



New South Wales

Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Environmental Planning and Assessment Act 1979* to provide that certain development applications, modification applications and certificates are deemed to have been approved if the consent authority or certifier has not determined the application within 60 days of it being made.

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 on the date of assent to the proposed Act.

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

Schedule 1[1] inserts proposed section 4.16A which provides that certain development applications for residential accommodation are taken to have been determined by the granting of development consent if the application has not been determined within 60 days of the date on which the application is made. The proposed section also requires the Minister to review the operation of the section as soon as possible after the period of 3 years from the date the section commences and every 3 years thereafter.

Schedule 1[2] inserts proposed section 4.55A which provides that certain modification applications for residential accommodation are taken to have been determined by the granting of

consent to the modification if the application has not been determined within 60 days of the date on which the application is made. The proposed section also requires the Minister to review the operation of the section as soon as possible after the period of 3 years from the date the section commences and every 3 years thereafter.

Schedule 1[3] inserts proposed section 6.36 which provides that applications for certain certificates issued under the Act, Part 6 are taken to have been issued by the relevant council if the council has failed to issue the certificate to the applicant within 60 days of the date on which the application is made. The proposed section also requires the Minister to review the operation of the section as soon as possible after the period of 3 years from the date the section commences and every 3 years thereafter.



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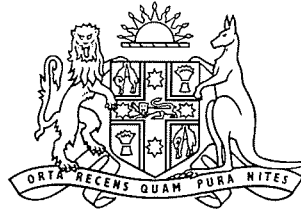
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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025

No , 2025

A Bill for

An Act to amend the *Environmental Planning and Assessment Act 1979* to provide that certain development applications, modification applications and certificates are deemed to have been approved if the consent authority or certifier has not determined the application within 60 days of it being made; and for related purposes.

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

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Act 2025</i> .	3
	4
2 Commencement	5
This Act commences on 1 January 2026.	6

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

[1] Section 4.16A

Insert after section 4.16—

4.16A Circumstances in which consent taken to have been granted

- (1) This section applies to development applications made for the purposes of residential accommodation, other than development applications for the following—
 - (a) the erection of residential flat buildings or shop top housing with more than 4 storeys,
 - (b) the erection of more than 1 of the following—
 - (i) attached dwellings,
 - (ii) dwelling houses,
 - (iii) secondary dwellings,
 - (iv) semi-detached dwellings,
 - (c) boarding houses,
 - (d) group homes,
 - (e) seniors housing,
 - (f) State significant development.
- (2) Despite section 8.11, a consent authority that has not determined an application to which this section applies within 60 days of the date on which the application is made is taken to have determined the application by granting development consent.
- (3) The Minister must review the operation of this section to determine whether the section has contributed to an increase in housing supply—
 - (a) as soon as possible after the period of 3 years after the date this section commenced, and
 - (b) at least every 3 years thereafter.
- (4) A report on the outcome of the review required under subsection (3) must be tabled in each House of Parliament as soon as practicable from the review is completed.
- (5) Words used in this section have the same meaning as in the standard instrument set out at the end of the *Standard Instrument (Local Environmental Plans) Order 2006*.

[2] Section 4.55A

Insert after section 4.55—

4.55A Circumstances in which modification taken to have been granted

- (1) This section applies to a development consent to carry out residential accommodation, other than a development consent to carry out the following—
 - (a) the erection of residential flat buildings or shop top housing with more than 4 storeys,
 - (b) the erection of more than 1 of the following—

(i)	attached dwellings,	1
(ii)	dwelling houses,	2
(iii)	secondary dwellings,	3
(iv)	semi-detached dwellings,	4
(c)	boarding houses,	5
(d)	group homes,	6
(e)	seniors housing,	7
(f)	State significant development.	8
(2)	Despite section 8.11, a consent authority that has not determined an application under section 4.55 to modify a development consent to which this section applies within 60 days of the date on which the application is made is taken to have determined the application by granting consent to the application.	9 10 11 12 13
(3)	The Minister must review the operation of this section to determine whether the section has contributed to an increase in housing supply—	14 15
(a)	as soon as possible after the period of 3 years from the date this section commenced, and	16 17
(b)	at least every 3 years thereafter.	18
(4)	A report on the outcome of the review required under subsection (3) must be tabled in each House of Parliament as soon as practicable after the review is completed.	19 20 21
(5)	Words used in this section have the same meaning as in the standard instrument set out at the end of the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .	22 23 24
[3] Section 6.36		25
	Insert after section 6.35—	26
6.36 Circumstances in which certificate taken to have been granted		27
(1)	This section applies to a construction certificate, occupation certificate, subdivision works certificate or subdivision certificate if the certificate is associated with a development consent to carry out residential accommodation, other than a development consent to carry out the following—	28 29 30 31 32
(a)	the erection of residential flat buildings or shop top housing with more than 4 storeys,	33 34
(b)	the erection of more than 1 of the following—	35
(i)	attached dwellings,	36
(ii)	dwelling houses,	37
(iii)	secondary dwellings,	38
(iv)	semi-detached dwellings,	39
(c)	boarding houses,	40
(d)	group homes,	41
(e)	seniors housing,	42
(f)	State significant development.	43

- (2) Despite section 8.17, a council is taken to have made a decision to issue a certificate to which this section applies if it has failed to issue the certificate to the applicant within 60 days. 1
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- (3) The Minister must review the operation of this section to determine whether the section has contributed to an increase in housing supply— 4
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 - (a) as soon as possible after the period of 3 years after the date this section commenced, and 6
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 - (b) at least every 3 years thereafter. 8
- (4) A report on the outcome of the review required under subsection (3) must be tabled in each House of Parliament as soon as practicable after the review is completed. 9
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- (5) Words used in this section have the same meaning as in the standard instrument set out at the end of the *Standard Instrument (Local Environmental Plans) Order 2006*. 12
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