

RETHINKING THE EP&A ACT: EVOLUTION OR REVOLUTION?



THE NEED FOR REFORM

The NSW planning system requires reform to streamline approval processes, reduce delays, and support economic growth and housing delivery. The Environmental Planning and Assessment Act 1979 (the EP&A Act) – the backbone of the State’s planning framework – is struggling to keep pace with the need for change.

But is the solution to start fresh or refine what we have?



NSW is in the grip of a housing crisis, and the planning system is not keeping pace. The EP&A Act, layered with decades of amendments, has become a barrier to timely housing delivery.

Cumulative costs, drawn-out assessment timeframes, complexities in the legislation and inconsistent decision-making across government have made the NSW planning system cumbersome and reactive.

Now is the time for bold changes. Reforming the EP&A Act will streamline the planning system in NSW, support the delivery of housing and provide greater certainty to the construction industry.

Why Reforming the Planning EP&A Act Matters

The EP&A Act is the legislative foundation of NSW's planning system. It determines how land is zoned, how development is assessed, and how infrastructure is planned and delivered. It also sets the framework for strategic planning, community consultation, and environmental protection.

However, in its current form, the EP&A Act is increasingly seen as a barrier to timely, consistent and effective decision-making.

A well-functioning planning system should support sustainable and affordable housing delivery while balancing economic growth and environmental considerations. Yet under the EP&A Act, achieving these outcomes is often stalled by lengthy approvals, inconsistent local interpretations, and a lack of integration with infrastructure planning. This creates uncertainty and higher costs for investors and developers, and delayed infrastructure and inadequate housing supply for communities. The result is a missed opportunity for well-planned, coordinated growth that meets the needs of both current and future communities.

REFORMING THE EP&A ACT ISN'T JUST ABOUT FIXING INEFFICIENCIES; IT'S ABOUT BUILDING A SYSTEM THAT SUPPORTS A GROWING, RESILIENT, AND COMPETITIVE STATE.

The Context: A Framework That No Longer Fits

Originally designed in the context of environmentalism, the EP&A Act has evolved into a complex and cumbersome framework. Over time, new policies, assessment pathways, and regulatory requirements have been added and removed – often without addressing underlying structural inefficiencies.

Today, the EP&A Act is seen as reactive rather than proactive. Clear evidence of this is the current housing shortage and successive reactive policy legislation rolled out over a 12-month period (albeit welcomed by property developers).

While it includes mechanisms for strategic planning, it lacks the agility to respond effectively to emerging issues such as climate resilience, infrastructure coordination, and housing affordability. Both infill and greenfield development face considerable planning hurdles and major projects often become stalled in complex approval processes.

Compounding these issues is the fragmented relationship between local and State planning controls. Some councils interpret planning rules differently which leads to inconsistent decision-making and industry/community confusion. Meanwhile, State-led interventions – such as transit-oriented developments (TODs) – which are positive reforms to deliver more housing, have had mixed reactions from councils/community as they often bypass standard planning processes.

Is Now the Right Time for Reform?

The need for reform is clear. But successful reform isn't just about having the right ideas – it's about timing, political will, and implementation. NSW has reached a point where simply tweaking the EP&A Act may not be enough. However, pursuing a full overhaul also comes with challenges that could hinder the delivery of essential housing and infrastructure.

The conversation must start now, but with a long-term view. Piecemeal changes won't address deep-seated structural issues, and a rushed overhaul could create more problems than it solves. A strategic, phased approach, one that simplifies planning processes, improves assessment timeframes while ensuring long-term certainty is the path forward.

WHAT THE EP&A ACT ACHIEVES (OR DOESN'T)

The EP&A Act has been the backbone of NSW's planning system for more than four decades. The EP&A Act was a response to growing public awareness of environmental issues in the 1970s and the need for a transparent, accountable, and integrated system for planning and development. It plays a critical role in ensuring that growth is well-planned and that communities have a say in shaping their local areas.

