



New South Wales

# Environmental Planning and Assessment Amendment (False or Misleading Information) Regulation 2018

under the

Environmental Planning and Assessment Act 1979

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

ANTHONY ROBERTS, MP  
Minister for Planning

## Explanatory note

The objects of this Regulation are:

- (a) to extend the offence of providing false or misleading information in connection with a planning matter to the provision of information in or for the purposes of a submission in response to the public exhibition of the following:
  - (i) a draft strategic plan,
  - (ii) a planning proposal,
  - (iii) an environmental impact statement,
  - (iv) a development application,
  - (v) an application for approval to carry out State significant infrastructure,
  - (vi) a request or application to modify or amend an approval or development consent,
  - (vii) any other plan, policy, strategy or document publicly exhibited for a planning purpose by the Department of Planning and Environment or a local council, and
- (b) to update certain references to transferred provisions consequent on the enactment of the *Environmental Planning and Assessment Amendment Act 2017*.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 10.6 (3) (d) and 10.13 (the general regulation-making provision).

## **Environmental Planning and Assessment Amendment (False or Misleading Information) Regulation 2018**

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### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (False or Misleading Information) Regulation 2018*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Environmental Planning and Assessment Regulation 2000**

### **[1]    Clause 285B**

Omit the clause. Insert instead:

#### **285B    Provision of false or misleading information in connection with a planning matter**

- (1) The matters specified in this clause are declared to be the provision of information in connection with a planning matter for the purposes of section 10.6 of the Act.
- (2) The provision of information in response to a requirement imposed by any of the following conditions (except a condition imposed under section 9.40 of the Act):
  - (a) a condition of development consent,
  - (b) a condition of an approval to carry out a project that is a transitional Part 3A project (as defined in clause 2 of Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*),
  - (c) a condition of an approval to carry out State significant infrastructure under Division 5.2 of the Act.
- (3) The provision of information in or for the purposes of a submission in response to the public exhibition of any of the following documents:
  - (a) a draft strategic plan,
  - (b) a planning proposal,
  - (c) an environmental impact statement,
  - (d) a development application, an application for approval to carry out State significant infrastructure or any request or application to modify or amend an approval or development consent,
  - (e) any other plan, policy, strategy or document publicly exhibited for a planning purpose by the Department or a local council.

### **[2]    Schedule 5 Penalty notice offences**

Omit “Schedule 6A to the Act” from Column 1.

Insert instead “Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*”.