



New South Wales

Planning and Environment Legislation Amendment (COVID-19) Regulation 2020

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the following Acts—

- (a) *Crown Land Management Act 2016*,
- (b) *Environmental Planning and Assessment Act 1979*.

ROB STOKES, MP
Minister for Planning and Public Spaces

Explanatory note

The object of this Regulation is to—

- (a) remake, in accordance with section 86 of the *Interpretation Act 1987*, special statutory provisions allowing meetings in which authorised officers and investigation officers take evidence and answers to questions to be conducted by audio link or audio visual link, and
- (b) have those provisions operate until 26 March 2021.

This Regulation is made under the following Acts—

- (a) *Crown Land Management Act 2016*,
- (b) *Environmental Planning and Assessment Act 1979*.

Planning and Environment Legislation Amendment (COVID-19) Regulation 2020

1 Name of Regulation

This Regulation is the *Planning and Environment Legislation Amendment (COVID-19) Regulation 2020*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Regulations

1.1 Crown Land Management Regulation 2018

Clause 74

Insert after clause 73—

74 Power of authorised officers to require answers

- (1) This clause applies if under section 10.23(4) of the Act an authorised officer issues a written notice to a person to require the person to attend at a specified place and time to answer questions.
- (2) The authorised officer may in the notice, or in a subsequent notice, authorise the person to answer the questions using an audio link or audio visual link of a kind approved by the authorised officer.
- (3) If the questions are to be answered by the person using an audio link or audio visual link—
 - (a) the place at which the person is required to attend is taken to be a place having adequate facilities for the answering of questions in that manner at the time nominated under section 10.23(5) of the Act, and
 - (b) the person must ensure that the audio link or audio visual link is operated appropriately so that the answers given to the questions are clear to the authorised officer.
- (4) In this clause—

audio link means technology that enables continuous and contemporaneous audio communication between persons at different places, including telephones.

audio visual link means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.
- (5) This clause is repealed on 26 March 2021.

1.2 Environmental Planning and Assessment Regulation 2000

Clause 298

Insert after clause 297—

298 Power of investigation officers to require answers and record evidence

- (1) This clause applies if under section 9.23(3) of the Act an investigation officer issues a written notice to a person to require the person to attend at a specified place and time to answer questions.
- (2) The investigation officer may in the notice, or in a subsequent notice, authorise the person to answer the questions using an audio link or audio visual link of a kind approved by the investigation officer.
- (3) If the questions are to be answered by the person using an audio link or audio visual link—
 - (a) the place at which the person is required to attend is taken to be a place having adequate facilities for the answering of questions in that manner at the time nominated under section 9.23(4) of the Act, and

- (b) the person must ensure that the audio link or audio visual link is operated appropriately so that the answers given to the questions are clear to the investigation officer.
- (4) In this clause—
 - audio link* means technology that enables continuous and contemporaneous audio communication between persons at different places, including telephones.
 - audio visual link* means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.
- (5) This clause is repealed on 26 March 2021.