Department of Planning, Housing and Infrastructure

Summary of Housing Delivery Authority 12 Month Review

29 April 2026

NSW GOVERNMENT

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1. Background and Scope

The Housing Delivery Authority (HDA) was established in December 2024 to speed up delivery of major residential housing projects. In its first 12 months of operation, the HDA has identified projects with the potential to create over 100,000 dwellings for assessment through a state-led pathway.

The HDA considers expressions of interest (EOIs) and subsequently recommends proposals to the Minister for declaration as State Significant Development (SSD).

The HDA does not have a consent authority role, with State Significant Development Applications (SSDA) progressed through this pathway being determined by the Minister, or delegate, or the Independent Planning Commission in some circumstances.

Reforms to the Environmental Planning and Assessment Act 1979 have embedded the HDA as an ongoing part of the planning system.

Following 12 months of operation, it is timely and appropriate to review the HDA's operations with a view to ensuring its alignment with other major reforms across the planning system and continuous improvement. The review responds to the HDA's Terms of Reference which identifies the need for annual self-evaluation supported by the Department.

The review focuses on:

- Expression of Interest (EOI) objectives and criteria
- Operational performance and timeliness

The review has considered documents relevant to the HDA's operation and decisions, stakeholder feedback and targeted engagement. The review has also considered recommendations of the process and probity reviews undertaken in 2025 and provided a response to each. The review has been informed by static information over the first 12 months of the HDA's operation from January 2025 to January 2026.

2. Overview of HDA Outcomes

The HDA pathway has attracted significant interest in its first year of operations, with over 1,000 EOIs submitted.

The HDA considered over 620 EOIs across the 12 months, recommending around half to the Minister to be declared SSD. The concurrent rezoning option has been taken up by around 80% of applications declared, with most seeking uplift on existing planning

controls. The significant volume of EOIs exceeded expectations and reflects strong demand for the pathway, however has led to delays in processing times.

The HDA pathway applies statewide, with higher development cost thresholds applying in Greater Sydney. Regional EOIs made up approximately 20% of those considered by the HDA, generally representing areas in proximity to Sydney such as across the Illawarra, Hunter or Central Coast regions, or in other large regional centres.

Following a year of operations, refinements have led to improvements in the overall HDA process and level of information provided publicly. The first year has also seen enhancements to process and improvements in strategic advice to support greater consistency in outcomes.

Around half of the declared projects have requested Secretary's Environmental Assessment Requirements (SEARs), the first step in the SSDA process. Environmental Impact Statements had been submitted for 22 SSDAs by 21 January 2026.

Two SSDAs had been determined under the pathway by 21 January 2026. Both SSDAs result from EOIs considered by the HDA in the first three meetings and were determined within 12 months, demonstrating the potential streamlining that can be achieved.

It is expected that the following 12 months will see further SSDA progression and determinations, given commitments made by applicants to expediently progress SSDAs. This will enable more detailed consideration of outcomes of the HDA against its objectives in subsequent reviews.

3. Process Review

In November 2025, the Minister for Planning and Public Spaces requested a review of the Department's processes in providing advice to the HDA, following use of unauthorised software for report collation. The Review was completed by Peter Duncan AM of Duncan Advisory and found that the integrity of the decision-making process of the HDA[1] was sound. The Review was released in December 2025 and includes four recommendations, which have been accepted in full by the Minister, and implemented by the Department.

1. Reinforce the NSW Government and Department's policies on the use of artificial intelligence within the HDA and Department.

The NSW Government has a comprehensive and structured approach to ensuring the safe and responsible use of artificial intelligence (AI), including AI governance and oversight; risk management and mitigation; ethics; capability and capacity building, and continuous improvement. The Department continues to reinforce existing policies,

[1] Independent Process Review of the Housing Delivery Authority - 16 December 2025

including the Department of Customer Service's Use of Artificial Intelligence by NSW Government Agencies circular (DCS-2024-04). The Department also provides a suite of training to support employees' understanding of the opportunities and limitations of using AI in government work.

2. Consider using authorised software to support the work of the HDA.

The stages between EOI submission to HDA consideration involve a number of manual processes and can be administrative. The Department, in its secretariat and support functions, operates across a number of systems and processes a significant volume of information which must be synthesised for presentation to the HDA. The Department is considering a number of ways technology can be used to support key work programs and specifically the HDA operations. The Department has existing authorised AI tools available and will consider use of these tools to specifically support the HDA's operations.

3. Review all unsuccessful EOI reports prepared with support from the software to confirm there are no errors.

The Department has completed a review of the unsuccessful EOIs and confirmed no material errors exist.

