



New South Wales

Environmental Planning and Assessment (SEPP 59) Amendment Regulation 1999

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*.

C J Knowles

Minister for Urban Affairs and Planning

Explanatory note

The object of this Regulation is to facilitate the environmental planning and development of the land to which proposed *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* applies.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 78A (1), 80 (1), 94B (1), 105 and 157 (the general regulation-making power).

1999 No 73

Clause 1

Environmental Planning and Assessment (SEPP 59) Amendment Regulation 1999

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment (SEPP 59) Amendment Regulation 1999*.

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.

Schedule 1 Amendment

(Clause 3)

Clauses 110A–110C

Insert after clause 110:

110A Release areas under SEPP 59

Pursuant to section 78A (1) of the Act, a person cannot apply to a consent authority for consent to carry out development on land zoned “Employment” or “Residential” under *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* unless the Minister has, in accordance with clause 11 of that Policy, declared the land to be, or to be part of, a release area.

110B Precinct plans and sec 94B contributions plans under SEPP 59

- (1) Pursuant to section 80 (1) of the Act, a development application in respect of land within a Precinct within the meaning of *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* must not be determined by the consent authority unless:
 - (a) a Precinct plan within the meaning of that Policy, and
 - (b) a contributions plan under section 94B of the Act, have been prepared for the land.
- (2) Despite subclause (1), a consent authority may dispense with the need for the plans referred to in that subclause if:
 - (a) the development application is, in the opinion of the consent authority, of a minor nature, or

- (b) the development application relates to quarrying or associated activities within the Greystanes Precinct within the meaning of *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* and the development the subject of the application will not, in the opinion of the consent authority, prevent the attainment of the zoning objectives under that Policy for the land, or
- (c) the developer has entered into an agreement with the consent authority that makes adequate provision with respect to the matters that may be the subject of those plans.

110C Assessment fee for draft Precinct plans under SEPP 59

- (1) If a draft Precinct plan in respect of land within a Precinct within the meaning of *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* is prepared by an owner or lessee of land within the Precinct, the owner or lessee must pay:
 - (a) the relevant council an assessment fee determined by the council, and
 - (b) if the relevant council fails or refuses to approve the draft Precinct plan, the Director-General an assessment fee determined by the Director-General.
- (2) The assessment fee must not exceed the reasonable cost to the relevant council, or to the Director-General and the Department, of assessing the draft Precinct plan, carrying out any associated studies and publicly exhibiting the draft Precinct plan.