

**MISCELLANEOUS ACTS (PLANNING) REPEAL AND
AMENDMENT BILL, 1979**

EXPLANATORY NOTE

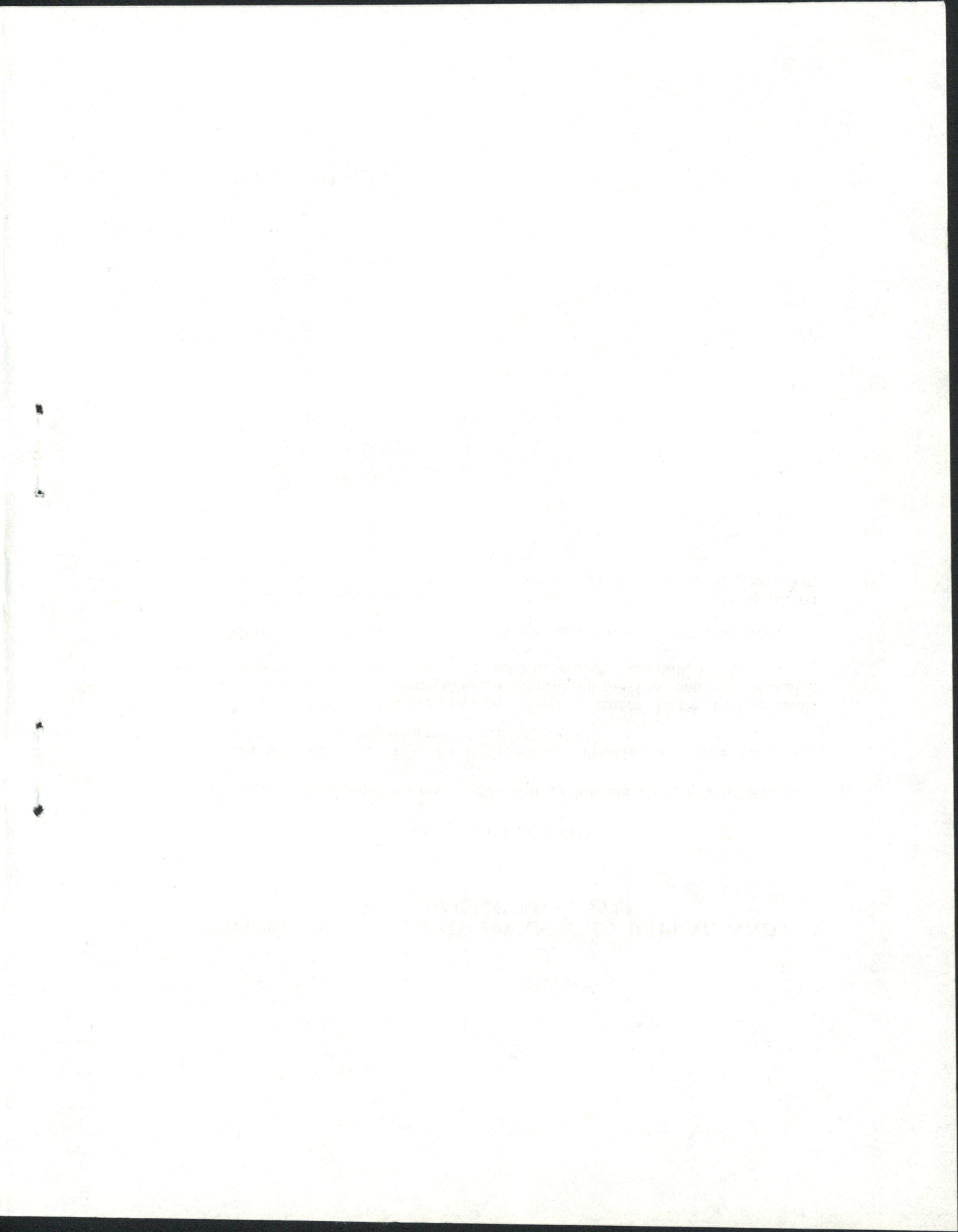
(This Explanatory Note relates to this Bill as introduced into Parliament)

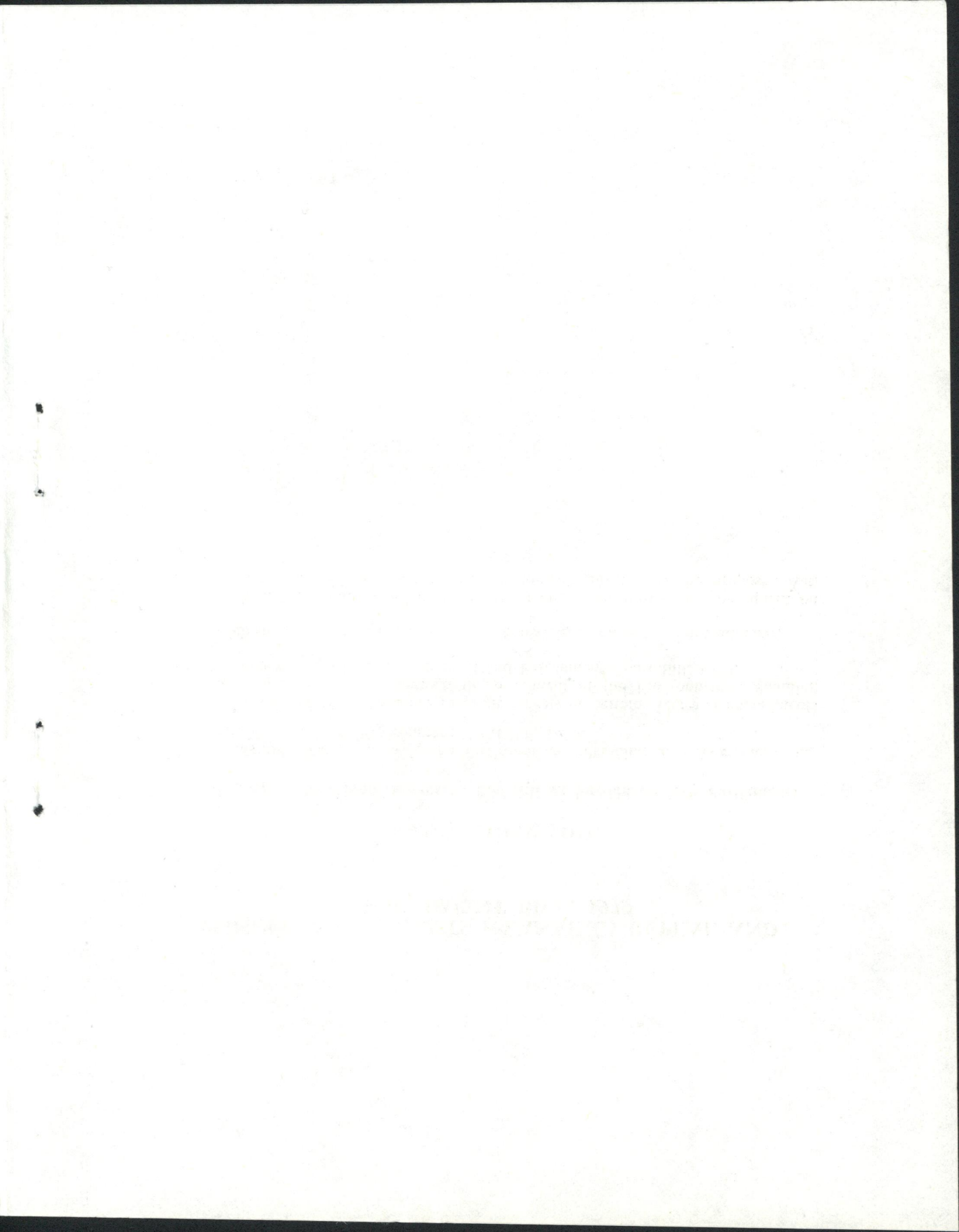
This Bill is cognate with the Environmental Planning and Assessment Bill, 1979, and the Land and Environment Court Bill, 1979.

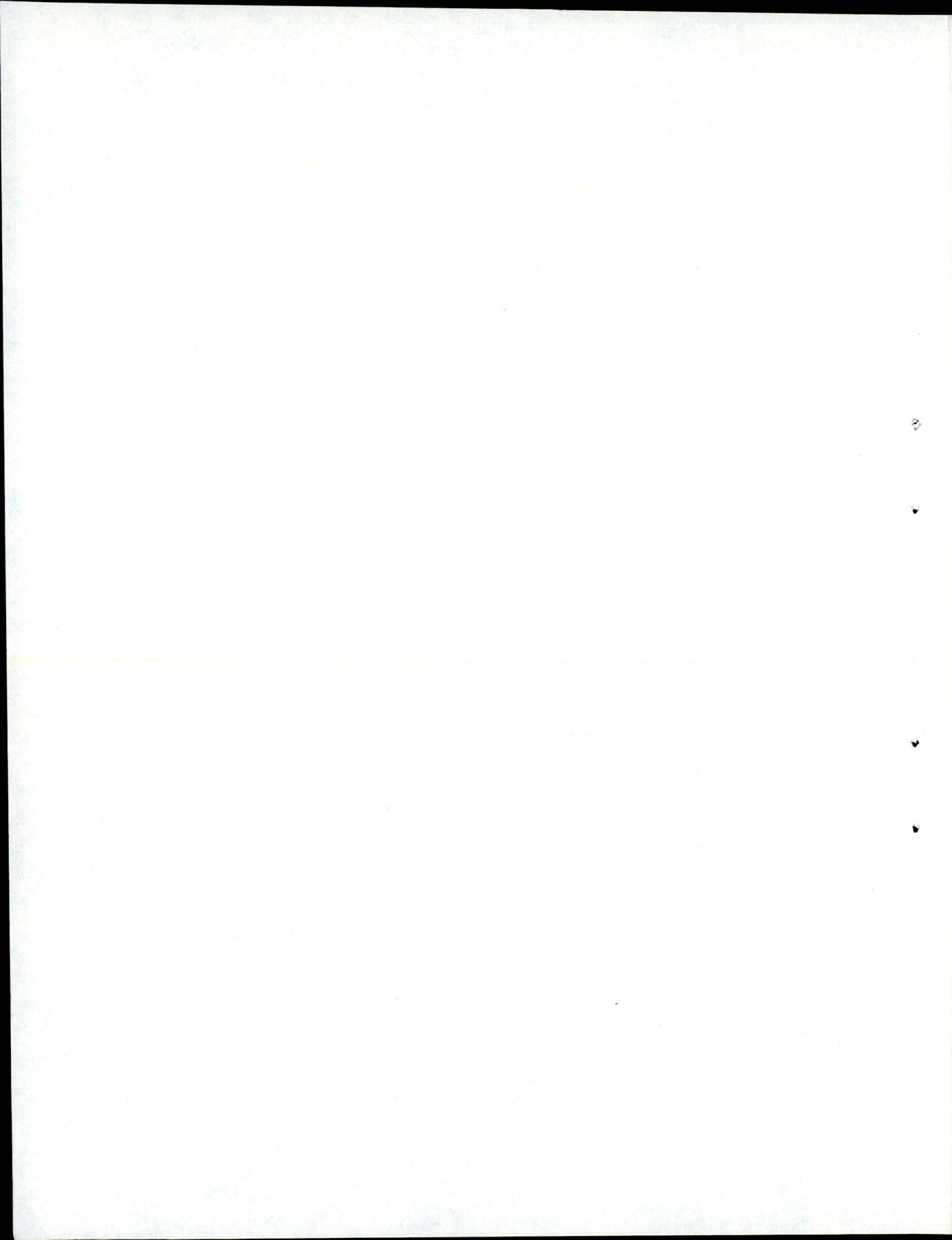
The objects of this Bill are to effect repeals of certain Acts and amendments to certain other Acts consequent on the enactment of the Environmental Planning and Assessment Bill, 1979, and the Land and Environment Court Bill, 1979.

Schedule 1 contains the repeals, and Schedule 2 contains the amendments.

Schedule 3 contains savings, transitional and other provisions, consequent on and in connection with the repeals and amendments effected by the proposed Act.







**MISCELLANEOUS ACTS (PLANNING) REPEAL
AND AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

An Act to repeal certain Acts and amend certain other Acts, consequent on the enactment of the Environmental Planning and Assessment Act, 1979, and the Land and Environment Court Act, 1979, and to enact savings, transitional and other provisions consequent on and in connection with the enactment of those Acts.

[MR HAIGH—17 *April*, 1979.]

Miscellaneous Acts (Planning) Repeal and Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

 (2) Except as provided by subsection (1), this Act shall
10 commence on the day appointed and notified under section 2 (2) of the Environmental Planning and Assessment Act, 1979.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENTS.

15 **SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.**

4. Each Act specified in Column 1 of Schedule 1 is to the extent specified opposite that Act in Column 2 of that Schedule, Repeals.
repealed.

20 **5.** Each Act specified in Schedule 2 is amended in the manner set forth in that Schedule. Amend-
ments.

6. Schedule 3 has effect. Savings,
transitional
and other
provisions.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 1.

Sec. 4.

REPEALS.

