



New South Wales

# Environmental Planning and Assessment Amendment (Planning System Reforms) Bill 2025

## Explanatory note

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

## Overview of Bill

The objects of this Bill are as follows—

- (a) to amend the *Environmental Planning and Assessment Act 1979* (**the Act**) to—
  - (i) amend the objects of the Act, and
  - (ii) establish the Housing Delivery Authority, and
  - (iii) establish the Development Coordination Authority to centralise agency referrals and advice provided for the development assessment process, and
  - (iv) consolidate and clarify the roles and functions of the Independent Planning Commission, the Minister, regional planning panels, public authorities and councils (**consent authorities**) by removing the regionally significant development pathway, abolishing Sydney district and regional planning panels and clarifying roles and functions for development applications, and
  - (v) establish a single community participation plan that applies to all planning authorities and functions, and
  - (vi) expand complying development to allow variations to complying development standards and enable a deemed approval process for variations, and
  - (vii) create a process for certain development to bypass a full assessment, and
  - (viii) simplify development and approval pathways, and
  - (ix) implement standard conditions and make changes to certain review and appeal processes,
- (b) to make consequential amendments to other Acts and regulations.

## 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]** amends the objects of the Act.

**Schedule 1[2]** inserts definitions of *Development Coordination Authority*, *Housing Delivery Authority* and *targeted assessment development*.

**Schedule 1[3] and [4]** provide for the amendment of the definition of *development standards* and the later replacement of the definition with a definition of *development standard*.

**Schedule 1[5] and [8]** amend the definition of *NSW planning portal* and a note to the definition of *development*.

**Schedule 1[6], [10], [12], [14], [25], [38], [53], [76], [119], [125], [133], [135], [150], [159], [162], [164], [165], [171], [172], [174], [176], [180], [182], [185] and [187]** abolish Sydney district planning panels and make consequential amendments.

**Schedule 1[7], [11], [13], [15], [19], [26], [35], [37], [39], [44], [45], [47], [48], [50], [52], [54], [77]–[81], [120], [126], [134], [136], [138]–[147], [151], [160], [163], [169], [173], [175], [177], [181], [183], [186] and [188]** abolish regional planning panels and make consequential amendments.

**Schedule 1[16]** constitutes the Housing Delivery Authority as a corporation and statutory body and sets out the membership and functions of the Housing Delivery Authority. It also defines the *Development Coordination Authority* as the Secretary of the Department of Planning, Housing and Infrastructure (the *Planning Secretary*) and sets out the Development Coordination Authority's functions and information sharing and delegation powers. **Schedule 1[9]** authorises the Minister, the Planning Ministerial Corporation and the Secretary to delegate any of their functions, other than the power of delegation and certain other functions, to the Housing Delivery Authority or the Development Coordination Authority. **Schedule 1[117] and [161]** make consequential amendments.

**Schedule 1[17] and [48]** remove regionally significant development as a category of development under the Act.

**Schedule 1[18]** provides for the constitution, membership and functions of regional planning panels.

**Schedule 1[20]** provides that the local planning panels specified in the Act, Schedule 2, proposed Part 3A are constituted for 2 or more areas and that the Planning Secretary may constitute, abolish or change the name or specified areas of a local planning panel by order published on the NSW legislation website. **Schedule 1[23], [24] and [170]** make consequential amendments.

**Schedule 1[21]** provides for the appointment of the members of a local planning panel by a council or the Planning Secretary.

**Schedule 1[22]** provides for the appointment of representatives of certain local planning panels and the procedures of the meetings of the panels.

**Schedule 1[27]** provides that the Act, Schedule 1, Part 1 sets out the mandatory public exhibition requirements for community participation by planning authorities in relation to the exercise of relevant planning functions. **Schedule 1[157]** makes a consequential amendment.

**Schedule 1[29]** provides that the Planning Secretary must prepare a community participation plan about how and when planning authorities will undertake community participation when

exercising relevant planning functions. **Schedule 1[28], [30]–[33], [98], [99], [154], [155] and [158]** make consequential amendments.

**Schedule 1[34]** provides that the Independent Planning Commission, a regional planning panel or a person or body prescribed by the regulations must consult a council before exercising a function if the exercise will result in a decision that will or may have a significant adverse financial impact on the council.

**Schedule 1[36]** sets out the access entitlements of the Independent Planning Commission, a regional planning panel or a person or body prescribed by the regulations (the *other person or body*) relevant to and for exercising the functions of the other person or body.

**Schedule 1[40]** excludes the personal liability of a member of the Housing Delivery Authority for a matter or thing done in good faith for administering the Act.

**Schedule 1[41]** clarifies that an environmental planning instrument may—

- (a) apply generally or be limited in its application, or
- (b) apply differently according to different specific factors, or
- (c) do both of these things.

**Schedule 1[42]** provides that an amending environmental planning instrument may be made without compliance with certain provisions of the Act if the instrument deals with matters the Housing Delivery Authority considers necessary or convenient to enable the carrying out of State significant development.

**Schedule 1[43]** removes the requirement for the Planning Secretary or a relevant planning authority (the *relevant authority*) to consult with the Secretary of the Department of Climate Change, Energy, the Environment and Water if, in the relevant authority's opinion, a critical habitat or a threatened species or its habitat may be adversely affected by a proposed local environmental plan or State environmental planning policy.

**Schedule 1[46]** provides that, after reviewing a planning proposal, the Minister must determine whether consultation is required with State or Commonwealth public authorities and, if so, the public authorities to be consulted.

**Schedule 1[49]** inserts an additional consent authority function of the Independent Planning Commission to be exercised by the Planning Secretary.

**Schedule 1[51]** provides that, for a council for which a regional planning panel has been constituted, the regional planning panel may exercise certain functions of the council as a consent authority. **Schedule 1[137]** makes a consequential amendment.

**Schedule 1[55]** provides that an environmental planning instrument may specify things that must be submitted with a development application.

**Schedule 1[56]** provides that the Planning Secretary may specify the form and contents of documents that must be submitted with a development application.

**Schedule 1[58]** provides that an environmental planning instrument may require a consent authority to notify a person before determining a development application unless the consent authority determines to refuse to grant development consent. **Schedule 1[57], [60] and [109]** make consequential amendments.

**Schedule 1[61]** omits a section concerning the granting of development consent on bush fire prone land.

**Schedule 1[62]** requires a consent authority to consider the significant likely impacts of a development when determining a development application.

**Schedule 1[63]** provides clarification on matters that must and must not be considered when determining a development application, including for targeted assessment development.

**Schedule 1[64]** provides for when development the subject of a development application does not comply with non-discretionary development standards contained in an environmental planning instrument or regulation.

**Schedule 1[65]** provides for an additional circumstance in which a condition of development consent may be imposed.

**Schedule 1[66]** provides that, before a consent authority may impose a condition on a development consent for development of a kind specified by the regulations, the applicant must be given a copy of the proposed condition and an opportunity to make written submissions.

**Schedule 1[67]** provides that development consent is subject to standard conditions and provides for model conditions that may be specified in a State environmental planning policy.

**Schedule 1[68]** provides that a State environmental planning policy may declare development to be targeted assessment development. **Schedule 1[156]** provides for public exhibition requirements for targeted assessment development.

**Schedule 1[72]** provides that a complying development certificate that relies on a variation certificate must contain details of the variation certificate.

**Schedule 1[74]** provides—

- (a) that, if a person applies to modify the development the subject of a complying development certificate, only the part of the development the subject of the certificate proposed to be modified is considered the proposed development, and
- (b) for regulation-making powers concerning applications to modify complying development.

**Schedule 1[75]** provides for certificates for the variation of complying development standards applying to proposed development. **Schedule 1[69]** defines *complying development standard* and *variation certificate* for the Act, Division 4.5. **Schedule 1[70], [71] and [73]** make consequential amendments.

**Schedule 1[82]** provides that, subject to the Act, Division 4.7, the provisions of the Act, Part 4 apply to the determination of a development application for State significant development.

**Schedule 1[83]** provides that the Act, Division 4.7 does not prevail over inconsistent provisions of or made under the Act that relate to targeted assessment development.

**Schedule 1[84]–[93]** provide that, in determining a development application for development that is integrated development, the consent authority must obtain from the Development Coordination Authority the general terms of each approval that the Development Coordination Authority proposes be granted. It also provides that the Development Coordination Authority will decide whether or not an approval body will grant an approval.

**Schedule 1[94]** substitutes the Act, section 4.53 to remove temporary provisions relating to consents granted from 25 March 2020 to 25 March 2022.

**Schedule 1[95]–[97], [100], [101] and [103]–[106]** amend provisions relating to the modification of a development consent and provide that consent authorities must not refuse certain minor modification applications if the applications are not dealt with promptly.

**Schedule 1[102]** extends targeted assessment development considerations under proposed section 4.15(1C) to applications for a modification of a consent for targeted assessment development.

**Schedule 1[107]** permits the Planning Secretary to revoke or modify a development consent having regard to an existing or proposed environmental planning instrument and permits a council to revoke or modify a development consent having regard to an existing or proposed local environmental plan.

**Schedule 1[108]** amends the regulation-making powers of the Act, Part 4.

**Schedule 1[110] and [111]** omit temporary provisions that ceased to have effect on 25 March 2022.

**Schedule 1[112] and [113]** provide that a determining authority may, in its consideration of an activity, examine and take into account all matters affecting or likely to affect the environment by reason of the activity in a way that is proportionate to the nature and risk of the activity.

**Schedule 1[114]** provides that an order of the Minister that declares State significant infrastructure need not amend a State environmental planning policy.

**Schedule 1[115]** expands the circumstances in which a planning agreement may exclude the application of the Act, section 7.11 or 7.12 in relation to development.

**Schedule 1[116]** amends the period within which the Treasurer must provide to each House of Parliament a report detailing the payments made into, and from, the Strategic Biodiversity Contributions Fund and the Housing and Productivity Fund.

**Schedule 1[118], [121]–[124] and [127]–[130]** amend provisions relating to determinations or decisions under the Act, Part 4 that are subject to review under the Act, Division 8.2.

**Schedule 1[131] and [132]** provide for when an appeal must or must not be made if a determination or decision is subject to review under the Act, Division 8.2 and amend the time within which appeals may be made.

**Schedule 1[148]** amends the definition of *planning approval* in relation to the Act, Schedule 5.

**Schedule 1[149]** provides that development control orders may be given by the Minister or the Planning Secretary in certain circumstances.

**Schedule 1[152]** omits a section relating to bush fire prone land.

**Schedule 1[153]** omits a redundant provision that provides that a regulation under the Act may apply generally or specifically.

**Schedule 1[167]** removes the Central Coast local government area from the Hunter and Central Coast Regional Planning Panel. **Schedule 1[166]** makes a consequential amendment.

**Schedule 1[168]** removes the Wingecarribee and Wollongong City local government areas from the Southern Regional Planning Panel.

**Schedule 1[178]** provides for the procedure for removing from office a member of a local planning panel constituted by a council or the Planning Secretary.

**Schedule 1[179]** provides that the office of a member of the Independent Planning Commission, a Sydney district planning panel, a regional planning panel, a local planning panel or a panel established by the Minister or the Planning Secretary becomes vacant if the member resigns.

**Schedule 1[184]** provides that the Act, Schedule 2, clause 19 does not affect the operation of the doctrine of incompatibility of office.

**Schedule 1[189]** clarifies when a complete works order may be made.

**Schedule 1[190]** requires the Minister or the Planning Secretary to give notice to a consent authority of the Minister's or the Planning Secretary's intention to give a development control order.

**Schedule 1[191]** requires the Minister or the Planning Secretary to give notice to a principal certifier of the Minister's or the Planning Secretary's intention to give a development control order in relation to building work or subdivision work.

## **Schedule 2      Amendment of Environmental Planning and Assessment Regulation 2021**

**Schedule 2[3]** sets out factors that are not relevant to the consideration of development the subject of a development application.

**Schedule 2[14]** provides that a consent authority must determine a minor modification application under the Act, proposed section 4.55(1) within 14 days after it is lodged, otherwise the application must not be refused.

**Schedule 2[15] and [16]** clarify that a consent authority is taken to have refused a modification application for certain modifications if the consent authority does not determine the application within 40 days after it is lodged.

**Schedule 2[17]** specifies that an application for a complying development certificate that is accompanied by an application for a variation certificate must be determined within 20 days.

**Schedule 2[18]** specifies the period after which an appropriate person who has not determined an application for a variation certificate is taken to have determined the application by issuing the variation certificate in the form applied for.

**Schedule 2[19]** omits a provision specifying the time within which an application for a review of a determination of a modification application by a consent authority must be submitted.

**Schedule 2[1], [2], [4]–[8], [11]–[13], [20]–[33], [37] and [38]** make amendments consequent on Schedule 1[6] and [7].

**Schedule 2[9], [10] and [36]** make amendments consequent on Schedule 1[97].

**Schedule 2[34]** makes an amendment consequent on Schedule 1[16].

**Schedule 2[35]** makes an amendment consequent on Schedule 1[95].

**Schedule 2[39]** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

**Schedule 2[40]** inserts a cross-reference in the definition of *public notification development*.

## **Schedule 3      Amendment of other legislation**

### **Biodiversity Conservation Act 2016 No 63**

**Schedule 3.1** consolidates certain functions and decisions of the Environment Agency Head and other Ministers with the Planning Minister, Planning Agency Head and Development Coordination Authority.

