



PRESERVING OUR HERITAGE
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The Hon. Chris Minns
Premier of NSW
GPO Box 5341
Sydney NSW 2001

18 October 2025

Via: Contact the Premier

Dear Premier Minns

Re: Environmental Planning & Assessment Amendment (Planning System Reforms) Bill 2025

On behalf of our members, we are writing to express our serious concerns regarding the introduction of the above Bill. We are alarmed that such a significant piece of legislation amending a complex regulatory framework, has been introduced without public consultation.

The Trust is concerned that this overhaul will simply promote development as a goal and will exclude vital considerations such as the wellbeing of the community, will bypass essential environmental protections and remove safeguards against corruption.

We understand the need to simplify processes but this Bill will have an unacceptable effect on communities because it includes changes that will restrict community participation and override the vital role of local councils and expert agencies.

Several highly qualified legal experts, including the chair of the Centre for Public Integrity, have expressed their fear that the legislation in its current form will have broad-reaching implications. The particular concerns we wish to highlight are as follows:

1. Adverse Public Interest & Environmental Impacts

a) The new Targeted Development Assessment pathway expressly prohibits consideration of the public interest and environmental impacts, including the principles of ecologically sustainable development. Although there will be a requirement to publicise and seek public submissions on any declaration prior to making it, where development is declared to be Targeted Development Assessment, the likely impacts, the suitability of a site or the effect on the community **will not be considered**.

b) The legislation will switch off a range of important environmental assessments including decisions that relate to threatened species and ecological communities, biodiversity impacts and marine parks and reserves. It removes the requirements for specialised agencies to input into the decision making process under the EP&A Act. The Act currently requires an authority to consider environmental impacts of an activity to the **fullest extent possible**. The amendments propose to remove these words and water down this requirement to **may consider** such matters proportionate to the nature and risk of the activity. Unbelievably, two specific considerations for bushfire prone land will be removed and moved into the SEPP which weakens their provisions and reduces accountability.

c) There are no legislative safeguards limiting the classes of development that can fall within this pathway so even large controversial developments such as mines and renewable energy projects could be assessed through this pathway.

2. Centralised decision-making only by State Planning-led Authorities

a) Our concern is that the role of local government authorities is effectively bypassed, and any major development proposals submitted to the Housing Delivery Authority will have no clear links to adopted plans and strategies that local communities have developed in conjunction with their Councils. This could result in destructive projects with less scrutiny and less transparency.

b) The Housing Delivery Authority comprises the Planning Secretary and two members appointed by the Minister but there are no legislative requirements for these two members to have any specific skills or experience although they will have wide ranging powers that include ad hoc re-zonings.

c) The newly created Development Coordination Authority will act as a 'one stop shop' for Councils and builders seeking NSW Government agency approvals, but there is no legislative requirement for it to seek specialised input from other relevant agencies. The decision making power will be concentrated in the Planning Secretary, overriding other specialised government agencies in land use and planning decisions.

3. Undermining of anti-corruption safeguards recommended by NSW ICAC

ICAC has noted repeatedly that there is significant risk of corruption in the NSW planning system and that robust accountability, transparency and oversight is necessary to mitigate that risk. Its report *Anti-Corruption Safeguards and the NSW Planning System* recommended 6 key corruption prevention safeguards be integrated into the NSW planning system and specific recommendations to support those safeguards.

This Bill is inconsistent with a number of these safeguards and recommendations, in particular those relating to providing certainty, balancing competing public interests, ensuring transparency, and reducing complexity. We are concerned it will undermine the anti-corruption safeguards supported by ICAC to prevent corruption and environmental damage in relation to planning and development matters.

4. Abolition of Sydney District and Regional Planning Panels

These Panels, along with the Independent Planning Commission (IPC), were established to bring independence to the planning process and were introduced to combat the lack of transparency and accountability that had significantly undermined public trust in the NSW planning system.

The Bill seeks to abolish the Sydney District Planning Panels, with their role likely to devolve to Local Planning Panels. The Bill introduces powers for the Planning Secretary to direct a council to constitute a planning panel which allows the Secretary to have more say on who makes local planning decisions.

5. Unacceptable Limits on Council Approval Processes

We are concerned about the limits placed on Councils for important processes:

- a) 10 days to determine the request for 'variation certificates' for Complying Development Certification (CDC), used when an applicant seeks to depart from a pre-established standard. **Even with pre-established standards, the CDC process has failed to deliver good planning and development outcomes.**
- b) 14 days to determine a section 4.55(1) modification **with the consent authority being prevented from refusing it**, although it can impose conditions as long as those conditions do not 'defeat the purpose' of the application.
- c) The abolition of local participation plans and their replacement with the proposed standardised Community Participation Plan controlled by the Planning Secretary.

The Trust is supportive of measures to relieve the housing crisis and in particular deliver essential social and affordable housing. However, we are deeply concerned that the Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025 takes a very broad approach that will undoubtedly deliver many adverse consequences because of the nature of the rushed process and lack of proper analysis of likely impacts.

We would ask that you protect the right of local communities to have their say and safeguard transparency in planning decisions. The regulations must retain the requirement for expert agencies to have input into planning assessments to maintain appropriate environmental and sustainable outcomes and must also include oversight and accountability mechanisms for all new authorities.

The above issues will be of great concern to many in the community as this legislation starts to be publicised more widely and the consequences of inappropriately amended regulations could well become a much larger issue in the run up to the next State election.

Yours sincerely



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Copy to:

The Hon. Mark Speakman, Leader of the Opposition
The Hon. Paul Scully, Minister for Planning and Public Spaces
The Hon. Scott Farlow, Shadow Minister for Planning and Public Spaces
Sue Higginson, Member of the Legislative Council