



New South Wales

# Environmental Planning and Assessment Amendment (Government and Non-Government Schools) Regulation 2024

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*.

PAUL SCULLY, MP  
Minister for Planning and Public Spaces

## Explanatory note

The object of this regulation is to make amendments consequential on *State Environmental Planning Policy (Transport and Infrastructure) Amendment (No 2) 2024* in relation to new health service facilities and new government schools.

This regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 1.4(1), definition of **public authority**, paragraph (g), 5.6, 5.10 and 10.13, the general regulation-making power.

## **Environmental Planning and Assessment Amendment (Government and Non-Government Schools) Regulation 2024**

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### **1 Name of regulation**

This regulation is the *Environmental Planning and Assessment Amendment (Government and Non-Government Schools) Regulation 2024*.

### **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 2021**

### **[1]      Section 171 Review of environmental factors—the Act, s 5.10(a)**

Insert after section 171(4)(b)—

- (b1) the activity is development carried out under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 2.61A or 3.37A, or

### **[2]      Part 8 Infrastructure and environmental impact assessment**

Insert at the end of Part 8, Division 7, with appropriate section numbering—

#### **Notification requirements relating to new health service facilities and new government schools—the Act, s 5.6**

- (1) This section applies if a determining authority, for an activity carried out under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 2.61A or 3.37A, has made a decision—
  - (a) to carry out the activity or grant an approval to carry out the activity, and
  - (b) to modify the activity, whether or not the modification will reduce the overall environmental impact of the activity.
- (2) The determining authority must give notice of the decision to the following—
  - (a) the council for the area in which the activity is proposed to be carried out,
  - (b) Transport for NSW,
  - (c) the occupiers of any dwelling located within 20m of the site boundary of the proposed development.
- (3) The notice must be given within 30 days after the decision is made.

### **[3]      Section 198 Approved Codes**

Omit section 198(1)(b).

### **[4]      Schedule 1 Public authorities**

Omit section 5(1). Insert instead—

- (1) The proprietor of a registered non-government school, but only for the purposes of being a public authority in relation to development at the school that is exempt development under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, section 3.17.