



New South Wales

Environmental Planning and Assessment Amendment (Preliminary Planning) Regulation 2000

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*.

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

Explanatory note

The object of this Regulation is to support provisions of environmental planning instruments that prevent a consent authority from granting development consent in respect of land unless:

- (a) a development control plan has been approved for the land, or
- (b) a contributions plan has been approved for the land, or
- (c) the development application makes comprehensive proposals for development of the land or consent has already been granted to such a development application, or
- (d) there is a master plan for the land, and the consent authority has taken the master plan into consideration.

This Regulation amends both the *Environmental Planning and Assessment Regulation 1994* and the *Environmental Planning and Assessment Regulation 2000* because the latter Regulation will replace the other on 1 January 2001.

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Environmental Planning and Assessment Amendment (Preliminary Planning) Regulation
2000

Explanatory note

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 79C (1) (a) (iv), 80 (11) and 157 (the general power to make regulations).

Environmental Planning and Assessment Amendment (Preliminary Planning) Regulation 2000

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Preliminary Planning) Regulation 2000*.

2 Commencement

- (1) This Regulation commences on the date of its publication in the Gazette, except as provided by subclause (2).
- (2) Clause 4 and Schedule 2 commence on 1 January 2001.

3 Amendment of Environmental Planning and Assessment Regulation 1994

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

4 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 2.

5 Notes

The explanatory note does not form part of this Regulation.

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Environmental Planning and Assessment Amendment (Preliminary Planning) Regulation 2000

Schedule 1

Amendment of Environmental Planning and Assessment Regulation 1994

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 1994

(Clause 3)

[1] Clause 110AA

Insert after clause 110:

110AA Preliminary planning: sections 79C (1) (a) (iv) and 80 (11) of the Act

- (1) This clause applies to land if an environmental planning instrument made before or after the commencement of this clause provides, or has the effect of providing, that consent is not to be granted to a development application relating to the land unless:
 - (a) a development control plan has been approved for the land, or
 - (b) a contributions plan has been approved for the land, or
 - (c) the development application is a comprehensive development application, or
 - (d) there is a master plan for the land.
- (2) Pursuant to section 80 (11) of the Act, a development application relating to land to which this clause applies must not be determined by the consent authority granting consent (unconditionally or subject to conditions) unless:
 - (a) a development control plan has been approved for the land, or
 - (b) a contributions plan has been approved for the land, or
 - (c) the development application is a comprehensive development application, or

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- (d) there is a master plan for the land that has been available for inspection by the public since it was made or adopted,

as the case may require.

- (3) Subclause (2) does not prevent an environmental planning instrument from making provisions for or with respect to waiving the need for an approved development control plan or contributions plan, a comprehensive development application or a master plan.

- (4) For the purposes of section 79C (1) (a) of the Act, the provisions of any master plan for land to which this clause applies are prescribed as matters to be taken into consideration by the consent authority in determining a development application in respect of that land.

- (5) In this clause:

comprehensive development application means a development application that makes development proposals, in accordance with an environmental planning instrument, for all of the land identified in an environmental planning instrument as a development site.

master plan means a plan, whether it is referred to as a master plan, a development plan, a precinct plan or otherwise (but not an environmental planning instrument, a development control plan or a contributions plan):

- (a) that makes provisions for or with respect to the development of land, and
- (b) that has been made or adopted by the Minister or a public authority.

[2] Clauses 110DA and 110DD

Omit the clauses.

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Schedule 2

Amendment of Environmental Planning and Assessment Regulation 2000

Schedule 2 Amendment of Environmental Planning and Assessment Regulation 2000

(Clause 4)

[1] Clause 92A

Insert after clause 92:

92A Preliminary planning: sections 79C (1) (a) (iv) and 80 (11) of the Act

- (1) This clause applies to land if an environmental planning instrument made before or after the commencement of this clause provides, or has the effect of providing, that consent is not to be granted to a development application relating to the land unless:
 - (a) a development control plan has been approved for the land, or
 - (b) a contributions plan has been approved for the land, or
 - (c) the development application is a comprehensive development application, or
 - (d) there is a master plan for the land.
- (2) Pursuant to section 80 (11) of the Act, a development application relating to land to which this clause applies must not be determined by the consent authority granting consent (unconditionally or subject to conditions) unless:
 - (a) a development control plan has been approved for the land, or
 - (b) a contributions plan has been approved for the land, or
 - (c) the development application is a comprehensive development application, or

(d) there is a master plan for the land that has been available for inspection by the public since it was made or adopted,

as the case may require.

(3) Subclause (2) does not prevent an environmental planning instrument from making provisions for or with respect to waiving the need for an approved development control plan or contributions plan, a comprehensive development application or a master plan.

(4) For the purposes of section 79C (1) (a) of the Act, the provisions of any master plan for land to which this clause applies are prescribed as matters to be taken into consideration by the consent authority in determining a development application in respect of that land.

(5) In this clause:

comprehensive development application means a development application that makes development proposals, in accordance with an environmental planning instrument, for all of the land identified in an environmental planning instrument as a development site.

master plan means a plan, whether it is referred to as a master plan, a development plan, a precinct plan or otherwise (but not an environmental planning instrument, a development control plan or a contributions plan):

(a) that makes provisions for or with respect to the development of land, and

(b) that has been made or adopted by the Minister or a public authority.

[2] Clauses 274 and 276

Omit the clauses.