



New South Wales

# Environmental Planning and Assessment Amendment (Savings and Transitional) 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 make provisions of a savings and transitional nature consequent on the amendments made by the *Greater Sydney Commission Act 2015* to the *Environmental Planning and Assessment Act 1979*. Those amendments include providing for local environmental plans applying in the Greater Sydney Region to be made by the Greater Sydney Commission instead of the Minister for Planning. This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including clause 1 (1) of Schedule 6.

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### **1 Name of Regulation**

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

### **2 Commencement**

This Regulation commences on 27 January 2016 and is required to be published on the NSW legislation website.

## **Schedule 1      Amendment of Environmental Planning and Assessment Regulation 2000**

### **Schedule 7 Savings and transitional provisions**

Insert after Part 10:

## **Part 11 Provisions consequent on enactment of Greater Sydney Commission Act 2015**

### **49 Existing Ministerial delegations relating to making of LEPs for areas in Greater Sydney Region**

Any delegation by the Minister of any of the Minister's functions under Part 3 of the Act relating to the making of local environmental plans that apply to local government areas in the Greater Sydney Region, being a delegation in force immediately before 27 January 2016, is taken to be a delegation by the Greater Sydney Commission of those functions. Accordingly, a reference to the Minister in the instrument of any such existing delegation is taken to be a reference to the Greater Sydney Commission.

### **50 Continuation of existing LEP-making processes for areas in Greater Sydney Region**

The Greater Sydney Commission may, on or after 27 January 2016, make a local environmental plan that applies to a local government area in the Greater Sydney Region even though the process under Part 3 of the Act for the preparation of the plan (including the preparation of the relevant planning proposal under section 55 of the Act and any community consultation under section 57 of the Act) was commenced, or occurred, before that date. For that purpose, anything done before that date by the Minister under Part 3 of the Act in connection with any such proposed plan is taken to have been done by the Greater Sydney Commission.

### **51 Existing directions under section 117 relating to planning proposals in Greater Sydney Region**

Any direction given under section 117 of the Act before 27 January 2016 ceases to have effect on that date to the extent that the direction:

- (a) requires a relevant planning authority to give effect to the document entitled *A Plan for Growing Sydney* (as referred to in section 75AE (3) of the Act) in preparing a planning proposal under section 55 of the Act, or
- (b) imposes any obligation on a relevant planning authority that is inconsistent with the requirement under section 75AI (2) of the Act for the planning authority to give effect to certain strategic plans (as referred to in that subsection) in preparing a planning proposal.

### **52 Proceedings relating to validity of instruments**

Despite any other provision of this Part, the Minister (or the Minister's delegate) continues to be a party to any of the following legal proceedings in which the validity of an environmental planning instrument is questioned:

- (a) proceedings commenced but not completed before 27 January 2016,
- (b) proceedings commenced on or after that date relating to an instrument made before that date.