public participation* with the new object *to provide opportunities for participation*.
- Introducing a single, state-wide Community Participation Plan that will apply to all planning authorities and functions, with as yet unknown minimum public exhibition periods.
- Allowing reduced or no public exhibition through the proposed new TAD pathway.

Separate to these changes in the Bill, the Department of Planning, Housing and Infrastructure (DPHI) in its updated Community Participation Plan (published September 2025) has reduced the minimum public exhibition period for certain residential State Significant Development (SSD) applications from 28 days to 14 days.

This change would substantially reduce opportunities for meaningful community and Council input into important planning decisions. SSD applications are complex, requiring detailed review by multidisciplinary council teams. Even under current timeframes these reviews are resource intensive and challenging. A shortened 14-day exhibition period makes it difficult for councils to provide thorough and well considered



submissions. It also places an unreasonable burden on community members who are expected to navigate technical documentation and prepare submissions within a limited timeframe.

Councils know from their significant experience engaging with their communities that reducing community participation timeframes for complex or impactful developments will only serve to result in poorer outcomes for communities, worsen public trust in the planning system and harm the social licence for growth and density.

Consistent with our earlier position, we do not object to a standardised community participation plan framework, as long it improves the opportunities for consultation and allows for different circumstances to be catered for with respect to the appropriate dissemination of and access to information.



Language



MyServiceNSW

(https://account.service.nsw.gov.au/)

Ministerial media release

NSW Planning System Reform Bill passes Parliament

Published: 12 November 2025

Released by: The Premier, Minister for Planning and Public Spaces

The Minns Labor Government's landmark *Planning System Reforms Bill 2025* has passed both houses of Parliament with overwhelming support, paving the way for a faster, fairer and modern planning system.

The passage of the Bill marks the most significant overhaul of the *Environmental Planning and Assessment Act 1979* in a generation, modernising the foundational legislation of the state's housing, jobs, infrastructure, and energy delivery.

For decades, the planning system has grown overly complex and slow, holding back the delivery of new homes, job creating investments and adding unnecessary costs and delays to the construction pipeline. These reforms will help clear the bottlenecks and make the system work for communities, councils, and builders alike.

The Bill introduces a suite of changes to streamline planning approvals, provide greater certainty for industry and communities, and cut unnecessary red tape, and has received widespread support through the NSW Parliament.

Key reforms include:

- Establishing the Development Coordination Authority – a single front door for advice on major projects across NSW government agencies.
- Enshrining the Housing Delivery Authority in legislation to make sure there is an enduring, state-wide focus on housing delivery.
- Expanding Complying Development pathways to enable faster approvals for low-impact development.
- Introducing a new Targeted Assessment Pathway for developments already subject to strategic planning and community consultation.

- Amending the EP&A Act's objects to include housing delivery, climate resilience and proportionality for the first time.
- Replacing more than 100 consultation plans with a single, state-wide Community Participation Plan.
- Removing unnecessary duplication, including regional planning panels and outdated assessment pathways.

The Minns Labor Government has delivered the largest housing and planning reform agenda in the state's history, including the Transport Oriented Development Program, Low and Mid-Rise Housing Policy, the Infill Affordable Housing Bonus, new Renewable Energy Planning Framework and the Investment Delivery Authority.

Together, these initiatives are designed to make it easier to build the homes and create the jobs that NSW needs, and support young people, families and key workers finding a home in the communities they love.

The Government will now work with industry, local Government and professional bodies on the implementation of the reforms.

Premier of New South Wales Chris Minns said:

"The Bill's passage represents a major step forward for NSW housing and planning reform.

"For too long, NSW has been held back by a system that was slow, complex and out of step with the necessity to deliver more homes for those who need them.

"These reforms will help us build more homes faster, in the right places, giving young people and families the chance to access a home."

Minister for Planning and Public Spaces Paul Scully said:

"The overwhelming support of the parliament for the Bill demonstrates a shared commitment to tackling NSW's housing challenges and enabling a modern economy.

"This does not mean that we will take our foot off the pedal. If anything, the real work starts now, and we will be working hard to see these reforms implemented.

"This Bill will enable a planning system fit for the 21st century, one that supports housing and energy delivery, encourages job creation, investment and builds better communities.

"I thank my parliamentary colleagues for recognising that reform was overdue and working constructively to help deliver it."