



New South Wales

Environmental Planning and Assessment Amendment (Development Coordination Authority) Regulation 2026

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

Explanatory note

The objects of this regulation are to—

- (a) make amendments consequential on the enactment of the *Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025*, and
- (b) consolidate requirements relating to the lodging and determination of development applications and applications to modify development consents, and
- (c) allow the Development Coordination Authority to charge fees for the review of development applications and applications to modify development consents, and
- (d) insert savings and transitional provisions relating to development applications and the modification of development consents.

Environmental Planning and Assessment Amendment (Development Coordination Authority) Regulation 2026

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Environmental Planning and Assessment Act 1979

1 Name of regulation

This regulation is the *Environmental Planning and Assessment Amendment (Development Coordination Authority) Regulation 2026*.

2 Commencement

This regulation commences on 1 July 2026.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2021

[1] Section 24 Content of development applications

Insert “, development requiring consultation” after “concurrence” in section 24(2).

[2] Section 25, heading

Insert “, **consultation**” before “**or approvals**”.

[3] Section 25

Omit section 25(a).

Insert instead—

- (a) a list of the provisions of an Act or environmental planning instrument requiring concurrence to be obtained before granting development consent,
- (a1) a list of the provisions of an Act or environmental planning instrument requiring the consent authority to consult with a consultation body before granting development consent,

[4] Section 38 Determination of application for amendment of development application

Omit section 38(3).

Insert instead—

- (3) The consent authority must, as soon as practicable after approving an amendment to one of the following development applications, give a copy of the amended development application to the referral authority through the NSW planning portal—
 - (a) a development application for integrated development,
 - (b) a development application for development requiring concurrence,
 - (c) a development application for development requiring consultation.
- (4) Subsection (3) does not apply if, in the consent authority’s opinion, the amendment will not affect the assessment of the development undertaken by the referral authority.

[5] Section 39 Rejection of development applications

Omit section 39(3)(b).

Insert instead—

- (b) for a development application for integrated development—the Development Coordination Authority, or
- (c) for a development application for development requiring concurrence—each relevant concurrence authority, or
- (d) for a development application requiring consultation—each relevant consultation body.

[6] Section 40 Withdrawal of development applications

Omit section 40(3) and (4).

Insert instead—

- (3) Immediately after the following development applications are withdrawn, the consent authority must notify, through the NSW planning portal—
 - (a) for a development application for integrated development—the Development Coordination Authority,
 - (b) for a development application requiring concurrence—each relevant concurrence authority,
 - (c) for a development application requiring consultation—each relevant consultation body.
- (4) Subsection (3) applies only if the consent authority has already notified the Development Coordination Authority, or a relevant consultation body or concurrence authority under Part 3, Division 3.

[7] Part 3 Development applications

Omit Part 3, Divisions 3 and 4.

Insert instead—

**Division 3 Requirements for certain development applications—
the Act, ss 4.12, 4.13 and 4.64**

41 Application of division

- (1) This division applies to development applications for the following development—
 - (a) integrated development,
 - (b) development to which a concurrence requirement applies,
 - (c) development to which a consultation requirement applies.
- (2) This division applies to modification applications to which *State Environmental Planning Policy (Planning Systems) 2021*, sections 4.44 and 4.45 apply.
- (3) This division ceases to apply to a development application or modification application to which this division would otherwise apply if the development application or modification application is rejected or withdrawn.

42 Pre-referral check

Before a consent authority refers a development application to which this division applies to a referral authority under section 43, the consent authority must—

- (a) give the Development Coordination Authority with a list of concurrence requirements and consultation requirements that, in the consent authority's opinion, apply to the development, and
- (b) if the development application is for integrated development—give the Development Coordination Authority a list of approvals under the Act, section 4.46 that, in the consent authority's opinion, are required for the development.

