

Passed by both Houses



New South Wales

Environmental Planning and Assessment Amendment (State Significant Development) Bill 2024

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2024



New South Wales

Environmental Planning and Assessment Amendment (State Significant Development) Bill 2024

Act No _____, 2024

An Act to amend the *Environmental Planning and Assessment Act 1979* in response to a recent court decision impacting State significant development consents.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Environmental Planning and Assessment Amendment (State Significant Development) Act 2024*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

[1] Section 4.38 Consent for State significant development

Insert after section 4.38(4)—

- (4A) The Planning Secretary may determine that particular development does or does not form part of a single proposed development for the purposes of subsection (4).
- (4B) Subsection (4) does not apply to development that the Planning Secretary determines does not form part of a single proposed development under subsection (4A).
- (4C) The regulations may provide for the following in relation to a determination made under subsection (4A)—
 - (a) the form and way in which a determination must be made,
 - (b) the procedure for making a determination, including requirements for consultation,
 - (c) the circumstances in which the Planning Secretary may make a determination.

[2] Schedule 8 Special provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Validation of development consents consequent on enactment of Environmental Planning and Assessment Amendment (State Significant Development) Act 2024

Validation of certain development consents

- (1) Anything done or omitted to be done before the commencement of the amending Act that would have been valid but for the operation of this Act, section 4.38(4) is validated.
- (2) Subclause (1) does not render valid—
 - (a) a development consent that was, before the commencement of the amending Act, declared by a court to be invalid, or
 - (b) a development application that was lodged after, and in reliance on, a development consent referred to in paragraph (a).
- (3) In this clause—
amending Act means the *Environmental Planning and Assessment Amendment (State Significant Development) Act 2024*.