

Information sheet: First commencement of the Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025

Purpose

The *Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025* (PSR Act), which amends the *Environmental Planning and Assessment Act 1979* (EP&A Act), was given assent on 24 November 2025.

The PSR Act makes a number of significant changes to the NSW planning system. The provisions in the PSR Act commence in stages by proclamation.

The first provisions commence on 15 December 2025. This information sheet explains which provisions have commenced and how any savings and transitional provisions operate.

It aims to assist users of the planning system understand how the changes apply, particularly to development applications (DAs) that have been lodged but not determined or are in the course of being prepared.

For more information on the substance of the PSR Act see the Overview document [here](#).

Objects of the EP&A Act

The PSR Act repeals and replaces the objects of the EP&A Act. The objects have been recast to respond to modern challenges such as the need for housing and climate change resilience. A new object has also been introduced to promote a proportionate and risk-based approach to planning.

Commencement of provision

The new objects in section 1.3 of the EP&A Act commence on 15 December 2025.

Savings and Transitional Provisions

The new objects do not apply to DAs and modification applications lodged before their commencement.

For the purpose of section 3.13 of the EP&A Act, any proposed Environmental Planning Instrument (EPI) that was in the course of preparation at the time the new objects commenced, may continue to be made to achieve any of the previous objects that were in force immediately before commencement.

This savings and transitional provision only applies for the first 12 months after commencement. After this time, any EPI made will be subject to the new objects regardless of when preparation began.

Legislative establishment of the Housing Delivery Authority

The PSR Act gives legislative recognition to the Housing Delivery Authority (HDA) by inserting Division 2.3A into, and making other consequential amendments to, the EP&A Act. The provisions provide for the constitution, membership and functions of the HDA. Additionally, amendments to section 3.22 provide power to amend an EPI to deal with matters the HDA considers reasonably necessary to enable the carrying out of certain State significant development.

The HDA was previously established under the *Environmental Planning and Assessment (Housing Delivery Authority) Order 2024* (the HDA Order).

More information on the HDA can be found [here](#).

Commencement of provisions

Division 2.3A, amendments to section 3.22 and other consequential amendments commence on 15 December 2025.

Savings and Transitional Provisions

Savings and transitional provisions have been made to avoid disruption to the ongoing work of the HDA. The PSR Act revokes the HDA Order but provides that anything previously done under the HDA Order continues to have effect under the new provisions. Members of the HDA are also taken to be appointed under the EP&A Act.

Establishment of the Development Coordination Authority

The PSR Act establishes the Development Coordination Authority (DCA), a new authority within the Department that will centralise the State's inputs on development applications and rezonings.

Once fully established the DCA will:

- issue general terms of approval for integrated development
- provide concurrences under various Acts
- provide expert advice to support the assessment of State significant development and State significant infrastructure applications, planning proposals, and State-led rezonings.
- provide responses to statutory consultation under various Acts
- issue Biodiversity Development Assessment Report waivers
- respond to requests to review decisions of the DCA.

However, the new provisions will commence in stages, with the DCA expected to be fully operational by July 2026.

Commencement of provisions

On 15 December 2025, a range of provisions commence allowing the formal establishment of the DCA.

In January 2026, following the commencement of these provisions, DCA will:

- act as a single point of contact for enquiries on local development and modification applications requiring input from NSW Government agencies
- coordinate work to resolve enquiries related to integrated developments, concurrences, referrals and housing related post consent issues
- identify solutions to resolve post consent delays on housing construction and completion, covering consents issued under local and state significant development pathways, and providing case management services.

The DCA will issue general terms of approval, provide expert advice and carry out other statutory functions from July 2026.

Savings and Transitional Provisions

No savings and transitional provisions are required to support the first stage of commencement of the DCA.

Savings and transitional provisions will be enacted alongside the commencement of broader statutory powers in July 2026.

Constitution of joint local planning panels and regionally significant development

The PSR Act includes the staged repeal of the regionally significant development (RSD) pathway along with the associated Sydney district and regional planning panels. The reform will create a single planning panel model based on Local Planning Panels. Once fully implemented, all DAs will be determined either by council staff or local planning panels (LPPs). To ensure a smooth transition, there will be a staged approach to implementation.

