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NEW SOUTH WALES

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## SPECIAL SUPPLEMENT



New South Wales

## Proclamation

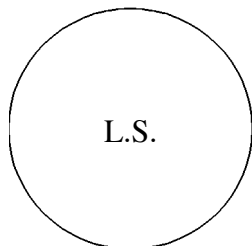
under the

**Environmental Planning and Assessment Amendment  
(Infrastructure and Other Planning Reform) Act 2005 No 43**

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*, do, by this my Proclamation, appoint 1 August 2005 as the day on which that Act (except Schedules 2, 3, 7.3, 7.9, 7.11 and 7.13 to that Act) commences.  
Signed and sealed at Sydney, this 29th day of July 2005.

By Her Excellency's Command,



CRAIG KNOWLES, M.P.,  
Minister for Infrastructure and Planning

GOD SAVE THE QUEEN!



New South Wales

## Proclamation

under the

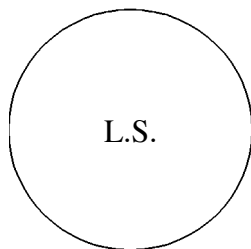
Sydney 2009 World Masters Games Organising Committee Act  
2005 No 65

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Sydney 2009 World Masters Games Organising Committee Act 2005*, do, by this my Proclamation, appoint 1 August 2005 as the day on which that Act (Part 7 and Schedule 3 excepted) commences.

Signed and sealed at Sydney, this 29th day of July 2005.

By Her Excellency's Command,



SANDRA NORI, M.P.,

Minister for Tourism, Sport and Recreation

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence the *Sydney 2009 World Masters Games Organising Committee Act 2005* (except Part 7 and Schedule 3) on 1 August 2005. Part 7 (Dissolution of SWMGOC) and Schedule 3 (Amendment of Acts as consequence of dissolution) commence on 30 June 2010.

# Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Regulation 2005

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*.

CRAIG KNOWLES, M.P.,  
Minister for Infrastructure and Planning

## Explanatory note

The object of this Regulation is to make provision consequent on the commencement of the amendments made by the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005* relating to environmental assessment and approval of major infrastructure and other projects.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 75Z and 157 and Schedule 6.

Clause 1            Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Regulation 2005

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## **Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Regulation 2005**

### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Regulation 2005*.

### **2 Commencement**

This Regulation commences on the commencement of Part 3A of the *Environmental Planning and Assessment Act 1979*.

### **3 Amendment of Environmental Planning and Assessment Regulation 2000**

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

Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Regulation 2005

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Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 5 What is advertised development?

Insert at the end of the clause:

- (3) A reference in subclause (1) to State significant development is a reference to development which, before the repeal of section 76A (7) of the Act, was State significant development and which (under transitional provisions of or made under the Act) continues to be subject to the former provisions of the Act relating to State significant development.

### [2] Part 1A

Insert after Part 1:

## Part 1A Major projects

### 8A Definitions

- (1) In this Part:

*environmental assessment requirements* for a project (including a concept plan for a project) means environmental assessment requirements prepared by the Director-General under section 75F of the Act.

*project* means development to which Part 3A of the Act applies.

- (2) In this Part:

- (a) a reference to the end of the public consultation period for a project or concept plan is a reference to the end of the period of 30 days referred to in section 75H (3) of the Act in relation to the project or concept plan, and
- (b) a reference to the end of the proponent's environmental assessment period for a project or concept plan is a reference to the time at which the proponent has

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complied with all of the Director-General's requirements under section 75H of the Act.

- (3) In this Part, a reference to section 75F, 75G, 75H or 75I of the Act includes, in the case of a concept plan for a project, a reference to any such section as applied by section 75N of the Act.

**8B Matters for environmental assessment and Ministerial consideration**

The Director-General's report under section 75I of the Act in relation to a project is to include the following matters (to the extent that those matters are not otherwise included in that report in accordance with the requirements of that section):

- (a) an assessment of the environmental impact of the project,
- (b) any aspect of the public interest that the Director-General considers relevant to the project,
- (c) the suitability of the site for the project,
- (d) copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.