Historically, Acts were developed in response to the predominant social values and needs of the community with a key objective of protecting human health. In 2025, society looks a little bit different, and the needs of our community have been shaped by global trends in technology, climate, demographics, and economics – resulting in more complex needs.

Our report looks at what a modern Planning Act should include to spark the next wave of planning reform in NSW.

To inform this, we've considered the current EP&A Act setting and identified both the aspects that are functioning well and the key barriers affecting planning in NSW today.

At its core, whilst the EP&A Act provides a sound framework for guiding and assessing development, it has become overly prescriptive and requires a more enabling and outcomes-focused approach.



Aspect	What works	What's not working
Strategic Planning	Provides a framework for State and local planning instruments.	Inconsistent implementation across councils; State interventions bypass local plans. No effective measure to ensure routine updates and delivery of intended outcomes.
Development Approvals	Multiple pathways exist to assess different types of development.	Overlapping legislation/layers of approvals creates confusion and delays in approvals which impacts development outcomes, including housing approvals.
Infrastructure Planning	Requires infrastructure to be considered in strategic planning.	Poor coordination between planning, funding, and delivery often results in infrastructure lagging behind development—leaving new/growing communities without adequate transport, schools, and essential services.
Community Engagement	Mandates public consultation in planning processes.	Often viewed as a procedural hurdle rather than a genuine opportunity for input. This can create tension between developers, councils, and residents.
Environmental Protection	Regulates and embeds environmental and heritage assessment requirements.	The planning system is complex and bureaucratic, with multiple layers of approvals and agency concurrences which don't always translate to better environmental outcomes. Processes don't always balance sustainability with other important needs such as housing and jobs.
Certainty for Investment	Provides a structured approach to land use planning, which shapes the long-term growth of cities and influences investment, job creation, and economic resilience.	Frequent amendments and ad-hoc policy shifts create uncertainty for development investment.
Concurrence and Referrals	Obtaining specialist Agency advice on key environmental matters.	Delayed responses, prolonged assessment timeframes and lack of transparency with decision makers, leading to development uncertainty.

CASE STUDIES:

Where is planning working well?

UNITED KINGDOM



Strategic-led system

Long-term strategic goals (National Planning Policy Framework) are given more weight over prescriptive development controls. This allows for more speculative development. However, can impact certainty of outcomes.

Presumption in favour of development

NPPF introduced a positive framework that favours approval unless adverse impacts outweigh benefits.

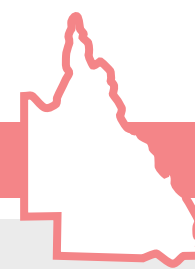
Neighbourhood planning

Empowers local communities to create Neighbourhood Development Plans that shape development in their area, fostering engagement and ownership.

Design quality emphasis

Recent reforms have strengthened the focus on design codes and beauty in the built environment (e.g., Building Better, Building Beautiful Commission recommendations).

QUEENSLAND



Efficient development assessment

The code assessable stream allows for faster approvals where proposals meet predefined performance criteria or acceptable outcomes.

Assessment timeframes

Statutory timeframes are in place for determinations. In the instance this is missed, a 'deemed approval' pathway is available for Code Assessable developments.

Certainty for applicants

Clear, codified benchmarks mean proponents know what is required to obtain approval without requiring discretionary judgment.

Reduced conflicts

By limiting merit-based or subjective considerations for code-assessable developments, the system reduces appeals and delays. Further, no third party appeals for Code Assessable projects.

Integrated planning framework

Under the Planning Act 2016, the system links State, regional, and local planning instruments, promoting consistency. The State Assessment and Referral Agency also streamlines assessments that require referrals and creates a coordinated approach to DAs affecting a State interest.

AUSTRALIAN CAPITAL TERRITORY



Outcomes-focused planning

System focused on planning outcomes, supporting better place-based and design-led planning. Proponents must still meet a range of requirements set out in the new Planning Act 2023 and the Territory Plan. However, the framework allows greater flexibility where development demonstrates good design outcomes and fits and supports its neighbourhood.

