



New South Wales

Environmental Planning and Assessment Amendment (Transitional Part 3A Approvals) Regulation 2015

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ROBERT STOKES, MP
Minister for Planning

Explanatory note

The object of this Regulation is to ensure that a transitional Part 3A approval does not lapse if a request for extension has been duly made to the Minister but has not been determined before the approval would otherwise lapse.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 75Z (as continued in force by clause 3 of Schedule 6A to that Act), clause 10 of that Schedule and section 157.

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Transitional Part 3A Approvals) Regulation 2015*.

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

Schedule 6A Transitional arrangements—repeal of Part 3A

Insert after clause 11:

11A Requests to extend date that Part 3A approval lapses

- (1) This clause applies to an approval for carrying out, or an approval of a concept plan for, a transitional Part 3A project in respect of which a request has been duly made to the Minister to extend the date on which the approval would otherwise lapse (a *relevant modification request*). This clause extends to any such request that was duly made before the commencement of this clause.
- (2) If a relevant modification request is made before the date on which the approval would otherwise lapse and the request has not been determined before that date, the approval does not lapse on that date but continues in force until:
 - (a) the request is determined or withdrawn, or
 - (b) the date that is 12 months after the request was made,whichever first occurs.
- (3) If a relevant modification request is determined and the date on which the approval would otherwise lapse is extended, the approval continues in force in accordance with the determination despite subclause (2).
- (4) If a relevant modification request was made before the commencement of this clause and was not determined before the approval lapsed, the approval is revived for the purposes of the application of this clause and of any other request made before that commencement in relation to the approval. In that case, the period of 12 months referred to in subclause (2) (b) is taken to be the period of 12 months after the commencement of this clause.