



New South Wales

Environmental Planning and Assessment Amendment (Transitional Arrangements— Repeal of Part 3A) Regulation 2013

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 object of this Regulation is to provide for transitional arrangements for declared light rail development under the *Transport Administration Act 1988* as a consequence of the enactment of legislation providing for an approval process for State significant infrastructure and critical State significant infrastructure. The Regulation makes it clear that such development is an activity that may be declared to be State significant infrastructure and makes other related transitional provisions.

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

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Transitional Arrangements—Repeal of Part 3A) Regulation 2013*.

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 Act 1979

Schedule 6A Transitional arrangements—repeal of Part 3A

Insert at the end of the Schedule with appropriate clause numbering:

Transitional arrangements for certain declared light rail projects

- (1) To avoid doubt, development that is an activity under Part 5 of this Act because of the operation of section 104P (3) of the *Transport Administration Act 1988* may be declared to be State significant infrastructure or critical State significant infrastructure.
- (2) If any such development has been declared to be State significant infrastructure or critical State significant infrastructure, section 104P (3) of that Act does not apply to the extent that it provides that TfNSW is the determining authority for the development.
- (3) Except as provided by subclause (2), the declaration of any such development as State significant infrastructure or critical State significant infrastructure does not affect the application of section 104P of that Act to the development.