



New South Wales

Environmental Planning and Assessment Amendment (Existing Development Control Plans) 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 make further provision consequent on the commencement of the amendments made by the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005* relating to planning instruments (including development control plans). Those amendments commenced on 30 September 2005. The effect of this Regulation is to enable development control plans that were approved by a council before 30 September 2005 (but did not come into effect until after that date) to be treated as if they were in force as at that date and are therefore able to be carried forward under clause 94 of Schedule 6 to the *Environmental Planning and Assessment Act 1979*.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including Part 1 of Schedule 6 (savings and transitional regulations).

2005 No 678

Clause 1 Environmental Planning and Assessment Amendment (Existing
Development Control Plans) Regulation 2005

**Environmental Planning and Assessment Amendment
(Existing Development Control Plans) Regulation 2005**

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Existing Development Control Plans) Regulation 2005*.

2 Commencement

This Regulation is taken to have commenced on 30 September 2005.

**3 Amendment of Environmental Planning and Assessment Regulation
2000**

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

Schedule 1 Amendment

(Clause 3)

Clause 289 Miscellaneous savings and transitional provisions: 2005 Amending Act

Insert after clause 289 (5):

- (5A) Clause 94 (1) of Schedule 6 to the Act extends to a development control plan that was approved by a council before 30 September 2005 but did not take effect until after that date. Accordingly subclause (4) of this clause applies to any such development control plan.