43 Consent authority to refer development application to referral authorities

- (1) The consent authority must refer a development application to which this division applies to an appropriate referral authority—
 - (a) within 14 days after the date on which the development application was lodged, but

- (b) no sooner than 2 days after the date on which the relevant information was given to the Development Coordination Authority under section 42.
- (2) Despite subsection (1)(b), a consent authority may refer a development application to which the division applies to a referral authority if the Development Coordination Authority has responded to the pre-referral check under section 42.
- (3) The referral given under subsection (1) must contain the following information—
 - (a) the basis on which the approval, concurrence or consultation is required,
 - (b) the date on which the development application was lodged,
 - (c) a copy of the development application and all accompanying documents,
 - (d) if known, when the application will be publicly exhibited for the purposes of the Act,
 - (e) for a development application requiring consultation under the *Biodiversity Conservation Act 2016*, Part 7—
 - (i) whether the consent authority proposes to reduce the number of biodiversity credits required to be retired, and
 - (ii) if so, the amount of and the reasons for the reduction as referred to in the *Biodiversity Conservation Act 2016*, section 7.13(4).
- (4) A consent authority that has referred a development application to a referral authority under subsection (1) may amend the referral at any time if the consent authority becomes aware of a further basis on which an approval, concurrence or consultation is required.

44 Notification of general terms, concurrence decisions or consultation comments

- (1) The referral authority must, on the receipt of a referral made under section 43(1), give written notice to the consent authority of the referral authority's decision within 28 days after receiving the referral from the consent authority.
- (2) A notice given under subsection (1) must contain the following information—
 - (a) for development applications made in relation to integrated development—the general terms of approval,
 - (b) for other development applications—the concurrence decision or consultation comments.
- (3) If the referral authority receives an amended referral from the consent authority under section 43(4), the amended referral is taken to be the referral under section 43(1).
- (4) If the referral authority requests additional information about a development application from the consent authority under section 46, the period under subsection (1) ceases to run during the period between the day on which—
 - (a) the referral authority requests the additional information, and
 - (b) the day on which the applicant provides the additional information or notifies, or is taken to have notified, the referral authority that the information will not be provided.
- (5) If the consent authority determines a development application by refusing to grant development consent before the end of the period under subsection (1)—
 - (a) the consent authority must notify the referral authority, and

- (b) this section ceases to apply to the development application.
- (6) This section does not prevent the consent authority from considering the following when notified to the consent authority by the referral authority after the end of the period under subsection (1)—
 - (a) general terms of approval,
 - (b) concurrence decision,
 - (c) consultation comments.

45 Notice of proposed consultations about Aboriginal heritage impact under National Parks and Wildlife Act 1974

- (1) If a development application relates to development that requires an Aboriginal heritage impact permit under the *National Parks and Wildlife Act 1974*, the Development Coordination Authority must notify the consent authority that Aboriginal community consultation is required under that Act.
- (2) Immediately after being notified by the Development Coordination Authority under this section, the consent authority must give notice to the applicant that—
 - (a) specifies the number of days in the assessment period for the development application that have elapsed, and
 - (b) informs the applicant that the assessment period ceases to run, in accordance with Part 4, Division 4, during a period of Aboriginal community consultation required under the *National Parks and Wildlife Act 1974*.

46 Request for additional information from consent authority

- (1) If a development application has been referred to the referral authority by a consent authority under section 43, the Development Coordination Authority, consultation body or a concurrence authority may request the following from the consent authority—
 - (a) additional information about the development from the consent authority,
 - (b) a copy of any public submissions received by the consent authority in relation to the development.
- (2) The request by the referral authority must—
 - (a) be in writing, and
 - (b) specify a reasonable period within which the additional information must be given to the referral authority.
- (3) After receiving a request under subsection (1), the consent authority must—
 - (a) if the request is for additional information that the consent authority does not have—immediately request the additional information from the applicant, or
 - (b) if the request is for a copy of the public submissions relating to the development—immediately provide a copy of the submissions to the referral authority once the public exhibition period has ended.
- (4) The consent authority's request to the applicant must—
 - (a) be made through the NSW planning portal, and
 - (b) specify the period within which the additional information must be given to the consent authority, and

- (c) specify the number of days in the assessment period that have elapsed.
- (5) Immediately after receiving the additional information from the applicant, the consent authority must give the information to the referral authority.
- (6) An applicant to whom a request is made may, through the NSW planning portal, notify the consent authority that the applicant will not provide the additional information.
- (7) An applicant is taken to have notified the consent authority that the applicant will not provide the additional information if the applicant has not provided the information by the end of—
 - (a) the period specified under subsection (2)(b), or
 - (b) a further period allowed by the referral authority.
- (8) The consent authority must notify the referral authority as soon as practicable after the applicant notifies, or is taken to have notified, the consent authority that the applicant will not provide the additional information.
- (9) In this section—
additional information, in relation to a development application, means information the referral authority considers necessary to properly consider matters relating to the following—
 - (a) general terms of approval,
 - (b) concurrence decision,
 - (c) consultation comments.