Simplified planning framework

Introduced a new Territory Plan structured around strategic directions, district strategies and policies, zone policies and Design Guides, improving clarity and usability.

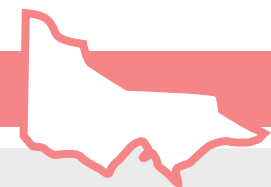
Faster, streamlined approvals

Pathways for exempt and assessable development help reduce assessment times and improve efficiency.

Community involvement

Emphasises early and strategic community engagement, rather than late-stage objections, aligning with best practice consultation.

VICTORIA



Integrated framework

Underpinned by clear tiers: from State Planning Policy Framework to Local Planning Schemes encourages consistency and alignment between State and local planning goals.

Zoning and code-based assessment

Victoria Planning Provisions standardise zones ensuring consistency and reducing complexity. The VicSmart process enables fast-track assessment for minor applications (10 business days) reducing burden on councils and applicants.

Digital Innovation

Planning Schemes Online and Planning Maps Portal allow easy access to planning information.

OUR PROPOSITION TO PLANNING

As NSW faces ongoing pressures to deliver housing and jobs, reforming the EP&A Act needs to be more than the recent amendments to the EP&A Act.

We have prepared six key ‘ingredients’ that are essential to a contemporary planning system for NSW.

Whilst the progression of the EP&A Assessment Amendment Bill 2025 in May demonstrates Government is trying to streamline the NSW planning system, further reforms are required to cut red tape, improve efficiencies and enable housing delivery.

01 STRATEGIC PLANNING FIRST

Setting the Vision Before the Application

The Setting:

Reactive spot rezonings and ad-hoc planning proposals undermine coherent place-making and are a barrier to getting development on-the-ground. This can occur for a number reasons but primarily, not having a clear, yet flexible strategic vision at the regional and local levels can create a planning environment requiring reoccurring amendments. The disconnect between regional plans, local strategic planning statements (LSPSs), and statutory instruments like LEPs and DCPs has resulted in fragmented decision-making, reactive rezonings, community distrust, and delayed development delivery.

Embedding the principle of 'strategic planning first' means ensuring that strategic plans set clear, community endorsed frameworks that guide future growth, whilst creating the flexibility to propose alternatives whilst meeting the intent of the framework.

Ideas for Reform:

- Strategic plans should set a framework for State intervention in decision-making where housing or jobs targets are not being met. Identify Strategic Opportunity Areas across NSW and embed these in strategic plans under Div 3.1 of the EP&A Act – councils must align their LEPs within a fixed timeframe or the Minister or DPHI can override these LEPs to enable higher density zoning.
- Better use strategic planning as a mechanism for early, place-based engagement with communities, agencies, and industry – ensuring shared visions are formed before development is proposed.
- Create an enabling framework where development applications can amend LEPs without the need for a concurrent planning proposal and extensive clause 4.6 to vary development standards, where the intent of the strategic planning framework is achieved.
- Mandate integration between strategic land use planning and infrastructure planning – ensuring servicing strategies, transport plans, and contribution frameworks are embedded within or linked to strategic plans.
- Strengthen the ability to review council rezoning decisions beyond the current rezoning review process via approach with DPHI.

02 FAST-TRACKED CODE ASSESSMENT

Streamline and simplify approval pathways

The Setting:

The EP&A Act already supports different types of development assessment pathways across exempt and complying development, local and regionally significant development, and State significant development.

However, a growing shortage of resources across State and local government, coupled with the rise in digitisation and reliability of AI-driven assessment programs creates a new opportunity to revisit a track-based assessment model as identified in the previous White Paper (2013) and implement a more comprehensive fast-tracked Code-Assessed planning assessment pathway.

