

Our ref: R25/0035

24 February 2026

Endorsed by the LGNSW Board
in April 2026

Department of Planning, Housing and Infrastructure

Online submission via Planning Portal website

Establishing the Development Coordination Authority

Thank you for the opportunity for Local Government NSW (LGNSW) to comment on proposed changes to the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and various environmental planning instruments necessary to support implementation of the Development Coordination Authority (DCA).

LGNSW is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

This submission is made in draft form, pending approval of the LGNSW Board. It is based on LGNSW policy positions and feedback from councils. The Department of Planning, Housing and Infrastructure (DPHI) is asked to consider this current version. If there are any changes following Board endorsement these will be separately provided to DPHI.

LGNSW notes the proposed changes on exhibition include:

- Introducing earlier checking of whether statutory inputs (referrals) are needed, including verification by DCA within two business days.
- Simplified timeframes for statutory inputs - a single 28-day timeframe for DCA and other bodies to provide input on DAs.
- Updated fees for statutory inputs.

Notably, under the changes introduced, the DCA will provide a single, consolidated response containing any general terms of approval and most concurrences or referrals needed for DAs assessed by councils. The DCA will be the final decision maker for these inputs.

LGNSW supports initiatives that aim to improve the efficiency, clarity and consistency of the planning system.

Councils in NSW have long argued that the referral and agency concurrence system adds delays, inconsistency and administrative burden to the planning process, often without clearly improving outcomes. These previously unresolved issues are often outside councils' control, and in addition to delaying approvals, also have implications on council development assessment performance metrics which are reported in DPHI's Council League Tables. To address these issues, LGNSW and councils have in the past called for more enforceable timeframes, greater accountability, and simpler referral pathways.

LGNSW has therefore welcomed elements of the recent planning reforms aimed at addressing these issues by centralising and streamlining agency input. We acknowledge the positive intent of the proposal to reduce complexity and delays in agency referrals and to provide greater certainty for councils and applicants. Where carefully designed and appropriately resourced, this has significant potential to benefit the broader planning framework across NSW.

LGNSW welcomes continued collaboration with the DCA to ensure that the changes are fit for purpose. To that end, we appreciate the information sessions offered to councils about the proposed changes to support the DCA's implementation.

We raise the following matters for clarification and consideration.

Understanding and contemplating local context

Centralising referrals can speed up assessments, but it may also reduce sensitivity to and consideration of local conditions. LGNSW seeks assurance and clarification that local conditions will be considered by the DCA when formulating its consolidated agency advice.

- How will the DCA framework ensure that local context (such as infrastructure capacity, environmental constraints, heritage significance and community expectations) remains central to referral advice provided to councils?
- Do the DCA's processes build in consideration of NSW Government strategic plans as well as local environmental plans, development control plans and other council-endorsed strategies? If so, what mechanisms will be used to accord appropriate weight to these local plans in the DCA's deliberations?

Accountability, transparency and reporting

LGNSW acknowledges the benefits of having the DCA provide a single unified state agency response. The DCA's performance measures against set timeframes are also welcomed.

Maintaining confidence in the planning system requires clear lines of accountability and publicly accessible reporting. As councils remain accountable for delivering planning outcomes and upholding community confidence in the planning system, it is important that this new centralised referral model operates transparently and provides clear, timely and well-explained advice. To understand how this will be achieved under the DCA, LGNSW seeks clarity on the mechanisms for public reporting, the availability of reasons for advice, and governance arrangements and probity safeguards.

- What public reporting framework is proposed to provide transparency around the DCA's response times, advice issued to councils and applicants, and overall system performance?
- Will the DCA's advice and/or reasons for advice provided to councils and applicants be publicly available?
- How will reasons for advice be documented and made accessible to councils and the community?
- What governance and probity safeguards are in place to manage potential risks associated with a centralised authority model, including Secretary sign-off?

LGNSW notes that the operations of the DCA will be detailed each year in the DPHI annual report. LGNSW further recommends that the NSW Government commit to regular, publicly accessible reporting on the outcomes of the DCA's work - not just its activities - including a periodic review of the DCA's performance and impact on the planning system.

