



New South Wales

Environmental Planning and Assessment Amendment Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make miscellaneous amendments to the *Environmental Planning and Assessment Act 1979 (the Act)*.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 **Amendment of Environmental Planning and Assessment Act 1979 No 203**

Schedule 1[1], [4]–[11], [14]–[18], [25], [42] and [47] make changes related to or consequential on the abolition of the Six Cities Region and the cities that comprise the region. **Schedule 1[45]** inserts a consequential savings provision.

Schedule 1[2] makes an amendment consequential on Schedule 1[28] and [40]. The amendment defines *residential accommodation* by reference to the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

Schedule 1[3] clarifies that a power to make or amend a strategic plan includes a power to revoke or amend the strategic plan.

Schedule 1[12] allows the Minister for Planning and Public Spaces to declare housing targets for regions and local government areas. **Schedule 1[35]** makes a consequential amendment.

Schedule 1[13] provides that the Planning Secretary may, but is not required to, include housing targets declared by the Minister in a draft regional strategic plan.

Schedule 1[19] and [20] require a planning proposal authority to, in preparing a planning proposal, give effect to both a district strategic plan and a regional strategic plan applying to the local government area to which the proposal relates, if any. **Schedule 1[24]** provides that the regulations may prescribe circumstances in which a planning proposal authority does not need to comply with the requirement.

Schedule 1[21] requires that, as soon as practicable after a district or regional strategic plan is made, the council for each local government area in the district or region must review local environmental plans for the area and prepare planning proposals to give effect to the plan. **Schedule 1[22] and [23]** make consequential amendments.

Schedule 1[27] provides that the Act, section 4.24, which deals with concept development applications, does not prevent the determination of a further development application for a site that is inconsistent with a concept development consent if the consent authority, in determining the application, requires the modification or surrender of the concept consent. **Schedule 1[26]** makes a consequential amendment.

Schedule 1[28] removes the requirement for the Minister to obtain and make publicly available advice from the Independent Planning Commission before declaring State significant development, if the development includes residential accommodation.

Schedule 1[29]–[34] amend the Act, sections 4.55 and 4.56, which deal with modifications of development consents, to provide that a consent authority is not prevented from modifying a consent under section 4.55(1A) or (2) or 4.56(1) merely because the modification only modifies a condition of consent and would not result in a change to the development the subject of the consent.

Schedule 1[36] amends the Act, section 7.32, which deals with conditions requiring land or contributions for affordable housing, so that the section applies in relation to any development application to carry out development within an area for which a State environmental planning policy has identified a need for affordable housing.

Schedule 1[37] amends section 7.32 so that a condition may be imposed under the section if, among other matters, the condition is authorised to be imposed by a State environmental planning policy or a local environmental plan. **Schedule 1[38]** makes a consequential amendment. **Schedule 1[46]** deems items [37] and [38] to have commenced on 1 March 2018.

Schedule 1[39] removes requirements for a consent authority to consider, in imposing a condition under section 7.32, the extent of the need in the area for affordable housing and the scale of the proposed development in determining whether a condition is reasonable.

Schedule 1[40] reduces the minimum public exhibition period for State significant development declared under the Act, section 4.36(3) that involves residential accommodation, and State significant development specified in *State Environmental Planning Policy (Planning Systems) 2021*, Schedule 1, section 26, 26A, 27 or 28 or Schedule 2, section 19 to 14 days.

Schedule 1[41] clarifies that a submission in relation to a plan, application or other matter that is made after the end of the minimum period of its public exhibition under Schedule 1, Part 1 is not a submission for the purposes of the Act, the regulations or an environmental planning instrument.

Schedule 1[43] and [44] allow the regulations to provide that a prescribed planning body is exempt from the requirements of the Act, Schedule 2, clauses 25 and 26(3), which deal with the public conduct of meetings.

Schedule 1[4] is a Henry VIII provision because the provision enables the making of regulations to amend the Act, Schedule 9. **Schedule 1[2]** may be a Henry VIII provision because it allows the meaning of a term used in the Act to be changed because of a change to a subordinate instrument.

Schedule 2 Amendment of Environmental Planning and Assessment Regulation 2021

Schedule 2[1] and [2] are amendments consequential on Schedule 1[29], [30] and [33] and relate to modification applications.