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
		Extent of repeal.
	1919, No. 41 ..	Local Government Act, 1919
	1921, No. 10 ..	Land and Valuation Court Act, 1921
10	1945, No. 21 ..	Local Government (Town and Country Planning) Amendment Act, 1945.
	1948, No. 30 ..	Local Government (Areas) Act, 1948.
15	1951, No. 18 ..	Local Government (Amendment) Act, 1951.
	1954, No. 13 ..	Local Government (Amendment) Act, 1954.
	1958, No. 21 ..	Local Government (Amendment) Act, 1958.
20	1959, No. 21 ..	Local Government (Amendment) Act, 1959.
	1962, No. 7 ..	Local Government (Town and Country Planning) Amendment Act, 1962.
25	1963, No. 59 ..	State Planning Authority Act, 1963.
	1964, No. 37 ..	Industrial Arbitration (Amendment) Act, 1964.
30	1965, No. 33 ..	Decimal Currency Act, 1965
35	1967, No. 48 ..	Local Government (City of Sydney Boundaries) Act, 1967.
	1967, No. 86 ..	Industrial Arbitration (Basic Wage) Amendment Act, 1967.
40	1970, No. 1 ..	Local Government (Amendment) Act, 1970.
	1970, No. 22 ..	Land Development Contribution Management Act, 1970.
45	1970, No. 42 ..	Local Government (Further Amendment) Act, 1970.
	1970, No. 52 ..	Supreme Court Act, 1970 ..
50	1970, No. 79 ..	Clutha Development Pty. Limited Agreement Act, 1970.
55		

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 1—*continued.*REPEALS—*continued.*

	Column 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	
		Extent of repeal.	
	1971, No. 14 ..	Local Government (Amendment) Act, 1971.	The whole Act.
10	1971, No. 78 ..	Local Government (Appeals) Amendment Act, 1971.	Sections 2, 3, 4 (c), 5 (a) and (b), 6 and 11.
	1972, No. 38 ..	Regional Organisation Act, 1972.	Section 33.
	1972, No. 40 ..	State Planning Authority (Amendment) Act, 1972.	The whole Act.
15	1972, No. 41 ..	Supreme Court (Amendment) Act, 1972.	Paragraph (ap) of the Second Schedule and so much of paragraph (bb) of that Schedule as relates to Act No. 78, 1971.
	1972, No. 53 ..	Public Transport Commission Act, 1972.	Section 35.
20	1973, No. 9 ..	District Court Act, 1973 ..	So much of Schedule 2 as amends Act No. 59, 1963.
	1974, No. 29 ..	Local Government (Amendment) Act, 1974.	Section 3 (b).
25	1974, No. 43 ..	New South Wales Planning and Environment Commission Act, 1974.	The whole Act.
	1975, No. 34 ..	Local Government (Appeals) Amendment Act, 1975.	Sections 2, 6 and 7.
30	1976, No. 4 ..	Statutory and Other Offices Remuneration Act, 1975.	So much of Schedule 5 as amends Act No. 43, 1974.
	1976, No. 26 ..	Local Government (Amendment) Act, 1976.	Section 10.
35	1977, No. 19 ..	Notice of Action and Other Privileges Abolition Act, 1977.	So much of Schedule 1 as amends Act No. 59, 1963.
	1978, No. 64 ..	Local Government (Amendment) Act, 1978.	Section 2 (4), the matter relating to Schedule 6 in section 4, section 6 and Schedules 5 (4) and 6.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2.

Sec. 5.

AMENDMENTS.

Public Instruction Act of 1880—

Amendment
of 43 Vic.
No. 23.

Section 4A (5)—

- 5 Omit “as amended by subsequent Acts, and the provisions of the
Land and Valuation Court Act, 1921, as amended by subsequent
Acts, shall, mutatis mutandis, apply to and in respect of the hearing
and determination of any such claim”, insert instead “by notification
10 published in the Gazette, and the Land and Environment Court has
jurisdiction accordingly”.

Western Lands Act, 1901—

Amendment
of Act No.
70, 1901.

(1) Section 3, definition of “Local land board”—

Omit “Land and Valuation Court”, insert instead “Land and Environ-
ment Court”.

- 15 (2) Sections 9 (3) (e), 9 (6) (a), 10B, 18C, 18G (1A) (d), (e), 26 (4),
27—

Omit “Land and Valuation Court” wherever occurring, insert instead
“Land and Environment Court”.

(3) Section 9 (6) (a)—

- 20 Omit “such Court”, insert instead “the Court”.

Public Service Act, 1902—

Amendment
of Act No.
31, 1902.

Section 5 (1)—

- 25 Omit “President and Commissioners of the Land Appeal Court”,
insert instead “Judge and Deputy Judges of the Land and Environ-
ment Court”.

Public Roads Act 1902—

Amendment
of Act No.
95, 1902.

Section 13 (1A), 34 (1)—

Omit “Land and Valuation Court” wherever occurring, insert instead
“Land and Environment Court”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- Closer Settlement Act, 1904—
- Amendment
of Act No.
37, 1904.
- (1) Section 18 (3)—
- 5 Omit “Land and Valuation Court constituted by the Land and Valuation Court Act, 1921”, insert instead “Land and Environment Court”.
- (2) Sections 28, 35, 42, 52—
- 10 Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.
- Closer Settlement (Amendment) Act, 1907—
- Amendment
of Act No.
12, 1907.
- Sections 4 (4) (b) (ii), 4 (5), 5 (7), 9, 10, 10A—
- Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.
- 15 Closer Settlement (Amendment) Act, 1909—
- Amendment
of Act No.
21, 1909.
- Section 23 (1), (3)—
- Omit the subsections.
- Murrumbidgee Irrigation Act, 1910—
- Amendment
of Act No.
42, 1910.
- (1) Section 6 (2B)—
- 20 Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.
- (2) Section 6 (2B)—
- Omit “that court”, insert instead “that Court”.
- (3) Section 6 (2B)—
- 25 Omit “the said court”, insert instead “that Court”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

- Housing Act, 1912—
- Amendment
of Act No.
7, 1912.
- Section 4c (4)—
- 5 Omit “and the provisions of the Land and Valuation Court Act, 1921, as amended by subsequent Acts, shall, mutatis mutandis, apply to and in respect of the hearing and determination of any such claim”, insert instead “by notification published in the Gazette, and the Land and Environment Court has jurisdiction accordingly”.
- 10 Water Act, 1912—
- Amendment
of Act No.
44, 1912.
- (1) Sections 11 (4), (6), 12 (1), (2), 13A (4), (5), (6), 14 (1), (2), 20CA (4), (5), (6), 20CB (1), (3), 107 (5), 126, 152 (3)—
- Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.
- 15 (2) Sections 11 (6), 13A (4), 14 (2), (5), 20CA (4) (k), 126—
- Omit “the said Court” wherever occurring, insert instead “the Court”.
- (3) (a) Section 14 (2)—
- Omit “the court”, insert instead “the Court”.
- 20 (b) Section 14 (5)—
- Omit “the judge of”.
- (c) Section 14 (5)—
- Omit “the judge”, insert instead “the Court”.
- Public Works Act, 1912—
- Amendment
of Act No.
45, 1912.
- 25 (1) Section 102—
- Omit “Court”, insert instead “Land and Environment Court”.
- (2) Section 104—
- Omit “Court”, insert instead “Land and Environment Court”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

(3) Sections 105, 106—

Omit the sections.

5 (4) Section 126A (2)—

Omit “Court”, insert instead “Land and Environment Court”.

(5) Section 126B (3) (b)—

Omit “Court”, insert instead “Land and Environment Court”.

State Coal Mines Act, 1912—

10 (1) Section 7 (5), (7)—

Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.

Amendment
of Act No.
70, 1912.

(2) Section 7 (6)—

15 Omit “, the court hearing an appeal under this Act”, insert instead “on an appeal under this section, the Land and Environment Court”.

(3) Section 9—

Omit the section.

Irrigation Act, 1912—

20 (1) Sections 5G, 11c (3) (f), 11E—

Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.

Amendment
of Act No.
73, 1912.

(2) Section 20 (5)—

25 Omit “of the Land and Valuation Court”, insert instead “or a Deputy Judge of the Land and Environment Court”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- Closer Settlement (Amendment) Act, 1912—
- Amendment
of Act No.
74, 1912.
- Section 4 (3), (5)—
- 5 Omit “Land and Valuation Court” wherever occurring, insert instead
“Land and Environment Court”.
- Crown Lands Consolidation Act, 1913—
- Amendment
of Act No.
7, 1913.
- (1) Section 1 (b)—
- 10 From the matter relating to Part II, omit “LAND AND VALUATION
COURT”, insert instead “LAND AND ENVIRONMENT COURT”.
- (2) Sections 4, 12 (1), 14 (7), (8), 16 (1), 17 (1), 18, 19, 20 (1), (2),
59 (3A), 114 (3), 125 (1), 136B (1), 145 (4), 145B (1B), 147A,
153 (b), (d), 166, 173G, 173H, 197 (1), (3) (b) (ii), 208, 209 (3),
246, 280—
- 15 Omit “Land and Valuation Court” wherever occurring, insert instead
“Land and Environment Court”.
- (3) (a) Section 5 (1), definition of “Local land board”—
- Omit “Land and Valuation Court”, insert instead “Land and
Environment Court”.
- 20 (b) Section 5 (1), definition of “Local land board”—
- Omit “court”, insert instead “Court”.
- (4) Part II, heading—
- Omit “LAND AND VALUATION COURT”, insert instead “LAND AND
ENVIRONMENT COURT”.
- 25 (5) Section 20, heading—
- Omit “*Land and Valuation Court*”, insert instead “*Land and
Environment Court*”.
- (6) Section 21, heading—
- Omit the heading.

Miscellaneous Acts (Planning) Repeal and Amendment.SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(7) Section 22—

Omit the section and the heading thereto, insert instead:—

5 *General powers and procedure of Land and Environment Court.*

22. The Land and Environment Court shall have power to hear and determine all appeals and all matters referred to the Court by the Minister or by a local land board or chairman, and to make any order or decision which the nature of the case may require, including an order remitting the appeal or matter to a land board for such action as may be directed, and in that event the land board shall be empowered and bound to act accordingly.

(8) (a) Section 173F (1)—

15 Omit "Land and Valuation Court constituted by the Land and Valuation Court Act, 1921", insert instead "Land and Environment Court".

(b) Section 173F (2)—

Omit "registrar of the Land and Valuation Court", insert instead "Registrar of the Land and Environment Court".

20 (9) Section 254A (1A)—

After "1919" wherever occurring, insert ", or the Environmental Planning and Assessment Act, 1979".

Closer Settlement (Amendment) Act, 1914—

Amendment
of Act No.
7, 1914.

(1) Section 7, heading—

25 Omit "*Land and Valuation Court*", insert instead "*Land and Environment Court*".

(2) Section 7 (1)—

Omit "Land and Valuation Court", insert instead "Land and Environment Court".

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—continued.

AMENDMENTS—continued.

City and Suburban Electric Railways Act, 1915—

Amendment
of Act No.
29, 1915.

Section 5D—

- 5 Omit “Local Government Act, 1919, as amended by subsequent Acts, or of any other Act, or any Ordinance under the Local Government Act, 1919, as so amended”, insert instead “Local Government Act, 1919, or of an Ordinance made under the Local Government Act, 1919, or of the Environmental Planning and Assessment Act, 1979, or of an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979, or of any other Act”.
- 10

Valuation of Land Act, 1916—

Amendment
of Act No.
2, 1916.

(1) Section 3—

- 15 (a) Omit the matter relating to Part IIIA.
(b) Omit the matter relating to Part IV, insert instead:—

PART IV.—REFERENCE OF OBJECTIONS TO COURT—ss. 37–40.

(2) Section 4 (1), definition of “Valuation board”—

Omit the definition.

20 (3) Section 35 (2)—

Omit the subsection.

(4) (a) Section 36—

Omit “section 35 or that an appeal is pending, insert instead “section 38”.

25 (b) Section 36—

Omit “or no appeal therefrom were pending”.

(c) Section 36—

Omit “or appeal”.

(5) Part IIIA—

- 30 Omit the Part.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

(6) Part IV—

Omit the Part, insert instead:—

5

PART IV.

REFERENCE OF OBJECTIONS TO COURT.

37. In this Part, "Court" means the Land and Environment Court. Interpretation.

10

38. (1) An objector or other person referred to in section 35 (1) who is dissatisfied with the decision of the valuer-general on an objection made to the valuer-general under Part III may, within the time and in the manner prescribed, require the valuer-general to refer the objection to the Court, and the valuer-general shall refer the objection accordingly. Reference of objections.

15

(2) Any State or Commonwealth Department may appear and be heard before the Court by counsel or solicitor, or by any officer authorised in that behalf.

20

39. Without limiting the powers of the Court under the Land and Environment Court Act, 1979, the Court shall, if it upholds an objection and is satisfied that the valuation is erroneous, order the valuation to be altered. Alteration of valuation.

25

40. (1) The Registrar of the Court shall furnish to the valuer-general a certified copy of the order referred to in section 39. Consequential procedure.

(2) The valuer-general shall make—

30

- (a) such amendments to the roll as are necessary to bring it into conformity with the order; and
- (b) such consequential alterations as are necessary for the purpose of fixing the unimproved value, the improved value and the assessed annual value in respect of the land or stratum concerned and the value of the estates or interests of the owners thereof.

(7) Section 58 (2) (e) (iii)—

35

Omit "Ordinance No. 105 made under that Act, a prescribed scheme within the meaning of Part XIII A of that Act or an interim development order within the meaning of section 342r (1) of that Act", insert instead "or an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979".