The NSW Government is proposing that the DCA will have a clear 28-day target and will report against this, and that 'stop the clock' provisions will only occur for requests for information (RFIs). LGNSW supports the use of stop the clock provisions, and asks that consideration be given to expanding their use to account for any matters that are awaiting advice or decision from the DCA. DA assessment timelines have implications for deemed refusals and also for data presented on Council League Tables. It is unreasonable for councils to be penalised for delays beyond their control.

Early identification of necessary referrals for statutory input

Changes to the Regulation are proposed that introduce a consistent process for early identification and checking of whether a DA must be referred for statutory input. The DCA is proposed to be able to assist councils and applicants by checking referrals before a DA is lodged and formally referred. This is intended to avoid delays and wasted effort.

The Regulation is also proposed to include a time limit of two business days for the DCA to check the application, after which a council will be able to accept the application as

lodged, regardless of whether the DCA has responded. This will ensure that this check does not slow down the lodgement process.

This sounds as though it would be a valuable improvement to the system of approvals, by having all statutory inputs (and their associated costs) identified up front, yet it relies on the DCA performing at a high standard of responsiveness and accuracy. However, it is not clear how the DCA will manage its 28-day timeframe to provide statutory inputs if councils or the DCA fails to identify a necessary statutory input in that initial two business day check, or if the DCA is unable to provide a response at all in that two-day timeframe.

- How will the DCA manage its 28-day timeframe if it misses necessary statutory inputs during its initial check?

Streamlined management of infrastructure and utility approvals

LGNSW considers that the DCA could play an important role in resolving persistent delays in approvals from infrastructure agencies and utility providers that councils encounter when navigating the approval processes for essential local and enabling infrastructure. Councils report that these processes have become increasingly complex.

At the 2024 LGNSW Annual Conference¹, NSW councils resolved to call on the NSW Government to improve the efficiency of processes associated with the delivery of critical local infrastructure by councils.

Resolution 6: The Hills Shire Council - Streamlined management of infrastructure approvals and delivery

That Local Government NSW calls on the NSW Government to improve the efficiency of processes associated with the delivery of critical local infrastructure by Councils. This should include a particular focus on:

1. reducing the time taken to obtain design approval from Transport for NSW and other utility providers;
2. removal of barriers to the efficient and early acquisition of land for a public purpose and streamlining of the compulsory acquisition process for local Councils; and
3. increased scrutiny of service relocation costs required by utility providers.

Councils report that gaining approvals from government and utility providers can be a significant barrier to timely infrastructure delivery. While councils may have undertaken all necessary planning and design steps, delays too often occur when waiting for approvals from external agencies or awaiting the satisfaction of 'warrants', which will ultimately be met once development occurs. Some agencies also present roadblocks to infrastructure that has already been identified as necessary through

¹ [Annual_Conference_2024-Resolutions.pdf](#)

government planning policies. This highlights the lack of coordination between agencies and inefficiencies when councils must continually justify the provision of infrastructure that has already been planned for and committed to.

As a result, there is a substantial lag between residents moving into a new area and the council being able to deliver the infrastructure required to support the additional population. This prevents orderly planning outcomes and the delivery of key infrastructure in line with development. This is understandably a major source of frustration for residents moving into new areas and severely impacts on quality of life. It is also a burden for council as substantial time and resources are directed towards responding to residents on these issues, rather than doing the work required to deliver infrastructure on the ground.

LGNSW would like to know if the DCA's remit will extend to resolving issues such as these associated with the delivery of critical local infrastructure by councils.

LGNSW and councils would welcome the opportunity to provide more information to the DCA and discuss how the Authority may be able to apply its role in consolidating and expediting agency responses to these particular cases.

Preserving agency-specific visibility and operational expertise

According to the NSW Government, *"the need for expert advice from the DCA and other bodies on local development applications (DAs) will be consolidated from more than 800 dispersed, duplicative and inconsistent requirements across 175 planning instruments into a single list aligned with State priorities"*².