Schedule 2[3] makes an amendment consequential on Schedule 1[36].

Schedule 2[4] prescribes the Housing Delivery Authority as a planning body exempt from the requirements of the Act, Schedule 2, clauses 25 and 26(3).

Schedule 3 Amendment of Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017

Schedule 3 removes the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, Part 7, which is superseded by Schedule 1[45].



New South Wales

Environmental Planning and Assessment Amendment Bill 2025

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Environmental Planning and Assessment Amendment Bill 2025

No. , 2025

A Bill for

An Act to make miscellaneous amendments to the *Environmental Planning and Assessment Act 1979*; and for related purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Environmental Planning and Assessment Amendment Act 2025*.

3

2 Commencement

4

This Act commences as follows—

5

(a) for Schedules 1[1], [3]–[25], [35], [42], [45] and [47] and 3—on a day or days to be appointed by proclamation,

6

7

(b) otherwise—on the date of assent to this Act.

8

Schedule 1	Amendment of Environmental Planning and Assessment Act 1979 No 203	1
		2
[1] Section 1.4 Definitions		3
	Omit section 1.4(1), definitions of <i>city</i> , <i>designated Sydney districts</i> and <i>Six Cities Region</i> .	4
	Insert in alphabetical order—	5
	<i>designated Sydney local government area</i> means a local government area, or a part of a local government area, specified in Schedule 9.	6
	<i>district strategic plan</i> has the same meaning as in section 3.1(1).	7
	<i>regional strategic plan</i> has the same meaning as in section 3.1(1).	8
	<i>strategic plan</i> has the same meaning as in section 3.1(1).	9
		10
[2] Section 1.4(1)		11
	Insert in alphabetical order—	12
	<i>residential accommodation</i> has the same meaning as in the standard instrument set out in the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .	13
		14
		15
[3] Section 1.4(8)		16
	Insert “, strategic plan” after “determination” wherever occurring.	17
[4] Section 1.8		18
	Omit the section. Insert instead—	19
	1.8 Amendment of designated Sydney local government areas	20
	(1) The regulations may amend Schedule 9 as follows—	21
	(a) to add a local government area, or part of a local government area, to the schedule,	22
		23
	(b) to remove a local government area, or part of a local government area, from the schedule.	24
		25
	(2) The regulations may contain provisions of a savings or transitional nature consequent on the making of a regulation under subsection (1).	26
		27
[5] Section 2.12 Constitution of Sydney district and regional planning panels		28
	Omit “parts of the designated Sydney districts” from section 2.12(1).	29
	Insert instead “designated Sydney local government areas”.	30
[6] Section 2.12(2) and (5)(b)		31
	Omit “the designated Sydney districts” wherever occurring.	32
	Insert instead “a designated Sydney local government area”.	33
[7] Section 2.12(5)(a)		34
	Omit “part of the designated Sydney districts for which it is constituted (including by constituting a single panel for all of the designated Sydney districts)”.	35
		36
	Insert instead “designated Sydney local government areas for which it is constituted, including by constituting a single panel for all of the designated Sydney local government areas”.	37
		38
		39

[8] Section 2.12(5)(d)	1
Omit “part of the designated Sydney districts or State”.	2
Insert instead “designated Sydney local government areas or part of the State”.	3
[9] Section 2.17 Constitution of local planning panels	4
Omit “an area that is wholly within the designated Sydney districts” from section 2.17(2)(a).	5
Insert instead “a designated Sydney local government area”.	6
[10] Section 3.1 Definitions	8
Omit section 3.1(1), definitions of <i>district</i> , <i>housing target</i> and <i>region</i> .	9
Insert in alphabetical order—	10
<i>district</i> means a part of a region declared to be a district under section 3.2(b).	11
<i>region</i> means an area declared to be a region under section 3.2(a).	12
[11] Section 3.2 Declaration of regions and districts	13
Omit section 3.2(a) and (b). Insert instead—	14
(a) an area of the State to be a region for this division, and	15
(b) a part of a region to be a district for this division.	16
[12] Section 3.2A	17
Insert after section 3.2—	18
3.2A Declaration of housing targets	19
The Minister may, by order published on the NSW legislation website, declare a housing target for a region or a local government area, comprising—	20
(a) the target number of additional dwellings for the region or local government area, and	21
(b) the period within which the target must be achieved.	22
[13] Section 3.3 Regional strategic plans—preparation and content	25
Insert after section 3.3(2)—	26
(2A) The Planning Secretary may also, but is not required to, include any housing target declared by the Minister under section 3.2A for each local government area in the region.	27
[14] Section 3.4 District strategic plans—preparation and content	30
Omit section 3.4(1), (4) and (7).	31
[15] Section 3.4(2)	32
Omit “in a region outside the Six Cities Region”.	33
[16] Section 3.5 Making of regional strategic plans	34
Omit subsections (3)–(6). Insert instead—	35
(3) The Planning Secretary must review a regional strategic plan—	36
(a) as prescribed by the regulations, or	37
(b) otherwise—every 5 years after the plan is made by the Minister.	38

