



Environmental Planning and Assessment (Savings and Transitional) Amendment (Demolition) Regulation 2002

under the

Environmental Planning and Assessment Act 1979

Her 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 Planning

Explanatory note

On the commencement of the *Environmental Planning and Assessment Amendment Act 1997*, demolition became one component of the definition of **development**, rather than (as had previously been the case) a separate activity that could be controlled only if an environmental planning instrument expressly so provided. Prior to that commencement, the principal legislation that controlled demolition was the *Local Government Act 1993*. The inadvertent prohibition of demolition as a consequence of the extension of the definition of **development** was prevented by clause 29 of the *Environmental Planning and Assessment (Savings and Transitional) Regulation 1998*. Clause 29 was expressed to expire on 1 July 2000 (later extended to 1 July 2001), by which time it was intended that all environmental planning instruments that, but for that clause, would prohibit demolition would, in appropriate cases, be amended to remove that prohibition. Appropriate amendments to three environmental planning instruments applying to land in the Gosford local government area have yet to be made.

The object of this Regulation is to temporarily revive the effect of clause 29, in relation only to demolition in certain parts of Gosford, so as to enable demolition to be carried out (with development consent) pending the commencement of an environmental planning instrument that achieves a more permanent effect.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 157 (the general power to make regulations) and clause 1 of Schedule 6.

2002 No 550

Clause 1 Environmental Planning and Assessment (Savings and Transitional)
Amendment (Demolition) Regulation 2002

Environmental Planning and Assessment (Savings and Transitional) Amendment (Demolition) Regulation 2002

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment (Savings and Transitional) (Demolition) Amendment Regulation 2002*.

2 Amendments

The *Environmental Planning and Assessment (Savings and Transitional) Regulation 1998* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clause 29B

Insert after clause 29A:

29B Demolition on certain land in Gosford

- (1) This clause applies to land to which a prescribed Gosford planning instrument applies, other than:
 - (a) land in respect of which demolition may be carried out (whether or not with development consent) pursuant to that instrument, and
 - (b) land in respect of which demolition is prohibited otherwise than by virtue only of the zone in which it is situated, and
 - (c) land in respect of which demolition is prohibited by virtue of a provision of the instrument that has come into effect after the commencement of this clause.
- (2) Demolition may be carried out on land to which this clause applies, but only with development consent.
- (3) In this clause, *prescribed Gosford planning instrument* means:
 - (a) *Gosford Planning Scheme Ordinance*,
 - (b) *Interim Development Order No 122—Gosford*,
 - (c) *Gosford Local Environmental Plan No 22*.
- (4) This clause ceases to have effect on 31 December 2002.