

New Planning Rules Are Here — Are You Ready?

The NSW Government has passed laws making sweeping reforms to the NSW planning and assessment system. Much of this has already commenced, with the remainder expected to commence later this year. These pending reforms will be the most comprehensive overhaul of the planning system in New South Wales for some time, implemented in stages—Stage I commencing on 15 December 2025, Stage II on 21 March 2026, and further changes due later in 2026.

At a higher level, the reforms are focused on simplifying and expediting development, particularly relating to housing supply. This will involve changes to environmental planning instruments under which development consent is required. The reforms are heavily focused on housing supply more broadly, with provisions creating new planning pathways and others simplifying and expediting use of existing pathways.

As a result, these reforms will be of primary importance to developers. However, they will also potentially impact anyone requiring development consent, including strata schemes undertaking remedial works, additions, alterations or renovations.

Applicants may be aided by changes included in the reforms in relation to issues like:

- The form of the application and information which must be provided.
- Potential new pathways, e.g. mitigation of some requirements for use of modification applications and complying development certificates.
- Moderation of some aspects of the assessment process, e.g. consent authority assessment criteria, consultation with other authorities and permitted development consent conditions.
- Enhanced scope for internal review and formal appeals.

There are also some potential traps, i.e. areas where new requirements may make development more difficult if the person requiring development consent is not aware of and ready for the change.

Additionally, the reforms also introduce a wide range of structural and procedural changes to the planning system. Key changes include:

- Restated objects of the act, placing new or increased focus on issues such as housing supply, productivity, resilience to climate change and natural disasters and adoption of a proportionate and risk-based approach to environmental planning and assessment.

- Restructuring of the hierarchy of planning authorities with creation of a Development Coordination Authority, confirmation of the Housing Delivery Authority, transition from Sydney District and regional planning panels to local planning panels.
- New planning pathways and amendments to existing planning pathways, including changes relating to state significant development, a new targeted assessment development pathway and changes relating to the complying development certificate pathway.
- Replacement of individual Council community participation plans with a single statewide plan.
- Changes in relation to environmental planning instruments, particularly consultation requirements.
- Changes in relation to planning agreements.
- Numerous changes in relation to development consent, including in relation to consultation requirements, assessment criteria, environmental impact statements, development standards, conditions, modifications, appeals, revocation, lapsing, existing uses and complete work orders.

The structural and procedural reforms to the NSW planning system will require strata managing agents to adjust how they support schemes undertaking development, remedial works or upgrades. With new planning authorities, revised consultation requirements, statewide participation plans and changes to development consent processes, strata managing agents will need to understand which pathway applies, what documentation is required and how assessment criteria have shifted.

We have considerable experience with these issues and would be pleased to provide you with whatever assistance you may require.

Key takeaways

- The NSW Government has introduced significant reforms to the planning system aimed at expediting development and housing supply.
- New planning pathways and changes to existing ones will affect how development consent is obtained.
- Strata schemes will need to adapt to new consultation requirements and assessment criteria.
- The reforms include a restructuring of planning authorities and a new statewide community participation plan.
- Stakeholders should be aware of potential traps that could complicate the development process.

****The information contained in this article is general information only and not legal advice. The currency, accuracy and completeness of this article (and its contents) should be checked by obtaining independent legal advice before you take any action or otherwise rely upon its contents in any way.*

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