



New South Wales

Environmental Planning and Assessment Amendment (Miscellaneous) Regulation 2022

under the

Environmental Planning and Assessment Act 1979

Her 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 as follows—

- (a) to make permanent the current temporary arrangements for the adjournments of public hearings of the Independent Planning Commission,
- (b) to extend savings and transitional arrangements applying to development applications and applications for complying development to applications to modify development consents and complying development,
- (c) to make a number of minor amendments of a law revision nature.

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Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Miscellaneous) Regulation 2022*.

2 Commencement

This Regulation commences on 13 April 2022 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2021

- [1] **Sections 37(3)(b), 59(2)(c), 99(2)(b), 173(3), and 190(2)**
Omit “consider” wherever occurring. Insert instead “have regard to”.
- [2] **Section 61 Additional matters that consent authority must consider**
Omit “31 March” from section 61(8). Insert instead “30 September”.
- [3] **Section 66 Contributions plans for certain areas in Sydney—the Act, s 4.16(1)**
Omit “Zone E4” from section 66(1)(b). Insert instead “Zone C4”.
- [4] **Section 113 Amendment of modification application**
Insert after section 113(5)—
 (6) A requirement to use the NSW planning portal under this section does not apply if the modification application is subject to proceedings in the Court.
- [5] **Section 155 Development on contaminated land**
Omit “section 127(3)”. Insert instead “section 129(3)”.
- [6] **Section 179 Applications for approval**
Insert after section 179(3)(b)—
 (ba) be prepared having regard to the *State Significant Infrastructure Guidelines*, and
- [7] **Section 179(4)**
Omit the subsection.
- [8] **Section 180 Modification requests**
Insert after section 180(1)(b)—
 (ba) be prepared having regard to the *State Significant Infrastructure Guidelines*, and
- [9] **Section 180(2)**
Omit the subsection.
- [10] **Section 268 Other fees—the Act, section 10.8 and Sch 3, cl 3(2)**
Omit section 268(2)(b).
- [11] **Section 298**
Insert after section 297—
298 Adjournment of Independent Planning Commission public hearings—the Act, Sch 2, cl 8
 (1) A public hearing of the Independent Planning Commission may be adjourned to a specified time or date if the Commission considers the adjournment necessary.
 (2) The requirement to give reasonable notice of a public hearing under the Act, Schedule 2, clause 3 does not apply to a public hearing that is reconvened following an adjournment.

[12] Schedule 3 Designated development

Omit “an environment protection zone” from section 1(1), definition of *environmentally sensitive area of State significance*, paragraph (j).

Insert instead “a conservation zone”.

[13] Schedule 4 Fees

Omit “, building information certificate or complying development certificate” from item 9.4.

Insert instead “or building information certificate”.

[14] Schedule 4, item 9.6

Insert “construction certificate, subdivision works certificate, occupation certificate, subdivision certificate, complying development certificate or” after “Submitting”.

[15] Schedule 6 Savings, transitional and other provisions

Omit section 3. Insert instead—

3 Applications submitted before 1 March 2022

The 2000 Regulation continues to apply instead of this Regulation to the following applications submitted but not finally determined before 1 March 2022—

- (a) a development application,
- (b) an application for a complying development certificate,
- (c) a modification application,
- (d) an application to modify a complying development.

[16] Schedule 6, section 8(1)

Omit “The 2000 Reg.”. Insert instead “The 2000 Regulation.”.

[17] Schedule 6, section 8(1)

Omit “31 September”. Insert instead “30 September”.