



New South Wales

# Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Amendment (State Significant Infrastructure) Regulation 2019

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 provide that an approval for certain development that is State significant infrastructure (and that was a transitional Part 3A project) that is due to lapse on a specified day (the *original lapsing day*) does not lapse on that day if:

- (a) an application is made to the Minister to modify the approval to specify a later day on which the approval lapses, and
- (b) that application has not been determined on or before the original lapsing day.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 10.13 (the general regulation-making power) and 10.15.

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### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Amendment (State Significant Infrastructure) Regulation 2019*.

### **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**

### **Schedule 2 Transferred transitional arrangements on repeal of Part 3A—former Schedule 6A to the Act**

Insert after clause 5A:

#### **5B    Postponing the lapsing of approval to carry out State significant infrastructure**

- (1) This clause applies to development that was a transitional Part 3A project and that has been declared to be State significant infrastructure by an order under clause 5.
- (2) A condition that causes the approval for the development to lapse on a day (the *original lapsing day*) does not have effect and the approval instead lapses on the day specified in subclause (3) if:
  - (a) a request has been duly made to the Minister to modify the approval to specify a later day on which the approval will lapse (a *relevant modification request*), and
  - (b) the relevant modification request is made before the original lapsing day and the request has not been determined on or before that day.
- (3) The approval lapses 12 months after the relevant modification request is made unless before the end of that period:
  - (a) the relevant modification request is refused or withdrawn, in which case the approval lapses on the day on which the refusal or withdrawal occurs, or
  - (b) the relevant modification request is granted, in which case the approval lapses on the day specified in the modified approval.
- (4) This clause extends to a relevant modification request that was duly made before the commencement of this clause.
- (5) If a relevant modification request was made before the commencement of this clause and was not determined before the approval lapsed, the approval is revived for the purposes of the application of this clause and of any other request made before that commencement in relation to the approval. In that case, the period of 12 months referred to in subclause (3) is taken to be the 12 months after the commencement of this clause.