### **Dams Safety Act 2015 No 26**

**Schedule 3.2** requires the Development Coordination Authority, rather than Dams Safety NSW, to be consulted by consent authorities concerning mining in notification areas. **Schedule 1[59]** makes a consequential amendment.

### **Environmental Planning and Assessment Amendment Act 2025 No 24**

**Schedule 3.3** amends the items in the *Environmental Planning and Assessment Amendment Act 2025* to be commenced by proclamation. It also makes amendments consequent on Schedule 1[6].

### **Fisheries Management Act 1994 No 38**

**Schedule 3.4** transfers the functions of the Fisheries Minister under the *Fisheries Management Act 1994*, section 221ZY to the Planning Minister. It also transfers the functions of the Fisheries Agency Head under the *Fisheries Management Act 1994*, section 221ZZ to the Development Coordination Authority.

### **Hunter Water Act 1991 No 53**

**Schedule 3.5** transfers the functions of the Hunter Water Corporation under the *Hunter Water Act 1991*, section 51 to the Development Coordination Authority. It also removes the requirement for

the Secretary of the Department of Climate Change, Energy, the Environment and Water to notify the Hunter Water Corporation of certain proposals.

#### **Interpretation Act 1987 No 15**

**Schedule 3.6** inserts a definition of *Development Coordination Authority*.

#### **Marine Estate Management Act 2014 No 72**

**Schedule 3.7** defines *Planning Minister* for the *Marine Estate Management Act 2014* and *relevant authority* for that Act, sections 55 and 56. It also provides that, in certain circumstances involving development within a marine park or aquatic reserve, the consent authority must consult with the Planning Minister.

#### **Protection of the Environment Operations Act 1997 No 156**

**Schedule 3.8** makes amendments consequent on Schedule 1[84]–[93].

#### **Roads Act 1993 No 33**

**Schedule 3.9** transfers the functions of Transport for NSW under the *Roads Act 1993*, section 26 to the Development Coordination Authority.

#### **Rural Fires Act 1997 No 65**

**Schedule 3.10** makes amendments consequent on Schedule 1[61] and [152].

#### **Sydney Water Act 1994 No 88**

**Schedule 3.11** provides that a consent authority must give the Development Coordination Authority, rather than the Sydney Water Corporation, notice of certain development applications or building applications, unless the consent authority is the Minister administering the *Environmental Planning and Assessment Act 1979*.

#### **Water Act 1912 No 44**

**Schedule 3.12** transfers the functions of the Water Administration Ministerial Corporation under the *Water Act 1912*, section 4L to the Development Coordination Authority.

#### **Water Management Act 2000 No 92**

**Schedule 3.13** transfers the functions of the Minister under the *Water Management Act 2000*, section 99 to the Development Coordination Authority.



New South Wales

# Environmental Planning and Assessment Amendment (Planning System Reforms) 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 (Planning System Reforms) Bill 2025**

No           , 2025

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## **A Bill for**

An Act to amend the *Environmental Planning and Assessment Act 1979* to make further provision relating to housing and the planning system; to make consequential amendments to other legislation; and for related purposes.

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

*Legislative Council*

*Clerk of the Parliaments*

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<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025</i> .	3
	4
<b>2 Commencement</b>	5
This Act commences on a day or days to be appointed by proclamation.	6

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

### [1] Section 1.3 Objects of Act

Omit section 1.3(a)–(j). Insert instead—

- (a) to promote land uses that improve the social and economic welfare of communities,
- (b) to promote the supply, delivery and maintenance of housing, including affordable housing,
- (c) to promote productivity through the development and management of the State and its resources,
- (d) to provide for the conservation of threatened species of native animals and plants and ecological communities and their habitats,
- (e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention,
- (f) to promote the sustainable management of built and cultural heritage, including Aboriginal cultural heritage,
- (g) to promote good design, amenity and the proper construction and maintenance of built environments,
- (h) to provide opportunities for participation in environmental planning and assessment,
- (i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (j) to promote a proportionate and risk-based approach to environmental planning and assessment,
- (k) to promote the orderly and economic use and development of land.

### [2] Section 1.4 Definitions

Insert in alphabetical order in section 1.4(1)—

***Development Coordination Authority***—see Division 2.3B.

***Housing Delivery Authority*** means the corporation constituted under Division 2.3A.

***targeted assessment development*** means development declared to be targeted assessment development under section 4.20A.

### [3] Section 1.4(1), definition of “development standards”

Omit the definition. Insert instead—

***development standards*** means the following—

- (a) provisions of an environmental planning instrument or a regulation in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in relation to an aspect of the development, including requirements or standards in relation to the following—
  - (i) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
  - (ii) the proportion or percentage of the area of a site that a building or work may occupy,

(iii)	the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,	1
(iv)	the cubic content or floor space of a building,	2
(v)	the intensity or density of the use of any land, building or work,	3
(vi)	the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,	4
(vii)	the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,	5
(viii)	the volume, nature and type of traffic generated by the development,	6
(ix)	road patterns,	7
(x)	drainage,	8
(xi)	the carrying out of earthworks,	9
(xii)	the effects of development on patterns of wind, sunlight, daylight or shadows,	10
(xiii)	the provision of services, facilities and amenities demanded by the development,	11
(xiv)	the emission of pollution and means for its prevention, control or mitigation,	12
(xv)	other matters prescribed for this subparagraph,	13
(b)	provisions of an environmental planning instrument or a regulation that are identified as development standards by the environmental planning instrument or regulation, including by the heading or notes to the provisions.	14
<b>[4]</b>	<b>Section 1.4(1)</b>	15
	Omit the definition of <i>development standards</i> , as substituted by item [3].	16
	Insert instead—	17
	<i>development standard</i> means a provision of an environmental planning instrument or a regulation that is identified as a development standard by the environmental planning instrument or regulation, including by the heading or notes to the provision.	18
<b>[5]</b>	<b>Section 1.4(1), definition of “NSW planning portal”</b>	19
	Omit “www.planningportal.nsw.gov.au”. Insert instead “www.planning.nsw.gov.au”.	20
<b>[6]</b>	<b>Section 1.4(1)</b>	21
	Omit the definition of <i>Sydney district or regional planning panel</i> .	22
	Insert in alphabetical order—	23
	<i>regional planning panel</i> means a regional planning panel constituted under Part 2.	24
<b>[7]</b>	<b>Section 1.4(1), definition of “regional planning panel”, as inserted by item [6]</b>	25
	Omit the definition.	26
<b>[8]</b>	<b>Section 1.5 Meaning of “development”</b>	27
	Omit the note, paragraph (b)(iii).	28

<b>[9] Section 2.4 Delegation by Minister, Planning Ministerial Corporation or Planning Secretary</b>	1
Insert after section 2.4(1)(a)—	2
(b) the Housing Delivery Authority, or	3
(b1) the Development Coordination Authority, or	4
<b>[10] Section 2.4(1)(d)</b>	5
Omit the paragraph.	6
<b>[11] Section 2.4(1)(e)</b>	7
Omit the paragraph.	8
<b>[12] Section 2.9 Functions of Commission</b>	9
Omit “Sydney district or” from section 2.9(1)(e).	10
<b>[13] Section 2.9(1)(e), as amended by item [12]</b>	11
Omit “a regional planning panel or”.	12
<b>[14] Section 2.9(1)(f)</b>	13
Omit “Sydney district or”.	14
<b>[15] Section 2.9(1)(f), as amended by item [14]</b>	15
Omit the paragraph.	16
<b>[16] Divisions 2.3A and 2.3B</b>	17
Insert after Division 2.3—	18
<b>Division 2.3A Housing Delivery Authority</b>	19
<b>2.11A Constitution of Housing Delivery Authority</b>	20
(1) There is constituted by this Act a corporation with the corporate name of the Housing Delivery Authority.	21
(2) The Housing Delivery Authority is a NSW Government agency.	22
<b>2.11B Members of Housing Delivery Authority</b>	23
(1) The Housing Delivery Authority must consist of the following members—	24
(a) the Planning Secretary,	25
(b) at least 2 members appointed by the Minister.	26
<b>Note—</b> Members may include persons appointed by reference to the offices they hold, that is, ex-officio members. See the <i>Interpretation Act 1987</i> , section 46.	27
(2) One member of the Authority must, in the instrument of appointment or a subsequent instrument, be appointed as the chairperson of the Authority.	28
<b>2.11C Functions of Housing Delivery Authority</b>	29
The Housing Delivery Authority has the following functions—	30
(a) the functions under this Act delegated to the Housing Delivery Authority,	31
(b) providing advice, recommendations and reports to the Minister, at the Minister’s request, about the following—	32

	(i) the supply and availability of housing in the State,	1
	(ii) the declaration of specific residential accommodation or residential accommodation and other development on specific land as State significant development,	2 3 4
	(iii) the zoning of land for residential purposes or for residential and other purposes,	5 6
	(iv) a direction that the Planning Secretary, or a panel, person or body, be the planning proposal authority under section 3.32 for a proposed instrument,	7 8 9
	(c) preparing guidance materials in relation to the declaration of State significant development under section 4.36,	10 11
	(d) other functions conferred or imposed on the Housing Delivery Authority under this Act, including the regulations and other instruments under this Act, or another Act.	12 13 14
<b>2.11D</b>	<b>Miscellaneous provisions about Housing Delivery Authority</b>	15
(1)	The Housing Delivery Authority may—	16
	(a) arrange for the use of the services of staff or facilities of the Department or other public authorities, and	17 18
	(b) engage experts and other persons it may require to exercise its functions.	19 20
(2)	The Housing Delivery Authority may delegate a function of the Housing Delivery Authority under this Act or another Act, other than this power of delegation, to a person or body referred to in section 2.4(1).	21 22 23
(3)	Without limiting subsection (2), the Housing Delivery Authority may delegate a function delegated to the Housing Delivery Authority under section 2.4 to another person or body referred to in section 2.4(1).	24 25 26
(4)	The regulations, or an environmental planning instrument under another provision of this Act, may—	27 28
	(a) confer or impose additional functions on the Housing Delivery Authority, and	29 30
	(b) make provision about the exercise of functions conferred or imposed on the Housing Delivery Authority, including the Housing Delivery Authority's procedures in exercising its functions.	31 32 33
(5)	The annual report of the Housing Delivery Authority must be published as part of the annual report of the Department.	34 35
	<b>Division 2.3B Development Coordination Authority</b>	36
<b>2.11E</b>	<b>Meaning of "Development Coordination Authority"</b>	37
	In this Act—	38
	<i>Development Coordination Authority</i> means the Planning Secretary.	39
<b>2.11F</b>	<b>Functions of Development Coordination Authority</b>	40
	The Development Coordination Authority has the following functions—	41
	(a) the functions under this Act delegated to the Development Coordination Authority,	42 43

(b)	providing advice, recommendations and reports to the Minister, at the Minister's request, on any matter, including a general or particular planning or development matter or the administration of this Act,	1 2 3
(c)	other functions conferred or imposed on the Development Coordination Authority under this Act, including the regulations or other instruments under this Act, or another Act.	4 5 6
<b>2.11G</b>	<b>Miscellaneous provisions about Development Coordination Authority</b>	7
(1)	The Development Coordination Authority may—	8
(a)	arrange for the use of the services of staff or facilities of the Department or other public authorities, and	9 10
(b)	engage experts and other persons it may require to exercise its functions.	11 12
(2)	The Development Coordination Authority may delegate a function of the Development Coordination Authority under this Act or another Act, other than this power of delegation, to a person or body referred to in section 2.4(1).	13 14 15
(3)	Without limiting subsection (2), the Development Coordination Authority may delegate a function delegated to the Development Coordination Authority under section 2.4 to another person or body referred to in section 2.4(1).	16 17 18
(4)	The regulations, or an environmental planning instrument under another provision of this Act, may—	19 20
(a)	confer or impose additional functions on the Development Coordination Authority, and	21 22
(b)	make provision about the exercise of functions conferred or imposed on the Development Coordination Authority, including the Development Coordination Authority's procedures in exercising its functions.	23 24 25
<b>2.11H</b>	<b>Sharing of information</b>	26
(1)	A public authority must give information requested by the Development Coordination Authority, within the time specified by the Development Coordination Authority, if the information is reasonably necessary for the exercise of the Development Coordination Authority's functions under this Act or another Act.	27 28 29 30 31
(2)	The Development Coordination Authority may give information requested by a public authority if the information is reasonably necessary for the exercise of the public authority's functions under this Act or another Act.	32 33 34
(3)	To avoid doubt, subsections (1) and (2) apply in addition to an authorisation the public authority or Development Coordination Authority may have to give information under this Act or another Act or law.	35 36 37
<b>2.11I</b>	<b>Delegation to Development Coordination Authority</b>	38
	Without limiting a power of delegation under another Act or law, a Minister or other public authority may delegate the exercise of a function of the Minister or the other public authority under this Act or another Act, other than this power of delegation, to the Development Coordination Authority, or a member of staff of the Department, if the function to be delegated is related to a function of the Development Coordination Authority.	39 40 41 42 43 44
<b>[17]</b>	<b>Section 2.15 Functions of Sydney district and regional planning panels</b>	45
	Omit section 2.15(a).	46

