



New South Wales

Environmental Planning and Assessment Amendment (Western Sydney Employment Area) Regulation 2009

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*.

KRISTINA KENEALLY, MP
Minister for Planning

Explanatory note

The object of this Regulation is to prevent a development application being determined in relation to land to which *State Environmental Planning Policy (Western Sydney Employment Area) 2009* applies until a contributions plan under section 94EA of the *Environmental Planning and Assessment Act 1979* has been approved for the land concerned.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 80 (11) and 157 (the general regulation-making power).

2009 No 406

Clause 1

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(Western Sydney Employment Area) Regulation 2009**

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Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Western Sydney Employment Area) Regulation 2009*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Environmental Planning and Assessment Regulation 2000

(1) Clause 270

Omit the clause. Insert instead:

270 Contributions plans for Western Sydney Employment Area

- (1) Pursuant to section 80 (11) of the Act, a development application in relation to any land zoned IN1 General Industrial under *State Environmental Planning Policy (Western Sydney Employment Area) 2009* must not be determined by the consent authority unless a contributions plan under section 94EA of the Act has been approved for the land to which the application relates.
- (2) Despite subclause (1), a consent authority may dispense with the need for a contributions plan referred to in that subclause if:
 - (a) the development application is, in the opinion of the consent authority, of a minor nature, or
 - (b) the developer has entered into an agreement with the consent authority with respect to the matters that may be the subject of a contributions plan.

(2) Clause 271 Precinct plans etc under SEPP 59

Omit the clause.