47 Notice for reasons for concurrence or refusal of general terms of approval

- (1) If the Development Coordination Authority determines to do any of the following in relation to a development application referred under this division, the Development Coordination Authority must provide written reasons for the determination to the consent authority—
 - (a) refuse to issue general terms of approval,
 - (b) refuse the grant concurrence,
 - (c) grant concurrence subject to a condition.
- (2) If the concurrence authority determines to do any of the following in relation to a development application referred under this division, the concurrence authority must provide written reasons for the determination to the consent authority—
 - (a) refuse the grant concurrence,
 - (b) grant concurrence subject to a condition.

48 Circumstances in which concurrence may be assumed

- (1) The Development Coordination Authority or the concurrence authority may, by written notice given to the consent authority—
 - (a) inform the consent authority that concurrence may be assumed, subject to the qualifications or conditions specified in the notice, and
 - (b) amend or revoke an earlier notice under this section.
- (2) A development consent granted by the consent authority that has assumed concurrence in accordance with a notice under this section is as valid and effective as if concurrence had been given.

49 Modification applications—general

- (1) This section applies to modification applications to which *State Environmental Planning Policy (Planning Systems) 2021*, sections 4.44 and 4.45 apply.
- (2) The consent authority must refer a modification application to which this section applies to each appropriate referral authority within 14 days after the date on which the application was lodged.
- (3) The referral given under subsection (2) must contain the following information—
 - (a) the basis on which the consultation is required,
 - (b) the date on which the modification application was lodged,
 - (c) a copy of the modification application and all accompanying documents,
 - (d) if known, when the application will be publicly exhibited for the purposes of the Act,
 - (e) for a modification application requiring consultation under the *Biodiversity Conservation Act 2016*, Part 7—
 - (i) whether the consent authority proposes to reduce the number of biodiversity credits required to be retired, and
 - (ii) if so, the amount of and the reasons for the reduction, as referred to in the *Biodiversity Conservation Act 2016*, section 7.13(4).
- (4) A consent authority that has referred a modification application to a referral authority under subsection (2) may amend the referral at any time if the consent authority becomes aware of a further basis on which an approval, concurrence or consultation is required.
- (5) The referral authority must, on the receipt of a referral made under subsection (2), give written notice to the consent authority of the referral authority's consultation comments within 28 days after receiving the referral from the consent authority.
- (6) If the referral authority receives an amended referral from the consent authority under subsection (4), the amended referral is taken to be the referral under subsection (2).
- (7) If the referral authority requests additional information about a modification application from the consent authority under section 50(1)(a), the period under subsection (5) ceases to run during the period between the day on which—
 - (a) the referral authority requests the additional information, and
 - (b) the day on which the applicant provides the additional information or notifies, or is taken to have notified, the referral authority that the information will not be provided.
- (8) If the consent authority determines a modification application by refusing to grant consent before the end of the period under subsection (5)—
 - (a) the consent authority must notify the referral authority, and
 - (b) this section ceases to apply to the modification application.
- (9) This section does not prevent a consent authority from considering the consultation comments when notified to the consent authority by the referral authority after the end of the period under subsection (5).