<b>[18] Division 2.4, as amended by item [17]</b>	1
Omit the division. Insert instead—	2
<b>Division 2.4 Regional planning panels</b>	3
<b>2.12 Constitution of regional planning panels</b>	4
(1) The regional planning panels specified in Schedule 2, Part 3 are constituted for the particular parts of the State specified in relation to each panel.	5 6
(2) A regional planning panel is not subject to the direction or control of the Minister, except in relation to the procedure of the panel and directions authorised to be given to the panel under section 9.1 or another provision of this Act.	7 8 9 10
(3) A regional planning panel is a NSW Government agency.	11
(4) The Minister may, by order published on the NSW legislation website, amend Schedule 2, Part 3 for one or more of the following purposes—	12 13
(a) to constitute a regional planning panel and to specify the part of the State for which it is constituted,	14 15
(b) to abolish a regional planning panel,	16
(c) to change the name of a regional planning panel or to change the part of the State for which it is constituted,	17 18
(d) to make savings and transitional provisions consequent on one or more of the above.	19 20
<b>2.13 Members of regional planning panels</b>	21
(1) A regional planning panel must consist of the following 5 members—	22
(a) 3 members appointed by the Minister (the <i>State members</i> ),	23
(b) 2 nominees of an applicable council (the <i>council nominees</i> ) who are councillors, members of council staff or other persons nominated by the council.	24 25 26
(2) A person is not eligible to be a member of a regional planning panel if the person is—	27 28
(a) a property developer within the meaning of the <i>Electoral Funding Act 2018</i> , section 53, or	29 30
<b>Note—</b> The <i>Electoral Funding Act 2018</i> , section 53 provides that <b>property developer</b> includes a person who is a close associate of a property developer.	31 32
(b) a real estate agent within the meaning of the <i>Property and Stock Agents Act 2002</i> .	33 34
(3) However, a person is not ineligible to be a member of a regional planning panel merely because the person carries on the business of a planning consultant.	35 36 37
(4) The State members of a regional planning panel must be persons who have expertise in at least one area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.	38 39 40 41
(5) In appointing State members, the Minister must have regard to the need to have a range of expertise represented among the panel's members.	42 43
(6) At least one of the council nominees of a regional planning panel must be a person who has expertise in at least one area of planning, architecture,	44 45



heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.	1 2
(7) Each applicable council must nominate 2 persons as council nominees for the regional planning panel.	3 4
(8) If an applicable council fails to nominate one or more council nominees, a regional planning panel is not required to include 2 council nominees for the purposes of exercising its functions in relation to the area of the council concerned.	5 6 7 8
(9) For the purposes of exercising the functions of a regional planning panel in relation to a matter, the council nominees on the panel must be the persons nominated by the applicable council for the land to which the matter relates.	9 10 11
(10) In this section— <i>applicable council</i> means the council of an area that is situated, wholly or partly, in a part of the State for which a regional planning panel is constituted.	12 13 14
<b>2.14 Chairperson of regional planning panels</b>	15
(1) One of the State members of a regional planning panel must be appointed by the Minister as chairperson of the panel.	16 17
(2) The Minister must obtain the concurrence of Local Government NSW to the appointment of a chairperson unless Local Government NSW—	18 19
(a) fails to notify its concurrence or refusal to concur within 21 days of being requested to do so by the Minister, or	20 21
(b) refuses to concur in the appointment of 2 different persons proposed by the Minister.	22 23
<b>2.15 Functions of regional planning panels</b>	24
A regional planning panel has the following functions—	25
(a) the specified functions of a council as a consent authority under Part 4 that are conferred on it under this Act,	26 27
(b) the functions under this Act of a council within its area that are conferred on it under section 9.6,	28 29
(c) to advise the Minister or the Planning Secretary as to planning or development matters relating to the part of the State for which it is constituted, or any related matters, if requested to do so by the Minister or the Planning Secretary,	30 31 32 33
(d) other functions conferred or imposed on it under this Act or another Act.	34
<b>Note—</b> Under section 9.7, a panel, or the Independent Planning Commission if acting in place of the panel, is, in the exercise of a function referred to in paragraph (b), taken to be the council and must exercise the function to the exclusion of the council.	35 36 37
<b>2.16 Miscellaneous provisions relating to regional planning panels</b>	38
(1) Schedule 2 contains provisions relating to the members and procedure of regional planning panels.	39 40
(2) A regional planning panel must give written reasons for its decisions and make them publicly available on a website of or used by the panel.	41 42
(3) A decision is not invalid merely because of a failure to give or publish the reasons, or all of the reasons, for the decision.	43 44
(4) The regulations may make provision about the following—	45

	(a)	the functions conferred under this Act on a regional planning panel, including its procedures in exercising its functions,	1 2
	(b)	without limiting paragraph (a), providing that parties to matters being determined by a regional planning panel are not to be represented, whether by an Australian legal practitioner or another person, or are only to be represented in specified circumstances,	3 4 5 6
	(c)	the provision of information and reports by regional planning panels.	7
(5)		The Planning Secretary must, in the annual report of the Department, report on the activities of regional planning panels during the reporting year under section 9.6.	8 9 10
(6)		Legal proceedings by or against a regional planning panel are to be taken in the name of the panel and not by or against the members of the panel.	11 12
(7)		A regional planning panel may, with the approval of the Minister, delegate a function of the panel under this Act or another Act, other than this power of delegation, to the following for the area or part of the area for which the regional planning panel is constituted—	13 14 15 16
	(a)	a council,	17
	(b)	a local planning panel of a council,	18
	(c)	the general manager or another member of staff of a council.	19
(8)		To avoid doubt, a member of a regional planning panel is a public official for the purposes of the <i>Independent Commission Against Corruption Act 1988</i> .	20 21
<b>[19]</b>		<b>Division 2.4, as substituted by item [18]</b>	22
		Omit the division.	23
<b>[20]</b>		<b>Section 2.17 Constitution of local planning panels</b>	24
		Insert after section 2.17(1)—	25
	(1A)	The local planning panels specified in Schedule 2, Part 3A are constituted for 2 or more areas.	26 27
	(1B)	If a local planning panel is constituted for 2 or more areas under subsection (1A)—	28 29
	(a)	a council for one of the areas must not constitute a planning panel for the area under subsection (1), and	30 31
	(b)	a single local planning panel must not be constituted by 2 or more councils under subsection (3) for any of the areas for which the local planning panel is constituted by the Planning Secretary, and	32 33 34
	(c)	a function exercisable by a council of one of the areas in relation to the panel must be exercised jointly by all the councils.	35 36
	(1C)	The Planning Secretary may, by order published on the NSW legislation website, amend Schedule 2, Part 3A for one or more of the following purposes—	37 38 39
	(a)	to constitute a local planning panel for 2 or more specified areas,	40
	(b)	to abolish a local planning panel constituted under the part,	41
	(c)	to change the name of a local planning panel constituted under the part or to change the specified areas for which it is constituted,	42 43
	(d)	to make savings and transitional provisions consequent on one or more of the above.	44 45

<b>[21] Section 2.18 Members of local planning panels</b>	1
Omit section 2.18(1). Insert instead—	2
(1) The members of a local planning panel must be appointed by—	3
(a) for a local planning panel constituted by a council—the relevant council, or	4
(b) for a local planning panel constituted by the Planning Secretary—the Planning Secretary.	5
<b>[22] Section 2.18(5)</b>	6
Omit section 2.18(5) and (6). Insert instead—	7
(5) For a local planning panel constituted by a council whose area is divided into wards—	8
(a) the council must appoint representatives of the local community for each ward as members of the local planning panel, and	9
(b) the representatives are entitled to attend a meeting of the local planning panel, but only one of the representatives, designated by the chairperson of the panel, may form part of the quorum for the meeting and is entitled to vote and be heard on a matter before the panel, and	10
(c) the representative designated by the chairperson for a matter before the panel must be the representative for the ward the chairperson considers is most closely associated with the matter.	11
<b>[23] Section 2.19 Functions of local planning panels</b>	12
Omit “constituted by a council” from section 2.19(1).	13
<b>[24] Section 2.19(1)(b) and (c)</b>	14
Omit “advise the council” wherever occurring. Insert instead “advise a council”.	15
<b>[25] Section 2.21 Planning authorities and functions subject to community participation requirements</b>	16
Omit “Sydney district or” from section 2.21(1)(e).	17
<b>[26] Section 2.21(1)(e), as amended by item [25]</b>	18
Omit the paragraph.	19
<b>[27] Section 2.22 Mandatory community participation requirements</b>	20
Omit “for a minimum period” from section 2.22(1), note.	21
Insert instead “requirements”.	22
<b>[28] Sections 2.23 and 2.24, headings</b>	23
Omit “plans” wherever occurring. Insert instead “plan”.	24
<b>[29] Section 2.23(1)</b>	25
Omit the subsection, including the note. Insert instead—	26
(1) The Planning Secretary must prepare a community participation plan about how and when planning authorities will undertake community participation when exercising relevant planning functions, subject to this section.	27
	28
	29

<b>[30] Section 2.23(2)</b>	1
Omit “A planning authority is to”.	2
Insert instead “The Planning Secretary must”.	3
<b>[31] Section 2.23(3) and (4)</b>	4
Omit the subsections.	5
<b>[32] Section 2.24(1) and (3)</b>	6
Omit “Community participation plans are to” wherever occurring.	7
Insert instead “The community participation plan must”.	8
<b>[33] Section 2.24(4)</b>	9
Omit the subsection. Insert instead—	10
(4) The regulations may make provision about the form and content of, and the procedures for making and publishing, the community participation plan or an amendment of the community participation plan.	11 12 13
<b>[34] Section 2.26</b>	14
Omit the section. Insert instead—	15
<b>2.26 Obligation of Commission and other bodies to consult with council about certain decisions</b>	16 17
(1) The Independent Planning Commission, a regional planning panel or a person or body prescribed by the regulations must not exercise a function that will result in the making of a decision that will have, or might reasonably be expected to have, a significant adverse financial impact on a council until after it has consulted with the council.	18 19 20 21 22
(2) This section does not apply to the determination of a development application made by a council.	23 24
<b>[35] Section 2.26(1), as substituted by item [34]</b>	25
Omit “, a regional planning panel”.	26
<b>[36] Section 2.27</b>	27
Omit the section. Insert instead—	28
<b>2.27 Obligations of councils to assist Commission and others</b>	29
(1) The Independent Planning Commission, a regional planning panel or a person or body prescribed by the regulations (the <i>other person or body</i> ) is entitled, on request made to the general manager of a council—	30 31 32
(a) to have access to, and to make copies of and take extracts from, records of the council relevant to the exercise of the other person’s or body’s functions, and	33 34 35
(b) to the use of the staff and facilities of the council in order to exercise the other person’s or body’s functions, and	36 37
(c) to other assistance or action by the council for the purposes of exercising the other person’s or body’s functions.	38 39
(2) The regulations may make provision about assistance and action under this section.	40 41

<b>[37] Section 2.27(1), as substituted by item [36]</b>	1
Omit “, a regional planning panel”.	2
<b>[38] Section 2.28 Exclusion of personal liability</b>	3
Omit “Sydney district or” from section 2.28(g).	4
<b>[39] Section 2.28(g), as amended by item [38]</b>	5
Omit the paragraph.	6
<b>[40] Section 2.28(h1)</b>	7
Insert after section 2.28(h)—	8
(h1) a member of the Housing Delivery Authority, or	9
<b>[41] Section 3.14 Contents of environmental planning instruments</b>	10
Insert at the end of the section—	11
<b>Note—</b> The <i>Interpretation Act 1987</i> , sections 5(6) and 42(2) operate to provide that an environmental planning instrument may—	12
(a) apply generally or be limited in its application by reference to specified exceptions or factors, or	13
(b) apply differently according to different factors of a specified kind, or	14
(c) do both of those things in combination.	15
<b>[42] Section 3.22 Expedited amendments of environmental planning instruments</b>	16
Omit “2022.” from section 3.22(1)(c1). Insert instead—	17
2022,	18
(d) deal with matters the Housing Delivery Authority considers necessary or convenient to enable the carrying out of development declared to be State significant development under section 4.36(3).	19
<b>[43] Section 3.25 Special consultation procedures concerning threatened species</b>	20
Omit the section.	21
<b>[44] Section 3.32 Planning proposal authority</b>	22
Omit “, a Sydney district or regional planning panel” from section 3.32(1)(b).	23
<b>[45] Section 3.32(2)(c)</b>	24
Omit “, the Independent Planning Commission or a Sydney district or regional planning panel”.	25
Insert instead “or the Independent Planning Commission”.	26
<b>[46] Section 3.34 Gateway determination</b>	27
Omit section 3.34(2)(d). Insert instead—	28
(d) whether consultation is required with State or Commonwealth public authorities and, if so, the public authorities to be consulted,	29
<b>[47] Section 3.34(5)</b>	30
Omit “Sydney district or regional planning panel”.	31
Insert instead “person or body prescribed by the regulations”.	32

