



New South Wales

# Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Act 2006 No 13

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New South Wales

# **Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Act 2006 No 13**

Act No 13, 2006

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*An Act to amend the Environmental Planning and Assessment Act 1979 and the Land Acquisition (Just Terms Compensation) Act 1991 with respect to the owner-initiated acquisition of land reserved for a public purpose. [Assented to 11 April 2006]*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Act 2006*.

**2 Commencement**

This Act is taken to have commenced on the date on which notice was given in Parliament for leave to introduce the Bill for this Act.

**3 Amendment of Environmental Planning and Assessment Act 1979 No 203**

The *Environmental Planning and Assessment Act 1979* is amended as set out in Schedule 1.

**4 Amendment of Land Acquisition (Just Terms Compensation) Act 1991 No 22**

The *Land Acquisition (Just Terms Compensation) Act 1991* is amended by omitting section 28 (Owner-initiated acquisition under *Environmental Planning and Assessment Act 1979*).

**5 Repeal of Act**

- (1) This Act is repealed on the day following the date of assent.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

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## Schedule 1      **Amendment of Environmental Planning and Assessment Act 1979**

(Section 3)

### **Section 27**

Omit the section. Insert instead:

#### **27    Owner-initiated acquisition of land reserved for public purposes**

- (1) An environmental planning instrument that reserves land for use exclusively for a purpose referred to in section 26 (1) (c) must specify an authority of the State that will be the relevant authority to acquire the land if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (2) Section 21 of the *Land Acquisition (Just Terms Compensation) Act 1991* applies for the purposes of determining whether an environmental planning instrument reserves land for use exclusively for a purpose referred to in section 26 (1) (c).
- (3) An environmental planning instrument (whenever made) is not to be construed as requiring an authority of the State to acquire land, except as required by Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (4) Subsection (3) applies despite:
  - (a) any provision of an environmental planning instrument (whenever made) to the contrary, or
  - (b) the service of a notice to acquire the land on an authority of the State on or after the day on which notice was given in Parliament for leave to introduce the Bill for the *Environmental Planning and Assessment Amendment (Reserved Land Acquisition) Act 2006*.

[Second reading speech made in—

Legislative Assembly on 28 March 2006

Legislative Council on 5 April 2006]

BY AUTHORITY