



# Government Gazette

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## SPECIAL SUPPLEMENT



New South Wales

# Environmental Planning and Assessment Amendment (Insurance) Regulation 2002

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

### Explanatory note

The object of this Regulation is to omit the provisions of the *Environmental Planning and Assessment Regulation 2000* that require an insurance policy held by an accredited certifier under section 109ZN of the *Environmental Planning and Assessment Act 1979* to provide run-off cover for the years following the year in which the policy is entered into.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 157 (the general power to make regulations) and sections 109ZN and 109ZP.

Clause 1            Environmental Planning and Assessment Amendment (Insurance)  
                         Regulation 2002

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## **Environmental Planning and Assessment Amendment (Insurance) Regulation 2002**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Insurance) Regulation 2002*.

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

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

Environmental Planning and Assessment Amendment (Insurance)  
Regulation 2002

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

**[1] Clauses 206–210, 214, 218 and 219**

Omit “automatic run-off contract” wherever occurring.

Insert instead “approved professional indemnity contract”.

**[2] Clause 206 Definitions**

Omit the definitions of *automatic run-off contract*, *automatic run-off insurance scheme*, *certifying functions*, *non-practising insured*, *practising insured* and *run-off cover*.

**[3] Clause 206**

Insert in alphabetical order:

*approved professional indemnity contract* means an insurance contract that indemnifies an individual, a company or a partnership against an accredited certifier’s statutory liability.

**[4] Clause 207 Required insurance: section 109ZN**

Omit “(or by a number of such contracts)” from clause 207 (b).

**[5] Clause 208 Individual contracts**

Omit “Except as provided by clause 211, the” from clause 208 (3).

Insert instead “The”.

**[6] Clause 208 (5)**

Omit the subclause.

**[7] Clause 209 Company contracts**

Omit “Except as provided by clause 211, the” from clause 209 (5).

Insert instead “The”.

**[8] Clause 209 (7)**

Omit the subclause.

Environmental Planning and Assessment Amendment (Insurance)  
Regulation 2002

Schedule 1      Amendments

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**[9] Clause 210 Partnership contracts**

Omit “Except as provided by clause 211, the” from clause 210 (5).

Insert instead “The”.

**[10] Clause 210 (7)**

Omit the subclause.

**[11] Clauses 211–213 and 215–217**

Omit the clauses.

**[12] Part 11, Divisions 4 and 5**

Omit the Divisions.

## **State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 8)**

under the

Environmental Planning and Assessment Act 1979

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

ANDREW REFSHAUGE, M.P.,  
Minister for Planning

Clause 1 State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 8)

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## **State Environmental Planning Policy No 53— Metropolitan Residential Development (Amendment No 8)**

### **1 Name of this Policy**

This Policy is *State Environmental Planning Policy No 53—Metropolitan Residential Development (Amendment No 8)*.

### **2 Principal Policy**

In this Policy, *State Environmental Planning Policy No 53—Metropolitan Residential Development* is referred to as the Principal Policy.

### **3 Aims, objectives etc**

This Policy aims to amend the Principal Policy:

- (a) to make it clear that clause 17 of the Principal Policy allows dual occupancy development on land if the zoning of the land under another environmental planning instrument permits the erection of dwelling houses, and
- (b) to remove the local government areas of Burwood and Wyong from the local government areas to which the Principal Policy applies.

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

This Policy applies to the land to which the Principal Policy applies.

### **5 Amendment of Principal Policy**

The Principal Policy is amended as set out in Schedule 1.

State Environmental Planning Policy No 53—Metropolitan Residential  
Development (Amendment No 8)

Amendments

Schedule 1

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## **Schedule 1 Amendments**

(Clause 5)

### **[1] Clause 17 What this Part allows**

Omit “if another environmental planning instrument permits a dwelling house to be erected on that allotment”.

Insert instead “if the land is within a zone which, under another environmental planning instrument, permits the erection of dwelling houses”.

### **[2] Schedule 1 Local government areas**

Omit “Burwood” and “Wyong”.

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