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

- (8) (a) Section 74—
5 Omit “valuation court or a valuation board or member thereof”, insert instead “the Judge, a Deputy Judge or assessor of the Land and Environment Court”.
- (b) Section 74—
Omit “court, valuation board or member thereof”, insert instead “Judge, Deputy Judge or assessor”.
- 10 Returned Soldiers Settlement Act, 1916—
Sections 5, 19 (3B)—
Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.
Amendment of Act No. 21, 1916.
- Local Government Act, 1919—
15 (1) Section 3—
Omit the matter relating to Parts XII, XIIA and XIIB, insert instead :—
PART XII.—SUBDIVISION REGULATION—ss. 320–342.
Amendment of Act No. 41, 1919.
- (2) (a) Section 4, definition of “Environmental planning instrument”—
20 After the definition of “Electoral offence”, insert :—
“Environmental planning instrument” means an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979.
- (b) Section 4, definition of “Tribunal”—
25 Omit the definition.
- (3) Section 118 (7)—
Omit “Land and Valuation Court”, insert instead “Land and Environment Court”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (4) Section 132 (1) (k)—
- 5 Omit “a scheme prescribed under Part XIIA where such land has been acquired by a responsible authority in accordance with the provisions of the scheme for the purposes of the scheme”, insert instead “an environmental planning instrument where the land has been acquired in accordance with that instrument for a purpose authorised by that instrument”.
- 10 (5) (a) Section 133 (3)—
- Omit “Land and Valuation Court as constituted by the Land and Valuation Court Act, 1921”, insert instead “Land and Environment Court”.
- (b) Section 133 (4)—
- 15 Omit “Land and Valuation Court”, insert instead “Land and Environment Court”.
- (c) Section 133 (4)—
- Omit “the said court”, insert instead “that Court”.
- (6) Section 160c (1), definition of “planning instrument”—
- 20 Omit the definition, insert instead:—
- “planning instrument” means—
- (a) a proclamation made under section 309 (1); and
- (b) an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979;
- 25
- (7) Section 171 (3), (4)—
- Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.
- (8) Section 270JA (1)—
- 30 Omit “any town or country planning scheme within the meaning of Part XIIA”, insert instead “the Environmental Planning and Assessment Act, 1979”.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- 5 (9) (a) Section 288c (5)—
Omit “Tribunal”, insert instead “Land and Environment Court”.
- (b) Section 288c (6)—
Omit the subsection.
- 10 (10) (a) Section 289 (m)—
Omit “Tribunal”, insert instead “Land and Environment Court”.
- (b) Section 289 (m)—
Omit “Where an appeal is made under this paragraph against a direction, a reference in Part XII B to a decision of a council, howsoever expressed, includes a reference to that direction.”.
- 15 (11) (a) Section 309 (1)—
Omit “The Governor”, insert instead “Subject to subsection (5), the Governor”.
- (b) Section 309 (5)—
After section 309 (4), insert:—
- 20 (5) A proclamation under subsection (1) has no force or effect in respect of any land to which a local environmental plan within the meaning of the Environmental Planning and Assessment Act, 1979, applies.
- (12) Section 313—
- 25 Omit the section, insert instead:—
313. (1) In respect of any application for approval of the **Subjects** erection of a building, the council shall take into consideration—^{for con-} sideration.
- (a) drainage, ventilation, lighting and healthiness of the building;
- 30 (b) design, materials, stability, building line and height;
- (c) size, height and lighting of rooms;
- (d) height of floor levels in relation to level of road;
- (e) size, height and materials of party walls between buildings;
- 35 (f) the proportion of the site to be covered by the building and the provision of open spaces and light areas;

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- 5 (g) the position of the building or any outbuilding or office in relation to other buildings or to the boundaries of the site;
- (h) the provision of storage for water for domestic purposes;
- (i) means of access generally and particularly the means of access for the purposes of the removal of nightsoil, garbage and other refuse;
- 10 (j) height, materials, stability, design and position of fences (if any) to be erected on or on the boundaries of the allotment on which the building is to be erected;
- (k) whether the site is subject to flooding or tidal inundation; and
- 15 (l) whether the site is or probably will be subject to subsidence or slip.

(2) Where consent under the Environmental Planning and Assessment Act, 1979, is not required in respect of the erection of a building, then, in respect of any application for approval of the erection of that building, the council shall take into consideration—

- 20 (a) the matters enumerated in subsection (1);
- (b) where the building is to be erected in an area or part of an area to which this paragraph has been applied by the Governor by proclamation, the provision of suitable space or accommodation for vehicles likely to be used by the occupants of the building;
- 25 (c) the provision, in buildings designed or intended for use for commercial or industrial purposes, of adequate accommodation for the loading or unloading of vehicles;
- 30 (d) whether any fuel burning equipment or industrial plant is to be provided in the building and if so whether proper provision is to be made to prevent the emission at the points specified in or determined in accordance with the regulations under the Clean Air Act, 1961, of air impurities in excess of the standards or concentration of rates prescribed under that Act;
- 35 (e) whether the use of the building is likely to cause pollution (as defined in the Clean Waters Act, 1970) of any waters, as so defined; and
- 40 (f) whether any trees on the site should be preserved.

(3) Subsection (2) (d) does not apply to scheduled premises.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

5 (4) Nothing in subsection (2) (e) operates so as to authorise the council to take into consideration the use or proposed use of any apparatus, equipment or works in relation to which approval is required under section 19 of the Clean Waters Act, 1970.

(5) In this section “air impurities”, “fuel burning equipment”, “industrial plant” and “scheduled premises” respectively have the meanings ascribed thereto in the Clean Air Act, 1961.

10 (13) (a) Section 314 (1) (b)—

After “ordinances”, insert “and the Environmental Planning and Assessment Act, 1979, and any environmental planning instrument”.

(b) Section 314 (4)—

15 After section 314 (3), insert :—

(4) An application under this Division, so far as it relates to development that may only be carried out with consent under the Environmental Planning and Assessment Act, 1979, shall not be approved or approved subject to conditions unless that consent has been granted either unconditionally or subject to conditions.

20

(14) Section 314A—

Omit the section.

(15) (a) Section 317A (1)—

25 After “council” where secondly occurring, insert “, and the Environmental Planning and Assessment Act, 1979, and any environmental planning instrument”.

(b) Section 317A (1)—

30 After “specifications” where secondly occurring, insert “, or any contravention of the Environmental Planning and Assessment Act, 1979, or any environmental planning instrument”.

(c) Section 317A (3)—

35 After “council” where secondly occurring, insert “, and the Environmental Planning and Assessment Act, 1979, and any environmental planning instrument”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (d) Section 317A (3)—
5 After “specifications” where secondly occurring, insert “, or any contravention of the Environmental Planning and Assessment Act, 1979, or any environmental planning instrument,”.
- (e) Section 317A (4)—
10 After “ordinances”, insert “and the Environmental Planning and Assessment Act, 1979, and any environmental planning instrument”.
- (16) Section 317B (5) (b)—
After “ordinances”, insert “, the Environmental Planning and Assessment Act, 1979, and any environmental planning instrument”.
- (17) Section 317C—
15 Omit the section.
- (18) (a) Section 317E (a)—
Omit “Tribunal”, insert instead “Land and Environment Court”.
- (b) Section 317E—
20 Omit “board” wherever occurring, insert instead “Land and Environment Court”.
- (19) Section 317F—
Omit “Tribunal”, insert instead “Land and Environment Court”.
- (20) Section 317G—
Omit “board”, insert instead “Land and Environment Court”.
- 25 (21) Section 317H—
Omit “board”, insert instead “Land and Environment Court”.
- (22) (a) Section 317I (a)—
Omit “Tribunal”, insert instead “Land and Environment Court”.
- (b) Section 317I (b)—
30 Omit “board”, insert instead “Court”.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (23) (a) Section 317J (2), (5)—
 5 Omit “Tribunal” wherever occurring, insert instead “Land and Environment Court”.
 (b) Section 317J (2), (5)—
 Omit “board” wherever occurring, insert instead “Court”.
- (24) (a) Section 317L—
 10 Omit “Tribunal” where firstly occurring, insert instead “Land and Environment Court”.
 (b) Section 317L (a)—
 Omit “except as provided in paragraph (b),”.
 (c) Section 317L (a)—
 Omit “senior chairman of the Tribunal”, insert instead “Court”.
 15 (d) Section 317L (b)—
 Omit the paragraph.
- (25) (a) Section 317M (2)—
 Omit “Tribunal”, insert instead “Land and Environment Court”.
 (b) Section 317M (3)—
 20 Omit “Tribunal”, insert instead “Land and Environment Court”.
- (26) Part XII, heading—
 Omit the heading, insert instead:—

PART XII.

SUBDIVISION REGULATION.

- 25 (27) Section 327 (1) (bi), (2) (ai)—
 Omit the paragraphs.
- (28) Section 327A (2)—
 30 Omit “any town or country planning scheme prescribed or in course of preparation under Part XIII A or with the requirements of an interim development order made under Division 7 of that Part or of

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

5 a council imposed under such an order—”, insert instead “an environmental planning instrument or of a council imposed under the Environmental Planning and Assessment Act, 1979—”.

(29) Section 327c—

Omit the section.

(30) Section 331 (6), (7)—

After section 331 (5), insert:—

10 (6) An application under this Division, so far as it relates to development that may only be carried out with consent under the Environmental Planning and Assessment Act, 1979, shall not be approved or approved subject to conditions unless that consent has been granted either unconditionally or subject to conditions.

15 (7) Notwithstanding subsection (2), the council shall disapprove an application where the subdivision referred to therein would, if carried out, create a contravention of an environmental planning instrument or the Environmental Planning and Assessment Act, 1979, in relation to the land the subject of the application or land adjacent to or adjoining that land.

20

(31) (a) Section 331A (1) (b)—

Omit “Tribunal”, insert instead “Land and Environment Court”.

(b) Section 331A (1)—

25 Omit “Tribunal” where secondly and thirdly occurring, insert instead “Court”.

(32) Section 332—

Omit the section, insert instead:—

30 332. (1) In respect of any application for approval of the Subjects opening of a road, the council shall take into consideration— for con-

(a) the method of draining the road necessary in the circum- sideration stances, present and prospective, and the disposal of the new roads. drainage; respecting

(b) the drainage reserves or drainage easements to be provided;

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

- 5 (c) the character of construction of the road necessary in the circumstances, present and prospective, and the necessity for the erection of road signs as part of the work of that construction;
- (d) whether or not kerbing, guttering and footpaths should be provided;
- 10 (e) the treatment of junctions or intersections of roads;
- (f) the classification of the road;
- (g) whether the district is a residential district; and
- (h) if any proposed new road will be a lane, whether or not a lane should be permitted, in the circumstances.

15 (2) Where consent under the Environmental Planning and Assessment Act, 1979, is not required in respect of the opening of a road, then, in respect of any application for approval of such a road, the council shall take into consideration—

- 20 (a) the matters enumerated in subsection (1);
- (b) the situation and planning of the road in relation to public convenience, present and prospective, to inter-communication with neighbouring localities within or without the area;
- (c) the necessity for the planting of trees with tree-guards in the road; and
- 25 (d) the provision of any environmental planning instrument.

(33) Section 333 (1), (1A)—

Omit section 333 (1), insert instead:—

- 30 (1) In respect of any application for approval of a subdivision of land (whether the subdivision involves the opening of a road or not), the council shall take into consideration—
- (a) the size and shape of each separate parcel;
- (b) the length of road frontage of each separate parcel;
- (c) the situation and planning of the separate parcels in relation to public convenience, present and prospective;
- 35 (d) the existing and proposed means of access to each separate parcel;
- (e) whether the district is or probably will be a residential district;

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- 5 (f) the drainage of the land, the drains proposed to be constructed and the drainage reserves and drainage easements to be provided;
- (g) whether the land has been declared unsuitable for building upon under the provisions of the Public Health Act, 1902;
- 10 (h) whether the land is subject to flooding or tidal inundation; and
- (i) whether the land is or probably will be subject to subsidence or slip.
- 15 (1A) Where consent under the Environmental Planning and Assessment Act, 1979, is not required in respect of the subdivision, then, in respect of any application for approval of the subdivision, the council shall take into consideration—
- (a) the matters enumerated in subsection (1);
- (b) the standard number of houses to the hectare fixed by the council;
- 20 (c) the amount of land to be provided as a public reserve out of the land to be subdivided;
- (d) the provision of any environmental planning instrument, including the use to which the land is proposed to be put following the subdivision, in accordance with that
- 25 instrument; and
- (e) whether any trees on the land should be preserved.
- (34) (a) Section 341—
Omit “Tribunal” where firstly occurring, insert instead “Land and Environment Court”.
- 30 (b) Section 341 (a)—
Omit “except as provided in paragraph (b).”.
- (c) Section 341 (a)—
Omit “senior chairman of the Tribunal”, insert instead “Court”.
- (d) Section 341 (b)—
- 35 Omit the paragraph.
- (35) Section 417A—
Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (36) (a) Section 510 (3) (a)—
Omit “except as provided in paragraph (b),”.
- 5 (b) Section 510 (3) (a)—
Omit “senior chairman of the Tribunal”, insert instead “Land and Environment Court”.
- (c) Section 510 (3) (b)—
Omit the paragraph.
- 10 (d) Section 510 (3)—
Omit “Tribunal” where thirdly occurring, insert instead “Land and Environment Court”.
- (37) (a) Section 519A (1)—
25 Omit “subsection (2) of section 342L”, insert instead “section 342L (2) immediately before the day appointed and notified under section 2 (2) of the Environmental Planning and Assessment Act, 1979”.
- (b) Section 519A (1)—
20 Omit “and has been transferred to a council pursuant to that Ordinance or any such local scheme”, insert instead “, and to land designated for use exclusively for the purpose of a park, a recreation area or open space under an environmental planning instrument and transferred to, or acquired by, as the case may be, a council pursuant to that Ordinance, and any such local
25 scheme or any environmental planning instrument”.
- (c) Section 519A (3)—
Omit “or any such local scheme”, insert instead “any such local scheme or any environmental planning scheme”.
- (d) Section 519A (8)—
30 Omit “town or country planning scheme under Part XIII A”, insert instead “environmental planning instrument”.
- (38) Section 519c (7) (a)—
Omit “New South Wales Planning and Environment Commission”, insert instead “Director of Environment and Planning”.
- 35 (39) Section 520A (1), definition of “Commission”—
Omit the definition.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

(40) Section 520B (3)—

5 Omit "Commission", insert instead "Director of Environment and Planning".

(41) Section 520D (1) (a)—

Omit "Commission", insert instead "Director of Environment and Planning".

