



New South Wales

Environmental Planning and Assessment Amendment (Proceedings) 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

Section 127 (5A) of the *Environmental Planning and Assessment Act 1979* provides that proceedings for an offence against that Act or the regulations under that Act may be commenced within 2 years after the date on which evidence of the alleged offence first came to the attention of a relevant investigation officer. That subsection was substituted by the *Environmental Planning and Assessment Amendment Act 2014* which also created investigation officers. The functions exercised by investigation officers were, in the case of investigation officers who are members of staff of the Department of Planning and Environment, previously exercised by authorised officers.

The object of this Regulation is to make it clear that if, before the substitution of section 127 (5A), evidence of an offence came to the attention of an authorised officer, then the evidence is taken to have come to the attention of an investigation officer at that time.

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

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Proceedings) Regulation 2015*.

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 Regulation 2000

Schedule 7 Savings and transitional provisions

Insert after clause 44:

44A Proceedings for offences

- (1) This clause applies if, before the substitution of section 127 (5A) of the Act by the *Environmental Planning and Assessment Amendment Act 2014*, evidence of an alleged offence against the Act or the regulations under the Act came to the attention of an authorised officer appointed under section 122I of the Act.
- (2) In any such case, the evidence is taken, for the purposes of section 127 (5A) of the Act, to have first come to the attention of an investigation officer when the evidence first came to the attention of the authorised officer.