

c2025-046F
GRNS--The Greens

LEGISLATIVE COUNCIL

Environmental Planning and Assessment Amendment Bill 2025

Second print

Proposed amendments

- No. 1 **Area comprising Six Cities Region**
Page 3, Schedule 1[4], lines 18–27. Omit all words on the lines.
- No. 2 **Strategic plans**
Page 5, Schedule 1[24], lines 28–32. Omit all words on the lines.
- No. 3 **Special consultation procedures concerning bush fire prone land**
Page 5, Schedule 1. Insert after line 34—

[25A] Section 3.25A

Insert after section 3.25—

3.25A Special consultation procedures concerning bush fire prone land

- (1) Before forwarding a planning proposal to the Minister under section 3.34(1), the planning proposal authority must consult with the Commissioner of the NSW Rural Fire Service if, in the planning proposal authority's opinion the planning proposal includes a proposal to do any of the following on bush fire prone land or on land that adjoins bush fire prone land—
 - (a) permit residential accommodation,
 - (b) reduce the minimum lot size for subdivision,
 - (c) permit development for a special fire protection purpose.
- (2) For the purposes of the consultation, the planning proposal authority must give information about the planning proposal that would assist in understanding its effect, including information required by a direction under section 9.1(2) that relates to bush fire prone land.
- (3) The Commissioner of the NSW Rural Fire Service may comment to the planning proposal authority on the planning proposal within the following period after the consultation commences—
 - (a) the period agreed between the Commissioner and the relevant authority,
 - (b) in the absence of an agreement—a period of 28 days.

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- (4) The consultation required by this section is completed when the planning proposal authority has considered any comments made by the Commissioner of the NSW Rural Fire Service.
 - (5) A planning proposal to which this section applies must not be forwarded to the Minister under section 3.34(1) unless the planning proposal authority is satisfied that the Commissioner of the NSW Rural Fire Service does not object to the changes proposed in the planning proposal.
 - (6) If the Commissioner of the NSW Rural Fire Service has given comments to a planning proposal authority in relation to a planning proposal under this section—
 - (a) the comments must be included in the version of the planning proposal that is placed on public exhibition, and
 - (b) the comments must be identified as comments made by the Commissioner.
 - (7) In this section—
special fire protection purpose has the meaning as in the *Rural Fires Act 1997*, section 100B.

[25B] Section 4.14 Consultation and development consent—certain bush fire prone land

Omit “for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose)” from section 4.14(1).

Insert instead “that includes development for the purposes of residential accommodation”.

[25C] Section 4.14(1)(a) and (b)

Omit “requirements” wherever occurring.

Insert instead “performance criteria”.

[25D] Section 4.14(1A)

Omit the subsection. Insert instead—

- (1A) For subsection (1), a performance solution in the form of a site assessment does not conform with the relevant performance criteria unless—
 - (a) the site assessment determines the relevant annual exceedance probability for the design fire and the bush fire attack level for the building, and
 - (b) the annual exceedance probability is consistent with the bush fire performance requirement for that building under the *Building Code of Australia*.

[25E] Section 4.14(1B)

Omit the subsection. Insert instead—

- (1B) Despite subsection (1), development consent must not be granted for State significant development that includes development for the purposes of residential accommodation on bush fire prone land unless—
 - (a) the consent authority has consulted with the Commissioner of the NSW Rural Fire Service, and
 - (b) the Commissioner has certified in writing that—

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- (i) the development will conform with the relevant specifications and performance criteria, or
 - (ii) the development will not conform with the relevant specifications but the development will include a suitable performance solution.

[25F] Section 4.14(2)

Insert in alphabetical order—

annual exceedence probability has the same meaning as in the *Building Code of Australia*.

bushfire attack level has the same meaning as in the *Building Code of Australia*.

performance solution has the same meaning as in the *Building Code of Australia*.

[25G] Section 4.15 Evaluation

Insert after section 4.15(1)(c)—

- (c1) the risk to life, property, the natural and built environments, cultural values and infrastructure resulting from the effects of the following natural hazards on the development—
 - (i) bush fires,
 - (ii) floods,
 - (iii) winds,
 - (iv) cyclones,
 - (v) storms,
 - (vi) earthquakes,
 - (vii) snow fall,
 - (viii) coastal erosion and inundation,

No. 4 Modifications of consents

Page 6, Schedule 1[32]. Insert after line 34—

- (6A) Also, a consent authority may modify a condition of consent under subsection (1), (1A) or (2) on its own initiative, subject to the requirements of this section.

No. 5 Modification by consent authorities of consents granted by the Court

Page 7, Schedule 1[34]. Insert after line 2—

- (1BA) Also, a consent authority may modify a condition of consent under this section on its own initiative, subject to the requirements of this section.

No. 6 Special consultation procedures concerning bush fire prone land

Page 7, Schedule 1. Insert after line 21—

[39A] Section 10.3 Bush fire prone land

Omit section 10.3(1). Insert instead—

- (1) If a bush fire risk management plan applies to land within the area of a council, the Commissioner of the NSW Rural Fire Service must, within 12 months after the commencement of this section—
 - (a) designate land within the area that the Commissioner considers, having regard to the bush fire risk management plan, to be bush fire prone land, and
 - (b) record any land so designated on a map, and

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- (c) certify the map as a bush fire prone land map for the area of the council, and
 - (d) give the certified map to the council.

[39B] Section 10.3(2) and (2A)

Omit the subsections. Insert instead—

- (2) The Commissioner of the NSW Rural Fire Service—
 - (a) must review the designation of land on a bush fire prone land map before the end of the period of every 5 years after the map was last certified and revise the map accordingly, and
 - (b) may review the designation of land on a bush fire prone land map for an area at any time after the map is certified and revise the map accordingly.
- (2A) If the Commissioner of the NSW Rural Fire Service revises a certified map under subsection (2), the revised map—
 - (a) becomes the bush fire prone land map for the area on being certified by the Commissioner, and
 - (b) must be given to the council by the Commissioner.
- (2B) The Commissioner of the NSW Rural Fire Service must consult with the council for land that the Commissioner considers to be bush fire prone land before designating the land as bush fire prone land under subsections (1) or (2).

[39C] Section 10.3(4)

Insert “and must be given to any person if requested at no cost” after “council”.

No. 7 Development that is State significant development

Page 8, Schedule 1[41], lines 6 and 7. Omit “the Act, the regulations or an environmental planning instrument”.

Insert instead “designating the consent authority for a development application”.

No. 8 Development that is State significant development

Page 8, Schedule 1[41], line 3. Omit “and (4)”.

No. 9 Development that is State significant development

Page 8, Schedule 1[41], lines 8 and 9. Omit all words on the lines.

No. 10 Meetings of planning bodies

Page 8, Schedule 1[43] and [44], lines 14–30. Omit all words on the lines.

No. 11 Exemption from meeting requirements

Page 12, Schedule 2[4], lines 10–16. Omit all words on the lines.