**Note.** Section 75J (2) of the Act requires the Minister to consider the Director-General's report (and the reports, advice and recommendations contained in it) when deciding whether or not to approve the carrying out of a project.

**8C Time limits for dealing with applications and other matters**

The following time limits are prescribed for dealing with applications and other matters under Part 3A of the Act:

- (a) The time within which the Director-General is to notify the proponent of environmental assessment requirements with respect to a project or concept plan is 28 days after the proponent requests the Director-General to prepare those requirements.
- (b) The time within which the Director-General is to accept the environmental assessment with respect to a project or concept plan, or require the proponent to submit a

Environmental Planning and Assessment Amendment (Infrastructure and  
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revised environmental assessment, under section 75H of the Act is 21 days after the environmental assessment is received by the Director-General.

- (c) The time within which the Director-General is required to send copies of submissions received or a report of the issues raised in those submissions to the proponent and others under section 75H (5) of the Act (or to notify the proponent that no submissions were received) is 10 days after the end of the public consultation period for the project or concept plan.

**8D Rejection of applications if proponent fails to comply with requirements**

- (1) This clause applies to the following applications:
- (a) an application for the Minister's approval to carry out a project,
  - (b) an application for the Minister's approval for the concept plan for a project.
- (2) If:
- (a) any such application has not been duly made, and
  - (b) the Director-General has notified the proponent of the action required to ensure that the application is duly made, and
  - (c) the proponent has failed to take that action within 14 days after being so notified,

the Minister may decide to reject the application without determining whether to approve or disapprove of the carrying out of the project or to give or refuse to give approval for the concept plan (as the case requires).

- (3) If:
- (a) the proponent has failed to comply with the Director-General's requirements under section 75H of the Act in connection with an application, and
  - (b) the Director-General has notified the proponent of the requirements that have not been complied with, and

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- (c) the proponent has failed to comply with those requirements within 21 days after being so notified, the Minister may decide to reject the application without determining whether to approve or disapprove of the carrying out of the project or to give or refuse to give approval for the concept plan (as the case requires).
- (4) An application is taken to be rejected and never to have been made when the proponent is given notice of the Minister's decision to reject the application under this clause.
- (5) The Director-General must refund to the proponent the whole of any fee paid in connection with an application that is rejected under this clause.

**8E Provisions relating to appeals**

- (1) **Date of receipt of notice of determination**  
For the purposes of determining the commencement of the appeal period under section 75K (2) (a), 75L (3) or 75Q (2) (a) of the Act, notice of the determination concerned is received on the date that the notice is received (or taken to have been received) in accordance with section 153 of the Act.
- (2) **Proponent appeal relating to approval of project—deemed refusal**  
For the purposes of section 75K (2) (b) of the Act, the date on which a pending application for approval to carry out a project is taken to have been refused for the purposes only of enabling an appeal within 3 months after the date of the deemed refusal is as follows:
- (a) 60 days from the end of the proponent's environmental assessment period for the project, except as provided by paragraph (b) or (c),
- (b) 120 days from the end of that period if the Director-General notifies the proponent, when notifying the environmental assessment requirements for the project, that the project involves a complex environmental assessment and approval process,
- (c) 30 days from the end of that period if the Director-General notifies the proponent, when notifying the environmental assessment requirements for the



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project, that the project does not involve a complex environmental assessment and approval process.

(3) **Proponent appeal relating to concept plan or modification of concept plan—deemed refusal**

For the purposes of section 75Q (2) (b) of the Act, a pending application for approval of a concept plan or to modify a concept plan is taken to have been refused for the purposes only of enabling an appeal within 3 months after the date of the deemed refusal is as follows:

- (a) 60 days from the end of the proponent's environmental assessment period for the concept plan, except as provided by paragraph (b) or (c),
- (b) 120 days from the end of that period if the Director-General notifies the proponent, when notifying the environmental assessment requirements for the concept plan, that the concept plan involves a complex environmental assessment and approval process,
- (c) 30 days from the end of that period if the Director-General notifies the proponent, when notifying the environmental assessment requirements for the concept plan, that the concept plan does not involve a complex environmental assessment and approval process.

