



New South Wales

Environmental Planning and Assessment Amendment (Schools) Regulation 2024

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

Explanatory note

The objects of this regulation are as follows—

- (a) to require an application for a complying development certificate for certain development in schools under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 3 to be accompanied by a certificate relating to traffic impacts,
- (b) to require a planning certificate issued by a council in relation to specified land in a local government area to include information about water or sewerage services provided to the land under the *Water Industry Competition Act 2006*.

This regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.28(1), 10.7 and 10.13, the general regulation-making power.

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1 Name of regulation

This regulation is the *Environmental Planning and Assessment Amendment (Schools) Regulation 2024*.

2 Commencement

This regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2021

[1] Section 128 Traffic generating complying development

Insert “, other than section 3.40(1)(a)(viia),” after “section 3.40(1)” in section 128(1)(a).

[2] Section 128(1)(a1)

Insert after section 128(1)(a)—

- (a1) development for a purpose specified in the following provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021*—
 - (i) section 3.40(1)(a)(viia) if the relevant preschool will provide preschool care for 50 or more children,
 - (ii) section 3.40(2A),

[3] Schedule 2 Planning certificates

Insert at the end of the schedule, with appropriate section numbering—

Water or sewerage services

If water or sewerage services are, or are to be, provided to the land under the *Water Industry Competition Act 2006*, a statement to that effect.

Note— A public water utility may not be the provider of some or all of the services to the land. If a water or sewerage service is provided to the land by a licensee under the *Water Industry Competition Act 2006*, a contract for the service will be deemed to have been entered into between the licensee and the owner of the land. A register relating to approvals and licences necessary for the provision of water or sewerage services under the *Water Industry Competition Act 2006* is maintained by the Independent Pricing and Regulatory Tribunal and provides information about the areas serviced, or to be serviced, under that Act. Purchasers should check the register to understand who will service the property. Outstanding charges for water or sewerage services provided under the *Water Industry Competition Act 2006* become the responsibility of the purchaser.

[4] Schedule 6 Savings, transitional and other provisions

Omit “made” from section 28(1)(b).

Insert instead “submitted on the NSW planning portal”.