

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

(Relating to the form of development applications, the giving of notice under the Act and the measurement of distances in connection with development applications for designated development)

NEW SOUTH WALES



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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 MLC
Minister for Planning.

Commencement

1. This Regulation commences on 25 November 1994.

Amendment

2 The Environmental Planning and Assessment Regulation 1994 is amended:

- (a) by omitting from clause 59 (2) the matter “28” and by inserting instead the matter “14”;
- (b) by omitting clause 81 (c) and by inserting instead the following paragraph:
 - (c) if the notice contains a statement that the development consent is available at the consent authority’s offices (or, if the consent authority is not the council, at the consent authority’s offices or the council’s offices) for public inspection, free of charge, during the consent authority’s or council’s ordinary office hours.
- (c) by omitting from clause 84 (4) the words “any development application made” and by inserting instead the words “any relevant notice under section 113 (1) of the Act given”;

- (d) by inserting in Part 3 of Schedule 3 after the definition of “contaminated soil” the following definition:

development site, in relation to a development application, means:

- (a) the whole of the land to which the application applies; or
- (b) if the application identifies part only of the land as the actual site of the proposed development, the part of the land so identified,

and, in relation to a development application for development involving alterations or additions to development (whether existing or approved), includes the actual site of the existing or approved development.

- (e) by omitting from the matter in Part 4 of Schedule 3 under the headings “coastline:”, “environmentally sensitive area:”, “extractive industries and mines (including coal and limestone):”, “waterbody:” and “wetlands:” the words “the land to which the development application applies” wherever occurring and by inserting instead the words “the development site”

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to reduce, from 28 to 14 days, the minimum period to be specified in certain notices under section 84 of the Act (notices concerning “advertised development”), so reducing the minimum period for which development applications for advertised development must be available for public inspection; and
- (b) to provide that development consent granted by a consent authority other than a council is publicly notified for the purposes of section 104A of the Act if the relevant public notice states that the consent is available for inspection at either the consent authority’s or the council’s offices rather than, as is currently the case, at the council’s offices only; and
- (c) to correct a minor error in a transitional provision concerning the preparation of environmental impact statements under Part 5 of the Act; and
- (d) to provide for distances measured in connection with development applications for designated development to relate to the boundaries of a proposed development site rather than, as is currently the case, the boundaries of the land to which the relevant development application applies.

By operation of section 86 of the Act, the amendment referred to in paragraph (a) reduces the period of public availability for development applications the subject of notices published after this Regulation is made, but not for development applications the subject of notices already published.

This Regulation is made under the Environmental Planning and Assessment Act 1979, including section 157 (the general regulation making power).
