



New South Wales

Environmental Planning and Assessment Amendment Bill 2025

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2025



New South Wales

Environmental Planning and Assessment Amendment Bill 2025

Act No , 2025

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

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

This Act commences as follows—

- (a) for Schedules 1[1], [3]–[25], [35], [42], [45] and [47] and 3—on a day or days to be appointed by proclamation,
- (b) otherwise—on the date of assent to this Act.

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

[1] Section 1.4 Definitions

Omit section 1.4(1), definitions of *city*, *designated Sydney districts* and *Six Cities Region*.

Insert in alphabetical order—

designated Sydney local government area means a local government area, or a part of a local government area, specified in Schedule 9.

district strategic plan has the same meaning as in section 3.1(1).

regional strategic plan has the same meaning as in section 3.1(1).

strategic plan has the same meaning as in section 3.1(1).

[2] Section 1.4(1)

Insert in alphabetical order—

residential accommodation has the same meaning as in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

[3] Section 1.4(8)

Insert “, strategic plan” after “determination” wherever occurring.

[4] Section 1.8

Omit the section. Insert instead—

1.8 Amendment of designated Sydney local government areas

(1) The regulations may amend Schedule 9 as follows—

- (a) to add a local government area, or part of a local government area, to the schedule,
- (b) to remove a local government area, or part of a local government area, from the schedule.

(2) The regulations may contain provisions of a savings or transitional nature consequent on the making of a regulation under subsection (1).

[5] Section 2.12 Constitution of Sydney district and regional planning panels

Omit “parts of the designated Sydney districts” from section 2.12(1).

Insert instead “designated Sydney local government areas”.

[6] Section 2.12(2) and (5)(b)

Omit “the designated Sydney districts” wherever occurring.

Insert instead “a designated Sydney local government area”.

[7] Section 2.12(5)(a)

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)”.

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”.

[8] Section 2.12(5)(d)

Omit “part of the designated Sydney districts or State”.

Insert instead “designated Sydney local government areas or part of the State”.

[9] Section 2.17 Constitution of local planning panels

Omit “an area that is wholly within the designated Sydney districts” from section 2.17(2)(a).

Insert instead “a designated Sydney local government area”.

[10] Section 3.1 Definitions

Omit section 3.1(1), definitions of *district*, *housing target* and *region*.

Insert in alphabetical order—

district means a part of a region declared to be a district under section 3.2(b).

region means an area declared to be a region under section 3.2(a).

[11] Section 3.2 Declaration of regions and districts

Omit section 3.2(a) and (b). Insert instead—

(a) an area of the State to be a region for this division, and

(b) a part of a region to be a district for this division.

[12] Section 3.2A

Insert after section 3.2—

3.2A Declaration of housing targets

The Minister may, by order published on the NSW legislation website, declare a housing target for a region or a local government area, comprising—

(a) the target number of additional dwellings for the region or local government area, and

(b) the period within which the target must be achieved.

[13] Section 3.3 Regional strategic plans—preparation and content

Insert after section 3.3(2)—

(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.

[14] Section 3.4 District strategic plans—preparation and content

Omit section 3.4(1), (4) and (7).

[15] Section 3.4(2)

Omit “in a region outside the Six Cities Region”.

[16] Section 3.5 Making of regional strategic plans

Omit subsections (3)–(6). Insert instead—

(3) The Planning Secretary must review a regional strategic plan every 5 years after the plan is made by the Minister.

[17] Section 3.4 District strategic plans—preparation and content

Omit “or 3.6A” from section 3.4(7)(b).

[18] Section 3.6

Omit sections 3.6 and 3.6A. Insert instead—

3.6 Making of district strategic plans

- (1) The Planning Secretary may, or must if directed by the Minister, submit a draft district strategic plan to the Minister.
- (2) The Minister may—
 - (a) make a district strategic plan in the form in which the plan is submitted or with the modifications the Minister considers appropriate, or
 - (b) decide not to make the draft district strategic plan.

[19] Section 3.8 Implementation of strategic plans

Omit “or” from section 3.8(2)(a). Insert instead “and”.

[20] Section 3.8(2)(b)

Omit the paragraph. Insert instead—

- (b) to any regional strategic plan applying to the region that the local government area is part of.

