



New South Wales

# Environmental Planning and Assessment Amendment (State Significant Development) 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* in relation to State significant development and to validate certain development consents.

## 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[1]** provides that the Secretary of the Department of Planning, Housing and Infrastructure may determine that particular development does or does not form part of a single proposed State significant development for the purposes of certain development consent requirements.

**Schedule 1[2]** validates certain development consents granted before the commencement of the proposed Act.



New South Wales

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

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

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

No. \_\_\_\_\_, 2024

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## **A Bill for**

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

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

*Clerk of the Parliaments*

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**Tabling copy**

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

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

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4

**2 Commencement**

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

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<b>Schedule 1</b>	<b>Amendment of Environmental Planning and Assessment Act 1979 No 203</b>	1
		2
<b>[1]</b>	<b>Section 4.38 Consent for State significant development</b>	3
	Insert after section 4.38(4)—	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).	5 6 7
	(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).	8 9 10
	(4C) The regulations may provide for the following in relation to a determination made under subsection (4A)—	11 12
	(a) the form and way in which a determination must be made,	13
	(b) the procedure for making a determination, including requirements for consultation,	14 15
	(c) the circumstances in which the Planning Secretary may make a determination.	16 17
<b>[2]</b>	<b>Schedule 8 Special provisions</b>	18
	Insert at the end of the schedule, with appropriate part and clause numbering—	19
<b>Part</b>	<b>Validation of development consents consequent on enactment of Environmental Planning and Assessment Amendment (State Significant Development) Act 2024</b>	20 21 22 23
	<b>Validation of certain development consents</b>	24
	(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.	25 26 27
	(2) Subclause (1) does not render valid—	28
	(a) a development consent that was, before the commencement of the amending Act, declared by a court to be invalid, or	29 30
	(b) a development application that was lodged after, and in reliance on, a development consent referred to in paragraph (a).	31 32
	(3) In this clause—	33
	<i>amending Act</i> means the <i>Environmental Planning and Assessment Amendment (State Significant Development) Act 2024</i> .	34 35