4. Undertake a previously planned review of the HDA's first 12 months of operations with a view to making continuous improvement.

This report is the outcome of the review and makes a number of recommendations to support ongoing improvements.

4. Probity Review

The Minister requested a probity review following the HDA's recommendation to declare an EOI in Rhodes as State Significant Development (SSD), which was subsequently declared as SSD and amended. The key issues considered in the probity review included tenure of land and the dwelling cap which applies to Rhodes.

The key recommendations in the probity review are summarised below, with a brief response from the Department under each recommendation, noting a further summary of the review will be published[2]:

1. *The Department prepares its comments in briefing materials with greater detail, in particular whether an applicant has provided a meaningful commitment to each assessment criterion under Objective 2 which focuses on identifying projects that can be assessed quickly.*

[2] Summary of probity review of HDA EOI application 229650

Since the establishment of the HDA, the Department has continued to make improvements to the level of information and analyses of all EOIs that is provided in briefing reports, having regard to the EOI criteria. For example, amongst other things, briefing reports now outline if the EOI has confirmed land tenure is secure, or where that is not the case, any potential evidence that supports that the EOI criteria will be adequately addressed. The HDA considers land tenure as part of the criteria evaluation as an indicator of the capacity of the project to be assessed and delivered quickly.

2. *The Department to consider whether the HDA is empowered to make conditional recommendations that cannot be implemented through the SSD declaration process.*

The HDA occasionally recommends an EOI be declared as SSD subject to comments, or provided that certain conditions can be met. For example, this may include that a future DA will need to, or should be, reduced in scale. The Department proposes to liaise with the applicant to resolve any such issues prior to any declaration of any EOI. Should the HDA identify matters to be explored through any future merit assessment these comments may be considered by the consent authority, but this will depend on the circumstances of each application.

3. Consider whether it is feasible to include more detailed reasons for the HDA's decisions.

The Department notes that the HDA has made improvements to the transcripts of HDA briefings to provide more detail to applicants on the reasons for their decision, particularly when projects are not recommended. It is acknowledged that this improvement was not in place at the time of consideration of the EOI subject to the probity review. Processes are continuously reviewed and may result in future improvements.

4. *Caution needed in amending an SSD declaration by Ministerial Order without HDA consultation.*

In response to this recommendation, the Department proposes to prepare and adopt a policy for considering amendments to SSD declarations, including declarations that were initially made having regard to a recommendation from the HDA.

5. *Consider contacting the applicants for EOIs 238532, 249654 and 251603 in Rhodes and inquire whether they would like their EOI to be reconsidered by the HDA.*

This recommendation is not supported. Development applications in the Rhodes Precinct are subject to a dwelling cap, introduced as part of the Rhodes Place Strategy which was published in September 2021. Due to the number of approved dwellings, and dwellings currently under assessment in the Rhodes Precinct, it is unlikely that any further EOIs for dwellings in Rhodes can demonstrate consistency within the maximum dwelling cap under the Rhodes Place Strategy at this stage. The consent authority will consider how

development in Rhodes that is declared as SSD addresses the dwelling cap, as part of the merit assessment of each development application.

To ensure similar circumstances do not arise in the future, this review recommends that any EOIs for development on land subject to a dwelling cap should be excluded from the HDA process. Where infrastructure provides the constraint to further growth, the Department works closely with agencies as part of its Urban Development Program and dwelling caps are kept under review.

6. *Any new HDA policy decisions that affect the assessment of EOIs be implemented only when assessing EOIs received after the policy decision has been publicised. The HDA should also draw greater attention to policy decisions affecting its consideration of EOIs on its website.*

This recommendation is noted. This review includes changes to the publicly available HDA SSD Criteria, responding to contemporary decisions of the HDA, by providing improved transparency and certainty for how decisions will be made. Any changes to the HDA SSD Criteria, including those proposed through this review, will be published on the Department's website.

5. Key Stakeholder Feedback Themes

The Department regularly engages with various stakeholders as part of its functions. Feedback shared on the HDA has informed the review which also responds to formal correspondence directly regarding the 12 Month Review.

Key themes noted through stakeholder feedback and informing the review include:

- transparency,
- consistency,
- exclusions of areas or development types,
- affordable housing,
- timeliness,
- form and treatment of EOIs, and
- strategic planning.

Some feedback relates to issues which are outside of the scope of this review. This includes feedback on SSDA processes, such as issuing of SEARs and Planning Focus Meetings, requests to exclude well performing councils from the HDA pathway, greater collaboration between the Department and council planners on SSDAs, and remuneration to councils for advice during the SSD process.