[21] Section 3.8(3) and (4)(b)

Omit “district strategic plan” wherever occurring. Insert instead “strategic plan”.

[22] Section 3.8(3)

Omit “in the district to which the plan applies”.

Insert instead “in the district or region to which the plan applies”.

[23] Section 3.8(4)

Omit “in the Six Cities Region must, on the making of a district strategic plan that applies to that area,”.

Insert instead “must, on the making of a strategic plan that applies to a district or region that includes the area,”.

[24] Section 3.8(5)

Insert after section 3.8(4)—

- (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).

[25] Section 3.9 Local strategic planning statements of councils

Omit section 3.9(3A). Insert instead—

- (3A) If the Planning Secretary is satisfied a local strategic planning statement that has been prepared for an area is inconsistent with a strategic plan applying to that area, the Planning Secretary may direct the council to amend the statement.

(3B) A council for an area that receives a direction from the Planning Secretary under subsection (3A) must amend the local strategic planning statement for that area within—

- (a) 28 days after the direction is received, or
- (b) the period otherwise determined by the Planning Secretary and specified in the direction.

[26] Section 4.24 Status of concept development applications and consents

Insert “(the *concept consent*)” after “the development of the site” in section 4.24(2).

[27] Section 4.24(4)

Insert after section 4.24(3), before the note—

- (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.

[28] Section 4.36 Development that is State significant development

Omit section 4.36(3). Insert instead—

- (3) The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.
- (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.
- (3B) Subsection (3A) does not apply if the development includes residential accommodation.
- (3C) If the Minister makes a declaration under subsection (3), the Planning Secretary must, as soon as practicable, notify the council for the area in which the specified land is located that the declaration has been made.

[29] Section 4.55 Modification of consents—generally

Omit “minimal” wherever occurring in section 4.55(1A).

Insert instead “no or minimal”.

[30] Section 4.55(1A)(b) and (2)(a)

Omit “substantially the same” wherever occurring.

Insert instead “the same or substantially the same”.

[31] Section 4.55(1A)

Omit “Subsections (1), (2) and (5)”. Insert instead “Subsections (1) and (2)”.

[32] Section 4.55(5)

Insert after section 4.55(4)—

- (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.

[33] Section 4.56 Modification by consent authorities of consents granted by the Court

Omit “substantially the same” from section 4.56(1)(a).

Insert instead “the same or substantially the same”.

[34] Section 4.56(1B)

Insert after section 4.56(1A)—

- (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.

[35] Section 7.31B Purpose of HAP Fund

Omit “for a district identified in a district strategic plan, as referred to in section 3.4” from section 7.31B(3).

Insert instead “declared under section 3.2A for a region or a local government area and identified in a strategic plan”.

[36] Section 7.32 Conditions requiring land or contributions for affordable housing

Omit section 7.32(1). Insert instead—

- (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.

[37] Section 7.32(3)(b)

Omit “a local environmental plan”. Insert instead “an environmental planning instrument”.

[38] Section 7.32(3)(b)

Omit “such a plan”. Insert instead “such an instrument”.

[39] Section 7.32(3)(c)

Omit the paragraph. Insert instead—

- (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.

[40] Schedule 1 Community participation requirements

Omit clause 9. Insert instead—

9 Application for development consent for State significant development

- (1) Minimum public exhibition period for an application for development consent for State significant development—
 - (a) 28 days, or
 - (b) for a relevant SSD application—
 - (i) 28 days, or
 - (ii) if a relevant community participation plan prepared by the Planning Secretary specifies a period of public exhibition for the application—the period specified in the plan.

- (2) For subclause (1)(b)(ii), the period specified in the plan must be at least 14 days.
- (3) In this clause—
relevant SSD application means—
 - (a) an application for development consent for development declared to be State significant development under section 4.36(3) and that includes residential accommodation, or
 - (b) an application for development consent for State significant development that includes development specified in *State Environmental Planning Policy (Planning Systems) 2021*, Schedule 1, section 26, 26A, 27 or 28 or Schedule 2, section 19.

[41] Schedule 1, clause 15(3) and (4)

Insert after clause 15(2)—

- (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.
- (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).