(42) (a) Section 532 (2) (c)—

10 Omit "prescribed scheme under Part XIA", insert instead "environmental planning instrument".

(b) Section 532 (2) (c)—

Omit "such prescribed scheme", insert instead "such instrument".

(43) Section 536C—

15 Omit "106".

(44) Section 536D—

Omit "in section 9 of the Land and Valuation Court Act, 1921–1940", insert instead "by section 24 of the Land and Environment Court Act, 1979".

20 (45) Section 536DA (4)—

Omit "in section 9 of the Land and Valuation Court Act, 1921, as amended by subsequent Acts", insert instead "by section 24 of the Land and Environment Court Act, 1979".

(46) Schedule 3, section 19 (1) (b), (3)—

25 Omit "Land and Valuation Court" wherever occurring, insert instead "Land and Environment Court".

Liquor (Amendment) Act, 1919—

Section 24—

30 Omit "Land and Valuation Court" wherever occurring, insert instead "Land and Environment Court".

Amendment
of Act No.
42, 1919.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- Main Roads Act, 1924—
- Amendment
of Act No.
24, 1924.
- (1) (a) Section 27c (5) (b)—
- 5 Omit "Land and Valuation Court under the Land and Valuation Court Act, 1921", insert instead "Land and Environment Court".
- (b) Section 27c (5) (b)—
- Omit "such court", insert instead "that Court".
- (2) (a) Section 31H (a)—
- 10 Omit "Parts XI and XIIA", insert instead "Part XI".
- (b) Section 31H (a)—
- After "1919,", insert "and the Environmental Planning and Assessment Act, 1979,".
- Prickly-pear Act, 1924—
- Amendment
of Act No.
31, 1924.
- 15 Sections 15 (4), 21A (5) (f), 22 (3)—
- Omit "Land and Valuation Court" wherever occurring, insert instead "Land and Environment Court".
- Metropolitan Water, Sewerage, and Drainage Act, 1924—
- Amendment
of Act No.
50, 1924.
- (1) (a) Section 32 (5)—
- 20 Omit "under the provisions of the Land and Valuation Court Act, 1921,".
- (b) Section 32 (5)—
- After "1912,", insert "by notification published in the Gazette".
- (2) Section 97B (8)—
- 25 Omit "Land and Valuation Court as constituted by the Land and Valuation Court Act, 1921", insert instead "Land and Environment Court".

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (3) (a) Section 100B (1)—
 5 Omit “planning scheme prepared under Part XIII A of the Local Government Act, 1919”, insert instead “environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979”.
- (b) Section 100B (1)—
 10 Omit “that Act”, insert instead “the Local Government Act, 1919”.
- (4) Section 125 (3)—
 After “Act,”, insert “or an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979,”.
- 15 Land Agents Act, 1927— Amendment
of Act No.
3, 1927.
- (1) Section 3, definition of “Court”—
 Omit the definition, insert instead:—
 “Court” means the Land and Environment Court Act, 1979.
- (2) Section 3, definition of “Land agent”—
 20 Omit “Land and Valuation Court”, insert instead “court”.
- Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927— Amendment
of Act No.
14, 1927.
- Section 2 (9)—
 25 Omit “Land and Valuation Court”, insert instead “Land and Environment Court”.
- Surveyors Act, 1929— Amendment
of Act No.
3, 1929.
- Section 26 (1), (5)—
 Omit “Land and Valuation Court” wherever occurring, insert instead
 “Land and Environment Court”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- Transport Act, 1930—
Amendment of Act No. 18, 1930.
- (1) Section 36 (2)—
5 Omit “the judge of the Land and Valuation Court for his”, insert instead “the Land and Environment Court for”.
- (2) Section 160 (1)—
Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.
- 10 Reclamation Act, 1930—
Amendment of Act No. 37, 1930.
- Section 12—
Omit “Land and Valuation Court”, insert instead “Land and Environment Court”.
- Pastures Protection Act, 1934—
Amendment of Act No. 35, 1934.
- 15 (1) Sections 42 (1), 134, 137, 138—
Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.
- (2) Section 139—
Omit the section.
- 20 Fisheries and Oyster Farms Act, 1935—
Amendment of Act No. 58, 1935.
- Section 76 (6)—
Omit “Land and Valuation Court”, insert instead “Land and Environment Court”.
- Soil Conservation Act, 1938—
Amendment of Act No. 10, 1938.
- 25 (1) Section 22 (2), (4)—
Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(2) Section 22 (4)—

Omit “the judge of” wherever occurring.

5 Hunter District Water, Sewerage and Drainage Act, 1938—

Amendment
of Act No.
11, 1938.

(1) (a) Section 32 (5)—

Omit “under the provisions of the Land and Valuation Court Act, 1921,”.

(b) Section 32 (5)—

10 After “1912,” insert “by notification published in the Gazette”.

(2) Section 101B (8)—

Omit “Land and Valuation Court as constituted by the Land and Valuation Court Act, 1921”, insert instead “Land and Environment Court”.

15 (3) (a) Section 104B (1)—

Omit “planning scheme prepared under Part XIA of the Local Government Act, 1919”, insert instead “environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979”.

20 (b) Section 104B (1)—

Omit “that Act”, insert instead “the Local Government Act, 1919”.

(4) Section 128 (3)—

25 After “Act,” insert “or an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979,”.

Broken Hill Water and Sewerage Act, 1938—

Amendment
of Act No.
20, 1938.

(1) Section 26 (5)—

30 Omit “under the provisions of the Land and Valuation Court Act, 1921,”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(2) Section 26 (5)—

After "1912," insert "by notification published in the Gazette".

5 (3) Section 26 (5)—

After "made" where secondly occurring, insert ", and the Land and Environment Court has jurisdiction accordingly".

Water (Amendment) Act, 1940—

Section 4 (4)—

Amendment
of Act No.
57, 1940.

- 10 Omit "Land and Valuation Court" wherever occurring, insert instead "Land and Environment Court".

Closer Settlement Amendment (Conversion) Act, 1943—

Section 3 (1)—

Amendment
of Act No.
38, 1943.

- 15 Omit "Land and Valuation Court", insert instead "Land and Environment Court".

State Brickworks Act, 1946—

Section 8 (4)—

Amendment
of Act No.
16, 1946.

Omit "Land and Valuation Court" wherever occurring, insert instead "Land and Environment Court".

20 State Tileworks Act, 1947—

Section 8 (3)—

Amendment
of Act No.
29, 1947.

Omit "Land and Valuation Court" wherever occurring, insert instead "Land and Environment Court".

Rivers and Foreshores Improvement Act, 1948—

- 25 Sections 6 (2), 7, 14—

Amendment
of Act No.
20, 1948.

Omit "Land and Valuation Court" wherever occurring, insert instead "Land and Environment Court".

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- Local Government (Areas) Act, 1948—
- Amendment
of Act No.
30, 1948.
- 5 Section 34 (1)—
- Omit the subsection.
- Broken Hill Proprietary Company Limited (Reclamation and Exchange) Agreement Ratification Act, 1950—
- Amendment
of Act No.
11, 1950.
- (1) (a) Section 15 (3)—
- 10 Omit "Land and Valuation Court" where firstly occurring, insert
instead "Land and Environment Court".
- (b) Section 15 (3)—
- Omit "office of the Registrar of the Land and Valuation Court",
insert instead "Court".
- (c) Section 15 (4)—
- 15 Omit "Land and Valuation Court and the Judge thereof", insert
instead "Land and Environment Court".
- (2) (a) Section 20 (1)—
- Omit "Land and Valuation Court", insert instead "Land and
Environment Court".
- 20 (b) Section 20 (2)—
- Omit "Land and Valuation Court is given to the Registrar of
the said Court", insert instead "Land and Environment Court
is filed in the Court".
- (c) Section 20 (3)—
- 25 Omit the subsection, insert instead:—
- (3) The Land and Environment Court shall have power to
hear and dispose of all matters so referred to it.
- Broken Hill Proprietary Company Limited (Steelworks) Agreement
Ratification Act, 1950—
- Amendment
of Act No.
12, 1950.
- 30 (1) Section 10 (3)—
- Omit "Land and Valuation Court" where firstly occurring, insert
instead "Land and Environment Court".

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (2) Section 10 (3)—
 5 Omit “office of the Registrar of the Land and Valuation Court”,
 insert instead “Court”.
- (3) Section 10 (4)—
 Omit “Land and Valuation Court and the Judge thereof”, insert
 instead “Land and Environment Court”.
- Hunter Valley Conservation Trust Act, 1950—
 10 Sections 28 (6), 28 (8), 54—
 Omit “Land and Valuation Court” wherever occurring, insert instead
 “Land and Environment Court”.
 Amendment
 of Act No.
 34, 1950.
- Lord Howe Island Act, 1953—
 15 Section 24—
 Omit “Land and Valuation Court”, insert instead “Land and
 Environment Court”.
 Amendment
 of Act No.
 39, 1953.
- Judges’ Pensions Act, 1953—
 Amendment
 of Act No.
 41, 1953.
- (1) Section 2 (1), definition of “Judge”—
 20 After “Board,”, insert “Judge or Deputy Judge of the Land and
 Environment Court.”
- (2) (a) Section 3 (1) (c)—
 Omit “or”.
- (b) Section 3 (1) (d)—
 Omit “1926,”, insert instead “1926; or”.
- 25 (c) Section 3 (1) (e)—
 After section 3 (1) (d), insert:—
 (e) section 9 (3) of the Land and Environment Court
 Act, 1979,

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

(3) Section 8 (3)—

- 5 After "Board," insert "an acting Judge or acting Deputy Judge of the Land and Environment Court (under the Land and Environment Court Act, 1979),".

Australian Oil Refining Limited Agreement Ratification Act, 1954—

Amendment
of Act No.
34, 1954.

(1) (a) Section 7 (3)—

- 10 Omit "Land and Valuation Court" where firstly occurring, insert instead "Land and Environment Court".

(b) Section 7 (3)—

Omit "office of the Registrar of the Land and Valuation".

(c) Section 7 (4)—

- 15 Omit "Land and Valuation Court and the Judge thereof", insert instead "Land and Environment Court".

(2) Section 10—

Omit the section.

Port Kembla Inner Harbour Construction and Agreement Ratification Act, 1955—

Amendment
of Act No.
43, 1955.

20 (1) Section 12 (3)—

Omit "Land and Valuation Court" where firstly occurring, insert instead "Land and Environment Court".

(2) Section 12 (3)—

- 25 Omit "in the office of the Registrar of the Land and Valuation Court", insert instead "in the Court".

(3) Section 12 (4)—

Omit "Land and Valuation Court and the Judge thereof", insert instead "Land and Environment Court".

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- Local Government (Regulation of Flats) Act, 1955—
- Amendment
of Act No.
50, 1955.
- Section 7 (b) (ii), (iii)—
- 5 Omit the subparagraphs, insert instead:—
- (ii) the Environmental Planning and Assessment Act, 1979; or
- (iii) an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979,
- Hunter Valley Flood Mitigation Act, 1956—
- Amendment
of Act No.
10, 1956.
- 10 (1) Section 6—
- Omit the section.
- (2) Sections 22, 30 (2), 30 (3), 31 (3), 31 (4), 33, 35—
- Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.
- 15 Land Tax Management Act, 1956—
- Amendment
of Act No.
26, 1956.
- (1) Section 10M (u) (ii)—
- Omit “a planning scheme authorised by or under an Act”, insert instead “an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979”.
- 20 (2) (a) Section 59 (1)—
- Omit “Land and Valuation Court constituted by the Land and Valuation Court Act, 1921, as amended by subsequent Acts”, insert instead “Land and Environment Court”.
- (b) Section 59 (2)—
- 25 Omit “registrar of the Land and Valuation Court”, insert instead “Registrar of the Land and Environment Court”.
- (3) Sections 60, 61—
- Omit “Land and Valuation Court” wherever occurring, insert instead “Land and Environment Court”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

Local Government (Amendment) Act, 1958—

Amendment
of Act No.
21, 1958.

Section 7 (8)—

- 5 Omit the subsection.

Mine Subsidence Compensation Act, 1961—

Amendment
of Act No.
22, 1961.

(1) Section 12 (4) (a)—

Omit "Land and Valuation Court", insert instead "Land and Environment Court".

10 (2) (a) Section 15 (6)—

Omit "a responsible authority under a town or country planning scheme within the meaning of Part XIII^A of the Local Government Act, 1919, as amended by subsequent Acts," insert instead "any person under the Environmental Planning and Assessment Act, 1979,".

15

(b) Section 15 (6)—

Omit "that responsible authority", insert instead "that person".

Clean Air Act, 1961—

Amendment
of Act No.
69, 1961.

(1) Section 5 (1), definition of "Court"—

- 20 After the definition of "Control equipment", insert:—

"Court" means the Land and Environment Court.

