



New South Wales

Environmental Planning and Assessment Amendment (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* in relation to planning instruments (including development control plans made by councils). Those amendments commenced on 30 September 2005. This Regulation provides for the phasing-in of the operation of section 74C of the *Environmental Planning and Assessment Act 1979* (as inserted by the Amending Act and which renders invalid multiple development control plans applying to the same land).

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

2005 No 789

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

**Environmental Planning and Assessment Amendment
(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 (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 Amendments

(Clause 3)

[1] Clause 289 Miscellaneous savings and transitional provisions: 2005 Amending Act

Insert “and clause 289A” after “this clause” in clause 289 (1).

[2] Clause 289 (4), (5) and (5A)

Omit the subclauses. Insert instead:

(4) Pending development control plans

Clause 94 (1) of Schedule 6 to the Act extends to a development control plan that was approved before 30 September 2005 but did not take effect until after that date.

[3] Clause 289A

Insert after clause 289:

289A Transitional provisions relating to development control plans

- (1) This clause applies to a development control plan:
 - (a) that was made before 30 September 2005 and in force immediately before that date, or
 - (b) that was approved before 30 September 2005 (but did not take effect until after that date), or
 - (c) that is approved after 30 September 2005 (regardless of when it takes effect).
- (2) Section 74C of the Act (as inserted by the 2005 Amending Act) does not render invalid any provision of a development control plan to which this clause applies until whichever of the following happens first:
 - (a) the principal local environmental planning instrument applying to the land to which the development control plan applies adopts the provisions of a standard instrument as referred to in section 33A of the Act,
 - (b) a development control plan is, after 30 April 2006, made under section 74C of the Act in respect of that land.
- (3) This clause has effect despite clause 94 (2) of Schedule 6 to the Act.