



Environmental Planning and Assessment Amendment (Transitional Part 3A Projects) Regulation 2012

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*.

BRAD HAZZARD, MP
Minister for Planning and Infrastructure

Explanatory note

The objects of this Regulation are:

- (a) to modify the application of certain provisions of Part 3A (as in force immediately before its repeal) to transitional Part 3A projects, and
- (b) to prescribe time limits for proponents of Part 3A projects or concept plan applications to comply with environmental assessment requirements.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 157 (the general regulation-making power), clause 1 of Schedule 6 and clause 10 of Schedule 6A.

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Environmental Planning and Assessment Amendment (Transitional Part 3A
Clause 1 Projects) Regulation 2012

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(Transitional Part 3A Projects) Regulation 2012**

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment
Amendment (Transitional Part 3A Projects) Regulation 2012*.

2 Commencement

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

Schedule 1 Amendment of Schedule 6A to the Environmental Planning and Assessment Act 1979 No 203

[1] Schedule 6A Transitional arrangements—repeal of Part 3A

Omit “within 2 years after the repeal of Part 3A or such further period or periods” from clause 2 (1) (c).

Insert instead “on or before 30 November 2012 or on or before such later day”.

[2] Schedule 6A, clauses 3D and 3E

Insert after clause 3C:

3D Modification of environmental assessment provisions— sections 75H and 75I

For the purposes of the application of Part 3A to a transitional Part 3A project:

- (a) section 75H (3) is taken not to require the Director-General to accept an environmental assessment before making an environmental assessment publicly available in accordance with that subsection, and
- (b) section 75I (2) (g) does not apply to or in respect of a transitional Part 3A project, and
- (c) the Minister is not required to consider a statement relating to compliance with environmental assessment requirements for the purposes of section 75J (2) (a) or 75O (2) (a).

Note. Section 75N applies sections 75H and 75I to approval for a concept plan for a project in the same way as they apply with respect to an approval to carry out a project.

3E Time limits for proponents to comply with environmental assessment requirements

- (1) If the Director-General requires a proponent to make a submission under section 75H (6), the proponent must comply with that requirement:
 - (a) in relation to a response under section 75H (6) (a)—within 30 days, or
 - (b) in relation to a preferred project report referred to in section 75H (6) (b)—within 60 days, or

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Schedule 1

Amendment of Schedule 6A to the Environmental Planning and Assessment Act 1979 No 203

- (c) in relation to a revised statement of commitments referred to in section 75H (6) (c)—within 60 days, after being notified of that requirement, or within such other period as the Director-General notifies in writing from time to time to the proponent.
- (2) If the proponent fails to make a submission within a period specified in this clause, to avoid doubt, the Minister may approve or disapprove the carrying out of a project (under section 75J) or may give or refuse to give approval for a concept plan (under section 75O).
- (3) If the Director-General has notified a proponent of a requirement under section 75H (6) before the commencement of this clause, this clause applies to that requirement as if the period specified in relation to the requirement commences on the date of the commencement of this clause.
- (4) This clause does not affect the operation of clause 8D of the *Environmental Planning and Assessment Regulation 2000*.