(4) **Proponent appeal relating to modifications of approval**

The time within which an appeal may be made under section 75W (5) of the Act is 3 months after:

- (a) the date on which the proponent received (or is taken to have received) notice of the determination of the request for a modification of the approval for a project in accordance with section 153 of the Act, or
- (b) the expiration of the period of 40 days after the request for the modification was made during which the Minister has failed to determine the request.

**8F Owner's consent or notification**

- (1) The consent of the owner of land on which a project is to be carried out is required for an application for approval under Part 3A unless:

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- (a) the application is made by a public authority, or
  - (b) the application relates to a critical infrastructure project, or
  - (c) the application relates to a mining or petroleum production project.
- (2) Any such consent may be obtained at any time before the determination of the application.
- (3) If the consent of the owner of the land is not required under this clause, then the proponent is required to give notice of the application:
- (a) in the case of a project that comprises linear infrastructure—to the public by advertisement published in a newspaper circulating in the area of the project before the start of the public consultation period for the project, or
  - (b) in the case of a project that comprises mining or petroleum production—to the public by advertisement published in a newspaper circulating in the area of the project before the end of the period of 14 days after the application is made, or
  - (c) in the case of a critical infrastructure project (other than linear infrastructure or mining or petroleum production)—to the owner of the land before the end of period of 14 days after the application is made, or
  - (d) in any other case—to the owner of the land at any time before the application is made.
- (4) In this section:

**linear infrastructure** means any linear transport or public utility infrastructure, or other projects involving multiple owners of land designated by the Director-General for the purposes of this clause.

**mining or petroleum production** includes any activity that is related to mining or petroleum production, but does not include a project on land that is a state conservation area reserved under the *National Parks and Wildlife Act 1974*.

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**8G Public information about documents relating to projects**

- (1) This clause applies to the duty of the Director-General under section 75X (2) of the Act to make specified documents relating to a project publicly available.
- (2) The documents are to be made available on the Department's website and in such other locations as the Director-General determines.
- (3) The documents are to be posted on the Department's website and in those other locations within 14 days of:
  - (a) in the case of a document that is an application, request or submission—the date on which the application, request or submission is made, or
  - (b) in the case of a document that is a determination of environmental assessment requirements, a report or an approval—the date on which the determination, report or approval is made or given.
- (4) In addition to the documents referred to in section 75X (2) of the Act, the Director-General is to include on the Department's website and in such other locations as the Director-General determines the following documents:
  - (a) the declaration of development as a project to which Part 3A of the Act applies or its declaration as a critical infrastructure project,
  - (b) guidelines published under section 75F or 75H of the Act,
  - (c) any environmental assessment in relation to a project that has been placed on public exhibition under section 75H of the Act,
  - (d) responses to submissions, preferred project reports and other material in relation to a project provided to the Director-General by the proponent after the end of the public consultation period (whether under section 75H (6) of the Act or otherwise),
  - (e) reports of panels under section 75G of the Act or of inquiries under section 119 of the Act in relation to a project,

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- (f) any reasons given to the proponent by the Minister as referred to in section 75X (3) of the Act.
- (5) A document may be made available on the Department's website by providing an electronic link to the document on another website.

**8H Fees and charges**

- (1) The fees and charges payable under Part 15 are payable in respect of projects.
- (2) For the purposes of applying Part 15 to a project, a reference in that Part:
  - (a) to a development application is a reference to an application for approval for a project or for a concept plan for a project, or
  - (b) to a consent authority is a reference to the Minister, or
  - (c) to development consent is a reference to the approval of the Minister, or
  - (d) to evaluation of proposed development under section 79C of the Act is a reference to assessment and approval of the project under Part 3A of the Act, or
  - (e) to an application for the modification of a consent under a provision of Part 4 of the Act is a reference to an application for a modification of an approval under a corresponding provision of Part 3A of the Act,

but only if the project would, but for Part 3A of the Act, be development to which Part 4 of the Act applies.
- (3) The maximum fee for both an application for approval of a concept plan for a project and an application for approval of that project is the maximum fee payable for approval of the project without a prior approval of a concept plan for the project. The Director-General is to determine the percentage of that fee to be payable in connection with the application for approval of the concept plan.