<b>[48] Section 4.5 Designation of consent authority</b>	1
Omit section 4.5(b).	2
<b>[49] Section 4.6 Provisions relating to Independent Planning Commission</b>	3
Insert after section 4.6(c)—	4
(c1) notifying persons about a development application if required under an environmental planning instrument,	5 6
<b>[50] Section 4.7 Provisions relating to Sydney district or regional planning panels</b>	7
Omit the section.	8
<b>[51] Section 4.8A</b>	9
Insert after section 4.8—	10
<b>4.8A Exercise of consent authority functions on behalf of councils where regional planning panel constituted</b>	11 12
(1) This section applies in relation to an area of a council for which a regional planning panel has been constituted.	13 14
(2) Despite section 4.8, the functions of a council as a consent authority in relation to an area to which this section applies are not exercisable by the councillors, but instead are exercisable on behalf of the council by—	15 16 17
(a) the regional planning panel, or	18
(b) the local planning panel, or	19
(c) an officer or employee of the council to whom the council delegates the functions.	20 21
(3) The Minister may give directions to councils under section 9.1, either to particular councils or to councils generally, on the development applications that must be determined on behalf of the council by a regional planning panel or a local planning panel.	22 23 24 25
(4) For this section, the functions of a council as consent authority—	26
(a) include—	27
(i) the determination of development applications, and	28
(ii) without limiting subparagraph (i), the functions of a consent authority under Divisions 4.3 and 4.4 and sections 4.34, 4.54(2), 4.56(2), 4.57, 7.7, 7.11–7.15, 7.28 and 7.32, and	29 30 31
(iii) the functions of a consent authority or council under this Act or another Act that relate to the carrying out of development, including the making of development applications, and that are declared by the regulations to be functions of a council as consent authority, but	32 33 34 35 36
(b) do not include the functions of a consent authority or council that the regulations declare are not the functions of a council as consent authority.	37 38 39
(5) Despite subsection (2), if a local planning panel has not been constituted for the area of the council, the functions of the council as a consent authority in relation to an area are exercisable by—	40 41 42
(a) the councillors, or	43

	(c) an officer or employee of the council to whom the council delegates the functions, or	1 2
	(b) the regional planning panel in accordance with a direction under section 9.1.	3 4
	(6) In this section— <i>development application</i> includes an application to modify a development consent.	5 6 7
<b>[52]</b>	<b>Section 4.8A Exercise of consent authority functions on behalf of councils where regional planning panel constituted, as inserted by item [51]</b>	8 9
	Omit the section.	10
<b>[53]</b>	<b>Section 4.12 Application</b>	11
	Omit “Sydney district or” from section 4.12(6A).	12
<b>[54]</b>	<b>Section 4.12(6A), as amended by item [53]</b>	13
	Omit “a regional planning panel, or a local planning panel or delegate,”.	14
	Insert instead “a local planning panel or delegate”.	15
<b>[55]</b>	<b>Section 4.12(9)</b>	16
	Insert “or an environmental planning instrument” after “regulations”.	17
<b>[56]</b>	<b>Section 4.12(10)</b>	18
	Insert after section 4.12(9)—	19
	(10) The Planning Secretary may, by notice published on the NSW planning portal, specify the form and content of documents that are required to be submitted with a development application.	20 21 22
<b>[57]</b>	<b>Section 4.13, heading</b>	23
	Omit the heading. Insert instead—	24
	<b>4.13 Notification, consultation and concurrence</b>	25
<b>[58]</b>	<b>Section 4.13(1)</b>	26
	Insert “notify,” before “consult” wherever occurring.	27
<b>[59]</b>	<b>Section 4.13(1), note</b>	28
	Omit the note.	29
<b>[60]</b>	<b>Section 4.13(2A)</b>	30
	Insert “notification,” before “consultation”.	31
<b>[61]</b>	<b>Section 4.14 Consultation and development consent—certain bush fire prone land</b>	32
	Omit the section.	33
<b>[62]</b>	<b>Section 4.15 Evaluation</b>	34
	Insert “significant” before “likely” in section 4.15(1)(b).	35
<b>[63]</b>	<b>Section 4.15(1A)–(1D)</b>	36
	Insert after section 4.15(1)—	37

(1A)	The regulations may, for the purpose of the consideration of a matter referred to in subsection (1)(b), (c) or (e), declare—	1 2
(a)	factors that are of relevance to development the subject of the development application, and	3 4
(b)	factors that are not of relevance to development the subject of the development application.	5 6
(1B)	Despite subsection (1), a consent authority, in determining a development application, must not take into consideration a factor the subject of a declaration under subsection (1A)(b).	7 8 9
(1C)	In determining a development application for targeted assessment development, a consent authority must take into consideration only the matters referred to in subsection (1)(a) and (d) as are of relevance to the development the subject of the development application.	10 11 12 13
(1D)	To avoid doubt, for subsection (1C), a consent authority, in determining a development application for targeted assessment development, must not take into consideration a matter referred to in subsection (1)(b), (c) or (e).	14 15 16
<b>[64] Section 4.15(3)–(3AC)</b>		17
	Omit section 4.15(3). Insert instead—	18
(3)	If an environmental planning instrument or a regulation contains a non-discretionary development standard and the development the subject of a development application does not comply with the standard—	19 20 21
(a)	subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and	22 23 24
(b)	the consent authority must determine the development application by taking into consideration—	25 26
(i)	the non-discretionary development standard, or	27
(ii)	if a corresponding provision of a relevant environmental planning instrument is less onerous than the non-discretionary development standard—the less onerous corresponding provision.	28 29 30 31
(3AA)	Development consent may, subject to this section and the regulations, be granted for development even though the development would contravene a non-discretionary development standard.	32 33 34
(3AB)	For subsections (3) and (3AA)—	35
(a)	a corresponding provision of a relevant environmental planning instrument that is more onerous than a non-discretionary development standard must be disregarded in the determination of the development application, and	36 37 38 39
(b)	a provision in a development control plan that corresponds to a non-discretionary development standard must be disregarded in the determination of the development application, unless the non-discretionary development standard applies, adopts or incorporates the provision in the development control plan, and	40 41 42 43 44
(c)	a provision of an environmental planning instrument that allows flexibility in the application of a development standard does not apply to—	45 46 47
(i)	a provision referred to in paragraph (a), or	48



	(ii) a non-discretionary development standard referred to in subsection (3).	1 2
(3AC)	The regulations may deal with the following—	3
	(a) the circumstances in which a provision of an environmental planning instrument is or is not taken to correspond to a non-discretionary development standard,	4 5 6
	(b) the circumstances in which a corresponding provision of an environmental planning instrument or a condition of consent is taken to be more or less onerous than a non-discretionary development standard,	7 8 9
	(c) the process, procedures and requirements in relation to the granting of development consent under subsection (3AA).	10 11
<b>[65]</b>	<b>Section 4.17 Imposition of conditions</b>	12
	Insert after section 4.17(1)(a)—	13
	(a1) it relates to a likely impact of the development the subject of the consent, or	14 15
<b>[66]</b>	<b>Section 4.17(4C)</b>	16
	Insert after section 4.17(4B)—	17
	(4C) <b>Consultation on conditions on specified development</b>	18
	Before imposing a condition on a development consent for development of a kind specified by the regulations, the consent authority must—	19 20
	(a) give the applicant a copy of the proposed condition, and	21
	(b) invite the applicant to make written submissions about the proposed condition, and	22 23
	(c) specify the period within which the written submissions must be made, being a period not less than 7 days, and	24 25
	(d) consider the written submissions made within the specified period.	26
<b>[67]</b>	<b>Section 4.17(11)–(15)</b>	27
	Omit section 4.17(11). Insert instead—	28
	(11) <b>Standard conditions</b>	29
	A development consent is subject to the following—	30
	(a) conditions prescribed by the regulations,	31
	(b) conditions specified by a State environmental planning policy.	32
	(12) <b>Model conditions</b>	33
	A model condition for development consent may be specified by a State environmental planning policy.	34 35
	(13) A consent authority must, when granting development consent or modifying a development consent, impose a relevant model condition.	36 37
	(14) A model condition may contain directions relating to the following, which the consent authority must give effect to according to their tenor when granting development consent or modifying a development consent—	38 39 40
	(a) the form and content of the model condition,	41
	(b) the circumstances in which the model condition must be used.	42

(15)	A condition of a development consent does not have effect to the extent it is inconsistent with a condition prescribed or specified under subsection (11) or (12) that applies to the development.	1 2 3
[68]	<b>Division 4.3A</b>	4
	Insert after Division 4.3—	5
	<b>Division 4.3A Targeted assessment development</b>	6
4.20A	<b>Declaration of targeted assessment development</b>	7
(1)	A State environmental planning policy may declare development, or a class of development, to be targeted assessment development.	8 9
(2)	For subsection (1), a State environmental planning policy may specify criteria that development, or a class of development, must meet to be targeted assessment development.	10 11 12
(3)	Before recommending the making of a State environmental planning policy by the Governor under this section, the Minister must take steps—	13 14
(a)	to publicise an explanation of the intended effect of the proposed policy, and	15 16
(b)	to seek and consider submissions from the public on the matter.	17
(4)	Development, or a class of development, declared to be targeted assessment development may also be another type of development under this part.	18 19
4.20B	<b>This division prevails</b>	20
	The provisions of this division and other provisions of or made under this Act relating to targeted assessment development prevail to the extent of an inconsistency with other provisions of or made under this Act relating to development to which this part applies.	21 22 23 24
[69]	<b>Section 4.25A</b>	25
	Insert after section 4.25—	26
4.25A	<b>Definitions</b>	27
	In this division—	28
	<i>complying development standard</i> , applicable to proposed development, means the following—	29 30
(a)	a development standard, as varied by a variation certificate, if any,	31
(b)	a provision of a development control plan identified as a standard or requirement for complying development.	32 33
	<i>variation certificate</i> —see section 4.31A.	34
[70]	<b>Section 4.26 Carrying out of complying development</b>	35
	Omit section 4.26(1)(b)(ii). Insert instead—	36
(ii)	the complying development standards applicable to the complying development, whether varied by a variation certificate or not, applying at the time the complying development certificate was issued, and	37 38 39 40
(iii)	other provisions of an environmental planning instrument, a development control plan or the regulations that applied to the	41 42

	carrying out of the complying development on the land at the time the complying development certificate was issued.	1 2
<b>[71]</b>	<b>Sections 4.27(1)(a) and 4.28(3)(b) and (7)</b>	3
	Omit “development standards” wherever occurring.	4
	Insert instead “complying development standards”.	5
<b>[72]</b>	<b>Section 4.27 What is a “complying development certificate”?</b>	6
	Insert after section 4.27(2)—	7
	(2A) A complying development certificate that relies on a variation certificate must contain details of the variation certificate, including any conditions imposed on the variation certificate under section 4.31A(3)(a).	8 9 10
<b>[73]</b>	<b>Sections 4.27(6) and 4.28(12)</b>	11
	Omit the subsections.	12
<b>[74]</b>	<b>Section 4.30 Modification of complying development</b>	13
	Insert after section 4.30(2)—	14
	(3) For subsection (2), in relation to an application to modify a complying development certificate, a reference in section 4.28 to proposed development is taken to be a reference only to the part of the development the subject of the certificate that is proposed to be modified.	15 16 17 18
	(4) The regulations may provide for the procedures for making an application to modify development, the fees payable in connection with an application and the procedures for dealing with an application.	19 20 21
<b>[75]</b>	<b>Section 4.31A</b>	22
	Insert after section 4.31—	23
	<b>4.31A Variation of applicable development standards</b>	24
	(1) The following persons may apply to an appropriate person for a certificate varying a development standard that applies to the proposed development the subject of the application (a <i>variation certificate</i> )—	25 26 27
	(a) an applicant for a complying development certificate,	28
	(b) an applicant for a modification of complying development the subject of a complying development certificate.	29 30
	(2) The appropriate person, in determining the application for a variation certificate, must not consider matters other than matters relating to the development standard and the application of the development standard to the proposed development.	31 32 33 34
	(3) The appropriate person may, in accordance with this section, determine an application by—	35 36
	(a) issuing a variation certificate, either unconditionally or subject to conditions, or	37 38
	(b) refusing to issue a variation certificate.	39
	(4) An appropriate person must not issue a variation certificate unless an environmental planning instrument specifies that the development standard may be varied by a variation certificate.	40 41 42

- (5) For subsection (4), an environmental planning instrument may specify development standards that may be varied by a variation certificate only—
  - (a) in a specified way or to a specified extent, or
  - (b) to achieve a specified objective.
- (6) An application for a variation certificate must be refused if it relates to land on which complying development must not be carried out.
- (7) To avoid doubt, an appropriate person may issue a variation certificate and a complying development certificate relying on the variation certificate at the same time.
- (8) The regulations may deal with matters relating to variation certificates, including the following—
  - (a) applications for variation certificates, including fees payable for applications,
  - (b) the procedures for dealing with applications,
  - (c) the form in which a variation certificate must be issued,
  - (d) the circumstances in which the appropriate person may or must not impose a condition on a variation certificate,
  - (e) the maximum number of variations that may be sought in relation to any single proposed development,
  - (f) the period after which an appropriate person who has not determined an application for a variation certificate is taken to have determined the application by issuing the variation certificate in the form applied for,
  - (g) the actions a council or registered certifier must take in relation to an application referred to in subsection (1) if an appropriate person is taken to have issued a variation certificate under paragraph (f),
  - (h) the revocation or amendment of variation certificates.
- (9) In this section—

*appropriate person* means—

  - (a) the council for the area in which the complying development is to be carried out, or
  - (b) if another person is prescribed by the regulations for this section—the other person.

**[76] Section 4.32 Definitions**

Omit section 4.32(1), definition of *applicable Sydney district or regional planning panel*.

Insert instead—

*applicable planning panel*, for development, means the following panel for the part of the State in which the development is to be carried out—

- (a) the regional planning panel,
- (b) if there is no regional planning panel—the local planning panel.