[17] Section 3.4 District strategic plans—preparation and content	1
Omit “or 3.6A” from section 3.4(7)(b).	2
[18] Section 3.6	3
Omit sections 3.6 and 3.6A. Insert instead—	4
3.6 Making of district strategic plans	5
(1) The Planning Secretary may, or must if directed by the Minister, submit a draft district strategic plan to the Minister.	6 7
(2) The Minister may—	8
(a) make a district strategic plan in the form in which the plan is submitted or with the modifications the Minister considers appropriate, or	9 10
(b) decide not to make the draft district strategic plan.	11
[19] Section 3.8 Implementation of strategic plans	12
Omit “or” from section 3.8(2)(a). Insert instead “and”.	13
[20] Section 3.8(2)(b)	14
Omit the paragraph. Insert instead—	15
(b) to any regional strategic plan applying to the region that the local government area is part of.	16 17
[21] Section 3.8(3) and (4)(b)	18
Omit “district strategic plan” wherever occurring. Insert instead “strategic plan”.	19
[22] Section 3.8(3)	20
Omit “in the district to which the plan applies”.	21
Insert instead “in the district or region to which the plan applies”.	22
[23] Section 3.8(4)	23
Omit “in the Six Cities Region must, on the making of a district strategic plan that applies to that area.”	24 25
Insert instead “must, on the making of a strategic plan that applies to a district or region that includes the area.”	26 27
[24] Section 3.8(5)	28
Insert after section 3.8(4)—	29
(5) The regulations may prescribe circumstances in which a planning proposal authority, in preparing a planning proposal under section 3.33, does not need to give effect to a strategic plan as required by subsection (2).	30 31 32
[25] Section 3.9 Local strategic planning statements of councils	33
Omit section 3.9(3A).	34
[26] Section 4.24 Status of concept development applications and consents	35
Insert “(the <i>concept consent</i>)” after “the development of the site” in section 4.24(2).	36

[27] Section 4.24(4)	1
Insert after section 4.24(3), before the note—	2
(4) Subsection (2) does not prevent the determination of a further development application for the site that is inconsistent with the concept consent if the consent authority determines the application by granting development consent subject to a condition requiring the modification or surrender of the concept consent.	3 4 5 6 7
[28] Section 4.36 Development that is State significant development	8
Omit section 4.36(3). Insert instead—	9
(3) The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.	10 11
(3A) The Minister may make a declaration under subsection (3) only if the Minister has obtained and made publicly available advice from the Independent Planning Commission about the State or regional planning significance of the development.	12 13 14 15
(3B) Subsection (3A) does not apply if the development includes residential accommodation.	16 17
[29] Section 4.55 Modification of consents—generally	18
Omit “minimal” wherever occurring in section 4.55(1A).	19
Insert instead “no or minimal”.	20
[30] Section 4.55(1A)(b) and (2)(a)	21
Omit “substantially the same” wherever occurring.	22
Insert instead “the same or substantially the same”.	23
[31] Section 4.55(1A)	24
Omit “Subsections (1), (2) and (5)”. Insert instead “Subsections (1) and (2)”.	25
[32] Section 4.55(5)	26
Insert after section 4.55(4)—	27
(5) To avoid doubt, a consent authority is not prevented from modifying a consent under subsection (1A) or (2) merely because the modification only modifies a condition of consent and would not result in a change to the development the subject of the consent.	28 29 30 31
[33] Section 4.56 Modification by consent authorities of consents granted by the Court	32
Omit “substantially the same” from section 4.56(1)(a).	33
Insert instead “the same or substantially the same”.	34
[34] Section 4.56(1B)	35
Insert after section 4.56(1A)—	36
(1B) To avoid doubt, a consent authority is not prevented from modifying a consent under this section merely because the modification only modifies a condition of consent and would not result in a change to the development the subject of the consent.	37 38 39 40

