



Environmental Planning and Assessment (SEPP 59) Amendment Regulation 2001

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*. (P00/00072)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

Explanatory note

The principal object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000* so as to facilitate interim development of land within the “Employment” zone under *State Environmental Planning Policy No 59*:

- (a) by allowing development (including alterations and additions to buildings and works and rebuilding) on that land so that land uses that are being lawfully carried out on the land immediately before the commencement of this Regulation may be expanded, and
- (b) by allowing limited subdivision of that land,

even though the land has not been included in a release area declared under that Policy and no precinct plan or section 94B contributions plan has been prepared for the land.

The Regulation will permit development on land within the “Employment” or “Residential” zone under *State Environmental Planning Policy No 59* that, in the opinion of the consent authority, is of a minor nature even though the land has not been declared to be, or to be part of, a release area under clause 11 of that Policy.

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Explanatory note

This Regulation also makes amendments by way of law revision following the renumbering of sections of the *Environmental Planning and Assessment Act 1979* by the *Fisheries Management and Environmental Assessment Legislation Amendment Act 2000*.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 78A (1), 105 and 157 (the general regulation-making power).

Environmental Planning and Assessment (SEPP 59) Amendment Regulation 2001

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment (SEPP 59) Amendment Regulation 2001*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedules 1 and 2.

3 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendments—SEPP 59

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(Clause 2)

[1] Clause 270 Release areas under SEPP 59

Insert at the end of clause 270:

- (2) Subclause (1) does not apply to development referred to in clause 271 (2) (d) or (e).
- (3) Subclause (1) does not apply to a development application that is, in the opinion of the consent authority, of a minor nature.

[2] Clause 271 Precinct plans and section 94B contributions plans under SEPP 59

Insert at the end of clause 271 (2) (c):

, or

- (d) the development application relates to land zoned “Employment” under *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* and the proposed development consists of:
 - (i) the erection of a building or the carrying out of a work on the land for the purpose of any land use that was being lawfully carried out on the land immediately before the commencement of this Regulation, or
 - (ii) the enlargement, expansion or intensification of any such land use, or
- (e) the development application relates to land zoned “Employment” under *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* and the proposed development consists of a subdivision:
 - (i) that relates to a single lot that existed at the commencement of this Regulation, and
 - (ii) that does not result in more than one additional lot being created, and

- (iii) that does not dedicate land as a public road, or
- (f) the development is in the St Bartholomews Precinct as shown by distinctive colouring on Sheet 3 of the map referred to in *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area*.

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Schedule 2 Amendments—law revision

Schedule 2 Amendments—law revision

(Clause 2)

[1] Clause 156 Occupation and use of new buildings: section 109M (2)

Omit “section 115M” from clause 156 (2).

Insert instead “section 116G”.

[2] Clause 156 (2)

Omit “section 115H (a)”. Insert instead “section 116B (a)”.

[3] Clause 226 Prescribed persons: section 116B

Omit “sections 115I, 115L and 115M” from clause 226 (1).

Insert instead “sections 116C, 116F and 116G”.

[4] Clause 226 (1)

Omit “section 115H (a)”. Insert instead “section 116B (a)”.

[5] Clause 226 (2) and (3)

Omit “section 115M” wherever occurring.

Insert instead “section 116G”.

[6] Clause 226 (2) and (3)

Omit “section 115H (a)” wherever occurring.

Insert instead “section 116B (a)”.

[7] Clause 227 Technical provisions of the State’s building laws

Omit “section 115M”. Insert instead “section 116G”.

BY AUTHORITY