



enews

# INFORMATION SHEET

## Environmental Planning and Assessment Amendment Bill 2012

The Environmental Planning and Assessment Amendment Bill 2012 was introduced last week to improve flexibility to a number of matters relating to;

- Development Control Plans (DCP's),
- Bush Fire Planning in Urban Release Areas,
- Biodiversity Certification,
- Paper Subdivisions,
- Development Contributions,
- Urban Growth NSW,
- Building Certification & Accreditation of Certifiers,
- Copyright, and
- Government Property NSW

Such interim measures are administration procedures pending the wide-ranging changes following from the NSW Governments Green Paper and soon to be released White Paper.

The major change for HIA members is the reinstatement of DCP's as a set of development 'guidelines' as opposed to a document that presides over local environmental plans (LEPs) in the design process and subsequent development assessment.

When this law commences, any requirement or control within a DCP that prevents or unjustly restricts development, will be deemed to have no effect. Equally, other reasonable controls will still apply. Similarly, inconsistent standards which are applied by council's that are more onerous than the current standards or controls under the DCP, will not apply

As the Amendment Bill may not be law by the end of the year, members may have to assess their current or future proposal as to whether it may be appropriate to wait until the Amendment Bill is law.

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DISCLAIMER - The above is intended to provide general information in summary form. The contents do not constitute specific advice and should not be relied upon as such. Formal specific advice should be sought by members with respect to particular matters before taking action.

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HIA have been outspoken on this issue including the sizeable council development control documents that are often subjective and overly prescriptive. HIA considers these changes a positive move though, the NSW Government should move quickly on this Amendment Bill to ensure clarity for future developments that are innovative and go beyond the generic controls of the DCP.

For more information, members can go to the Department of Planning and Infrastructure website:

<http://www.parliament.nsw.gov.au/prod/parlment/nswbills.nsf/131a07fa4b8a041cca256e610012de17/fb455726682cff29ca257aa100153f7c?OpenDocument>

Members can also contact HIA on 1300 650 620 or [nswplanning@hia.com.au](mailto:nswplanning@hia.com.au) for further assistance in relation to these changes.