



New South Wales

# **Environmental Planning and Assessment Amendment (Designated Development) Regulation 1998**

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, M.P.,

Minister for Urban Affairs and Planning

## **Explanatory note**

The objects of this Regulation are:

- (a) to ensure that artificial waterbodies that are on land to which the *Sydney Regional Environmental Plan No II—PenritihLakes Scheme* applies do not fall within the artificial waterbody category of designated development specified in Schedule 3 to the *Environmental Planning and Assessment Regulation 1994*, and
- (b) to qualify the operation of clause 53C of the Regulation so that the amendment made to Schedule 3 can extend to any pending development applications.

This Regulation also makes a minor amendment by way of law revision.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 77A and 157 (the general regulation-making power).

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## **Environmental Planning and Assessment Amendment (Designated Development) Regulation 1998**

### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Designated Development) Regulation 1998*.

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

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

### **3 Notes**

The explanatory note does not form part of this Regulation.

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 53C What is designated development?

Insert after clause 53C (2):

- (2A) Subclause (2) does not apply to any development application that is made, but not finally determined, before the commencement of this subclause in respect of land to which the *Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme* applies.

### [2] Schedule 3 Designated development

Omit "any other waterbody" from paragraph (1) (b) of the matter relating to *Aquaculture or mariculture* in Part 1.

Insert instead "natural waterbodies".

### [3] Schedule 3, Part 1

Insert at the end of the matter relating to **Artificial waterbodies**:

This designation of artificial waterbodies does not include artificial waterbodies on land to which the *Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme* applies.