



PLANNING SYSTEM

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Related	PS 09–016

Changes to Crown development provisions under the EP&A Act

The purpose of this circular is to outline provisions of the *Environmental Planning and Assessment Amendment Act 2008* relating to Crown development that commence on 1 July 2009.

Introduction

The *Environmental Planning and Assessment Amendment Act 2008* was assented to on 25 June 2008 (Amendment Act).

Crown development provisions of the Amendment Act and related changes to the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) commence on 1 July 2009.

Changes to Crown development under the EP&A Act and Regulation

The Crown development changes to the *Environmental Planning and Assessment Act 1979* (EP&A Act) replace the existing Crown development provisions contained in Part 5A of the EP&A Act.

The new provisions are now set out in Division 4 of Part 4 of the EP&A Act and only apply to Crown development applications (DAs) made after 1 July 2009.

Changes to the EP&A Act and EP&A Regulation related to Crown development include the following:

- a consent authority (other than the Minister) must not refuse a Crown DA except with the approval of the Minister, or impose a condition on consent except with the approval of the Minister or the applicant (note: this is consistent with the pre-1 July 2009 Crown development provisions of the Act)
- if a consent authority fails to determine a Crown DA within 70 days, the applicant or the consent authority may refer the application to:
 - the Minister—if the consent authority is not a council, or
 - the applicable joint regional planning panel (JRPP)—if the consent authority is a council

- where a Crown DA is referred to a JRPP and the JRPP fails to determine it within 50 days, the applicant or the JRPP may refer the DA to the Minister
- the Minister may issue directions to the consent authority with respect to the determination of Crown DAs referred to the Minister, and require a consent authority to comply with such directions (note: this is also consistent with the pre-1 July 2009 Crown development provisions of the Act).

Note: This circular should be read in conjunction with circular PS 09–016 on the establishment of JRPPs. JRPPs will determine Crown DAs lodged after 1 July 2009 for development with a capital investment value over \$5 million).

Further information

The Amendment Act and the EP&A Regulation are available on the NSW legislation website at www.legislation.nsw.gov.au.

Note: This and other Department of Planning circulars are published on the web at www.planning.nsw.gov.au/planningsystem/practicenotes.

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Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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