Commencement of provisions

On 15 December 2025, amendments to section 2.17 of the EP&A Act and related provisions commence to allow the Secretary of the Department of Planning, Housing and Infrastructure (Secretary) to constitute joint local planning panels in areas without them. However, this power will not be used immediately. Consultation will occur with Local Government NSW and affected councillors before the creation of LPPs in regional areas where they do not already exist.

Amendments to sections 4.32 and 4.33 of the EP&A Act also commenced to transfer the functions of Sydney District Panels to LPPs to determine Crown development applications that are referred to them, but only in Greater Sydney, Wollongong and the Central Coast where LPPs already exist.

On 16 January 2026, two additional instruments will come into effect to further support the transfer of Sydney district and regional panel responsibilities. They include an amendment to section 275 of the *Environmental Planning and Assessment Regulation 2021* (Regulations), which gives effect to a new [Instruction on functions not exercisable by council on behalf of Sydney district or regional planning panels – certain regionally significant development applications](#) and a new section 9.1 Direction [here](#).

Together, these will divert all new and certain existing RSD applications to LPPs for determination, but only where a LPP exists.

Savings and Transitional Provisions

Areas where no LPP currently exists

The provisions will not immediately change the operation of regional planning panels in locations where no LPP currently exists.

Consultation will occur before any new individual or joint LPP is established by the Secretary.

Areas where a LPP currently exists

The commencement of the provisions will facilitate the gradual transition away from Sydney district and regional panel determination of DAs.

Crown DAs

Any Crown DA made after 15 December 2025 will be referred to the LPP instead of the Sydney District Panel for determination where the council has not determined the DA within the required period.

Savings and transitional provisions have been included so that Crown DAs that have been made but not determined as at 15 December 2025 will continue to be referred to the relevant Sydney district panel for determination where the council has not determined the DA within the required period.

RSD applications

From 16 January 2026, any new RSD application and most pending RSD applications will be determined by the relevant LPP.

The only circumstances in which RSD applications will remain with the Sydney district or regional planning panels for determination are where:

- the application was lodged before 4 September 2024
- the council has submitted an assessment report to the panel by 16 January 2026, or
- a deemed refusal appeal is underway in relation to the application as at 16 January 2026.

Secretary's requirements for DAs

The new section 4.12(10) of the EP&A Act allows the Secretary to specify the form and content of documents required to accompany a DA.

Commencement of provisions

Section 4.12(10) commences on 15 December 2025. However, until the Secretary publishes requirements under this provision on the NSW Planning Portal, it will have no immediate effect. These requirements will be publicly exhibited before they commence.

Savings and Transitional Provisions

There are no savings and transitional provisions relating to these requirements.

The application of any Secretary's requirements to pending DAs will be clarified at the time the requirements are published on the NSW Planning Portal.

Matters for consideration when assessing a DA

The PSR Act makes a number of amendments to section 4.15 of the EP&A Act which sets out matters for consideration when assessing a DA. Related amendments have also been made to section 4.17 Conditions of consent and a new Regulation. Some of these provisions commence on 15 December 2025.

Provisions relating to the targeted assessment development pathway and non-discretionary development standards will commence at a later date.

More information on the changes to section 4.15 can be found in the Section 4.15 Practice Note [here](#).

Commencement of provisions

The following provisions commenced on 15 December 2025:

- Amendments to section 4.15(1)(b) to insert the word “significant” before “likely impacts”
- New provisions - section 4.15(1A)-(1B) which allow the Regulations to identify factors that are and are not relevant to an assessment under section 4.15 (1)(b), (c) and (e).
- New provision – section 4.17(1)(a1) which allows a condition to be imposed if it relates to a likely impact of the development

- New Regulation – section 65A made under the new section 4.15(1A) which declares the impacts of other development not included in a DA not to be a relevant factor when undertaking an assessment of the significant likely impacts of development under section 4.15(1)(b).

Savings and Transitional Provisions

Application to DAs and modifications lodged but not determined

Savings and transitional provisions ensure that the changes do not apply to DAs and modification applications lodged before the commencement of the provisions. These savings provisions will only remain in effect for 12 months. Pending DAs or modifications that take longer than 12 months to determine will need to be assessed under the new provisions.