**[77] Section 4.32(1), definition of “applicable planning panel”, as inserted by item [76]**

Omit the definition. Insert instead—

*applicable planning panel*, for development, means the local planning panel for the part of the State in which the development is to be carried out.

<b>[78] Section 4.33 Determination of Crown development applications</b>	1
Omit “applicable Sydney district or regional planning panel” wherever occurring in section 4.33(2)(b), (2A), (3), (5), (7) and (8).	2
	3
Insert instead “applicable planning panel”.	4
<b>[79] Section 4.33(2B)</b>	5
Insert after section 4.33(2A)—	6
(2B) Subsection (2A) does not apply if no applicable planning panel is constituted for the part of the State in which the development is to be carried out.	7
	8
<b>[80] Section 4.33(4)</b>	9
Omit “a regional panel”. Insert instead “an applicable planning panel”.	10
<b>[81] Section 4.34 Directions by Minister</b>	11
Omit “applicable Sydney district or regional planning panel” from section 4.34(1).	12
Insert instead “applicable planning panel”.	13
<b>[82] Section 4.40</b>	14
Omit the section. Insert instead—	15
<b>4.40 Application of Part 4 to State significant development</b>	16
This part applies, subject to this division, to the determination of the development application.	17
	18
<b>[83] Section 4.43 This Division prevails</b>	19
Insert at the end of the section—	20
(2) Subsection (1) does not apply to other provisions of or made under this Act relating to targeted assessment development.	21
	22
<b>[84] Section 4.47 Development that is integrated development</b>	23
Omit “each relevant approval body the general terms of any approval proposed to be granted by the approval body” from section 4.47(2).	24
	25
Insert instead “the Development Coordination Authority the general terms of each approval that the Development Coordination Authority proposes be granted”.	26
	27
<b>[85] Section 4.47(3)</b>	28
Omit “proposed to be granted by the approval body in relation to the development and of which the consent authority is informed”.	29
	30
Insert instead “that the Development Coordination Authority informs the consent authority is proposed to be granted for the development”.	31
	32
<b>[86] Section 4.47(4)</b>	33
Omit the subsection. Insert instead—	34
(4) If the Development Coordination Authority informs the consent authority that an approval required for the development to be lawfully carried out will not be granted, the consent authority must refuse consent to the application.	35
	36
	37

<b>[87] Section 4.47(4A)</b>	1
Omit the subsection. Insert instead—	2
(4A) To avoid doubt, for this section, the Development Coordination Authority decides whether or not an approval that is required will be granted and the general terms of approval.	3 4 5
<b>[88] Section 4.47(5)</b>	6
Omit “If the approval body and the Planning Secretary fail to inform the consent authority, in accordance with the regulations, whether or not it will grant the approval, or of the general terms of its approval”.	7 8 9
Insert instead “If the Development Coordination Authority fails to inform the consent authority, in accordance with the regulations, of the general terms of approval or whether or not an approval will be granted”.	10 11 12
<b>[89] Section 4.47(6)</b>	13
Insert “the Development Coordination Authority and” before “all relevant approval bodies”.	14 15
<b>[90] Section 4.47A</b>	16
Insert after section 4.47—	17
<b>4.47A Exercise of functions by Development Coordination Authority</b>	18
The Development Coordination Authority must, in determining the general terms of an approval or whether or not an approval body will grant an approval, exercise the function as if it were the approval body acting in accordance with the Act under which the approval is granted.	19 20 21 22
<b>[91] Section 4.49 Effect of giving notice</b>	23
Omit section 4.49(b). Insert instead—	24
(b) the consent authority has obtained from the Development Coordination Authority the general terms of an approval the Development Coordination Authority proposes to be granted by the approval body in relation to the development or the Development Coordination Authority fails to inform the consent authority, in accordance with the regulations, of the general terms of approval or whether or not an approval will be granted, and	25 26 27 28 29 30 31
<b>[92] Section 4.50 Granting and modification of approval by approval body</b>	32
Omit “the approval body of the general terms of the approval proposed to be granted by the approval body” from section 4.50(1).	33 34
Insert instead “the Development Coordination Authority of the general terms of approval it proposes be granted”.	35 36
<b>[93] Section 4.51</b>	37
Omit the section. Insert instead—	38
<b>4.51 Effect of approval if approval body is also concurrence authority</b>	39
If the concurrence of a person who is also an approval body is required before a consent authority may grant development consent, the obtaining of the general terms of approval from the Development Coordination Authority is taken to also grant the concurrence of the approval body provided that the	40 41 42 43

matters to be considered in granting the general terms of approval are the same as the matters required to be considered in deciding whether or not to grant the concurrence.

**[94] Section 4.53**

Omit the section. Insert instead—

**4.53 Lapsing of consent**

- (1) A development consent lapses 5 years after the date from which it operates.
- (2) However, a consent authority may reduce the period of 5 years in granting development consent.
- (3) Subsection (2) does not—
  - (a) apply to a development consent granted to a concept development application under Division 4.4 for development that requires a subsequent development application and consent, or
  - (b) authorise a reduction of a period that would cause—
    - (i) a development consent to erect or demolish a building or to subdivide land to lapse within 2 years after the date from which the consent operates, or
    - (ii) a development consent of a kind prescribed by the regulations to lapse within the period prescribed by the regulations in relation to the consent.
- (4) Development consent does not lapse for the following if building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under this section—
  - (a) the erection of a building,
  - (b) the subdivision of land,
  - (c) the carrying out of a work.
- (5) Development consent for development other than that referred to in subsection (4) does not lapse if the use of any land, building or work the subject of the consent is actually commenced before the date on which the consent would otherwise lapse.
- (6) Despite another provision of this section, a development consent subject to a deferred commencement condition under section 4.16(3) lapses if the applicant fails to satisfy the consent authority as to the matter specified in the condition within 5 years from the grant of the consent or, if a shorter period is specified by the consent authority, within the shorter specified period.
- (7) The regulations may set out the circumstances in which work is or is not taken to be physically commenced for the purposes of this section.

**[95] Section 4.55 Modification of consents—generally**

Omit section 4.55(1). Insert instead—

- (1) **Modifications involving minor error, misdescription or miscalculations or of no environmental impact**  
A consent authority may, on application by the applicant or another person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent—

	(a) to correct a minor error, misdescription or miscalculation, or	1
	(b) if satisfied the proposed modification has no environmental impact.	2
(1AA)	Subsections (1A), (2), (3) and (6) and Part 8 do not apply to a modification under subsection (1).	3
	<b>Note—</b> The <i>Mining Act 1992</i> , section 380AA provides that an application for a modification of development consent to mine for coal may only be made by or with the consent of the holder of an authority under that Act in relation to coal and the land concerned.	4
		5
		6
		7
		8
[96]	<b>Section 4.55(1A), heading</b>	9
	Omit “no or”.	10
[97]	<b>Section 4.55(1A)(a)</b>	11
	Omit “is of no or”. Insert instead “has”.	12
[98]	<b>Sections 4.55(1A)(c)(ii) and (2)(c)(ii) and 4.56(1)(b)(ii)</b>	13
	Omit “a development control plan, if the consent authority is a council that has made a development control plan that” wherever occurring.	14
	Insert instead “the community participation plan, if the community participation plan”.	15
		16
[99]	<b>Sections 4.55(1A)(d) and (2)(d) and 4.56(1)(d)</b>	17
	Omit “the development control plan” wherever occurring.	18
	Insert instead “the community participation plan”.	19
[100]	<b>Section 4.55(2)(b)</b>	20
	Omit the paragraph.	21
[101]	<b>Section 4.55(3)</b>	22
	Omit the subsection. Insert instead—	23
	(3) In determining an application for a modification of a consent under this section, the consent authority must take the following into consideration—	24
		25
	(a) the matters referred to in section 4.15(1), but only so far as the matters are of relevance to the application,	26
		27
	(b) the reasons given by the consent authority for the grant of the consent sought to be modified, but only so far as the reasons are of relevance to the application.	28
		29
		30
[102]	<b>Section 4.55(3A)</b>	31
	Insert after section 4.55(3)—	32
	(3A) Section 4.15(1C) extends to an application for a modification under this section of a consent for targeted assessment development.	33
		34
	<b>Note—</b> Section 4.15(1C) provides that a consent authority, in determining a development application for targeted assessment development, must take into consideration only the matters referred to in section 4.15(1)(a) and (d) as are of relevance to the development.	35
		36
		37
		38
[103]	<b>Section 4.55(3B)</b>	39
	Insert before section 4.55(4)—	40
	(3B) Section 4.13 extends to an application under subsection (1A) or (2) as if the application were a development application if an environmental planning	41
		42



	instrument provides that the consent authority is required to notify, consult with or obtain the concurrence of a person before determining the application for modification.	1 2 3
<b>[104]</b>	<b>Section 4.55(5)</b> Insert “(1),” before “(1A)”.	4 5
<b>[105]</b>	<b>Section 4.55A</b> Insert after section 4.55—	6 7
<b>4.55A</b>	<b>Consent authority must not refuse certain minor modification applications if not dealt with promptly</b>	8 9
	(1) This section applies to an application made under section 4.55(1).	10
	(2) The consent authority must determine the application within the period after lodgement prescribed by the regulations (the <i>prescribed period</i> ).	11 12
	(3) If the consent authority has not determined the application within the prescribed period, the consent authority, after the expiry of the prescribed period—	13 14 15
	(a) must, as soon as practicable, determine the application, and	16
	(b) must not refuse the application.	17
	(4) Subsection (3)(b) does not prevent the consent authority from imposing a condition on the modified development consent.	18 19
	(5) A condition on the modified development consent by the consent authority—	20
	(a) must relate only to the modification application, and	21
	(b) must not defeat the purpose of the modification application.	22
	(6) Despite subsection (3)(b), the consent authority must refuse an application to modify a condition about a housing and productivity contribution imposed under section 7.28, unless the modification has been approved by the Minister under section 7.28(6).	23 24 25 26
	(7) The regulations may make further provision about the determination of applications referred to in this section, including the following—	27 28
	(a) conditions that may or may not be imposed on the modified consent,	29
	(b) the procedures for dealing with an application.	30
<b>[106]</b>	<b>Section 4.56 Modification by consent authorities of consents granted by the Court</b> Omit section 4.56(1A). Insert instead—	31 32
	(1A) In determining an application for a modification of a consent under this section, the consent authority must take the following into consideration—	33 34
	(a) the matters referred to in section 4.15(1), but only so far as the matters are of relevance to the application,	35 36
	(b) the reasons given by the consent authority for the grant of the consent sought to be modified, but only so far as the reasons are of relevance to the application.	37 38 39
	(1AA) Section 4.15(1C) extends to an application for a modification under this section of a consent for targeted assessment development.	40 41
	<b>Note—</b> Section 4.15(1C) provides that a consent authority, in determining a development application for targeted assessment development, must take into	42 43

	consideration only the matters referred to in section 4.15(1)(a) and (d) as are of relevance to the development.	1 2
<b>[107]</b>	<b>Section 4.57 Revocation or modification of development consent</b>	3
	Omit section 4.57(1)(a) and (b). Insert instead—	4
	(a) the Planning Secretary, having regard to the provisions of an existing or proposed environmental planning instrument, or	5 6
	(b) a council, being the consent authority in relation to the development application referred to in this subsection, having regard to the provisions of an existing or proposed local environmental plan,	7 8 9
<b>[108]</b>	<b>Section 4.64 Regulations—Part 4</b>	10
	Insert “or applications for complying development certificates” after “development applications” in section 4.64(1)(f1).	11 12
<b>[109]</b>	<b>Section 4.64(1)(i)</b>	13
	Insert “notification of or” after “requirement for”.	14
<b>[110]</b>	<b>Section 4.66 Continuance of and limitations on existing use</b>	15
	Omit section 4.66(4).	16
<b>[111]</b>	<b>Section 4.68 Continuance of and limitations on other lawful uses</b>	17
	Omit section 4.68(4).	18
<b>[112]</b>	<b>Section 5.5 Duty to consider environmental impact</b>	19
	Omit “to the fullest extent possible all” from section 5.5(1).	20
<b>[113]</b>	<b>Section 5.5(2)</b>	21
	Insert after section 5.5(1)—	22
	(2) For subsection (1), a determining authority may take into account the matters referred to in the subsection in a manner that is proportionate to the nature and risk of the activity.	23 24 25
<b>[114]</b>	<b>Section 5.12 Development that is State significant infrastructure</b>	26
	Omit “that amends a State environmental planning policy for that purpose” from section 5.12(4).	27 28
<b>[115]</b>	<b>Section 7.4 Planning agreements</b>	29
	Omit section 7.4(3A). Insert instead—	30
	(3A) A planning agreement must not exclude the application of section 7.11 or 7.12 in relation to development unless—	31 32
	(a) the consent authority for the development or the Minister is a party to the agreement, or	33 34
	(b) the Minister has approved the planning authority, or planning authorities, entering into the planning agreement.	35 36
<b>[116]</b>	<b>Section 7.31F Treasurer to give annual report</b>	37
	Omit “4 months” from section 7.31F(3). Insert instead “6 months”.	38

