



New South Wales

Environmental Planning and Assessment Further Amendment 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 object of this Regulation is to make further savings, transitional and other provisions consequent on the enactment of the *Environmental Planning and Assessment Amendment Act 2017*, including provision relating to deemed refusal periods for the purposes of court appeals against the failure to deal with applications to extend the period before a consent expires or applications for building information certificates.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 10.13 and 10.15.

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Further Amendment 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 (Savings, Transitional and Other Provisions) Regulation 2017

[1] Clause 4A Interpretation—renumbered or relocated provisions of Act

Insert after clause 4A (4):

- (5) In this clause:
 relocated includes repealed and re-enacted, with or without modification.

[2] Clause 18 Postponement of revised building and subdivision certification provisions

Omit “and 86” from clause 18 (1) (a). Insert instead “, 86 and 121ZP”.

[3] Clause 18 (2)

Insert “, other than Division 6.7,” after “Part 6 of the Act (as inserted by the amending Act)”.

[4] Schedule 1 Transferred savings, transitional and other provisions—former Schedule 6 to the Act

Insert at the end of clause 1:

- (2) In this clause:
 relocated includes repealed and re-enacted, with or without modification.

[5] Schedule 2 Transferred transitional arrangements on repeal of Part 3A—former Schedule 6A to the Act

Insert after clause 1 (4):

- (5) In subclause (4):
 relocated includes repealed and re-enacted, with or without modification.

Schedule 2 Amendment of Environmental Planning and Assessment Regulation 2000

Clause 293

Insert at the end of Part 17:

293 Deemed refusal period for Court appeals

- (1) For the purposes of section 8.22 (2) of the Act, the period of 40 days after the date of the application to extend the period after which a development consent expires is prescribed.
- (2) For the purposes of section 8.25 (1) (b) of the Act, the period of 40 days after the following (whichever last occurs) is prescribed:
 - (a) the date of the application for the building information certificate,
 - (b) if the applicant receives a notice under section 6.26 (2) of the Act to supply information—the date on which the information is supplied.