



Environmental Planning and Assessment (Cessnock City Council Planning Panel Repeal) Order 2012

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 25th day of January 2012.

BRAD HAZZARD, MP
Minister for Planning and Infrastructure

Explanatory note

The objects of this Order are:

- (a) to repeal the *Environmental Planning and Assessment (Cessnock City Council Planning Panel) Order 2010* and to abolish the Cessnock City Council 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.

2012 No 26

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Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is the *Environmental Planning and Assessment (Cessnock City Council Planning Panel Repeal) Order 2012*.

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 (Cessnock City Council Planning Panel) Order 2010

The *Environmental Planning and Assessment (Cessnock City Council Planning Panel) Order 2010* is repealed.

4 Abolition of the Cessnock City Council Planning Panel

Part 1 of Schedule 5B to the *Environmental Planning and Assessment Act 1979* is amended by omitting the words “Cessnock City Council 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, Cessnock City Council Planning Panel before the abolition of the Panel (an ***existing planning application***) is taken to have been made to Cessnock City 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 Cessnock City Council 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 Cessnock City Council 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) Cessnock City 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), Cessnock City 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 Cessnock City 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.