[35] Section 7.31B Purpose of HAP Fund	1
Omit “for a district identified in a district strategic plan, as referred to in section 3.4” from section 7.31B(3).	2 3
Insert instead “declared under section 3.2A for a region or a local government area and identified in a strategic plan”.	4 5
[36] Section 7.32 Conditions requiring land or contributions for affordable housing	6
Omit section 7.32(1). Insert instead—	7
(1) This section applies in relation to a development application for consent to carry out development within an area if a State environmental planning policy identifies that there is a need for affordable housing within the area.	8 9 10
[37] Section 7.32(3)(b)	11
Omit “a local environmental plan”. Insert instead “an environmental planning instrument”.	12
[38] Section 7.32(3)(b)	13
Omit “such a plan”. Insert instead “such an instrument”.	14
[39] Section 7.32(3)(c)	15
Omit the paragraph. Insert instead—	16
(c) the condition requires a reasonable dedication or contribution, having regard to any other dedication or contribution required to be made by the applicant under this section or section 7.11.	17 18 19
[40] Schedule 1 Community participation requirements	20
Omit clause 9. Insert instead—	21
9 Application for development consent for State significant development	22
Minimum public exhibition period for an application for development consent for State significant development—	23 24
(a) 14 days for the following applications—	25
(i) an application for development consent for development declared to be State significant development under section 4.36(3) and that includes residential accommodation,	26 27 28
(ii) an application for development consent for State significant development that includes development specified in <i>State Environmental Planning Policy (Planning Systems) 2021</i> , Schedule 1, section 26, 26A, 27 or 28 or Schedule 2, section 19, or	29 30 31 32 33
(b) otherwise—28 days.	34
[41] Schedule 1, clause 15(3) and (4)	35
Insert after clause 15(2)—	36
(3) A submission made after the end of the period specified in subclause (1) or (2) is not a submission for the purposes of the Act, the regulations or an environmental planning instrument.	37 38 39
(4) Subclause (3) does not prevent a consent authority from considering a submission made after the end of the period specified in subclause (1) or (2).	40 41

[42]	Schedule 2 Provisions relating to planning bodies	1
	Omit “parts of the designated Sydney districts situated within the local government areas” from clause 9.	2 3
	Insert instead “designated Sydney local government areas”.	4
[43]	Schedule 2, clause 25(6)	5
	Insert after clause 25(5)—	6
	(6) The regulations may provide that a prescribed planning body is exempt from the requirements of this clause.	7 8
[44]	Schedule 2, clause 26(5)	9
	Insert after clause 26(4)—	10
	(5) The regulations may provide that a prescribed planning body is exempt from the requirements of subclause (3).	11 12
[45]	Schedule 4 Savings, transitional and other provisions	13
	Insert at the end of the schedule, with appropriate part and clause numbering—	14
Part	Provisions consequent on enactment of Environmental Planning and Assessment Amendment Act 2025	15 16 17
Note—	The Minister may revoke a strategic plan. See section 1.4(8).	18
	Greater Sydney Metropolitan Area—district strategic plans	19
(1)	A district strategic plan specified in the table to this clause, Column 1 continues to have effect in relation to the local government areas specified opposite in Column 2, as if the areas comprised a district.	20 21 22
(2)	If a regional strategic plan is made for a region that includes an area specified in Column 2, the relevant district strategic plan is taken to have been revoked by the Minister in relation to that area.	23 24 25

Column 1	Column 2
<i>Central City District Plan</i>	City of Blacktown
	Cumberland
	City of Parramatta
	The Hills Shire