[42] Schedule 2 Provisions relating to planning bodies

Omit “parts of the designated Sydney districts situated within the local government areas” from clause 9.

Insert instead “designated Sydney local government areas”.

[43] Schedule 2, clause 25(6)

Insert after clause 25(5)—

- (6) The regulations may provide that a prescribed planning body is exempt from the requirements of this clause.
- (7) However, a planning body prescribed under subclause (6) must, within 14 days after a meeting at which the body considers proposed development that includes residential accommodation, make the minutes of the meeting, including a record of all decisions made and written reasons for the decisions, publicly available.

[44] Schedule 2, clause 26(5)

Insert after clause 26(4)—

- (5) The regulations may provide that a prescribed planning body is exempt from the requirements of subclause (3).
- (6) However, a planning body prescribed under subclause (5) must, within 14 days after making a resolution relating to proposed development that includes residential accommodation, make the resolution and written reasons for the resolution publicly available.

[45] Schedule 4 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part

Provisions consequent on enactment of
Environmental Planning and Assessment
Amendment Act 2025

Note— The Minister may revoke a strategic plan. See section 1.4(8).

Greater Sydney Metropolitan Area—district strategic plans

- (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.
- (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.

Column 1	Column 2
<i>Central City District Plan</i>	City of Blacktown
	Cumberland
	City of Parramatta
	The Hills Shire
<i>Eastern City District Plan</i>	Bayside
	Burwood
	Canada Bay
	Inner West
	City of Randwick
	Strathfield
	City of Sydney
	Waverley
<i>North District Plan</i>	Woollahra
	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

Column 1	Column 2
<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

The document entitled *Greater Sydney Region Plan—A Metropolis of Three Cities* continues to have effect as a regional strategic plan for the designated Sydney local government areas as if the areas comprised a region.

Regional strategic plans relevant to Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, Part 7 before its repeal

- (1) The *Illawarra Shoalhaven Regional Plan 2041* has effect as a regional strategic plan in relation to land in the Illawarra-Shoalhaven region.
- (2) The *Central Coast Regional Plan 2041* has effect as a regional strategic plan in relation to land in the Central Coast region.
- (3) The *Hunter Regional Plan 2041* has effect as a regional strategic plan in relation to land in the Hunter region.

[46] Schedule 8 Special provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Validation of affordable housing conditions

Deemed commencement of Environmental Planning and Assessment Amendment Act 2025, Schedule 1[37] and [38]

- (1) The *Environmental Planning and Assessment Amendment Act 2025*, Schedule 1[37] and [38] are taken to have commenced on 1 March 2018.
- (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 *Environmental Planning and Assessment Amendment Act 2025*, Schedule 1[37] and [38] had commenced is taken to have been validly imposed.

[47] Schedule 9

Omit the schedule. Insert instead—

Schedule 9 Designated Sydney local government areas

section 1.4(1), definition of “designated Sydney local government area”

Bayside
City of Blacktown

City of Blue Mountains
Burwood
Camden
City of Campbelltown
Canada Bay
Canterbury-Bankstown
Cumberland
City of Fairfield
Georges River
City of Hawkesbury
Hornsby
Hunter's Hill
Inner West
Ku-ring-gai
Lane Cove
City of Liverpool
Mosman
North Sydney
Northern Beaches
City of Parramatta
City of Penrith
City of Randwick
City of Ryde
Strathfield
Sutherland Shire
City of Sydney
The Hills Shire
Waverley
City of Willoughby
Wollondilly
Woollahra

Schedule 2 Amendment of Environmental Planning and Assessment Regulation 2021

[1] Section 100 Content of modification application

Omit “substantially the same” from section 100(1)(g).

Insert instead “the same or substantially the same”.

[2] Section 105

Omit “minimal” wherever occurring. Insert instead “no or minimal”.

[3] Section 222B Affordable housing in City of Sydney—the Act, s 7.32(1)(d)

Omit the section.

[4] Section 300

Insert after section 299—

300 Exemption from public meeting requirements—the Act, Schedule 2, cl 25(6) and 26(5)

The Housing Delivery Authority established under the *Environmental Planning and Assessment (Housing Delivery Authority) Order 2024* is 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**

Part 7 Provisions consequent on enactment of Greater Cities Commission Act 2022

Omit the part.