6. Findings and Recommendations

6.1 EOI Objectives and Criteria

A key objective of the HDA at its formation was to deliver more homes within the Housing Accord period. The review supports timeliness remaining a key focus of EOI criteria, however with the HDA now a permanent part of the planning system, its objective should be amended to support an ongoing pipeline of well-located homes that can commence development quickly.

To ensure matters in key areas outside of Greater Sydney are truly State significant, it is recommended to lift the Estimated Development Cost (EDC) to $60m (~100 dwellings) for Newcastle and Wollongong LGAs. This responds to the scale of development expected in these local government areas.

Cost of living pressures have driven the demand and need for greater provision of affordable housing for very low to moderate income households. Affordable housing has always been a key consideration of the HDA. However, changes are required to clarify expectations regarding quantum and tenure of the affordable housing commitment outlined in an EOI. This will provide greater certainty for applicants and reduce requests for further information which can delay EOIs being processed and considered by the HDA.

To support clarity of understanding and consistency of EOIs, applicants will need to provide clearer detail on the makeup of the committed affordable housing contribution. This seeks to address the significant variance in contribution commitments outlined in EOIs, relating to rate and period for which the offering is made. Variance observed in EOIs included examples with no affordable housing, “100% affordable housing”, and 2% for 10 years.

All Sydney councils have been tasked with adopting an affordable housing contribution scheme by 2027 under the draft Sydney Plan. A number of councils have schemes already in place, or are well progressed to introduce schemes. The HDA should support delivery of affordable housing aligned with these schemes which are underpinned by analysis responding to local circumstances. EOIs will need to commit to aligning with any existing council or State policy and where a concurrent rezoning is sought, the affordable housing offering from the proponent should exceed the requirements already in place in a council or State policy, so that the affordable housing rate is proportional to the level of uplift sought.

Where the uplift sought through a concurrent rezoning is significant, the affordable housing offering should be provided in perpetuity, recognising the substantial benefit in uplift to the proponent. This enables a tailored response to the varied scales of uplift

being proposed through EOIs and ensures that affordable housing supply is boosted in areas undergoing significant change. It is acknowledged that the percentage rate for a contribution provided in perpetuity will generally be lower than a contribution provided for a shorter defined period (eg 15 years).

Criteria refinements are also proposed to encourage EOIs in well-located and serviced areas, focusing effort where there may be greatest strategic opportunities. This aligns broadly with contemporary decisions of the HDA and clarifies expectations from the outset.

Where the Department is actively carrying out a State significant rezoning, EOIs will not be accepted prior to plans being exhibited. This will ensure holistic consideration of issues such as infrastructure provision and flooding.

The NSW Government has taken action to address the housing challenge as part of its commitment to the National Housing Accord. This includes the finalisation of a number of State-led rezonings, including the Transport Oriented Development (TOD) Accelerated Precincts (APs), which have facilitated increased opportunities for new homes through precinct planning. EOIs seeking a concurrent rezoning will not be accepted in these locations as dwelling capacity has been maximised through the rezoning process. In finalising the TOD APs, policy changes were made to streamline development assessment and speed up housing delivery, including introduction of a time limited SSD pathway

Dwelling capacity has been similarly maximised in a number of local contemporary masterplans, which seek to provide an alternative to the TOD planning controls. EOIs for concurrent rezonings will not be accepted in these centres, however EOIs for SSD may be submitted.

The draft Sydney Plan and draft Statewide Policy for Industrial Lands were released in late 2025. The draft Statewide Policy includes a framework for categorisation of industrial land into State, regionally and locally significant. Categorisation is informed by principles which consider factors such as relationship with strategic infrastructure, scale of the precinct and economic contribution. The draft Sydney Plan has applied this framework to the Greater Sydney area, categorising the industrial lands for the region.

Regionally significant categorisation retains lands for employment use and therefore does not support conversion to residential uses which may compromise industrial uses. EOIs will therefore not be accepted for land categorised as ‘regionally significant industrial land’.

Certain commercial cores will also be excluded from the HDA pathway, supporting the strategic role of these centres for jobs growth and the functioning of Greater Sydney. The draft Sydney Plan identifies that Sydney CBD, composed of a cluster of centres including North Sydney CBD, will remain the driving force of the Sydney region’s

economy, accounting for at least 23% of total jobs by 2044. Continued high levels of jobs in business services are anticipated, building off existing and planned commercial office space and leveraging high public transport accessibility.

