



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].