Councils will be concerned to ensure that the establishment of the DCA does not diminish the depth of operational expertise currently provided by specialist agencies such as the NSW Rural Fire Service (RFS) and other emergency services. Councils rely on detailed, site-specific, operationally informed advice when assessing DAs, particularly in relation to bushfire, flood and emergency access risk. Any dilution of that practical, front-line knowledge - or an unforeseen shift toward higher-level, generalised state-based feedback - risks weakening the basis on which councils make statutory decisions.

Former emergency services leaders have expressed concern that transferring "deep subject-matter expertise"³ such as bushfire assessment responsibility from the RFS to the DCA risks diminishing the depth of specialist hazard expertise currently provided to

² NSW Government media release, 29 January 2026: [New one-stop shop to deliver faster and simpler planning system](#)

³ SMH, 22 February 2026 - [NSW planning laws: Former emergency service leaders raise concerns over flooding in Hawkesbury-Nepean, bushfire protections and development approvals](#)

councils as part of their development decisions. They have cautioned that streamlined approval pathways should not come at the expense of rigorous hazard management.

As consent authorities, councils remain legally and publicly accountable for approvals, even where they rely on state agency advice. In an environment of escalating climate risk and increasing scrutiny following disaster events, it is essential that the DCA's advisory function retains its technical rigour and real-world expertise so that councils are not exposed to heightened legal, reputational or financial risk in the future.

It is presently unclear what arrangements the DCA has in place with agencies to ensure that DCA experts remain fully across the operational detail needed to represent the agency's issues and that this expertise does not diminish over time.

Councils therefore seek clarity on how this expertise will be preserved and how any divergence will be addressed.

Changes to fees for statutory inputs

The NSW Government is also proposing to introduce a new fee structure for statutory inputs on local DAs, that it says will better reflect the time involved in providing this input. This includes increasing fees on proponents for each concurrence or integrated development approval, and new fees for DCA input on each statutory referral and complex modification application. The proposed framework is intended to 'provide a simpler, fairer fee structure' and it is important that this is achieved.

LGNSW appreciates the need to fairly resource and fund the provision of expert planning advice and input. DPHI should also ensure councils are adequately remunerated for the assessment service they provide, so that existing staff resources can remain attentive to considering councils' own DAs. Indeed, at the 2025 LGNSW Annual Conference, councils resolved to call on DPHI to remunerate councils for the time staff provide to assess State Significant Development applications.

Increasingly, DPHI is relying on council staff for assessment of applications including through requests for engineering and hydrologic assessment and provision of conditions of consent.

Councils are also being asked to provide significant input to assist with consideration of applications to the Housing Delivery Authority.

It is in the community's best interest that councils provide feedback, but the assessment required can be time consuming.

- The fees for the DCA's statutory inputs must be fair and clear.

- The NSW Government should introduce a framework for remunerating council input to state-led planning processes, including for State Significant Development and the Housing Delivery Authority.

Transitional Arrangements

As the DCA framework is introduced, councils would appreciate clarity on how existing applications and assessment processes will be managed during the transition. It is vital that communication and change is well-managed and clearly justified with the community and with councils.

To ensure continuity, certainty and efficiency for both councils and applicants, LGNSW seeks further information on the transitional arrangements and the support that will be provided to assist councils in adapting to the new system. In particular, LGNSW seeks further information on:

- What transitional arrangements are proposed for applications already in the assessment system when the new framework for statutory inputs on DAs commences on 1 July 2026.
- What support will be provided to councils to adapt systems and processes to the new arrangements.
- What communications will be provided to the community and to councils to assist with and explain the transition and the role of the DCA?

~

LGNSW supports the significant opportunity that the DCA presents to improve development assessment timeframes and is committed to working with the DCA to finetune its framework ahead of the 1 July 2026 commencement date. LGNSW appreciates the opportunity to contribute constructively to this reform initiative and looks forward to ongoing engagement to ensure that the DCA framework delivers genuine and marked improvements in timeframes and planning outcomes.

As noted above, we would specifically welcome further consultation on the matter of streamlining utility approvals required as part of delivering critical local enabling infrastructure.

For further information, please email LGNSW Planning: LGNSW.Planning@lgnsw.org.au