

1994—No. 569

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT  
1979—REGULATION**

(Relating to a transitional matter)

NEW SOUTH WALES



*[Published in Gazette No. 145 of 28 October 1994]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the Regulation set forth hereunder.

Robert Webster  
Minister for Planning.

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The Environmental Planning and Assessment Regulation 1994 is amended:

- (a) by inserting after clause 116 (3) the following subclause:
  - (4) Schedule 6 has effect.
- (b) by inserting after Schedule 5 the following Schedule:

**SCHEDULE 6—SAVINGS AND TRANSITIONAL  
PROVISIONS**

(Cl. 116 (4))

**Environmental Planning and Assessment (Part 5) Amendment  
Act 1993**

1. (1) This clause applies to development by the Hunter Water Corporation Limited for the purposes of the Grahamstown Dam, being those stages of the development which the Minister for Planning certified in 1992 as development of regional significance for the purposes of section 37A of the State Owned Corporations Act 1989.

(2) The amendments made to section 37A of the State Owned Corporations Act 1989 by the Environmental Planning and Assessment (Part 5) Amendment Act 1993 do not apply to development to which this clause applies, and that section (as in force before those amendments) continues to apply to that development.

(3) This clause is made under clause 1 of Schedule 6 to the Act.

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#### **EXPLANATORY NOTE**

The object of this Regulation is to make a transitional provision to deal with an environmental assessment under Part 5 of the Environmental Planning and Assessment Act 1979 that was pending on the commencement of amendments to the State Owned Corporations Act 1989 made by the Environmental Planning and Assessment (Part 5) Amendment Act 1993. That amending Act requires the approval of the Minister for Planning if that Minister directs that an environmental impact statement be obtained for any development by a State owned corporation of State or regional significance. Before that amendment the portfolio Minister was the determining authority if the Minister for Planning declared development to be of State or regional significance.

In 1992 the Minister declared that development by the Hunter Water Corporation Limited for stages 1 and 2 of the Grahamstown Dam project was of regional significance.

On the commencement of the amending Act, stage 1 of the project had been determined, but stage 2 had not been determined because a supplementary EIS was required. This regulation ensures that the Minister for Housing (the relevant portfolio Minister) remains the determining authority for development relating to stage 2 to remove any doubt about the matter.

This regulation is made under the authority conferred by Schedule 6 to the Environmental Planning and Assessment Act 1979, as inserted by the Environmental Planning and Assessment (Amendment) Act 1994.

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