50 Modification application—request for additional information

- (1) If a modification application has been referred to the referral authority by a consent authority under section 49(2), the referral authority may request the following from the consent authority—
 - (a) additional information about the development from the consent authority,
 - (b) a copy of any public submissions received by the consent authority in relation to the development.
- (2) The request by the referral authority must—
 - (a) be in writing, and
 - (b) specify a reasonable period within which the additional information must be given to the referral authority.
- (3) After receiving a request under subsection (1), the consent authority must—
 - (a) if the request is for additional information that the consent authority does not have—immediately request the additional information from the applicant, or
 - (b) if the request is for a copy of the public submissions relating to the development—immediately provide a copy of the submissions to the referral authority once the public exhibition period has ended.
- (4) The consent authority’s request to the applicant must—
 - (a) be made through the NSW planning portal, and
 - (b) specify the period within which the additional information must be given to the consent authority.
- (5) Immediately after receiving the additional information from the applicant, the consent authority must give the information to the referral authority.
- (6) An applicant to whom a request is made may, through the NSW planning portal, notify the consent authority that the applicant will not provide the additional information.
- (7) An applicant is taken to have notified the consent authority that the applicant will not provide the additional information if the applicant has not provided the information by the end of—
 - (a) the period specified under subsection (4)(b), or
 - (b) a further period allowed by the referral authority.
- (8) The consent authority must notify the referral authority as soon as practicable after the applicant notifies, or is taken to have notified, the consent authority that the applicant will not provide the additional information.
- (9) In this section—
additional information, in relation to a modification application, means information the referral authority considers necessary to provide consultation comments.

[8] Section 94 Circumstances in which the assessment period ceases to run

Omit “approval body” from section 94(5).

Insert instead “Development Coordination Authority”.

- [9] Section 94(6)**
Omit “requiring the concurrence of a concurrence authority or the approval of an approval body”.
Insert instead “to which Part 3, Division 3 applies”.
- [10] Section 94(6)**
Omit “concurrence authority or approval body” from section 94(6).
Insert instead “referral authority”.
- [11] Section 94(6)**
Omit “43 or 52”.
Insert instead “46”.
- [12] Section 94(6)(a) and (b)**
Omit “concurrence authority or approval body” wherever occurring.
Insert instead “referral authority”.
- [13] Section 94(7)**
Omit “concurrence authority or approval body” wherever occurring.
Insert instead “referral authority”.
- [14] Section 107 Notice of other modification applications**
Insert after section 107(1)—
(1A) Despite subsection (1), this section does not apply to a modification application under the Act, section 4.56(1), if the modification has, in the consent authority’s opinion, no environmental impact.
- [15] Section 109 Notification of concurrence authorities and approval bodies**
Omit the section.
- [16] Section 113 Amendment of modification application**
Insert after section 113(4)—
(4A) The consent authority must, as soon as practicable after approving an amendment to a modification application to which *State Environmental Planning Policy (Planning Systems) 2021*, sections 4.44 and 4.45 apply, give a copy of the amended application to the referral authority through the NSW planning portal.
(4B) Subsection (4A) does not apply if, in the consent authority’s opinion, the amendment will not affect the assessment of the development undertaken by the referral authority.
- [17] Section 114 Rejection of modification applications**
Omit section 114(5).
Insert instead—
(5) The consent authority must, as soon as practicable after rejecting a modification application to which *State Environmental Planning Policy*

(Planning Systems) 2021, sections 4.44 and 4.45 apply, notify the referral authority through the NSW planning portal.

[18] Section 114(6)

Omit the subsection.

[19] Section 115 Withdrawal of applications for modifications

Omit section 115(3).

Insert instead—

- (3) The consent authority must, as soon as practicable after a modification application to which *State Environmental Planning Policy (Planning Systems) 2021*, sections 4.44 and 4.45 apply, is withdrawn, notify the referral authority through the NSW planning portal.

[20] Section 115(4)

Omit the subsection.

[21] Section 174 Application for environmental assessment requirements for integrated development

Omit the section.

[22] Section 175 Environmental assessment requirements for State significant development

Omit section 175(2).

[23] Section 175(6), definition of “nominated State significant development”

Omit the definition.

[24] Section 246A

Insert after section 246—

246A Application for review of Development Coordination Authority’s decision

- (1) An application for the review of a decision referred to in the Act, section 8.2(1)(b1) must be—
 - (a) in the approved form, and
 - (b) submitted through the NSW planning portal.
- (2) An application for review must be submitted through the NSW planning portal no later than 28 days after the consent authority’s determination of the relevant development application.
- (3) The fees payable for an application for review are specified in Schedule 4 and determined in accordance with Part 13.
- (4) An application for review is lodged on the day on which the fees payable for the application under this regulation are paid.
- (5) The Development Coordination Authority must, as soon as is practicable, notify the following of the outcome of a review—
 - (a) the consent authority,
 - (b) the applicant.

