



New South Wales

Environmental Planning and Assessment (Ku-ring-gai Planning Panel Repeal) Order 2011

under the

Environmental Planning and Assessment Act 1979

I, Bradley Hazzard, Minister for Planning and Infrastructure, in pursuance of the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 7th day of April 2011.

BRADLEY HAZZARD, MP
Minister for Planning and Infrastructure

Explanatory note

The objects of this Order are:

- (a) to repeal the *Environmental Planning and Assessment (Ku-ring-gai Planning Panel) Order 2008* and to abolish the Ku-ring-gai Planning Panel established pursuant to that Order, and
- (b) to provide for consequential savings and transitional matters.

This Order is made under the *Environmental Planning and Assessment Act 1979*, including sections 118 and 118AA.

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Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is the *Environmental Planning and Assessment (Ku-ring-gai Planning Panel Repeal) Order 2011*.

2 Commencement

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

3 Repeal of Environmental Planning and Assessment (Ku-ring-gai Planning Panel) Order 2008

The *Environmental Planning and Assessment (Ku-ring-gai Planning Panel) Order 2008* is repealed.

4 Abolition of the Ku-ring-gai Planning Panel

Part 1 of Schedule 5B to the *Environmental Planning and Assessment Act 1979* is amended by omitting the words “Ku-ring-gai Planning Panel”.

5 Transitional provisions—planning applications

- (1) A development application or an application for modification of a development application made to, but not determined by, the Ku-ring-gai Planning Panel before the abolition of the Panel (an *existing planning application*) is taken to have been made to Ku-ring-gai Council and is to be determined by that Council.
- (2) Any act, matter or thing done or omitted by the Panel in relation to an existing planning application is taken to have been done or omitted by that Council.
- (3) Any application for modification of a development consent granted by the Ku-ring-gai Planning Panel is to be determined by the applicable consent authority.

6 Transitional provisions—LEPs

- (1) This clause applies to the following matters (*existing matters*):
 - (a) a planning proposal prepared by the Ku-ring-gai Planning Panel for which a determination under section 56 of the *Environmental Planning and Assessment Act 1979* was made but in respect of which no local environmental plan was made before the abolition of the Panel,
 - (b) any other act, matter or thing done or omitted by or on behalf of the Panel in respect of a proposed local environmental plan not made before the abolition of the Panel.
- (2) The Ku-ring-gai Council may, but is not required to, continue to deal with an existing matter and, in any such case, any act, matter or thing done or omitted by the Panel in relation to the matter is taken to have been done or omitted by that Council.
- (3) Despite subclause (2), the Ku-ring-gai Council may, at its discretion, redo any act, matter or thing already done by or on behalf of the Panel in respect of an existing matter.
- (4) If the Ku-ring-gai Council decides not to continue a matter that was the subject of a planning proposal prepared by the Panel, that Council may request the Minister, under section 58 (4) of the *Environmental Planning and Assessment Act 1979*, to make a determination that the matter not proceed.