<b>[117] Sections 7.44(1) and (1A), 7.45 and 7.46(1)</b>	1
Insert “Development Coordination Authority, Housing Delivery Authority,” after “Planning Ministerial Corporation,” wherever occurring.	2 3
<b>[118] Section 8.2 Determinations and decisions subject to review</b>	4
Omit “of a consent authority” from section 8.2(1).	5
<b>[119] Section 8.2(1)(a) and (b)</b>	6
Omit “Sydney district or” wherever occurring.	7
<b>[120] Section 8.2(1)(a) and (b), as amended by item [119]</b>	8
Omit “, by a regional planning panel” wherever occurring.	9
<b>[121] Section 8.2(1)(b1)</b>	10
Insert after section 8.2(1)(b)—	11
(b1) the decision of the Development Coordination Authority about an aspect of the development that, under the conditions of the development consent, was required to be carried out to the satisfaction of the Development Coordination Authority,	12 13 14 15
<b>[122] Section 8.3 Application for and conduct of review</b>	16
Omit section 8.3(1). Insert instead—	17
(1) An applicant for a determination or decision referred to in section 8.2(1) may make a request for a review of the determination or decision.	18 19
(1A) Subject to subsections (4)–(9), the person or body that made the determination or decision must review the determination or decision if the request is properly made under this division.	20 21 22
<b>[123] Section 8.3(2)</b>	23
Omit “A determination or decision cannot be reviewed under this Division”.	24
Insert instead “A request under this division, other than section 8.2(1)(c), for a review of a determination or decision must not be made”.	25 26
<b>[124] Section 8.3(4)(c)</b>	27
Omit “decision.” from section 8.3(4)(b). Insert instead—	28
decision, or	29
(c) if the applicant has requested the review be conducted by the local planning panel—by a local planning panel, other than for a review under section 8.2(1)(c).	30 31 32
<b>[125] Section 8.3(7)</b>	33
Omit “Sydney district or”.	34
<b>[126] Section 8.3(7), as amended by item [125]</b>	35
Omit the subsection.	36
<b>[127] Section 8.3(8)</b>	37
Omit the subsection. Insert instead—	38

(8)	The review of a determination or decision made by the Development Coordination Authority must be conducted by the Development Coordination Authority.	1 2 3
<b>[128]</b>	<b>Section 8.4 Outcome of review</b>	4
	Insert at the end of the section—	5
(2)	A determination or decision must not be reviewed under this division, or confirmed or changed, after the Court has disposed of an appeal against the determination or decision.	6 7 8
<b>[129]</b>	<b>Section 8.5 Miscellaneous provisions relating to reviews</b>	9
	Omit “to review.” from section 8.5(1)(c). Insert instead—	10
	to review, and	11
(d)	providing for the process for making applications for, and the conduct and procedure of, reviews, and	12 13
(e)	setting fees payable for reviews, and	14
(f)	setting the period within which a request for a review under section 8.2(1)(c) must be made.	15 16
<b>[130]</b>	<b>Section 8.5(7)</b>	17
	Insert “, modifies a development consent” after “grants development consent”.	18
<b>[131]</b>	<b>Section 8.9A</b>	19
	Insert after section 8.9—	20
<b>8.9A</b>	<b>Appeal may not be made during review</b>	21
	An appeal under this division against a determination or decision must not be made during the period—	22 23
(a)	beginning on the lodgement of a request for a review of the determination or decision under Division 8.2, and	24 25
(b)	ending on the confirmation or change of the determination or decision under section 8.4, the expiry of the period set under section 8.5(1)(b) or the withdrawal of the request by the applicant.	26 27 28
<b>[132]</b>	<b>Section 8.10 Time within which appeals may be made</b>	29
	Omit section 8.10(1)–(3). Insert instead—	30
(1)	An appeal under this division by an applicant for development consent, or for a modification of a development consent, who is dissatisfied with the determination of the application by the consent authority must be made within 6 months after the date the determination is notified or registered on the NSW planning portal.	31 32 33 34 35
(2)	An appeal under this division by an applicant for development consent, or for a modification of a development consent, against a deemed refusal under section 8.11 may be made at any time—	36 37 38
(a)	after the expiry of the period prescribed by the regulations for the determination of the application for development consent or the modification of the development consent, and	39 40 41
(b)	before the consent authority determines the application for development consent or the modification of the development consent.	42 43

(3)	An appeal under this division by an objector may be made only within 28 days after the date the objector is notified of the decision appealed against.	1 2
(4)	In calculating the period within which an appeal may be made to the Court against a determination or decision referred to in section 8.2(1)(a) or (b), the period referred to in section 8.9A must be disregarded.	3 4 5
<b>[133]</b>	<b>Section 8.15 Miscellaneous provisions relating to appeals under this Division</b>	6
	Omit “Sydney district or” from section 8.15(4).	7
<b>[134]</b>	<b>Section 8.15(4), as amended by item [133]</b>	8
	Omit “a regional planning panel or”.	9
<b>[135]</b>	<b>Section 9.1A</b>	10
	Insert before section 9.1—	11
	<b>9.1A Definition</b>	12
	In this division—	13
	<i>panel</i> means the following—	14
	(a) a regional planning panel,	15
	(b) a panel established by the Minister or the Planning Secretary under section 2.3.	16 17
<b>[136]</b>	<b>Section 9.1A, definition of “panel”, as inserted by item [135]</b>	18
	Omit the definition. Insert instead—	19
	<i>panel</i> means a panel established by the Minister or the Planning Secretary under section 2.3.	20 21
<b>[137]</b>	<b>Section 9.1 Directions by the Minister</b>	22
	Insert after section 9.1(2)(b1)—	23
	(b2) on the development applications, including applications to modify development consents, that must be determined on behalf of a council by a regional planning panel and on the planning proposals that must be referred to a regional planning panel for advice, and	24 25 26 27
<b>[138]</b>	<b>Section 9.1(2)(b2), as inserted by item [137]</b>	28
	Omit the paragraph.	29
<b>[139]</b>	<b>Sections 9.6, heading, (1), (3), (4), (7A), (7B), (8), (9) and (11) and 9.7</b>	30
	Omit “regional” wherever occurring.	31
<b>[140]</b>	<b>Section 9.6(12), definition of “regional panel”</b>	32
	Omit the definition.	33
<b>[141]</b>	<b>Section 9.9, heading</b>	34
	Omit “or Sydney district or regional planning panel”.	35
	Insert instead “and panels”.	36
<b>[142]</b>	<b>Section 9.9(1)(a) and (b)</b>	37
	Omit “or Sydney district or regional planning panel” wherever occurring.	38

<b>[143] Section 9.9(1)(c)</b>	1
Omit the paragraph. Insert instead—	2
(c) a panel or a member or member of staff of a panel.	3
<b>[144] Section 9.10</b>	4
Omit “planning assessment” wherever occurring.	5
<b>[145] Section 9.11 Regulations</b>	6
Omit “regional” wherever occurring in section 9.11(1).	7
<b>[146] Section 9.11(2)</b>	8
Omit the subsection.	9
<b>[147] Section 9.12 Protection for exercise of certain functions of Minister</b>	10
Omit “Sydney district or regional planning” from section 9.12(1).	11
<b>[148] Section 9.34 Orders that may be given</b>	12
Omit section 9.34(3). Insert instead—	13
(3) A reference in the tables to a <i>planning approval</i> is a reference to the following—	14
(a) a development consent,	15
(b) an approval for State significant infrastructure,	16
(c) a certificate under Part 6, other than a compliance certificate,	17
(d) an approval given under Part 3A when that part was in force or continued in operation.	18
<b>[149] Section 9.35 Relevant enforcement authorities who may give orders</b>	19
Insert after section 9.35(1)(a)—	20
(a1) the Minister or the Planning Secretary, but only in relation to orders under Schedule 5, Part 1, item 13,	21
(a2) the Minister or the Planning Secretary, but only in relation to development the subject of approval given under Part 3A when that part was in force or continued in operation,	22
<b>[150] Section 9.35(1)(c)</b>	23
Omit “Sydney district or”.	24
<b>[151] Section 9.35(1)(c), as amended by item [150]</b>	25
Omit “a regional planning panel,”.	26
<b>[152] Section 10.3 Bush fire prone land</b>	27
Omit the section.	28
<b>[153] Section 10.13 Regulations</b>	29
Omit section 10.13(2).	30
<b>[154] Schedule 1 Community participation requirements</b>	31
Omit “plans” wherever occurring in clause 1. Insert instead “plan”.	32

<b>[155] Schedule 1, clauses 7(1)(a) and (b), 9(1)(b)(ii), 10(a) and 20A(a)</b>	1
Omit “relevant” wherever occurring.	2
<b>[156] Schedule 1, clause 9C</b>	3
Insert after clause 9B—	4
<b>9C Application for development consent for targeted assessment development</b>	5
(1) Minimum public exhibition period for an application for development consent for targeted assessment development—	6
(a) if a State environmental planning policy specifies a period of public exhibition for the application—the period specified, or	8
(b) if a State environmental planning policy specifies that no public exhibition period is required for the application—no public exhibition, or	10
(c) otherwise—14 days.	13
(2) Despite clause 13, the minimum public exhibition period for the re-exhibition of an amended application for development consent for targeted assessment development—	14
(a) if a State environmental planning policy specifies a period of public exhibition for the application—the period specified, or	17
(b) if a State environmental planning policy specifies that no public exhibition period is required for the application—no public exhibition, or	19
(c) otherwise—14 days.	22
<b>[157] Schedule 1, clause 21(2)</b>	23
Insert at the end of clause 21—	24
(2) To avoid doubt, this schedule, Part 1 may set out maximum or minimum periods for community participation by planning authorities in relation to the exercise of relevant planning functions.	25
<b>[158] Schedule 1, clause 23(1)</b>	28
Insert “or the community participation plan” after “regulations”.	29
<b>[159] Schedule 2 Provisions relating to planning bodies</b>	30
Omit “Sydney district or” from clause 1, definition of <i>appoint</i> .	31
<b>[160] Schedule 2, clause 1, definition of “appoint”, as amended by item [159]</b>	32
Omit the definition.	33
<b>[161] Schedule 2, clause 1, definition of “planning body”</b>	34
Insert after paragraph (a)—	35
(a1) the Housing Delivery Authority,	36
<b>[162] Schedule 2, clause 1, definition of “planning body”, paragraph (b)</b>	37
Omit the paragraph.	38
<b>[163] Schedule 2, clause 1, definition of “planning body”, paragraph (c)</b>	39
Omit the paragraph.	40

<b>[164]</b>	<b>Schedule 2, Part 3, heading</b>	1
	Omit “Sydney district and regional”. Insert instead “ <b>Regional</b> ”.	2
<b>[165]</b>	<b>Schedule 2, clause 9</b>	3
	Omit the clause.	4
<b>[166]</b>	<b>Schedule 2, clause 10(a)</b>	5
	Omit “and Central Coast”.	6
<b>[167]</b>	<b>Schedule 2, clause 10(a)</b>	7
	Omit “Central Coast,”.	8
<b>[168]</b>	<b>Schedule 2, clause 10(c)</b>	9
	Omit “, Wingecarribee, Wollongong City”.	10
<b>[169]</b>	<b>Schedule 2, Part 3, as amended by items [164]–[168]</b>	11
	Omit the part.	12
<b>[170]</b>	<b>Schedule 2, Part 3A</b>	13
	Insert after Part 3—	14
	<b>Part 3A Local planning panels for 2 or more areas— constitution</b>	15 16
	<b>10A Constitution of local planning panels for 2 or more areas</b>	17
	<b>Note—</b> At the commencement of this clause, no local planning panels for 2 or more areas are constituted.	18 19
<b>[171]</b>	<b>Schedule 2, clause 11(5)</b>	20
	Omit the subclause.	21
<b>[172]</b>	<b>Schedule 2, clause 13</b>	22
	Omit the clause. Insert instead—	23
	<b>13 Deputy chairperson—regional planning panels</b>	24
	(1) A regional planning panel may elect a deputy chairperson from among its State members, either for the duration of the person’s term of office as a member or for a shorter term.	25 26 27
	(2) The deputy chairperson vacates office as deputy chairperson if the person—	28
	(a) is removed from the office by the panel, or	29
	(b) resigns the office by written instrument addressed to the panel, or	30
	(c) ceases to be a member of the panel.	31
<b>[173]</b>	<b>Schedule 2, clause 13, as substituted by item [172]</b>	32
	Omit the clause.	33
<b>[174]</b>	<b>Schedule 2, clause 15(8)</b>	34
	Omit “Sydney district or”.	35



<b>[175] Schedule 2, clause 15(8), as amended by item [174]</b>	1
Omit “State members of a regional planning panel or”.	2
<b>[176] Schedule 2, clause 16(3)</b>	3
Omit “Sydney district or”.	4
<b>[177] Schedule 2, clause 16(3), as amended by item [176]</b>	5
Omit the subclause.	6
<b>[178] Schedule 2, clause 16(4) and (5)</b>	7
Omit clause 16(4). Insert instead—	8
(4) For a local planning panel constituted by a council—	9
(a) the council may remove a member of the local planning panel from office at any time, for any reason and without notice, but	10
(b) the general manager of the council must provide a written statement of the reasons for removing the member from office and make the statement publicly available.	11
(5) For a local planning panel constituted under section 2.17(1A) for 2 or more areas, the Planning Secretary—	12
(a) may remove a member of the local planning panel from office at any time, for any reason and without notice, but	13
(b) must provide a written statement of the reasons for removing the member from office and make the statement publicly available.	14
<b>[179] Schedule 2, clause 17(1)(c)</b>	15
Omit the paragraph. Insert instead—	16
(c) resigns the office by written instrument addressed to the following—	17
(i) the Minister,	18
(ii) for a council nominee of a Sydney district planning panel or regional planning panel—the council,	19
(iii) for a member of a local planning panel constituted by a council—the council,	20
(iv) for a member of a local planning panel constituted under section 2.17(1A) for 2 or more areas—the Planning Secretary, or	21
<b>[180] Schedule 2, clause 17(1)(c)(ii), as inserted by item [179]</b>	22
Omit “Sydney district planning panel or”.	23
<b>[181] Schedule 2, clause 17(1)(c)(ii), as inserted by item [179] and amended by item [180]</b>	24
Omit the subparagraph.	25
<b>[182] Schedule 2, clause 17(1)(i)</b>	26
Omit “a Sydney district planning panel,”.	27
<b>[183] Schedule 2, clause 17(1)(i), as amended by item [182]</b>	28
Omit “a regional planning panel or”.	29

