

Summary of planning system reform proclamations, effect, savings and transitional provisions

Reform	Summary of Effect	Provisions of the EP&A Act	Provisions of the EP&A Regulations	Commencement Date	Savings and Transitional Provisions
Objects of the Act	<ul style="list-style-type: none"> The provisions repeal and replace the Objects of the EP&A Act. The new Objects respond to modern challenges such as the need for housing and climate change resilience and promoting a proportionate and risk-based approach to planning. 	<u>Section 1.3</u>	-	15 December 2025	<p><u>Savings and transitional provisions</u> provide that:</p> <ul style="list-style-type: none"> The new objects do not apply to DAs and modification applications lodged before their commencement. Any proposed EPI may continue to be made to achieve any of the previous objects that were in force immediately before commencement for the first 12 months after commencement.
Legislative establishment of the Housing Delivery Authority	<ul style="list-style-type: none"> Legislative recognition is given to the Housing Delivery Authority (HDA). The provisions provide for the constitution, membership and functions of the HDA. Additionally, amendments provide powers to amend an EPI to deal with matters the HDA considers reasonably necessary to enable the carrying out of certain State significant development. 	<u>Division 2.3A</u> <u>Section 3.22</u>	-	15 December 2025	<p><u>Savings and transitional provisions</u> provide that:</p> <ul style="list-style-type: none"> Actions taken under the previous <i>Environmental Planning and Assessment (Housing Delivery Authority) Order 2024</i> continue to have effect under the new provisions. Members of the HDA are taken to be appointed under the EP&A Act.
Definition of 'NSW Planning Portal'	<ul style="list-style-type: none"> Amends the URL for NSW planning portal to www.planning.nsw.gov.au 	<u>Section 1.4</u>	-	15 December 2025	<ul style="list-style-type: none"> N/A
Establishment of the Development Coordination Authority	<ul style="list-style-type: none"> Establishes the Development Coordination Authority (DCA), a new authority within the Department that will centralise the State's inputs on development applications (DA) and rezonings. The DCA will issue general terms of approval, provide expert advice and carry out other statutory functions from mid-2026, with those functions to be provided for in a later proclamation. 	<u>Division 2.3B</u>	-	15 December 2025	<ul style="list-style-type: none"> N/A Savings and transitional provisions will be enacted alongside the commencement of broader statutory powers.
Constitution of joint local planning panels and regionally significant development	<ul style="list-style-type: none"> Secretary of the Department of Planning, Housing and Infrastructure (Secretary) may constitute joint local planning panels in areas without them. Functions of Sydney District Panels are transferred to LPPs, but only where LPPs already exist. 	<u>Section 2.17</u> <u>Section 4.32</u> <u>Section 4.33</u>	<u>Section 275</u>	15 December 2025	<p><u>Savings and transitional provisions</u> provide that:</p> <ul style="list-style-type: none"> Where an LPP <u>does not</u> currently exist, there will be no immediate change to the operation of regional planning panels. Where an LPP currently exists:

