

Environmental Planning and Assessment Amendment Act 2014 No 79

[2014-79]



New South Wales

Status Information

Currency of version

Historical version for 1 December 2015 to 1 March 2018 (accessed 6 December 2023 at 19:01)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Environmental Planning and Assessment Amendment Act 2014 No 79



New South Wales

An Act to amend the *Environmental Planning and Assessment Act 1979* with respect to offences and penalties, enforcement powers and ePlanning; and for other purposes.

1 Name of Act

This Act is the *Environmental Planning and Assessment Amendment Act 2014*.

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedules 4 (except Schedule 4 [6]) and 5 commence on the date of assent to this Act.

Schedule 1 Amendment of *Environmental Planning and Assessment Act 1979 No 203*—Offences and penalties

[1]-[13] (Repealed)

Schedule 2 (Repealed)

Schedule 3 Amendment of *Environmental Planning and Assessment Act 1979 No 203*—ePlanning

[1] (Repealed)

[2] Section 4 (6)

Omit “by order published in the Gazette”. Insert instead “by Ministerial planning order”.

[3] (Repealed)

[4] Section 23 Delegation

Omit “published in the Gazette” from section 23 (7).

Insert instead “published on the NSW planning portal”.

[5] Section 54 Relevant planning authority

Omit “by order published in the Gazette” from section 54 (6).

Insert instead “by Ministerial planning order”.

[5A] Section 79 Public participation—designated development

Omit “in a newspaper circulating in the locality” from section 79 (1) (d).

[6] Section 82D Effect of review of decisions

Omit section 82D (4).

[7] Section 83 Date from which consent operates

Omit section 83 (1). Insert instead:

- (1) Subject to subsections (2) and (3), if a determination is made by the granting of consent, consent becomes effective and operates on and from:
 - (a) the date the determination is registered on the NSW planning portal, or
 - (b) in the case of designated development to which an objection has been made in accordance with section 79 (5) (being consent that was not granted under section 80 (6) or (7) following the holding of a public hearing by the Planning Assessment Commission)—the end of 28 days after the date the determination is registered on the NSW planning portal.

[8] Section 83 (2) (b)

Omit “operates from the date of the determination of that appeal”.

Insert instead “operates (subject to any order of the court) on and from the date the decision is registered on the NSW planning portal after the determination of the appeal”.

[9] Section 83 (4)

Omit “operates from the date of that decision”.

Insert instead “operates (subject to any order of the court) on and from the date the decision is registered on the NSW planning portal”.

[10] Section 89C Development that is State significant development

Omit “by order published in the Gazette” from section 89C (3).

Insert instead “by Ministerial planning order”.

[11] Section 110A Nomination of nominated determining authority

Omit “by order published in the Gazette and in a newspaper circulating throughout the State” from section 110A (1).

Insert instead “by Ministerial planning order”.

[12] Section 115P Approval of Minister administering this Act required for designated fishing activity where Fisheries Minister is or is declared to be proponent

Omit “by order published in the Gazette” from section 115P (1) (b).

Insert instead “by Ministerial planning order”.

[13] Section 117 Directions by the Minister

Omit “publication in the Gazette or on a website maintained by the Department (or both)” from section 117 (2A).

Insert instead “publication on the NSW planning portal”.

[14] Section 118 Appointment of planning administrator, planning assessment panel or regional panel

Omit “published in the Gazette” from section 118 (7), (7A) and (9) wherever occurring.

Insert instead “published on the NSW planning portal”.

[15] Section 158A Copyright in documents used for purposes of this Act

Insert after section 158A (1):

(1A) The regulations may require a relevant person who is entitled to copyright in a document that is part of a planning matter to give (in the planning matter or otherwise) a licence to the State or a council to use the copyright material for the purposes of this Act. The regulations may also require a relevant person who is not so entitled to that copyright to give a warranty (in the planning matter or otherwise) that the relevant person has a licence to so use the copyright material from the person who is entitled to copyright in any such document.

[16] Section 158A (4A)

Insert after section 158A (4):

(4A) This section extends to planning matters in paper or electronic form.

[17] (Repealed)

Schedules 4-6 (Repealed)