(2) Section 11 (6) (b)—

Omit "District".

(3) (a) Section 16 (3) (c)—

25

After "Local Government Act, 1919," insert "the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979,".

(b) Section 16 (9) (b)—

30

Omit "District".

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

- (4) Section 17 (4) (b)—
Omit "District".
- 5 (5) Section 20 (5) (b)—
Omit "District".
- (6) (a) Section 26 (1) (a)—
Omit ", in accordance with the rules of the District Court made in that behalf, appeal to the District Court", insert instead "appeal to the Court".
- 10 (b) Section 26 (1) (a)—
Omit "that Court", insert instead "the Court".
- (c) Section 26 (1) (b), (d)—
Omit the paragraphs.
- 15 (7) Section 30 (1), definition of "information"—
Omit "section 4 of the Supreme Court (Summary Jurisdiction) Act, 1967", insert instead "section 41 of the Land and Environment Court Act, 1979".
- (8) Section 33—
- 20 Omit "Supreme" wherever occurring.
- Local Government (Town and Country Planning) Amendment Act, 1962— **Amendment
of Act No.
7, 1962.**
Section 7—
Omit the section.
- 25 Australian Lubricating Oil Refinery Limited Agreement Ratification Act, **Amendment
of Act No.
16, 1962.**
1962—
Section 7—
Omit the section.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

Cobar Water Supply Act, 1963—

Amendment
of Act No.
44, 1963.

(1) Section 13 (3)—

5 Omit “under the provisions of the Land and Valuation Court Act, 1921, as amended by subsequent Acts,”.

(2) Section 13 (3)—

Omit “as amended by subsequent Acts,” insert instead “by notification published in the Gazette”.

10 (3) Section 13 (3)—

After “made” where secondly occurring, insert “, and the Land and Environment Court has jurisdiction accordingly”.

State Development and Country Industries Assistance Act, 1966—

Amendment
of Act No.
10, 1966.

(1) Section 34K (1)—

15 Omit “State Planning Authority of New South Wales”, insert instead “Director of Environment and Planning”.

(2) Section 34K (1)—

Omit “Authority” where secondly occurring, insert instead “Director”.

(3) Section 34K (1)—

20 Omit “act on behalf of the Minister in the carrying out of”, insert instead “cause to be carried out in the Department of Environment and Planning on behalf of the Minister”.

(4) Section 34K (2)—

25 Omit “the State Planning Authority of New South Wales is not entitled to act on behalf of the Minister as referred to in”, insert instead “work may not be carried out in the Department of Environment and Planning on behalf of the Minister pursuant to”.

(5) Section 34K (2)—

30 Omit “to that Authority”, insert instead “or legal officer in that Department”.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

Pipelines Act, 1967—

Amendment
of Act No.
90, 1967.

(1) Section 8 (2) (a)—

- 5 Omit “any town and country planning scheme referred to in Part XIIA of the Local Government Act, 1919, as amended by subsequent Acts”, insert instead “the Environmental Planning and Assessment Act, 1979, or any environmental planning instrument within the meaning of that Act”.

10 (2) (a) Section 13 (4)—

Omit “An”, insert instead “Five additional copies of an”.

(b) Section 13 (4)—

Omit “in quintuplicate”, insert instead “with the application”.

(c) Section 13 (4)—

- 15 Omit “and the” where secondly occurring, insert instead “, the”.

(d) Section 13 (4)—

After “Works”, insert “and the Minister for Planning and Environment”.

(3) (a) Section 13A (8)—

- 20 Omit “A”, insert instead “Five additional copies of a”.

(b) Section 13A (8)—

Omit “in quintuplicate”, insert instead “with the further application”.

(c) Section 13A (8)—

- 25 Omit “and the” where secondly occurring, insert instead “, the”.

(d) Section 13A (8)—

After “Highways”, insert “and the Minister for Planning and Environment”.

(4) (a) Section 13B (4)—

- 30 Omit “The”, insert instead “Five additional copies of the”.

(b) Section 13B (4)—

Omit “in quintuplicate”, insert instead “with the instrument”.

(c) Section 13B (4)—

Omit “and the” where secondly occurring, insert instead “, the”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- 5 (d) Section 13B (4)—
After “Highways”, insert “and the Minister for Planning and Environment”.
- (5) (a) Section 16 (3)—
Omit “An”, insert instead “Five additional copies of an”.
- (b) Section 16 (3)—
Omit “in quintuplicate”, insert instead “with the application”.
- 10 (c) Section 16 (3)—
Omit “and the” where secondly occurring, insert instead “, the”.
- (d) Section 16 (3)—
After “Highways”, insert “and the Minister for Planning and Environment”.
- 15 (6) (a) Section 18 (8)—
Omit “An”, insert instead “Five additional copies of an”.
- (b) Section 18 (8)—
Omit “in quintuplicate”, insert instead “with the application”.
- 20 (c) Section 18 (8)—
Omit “and the” where secondly occurring, insert instead “, the”.
- (d) Section 18 (8)—
After “Highways”, insert “and the Minister for Planning and Environment”.
- (7) (a) Section 22A (2)—
25 Omit “, 106,”.
- (b) Section 22A (4)—
30 Omit “determined as provided in section 9 of the Land and Valuation Court Act, 1921”, insert instead “disposed of as provided by section 24 of the Land and Environment Court Act, 1979”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(8) (a) Section 40 (b)—

Omit "Parts XI and XIII", insert instead "Part XI".

5 (b) Section 40 (b)—

After "1919," insert "and the Environmental Planning and Assessment Act, 1979,".

Sydney Farm Produce Market Authority Act, 1968—

**Amendment
of Act No.
11, 1968.**

(1) Section 15 (4) (a)—

10 Omit the paragraph, insert instead:—

- 15 (a) the question as to whether the land proposed as the site for the proposed public market is affected or controlled by the provisions of any environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979, and, if any such land is so affected, the question as to whether use thereof for the purposes of a public market is permissible under the instrument concerned;

(2) Section 15 (5)—

- 20 Omit "town and country planning scheme, planning scheme or interim development order made, prescribed or issued by or under any Act", insert instead "environmental planning instrument referred to in subsection (4) (a)".

Sydney Cove Redevelopment Authority Act, 1968—

**Amendment
of Act No.
56, 1968.**

Section 18 (2)—

25 Omit the subsection.

Land Development Contribution Management Act, 1970—

**Amendment
of Act No.
22, 1970.**

(1) (a) Section 3 (1), definition of "Court"—

After the definition of "county council", insert:—

"Court" means the Land and Environment Court;

30 (b) Section 3 (1), definition of "Land and Valuation Court"—

Omit the definition.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (2) (a) Section 22 (5)—
Omit "Land and Valuation".
- 5 (b) Section 22 (6)—
Omit the subsection, insert instead:—
(6) The Court shall have jurisdiction to hear and dispose
of appeals forwarded to it under subsection (5).
- (3) (a) Section 24 (3)—
10 Omit "Land and Valuation".
- (b) Section 24 (4)—
Omit "Land and Valuation Court Act, 1921", insert instead
"Land and Environment Court Act, 1979".
- (c) Section 24 (4)—
15 Omit "Land and Valuation" where secondly occurring.
- (4) (a) Section 24A (7), (9) (b)—
Omit "Land and Valuation" wherever occurring.
- (b) Section 24A (8)—
20 Omit "Land and Valuation Court Act, 1921", insert instead
"Land and Environment Court Act, 1979".
- (c) Section 24A (8)—
Omit "Land and Valuation" where secondly occurring.
- (5) Section 40 (2)—
Omit "Land and Valuation".
- 25 (6) (a) Section 48 (1)—
Omit "Land and Valuation".
- (b) Section 48 (2)—
Omit "court", insert instead "Court".
- (7) (a) Section 49 (1)—
30 Omit the subsection, insert instead:—
(1) The Court shall have jurisdiction to hear and dispose
of appeals made under section 48.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(b) Section 49 (3)—

Omit "Land and Valuation".

5 (8) Section 50—

Omit the section, insert instead:—

50. (1) The Registrar of the Court shall furnish to the valuer-general a certified copy of the order referred to in section 49. **Conse-
quential
procedure.**

10 (2) The valuer-general shall, where necessary, amend any valuation to the extent necessary to give effect to the order.

(9) Section 53 (1)—

Omit "judge of the Land and Valuation Court", insert instead "Judge, a Deputy Judge or an assessor of the Court".

Dairy Industry Authority Act, 1970—

15 Section 57 (1)—

Omit "Land and Valuation Court" wherever occurring, insert instead "Land and Environment Court".

Amendment
of Act No.
29, 1970.

Supreme Court Act, 1970—

(1) Section 24 (6) (c)—

20 Omit the paragraph.

(2) Section 48 (1) (a), definition of "Specified tribunal"—

Omit subparagraph (i) of the definition, insert instead:—

(i) the Land and Environment Court or the Judge or a Deputy Judge of the Court;

Amendment
of Act No.
52, 1970.

25 (3) Section 124 (1) (e), (f), (7)—

Omit "(other than the Judge of the Land and Valuation Court)".

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

Clean Waters Act, 1970—

Amendment
of Act No.
78, 1970.

- (1) (a) Section 2—
5 From the matter relating to Part II, omit “AND CLEAN WATERS APPEALS BOARD”.
- (b) Section 2—
From the matter relating to Part III, omit “15”, insert instead “14”.
- 10 (2) (a) Section 5, definition of “Board”—
Omit the definition.
- (b) Section 5, definition of “Court”—
After the definition of “Committee”, insert:—
“Court” means the Land and Environment Court;
- 15 (3) Part II, heading—
Omit “AND CLEAN WATERS APPEALS BOARD”.
- (4) Section 9—
Omit the section.
- (5) (a) Section 10 (1)—
20 Omit the subsection.
- (b) Section 10—
Omit “a body constituted under this Part” wherever occurring, insert instead “the Committee”.
- (c) Section 10 (2), (3)—
25 Omit “that body” wherever occurring, insert instead “the Committee”.
- (d) Section 10 (5), (7), (10), (11)—
Omit “the body” wherever occurring, insert instead “the Committee”.
- 30 (6) Section 13 (2)—
Omit “forward it to the Board”, insert instead “refer it to the Court”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (7) (a) Section 14 (1), (3)—
Omit “Board” wherever occurring, insert instead “Court”.
- 5** (b) Section 14 (2)—
Omit the subsection.
- (8) Section 15—
Omit the section.
- (9) Sections 16 (5) (b), 20 (7)—
- 10** Omit “Board” wherever occurring, insert instead “Court”.
- (10) (a) Section 25 (1), (2), (4), (5)—
Omit “Board” wherever occurring, insert instead “Court”.
- (b) Section 25 (3)—
Omit the subsection.
- 15** (11) (a) Section 32 (1)—
Omit “Commission,” insert instead “Commissioner”.
- (b) Section 32 (1)—
Omit “or the chairman of the Board”.
- (c) Section 32 (2)—
- 20** Omit the subsection.
- (d) Section 32 (4) (a)—
Omit “or” where lastly occurring.
- (e) Section 32 (4) (b)—
Omit the paragraph.
- 25** (12) Section 33—
Omit “Supreme” wherever occurring.
- (13) Section 36 (1) (j)—
Omit the paragraph.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

Waste Disposal Act, 1970—

Amendment
of Act No.
97, 1970.

(1) Section 5, definition of "Court"—

5 After the definition of "council", insert :—

"Court" means the Land and Environment Court;

(2) Section 18—

10 Omit "and the provisions of Part XIIA of the Local Government Act, 1919, and any ordinance or interim development order made under that Part", insert instead " , the Environmental Planning and Assessment Act, 1979, and any environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979,".

(3) Section 40 (3) (b)—

15 Omit "the", insert instead "that".

(4) Section 55—

Omit "Supreme" wherever occurring.

Land Aggregation Tax Management Act, 1971—

Amendment
of Act No.
18, 1971.

(1) (a) Section 59 (1)—

20 Omit "Land and Valuation Court constituted by the Land and Valuation Court Act, 1921", insert instead "Land and Environment Court".

(b) Section 59 (2)—

25 Omit "registrar of the Land and Valuation Court", insert instead "Registrar of the Land and Environment Court".

(2) Sections 60, 61—

Omit "Land and Valuation Court" wherever occurring, insert instead "Land and Environment Court".

