



New South Wales

Protection of the Environment Operations (General) Amendment (Luna Park) Regulation 2005

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

BOB DEBUS, M.P.,
Minister for the Environment

Explanatory note

The object of this Regulation is to amend the *Protection of the Environment Operations (General) Regulation 1998* to exempt certain activities carried out at the Luna Park site from the operation of certain provisions of the *Protection of the Environment Operations Act 1997* insofar as they relate to the emission of noise. The exemption is subject to compliance with the conditions of certain development consents granted under the *Environmental Planning and Assessment Act 1979*.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 286 and 323 (the general regulation-making power).

2005 No 80

Clause 1

Protection of the Environment Operations (General) Amendment (Luna Park) Regulation 2005

**Protection of the Environment Operations (General)
Amendment (Luna Park) Regulation 2005**

under the

Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (General) Amendment (Luna Park) Regulation 2005*.

2 Amendment of Protection of the Environment Operations (General) Regulation 1998

The *Protection of the Environment Operations (General) Regulation 1998* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clause 69

Insert after clause 68:

69 Exemption for noise control and abatement provisions

- (1) Activities carried out at the Luna Park site are exempt from the following provisions of the Act:
 - (a) Part 4.3 of Chapter 4 (but only insofar as the provisions relate to the emission of noise),
 - (b) section 139,
 - (c) Part 8.6 of Chapter 8.
- (2) Subclause (1) applies only if the activities carried out at the Luna Park site are subject to one or more of the following development consents and are carried out in compliance with such of the conditions of those consents as are relevant to those activities:
 - (a) the consent to development application 154-06-01 granted by the Minister on 31 January 2002 under section 80 of the *Environmental Planning and Assessment Act 1979*,
 - (b) the consent to development application 151-5-2002 granted by the Minister on 21 January 2003 under section 80 of the *Environmental Planning and Assessment Act 1979*,
 - (c) the consent to development application 201-6-2002 granted by the Minister on 21 January 2003 under section 80 of the *Environmental Planning and Assessment Act 1979*.
- (3) In this clause:

development application has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Luna Park site has the same meaning as in the *Luna Park Site Act 1990*.

Minister, in relation to a consent to a development application, means the Minister who was consent authority for the development concerned under clause 10 of the *State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries*.