



New South Wales

Environmental Planning and Assessment (Model Provisions) Amendment Order 2004

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Infrastructure and Planning, in pursuance of section 33 of the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 16th day of December 2004.

CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning

Explanatory note

The object of this Order is to amend the *Environmental Planning and Assessment Model Provisions 1970* and the *Environmental Planning and Assessment Model Provisions 1980* so as to omit provisions requiring consent authorities to obtain concurrences under section 30 of the *Environmental Planning and Assessment Act 1979* or to refer certain matters to various persons or bodies.

Other concurrence and referral provisions that apply by virtue of certain environmental planning instruments are omitted by *State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2004*.

This Order is made under section 33 of the *Environmental Planning and Assessment Act 1979*.

Environmental Planning and Assessment (Model Provisions) Amendment Order 2004

under the

Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is the *Environmental Planning and Assessment (Model Provisions) Amendment Order 2004*.

2 Commencement

This Order commences on 28 February 2005.

3 Amendment of Environmental Planning and Assessment Model Provisions 1970

The *Environmental Planning and Assessment Model Provisions 1970* are amended by omitting clause 6 (1) (b) (i).

4 Amendment of Environmental Planning and Assessment Model Provisions 1980

The *Environmental Planning and Assessment Model Provisions 1980* are amended as set out in Schedule 1.

5 Transitional provision

The amendments made by this Order do not affect any development application made but not finally determined before the commencement of this Order and any such application is to be determined as if this Order had not been made.

Schedule 1 Amendments

(Clause 4)

- [1] Clause 5 Consideration of certain applications**
Insert “and” at the end of clause 5 (2) (b).
- [2] Clause 5 (2) (c)**
Omit the paragraph.
- [3] Clause 5 (3)**
Omit “consult with the Roads and Traffic Authority and shall”.
- [4] Clause 5 (3) (a)**
Omit the paragraph.
- [5] Clause 9 Relocation of major roads**
Omit “the Department”. Insert instead “the Roads and Traffic Authority”.
- [6] Clause 10 Opening of public road**
Omit “consult with the Roads and Traffic Authority and shall” from clause 10 (2).
- [7] Clause 10 (2) (b)**
Omit “locality, and”. Insert instead “locality.”.
- [8] Clause 10 (2) (c)**
Omit the paragraph.
- [9] Clause 19 Service stations or car repair stations**
Omit clause 19 (b) (i).
- [10] Clause 20 Drive-in theatre**
Omit clause 20 (2).
- [11] Clause 25 Liquid fuel depots**
Omit “and the concurrence of the Department for the time being engaged in the administration of the *Dangerous Goods Act 1975*” from clause 25 (1).
- [12] Clause 25 (2)**
Omit the subclause.