This planning circular has been ARCHIVED
This circular is no longer current but provides historical information and advice on planning system matters.

Planning circular

PLANNING SYSTEM	
Circular	PS 25-002
Issued	26 May 2025
Replaces	Planning Circular D6

Crown development applications

This circular advises councils, applicants and practitioners of the Crown development provisions that apply to local and regionally significant development under Part 4, Division 4.6 of the *Environmental Planning and Assessment Act (EP&A Act) 1979.*

Overview of this circular

Crown development provides essential services such as education, health, social and affordable housing, transport, emergency, legal and justice and is designed and funded by the state government to deliver community benefit, as well as local jobs and infrastructure in locations that need it.

This Circular replaces the previous Circular D6 – Crown development applications and conditions of consent.

This circular advises on the provisions that apply to Crown development applications and is supported by the Guidelines for Crown Development Applications under the EP&A Act – Local and Regionally Significant Development.

Crown development provisions

The EP&A Act includes different provisions for Crown development applications under Part 4, Division 4.6 as follows:

- a consent authority must not impose a condition of consent, except with the approval of the Crown or the Minister
- a consent authority, other than the Minister, must not refuse consent, except with the approval of the Minister
- they may be referred from the council to the applicable Sydney District or Regional Planning Panel (Planning Panel) or from the Planning Panel to the Minister, if an application is not determined in the prescribed time
- the prescribed period for a consent authority to determine a Crown development application is 70 days. When referred to a Planning Panel after failure to be determined by a council within the specified timeframe, the prescribed period is 50 days, after which it may be referred to the Minister
- the Minister may direct the consent authority to approve the application, with or without specified conditions, or refuse it
- Crown applications are not subject to review under section 8.2 of the EP&A Act
- Division 4.8 Integrated development of the EP&A Act does not apply to Crown development applications, other than development that requires a heritage approval. Approvals are still required under other Acts
- the requirements for construction certificates, occupation certificates and subdivision work certificates do not apply to Crown development applications and a principal certifying authority is not required. Crown developments must still comply with the Building Code of Australia requirements.

Crown contributions

Certain categories of Crown development are infrastructure for the community and are unlikely to generate the same demand for public amenities or public services in the same way as private development.

Refer to the Practice Note – Exempting certain development from contributions for guidance on contributions for Crown development applications.

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Further information

The Guidelines for Crown Development Applications under the EP&A Act – Local and Regionally Significant Development can be viewed at:

https://www.planning.nsw.gov.au/assess-and-regulate/development-assessment/crown-development-applications

Department of Planning, Housing and Infrastructure circulars are available at:

planning.nsw.gov.au/circulars

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Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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