



New South Wales

Environmental Planning and Assessment Amendment (Public Authorities and Planning Certificates) Regulation 2008

under the

Environmental Planning and Assessment Act 1979

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The objects of this Regulation are to amend the *Environmental Planning and Assessment Regulation 2000*:

- (a) to include Australian Rail Track Corporation Ltd as a “public authority”, so as to provide it with the same rights and responsibilities as a public authority:
 - (i) in relation to Part 3A of the *Environmental Planning and Assessment Act 1979* for rail and related transport facilities under *State Environmental Planning Policy (Major Projects) 2005*, and
 - (ii) in relation to Part 5 of the Act for rail infrastructure facilities, development in and adjacent to rail corridors and development for particular railway projects that are permitted without consent under *State Environmental Planning Policy (Infrastructure) 2007* or any other planning instrument, and
- (b) to require a statement of whether there is a current site compatibility certificate, issued under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* or *State Environmental Planning Policy (Infrastructure) 2007* (of which the council is aware), to be included in a planning certificate for that land issued under section 149 of the Act by a council.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4 (1), 149 and 157 (the general regulation-making power).

2008 No 118

Clause 1

Environmental Planning and Assessment Amendment (Public Authorities and Planning Certificates) Regulation 2008

**Environmental Planning and Assessment Amendment
(Public Authorities and Planning Certificates)
Regulation 2008**

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Public Authorities and Planning Certificates) Regulation 2008*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 277

Omit the clause. Insert instead:

277 Public authorities

For the purpose of the definition of *public authority* in section 4 (1) of the Act, Australian Rail Track Corporation Ltd is prescribed, but only so as:

- (a) to enable the corporation to be treated as a public authority within the meaning of Part 3A of the Act in relation to development for the purposes of rail and related transport facilities that is declared to be a project to which Part 3A applies under *State Environmental Planning Policy (Major Projects) 2005*, and
- (b) to allow the corporation to be a determining authority within the meaning of Part 5 of the Act for:
 - (i) development for the purposes of rail infrastructure facilities, development in or adjacent to rail corridors and development for prescribed railways or railway projects that is permitted without consent by a public authority under *State Environmental Planning Policy (Infrastructure) 2007*, and
 - (ii) any other development for the purposes of rail infrastructure facilities and development in or adjacent to rail corridors within the meaning of that Policy that is permitted without consent under any other environmental planning instrument.

[2] Schedule 4 Planning certificates

Omit clause 15. Insert instead:

15 Site compatibility certificates and conditions for seniors housing

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

- (a) a statement of whether there is a current site compatibility certificate (of which the council is aware), issued under clause 25 of that Policy in respect of proposed development on the land and, if there is a certificate, the statement is to include:

2008 No 118

Environmental Planning and Assessment Amendment (Public Authorities and Planning Certificates) Regulation 2008

Schedule 1 Amendments

- (i) the period for which the certificate is current, and
- (ii) that a copy may be obtained from the head office of the Department of Planning, and
- (b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (of which the council is aware), issued under clause 19 of *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department of Planning.

BY AUTHORITY