**Note.** Clause 256 (3) of Part 15 (as applied by this clause) enables the Minister to refuse to consider an application for approval in relation to a project if the appropriate fee under this clause is not paid by the applicant.

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**8I Enforcement: critical infrastructure**

In accordance with section 75R (5) of the Act, Division 2A of Part 6 of the Act applies to a critical infrastructure project only to the extent that it authorises the Minister or the Director-General to give an order or exercise any other function under that Division.

**8J Transitional provisions**

- (1) The Director-General may adopt (with or without modification), as environmental assessment requirements for a project or concept plan, environmental assessment requirements issued by the Director-General under Part 4 or under Division 4 of Part 5 of the Act with respect to any development or activity before it becomes a project to which Part 3A of the Act applies.
- (2) The Director-General may accept (with or without modification), as an environmental assessment for a project or concept plan, an environmental impact statement obtained in accordance with requirements of the Director-General under Part 4 or under Division 4 of Part 5 of the Act with respect to any development or activity before it becomes a project to which Part 3A of the Act applies.
- (3) The Director-General may accept, as a period of public availability of the environmental assessment for a project or concept plan (under section 75H (3) of the Act), a period of public exhibition of an environmental impact statement referred to in subclause (2) before the relevant development or activity becomes a project to which Part 3A of the Act applies.
- (4) Despite its repeal, section 88A of the Act continues to apply (and Part 3A of the Act does not apply) to development that is the subject of a development application that was directed to be referred to the Minister under that section before its repeal.
- (5) If a development application is made after the commencement of Part 3A of the Act in respect of any development that, immediately before the commencement of Part 3A, was declared to be State significant development by notice in force under section 76A (7) of the Act, the Minister may direct that the application is to be determined (unless the development

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application is withdrawn by the applicant) as if the amendments made to the Act by Schedule 1 to the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005* had not been made.

**[3] Clause 114A Applications to extend lapsing period for consent for State significant development**

Omit the clause.

**[4] Clause 237A**

Insert before clause 238:

**237A Application**

This Division applies in relation to the provisions of Division 4 of Part 5 of the Act, as in force immediately before their repeal, to the extent that those provisions continue to apply to an activity by the operation of a transitional provision made by or under the Act.

**[5] Clause 283 False or misleading statements**

Insert “the Director-General or” after “lodged with”.

**[6] Schedule 4 Planning certificates**

Omit clause 3.



New South Wales

## **State Environmental Planning Policy (State Significant Development) 2005 (Amendment No 1)**

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Infrastructure and Planning.

CRAIG KNOWLES, M.P.,  
Minister for Infrastructure and Planning

Clause 1 State Environmental Planning Policy (State Significant Development) 2005  
(Amendment No 1)

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## **State Environmental Planning Policy (State Significant Development) 2005 (Amendment No 1)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (State Significant Development) 2005 (Amendment No 1)*.

### **2 Aims of Policy**

The aims of this Policy are:

- (a) to revise and rename the *State Environmental Planning Policy (State Significant Development) 2005* as a consequence of the enactment of Part 3A (Major infrastructure and other projects) of the *Environmental Planning and Assessment Act 1979 (the Act)*, and
- (b) to provide that development declared under that Policy as State significant development (for which the Minister is the consent authority under Part 4 of the Act) is generally declared instead as major projects under Part 3A of the Act (for which the Minister is the approval authority under the separate streamlined and integrated development assessment and approval system instituted by that Part), and
- (c) to make other miscellaneous changes to that Policy.

### **3 Commencement of Policy**

This Policy commences on the commencement of Part 3A of the Act.

### **4 Land to which Policy applies**

This Policy applies to the State.

### **5 Amendment of State Environmental Planning Policy (State Significant Development) 2005**

*State Environmental Planning Policy (State Significant Development) 2005* is amended as set out in Schedule 1.



State Environmental Planning Policy (State Significant Development) 2005  
(Amendment No 1)

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## Schedule 1 Amendments

(Clause 5)

### [1] Clause 1 Name of Policy

Omit “*State Significant Development*”. Insert instead “*Major Projects*”.

