



New South Wales

Environmental Planning and Assessment Amendment (Certification) Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Environmental Planning and Assessment Act 1979* to provide that the Minister for Planning and Public Spaces may certify development in certain circumstances and to validate certain certificates.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

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

Schedule 1[2] provides that the Minister for Planning and Public Spaces may be a certifier for development for which the Minister granted development consent.

Schedule 1[3] inserts proposed section 6.5A, which provides that a person prescribed by the regulations may issue a subdivision certificate in relation to development prescribed by the regulations.

Schedule 1[5] provides that the regulations may prescribe charges and fees payable in connection with a building information certificate and mechanisms to determine the charges and fees.

Schedule 1[7] validates certain occupation certificates.

Schedule 1[1] and [6] update outdated cross-references and **Schedule 1[4]** omits a redundant note.

Schedule 2 Amendment of other legislation

Schedule 2.1 amends the *Building and Development Certifiers Act 2018*, section 5 to clarify that the Minister administering the *Environmental Planning and Assessment Act 1979*, or a delegate of the Minister, is not required to be registered to carry out certification work.

Schedule 2.2 inserts a new section 53A into the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* to prescribe persons for the purposes of the proposed *Environmental Planning and Assessment Act 1979*, section 6.5A.

Schedule 2.3 omits the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, clauses 18B, 18BA and 18C, which are provisions that allow certain port operators, Transport for New South Wales and the Minister, respectively, to issue subdivision certificates in certain circumstances and which expire on 1 December 2024.