[25] Section 252 Planning Secretary may determine fees

Insert “the Development Coordination Authority,” after “Corporation,” wherever occurring in section 252(2) and (3).

[26] Section 253 Waiver and refund of fees

Omit “A concurrence authority or an approval body” from section 253(2).

Insert instead “The Development Coordination Authority”.

[27] Section 253(2)

Omit “or body”.

[28] Section 253(2)(a) and (b)

Insert “consultation,” before “concurrence” wherever occurring.

[29] Section 271, heading

Omit “the Act, s 4.14(1)(a)”.

Insert instead “the Act, definition of “relevant Bush Fire Protection Planning guide””.

[30] Schedule 4 Fees

Omit “approval body” from item 3.1(b).

Insert instead “Development Coordination Authority per approval”.

[31] Schedule 4, Part 3, items 3.1(b) and 3.2(b)

Omit “3.74 fee units” wherever occurring.

Insert instead “9.65 fee units”.

[32] Schedule 4, Part 3, item 3.2(b)

Omit “concurrence authority” from item 3.2(b).

Insert instead “Development Coordination Authority per concurrence”.

[33] Schedule 4, Part 3, item 3.9

Insert after item 3.8—

3.9	Additional fee for development application requiring consultation with the Development Coordination Authority per consultation requirement	9.65 fee units
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[34] Schedule 4, Part 4, item 4.10

Insert after item 4.9—

4.10	Additional fee for modification application under section 4.55(2) of the Act referred to the Development Coordination Authority	4.82 fee units
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[35] Schedule 6 Savings, transitional and other provisions

Insert at the end of Part 15, with appropriate section numbering—

Amendments relating to consultation and development consent on bush fire prone land

If a development application was lodged, but not finally determined, before the commencement of the amending Act, Schedule 1[61] and [62], the application must be determined as if the items had not commenced.

Amendments relating to Development Coordination Authority

If a development application or an application to modify a development consent was lodged, but not finally determined, before the commencement of the following items of the amending Act, the application must be determined as if the items had not commenced—

- (a) Schedule 1[85]–[94], [101], [104],
- (b) Schedule 3—
 - (i) Subschedule 3.1[1]–[11],
 - (ii) Subschedule 3.2[1] and [2],
 - (iii) Subschedule 3.4[1]–[9],
 - (iv) Subschedule 3.5[1]–[5],
 - (v) Subschedule 3.6,
 - (vi) Subschedule 3.7[1]–[5],
 - (vii) Subschedule 3.8,
 - (viii) Subschedule 3.9,
 - (ix) Subschedule 3.11[1]–[5],
 - (x) Subschedule 3.12,
 - (xi) Subschedule 3.13.

[36] Schedule 7 Dictionary

Insert in alphabetical order—

concurrence authority, in relation to a development application, means a person or authority who must give concurrence under a concurrence requirement.

concurrence requirement, in relation to a development application, means a requirement to obtain concurrence of a person or authority under the following—

- (a) a provision under the Act or another Act,
- (b) a provision under *State Environmental Planning Policy (Planning Systems) 2021*, Part 4.2.

consultation body, in relation to a development application or modification application, means a person or authority who must be consulted under a consultation requirement.

consultation requirement, in relation to a development application, means a requirement to consult with a person or authority under the following—

- (a) a provision under the Act or another Act,
- (b) a provision under the *Biodiversity Conservation Act 2016*, Part 7.
- (c) a provision under *State Environmental Planning Policy (Planning Systems) 2021*, Part 4.2 and 4.3.

Development Coordination Authority has the same meaning as in the Act, Part 2, Division 2.3B.

referral authority means the following authorities—

- (a) for a development application made in relation to integrated development—the Development Coordination Authority,
- (b) for a development application made in relation to development to which a concurrence requirement applies—a concurrence authority,
- (c) for a development application made in relation to development to which a consultation requirement applies—a consultation body,
- (d) for modification applications to which *State Environmental Planning Policy (Planning Systems) 2021*, sections 4.44 and 4.45 apply—a consultation body.