	<ul style="list-style-type: none"> • Functions to determine crown DAs are transferred from Sydney District Panels to LPPs, but only where LPPs already exist. • Supported by an amendment to section 275 of the <i>Environmental Planning and Assessment Regulation 2021</i> (Regulations), which gives effect to a new <u>Instruction on functions not exercisable by council on behalf of Sydney district or regional planning panels – certain regionally significant development applications</u> and a new section 9.1 Direction <u>here</u>. 				<ul style="list-style-type: none"> – Regionally significant DAs will remain with the Sydney district or regional planning panels for determination are where: <ul style="list-style-type: none"> ○ 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. • For Crown DAs not determined by council in the required period: <ul style="list-style-type: none"> – if made after 15 December 2025 will be referred to the LPP instead of the Sydney District Panel for determination. – if made but not determined as at 15 December 2025 will continue to be referred to the relevant Sydney district panel for determination
Section 3.14 Content of Environmental Planning Instruments	<ul style="list-style-type: none"> • Adds a clarifying note to the provision 	<u>Section 3.14</u>	-	15 December 2025	<ul style="list-style-type: none"> • N/A
Secretary's requirements for DAs	<ul style="list-style-type: none"> • Allows the Secretary to specify the form and content of documents required to accompany a DA. • Until the Secretary publishes requirements under this provision on the NSW Planning Portal, it will have no immediate effect. 	<u>Section 4.12</u>	-	15 December 2025	<ul style="list-style-type: none"> • N/A • 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.
Notification of agencies	<ul style="list-style-type: none"> • Allows an agency to be notified as an alternative to consultation and concurrence and consequential changes. 	<u>Section 4.13</u> <u>Section 4.64</u> <u>Section 4.6</u>	-	15 December 2025	<ul style="list-style-type: none"> • Transitional provisions will be included with any new notification requirements.
Matters for consideration when assessing a DA	<ul style="list-style-type: none"> • Section 4.15 of the EP&A Act (matters for consideration when assessing a DA) has been amended to: <ul style="list-style-type: none"> – Insert the word “significant” before “likely impacts” – Allow the Regulations to identify factors that are and are not relevant to an assessment under section 4.15 (1)(b), (c) and (e) 	<u>Section 4.15</u> <u>Section 4.17</u>	<u>Section 65A</u>	15 December 2025	<p><u>Savings and transitional provisions</u> provide that:</p> <ul style="list-style-type: none"> • Changes do not apply to DAs and modification applications lodged before the commencement of the provisions. These savings provisions 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.

	<ul style="list-style-type: none"> — Allow a condition to be imposed if it relates to a likely impact of the development, even though only significant impacts are required to be assessed. — A new section 65A in the Regulations made under the new section 4.15(1A) has been inserted 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) <ul style="list-style-type: none"> • Provisions relating to non-discretionary development standards have not commenced. 					<ul style="list-style-type: none"> • 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. • 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.
Application of Part 4 to SSD	<ul style="list-style-type: none"> • Clarifies that part 4 of the EP&A Act applies to SSD 	<u>Section 4.40</u>	-	15 December 2025	<ul style="list-style-type: none"> • N/A 	
Historical development consents	<ul style="list-style-type: none"> • Broadens 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. Per section 116A of the Regulations, the power can only be exercised if the consent was granted more than 25 years ago. • Broaden the powers to issue a Development Control Order for the completion of works where the works have commenced but have not been completed. 	<u>Section 4.47</u> <u>Section 9.34</u> <u>Section 9.35</u> <u>Schedule 5</u>	<u>Section 116A</u>	15 December 2025	<ul style="list-style-type: none"> • The amendments apply to existing and future development consents. 	
Lapsing of consent	<ul style="list-style-type: none"> • Removes extended COVID-19 lapsing provisions that have limited future application. 	<u>Section 4.53</u>	-	15 December 2025	<p><u>Savings and transitional provisions</u> provide that:</p> <ul style="list-style-type: none"> • Does not apply to remaining consents that have extended lapse dates under the previous covid provisions. 	
Compliance levy	<ul style="list-style-type: none"> • Allows a regulation to be made imposing a compliance levy on complying development certificates. 	<u>Section 4.64</u>	-	15 December 2025	<ul style="list-style-type: none"> • Transitional provisions will be included with any future regulation. 	
Existing use rights	<ul style="list-style-type: none"> • Removes extended COVID-19 abandonment provisions that no longer apply. 	<u>Section 4.66</u> <u>Section 4.68</u>	-	15 December 2025	<ul style="list-style-type: none"> • N/A 	
State Significant Infrastructure	<ul style="list-style-type: none"> • Removes the requirement for a SEPP to be amended when an SSI declaration is made by Ministerial Order. 	<u>Section 5.12</u>	-	15 December 2025	<ul style="list-style-type: none"> • N/A 	
Minister's approval for planning agreements	<ul style="list-style-type: none"> • Removes 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. 	<u>Section 7.4</u>	-	15 December 2025	<p><u>Savings and transitional provisions</u> provide that:</p> <ul style="list-style-type: none"> • 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. 	

