

NSW PLANNING REFORM – WHAT’S LIVE & WHERE TO FIND IT (JAN 2026)



Reform Area	What Has Changed (Plain English)	Where to Find It (Exact Provisions)	When It Applies / Transition
Objects of the EP&A Act	The objects of the Act have been fully rewritten. They now explicitly promote housing delivery, productivity, climate resilience, and proportionate, risk-based planning.	Section 1.3 of the EPA Act	Commenced 15 December 2025. Does not apply to development applications or modification lodged before that date. Transitional savings apply to environmental planning instruments already in preparation for 12 months.
Housing Delivery Authority becomes statutory	The Housing Delivery Authority is now a statutory authority, not just a Ministerial panel. It has formal functions and membership under the Act. It can support expedited amendments to instruments for certain State significant development.	Division 2.3A of the EPA Act 1979; amendments to section 3.22	Commenced 15 December 2025. Existing actions under the previous Housing Delivery Authority Order continue without interruption.
Development Coordination Authority established (stage 1)	The Development Coordination Authority is legally established within the Department to centralise State agency input on development and rezonings. Full statutory powers will follow later.	New provisions establishing the Authority in the EPA Act (commencement stage relates to establishment only)	Formal establishment commenced 15 December 2025. Operational coordination begins January 2026. Statutory decision-making powers expected to commence July 2026 (with future savings provisions).
Secretary power to create joint local planning panels	The Secretary can now establish local planning panels that cover more than one local government area, including in regional areas that currently have no local planning panel.	Section 2.17 of the EPA Act	Commenced 15 December 2025. Power exists but will be exercised later following consultation with councils and councillors.
Shift away from Sydney district and regional planning panels (stage 1)	Functions of Sydney district planning panels are being progressively transferred to local planning panels where they already exist, starting with Crown development.	Sections 4.32 and 4.33 of the EPA Act	Commenced 15 December 2025. Applies in Greater Sydney, Wollongong and the Central Coast where local planning panels exist.
Regionally Significant Development transition (stage 2)	New and most pending regionally significant development applications will be determined by local planning panels instead of Sydney district or regional panels (where a local planning panel exists).	EPA Regulation 2021 – section 275 (as amended); new section 9.1 Direction	Commences 16 January 2026. Transitional carve-outs apply for applications lodged before 4 September 2024, assessed before 16 January 2026, or subject to a deemed refusal appeal.
Secretary requirements for development applications	The Secretary can now mandate the form and content of documents that must accompany a development application.	Section 4.12(10) of the EPA Act	Commenced 15 December 2025, but has no effect until requirements are published on the NSW Planning Portal and publicly exhibited.
Assessment limited to significant impacts	Consent authorities are now only required to consider “significant likely impacts” of the development. Important to note that section 4.17 still allows conditions to be imposed for “likely impacts”. More on this below.	Section 4.15(1)(b) of the EPA Act	Commenced 15 December 2025. Applies immediately, subject to transitional provisions for pending applications.
Impacts of other development excluded	Impacts of other development not included in the development application are declared not relevant and must not be considered when assessing impacts.	Section 4.15(1A) and section 4.15(1B) of the EPA Act; section 65A of the EPA Regulation 2021	Commenced 15 December 2025. Does not apply to development applications lodged before commencement unless they remain undetermined after 12 months.
Conditions can still address impacts	Even though only significant impacts must be assessed, consent authorities can still impose conditions that relate to likely impacts of the development.	Section 4.17(1)(a1) of the EPA Act	Commenced 15 December 2025. No savings or transitional provisions.
Revocation of very old development consents	The Secretary’s power to revoke or modify consents now clearly applies to consents granted more than 25 years ago.	Section 4.57 of the EPA Act, section 116A of the EPA Regulation 2021	Commenced 15 December 2025. Applies to existing and future consents.
Development Control Orders – unfinished works	Broader powers to issue Development Control Orders requiring completion of works where development has commenced but not been completed.	Sections 9.34, 9.35 and Schedule 5 of the EPA Act	Commenced 15 December 2025. Applies immediately to existing consents.
Planning agreements – Minister approval	Planning agreements that exclude sections 7.11 or 7.12 no longer require the Minister or consent authority to be a party, provided the Minister approves the agreement.	Section 7.4 of the EPA Act	Commenced 15 December 2025. Transitional provisions apply to agreements already publicly notified.