Ideas for Reform:

- Embed alternative fast-tracked assessment pathways into the EP&A Act (e.g. Code, Merit, SSD). These should include clear threshold triggers for eligibility, application requirements and timeframes to improve transparency and certainty of development outcomes and enable greater community participation through simplification of planning regulations. This should align with strategic LSPSs and LEPs which establishes performance standards and desired community outcomes.
- Broaden the Codes SEPP to cover more development types, such as housing in conservation areas, specific residential flat buildings, and shop-top housing in key development areas like growth areas or urban renewal precincts.
- More flexibility should be applied to development in Heritage Conservation Areas where it's delivering on government priorities, such as housing and delivery of social infrastructure.
- Reallocate planning resources to complex, non-compliant or discretionary developments that require more nuanced and contextual assessment – ensuring professional expertise is directed where it adds the most value.
- Modification to development applications should be able to be determined under delegation in accordance with the original application, removing the requirement go to back to a planning panel for decision, if a contentious application.
- Create a more responsive and scalable planning system that is better equipped to respond to community and development needs amid increased demand for planning and in the face of limited resources.

03 HARNESSING DIGITAL & AI

Planning in the Digital Era

The Setting:

Digital transformation in the planning system has historically lagged behind other industries, however with recent initiatives such as the NSW Planning Portal and leaps with AI and new digital enablers, the impact of digital transformation has gained momentum. These tools have improved transparency and access to information, but the system still relies heavily on manual processes, fragmented data, and paper-based inputs.

A future EP&A Act should be an enabler for AI and digital tools, setting the platform for new innovations. Through this, we can deliver a more intelligent, efficient, and user-friendly planning system.

Ideas for Reform:

- Identify digital service delivery and data integration as core principles in the EP&A Act, ensuring all planning processes align with this.
- Expand the NSW Planning Portal's functionality to provide end-to-end workflow management, including integration with agency systems, real-time status updates, and standardised data formats.
- Develop and deploy AI tools to auto-assess proposals against code-based requirements. This will leverage machine learning to interpret standards and automate approvals where appropriate, which in turn will improve transparency and application assessment timeframes.
- Provide better open data access to zoning, constraints, contributions, infrastructure and planning decisions to enable informed public participation and better market analysis.
- Use digital platforms to enhance public engagement, such as interactive mapping for proposals, generative design, and AI-generated summaries of planning documents.
- Reduce administrative burden, speed up decision-making, and increase system transparency – positioning the NSW planning system as a national leader in smart, tech-enabled planning.

04 POSITIVE FEEDBACK LOOP

Inclusive and Effective Outcomes

The Setting:

The EP&A Act requires community and Agency participation through the public exhibition and referral process.

Key Agency referrals - whilst critical for safeguarding environmental, social and infrastructure outcomes - are frequently slow and not coordinated. These delays create uncertainty for proponents and can discourage investment due to the late-stage interventions and misaligned expectations from different Agencies, often requiring significant rework and resulting in delayed determinations. Overall, this can significantly impact project timeframes, posing a key obstacle to efficient development delivery.

Further, enhancing accessibility and streamlining documentation requirements for complex projects will assist with the community engagement and review process. This, in turn, can support more focused and efficient statutory exhibition periods, ensuring engagement is meaningful, targeted, and proportionate.

Genuine consultation does not mean universal agreement, but it does mean procedural fairness, respectful dialogue, and evidence of meaningful influence.

Ideas for Reform:

- Use participatory methods and early engagement to shape vision and priorities of strategic planning documents, to allow for more streamlined consultation at the DA stage where applications enable the objectives of the endorsed strategic plan.
- Expand the definition of consultation to include deliberative forums, co-design workshops and online collaboration tools that are inclusive of all demographics – not just the vocal few.
- Leverage AI tools to summarise community submissions, identify key themes, and provide real-time sentiment analysis.
- Clarify the development process for communities to ensure clear understanding, realistic expectations and a genuine opportunity to provide input, while avoiding overly burdensome or confusing consultation requirements and procedural engagement processes.
- Establish time-based assessment outcomes for Agencies (both referral and concurrence). If Agencies fail to respond within a set timeframe, a 'deemed concurrence' or a mandatory consideration of assessment requirements by the consent authority may be applied.
- Remove the practice of voluntarily referring applications to Agency for comment and ensure this process only occurs where required under statutory legislation.

