



New South Wales

Environmental Planning and Assessment Amendment (Notice Requirements) Regulation 2022

under the

Environmental Planning and Assessment Act 1979

His Honour the Administrator, 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 require certain consent authorities to notify particular determinations of development applications and reviews in the form approved by the Secretary of the Department of Planning and Environment, unless the notice is in relation to State significant development or Crown development.

Environmental Planning and Assessment Amendment (Notice Requirements) Regulation 2022

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Environmental Planning and Assessment Act 1979

1 Name of Regulation

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

2 Commencement

This Regulation commences on 23 December 2022.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2021

[1] Section 87 Notice of determination of development application

Insert after subsection (4)—

- (4A) Notice must be given in the approved form if the consent authority is—
 - (a) a council, or
 - (b) a council exercising consent authority functions of a Sydney district or regional planning panel on behalf of the panel under the Act, section 4.7, or
 - (c) a local planning panel or an officer or employee exercising functions on behalf of a council under the Act, section 4.8.
- (4B) Subsection (4A) does not apply to a notice for—
 - (a) State significant development, or
 - (b) Crown development.

[2] Section 88 Content of notice of determination

Insert “or documents” after “plans” in section 88(1)(f)(iii).

[3] Section 118 Notice of determination of application to modify development consent

Omit “must contain a copy of the relevant plans endorsed by the consent authority.” from section 118(2).

Insert instead—

must—

- (a) contain a copy of relevant plans or documents endorsed by the consent authority, and
- (b) be given in the approved form if the consent authority is—
 - (i) a council, or
 - (ii) a council exercising consent authority functions of a Sydney district or regional planning panel on behalf of the panel under the Act, section 4.7, or
 - (iii) a local planning panel or an officer or employee exercising functions on behalf of a council under the Act, section 4.8.

[4] Section 118(2A)

Insert after section 118(2)—

- (2A) Subsection (2)(b) does not apply to a notice for—
 - (a) State significant development, or
 - (b) Crown development.

[5] Section 246 Notice of consent authority’s review

Insert after subsection (2)—

- (3) Notice must be given in the approved form if the consent authority is—
 - (a) a council, or

- (b) a council exercising consent authority functions of a Sydney district or regional planning panel on behalf of the panel under the Act, section 4.7, or
 - (c) a local planning panel or an officer or employee exercising functions on behalf of a council under the Act, section 4.8.
- (4) Subsection (3) does not apply to a notice for—
- (a) State significant development, or
 - (b) Crown development.

[6] Schedule 6 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and section numbering—

Part Provisions consequent on Environmental Planning and Assessment Amendment (Notice Requirements) Regulation 2022

Notice not required to be in approved form for certain applications

- (1) Despite the amendments made by the *Environmental Planning and Assessment Amendment (Notice Requirements) Regulation 2022*, notice of the following is not required to be given in the approved form—
- (a) a development application lodged but not finally determined before the start date,
 - (b) a modification application if the original development application was lodged before the start date,
 - (c) an application for review under the Act, Division 8.2 if the development application to which the review relates was lodged before the start date.
- (2) In this section—
- relevant council** means Albury City Council, Ballina Shire Council, Bathurst Regional Council, Bayside Council, Bega Valley Shire Council, Bellingen Shire Council, Blayney Shire Council, Blue Mountains City Council, Bogan Shire Council, Broken Hill City Council, Byron Shire Council, Camden Council, Central Coast Council, Cessnock City Council, Clarence Valley Council, Coffs Harbour City Council, Coolamon Shire Council, Dubbo Regional Council, Federation Council, Georges River Council, Goulburn Mulwaree Council, Greater Hume Shire Council, Griffith City Council, Kempsey Shire Council, Kyogle Council, Lachlan Shire Council, Lake Macquarie City Council, Lane Cove Municipal Council, Leeton Shire Council, Lismore City Council, Liverpool City Council, Maitland City Council, Mid-Western Regional Council, Mosman Municipal Council, Nambucca Valley Council, Narromine Shire Council, Newcastle City Council, Penrith City Council, Port Macquarie-Hastings Council, Port Stephens Council, Shellharbour City Council, Singleton Council, Snowy Monaro Regional Council, Strathfield Municipal Council, Tenterfield Shire Council, the Council of the Municipality of Hunter's Hill, the Council of the Municipality of Kiama, The Hills Shire Council, Upper Hunter Shire Council, Upper Lachlan Shire Council, Walgett Shire Council and Wollondilly Shire Council.
- start date** means—
- (a) in relation to a notice provided by or on behalf of a relevant council—1 May 2023, or

(b) otherwise—23 December 2022.

[7] Schedule 7 Dictionary

Insert in alphabetical order—

Crown development means development carried out by or on behalf of the Crown.