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- Acts Reprinting Act, 1972—
- Section 13—
- 5 Omit the section, insert instead :—
13. The provisions of sections 4, 5, 6 and 7 apply to and in respect of—
- 10 (a) an ordinance made under the Local Government Act, 1919;
- (b) a regulation or by-law made under the Metropolitan Water, Sewerage, and Drainage Act, 1924, the Hunter District Water, Sewerage and Drainage Act, 1938, or the Broken Hill Water and Sewerage Act, 1938; or
- (c) an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979.
- Application of certain provisions of this Act to certain instruments.
- 15 Mining Act, 1973—
- (1) Section 113 (1A), (1B)—
- After section 113 (1), insert:—
- 20 (1A) The Minister shall, before a recommendation is made to the Governor for the granting of a mining lease or a mining purposes lease, cause to be served on the Director of Environment and Planning a notice—
- (a) stating that an application for the lease has been lodged;
- (b) containing a description or a plan of the area of land over which the lease is sought;
- 25 (c) containing a detailed description of the works to be undertaken by or on behalf of the applicant if the lease is granted, including works and activities relating to—
- (i) the preparation of the land for mining; and
- 30 (ii) the reinstatement of the land either during the carrying on of mining operations or after they have ceased;
- (d) containing a copy of the environmental impact statement that is required by Part V of the Environmental Planning and Assessment Act, 1979, to be prepared in relation to the application; and
- 35
- Amendment of Act No. 48, 1972.
- Amendment of Act No. 42, 1973.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

- 5 (e) stating that objections to the granting of the lease, or proposals for the inclusion in the lease of any condition, may be made to the Minister within the period specified in the notice.
- 10 (1B) Where, before the recommendation referred to in subsection (1A) is made, the Minister becomes aware that the detailed description contained in a notice previously served under that subsection requires alteration for any reason, he shall, before the recommendation is made, cause to be served on the Director of Environment and Planning a further notice under that subsection in relation to the application.
- (2) Section 113 (2)—
- 15 Omit “or a statutory authority”, insert instead “, a statutory authority or the Director of Environment and Planning”.
- (3) Section 113 (2)—
- After “(1)”, insert “or (1A)”.
- (4) (a) Section 115 (1)—
- 20 Omit “a scheme (as defined in section 116)”, insert instead “an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979”.
- (b) Section 115 (4) (b)—
- 25 Omit “Part XIIA of the Local Government Act, 1919, or an ordinance, order or proclamation made for the purposes of that Part”, insert instead “the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within the meaning of that Act”.
- (c) Section 115 (4) (b)—
- 30 Omit “Part or such an ordinance, order or proclamation”, insert instead “Act or any such instrument”.
- (5) (a) Section 116 (1)—
- Omit “a scheme”, insert instead “the Environmental Planning and Assessment Act, 1979,”.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (b) Section 116 (4)—
 5 Omit "Part XIIA of the Local Government Act, 1919, or an ordinance, order or proclamation made for the purposes of that Part", insert instead "the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within the meaning of that Act".
- (c) Section 116 (4)—
 10 Omit "Part or such an ordinance, order or proclamation", insert instead "Act or any such instrument".
- (d) Section 116 (9), definition of "scheme"—
 Omit the definition.
- Private Irrigation Districts and Water (Amendment) Act, 1973—
 15 (1) Section 1—
 Omit "and Water (Amendment)".
 (2) Sections 12, 39 (2), 43 (b), 44 (1), 45, 46 (c)—
 Omit "Land and Valuation Court" wherever occurring, insert instead "Land and Environment Court".
- 20 Strata Titles Act, 1973—
 (1) Section 36—
 After "Conveyancing Act, 1919," insert "the Environmental Planning and Assessment Act, 1979,".
 (2) Section 37 (1) (b) (i), (ii)—
 25 Omit the subparagraphs, insert instead :—
 (i) separate occupation of the proposed lots illustrated by that plan will not contravene the provisions of the Environmental Planning and Assessment Act, 1979, or of any environmental planning instrument within the meaning of that Act;
 30 (ii) any consent required under that Act or instrument has been given in relation to the separate occupation of the proposed lots illustrated by that plan; and
- Amendment
of Act No.
47, 1973.
- Amendment
of Act No.
68, 1973.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (3) (a) Section 40 (4) (c)—
Omit “except as provided in paragraph (d),”.
- 5 (b) Section 40 (4) (c)—
Omit “senior chairman of the Tribunal”, insert instead “Land and Environment Court”.
- (c) Section 40 (4) (c)—
Omit “or” where lastly occurring.
- 10 (d) Section 40 (4) (d)—
Omit the paragraph.
- (e) Section 40 (4)—
Omit “Local Government Appeals Tribunal constituted under Part XIIIB of the Local Government Act, 1919”, insert instead
- 15 “Land and Environment Court”.
- (f) Section 40 (5)—
Omit “Local Government Appeals Tribunal”, insert instead
“Land and Environment Court”.
- Coal Mining Act, 1973—
- 20 (1) Section 87 (3A), (3B)—
- Amendment
of Act No.
81, 1973.
- After section 87 (3), insert :—
- (3A) The Minister shall, before a recommendation is made to the Governor for the granting of a coal lease, cause to be served on the Director of Environment and Planning a notice—
- 25 (a) stating that an application for the lease has been lodged;
- (b) containing a description or a plan of the area of land over which the lease is sought;
- (c) containing a detailed description of the works to be undertaken by or on behalf of the applicant if the lease is
- 30 granted, including works and activities relating to—
- (i) the preparation of the land for mining; and
- (ii) the reinstatement of the land either during the carrying on of mining operations or after they have ceased;

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- 5 (d) containing a copy of the environmental impact statement that is required by Part V of the Environmental Planning and Assessment Act, 1979, to be prepared in relation to the application; and
- 10 (e) stating that objections to the granting of the lease, or proposals for the inclusion in the lease of any condition, may be made to the Minister within the period specified in the notice.
- 15 (3B) Where, before the recommendation referred to in subsection (3A) is made, the Minister becomes aware that the detailed description contained in a notice previously served under that subsection requires alteration for any reason, he shall, before the recommendation is made, cause to be served on the Director of Environment and Planning a further notice under that subsection in relation to the application.
- (2) Section 87 (4)—
- 20 Omit “or a statutory authority”, insert instead “, a statutory authority or the Director of Environment and Planning”.
- (3) Section 87 (4)—
- Omit “or (3)”, insert instead “, (3) or (3A)”.
- (4) (a) Section 89 (1), (3)—
- 25 Omit “a scheme (as defined in section 90)”, insert instead “an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979”.
- (b) Section 89 (6) (b)—
- 30 Omit “Part XIIA of the Local Government Act, 1919, or an ordinance, order or proclamation made for the purposes of that Part”, insert instead “the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within the meaning of that Act”.
- (c) Section 89 (6) (b)—
- 35 Omit “Part or such an Ordinance, order or proclamation”, insert instead “Act or any such instrument”.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(5) Section 90, definition of “scheme”—

Omit the definition.

5 (6) (a) Section 91 (1)—

Omit “a scheme”, insert instead “the Environmental Planning and Assessment Act, 1979”.

(b) Section 91 (4)—

10 Omit “Part XIII A of the Local Government Act, 1919, or an ordinance, order or proclamation made for the purposes of that Part”, insert instead “the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within the meaning of that Act”.

(c) Section 91 (4)—

15 Omit “Part or such an ordinance, order or proclamation”, insert instead “Act or any such instrument”.

Growth Centres (Land Acquisition) Act, 1974—

Amendment
of Act No.
1, 1974.

(1) (a) Section 2 (1), definition of “appropriate Court”—

Omit the definition.

20 (b) Section 2 (1), definition of “Court”—

After the definition of “council”, insert:—

“Court” means the Land and Environment Court;

(c) Section 2 (1), definition of “Land and Valuation Court”—

Omit the definition.

25 (2) (a) Section 7 (1), (2), (3)—

Omit “appropriate” wherever occurring.

(b) Section 7 (6)—

30 Omit “thereunder”, insert instead “the Local Government Act, 1919, or the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (3) Section 8 (1) (b)—
Omit “appropriate”.
- 5 (4) Section 9 (5), (6)—
Omit “appropriate” wherever occurring.
- (5) (a) Section 10 (2) (a) (ii)—
After “proceedings;”, insert “and”.
- 10 (b) Section 10 (2) (b)—
Omit “proceeding; and”, insert instead “proceeding,”.
- (c) Section 10 (2) (c)—
Omit the paragraph.
- (d) Section 10 (2)—
15 Omit “rules of court of the Supreme Court”, insert instead
“rules of the Court”.
- (e) Section 10 (2)—
Omit “Supreme” where secondly occurring.
- (f) Section 10 (4)—
Omit the subsection.
- 20 (g) Section 10 (5)—
Omit “Upon remission to the Land and Valuation Court of”.
insert instead “In”.
- (h) Section 10 (5)—
Omit “that Court”, insert instead “the Court”.
- 25 (i) Section 10 (6)—
Omit “Land and Valuation”.
- (j) Section 10 (7)—
Omit “Land and Valuation Court Act, 1921”, insert instead
“Land and Environment Court Act, 1979”.
- 30 (k) Section 10 (7)—
Omit “Land and Valuation” where secondly occurring.
- (l) Section 10 (7)—
Omit “that Court”, insert instead “the Court”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (m) Section 10 (8)—
Omit "Land and Valuation".
- 5 (n) Section 10 (8)—
Omit "that Court", insert instead "the Court".
- (o) Section 10 (9)—
Omit the subsection, insert instead:—
10 (9) Nothing in this section affects the rule-making powers conferred by the Land and Environment Court Act, 1979.
- Albury-Wodonga Development Act, 1974—
- (1) Section 3, matter relating to Schedule 4—
Omit "LOCAL GOVERNMENT ACT, 1919", insert instead "ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979".
- 15 (2) (a) Section 4, definition of "environmental planning instrument"—
After the definition of "Development Corporation", insert:—
"environmental planning instrument" means an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979;
- 20 (b) Section 4, definition of "interim development order"—
Omit the definition.
- (c) Section 4, definition of "planning scheme"—
Omit the definition.
- (3) Section 9 (2) (i)—
25 Omit "interim development order or planning scheme", insert instead "environmental planning instrument".
- (4) Section 14 (2) (b)—
Omit "planning scheme or interim development order", insert instead "environmental planning instrument".

Amendment
of Act No.
47, 1974.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (5) (a) Section 23 (1)—
5 Omit “Part XIIA of the Local Government Act, 1919”, insert instead “the Environmental Planning and Assessment Act, 1979”.
- (b) Section 23 (1)—
Omit “that Part”, insert instead “that Act”.
- (c) Section 23 (1) (b)—
10 Omit “local government area,”, insert instead “local government area.”.
- (d) Section 23 (1)—
15 Omit “but a reference in section 342G (5) (a), 342L (2) (b) (iii) or 342v (1A) of that Act to a council does not include a reference to the Development Corporation.”.
- (e) Section 23 (2)—
Omit “Part XIIA of the Local Government Act, 1919”, insert instead “the Environmental Planning and Assessment Act, 1979”.
- 20 (f) Section 23 (3)—
Omit the subsection.
- (g) Section 23 (4)—
Omit the subsection, insert instead:—
25 (4) Where an environmental planning instrument provides that such development in respect of land as is specified in that environmental planning instrument shall not be consented to without consultation with the Development Corporation, and a difference arises between the council of the area in which that land is situated and the Development Corporation in relation to the granting of consent, that council shall not grant consent until the difference is determined.
- 30 (h) Section 23 (5)—
Omit the subsection.
- (i) Section 23 (6)—
35 Omit “or (5)”.
- (j) Section 23 (6)—
Omit “approval, consent or permission”, insert instead “consent”.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 2—continued.

AMENDMENTS—continued.

(k) Section 23 (7)—

Omit “or (5)”.

5 (6) Section 35—

Omit the section.

(7) Schedule 4—

Omit the Schedule, insert instead:—

SCHEDULE 4.

Sec. 23.

10 MODIFICATION OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

The Environmental Planning and Assessment Act, 1979, shall, for the purposes referred to in section 23 (2), be deemed to be amended—

15 (a) by omitting from section 97 (1) the words “appeal to the Court” and by inserting instead the words “appeal, in the case where the consent authority is required by an environmental planning instrument to consult with the Development Corporation before giving the consent, to the Minister and, in any other case, to the Court,”;

20 (b) by inserting after section 97 (3) the following subsections :—

(4) Where an appeal has been made to the Minister under this section, he may—

25 (a) dismiss the appeal;

(b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose; or

30 (c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal.

(5) The decision of the Minister under subsection (4) shall be final and shall have effect as if it were a decision of the consent authority.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- Growth Centres (Development Corporations) Act, 1974—
- Amendment
of Act No.
49, 1974.
- (1) Section 2—
- 5 Omit the matter relating to Schedules 4 and 5, insert instead :—
 SCHEDULE 4.—PROVISIONS RELATING TO LOANS.
 SCHEDULE 5.—MODIFICATION OF THE ENVIRONMENTAL
 PLANNING AND ASSESSMENT ACT, 1979.
- (2) (a) Section 3 (1), definition of “environmental planning instrument”—
- 10 After the definition of “description”, insert :—
 “environmental planning instrument” means an environ-
 mental planning instrument within the meaning of the
 Environmental Planning and Assessment Act, 1979;
- (b) Section 3 (1), definition of “interim development order”—
- 15 Omit the definition.
- (c) Section 3 (1), definition of “planning scheme”—
- Omit the definition.
- (3) Section 8 (1) (j)—
- 20 Omit “interim development order or planning scheme”, insert instead
 “environmental planning instrument”.
- (4) (a) Section 23 (1A)—
- After section 23 (1), insert :—
- 25 (1A) The Minister administering the Environmental Planning
 and Assessment Act, 1979, may, by order published in the
 Gazette, transfer to a corporation specified in the order such
 of the powers, authorities, duties and functions conferred or
 imposed on a council by or under that Act as are specified or
 described in the order.
- (b) Section 23 (3)—
- 30 After “Local Government Act, 1919”, insert “and the Environ-
 mental Planning and Assessment Act, 1979”.
- (5) (a) Section 31 (1)—
- 35 Omit “Part XIII A of the Local Government Act, 1919”, insert
 instead “the Environmental Planning and Assessment Act,
 1979”.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (b) Section 31 (2)—
Omit the subsection, insert instead :—
- 5 (2) Where an environmental planning instrument provides that such development in respect of land as is specified in that environmental planning instrument shall not be consented to without consultation with a corporation, and a difference arises between the council of the area in which that land is situated and the corporation in relation to the granting of consent, that
- 10 council shall not grant consent until the difference is determined.
- (c) Section 31 (3)—
Omit the subsection.
- (d) Section 31 (4)—
Omit “or (3)”.
- 15 (e) Section 31 (4)—
Omit “approval, consent or permission”, insert instead “consent”.
- (f) Section 31 (5)—
Omit “or (3)”.
- 20 (6) Schedule 5—
Omit the Schedule, insert instead :—

SCHEDULE 5.