05 CERTAINTY FOR CONTRIBUTIONS

Fair, Transparent, and Timely Infrastructure Funding

The Setting:

Uncertainty around infrastructure contributions (how much they will cost, when they will be imposed, and what they will deliver) has long undermined development feasibility and investor confidence. While recent reforms (as of 2022) introduced standardised approaches to infrastructure, challenges remain around transparency and timely infrastructure delivery with growth – particularly at the local level.

Ideas for Reform:

- Mandate the use of a digital contributions calculator via the NSW Planning Portal that can estimate all contributions payable under the EP&A Act (s7.11, s7.12, s7.24-HPC, s7.32-affordable housing) to provide upfront cost visibility for developers, councils, and communities.
- Introduce standard methodologies for the calculation of infrastructure rates to enable better consistency across councils.
- Introduce infrastructure assurance through upfront contributions frameworks for rezonings to improve transparency on costs for developers.
- Enable performance-based infrastructure agreements that reward timely delivery and innovative solutions – such as green infrastructure or affordable housing through contributions incentives.
- Standardise the approach to Planning Agreements across councils and better identify what can and cannot be included – like works in kind.
- These reforms will provide greater financial predictability for developers, ensure infrastructure keeps pace with growth, and rebuild trust in the planning system's ability to deliver public benefit.

06 FROM PROHIBITOR TO FACILITATOR

Enabling Good Development

The Setting:

As outlined within this report, there are a number of criticisms and failures of the planning system that undermine the objective and intent of the legislation.

The planning system should be an enabler of high-quality, sustainable, and economically viable development – not an arbitrary barrier. A high performing planning system must uphold quality while actively enabling good development outcomes through leadership, support, and flexibility.

Ideas for Reform:

- Introduce statutory measures that prioritise timely, proportionate, and outcome-focused assessment.
- Building on the successful uptake of the Housing Delivery Authority, reallocate the decision-making for major development proposals to State Government, Regional or Independent Planning Panels with a mandate to determine applications within set timeframes and introduce deemed to approve provisions if timeframes are not achieved.
- Expand pre-lodgement and 'pathway support' services such as DPHI's planning concierge to help proponents navigate the system, especially for innovative or complex projects.
- Develop a culture of 'yes, if' rather than 'no, unless' – encouraging negotiation and solutions-based thinking across all councils and government agencies.
- Reward development that aligns with endorsed strategic plans and delivers clear public benefits through expedited assessment timeframes and favourable conditions. This will build investor certainty in the development industry and ensure coordinated growth of communities with services and infrastructure.
- Structurally shift the planning system from a reactive model to a proactive, strategic approach that anticipates and addresses future needs before crises escalate – reducing reliance on short-term policy responses and enabling more sustainable, long-term outcomes.

CONCLUDING REMARKS

WE NEED TO BE **BOLDER
FROM GRASSROOTS TO
EVERYTHING UPWARDS.**

Conclusion

Reforming the EP&A Act requires more than incremental adjustments over time – it calls for a mindset shift of the planning system into one that is strategically led, digitally enabled, and streamlined in its assessment pathways.

This report has outlined a series of reform ideas aimed at strengthening the structural framework and improving the efficiency of the EP&A Act. This is not intended as a final roadmap to reform – rather a starting point to contribute to the ongoing and essential public conversation on a future planning system for NSW. It is now up to our political leaders, across all sides of government, to refine and translate these ideas into action, through genuine bipartisan support and collaboration.

Ultimately, the future of NSW's planning system depends on our collective willingness to move beyond piecemeal fixes and toward a bold, strategic vision. We hope this work informs and inspires a shared commitment to delivering a more transparent, responsive, and equitable planning system.

We're ready for change.

Connect with our experts to discuss how we can achieve practical and implementable solutions.



Sarah Horsfield
Director

Planning, Urbis
shorsfield@urbis.com.au



Stewart Doran
Associate Director

Planning, Urbis
sdoran@urbis.com.au



Eliza Scobie
Associate Director

Planning, Urbis
escobie@urbis.com.au