Column 1	Column 2
<i>Eastern City District Plan</i>	Bayside Burwood Canada Bay Inner West City of Randwick Strathfield City of Sydney Waverley Woollahra
<i>North District Plan</i>	Hornsby Hunter's Hill Ku-ring-gai Lane Cove Mosman North Sydney Northern Beaches City of Ryde City of Willoughby
<i>South District Plan</i>	Canterbury-Bankstown Georges River Sutherland Shire
<i>Western City District Plan</i>	City of Blue Mountains Camden City of Campbelltown City of Fairfield City of Hawkesbury City of Liverpool City of Penrith Wollondilly

Greater Sydney Metropolitan Area—regional strategic plan	1
The document entitled <i>Greater Sydney Region Plan—A Metropolis of Three Cities</i> continues to have effect as a regional strategic plan for the designated Sydney local government areas as if the areas comprised a region.	2 3 4
Regional strategic plans relevant to Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, Part 7 before its repeal	5 6 7
(1) The <i>Illawarra Shoalhaven Regional Plan 2041</i> has effect as a regional strategic plan in relation to land in the Illawarra-Shoalhaven region.	8 9

(2)	The <i>Central Coast Regional Plan 2041</i> has effect as a regional strategic plan in relation to land in the Central Coast region.	1 2
(3)	The <i>Hunter Regional Plan 2041</i> has effect as a regional strategic plan in relation to land in the Hunter region.	3 4
[46]	Schedule 8 Special provisions	5
	Insert at the end of the schedule, with appropriate part and clause numbering—	6
Part	Validation of affordable housing conditions	7
	Deemed commencement of Environmental Planning and Assessment Amendment Act 2025, Schedule 1[37] and [38]	8 9
(1)	The <i>Environmental Planning and Assessment Amendment Act 2025</i> , Schedule 1[37] and [38] are taken to have commenced on 1 March 2018.	10 11
(2)	To avoid doubt, the imposition of a condition under section 7.32 on or after 1 March 2018 that would not have been validly imposed unless the <i>Environmental Planning and Assessment Amendment Act 2025</i> , Schedule 1[37] and [38] had commenced is taken to have been validly imposed.	12 13 14 15
[47]	Schedule 9	16
	Omit the schedule. Insert instead—	17
Schedule 9	Designated Sydney local government areas	18
	section 1.4(1), definition of “designated Sydney local government area”	19
	Bayside	20
	City of Blacktown	21
	City of Blue Mountains	22
	Burwood	23
	Camden	24
	City of Campbelltown	25
	Canada Bay	26
	Canterbury-Bankstown	27
	Cumberland	28
	City of Fairfield	29
	Georges River	30
	City of Hawkesbury	31
	Hornsby	32
	Hunter’s Hill	33
	Inner West	34
	Ku-ring-gai	35
	Lane Cove	36
	City of Liverpool	37

Mosman	1
North Sydney	2
Northern Beaches	3
City of Parramatta	4
City of Penrith	5
City of Randwick	6
City of Ryde	7
Strathfield	8
Sutherland Shire	9
City of Sydney	10
The Hills Shire	11
Waverley	12
City of Willoughby	13
Wollondilly	14
Woollahra	15

Schedule 2	Amendment of Environmental Planning and Assessment Regulation 2021	1
		2
[1]	Section 100 Content of modification application	3
	Omit “substantially the same” from section 100(1)(g).	4
	Insert instead “the same or substantially the same”.	5
[2]	Section 105	6
	Omit “minimal” wherever occurring. Insert instead “no or minimal”.	7
[3]	Section 222B Affordable housing in City of Sydney—the Act, s 7.32(1)(d)	8
	Omit the section.	9
[4]	Section 300	10
	Insert after section 299—	11
300	Exemption from public meeting requirements—the Act, Schedule 2, cll 25(6) and 26(5)	12
		13
	The Housing Delivery Authority established under the <i>Environmental Planning and Assessment (Housing Delivery Authority) Order 2024</i> is exempt	14
	from the requirements of the Act, Schedule 2, clauses 25 and 26(3).	15
		16

Schedule 3	Amendment of Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017	1
		2
		3
Part 7 Provisions consequent on enactment of Greater Cities Commission Act 2022		4
Omit the part.		5