Sec. 31.

MODIFICATION OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

- 25 The Environmental Planning and Assessment Act, 1979, shall, for the purposes referred to in section 31, be deemed to be amended—
- (a) by omitting from section 97 (1) the words “appeal to the Court” and by inserting instead the words “appeal, in the case where the consent authority is required by an environmental planning instrument to consult with a corporation before giving the consent, to the Minister and, in any other case, to the Court,”;
- 30 (b) by inserting after section 88 (3) the following subsections :—
- (4) Where an appeal has been made to the Minister under this section, he may—
- 35 (a) dismiss the appeal;

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- 5 (b) allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose;
or
- (c) where the appeal is against the imposition of conditions, refuse to approve the application referred to in the appeal.
- 10 (5) The decision of the Minister under subsection (4) shall be final and shall have effect as if it were a decision of the consent authority.

Technical and Further Education Act, 1974—

Amendment
of Act No.
72, 1974.

Section 29 (6)—

Omit the subsection, insert instead:—

- 15 (6) A claim for compensation under this Act shall be dealt with as if it were a case in which a claim for compensation had been made by reason of the acquisition of land for public purposes under the Public Works Act, 1912, by notification published in the Gazette, and the Land and Environment Court has jurisdiction
- 20 accordingly.

Noise Control Act, 1975—

Amendment
of Act No.
35, 1975.

(1) Section 4 (1), definition of "Court"—

After the definition of "Committee", insert:—

"Court" means the Land and Environment Court;

25 (2) Section 20 (4) (b)—

Omit "District".

(3) (a) Section 27 (9) (b)—

Omit "District".

(b) Section 27 (14)—

- 30 After "Local Government Act, 1919," insert "the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979,".

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (4) Section 38 (b)—
Omit "District".
- 5 (5) (a) Section 68 (1)—
Omit ", in accordance with the rules of the District Court made in that behalf, appeal to the District Court", insert instead "appeal to the Court".
- (b) Section 68 (2), (3)—
10 Omit the subsections.
- (6) (a) Section 69 (1)—
Omit ", in accordance with the rules of the District Court made in that behalf, appeal to the District Court", insert instead "appeal to the Court".
- 15 (b) Section 69 (2), (3)—
Omit the subsections.
- (7) Section 82—
Omit "Supreme" wherever occurring.
- Whittingham to Mount Thorley Railway Act, 1975—
20 Section 6—
Amendment of Act No. 51, 1975.
After "under that Act", insert ", of the Environmental Planning and Assessment Act, 1979, or an environmental planning instrument within the meaning of that Act".
- Statutory and Other Offices Remuneration Act, 1975—
25 (1) Schedule 2, Part 1—
Amendment of Act No. 4, 1976.
Omit:—
Chairman of the New South Wales Planning and Environment Commission.
30 Commissioner, appointed on a nomination pursuant to section 6 (2) (a) of the New South Wales Planning and Environment Commission Act, 1974, other than the Chairman.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(2) Schedule 2, Part 1—

At the end of the Part, insert:—

5 Director of Environment and Planning.

Traffic Authority Act, 1976—

Amendment
of Act No.
32, 1976.

(1) Section 4 (2)—

10 Omit “a commissioner of the New South Wales Planning and Environment Commission”, insert instead “the Director of Environment and Planning”.

(2) (a) Section 7 (1) (a) (iv)—

Omit the subparagraph, insert instead:—

(iv) the Director of Environment and Planning; and

(b) Section 7 (6)—

15 Omit the subsection.

Land Commission Act, 1976—

Amendment
of Act No.
62, 1976.

(1) Section 10 (1) (h)—

20 Omit “interim development order, or prescribed scheme, made under Part XIIA of the Local Government Act, 1919, and”, insert instead “environmental planning instrument within the meaning of the Environmental Planning and Assessment Act, 1979”.

(2) (a) Section 18 (2)—

25 Omit “by the New South Wales Planning and Environment Commission”, insert instead “within the Department of Environment and Planning”.

(b) Section 18 (2)—

Omit “that Commission”, insert instead “that Department”.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(3) Section 26 (6) (b)—

Omit the paragraph, insert instead:—

- 5 (b) if he is an officer within the meaning of the Environmental Planning and Assessment Act, 1979, or a person who is a member of a committee or subcommittee established by or under the Environmental Planning and Assessment Act, 1979;

Chipping Norton Lake Authority Act, 1977—

Amendment
of Act No.
38, 1977.

10 Section 10 (6)—

Omit "Local Government Appeals Tribunal constituted under the Local Government Act, 1919," insert instead "Land and Environment Court".

Irrigation Areas (Conversion of Leases) Act, 1977—

Amendment
of Act No.
61, 1977.

15 Section 8—

Omit "Land and Valuation Court", insert instead "Land and Environment Court".

Bail Act, 1978—

Amendment
of Act No.
161, 1978.

(1) Section 3—

- 20 After the matter relating to Division 5 of Part IV, insert:—
DIVISION 6.—*Land and Environment Court—s. 30A.*

(2) (a) Section 4 (1), definition of "court"—

After paragraph (b), insert:—

(b1) the Land and Environment Court;

25 (b) Section 4 (1), definition of "Judge"—

After "Appeal", insert ", Land and Environment Court".

(c) Section 4 (1), definition of "Land and Environment Court"—

After the definition of "justice", insert:—

- 30 "Land and Environment Court" includes the Judge or a Deputy Judge of the Land and Environment Court;

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

(3) Part IV, Division 6—

After Part IV, Division 5, insert:—

5 DIVISION 6.—*Land and Environment Court.*

30A. The Land and Environment Court may grant bail in Power of accordance with this Act to a person accused of an offence, where Land and proceedings for the offence are pending in that Court under the Environment Land and Environment Court Act, 1979. Court to grant bail.

10

SCHEDULE 3.

Sec. 6.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. (1) In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

15 “appointed day” means the day appointed and notified under section 2 (2) of the Environmental Planning and Assessment Act, 1979;

“former planning instrument” means a prescribed scheme or an interim development order or The Town and Country Planning (General Interim Development) Ordinance;

20 “former tribunal” means the Land and Valuation Court, the Local Government Appeals Tribunal, a Valuation Board of Review or the Clean Waters Appeals Board;

“interim development order” means an interim development order within the meaning of Part XIIA;

“new Court” means the Land and Environment Court;

25 “Part XIIA” means Part XIIA of the Local Government Act, 1919, as in force at any time;

“prescribed scheme” means a prescribed scheme within the meaning of Part XIIA;

“regulations” means regulations under clause 28.

30 (2) Except in so far as the context or subject-matter otherwise indicates or requires, expressions used in this Schedule have the same meanings as in the Environmental Planning and Assessment Act, 1979.

35 (3) In this Schedule, a reference to a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference occurs.

2. (1) A former planning instrument, as in force immediately before the Former appointed day, shall, subject to this Act, have full force and effect according to its tenor. planning instruments.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (2) Where, in the opinion of the Minister, a provision of a former planning instrument is inconsistent with or contains a provision that deals with the same or like matter which is dealt with by any provision of the Environmental Planning and Assessment Act, 1979, or the regulations thereunder, the Minister may, by order published in the Gazette, amend the former planning instrument in such a manner as, in his opinion, will remove the inconsistency or the provision dealing with the same or like matter, as the case may be, but no such order shall take effect before the appointed day.
3. (1) Where, immediately before the appointed day, a scheme under Part XIA has reached a stage of preparation which, in the opinion of the Minister, warrants completion in accordance with this clause, the Minister may, by order published in the Gazette, direct that further preparation of that scheme be continued in accordance with such of the provisions of Part III of the Environmental Planning and Assessment Act, 1979, as are specified in that order as if that scheme were a draft environmental planning instrument.
- (2) A scheme prepared in accordance with directions given pursuant to subclause (1) shall, if made by the Minister, be deemed to be an environmental planning instrument notwithstanding any failure to comply with the provisions of Part III of the Environmental Planning and Assessment Act, 1979, with respect to the making of such an instrument.
- (3) A scheme, the subject of an order made under subclause (1), which has received a certificate under section 342F (2) or 342GB (2) of the Local Government Act, 1919, shall be deemed to be a draft environmental planning instrument within the meaning of section 90 (1) (a) (ii) of the Environmental Planning and Assessment Act, 1979.
4. The provisions of any standard or model provisions, adopted wholly or partially by reference by a former planning instrument, in accordance with section 342U (3) of the Local Government Act, 1919, shall be deemed, for the purposes of that instrument, to be a set of model provisions made under section 33 of the Environmental Planning and Assessment Act, 1979, and may be amended or revoked accordingly.
5. (1) Where, immediately before the appointed day, an application for consent, approval or permission under a former planning instrument has not been finally determined, the application shall, subject to this clause, be determined as if this Act and the Environmental Planning and Assessment Act, 1979, had not been enacted.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(2) For the purposes of subclause (1), an application is not finally determined unless—

- 5 (a) consent, approval or permission is granted or refused in respect of that application and no appeal is lodged within a period of 3 months from the date of granting or refusing the application; or
- 10 (b) where an appeal is lodged within the period of 3 months referred to in paragraph (a)—that appeal is upheld or dismissed, as the case may be.

6. A provision of a former planning instrument to the effect that development may not be carried out except with a specified consent, approval or permission shall be deemed to be a provision to the effect that that development may not be carried out except with consent under the Environmental Planning and Assessment Act, 1979, being obtained therefor. **Development prohibited except with consent.**

7. (1) Any consent, approval or permission granted in respect of an application made under a former planning instrument, and in force immediately before the appointed day, shall, subject to subclause (2), continue in full force and effect subject to— **Consents, approvals and permissions.**

- 20 (a) the operation of any provision of that instrument or any term or condition of that consent, approval or permission governing or relating to the currency, duration or continuing legal effect of that consent, approval or permission; and
- 25 (b) the operation of any condition (other than that referred to in paragraph (a)), restriction or limitation, subject to which that consent, approval or permission was granted.

(2) Where no provision or term or condition of the type referred to in subclause (1) (a) operates in respect of a consent, approval or permission therein mentioned, the provisions of section 99 of the Environmental Planning and Assessment Act, 1979, shall apply to that consent, approval or permission as if it were a consent referred to in that section which had taken effect on the appointed day.

(3) The provisions of section 103 of the Environmental Planning and Assessment Act, 1979, shall apply to a consent referred to in subclause (1) as if that consent were a consent referred to in that section.

8. A direction given under section 342v (3) of the Local Government Act, 1919, and in force immediately before the appointed day shall be deemed to be a direction given in the same terms under section 101 of the Environmental Planning and Assessment Act, 1979. **Directions under s. 342v (3) of Local Government Act, 1919.**

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

9. A proclamation under section 313 (j) of the Local Government Act, 1919, and in force immediately before the appointed day shall be deemed to have been made under section 313 (2) (b) of that Act, as amended by this Act. Proclamations under s. 313 (j) of Local Government Act, 1919.
10. A proclamation under section 314A of the Local Government Act, 1919, and in force immediately before the appointed day continues in force as if that section had not been repealed by this Act, but may be amended or repealed by an environmental planning instrument. Proclamations under s. 314A of Local Government Act, 1919.
11. An ordinance under section 342U (2) of the Local Government Act, 1919, and in force immediately before the appointed day continues in force, but may be amended by an environmental planning instrument or repealed by a State environmental planning policy. Ordinances under s. 342U (2) of Local Government Act, 1919.
12. (1) Land reserved or zoned for a public purpose by a deemed environmental planning instrument shall be deemed for the purposes of section 116 of the Environmental Planning and Assessment Act, 1979, to be land designated for that purpose pursuant to section 26 (c) of that Act. Resumptions and appropriations.
- (2) Upon the resumption or appropriation of land referred to in subclause (1)—
- (a) any compensation recovered under section 342AC of the Local Government Act, 1919, in respect of the reservation or zoning shall be deducted from the compensation otherwise payable by virtue of the resumption or appropriation; and
- (b) no compensation under that section is payable in respect of a claim referred to in clause 13.
13. Where a claim for compensation under section 342AC of the Local Government Act, 1919, was made before the appointed day, but proceedings to enforce that claim have not been instituted or completed at that day, that claim may, subject to clause 12, be enforced as if this Act and the Environmental Planning and Assessment Act, 1979, had not been enacted.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

14. (1) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument, or in any other document, whether of the same or of a different kind—

- 5
- (a) to Part XIIA shall be read and construed as a reference to the Environmental Planning and Assessment Act, 1979;
- 10
- (b) to any provision of that Part shall be read and construed as a reference to the corresponding provision, if any, of the Environmental Planning and Assessment Act, 1979;
- 15
- (c) to a specified prescribed scheme or an interim development order made under that Part shall be read and construed as a reference to the deemed environmental planning instrument that that prescribed scheme or interim development order is deemed by this Schedule to be;
- (d) to a prescribed scheme or an interim development order made under that Part, that is not identified by the reference, shall be read and construed as a reference to an environmental planning instrument;
- 20
- (e) except as provided in paragraph (d), to a planning scheme prepared under that Part shall be read and construed as a reference to a draft local environmental plan in respect of which a certificate has been issued under section 65 of the Environmental Planning and Assessment Act, 1979; and
- 25
- (f) to prescribed qualifications with respect to town or country planning shall be read and construed as a reference to qualifications in environmental planning prescribed under the Environmental Planning and Assessment Act, 1979,

subject to the regulations and except in so far as the context or subject-matter otherwise indicates or requires.

