



New South Wales

Environmental Planning and Assessment Amendment (Sydney Opera House Management Plan) Regulation 2005

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*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000 (the Principal Regulation)* to give legal force and effect to the Management Plan for the Sydney Opera House.

This Regulation inserts proposed clause 288 into the Principal Regulation to provide for two matters.

First, to the extent that any development that is to be carried out at the Sydney Opera House is development to which Part 4 (Development assessment) of the *Environmental Planning and Assessment Act 1979 (the Act)* applies, the provisions of the Management Plan for the Sydney Opera House are prescribed for the purposes of section 79C (1) (a) (iv) of the Act and are therefore a matter that must be taken into consideration by the relevant consent authority in determining a development application in respect of that development.

Second, to the extent that any development that is to be carried out at the Sydney Opera House is a project to which Part 3A (Major infrastructure and other projects) of the Act (as inserted into the Act by the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*) applies, the Director-General's report that is required to be given to the Minister under section 75I of the Act in relation to the project must include the provisions of the Management Plan for the Sydney Opera House that are relevant to the carrying out of the development and advice as to the extent to which the project is consistent with the objectives of that Management Plan.

Section 75J (2) of the Act (as inserted into the Act by the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*) requires the Minister to consider the Director-General's report (and the reports, advice and

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recommendations contained in it) when deciding whether or not to approve the carrying out of a project.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 75I, 75J, 79C and 157 (the general regulation-making power).

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Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Sydney Opera House Management Plan) Regulation 2005*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

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Schedule 1 Amendment

Schedule 1 Amendment

(Clause 2)

Clause 288

Insert after clause 287:

288 Special provision relating to Sydney Opera House

- (1) To the extent that any development that is to be carried out at the Sydney Opera House is development to which Part 4 of the Act applies, the provisions of the Management Plan for the Sydney Opera House are prescribed for the purposes of section 79C (1) (a) (iv) of the Act as a matter that must be taken into consideration by the consent authority in determining a development application in respect of that development.
- (2) To the extent that any development that is to be carried out at the Sydney Opera House is a project to which Part 3A of the Act applies, the Director-General's report under section 75I of the Act in relation to the project must include:
 - (a) the provisions of the Management Plan for the Sydney Opera House that are relevant to the carrying out of the development, and
 - (b) advice as to the extent to which the project is consistent with the objectives of that Management Plan.

Note. Section 75J (2) of the Act requires the Minister to consider the Director-General's report (and the reports, advice and recommendations contained in it) when deciding whether or not to approve the carrying out of a project.

- (3) In this clause:

Management Plan for the Sydney Opera House means the management plan that relates to Sydney Opera House that has been approved by the Minister administering the *Sydney Opera House Act 1960* and published in the Gazette.

Sydney Opera House means the land identified on Map 1 to Schedule 3 to *State Environmental Planning Policy (Major Projects) 2005*.

BY AUTHORITY