



New South Wales

Environmental Planning and Assessment Amendment (Lapsing of Consent) Regulation 2020

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*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

Explanatory note

The object of this Regulation is to specify that the carrying out of certain preliminary work (including soil or water testing or surveying) is not of itself sufficient to prevent a development consent from lapsing.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.53(7) and 10.13 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Lapsing of Consent) Regulation 2020*.

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

Clause 124AA

Insert after clause 124—

124AA When work is physically commenced

- (1) For the purposes of section 4.53(7) of the Act, work is not taken to have been physically commenced merely by the doing of any one or more of the following—
 - (a) creating a bore hole for soil testing,
 - (b) removing water or soil for testing,
 - (c) carrying out survey work, including the placing of pegs or other survey equipment,
 - (d) acoustic testing,
 - (e) removing vegetation as an ancillary activity,
 - (f) marking the ground to indicate how land is to be developed.
- (2) This clause does not apply to a development consent granted before the commencement of this clause.