Treasurer's annual report	<ul style="list-style-type: none"> 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. 	<u>Section 7.31F</u>	-	15 December 2025	<ul style="list-style-type: none"> N/A
Regulation making power	<ul style="list-style-type: none"> Omits section 10.13(2) as this power is already provided for in the Interpretation Act 1987 	<u>Section 10.13</u>	-	15 December 2025	<ul style="list-style-type: none"> N/A
Targeted assessment development	<ul style="list-style-type: none"> Introduces a new targeted assessment pathway, which will allow certain projects to bypass a full merit assessment where relevant issues and impacts have already been addressed upfront. This includes corresponding amendments to modifications to targeted assessment development. The targeted assessment pathway is only available to development or a class of development declared in a SEPP exhibited for 28 days. These provisions enable future targeted assessment declarations to be made. 	<u>Section 4.15</u> <u>Division 4.3A</u> <u>Section 4.55</u> <u>Section 4.56</u> <u>Schedule 1</u>	-	21 March 2026	<ul style="list-style-type: none"> N/A
Modifications to development consents	<ul style="list-style-type: none"> Shifts modifications with no environmental impacts from section 4.55(1A) to section 4.55(1). Introduces a 14 day period to determine section 4.55(1) modifications in a new section 118A of the Regulation. Modifications that are not determined within 14 days cannot be refused and can only be approved with conditions that give effect to the modification. Clarifies that, when assessing a modification under sections 4.55(1A), 4.55(2) or 4.56, the matters for consideration in section 4.15(1) must only be considered to the extent they are relevant to the modification application. 	<u>Section 4.55</u> <u>Section 4.55A</u> <u>Section 4.56</u>	<u>Section 118A</u> <u>Section 119</u>	21 March 2026	<p>Savings and transitional provisions provide that:</p> <ul style="list-style-type: none"> Changes do not apply to modification applications lodged before the provisions commence.
Part 5.1 assessment	<ul style="list-style-type: none"> Determining authorities are no longer required to take into account all matters affecting or likely to affect the environment <i>to the fullest extent possible</i>. Instead, a determining authority may consider these matters in a manner that is proportionate to the nature and risk of the activity. 	<u>Section 5.5</u>		21 March 2026	<ul style="list-style-type: none"> N/A
Reviews and appeals	<ul style="list-style-type: none"> Review provisions in Division 8.2 of the EP&A Act amended to: <ul style="list-style-type: none"> Allow an applicant 6 months to lodge a review and no time limit on determination Allow an applicant to elect to have a review determined by a local planning panel (where one is constituted) if the original determination was made by the council Give additional powers to make regulations in relation to reviews Make other minor consequential or clarifying amendments Changes to Division 8.3 of the EP&A Act that: <ul style="list-style-type: none"> Extend the right to an appeal against the deemed refusal of a DA or modification application up until determination Prevent an appeal being lodged while a review is underway 	<u>Division 8.2</u> <u>Division 8.3</u>	<u>Section 244</u>	21 March 2026	<p>Savings and transitional provisions provide that:</p> <ul style="list-style-type: none"> The new provisions do not apply where a review or an appeal is already underway. These reviews must be determined under the previous provisions. The new provisions apply to DAs and modifications that have already been determined, as long as no review has been requested or appeal lodged at the time the provisions commence. There are no savings and transitional provisions in relation to the changes to the deemed refusal provisions. This means that any DA or modification applications that has not been determined within the assessment period can be appealed, even if the

	<ul style="list-style-type: none"> — Pause the 6 month appeal clock while a Division 8.2 review is underway so an appeal can still be lodged once a review has concluded — Remove redundant extended appeal rights that applied during the pandemic • Supported by an amendment to section 244 of the Regulations removes the requirement for a review of a modification application to be lodged within 28 days of determination, extending the time for lodgement to 6 months. 				deemed refusal appeal rights have previously expired.
Environmental Impact Statements (EIS)	<ul style="list-style-type: none"> • Amendments have been made to the content requirements so that an EIS: <ul style="list-style-type: none"> — no longer needs to provide an analysis of feasible alternatives to the development, activity or infrastructure — now only requires an analysis of the <i>significant</i> likely impacts on the environment of the development, activity or infrastructure 	-	<u>Section 192</u>	21 March 2026	• N/A