



New South Wales

Sydney Water (Transitional) Regulation 1999

under the

Sydney Water Act 1994

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Water Act 1994*.

JEFFREY WILLIAM SHAW, Q.C., M.L.C.,

Acting Minister for Western Sydney.

Explanatory note

Sydney Water Corporation, a statutory State owned corporation (within the meaning of the *State Owned Corporations Act 1989*), was created on 1 January 1999 as a successor to Sydney Water Corporation Limited (ACN 063 279 649), a company State owned corporation (within the meaning of the *State Owned Corporations Act 1989*) by the operation of the *Water Legislation Amendment (Drinking Water and Corporate Structure) Act 1998*.

Under section 37A of the *State Owned Corporations Act 1989*, the Minister administering the *Environmental Planning and Assessment Act 1979* is empowered to certify that a development of a company State owned corporation is of State or regional significance. Certification allows the development to be assessed under Part 5 of the *Environmental Planning and Assessment Act 1979* instead of Part 4 of that Act. Section 37A does not apply to statutory State owned corporations.

The object of this Regulation is to ensure that section 37A continues to apply to certain Sydney Water Corporation developments (being those where a proposal to carry out the development existed before the business undertaking of Sydney Water Corporation Limited was transferred to Sydney Water Corporation).

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Explanatory note

This Regulation is made under the *Sydney Water Act 1994*, including clause 1 of Schedule 9 (savings, transitional and other provisions).

This Regulation comprises matters of a savings and transitional nature.

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Sydney Water (Transitional) Regulation 1999

1 Name of Regulation

This Regulation is the *Sydney Water (Transitional) Regulation 1999*.

2 Commencement

This Regulation is to be taken to have commenced on 1 January 1999.

3 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

4 Certain developments to remain subject to section 37A of State Owned Corporations Act 1989

- (1) Despite the business undertaking of Sydney Water Corporation Limited, a company SOC, being transferred to the Corporation by operation of the *Water Legislation Amendment (Drinking Water and Corporate Structure) Act 1998*, section 37A of the *State Owned Corporations Act 1989* continues to apply to the following developments and, for the purposes of that section, the Corporation is to be taken to be a company SOC:

Gerringong Gerroa Regional Sewerage Scheme

Glenbrook STP Transfer and Upgrade of Penrith STP

Illawarra Wastewater Strategy

Environmental Flows for the Hawkesbury-Nepean, Shoalhaven and Woronora Rivers

Berowra Creek (Hornsby/Hornsby Heights STP Upgrades)

Upper Blue Mountains Sewerage Scheme

The Oaks, Oakdale and Belimbla Park Sewerage Scheme

Mulgoa, Wallacia and Silverdale Sewerage Scheme

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Brooklyn and Dangar Island Sewerage Scheme

Coalcliff, Stanwell Park, Stanwell Tops and Otford Sewerage Scheme

Mount Ku-ring-gai Industrial Area Sewerage Scheme

Menangle and Menangle Park Sewerage Scheme

Jamberoo Sewerage Scheme.

- (2) In this clause, *company SOC* has the meaning given it in the *State Owned Corporations Act 1989*.

Note. This Regulation does not effect the independent operation of section 30 of the *Interpretation Act 1987*.

BY AUTHORITY