PIKES & VEREKERS
LAWYERS

LEGAL UPDATE
March 2026

In this issue:

Recent amendments to the Environmental Planning and Assessment Act

RECENT AMENDMENTS TO ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

Amendments have been made to the *Environmental Planning and Assessment Act 1979* (**Act**) that now apply to development applications lodged after 15 December 2025.

Local Councils should be aware of these recent amendments to ensure that their assessment of development applications received after 15 December 2025 is consistent with the new requirements.

We have summarised some of the key changes below.

Requirement to consider 'likely impacts' of development narrowed

- An amendment has been made to section 4.15(1)(b) of the Act to require only 'significant' likely impacts of development to be considered in the assessment of a development application.
- Previously, consideration of any 'likely impacts' of development was required.
- A consent authority is not precluded from considering 'likely impacts' as opposed to 'significant likely impacts', however, there is no longer an obligation to consider 'likely impacts' which are not 'significant'.

DISCLAIMER
The above are summaries only. They are not intended to take the place of legal advice.

Likely impacts of 'other development' are now irrelevant

- A further amendment has been made to section 4.15 of the EPA Act and the *Environmental Planning and Assessment Regulation 2021* precluding a consent authority from considering the 'significant likely impacts' of 'other development' for which consent is not sought.

- Previously, a consent authorities' obligation to consider the 'likely impacts' of development under section 4.15(1)(b) of the Act extended to consideration of the likely impacts of 'other development' for which consent was not sought, but which nevertheless had a 'real and sufficient link' or was 'inextricably involved' in the proposed development.

- The amendments reverse this position through the introduction of a new regulation 65A in the EPA Regulation. This regulation declares that the significant likely impacts of other development for which consent is not sought are not relevant to the assessment of a development application.

- For example, a consent authority cannot consider the significant likely impacts of the construction of a driveway which may be necessary to provide access to a proposed dwelling for which consent is sought, where the development application seeks consent for the dwelling but not the driveway.

Development co-ordination authority

- The Development Coordination Authority (**DCA**) has been formally established under a new Division 2.3B of the Act.

- At this stage, the DCA is not fully operational. It only acts as a 'single point of contact' for both proponents and councils in relation to development applications that have been referred to a government agency. The DCA will respond to enquiries by contacting the relevant government agency and coordinating a response.

- Eventually, the DCA will take the place of the various government agencies involved in the development assessment process and issue responses to development applications referred to it.

- The DCA is expected to be fully operational by July 2026.

Sydney District and Regional Planning Panels sidelined

- The amendments to the Act foreshadow the removal of Sydney District and Regional Planning Panels, although these amendments are yet to commence.

- However, by operation of the *Environmental Planning and Assessment Amendment (Regionally Significant Development) Regulation 2025* development applications for 'regionally significant' development are now to be determined by a local planning panel (where one has been constituted) rather than a Sydney District or Regional Planning Panel. This applies unless:

    - the development application was lodged before 4 September 2024;

DISCLAIMER
The above are summaries only. They are not intended to take the place of legal advice.

- the council submitted an assessment report to the Panel before 16 January 2026 or before a Local Planning Panel has been constituted for the area (whichever is later);
- a deemed refusal appeal has been lodged in the Court before 16 January 2026 or before a Local Planning Panel has been constituted for the area (whichever is later).

Further changes to commence later in 2026

- In addition to the above changes which have already commenced, there are several other significant amendments which will be introduced later this year.
- These include:
  - introduction of 'targeted assessment development', a new stream of development that will be subject to a streamlined merit assessment;
  - changes to the complying development regime to enable the approval of minor 'variations' to complying development standards;
  - amendments enabling environmental planning instruments to identify what are 'development standards' as opposed to prohibitions;
  - the harmonisation of community participation requirements across all local councils;
  - introduction of 'mandatory consultation' on conditions of consent, requiring consent authorities to provide draft conditions to proponents before granting consent and inviting submissions; and
  - changes to the 'modification application' pathways to enable 'fast tracked' assessment and approval of modifications with no environmental impact.
- Further updates will be provided as these amendments are rolled out throughout the course of this year.

For more information about this update, please contact Tom Ward.

Pikes & Verekers Lawyers

Suite 1.02
201 Elizabeth Street, Sydney
NSW 2000

T 02 9262 6188
F 02 9262 6175

E info@pvlaw.com.au
W www.pvlaw.com.au

DISCLAIMER
The above are summaries only. They are not intended to take the place of legal advice.