

Environmental Planning and Assessment Amendment Act 2012 No 93

[2012-93]



New South Wales

Status Information

Currency of version

Repealed version for 2 March 2013 to 8 March 2013 (accessed 23 December 2024 at 8:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 9.3.2013.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 9 March 2013

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Environmental Planning and Assessment Amendment Act 2012 No 93



New South Wales

An Act to amend the *Environmental Planning and Assessment Act 1979* and other Acts with respect to housing and other development; and for other purposes.

1 Name of Act

This Act is the *Environmental Planning and Assessment Amendment Act 2012*.

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.
- (2) Sections 1 and 2 and Subschedules 2.6 and 2.9 commence on the date of assent to this Act.
- (3) Subschedules 2.1, 2.2, 2.7 and 2.8 commence on 12 December 2012.

Schedule 1 Amendment of *Environmental Planning and Assessment Act 1979 No 203*

[1]-[15] (Repealed)

[16] Schedule 5 Paper subdivisions

Insert in alphabetical order in clause 1:

development plan costs means the following:

- (a) the costs of obtaining or preparing any reports,
- (b) the amount of any levies, fees or other charges applicable to the proposed subdivision or subdivision works,
- (c) administrative costs of the relevant authority relating to the development plan,
- (d) any other costs prescribed by the regulations for the purposes of this definition.

[17] Schedule 5, clause 1, definition of “subdivision works”

Insert after paragraph (d) of the definition:

- (e) any other purpose prescribed by the regulations for the purposes of this definition.

[18] Schedule 5, clause 3 (4) and (5)

Insert after clause 3 (3):

- (4) The Minister may repeal a subdivision order only if the Minister:
 - (a) has consulted with the relevant authority for the subdivision land and the council of the area in which the land is situated, and
 - (b) is satisfied that notice of the proposed repeal has been given to the owners of the land subject to the order in the manner prescribed by the regulations.
- (5) Subclause (2) (g) does not apply to an order amending a subdivision order.

Note—

Regulations under clause 6 (3A) may require consent to be obtained to amendments to an applicable development plan.

[19] Schedule 5, clause 6 (2) (c1)

Insert after clause 6 (2) (c):

- (c1) details of the development plan costs,

[20] Schedule 5, clause 6 (2) (d)

Omit “those costs” where firstly occurring.

Insert instead “the costs referred to in paragraphs (c) and (c1)”.

[21] Schedule 5, clause 6 (3A)

Insert after clause 6 (3):

- (3A) Without limiting subclause (3), the regulations may require the consent of the owners of subdivision land to be obtained to proposed amendments to the applicable development plan in the circumstances, and in the manner, specified by the regulations.

[22] Schedule 5, clause 9 (1) and (3)

Insert “and the development plan costs” after “subdivision works” wherever occurring.

[23] Schedule 5, clause 10 (1) (a)

Insert “or development plan costs” after “subdivision works”.

[24] Schedule 5, clause 17 (1)

Insert “or development plan costs” after “subdivision works”.

[25] Schedule 5, clause 20

Insert after paragraph (b):

- (c) the effect of the repeal or amendment of a subdivision order, or of the amendment of a development plan.

[26], [27] (Repealed)

Schedule 2 (Repealed)