### [2] Clause 2

Omit the clause. Insert instead:

#### 2 Aims of Policy

The aims of this Policy are as follows:

- (a) to identify development to which the development assessment and approval process under Part 3A of the Act applies,
- (b) to identify any such development that is a critical infrastructure project for the purposes of Part 3A of the Act,
- (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State,
- (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes,
- (e) to rationalise and clarify the provisions making the Minister the approval authority for development and sites of State significance, and to keep those provisions under review so that the approval process is devolved to councils when State planning objectives have been achieved.

### [3] Clauses 6 and 6A

Omit clause 6. Insert instead:

#### 6 Identification of Part 3A projects

- (1) Development that, in the opinion of the Minister, is development of a kind:
  - (a) that is described in Schedule 1 or 2, or
  - (b) that is described in Schedule 3 as a project to which Part 3A of the Act applies, or

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State Environmental Planning Policy (State Significant Development) 2005  
(Amendment No 1)

Schedule 1 Amendments

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- (c) to the extent that it is not otherwise described in Schedules 1–3, that is described in Schedule 5, is declared to be a project to which Part 3A of the Act applies.
- (2) However, any such development does not become a project to which Part 3A of the Act applies by the operation of subclause (1) if:
- (a) the carrying out of that development has been authorised by a consent that is in force under Part 4 of the Act before development of that kind is declared under subclause (1), or
  - (b) the continuation of the carrying out of that development would be authorised by section 109 of the Act if it were not a project to which Part 3A of the Act applied, or
  - (c) the Act or the regulations under the Act provide that Part 3A of the Act does not apply to the carrying out of that development (or to the determination of a pending development application under Part 4 of the Act with respect to that development).

**Notes.**

1. Under section 75B of the Act, development may be declared by a State Environmental Planning Policy or Ministerial Order to be a project to which Part 3A applies.
2. The Minister is the approving authority for such projects and they are generally excluded from Parts 4 and 5 of the Act.
3. Section 75R of the Act limits the application of environmental planning instruments in relation to approved projects, but any prohibition on development imposed by any such instrument continues to apply to any project other than a critical infrastructure project.
4. Schedule 6 to the Act provides that Part 3A of the Act does not apply to the determination of a development application for State significant development that is pending on the commencement of that Part and is not withdrawn by the applicant).

**6A Identification of projects as critical infrastructure projects**

Development that, in the opinion of the Minister, is described in Schedule 5, is also declared to be a critical infrastructure project.

**Note.** Under section 75C of the Act, projects to which Part 3A apply may also be declared to be critical infrastructure projects to which additional provisions in Part 3A apply. When inserted into this Policy, Schedule 5 did not contain the description of any project.

State Environmental Planning Policy (State Significant Development) 2005  
(Amendment No 1)

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**[4] Clauses 7 (1) and 8 (1) (a)**

Omit “State significant development” wherever occurring.

Insert instead “a project to which Part 3A of the Act applies”.

**[5] Clause 9 Public and council consultation in relation to assessment of State significant development**

Omit the clause.

**[6] Clause 9A**

Insert before clause 10:

**9A Development for which Minister consent authority under Part 4**

The Minister is the consent authority under Part 4 of the Act for any development requiring consent under that Part that, in the opinion of the Minister, is of a kind described in Schedule 6 and is not a project to which Part 3A of the Act applies.

**[7] Clause 10**

Omit the clause. Insert instead:

**10 Exclusion of certain complying development**

(1) If, but for this clause:

- (a) particular development would be a project to which Part 3A of the Act applies because of this Policy, and
- (b) an environmental planning instrument (whether made before or after this Policy takes effect) provides that the particular development is complying development, and
- (c) the particular development is not carried out as part of or in conjunction with other development that is a project to which Part 3A applies,

the particular development is not such a project, despite clauses 6 and 6A.

(2) If, but for this clause:

- (a) particular development would be development for which the Minister is the consent authority because of clause 9A, and
- (b) an environmental planning instrument (whether made before or after this Policy takes effect) provides that the particular development is complying development, and

State Environmental Planning Policy (State Significant Development) 2005  
(Amendment No 1)

Schedule 1 Amendments

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- (c) the particular development is not carried out as part of or in conjunction with other development for which the Minister is the consent authority,  
the Minister is not the consent authority for the particular development, despite clause 9A.