<b>[184] Schedule 2, clause 19(3)</b>	1
Insert after clause 19(2)—	2
(3) Nothing in this clause affects the operation of the <i>Government Sector Employment Act 2013</i> , section 73.	3 4
<b>[185] Schedule 2, clause 20</b>	5
Omit the clause.	6
<b>[186] Schedule 2, clause 20A</b>	7
Insert after clause 20—	8
<b>20A Special provision regarding composition of local planning panel for coastal protection works</b>	9 10
(1) This clause applies if a local planning panel deals with the determination of a development application regarding coastal protection works on land within the coastal zone, within the meaning of the <i>Coastal Management Act 2016</i> .	11 12 13
(2) If a member of the panel, other than the chairperson, does not have expertise in coastal engineering or coastal geomorphology, the Minister must appoint an alternate of the member who has that expertise and the alternate member must act in the place of the member when the panel deals with the determination of the development application.	14 15 16 17 18
<b>[187] Schedule 2, clause 27(9)</b>	19
Omit “Sydney district or”.	20
<b>[188] Schedule 2, clause 27(9), as amended by item [187]</b>	21
Omit the subclause.	22
<b>[189] Schedule 5 Development control orders</b>	23
Omit the following from Part 1, item 13—	24
The authorised works have commenced, but have not been completed, before the planning approval would (but for the commencement of the works) have lapsed.	25 26 27
Insert instead—	28
The authorised works have commenced but have not been completed.	29
<b>[190] Schedule 5, clause 9(1A)</b>	30
Insert after clause 9(1)—	31
(1A) If the Minister or the Planning Secretary proposes to give a development control order in relation to development for which another person is the consent authority, the Minister or the Planning Secretary must give the other person notice of the Minister’s or the Planning Secretary’s intention to give the order.	32 33 34 35 36
<b>[191] Schedule 5, clause 9(3)</b>	37
Insert after clause 9(2)—	38
(3) If the Minister or the Planning Secretary proposes to give a development control order in relation to building work or subdivision work for which the council is not the principal certifier, the Minister or the Planning Secretary	39 40 41

must give the principal certifier notice of the Minister’s or the Planning	1
Secretary’s intention to give the order.	2

<b>Schedule 2</b>	<b>Amendment of Environmental Planning and Assessment Regulation 2021</b>	1
		2
<b>[1] Section 3 Definitions</b>		3
Omit “, a local planning panel or a Sydney district or regional planning panel” from section 3(6)(a).		4
		5
Insert instead “or a local planning panel”.		6
<b>[2] Section 10 Fee payable for costs and expenses of studies by planning proposal authority—the Act, s 3.32(3)</b>		7
		8
Omit “or a Sydney district or regional planning panel” from section 10(5).		9
<b>[3] Section 65A</b>		10
Insert after section 65—		11
<b>65A Factors not of relevance to development application—the Act, s 4.15(1A)(b)</b>		12
(1) For the purpose of the consideration of a matter referred to in section 4.15(1)(b), the significant likely impacts of other development for which consent is not sought in the development application are declared to be factors that are not of relevance to the development the subject of the development application.		13
		14
		15
		16
		17
(2) In this section—		18
<i>other development</i> means development that is likely to be, or will be, required to be carried out as a result of the development that is the subject of the development application.		19
		20
		21
<b>[4] Section 87 Notice of determination of development application</b>		22
Omit section 87(4A)(b). Insert instead—		23
(b) a regional planning panel or an officer or employee exercising functions on behalf of a council under the Act, section 4.8A, or		24
		25
<b>[5] Section 87(4A)(b), as substituted by item [4]</b>		26
Omit the paragraph.		27
<b>[6] Section 90A Notice to Planning Secretary about development involving contravention of development standards—the Act, ss 2.20(3)(c) and 10.13(1)(b)</b>		28
		29
Omit “Sydney district or” from section 90A(1)(b).		30
<b>[7] Section 90A(1)(b), as amended by item [6]</b>		31
Omit “, local planning panel or regional planning panel”.		32
Insert instead “or a local planning panel”.		33
<b>[8] Section 95 Time for determining Crown development applications</b>		34
Omit “Sydney district or regional” from section 95(2).		35
<b>[9] Section 105, heading</b>		36
Omit “no or”.		37
<b>[10] Section 105(1)(b)</b>		38
Omit “is, in the consent authority’s opinion, of no or”.		39

	Insert instead “has, in the consent authority’s opinion,”.	1
<b>[11]</b>	<b>Section 112 Consent authority to notify or publicly exhibit modification applications</b>	2
	Omit section 112(b) and (c).	3
<b>[12]</b>	<b>Section 118 Notice of determination of application to modify development consent</b>	4
	Omit section 118(2)(b)(ii). Insert instead—	5
	(ii) a regional planning panel or an officer or employee exercising functions on behalf of a council under the Act, section 4.8A, or	6 7
<b>[13]</b>	<b>Section 118(2)(b)(ii), as substituted by item [12]</b>	8
	Omit the subparagraph.	9
<b>[14]</b>	<b>Section 118A</b>	10
	Insert after section 118—	11
	<b>118A Failure to determine certain modification applications</b>	12
	For the Act, section 4.55A(2), the prescribed period is 14 days after the modification application is lodged.	13 14
<b>[15]</b>	<b>Section 119, heading</b>	15
	Insert “—deemed refusals” after “applications”.	16
<b>[16]</b>	<b>Section 119(1)</b>	17
	Omit the subsection. Insert instead—	18
	(1) For the Act, sections 4.55(6) and 4.56(3), a consent authority is taken to have refused a modification application under the Act, section 4.55(1A) or (2) or 4.56 if the consent authority does not determine the application within 40 days after the modification application is lodged.	19 20 21 22
<b>[17]</b>	<b>Section 133 Time for determining application for complying development certificate</b>	23
	Insert after section 133(1)(a)—	24
	(a1) for an application for a complying development certificate if an application for a variation certificate for the proposed development has also been lodged—20 days, or	25 26 27
	<b>Note—</b> The Act, section 4.31A(7) states that a council may issue a variation certificate and a complying development certificate relying on the variation certificate at the same time.	28 29 30
<b>[18]</b>	<b>Section 159A</b>	31
	Insert after section 159—	32
	<b>159A Failure to determine certain variation certificate applications—the Act, s 4.31A(8)(f)</b>	33 34
	The prescribed period is the following number of days after lodgement of the application—	35 36
	(a) if the appropriate person is determining an application for a variation certificate and an application for a complying development certificate relying on the variation certificate—20 days,	37 38 39
	(b) if the appropriate person is determining an application for a variation certificate only—10 days.	40 41

<b>[19] Section 244 Application for review of consent authority's decision or determination</b>	1
Omit section 244(2)(a).	2
<b>[20] Section 246 Notice of consent authority's review</b>	3
Omit section 246(3)(b). Insert instead—	4
(b) a regional planning panel or an officer or employee exercising functions on behalf of a council under the Act, section 4.8A, or	5 6
<b>[21] Section 246(3)(b), as substituted by item [20]</b>	7
Omit the paragraph.	8
<b>[22] Section 262, heading</b>	9
Omit “or Sydney district”.	10
<b>[23] Section 262, heading, as amended by item [22]</b>	11
Omit “or regional planning panel”.	12
<b>[24] Section 262(1) and (2)(b)</b>	13
Omit “Sydney district or” wherever occurring.	14
<b>[25] Section 262(1) and (2)(b), as amended by item [24]</b>	15
Omit “or a regional planning panel” wherever occurring.	16
<b>[26] Part 15, Division 1, heading</b>	17
Omit the heading. Insert instead—	18
<b>Division 1 Regional planning panels and local planning panels</b>	19
<b>[27] Part 15, Division 1, heading, as substituted by item [26]</b>	20
Omit the heading. Insert instead—	21
<b>Division 1 Local planning panels</b>	22
<b>[28] Section 275 Functions exercisable by council on behalf of Sydney district or regional planning panel—the Act, s 4.7(2)(h)</b>	23 24
Omit the section.	25
<b>[29] Section 276 Development applications for land in 2 or more local government areas—the Act, s 4.12</b>	26 27
Omit “Sydney district or” from section 276(2).	28
<b>[30] Section 276(2), as amended by item [29]</b>	29
Omit the subsection.	30
<b>[31] Section 277 Determination of development applications and modification applications—the Act, s 4.8</b>	31 32
Omit “Sydney district or” wherever occurring.	33
<b>[32] Section 277, as amended by item [31]</b>	34
Omit “or a regional planning panel” wherever occurring.	35

<b>[33]</b>	<b>Section 293 Community participation requirements</b>	1
	Omit section 293(2) and (3).	2
<b>[34]</b>	<b>Section 300 Exemption from public meeting requirements—the Act, Schedule 2, cll 25(6) and 26(5)</b>	3
	Omit “established under the <i>Environmental Planning and Assessment (Housing Delivery Authority) Order 2024</i> ”.	4
		5
		6
<b>[35]</b>	<b>Schedule 4 Fees</b>	7
	Omit “or miscalculation” from item 6.5(a).	8
	Insert instead “, miscalculation or no environmental impact”.	9
<b>[36]</b>	<b>Schedule 4, item 6.5(b)</b>	10
	Omit “minor environmental assessment”.	11
	Insert instead “minimal environmental impact”.	12
<b>[37]</b>	<b>Schedule 4, items 9.1 and 9.2</b>	13
	Omit “Sydney district or” wherever occurring.	14
<b>[38]</b>	<b>Schedule 4, items 9.1 and 9.2, as amended by item [37]</b>	15
	Omit “or a regional planning panel” wherever occurring.	16
<b>[39]</b>	<b>Schedule 6 Savings, transitional and other provisions</b>	17
	Insert at the end of the schedule, with appropriate part and section numbering—	18
<b>Part</b>	<b>Provisions consequent on enactment of</b>	19
	<b>Environmental Planning and Assessment</b>	20
	<b>Amendment (Planning System Reforms) Act 2025</b>	21
	<b>Definitions</b>	22
	In this part—	23
	<i>amending Act</i> means the <i>Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025</i> .	24
		25
	<i>regionally significant development</i> means development of a kind that is	26
	declared by an environmental planning instrument as regionally significant	27
	development.	28
	<b>Pending development applications for regionally significant development</b>	29
(1)	If a relevant application for regionally significant development within a	30
	relevant Sydney area was lodged, but not finally determined, before the repeal	31
	of section 4.5(b) by the amending Act, the application must, despite the repeal	32
	of the paragraph, be determined by the following body—	33
(a)	the Sydney district planning panel for the area in which the	34
	development is to be carried out if—	35
(i)	there is no local planning panel for the area, or	36
(ii)	the council has given the Sydney district planning panel an	37
	assessment report for determining the relevant application,	38
(b)	otherwise—the local planning panel for the area in which the	39
	development is proposed to be carried out.	40

- (2) If a relevant application for regionally significant development within an area for which a regional planning panel was constituted was lodged, but not finally determined, before the repeal of section 4.5(b) by the amending Act, the application must, despite the repeal of the paragraph, be determined by the following body—
    - (a) for a relevant application for development proposed to be carried out in the local government area of Central Coast, Wingecarribee or Wollongong City—
      - (i) if the council has not given the regional planning panel an assessment report for determining the relevant application—the local planning panel for the area in which the development is proposed to be carried out, or
      - (ii) if the council has given the regional planning panel an assessment report for determining the relevant application—the regional planning panel constituted, immediately before the commencement of the amending Act, Schedule 1[166], [167] and [168], for the part of the State in which the development is proposed to be carried out,
    - (b) otherwise—the regional planning panel for the area in which the development is proposed to be carried out.
  - (3) To avoid doubt, for a relevant application relating to development proposed to be carried out in the local government area of Central Coast, Wingecarribee or Wollongong City to which subsection (2)(a)(ii) applies, the council nominees of the council for the area continue to be members of the regional planning panel for the purposes of this section.
  - (4) In this section—

**relevant application** means the following—

    - (a) a development application for regionally significant development,
    - (b) an application to modify a development consent for regionally significant development.

**relevant Sydney area** means a local government area referred to in the Act, Schedule 2, clause 9 immediately before its repeal.
- Pending development applications—general**
- (1) **Amendment to objects of Act**

If a relevant application was lodged, but not finally determined, before the commencement of the amending Act, Schedule 1[1], the application must be determined as if the item had not commenced.
  - (2) **Amendments relating to the Act, s 4.15**

If a relevant application was lodged, but not finally determined, before the commencement of the amending Act, Schedules 1[62] and [63] and 2[3], the application must be determined as if the items had not commenced.
  - (3) Subsection (2) ceases to have effect 12 months after the commencement of the amending Act, Schedules 1[62] and [63] and 2[3].
  - (4) **Amendments relating to the Act, s 4.17**

If a relevant application was lodged, but not finally determined, before the commencement of the amending Act, Schedule 1[65], the application must be determined as if the item had not commenced.



