



New South Wales

Environmental Planning and Assessment Amendment (Savings and Transitional) Regulation 2008

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* to prescribe provisions of a savings and transitional nature consequent on the enactment of the *Environmental Planning and Assessment Amendment Act 2008*.

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

2008 No 357

Clause 1 Environmental Planning and Assessment Amendment (Savings and Transitional) Regulation 2008

**Environmental Planning and Assessment Amendment
(Savings and Transitional) Regulation 2008**

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Savings and Transitional) Regulation 2008*.

2 Commencement

This Regulation commences on 1 September 2008.

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 292**

Insert after clause 291:

292 Savings and transitional provisions

Schedule 7 has effect.

[2] **Schedule 7**

Insert after Schedule 6:

Schedule 7 Savings and transitional provisions

(Clause 292)

Part 1 Provisions consequent on enactment of Environmental Planning and Assessment Amendment Act 2008

1 Definitions

In this Part, *amending Act* means the *Environmental Planning and Assessment Amendment Act 2008*.

2 Costs payable if amended development application filed: section 97B of the Act

Section 97B of the Act does not apply to an appeal made before the commencement of that section.

3 Appointment of principal certifying authorities: section 109E of the Act

- (1) An amendment made to section 109E of the Act by the amending Act does not affect any appointment of a principal certifying authority made before the commencement of the amendment.
- (2) However, any such amendment applies in respect of any change of principal certifying authority made on or after the commencement of the amendment.

2008 No 357

Environmental Planning and Assessment Amendment (Savings and Transitional) Regulation 2008

Schedule 1 Amendments

4 Applications for construction certificates, occupation certificates and subdivision certificates

- (1) Clause 139 (1A) of this Regulation (as inserted by the amending Act) does not apply to an application for a construction certificate made before the commencement of that subclause.
- (2) Clause 149 (2B) of this Regulation (as inserted by the amending Act) does not apply to an application for an occupation certificate made before the commencement of that subclause.
- (3) Clause 157 (2A) of this Regulation (as inserted by the amending Act) does not apply to an application for a subdivision certificate made before the commencement of that subclause.

5 Fees for building certificates

The provisions of clause 260 (3A)–(3C) of this Regulation (as inserted by the amending Act) do not apply to an application for a building certificate made under section 149B of the Act before the commencement of those provisions.

6 Strata certificates

- (1) Section 36A of the *Strata Schemes (Freehold Development) Act 1973* (as inserted by the amending Act) does not apply to an application for a strata certificate made before the commencement of that section.
- (2) Section 65A of the *Strata Schemes (Leasehold Development) Act 1986* (as inserted by the amending Act) does not apply to an application for a strata certificate made before the commencement of that section.

BY AUTHORITY