The continued growth of the clustered centres forming Greater Parramatta is anticipated, leveraging significant infrastructure including hospitals, universities, and public transport. The centre will provide a high concentration of business services jobs with Parramatta CBD playing an important role.

The commercially zoned cores of the Parramatta and Sydney CBD (including North Sydney) will therefore be excluded to support retention of lands for employment uses. EOIs may still be submitted in the periphery of these centres where residential uses are permitted or in other centres.

Dwelling caps are used in limited circumstances where capacity is constrained by factors such as infrastructure or hazards. EOIs will not be accepted in these locations as future capacity within the dwelling cap cannot be guaranteed at time of declaration. Where infrastructure provides the constraint to further growth, the Department works closely with agencies as part of its Urban Development Program and dwelling caps are regularly reviewed.

Greenfield development has a key role in the housing pipeline, however its staged approach to delivery and infrastructure considerations may be at odds with the objectives of the HDA for timely delivery and streamlined assessment. No changes are proposed to the current settings in relation to this.

The HDA's functions are centred on supporting housing delivery. Aligned with this objective, the HDA should monitor the housing pipeline and if needed, consider potential use of targeted EOIs in the future to address gaps in housing typology or geography. For example, calling for EOIs of a certain type or in a particular location. Use of a standardised calculation to validate yield assumptions noted in EOIs is also recommended which will support flagging applications which may be at risk of falling below the EDC thresholds.

Recommendations:

1. The HDA SSD Criteria be amended to:
    - reinforce timeliness as a key consideration, including as the project pipeline moves beyond the Housing Accord period, identifying a rolling five year period for focused delivery.
    - lift the Estimated Development Cost to $60m (~100 dwellings) for Newcastle and Wollongong.

- exclude EOIs for land categorised as 'regionally significant industrial land' under the framework identified in the draft Statewide Policy for Industrial Lands and applied through a draft or adopted strategic plan.
- exclude EOIs in the commercial core of the Parramatta (land identified as "Area B" on the Special Provisions Area Map under Parramatta LEP 2023), North Sydney and Sydney CBDs (land zoned E2 Commercial Centre or SP5 Metropolitan Centre under the respective Local Environmental Plans).
- exclude EOIs for land subject to a dwelling cap as identified in an environmental planning instrument.
- seek that affordable housing offering demonstrates a commitment to align to NSW Affordable Housing Ministerial Guidelines and any applicable State or council policy.
- where a concurrent rezoning is sought, the affordable housing offering from the proponent should exceed the requirements already in place in a council or State policy, so that the affordable housing rate is proportional to the level of uplift sought.
- where the uplift sought through a concurrent rezoning is significant, the affordable housing offering should be provided in perpetuity, recognising the substantial benefit in uplift to the proponent.
- require EOIs to specify the intended nature of any affordable housing contribution including percentage rate, form, ownership and tenure.
- allow EOIs for SSD only (no concurrent rezonings) in areas where the Department has completed a State-led rezoning since the beginning of the National Housing Accord period, or finalised a local masterplan which replaces the TOD planning controls in State Environmental Planning Policy (Housing) 2021 (the Housing SEPP).
- exclude land subject to active State significant rezoning which is yet to be exhibited.
- outline that resubmission of previously unsuccessful EOIs will not be accepted where there is no material difference to proposed outcomes.

2. The Department consider use of a standard methodology to validate development yield of EOIs.
3. Maintain existing settings which limit the circumstances for which land subdivision may be considered through the HDA pathway.
4. The HDA consider use of targeted EOIs to address gaps, either by geography or type, in the housing pipeline.

6.2 Operational performance and timeliness

To support the triaging of applications, it is proposed to introduce a gate system to confirm the adequacy of applications within the first few days of lodgement, prior to processing. This will support lifting the quality of EOIs, as applicants who do not provide EOIs which can be readily progressed, will be rejected and asked to resubmit, losing their spot in the queue. Resubmitted EOIs will not be accepted unless there is a material change from the proposed outcome of the previous EOI not supported by the HDA.

EOIs seeking concurrent rezoning will be required to provide a concept scheme. A scheme will be asked to demonstrate existing controls, site context and proposed scale of development to support the HDA's decision making. This will also support understanding if an EOI may lead to an overall reduction in the number of dwellings already provided on site, so that the HDA can consider any potential net dwelling loss in their decision making.

Grouping EOIs, by location or type, may allow for efficiencies in processing and could provide opportunities for more strategic HDA consideration. The Department will review EOIs received for opportunities to group which may also support bringing forward consideration of EOIs.