(5)	Subsection (4) ceases to have effect 12 months after the commencement of the amending Act, Schedule 1[65].	1 2
(6)	In this section— <b>relevant application</b> means the following—	3 4
(a)	a development application,	5
(b)	an application to modify a development consent.	6
	<b>Review by Development Coordination Authority of certain decisions</b>	7
(1)	This section applies to a decision by a Minister or a public authority about an aspect of development the subject of a development consent that, under a relevant condition of the development consent, is required to be carried out to the satisfaction of the Minister or public authority.	8 9 10 11
(2)	For the Act, Division 8.2, the decision is taken to be a decision of the Development Coordination Authority about an aspect of the development that, under the conditions of the development consent, was required to be carried out to the satisfaction of the Development Coordination Authority.	12 13 14 15
(3)	In this section— <b>relevant condition</b> , of a development consent, means a condition imposed as a consequence of the exercise of a function that, after the establishment of the Development Coordination Authority, is imposed or conferred on the Development Coordination Authority.	16 17 18 19 20
	<b>Housing Delivery Authority</b>	21
(1)	The Housing Delivery Authority constituted under the Act, section 2.11A is the continuation of the Housing Delivery Authority established under the <i>Environmental Planning and Assessment (Housing Delivery Authority) Order 2024</i> .	22 23 24 25
(2)	The <i>Environmental Planning and Assessment (Housing Delivery Authority) Order 2024</i> is revoked.	26 27
(3)	An act, matter or thing that, immediately before the revocation of the <i>Environmental Planning and Assessment (Housing Delivery Authority) Order 2024</i> , had effect under that order continues to have effect under the Act.	28 29 30
(4)	Without limiting subsections (1) and (3), the members of the Housing Delivery Authority immediately before the commencement of this section are taken to have been appointed by the Minister as members under the Act, section 2.11B.	31 32 33 34
(5)	To avoid doubt, a reference in a document made under the Act to the Housing Delivery Authority established under the <i>Environmental Planning and Assessment (Housing Delivery Authority) Order 2024</i> is taken to be a reference to the Housing Delivery Authority constituted under the Act, section 2.11A.	35 36 37 38 39
	<b>Abolition of Sydney district and regional planning panels</b>	40
(1)	Each Sydney district planning panel is abolished on the commencement of this section.	41 42
(2)	Each regional planning panel is abolished on the repeal of the Act, Division 2.4.	43 44
(3)	A person who, immediately before the abolition of a panel, held office as a member of the panel, ceases, on the abolition of the panel, to hold the office.	45 46

- (4) The person is not entitled to remuneration or compensation because of the loss of the office.

#### Notification and publication of modification applications

- (1) If, before the abolition of a Sydney district or regional planning panel—
- (a) a development consent was granted or deemed to be refused by the Sydney district or regional planning panel, the council for the area in which the development is proposed to be carried out must notify or publicly exhibit a subsequent modification application, or
  - (b) a development consent was granted by the Court on appeal and the original development consent was granted or deemed to be refused by the Sydney district or regional planning panel, the council for the area in which the development is proposed to be carried out must notify or publicly exhibit a subsequent modification application.
- (2) For subsection (1), if the development proposed to be carried out is located in 2 or more areas, a reference to the council for the area is taken to be a reference to the council for each area in which the development is located.

#### Lapsing of consent

The substitution of the Act, section 4.53 does not apply to or affect a development consent in force immediately before the substitution.

#### Meaning of “development standards”

The Act, section 1.4(1), definition of *development standards*, as in force immediately before its repeal and replacement by the definition of *development standard* by the amending Act, Schedule 1[4], continues to apply to a development application lodged, but not finally determined, before the repeal.

#### [40] Schedule 7 Dictionary

Insert “or 98” after “section 23” in the definition of *public notification development*, paragraph (b).

## Schedule 3 Amendment of other legislation

### 3.1 Biodiversity Conservation Act 2016 No 63

**[1] Section 7.9 Biodiversity assessment for State significant development or infrastructure**

Omit “and the Environment Agency Head determine” from section 7.9(2).

Insert instead “determines”.

**[2] Section 7.11, heading**

Omit the heading. Insert instead—

**7.11 Consultation with Planning Minister if another Minister is consent authority or determining authority under Planning Act**

**[3] Section 7.11(2), (3) and (4)**

Omit “Minister administering this Act” wherever occurring.

Insert instead “Planning Minister”.

**[4] Section 7.11(2A)(a1)**

Insert after section 7.11(2A)(a)—

(a1) the Minister concerned is the Planning Minister, or

**[5] Section 7.11(3A)**

Insert after section 7.11(3)—

(3A) Subsection (3) does not apply if the Minister concerned is the Planning Minister.

**[6] Section 7.11(4)**

Omit “any recommendations made by the Environment Agency Head”.

Insert instead “the recommendations the Planning Minister considers appropriate”.

**[7] Section 7.11(6)**

Insert after section 7.11(5)—

(6) In this section—

*Planning Minister* means the Minister administering the *Environmental Planning and Assessment Act 1979*.

**[8] Section 7.12, heading**

Omit the heading. Insert instead—

**7.12 Concurrence of Development Coordination Authority if Minister is not consent authority or determining authority under Planning Act**

**[9] Section 7.12(2), (3), (5) and (6)**

Omit “the Environment Agency Head” wherever occurring.

Insert instead “the Development Coordination Authority”.

<b>[10] Section 7.12(4)</b>	1
Omit the subsection.	2
<b>[11] Section 7.12(5) and (6)</b>	3
Omit “or Minister (as the case requires)” wherever occurring.	4
<b>3.2 Dams Safety Act 2015 No 26</b>	5
<b>[1] Section 48, heading</b>	6
Omit “Dams Safety NSW”.	7
Insert instead “Development Coordination Authority”.	8
<b>[2] Section 48(4)</b>	9
Omit “Dams Safety NSW” wherever occurring.	10
Insert instead “the Development Coordination Authority”.	11
<b>3.3 Environmental Planning and Assessment Amendment Act 2025 No 24</b>	12
<b>[1] Section 2 Commencement</b>	13
Omit “[3]–[25], [35], [42]” from section 2(a).	14
Insert instead “[3], [4], [9]–[25], [35]”.	15
<b>[2] Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203</b>	16
Omit items [5]–[8] and [42].	17
<b>3.4 Fisheries Management Act 1994 No 38</b>	18
<b>[1] Section 221ZU Definitions</b>	19
Insert in alphabetical order in section 221ZU(1)—	20
<i>Planning Minister</i> means the Minister administering the Planning Act.	21
<b>[2] Section 221ZY, heading</b>	22
Omit “Fisheries Minister”.	23
Insert instead “Planning Minister”.	24
<b>[3] Section 221ZY(2)</b>	25
Omit “the Fisheries Minister”.	26
Insert instead “the Planning Minister”.	27
<b>[4] Section 221ZY(2A)</b>	28
Insert after section 221ZY(2)—	29
(2A) Subsection (2) does not apply if the Minister concerned is the Planning Minister.	30
	31
<b>[5] Section 221ZY(3)</b>	32
Omit the subsection. Insert instead—	33

(3)	In consulting under this section, the Planning Minister may make recommendations to the Minister who is the consent authority or the determining authority.	1 2 3
[6]	<b>Section 221ZZ, heading</b> Omit the heading. Insert instead— <b>221ZZConcurrence of or consultation with Development Coordination Authority if Minister is not consent authority or determining authority under Planning Act</b>	4 5 6 7
[7]	<b>Section 221ZZ(2), (3), (5) and (6)</b> Omit “the Fisheries Agency Head” wherever occurring. Insert instead “the Development Coordination Authority”.	8 9 10
[8]	<b>Section 221ZZ(4)</b> Omit the subsection.	11 12
[9]	<b>Section 221ZZ(5) and (6)</b> Omit “or Fisheries Minister (as the case requires)” wherever occurring.	13 14
<b>3.5</b>	<b>Hunter Water Act 1991 No 53</b>	15
[1]	<b>Section 51, heading</b> Omit “Corporation”. Insert instead “Development Coordination Authority”.	16 17 18
[2]	<b>Section 51(2)</b> Omit “give the Corporation notice”. Insert instead “give the Development Coordination Authority notice”.	19 20 21
[3]	<b>Section 51(3) and (4)</b> Omit “the Corporation” wherever occurring. Insert instead “the Development Coordination Authority”.	22 23 24
[4]	<b>Section 55 Exercise of functions by public bodies in special areas</b> Omit “and section 56” from section 55(4).	25 26
[5]	<b>Section 56 Secretary to notify Corporation of certain proposals etc</b> Omit the section.	27 28
<b>3.6</b>	<b>Interpretation Act 1987 No 15</b>	29
	<b>Schedule 4 Dictionary</b> Insert in alphabetical order— <i>Development Coordination Authority</i> means the Development Coordination Authority under the <i>Environmental Planning and Assessment Act 1979</i> .	30 31 32 33

<b>3.7 Marine Estate Management Act 2014 No 72</b>	1
<b>[1] Section 4 Definitions</b>	2
Insert in alphabetical order in section 4(1)—	3
<i>Planning Minister</i> means the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> .	4
	5
<b>[2] Sections 55(1)(b), (2)(b), (3)(b), (4) and (5) and 56(1), (2) and (3)(a) and (b)</b>	6
Omit “the relevant Ministers” wherever occurring.	7
Insert instead “the relevant authority”.	8
<b>[3] Section 55 Development within marine parks and aquatic reserves—application of EPA Act</b>	9
	10
Insert after section 55(2)—	11
(2A) Subsections (1)(b) and (2)(b) do not apply if the consent authority or determining authority is the Planning Minister.	12
	13
<b>[4] Section 55(7)</b>	14
Insert in alphabetical order—	15
<i>relevant authority</i> means the following—	16
(a) if the consent authority or determining authority concerned is not a Minister—the Development Coordination Authority,	17
	18
(b) if the consent authority or determining authority concerned is a Minister—the Planning Minister.	19
	20
<b>[5] Section 56 Development affecting marine parks and aquatic reserves—application of EPA Act</b>	21
	22
Insert after section 56(3)—	23
(4) Subsections (1)–(3) do not apply if the consent authority or determining authoring is the Planning Minister.	24
	25
(5) In this section—	26
<i>relevant authority</i> means the following—	27
(a) if the consent authority or determining authority concerned is not a Minister—the Development Coordination Authority,	28
	29
(b) if the consent authority or determining authority concerned is a Minister—the Planning Minister.	30
	31
<b>3.8 Protection of the Environment Operations Act 1997 No 156</b>	32
<b>Section 51 Integrated development</b>	33
Omit “A decision by the appropriate regulatory authority on whether it will issue a licence, or on the general terms of a licence it proposes to issue” from section 51(2).	34
	35
Insert instead “A decision by the Development Coordination Authority on the general terms of a licence it proposes to issue, or whether the appropriate regulatory authority will issue a licence”.	36
	37
	38

<b>3.9 Roads Act 1993 No 33</b>	1
<b>Section 26 No constructions on land affected by road widening order</b>	2
Omit “TfNSW” from section 26(3).	3
Insert instead “the Development Coordination Authority”.	4
<b>3.10 Rural Fires Act 1997 No 65</b>	5
<b>[1] Section 14 Delegation by Commissioner</b>	6
Omit “authorities),” from section 14(2)(b).	7
Insert instead “authorities).”.	8
<b>[2] Section 14(2)(c) and (d)</b>	9
Omit the paragraphs.	10
<b>3.11 Sydney Water Act 1994 No 88</b>	11
<b>[1] Section 78, heading</b>	12
Omit “Corporation”.	13
Insert instead “Development Coordination Authority”.	14
<b>[2] Section 78(1)</b>	15
Omit “give the Corporation notice”.	16
Insert instead “give the Development Coordination Authority notice”.	17
<b>[3] Section 78(4)</b>	18
Omit “by the Corporation”.	19
Insert instead “by the Development Coordination Authority”.	20
<b>[4] Section 78(5)</b>	21
Omit “the Corporation” wherever occurring.	22
Insert instead “the Development Coordination Authority”.	23
<b>[5] Section 78(7)</b>	24
Insert after section 78(6)—	25
(7) This section does not apply if the consent authority is the Minister	26
administering the <i>Environmental Planning and Assessment Act 1979</i> .	27
<b>3.12 Water Act 1912 No 44</b>	28
<b>Section 4L Objectors rights of appeal</b>	29
Omit section 4L(1)(b). Insert instead—	30
(b) the Development Coordination Authority fails to inform a consent	31
authority, in accordance with the regulations under the <i>Environmental</i>	32
<i>Planning and Assessment Act 1979</i> —	33
(i) whether or not the Ministerial Corporation will grant or issue a	34
licence, permit, authority, group licence or approval referred to in	35
paragraph (a), or	36

- (ii) of the general terms of a licence, permit, authority, group licence  
or approval referred to in paragraph (a),

**3.13 Water Management Act 2000 No 92**

**Section 99 Procedures in relation to integrated development**

Omit “proposed to be issued by the Minister or as a consequence of the Minister” from  
section 99(3).

Insert instead “that the Development Coordination Authority proposes be issued by the  
Minister or as a consequence of the Development Coordination Authority”.