**[8] Clause 11**

Omit the clause. Insert instead:

**11 Subdivision certificates for Part 3A projects**

Subject to section 75S of the Act, a subdivision certificate may be issued by an accredited certifier for a subdivision that is a project to which Part 3A of the Act applies in accordance with section 109D (1) (d) (iv) of the Act.

**[9] Clause 12 Walsh Bay—designated consent authority**

Insert “development that continues to be dealt with under the Act as” before “State significant development” in clause 12 (a).

**[10] Clause 12 (2)**

Insert at the end of clause 12:

- (2) This clause does not affect the operation of Part 3A of the Act in relation any development at Walsh Bay that is a project to which that Part applies.

**[11] Clause 14 Transitional provisions**

Omit clause 14 (2). Insert instead:

- (2) Subject to subclause (3), this Policy does not operate to make the carrying out of development for the purposes of a mine, as described in item 7 of Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980*, a project to which Part 3A of the Act applies if the carrying out of the development would be prohibited or require consent but for the authority conferred by the adoption of clause 35 and that item of those Model Provisions under an environmental planning instrument applying to the land concerned.
- (3) Subclause (2) ceases to have effect:
- (a) in relation to development carried out underground—on the fifth anniversary of the commencement of Part 3A of the Act, or

State Environmental Planning Policy (State Significant Development) 2005  
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- (b) in any other case—on the second anniversary of that commencement.

**[12] Clause 15 Review of Policy**

Omit clause 15 (1). Insert instead:

- (1) The Minister must ensure that the provisions of this Policy are reviewed:
- (a) as soon as practicable after the first anniversary of the commencement of Part 3A of the Act, and
- (b) at least every 5 years thereafter,
- to ensure that the provisions continue to be appropriate for identifying Part 3A projects consistently with sections 75B and 75C of the Act.

**[13] Clause 15 (2)**

Omit “State significant development meets”. Insert instead “projects meet”.

**[14] Schedule 1, heading**

Omit “State significant development” from the heading to Schedule 1.

Insert instead “Part 3A projects”.

**[15] Schedule 1, clause 5 (3) (a)**

Omit “State significant development”.

Insert instead “another Part 3A project”.

**[16] Schedule 1, clauses 6 (2) (a) and 7 (2) (a)**

Omit “other State significant development”.

Insert instead “another Part 3A project”.

**[17] Schedule 1, clause 24 (a)**

Insert “, or wind generation” after “solar power generation”.

**[18] Schedule 1, clause 24 (b)**

Omit the paragraph.

**[19] Schedule 1, clause 26**

Insert at the end of the clause:

- (2) This clause does not apply to development if the proponent is a public authority.

State Environmental Planning Policy (State Significant Development) 2005  
(Amendment No 1)

Schedule 1 Amendments

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**[20] Schedule 2, heading**

Omit “State significant development on specified” from the heading to Schedule 2.

Insert instead “Part 3A projects—specified”.

**[21] Schedule 2, clause 3 (Kosciuszko Ski Resorts)**

Omit the clause and the note to the clause.

**[22] Schedule 2, clauses 10 (1), 13 and 14**

Insert “(with a capital investment value of more than \$5 million)” after “Development” wherever occurring.

**[23] Schedule 3 State significant sites**

Omit the heading to Division 1 of Part 1. Insert instead:

**Division 1 Part 3A projects**

**[24] Schedule 3, clause 1**

Omit the heading to the clause. Insert instead:

**1 Part 3A projects**

**[25] Schedules 5 and 6**

Insert at the end of the Policy:

**Schedule 5 Critical infrastructure projects**

(Clauses 6 and 6A)

**Note.** This Schedule was blank when inserted into this Policy.

**Schedule 6 Minister consent authority for Part 4 development**

(Clause 9A)

**1 Sydney Harbour Foreshore Sites**

Development (with a capital investment value of not more than \$5 million) within the area identified on the following maps to Schedule 2:

- (a) Circular Quay—Map 9,
- (b) Rocks to Dawes Point—Map 9,

State Environmental Planning Policy (State Significant Development) 2005  
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- (c) Walsh Bay—Wharf 2–3—Map 9,
  - (d) East Darling Harbour—Wharfs 3–8—Map 9,
  - (e) Darling Harbour—Map 9,
  - (f) Banks Street precinct and Fish Markets—Map 9,
  - (g) Sydney Casino Switching station site—Map 9,
  - (h) Luna Park—Map 10.

