



New South Wales

# Environmental Planning and Assessment Amendment (State Significant Development) Act 2024 No 91

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New South Wales

# **Environmental Planning and Assessment Amendment (State Significant Development) Act 2024 No 91**

Act No 91, 2024

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An Act to amend the *Environmental Planning and Assessment Act 1979* in response to a recent court decision impacting State significant development consents. [Assented to 2 December 2024]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Environmental Planning and Assessment Amendment (State Significant Development) Act 2024*.

**2 Commencement**

This Act commences on the date of assent to this Act.

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

### **[1]      Section 4.38 Consent for State significant development**

Insert after section 4.38(4)—

- (4A) The Planning Secretary may determine that particular development does or does not form part of a single proposed development for the purposes of subsection (4).
- (4B) Subsection (4) does not apply to development that the Planning Secretary determines does not form part of a single proposed development under subsection (4A).
- (4C) The regulations may provide for the following in relation to a determination made under subsection (4A)—
  - (a) the form and way in which a determination must be made,
  - (b) the procedure for making a determination, including requirements for consultation,
  - (c) the circumstances in which the Planning Secretary may make a determination.

### **[2]      Schedule 8 Special provisions**

Insert at the end of the schedule, with appropriate part and clause numbering—

## **Part      Validation of development consents consequent on enactment of Environmental Planning and Assessment Amendment (State Significant Development) Act 2024**

### **Validation of certain development consents**

- (1) Anything done or omitted to be done before the commencement of the amending Act that would have been valid but for the operation of this Act, section 4.38(4) is validated.
- (2) Subclause (1) does not render valid—
  - (a) a development consent that was, before the commencement of the amending Act, declared by a court to be invalid, or
  - (b) a development application that was lodged after, and in reliance on, a development consent referred to in paragraph (a).
- (3) In this clause—  
*amending Act* means the *Environmental Planning and Assessment Amendment (State Significant Development) Act 2024*.

[Second reading speech made in—

Legislative Assembly on 16 October 2024  
Legislative Council on 21 November 2024]