



New South Wales

# **Environmental Planning and Assessment Amendment (Public Consultation) Regulation 1996**

under the

Environmental Planning and Assessment Act 1979

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

CRAIG KNOWLES MP

Minister for Urban Affairs and Planning

## **Explanatory note**

Under Division 4 of Part 5 of the *Environmental Planning and Assessment Act 1979*, the Minister's approval must be obtained to the carrying out of certain activities where the proponent is also the determining authority. Any proposed modification of such an activity that is inconsistent with the approval also requires the Minister's approval. The object of this Regulation is to set out the procedure for publicly exhibiting the particulars of the proposed modification of the approved activity in cases where that Act does not require the preparation of an environmental impact statement.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 157 (the general regulation-making power) and section 115BA (5) (b).

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## **Environmental Planning and Assessment Amendment (Public Consultation) Regulation 1996**

### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Public Consultation) Regulation 1996*.

### **2 Commencement**

This Regulation commences on 1 August 1996.

### **3 Amendment of Environmental Planning and Assessment Regulation 1994**

The *Environmental Planning and Assessment Regulation 1994* is amended as set out in Schedule 1.

### **4 Notes**

The explanatory note does not form part of this Regulation.

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**Schedule 1    Amendment**

(Clause 3)

**Part 8, Division 4A**

Insert after Division 4:

**Division 4A    Public participation—modification of  
Minister's approval where no environmental  
impact statement required****90A    Particulars of proposed modification to be publicly  
exhibited**

- (1) For the purposes of section 115BA (5) (b) of the Act, particulars of a proposed modification of an approved activity must be publicly exhibited in accordance with this Division.
- (2) In this Division, *particulars* of a proposed modification include a description of the modification to be made to the approved activity and the locality of the proposed modified activity.

**90B    Notice to be given of the public exhibition of the  
proposed modification**

- (1) Notice of the period during which the particulars of the proposed modification may be inspected and the places and times for inspection:
  - (a) must be published in a local newspaper circulating in the locality of the proposed modified activity, and
  - (b) must be published in the newspaper on at least 2 separate occasions before the start of that inspection period, and
  - (c) must appear in the display section of the newspaper.

- (2) The notice must include the following matters:
- (a) the following heading in capital letters and bold type:

**“PROPOSED MODIFICATION TO *(a title description of approved activity and its location)*—PUBLIC EXHIBITION”**
  - (b) brief particulars of the proposed modification,
  - (c) the name of the proponent,
  - (d) a statement of the period during which the particulars of the proposed modification may be inspected and the places and times for inspection,
  - (e) a statement that any person may, before the end of that inspection period, make written representations to the proponent about the proposed modification.

**90C Where may the proposed modification be inspected?**

The particulars of the proposed modification are to be available for inspection during the inspection period specified in the notice under clause 90B:

- (a) at the principal office of the proponent and the Department, and
- (b) at the office of the proponent and the Department closest to the locality in which the proposed modified activity is to be carried out, and
- (c) at the principal office of the council for the area in which the proposed modified activity is to be carried out, and
- (d) at the Sydney office of the Environment Centre (New South Wales) Pty Ltd.

**90D Period of exhibition of proposed modification**

The particulars of the proposed modification are to be available for inspection for a period of at least 14 days beginning on the day following the second occasion on which the relevant notice is published under clause 90B.

**90E Representations on proposed modification**

- (1) Any person may, during the inspection period specified in the notice under clause 90B, inspect the particulars of the proposed modification and may, before the end of that inspection period, make written representations to the proponent about the proposed modification.
- (2) The proponent must include, in the request to the Minister for the modification of the relevant approval, a copy of any written representations made to the proponent in accordance with this clause.