Delegating HDA decision making is recommended to appropriate roles within the Department. Providing delegation would ensure the HDA's time is maximised by focusing on matters of greater complexity. Currently EOIs which fail to meet criteria, are still progressed to the HDA to use their authorisation to not support the proposal. Guidance to support the circumstances for when delegation can be used, and by whom, will be developed and presented to the HDA for consideration for adoption. This will also support the Department to redirect matters which have an existing pathway and do not require HDA consideration, removing duplication from a constrained process.

The HDA currently has the ability to defer applications, for any reason. This has been generally used to seek further advice prior to the HDA making a decision. It is recommended that the HDA employ greater use of deferrals for applications which may have merit, subject to modifications. This may include where affordable housing offered does not align to expectations, but the EOI proposal otherwise aligns with the criteria and has merit.

There are a number of locations where a clustering of EOIs has become evident. This may be multiple applications in one block, or a number across a centre. The HDA should consider providing advice to identify potential State-led rezonings where this occurs. These clusters may represent a need for review of the planning controls and a coordinated approach provides opportunity to consider a response holistically.

Updates to the HDA's Terms of Reference, Code of Conduct and Operational Procedure are also recommended to address changes in legislation, contemporary practice of the

HDA and to implement recommendations of this review. The Department will also finalise policy to guide process where an amendment to a declaration is required or where a departure from an EOI is proposed.

Guidance will also be provided to local government on the form of feedback which should be provided on EOIs. This will ensure responses are targeted on key issues and resources are maximised. This guidance will also outline the stages in the SSDA process when further feedback and engagement will occur.

Further improvements to support greater transparency should also be considered, including improved navigability of the published information on the Department's website.

Case management across the end-to-end process of the HDA pathway has improved since establishment. To support a comprehensive understanding of the performance of the pathway in achieving the objectives for which it was created, the HDA is recommended to receive regular reports on the status of projects and end-to-end timeframes.

Amendments to the *Environmental Planning and Assessment Regulations 2021* set a 9 month expiry date for SEARs issued to projects in the HDA pathway and provide more rigour to the intended 'use it or lose it' approach. This will assist in achieving the objective of delivering homes sooner. Improved case management has also identified applications which have not meaningfully progressed and will be presented to the Minister for consideration of revocation of their declaration as SSD. It is recommended that the HDA and Department continue to review progress to ensure applicants maintain commitments to progress through the HDA pathway in a timely manner.

Recommendations:

5. Amend the HDA Operational Procedures to introduce a gate approach to support the Department reviewing applications for adequacy prior to formally accepting submission.
6. Where the HDA considers an EOI demonstrates merit but requires some amendments, the HDA use their deferral powers to encourage amendments prior to declaration to ensure aligned expectations.
7. HDA can provide advice that may be considered by the Planning Secretary when preparing the environmental assessment requirements (SEARs) for development.
8. Amend EOI form to include requirement for EOIs seeking a rezoning to be supported by a concept scheme of the proposal and context.
9. Consider alternative methods of bringing forward batched EOI applications to the HDA to enable location or thematic consideration.
10. Finalise planned updates to HDA Terms of Reference, Operational Procedures and Code of Conduct, inclusive of improvements identified through this review.

11. Delegate to relevant staff within the Department, the HDA's function of reviewing EOIs, and determining to either not support, redirect, or recommended declaration aligned with the HDA SSD Criteria, and supported by amendments to the published Operational Procedures.
12. Provide clear and publicly available guidance to local government on the preferred form of feedback to HDA EOIs.
13. The HDA utilise existing functions to provide advice to the Department on potential State-led rezonings, through the established State Significant Evaluation Panel.
14. Finalise policy to guide decision making and processes on amendments, including amendments to development declared as SSD under a Ministerial Order.
15. Regular reporting on end-to-end timeframes and status of projects be presented to the HDA.
16. The HDA and Department continue to review progress to ensure applicants maintain commitments to progress SSDAs through the HDA pathway in a timely manner.

7. Implementation

Recommended changes to the HDA SSD Criteria are proposed to be implemented immediately and guide the HDA's evaluation of all EOIs going forward, inclusive of those lodged but yet to be considered.

Some recommendations of this review will be implemented in stages. Changes to HDA governance documents, including the Operational Procedures will be prepared for adoption as soon as practical. Some changes require minimal or no changes to formal settings and will instead require changes in HDA or supporting Departmental practices.

Matters which have previously been declared SSD through the pathway will continue to be progressed through the SSDA process and assessed on the merits of the application.