30

(2) Subclause (1) does not apply to references in section 254A of the Crown Lands Consolidation Act, 1913, the Land Development Contribution Management Act, 1970, or any other prescribed enactments, instruments or documents.

35 15. Notwithstanding the repeal of Part XIIA, any agreement entered into in accordance with section 342AN of the Local Government Act, 1919, continues in force as if that Part had not been repealed, but any such agreement may be amended, varied or cancelled.

Construction of references to Part XIIA, schemes, etc.

Agreements under s. 342AN of Local Government Act, 1919.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

16. (1) In this clause—
- 5 “officer or employee of a prescribed authority” does not include a commissioner or a member of any prescribed body;
- “prescribed body” means a statutory body (other than the Commission) declared under section 4 (2) of the New South Wales Planning and Environment Commission Act, 1974, to be a statutory body for the purposes of that Act;
- 10 “retiring age” means—
- (a) in relation to a person who was, immediately before his appointment as a commissioner, an officer of the Public Service—the age of 60 years; and
- 15 (b) in relation to a person who was, immediately before his appointment as a commissioner, an officer or employee of a prescribed authority—the age at which officers or employees, as the case may be (being officers or employees of the class to which that person belonged immediately before his appointment as a commissioner), of that
- 20 prescribed authority are entitled to retire.
- (2) A person holding office at the appointed day under section 6 (2) (a) of the New South Wales Planning and Environment Commission Act, 1974, not being a person who has attained the retiring age, is, unless appointed as the Director, entitled to be appointed, where,
- 25 immediately before his appointment as a commissioner, he was—
- (a) an officer of the Public Service—to some office in the Public Service; or
- (b) an officer or employee of some prescribed authority—to some office in the service of that prescribed authority,
- 30 not lower in classification and salary than that which he held immediately before his appointment as a commissioner.
17. (1) This clause does not apply to a person entitled to an appointment under clause 16.
- (2) A person holding office at the appointed day under section 6 (2)
- 35 (a) of the New South Wales Planning and Environment Commission Act, 1974, is, unless appointed as the Director, entitled—
- (a) to be appointed by the Governor to a position in the service of the Crown for the balance of his term of office under section 6 of that Act, at a salary (not less than that payable to him immediately before the appointed day) determined by the
- 40 Governor; and

Certain full-time commissioners entitled to re-appointment in former employment.

Full-time members of Commission, other than as referred to in clause 16.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (b) to retain all other rights and privileges conferred upon him by that Act other than the right to appointment under that section.
- 5 (3) Notwithstanding the repeal by this Act of the New South Wales Planning and Environment Commission Act, 1974, the provisions of section 10 (1) of that Act (paragraphs (d), (i), (j) and (k) excepted), apply to a person referred to in subclause (1) as if the repeal had not been effected, and so apply as if a reference therein to a full-time commissioner were
- 10 a reference to that person.
- (4) The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment of a person under this clause and such a person is not, in his capacity as such an appointee, subject to the provisions of that Act.
- 15 18. (1) The persons who, immediately before the appointed day, were officers and employees of the Commission shall, at that date, become officers and employees of the Department. Officers and employees of Commission.
- (2) Notwithstanding the repeal by this Act of the New South Wales Planning and Environment Commission Act, 1974, the provisions of section
- 20 16 of that Act continue to apply in relation to the persons referred to in subclause (1) as if the repeal had not been effected.
19. (1) On and from the appointed day— Transfer of property, rights, obligations, etc.
- 25 (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Commission shall vest in and belong to the corporation;
- (b) all money and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Commission shall be money and liquidated and unliquidated claims
- 30 payable to or recoverable by the corporation;
- (c) all proceedings commenced before that day by the Commission and pending immediately before that day shall be deemed to be proceedings pending on that day by the corporation and all proceedings so commenced by any person against the Commission
- 35 and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the corporation;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Commission and in force immediately before that day shall be deemed
- 40 to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the corporation;

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- 5 (e) the corporation may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this clause and for the prosecution of actions and proceedings so referred to as the Commission might have done but for the enactment of this Act;
- 10 (f) the corporation may enforce and realise any security or charge existing immediately before that day in favour of the Commission and may exercise any powers thereby conferred on the Commission as if the security or charge were a security or charge in favour of the corporation;
- 15 (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Commission shall be debts due by, money payable by and claims recoverable against, the corporation; and
- 20 (h) all liquidated and unliquidated claims for which the Commission would, but for the enactment of this Act, have been liable shall be liquidated and unliquidated claims for which the corporation shall be liable.

(2) No attornment to the corporation by a lessee from the Commission shall be required.

25 20. (1) On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to the Authority or the Commission shall, subject to the regulations, be read and construed as a reference to the corporation, Director or Department, whichever is appropriate. Construction of references to Authority or Commission.

30 (2) Subclause (1) does not apply to references in the Environmental Planning and Assessment Act, 1979, the Chipping Norton Lake Authority Act, 1977, or any other prescribed enactments, instruments or documents.

35 21. (1) All fixed assets and fixed liabilities comprised in the Cumberland Development Fund established under the State Planning Authority Act, 1963, and transferred to the corporation in pursuance of this Schedule shall— Development funds.

- (a) except as provided in paragraph (b)—form part of the Development Fund for the Sydney Region; or
- 40 (b) where those assets and liabilities relate to the City of Greater Wollongong—form part of the Development Fund for the Illawarra Region.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (2) All fixed assets and fixed liabilities comprised in the Northumberland Development Fund established under the State Planning Authority Act, 1963, and transferred to the corporation in pursuance of this Schedule shall form part of the Development Fund for the Hunter Region.
22. (1) The due repayment of any money borrowed after 26th May, 1972, by the Authority or the Commission and of the interest thereon is hereby guaranteed by the Government. **Loans.**
- 10 (2) Any liability arising from such a guarantee shall be payable out of money provided by Parliament.
- (3) A reference, in Part VII of or Schedule 6 to the Environmental Planning and Assessment Act, 1979, to a loan or renewal loan raised by the corporation includes a reference to a loan or renewal loan raised by
15 the Authority or the Commission.
23. (1) The following areas shall be deemed to have been constituted **Development areas.** under section 132 of the Environmental Planning and Assessment Act, 1979, as a development area, to be known as the Sydney Region Development Area, namely:—
- 20 Cities of Sydney, Liverpool, Parramatta, Penrith, Blue Mountains and Campbelltown.
- Municipalities of Ashfield, Auburn, Bankstown, Blacktown, Botany, Burwood, Camden, Canterbury, Concord, Drummoyne, Fairfield, Holroyd, Hunter's Hill, Hurstville, Kogarah, Ku-ring-gai, Lane
25 Cove, Leichhardt, Manly, Marrickville, Mosman, North Sydney, Randwick, Rockdale, Ryde, South Sydney, Strathfield, Waverley, Willoughby, Windsor and Woollahra.
- Shires of Baulkham Hills, Colo, Gosford, Hornsby, Sutherland, Warringah, Wollondilly and Wyong.
- 30 (2) The following areas shall be deemed to have been constituted under section 132 of the Environmental Planning and Assessment Act, 1979, as a development area, to be known as the Hunter Region Development Area, namely:—
- Cities of Newcastle, Greater Cessnock and Maitland.
- 35 Shires of Lake Macquarie and Port Stephens.
- (3) The following areas shall be deemed to have been constituted under section 132 of the Environmental Planning and Assessment Act, 1979, as a development area, to be known as the Illawarra Region Development Area, namely:—
- 40 City of Wollongong.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

Municipalities of Bowral, Kiama and Shellharbour.

Shires of Mittagong, Shoalhaven and Wingecarribee.

- 5 (4) A development area referred to in this clause may be altered under section 132 of the Environmental Planning and Assessment Act, 1979.
- (5) Section 135 of the Environmental Planning and Assessment Act, 1979, does not apply to a development area as deemed to have been constituted under this clause.
- 10 24. The amendments made by section 22 of and the Schedule to the New South Wales Planning and Environment Commission Act, 1974, except the amendment of section 342B of the Local Government Act, 1919, continue to have force and effect as if the New South Wales Planning and Environment Commission Act, 1974, had not been repealed by this Act. Amendments made by repealed Act.
- 15 25. Any act, matter or thing done or omitted by the Commission under or for the purposes of section 519c (7) or Division 3A of Part XXIV of the Local Government Act, 1919, shall be deemed to have been done or omitted by the Director under or for the purposes of that subsection or Division as in force after the appointed day. Activity under s. 519c (7) or Div. 3A of Pt. XXIV of Local Government Act, 1919.
- 20 26. A person may be appointed before the appointed day as Director, but his term of office as such shall not commence before the appointed day. Appointment of Director before appointed day.
- 25 27. The sums authorised by the Appropriation Act, 1978, to be appropriated out of the Consolidated Revenue Fund and to be issued and applied for or towards expenditure under the heading "Minister for Planning and Environment" in connection with the Commission shall be deemed, to the extent that, at the appointed day, they have not been so issued or applied, to be sums authorised by that Act to be appropriated out of that Fund and to be issued and applied for or towards expenditure in connection with the Director and the Department. Unexpended funds appropriated in connection with the Commission.
- 30 28. (1) Any proceedings (other than proceedings referred to in subclause (2))— Proceedings pending in former tribunals.
- (a) pending in a former tribunal immediately before the appointed day; or

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- 5 (b) pending in the Supreme Court immediately before that day and that would, but for this Act, be required thereafter to be remitted to the Land and Valuation Court, otherwise than on an appeal from that Court to the Supreme Court, shall be deemed to be proceedings pending in the new Court, and shall be continued in and disposed of by the new Court accordingly.
- 10 (2) Any proceedings pending in the Supreme Court or the Land and Valuation Court under section 10 of the Growth Centres (Land Acquisition) Act, 1974, immediately before the appointed day shall be deemed to be proceedings pending in the new Court, and shall be continued in and disposed of by the new Court accordingly, as if that section had not been repealed by this Act, but as if—
- 15 (a) references in that section to the Supreme Court and the Land and Valuation Court were references to the new Court; and
- 20 (b) subsection (5) of that section were amended by omitting the words "Upon remission to the Land and Valuation Court of proceedings instituted under subsection (2) in respect of a resumption, that Court" and by inserting instead the words "In proceedings instituted under subsection (2) in respect of a resumption, the Land and Environment Court".
- 25 (3) The person who was the registrar or other officer having the custody of any records of a former tribunal or the Supreme Court immediately before the appointed day shall, as soon as practicable after that day, forward to the new Court all documents held by him and relating to any proceedings referred to in subclause (1) or (2).
- 30 29. Any proceedings pending in the Supreme Court or the District Court or before any other body or person immediately before the appointed day (being proceedings which, on or after that day, may only be commenced in the new Court, but excluding proceedings referred to in clause 28) shall be continued and disposed of as if this Act, the Environmental Planning and Assessment Act, 1979, and the Land and Environment Court Act, 1979, had not been enacted. Other pending proceedings.
- 35 30. (1) On and from the appointed day, a reference in any other Act, or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to— Construction of references to former tribunals.
- 40 (a) a former tribunal; or
- (b) a valuation court constituted under the Valuation of Land Act, 1916,
- shall be read and construed as a reference to the new Court.

*Miscellaneous Acts (Planning) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(2) On and from the appointed day, a reference in the Local Government Act, 1919, or in any instrument under that Act, to the "Tribunal" shall, unless a contrary intention appears, be read and construed as a reference to the new Court.

(3) Subclause (1) does not apply to references in section 5 of the Land Development Contribution Management Act, 1970, or in any other prescribed enactments, instruments or documents.

- 10 31. On and from the appointed day, a reference in any other Act, or in any regulation, by-law or other statutory instrument, or in any other document, whether of the same or of a different kind, to the "Private Irrigation Districts and Water (Amendment) Act, 1973" shall be read and construed as a reference to the "Private Irrigation Districts and Water (Amendment) Act, 1973".
- 15 32. Where by or under any Act a right of appeal to the new Court in accordance with the provisions of section 341 of the Local Government Act, 1919, is expressly conferred upon any person in respect of any matter arising out of or with respect to the carrying into effect or enforcing of an environmental planning instrument, a reference in any such Act to that section shall be read and construed as a reference to section 97 of the Environmental Planning and Assessment Act, 1979.
- 20 33. A person whose registration in the Land and Valuation Court pursuant to the Land Agents Act, 1927, as a land agent was in force immediately before the appointed day shall be deemed to have been registered as such in the new Court on that day.
- 30 34. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of this Act, the Environmental Planning and Assessment Act, 1979, or the Land and Environment Court Act, 1979.
- (2) A provision made under subclause (1) may take effect as from the appointed day or a later day.

Construction of references to Private Irrigation Districts and Water (Amendment) Act, 1973.

Appeals expressed to be under sec. 341 of Local Government Act, 1919. cf. 1958, No. 21, s. 7 (8).

Land agents.

Regulations.

Miscellaneous Acts (Planning) Repeal and Amendment.

SCHEDULE 3—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication 5 in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or a public authority), the rights of that person existing before the date of its publication therein; or
- 10 (b) to impose liabilities on any person (other than the State or a public authority) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations expressly so provide, have effect notwithstanding the foregoing clauses of this Schedule (clauses 16, 17, 18, 24 and 27 excepted).

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979
[\$1.52]



