



Key Amendments to the Environmental Planning and Assessment Act

Date : June 1, 2018

On 1 March 2018, the *Environmental Planning & Assessment Act 1979* (**the Act**) underwent its largest and most significant change since it commenced in 1979. Many of the changes are expected to be implemented throughout 2018 with further amendments being rolled out over the course of the next two years.

The NSW Government has stated that the amendments provide “an updated, modern planning system that is simpler, faster and designed to ensure high quality decision and planning outcomes for the people of NSW”. The Bill was before NSW Parliament last year and was the subject of much parliamentary debate. The Bill was ultimately assented to on 23 November 2017.

Below is an outline of some of the key amendments made that will have a significant impact on local councils:

Amendments to the EPA Act Structure

One of the more noticeable reforms is the structural amendments that have been made to the Act. The former sections have been removed and replaced with 10 principal parts with decimal numbering of all provisions. Certain provisions have also been relocated as well as updates to the objects of the Act.

Community Participation Plan

The reforms prescribe that each Local Council will be required to prepare a community participation plan which will outline the method by which the Council will undertake community participation when exercising its planning functions. The plans will need to meet certain criteria as outlined in the Act. For example, the Act outlines that the Plan must include when and how public notification is to occur, how development applications and other matters are publicly exhibited and when and how the reasons for determination are to be exhibited. Local Councils will not be required to finalise its Community Participation Plan until late 2019.

Statement of reasons for decisions

A major amendment to the Act will be the requirement for local councils and other planning authorities to publish and notify a statement of reasons for decisions in the context of development consent decisions. The provision is intended to increase the transparency of decision making by planning authorities by allowing any person affected by the decision to understand why and how the decision was made and what factors were taken into account. This requirement may potentially increase the challenges made to decisions and may ultimately erode the certainty of decision making of Councils. This requirement is to be implemented in



mid 2018.

Local Strategic Planning Statement

Each Council will be required to prepare and implement a local strategic planning statement that is to be reviewed every seven years. The purpose of the statement is to align with regional and district plans and identify the basis for strategic planning in each local government area. These will be required to be finalised by local councils by mid to late 2019.

Review of Local Environmental Plans

Local Councils will be required to review their Local Environmental Plans once every five years and determine whether there are any amendments required. The justification behind the amendment is to ensure that legislative controls reflect the changing nature of the local government areas they govern. Councils will be required to undertake these checks by late 2019 and onwards.

Standardised Development Control Plans

The amendments to the Act have provided power to the Minister to publish requirements for the form, structure and nature of the development control plans. The standard development control plans are to be implemented by mid 2020.

In summation, the reforms will have a significant impact on the way Local Councils will operate in the future and will require local councils to make plans to implement the prescribed actions.