Application to DAs and modifications submitted but not lodged or not yet submitted

The new provisions will apply to all DAs or modifications lodged after commencement. This includes applications that have been submitted but not formally accepted as lodged.

Given the nature of the amendments made to section 4.15, in most cases it will not be necessary to update draft applications. This should, however, be considered on a case by case basis. Generally, councils should be able to assess and determine an application against the new provisions using documentation that has been prepared prior to commencement.

Application to State Significant Development (SSD)

There are no savings or transitional provisions for SSD for which Secretary's Environmental Assessment Requirements (SEARS) have been issued, but the DA has not yet been lodged.

Applicants should contact the Department if concerned that SEARS do not reflect the changes made to section 4.15.

Historical development consents

Amendments to section 4.57 of the EP&A Act broaden the power of the Secretary to modify or revoke a development consent, so that the power can be used in relation to an

existing EPI. A new section 116A of the Regulation specifies that this power can only be exercised if the consent was granted more than 25 years ago.

Amendments have also to been made to sections 9.34, 9.35 and Schedule 5 of the EP&A Act to broaden the powers to issue a Development Control Order for the completion of works under a development consent. These amendments ensure a complete works order can be issued where the works have commenced but have not been completed.

Commencement of provisions

All of the above provisions commence on 15 December 2025 .

Savings and Transitional Provisions

No savings and transitional provisions are required. The amendments will apply to existing and future development consents.

Minister's approval for planning agreements

Amendments have been made to section 7.4 of the EP&A Act to remove the need for the Minister or a consent authority to be party to a planning agreement that excludes the application of section 7.11 or 7.12, as long as the Minister has approved the planning authority/authorities entering into the planning agreement.

Commencement of provisions

These provisions commence on 15 December 2025.

Savings and Transitional Provisions

No savings and transitional provisions have been made in relation to any draft or future planning agreement that has not yet been publicly notified.

Where a draft planning agreement has been or is currently being notified with the Minister or the consent authority as a party to the agreement, savings and transitional provisions allow the Minister to give approval to the agreement under the new provisions rather than the Minister or the consent authority being a party, without further notification.

Other minor and housekeeping amendments

A number of minor amendments to the EP&A Act also commence on 15 December 2025.

Table 1 sets out these provisions including their purpose and whether any Savings and Transitional provisions apply.

Provision	Effect	Savings and transitional provisions
Section 1.4 definition of 'NSW Planning Portal'	Amends the URL for NSW planning portal to www.planning.nsw.gov.au	N/A
Section 3.14 Content of Environmental Planning Instruments	Adds a clarifying note to the provision	N/A
Section 4.13 and s4.64(1) Notification, consultation and concurrence and s4.6 Provisions relating to the Independent Planning Commission	Allows an agency to be notified as an alternative to consultation and concurrence and consequential changes	No. Transitional provisions will be included with any new notification requirements
Section 4.40 Application of Part 4 to SSD	Clarifies that part 4 of the EP&A Act applies to SSD	N/A
Section 4.53 Lapsing of consent	Removes extended covid lapsing provisions that have limited future application	Yes. The new provision does not apply to remaining consents that have extended lapse dates under the previous covid provisions.
Section 4.64 Regulations- part 4	Allows a regulation to be made imposing a compliance levy on complying development certificates	No. Transitional provisions will be included with any future regulation.

Section 4.66 and 4.68 Continuance of and limitations of existing and other lawful uses	Removes extended covid abandonment provisions that no longer apply	N/A
Section 5.12 Development that is State Significant Infrastructure (SSI)	Removes the requirement for a SEPP to be amended when an SSI declaration is made by Ministerial Order.	N/A
Section 7.31F Treasurer to give annual report	Extends the period in which the Treasurer must provide an annual report to Parliament on the SBC and HAP funds from 4 months to 6 months	N/A
Section 10.13(2) Regulations	Omits section 10.13(2) as this power is already provided for in the <i>Interpretation Act 1987</i>	N/A
Schedule 7 Dictionary 'public notification development'	Extends the definition to modification applications	N/A
Savings, transitional and other provisions	Additional savings and transitional provisions relating to pending RSDAs, Division 8.2 and development standards have commenced but will have no effect until the related substantive provisions commence.	N/A