**2 Redfern–Waterloo Authority Sites**

Development (with a capital investment value of not more than \$5 million) within the area identified on Map 16 to Schedule 2.

**3 Sydney Olympic Park**

Development (with a capital investment value of not more than \$5 million) within the area described in Schedule 1 to the *Sydney Olympic Park Authority Act 2001*.

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979****ORDERS**

I, the Minister for Infrastructure and Planning, declare under section 75B(1) of the Environmental Planning and Assessment Act 1979 that the following developments are projects to which Part 3A applies.

CRAIG KNOWLES, M.P.,  
Minister for Infrastructure and Planning  
Sydney,

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**DEVELOPMENT TO WHICH PART 3A APPLIES**

Development that is an activity for which the proponent (that is not a local council or county council) is also the determining authority and that, in the opinion of the proponent, would (but for this order) require an environment impact statement to be obtained under Part 5.

The terms “activity”, “determining authority” and “proponent” have the same meaning as in Part 5 of the Environmental Planning and Assessment Act 1979.





New South Wales

# Electricity Supply (Safety and Network Management) Amendment Regulation 2005

under the

Electricity Supply Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

FRANK ERNEST SARTOR, M.P.,  
Minister for Energy and Utilities

## Explanatory note

The object of this Regulation is to amend the *Electricity Supply (Safety and Network Management) Regulation 2002* so as:

- (a) to ensure that certain plans prepared by a network operator that is a distribution network service provider comply with any requirements imposed on the network operator by the conditions of its distribution network service provider's licence, and
- (b) to enable a network operator to be exempted from such of the requirements of that Regulation as are inconsistent with the requirements of the network operator's licence and
- (c) to provide that the requirements of that Regulation are supplementary to the requirements imposed by the conditions of a distribution network service provider's licence, and
- (d) to update the definition of *Director-General* in clause 3 of that Regulation.

This Regulation is made under the *Electricity Supply Act 1995*, including section 106 (the general power to make regulations).

Clause 1 Electricity Supply (Safety and Network Management) Amendment  
Regulation 2005

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## **Electricity Supply (Safety and Network Management) Amendment Regulation 2005**

under the

Electricity Supply Act 1995

### **1 Name of Regulation**

This Regulation is the *Electricity Supply (Safety and Network Management) Amendment Regulation 2005*.

### **2 Amendment of Electricity Supply (Safety and Network Management) Regulation 2002**

The *Electricity Supply (Safety and Network Management) Regulation 2002* is amended as set out in Schedule 1.

Electricity Supply (Safety and Network Management) Amendment  
Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 3 Definitions

Omit the definition of *Director-General*. Insert instead:

*Director-General* means the Director-General of the Department of Energy, Utilities and Sustainability.

### [2] Clause 5 Network operators may be required to lodge plans

Insert after clause 5 (2):

- (2A) A network operator that is a distribution network service provider does not comply with a requirement under subclause (1) in respect of any such plan unless the plan complies with any requirements imposed on the network operator by any relevant conditions of the network operator's distribution network service provider's licence.

### [3] Clause 21 Exemptions

Omit clause 21 (1). Insert instead:

- (1) The Director-General may exempt a network operator from any requirement of this Regulation if of the opinion that the requirement is inappropriate having regard to:
- (a) the nature, size and complexity of the network operator's transmission or distribution system, or
  - (b) in the case of a network operator that is a distribution network service provider, the requirements imposed on the network operator by the conditions of its distribution network service provider's licence.

### [4] Clause 21A

Insert after clause 21:

#### **21A Regulation to be construed as supplementing licence conditions**

The requirements imposed on a distribution network service provider by this Regulation are in addition to the requirements imposed on the distribution network service provider by the conditions of its distribution network service provider's licence.

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