



New South Wales

Environmental Planning and Assessment Amendment (Law Revision) Regulation 2000

under the

Environmental Planning and Assessment Act 1979

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

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

Explanatory note

The object of this Regulation is to make a number of amendments to the *Environmental Planning and Assessment Regulation 2000* by way of law revision.

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

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Clause 1 Environmental Planning and Assessment Amendment (Law Revision)
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Environmental Planning and Assessment Amendment (Law Revision) Regulation 2000

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Law Revision) Regulation 2000*.

2 Commencement

This Regulation commences on 1 January 2001.

3 Amendment of Environmental Planning and Assessment Regulation 2000

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

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

- [1] **Clause 100 Notice of determination—what is the form of the notice?**
Omit “decision” from clause 100 (1) (d). Insert instead “determination”.
- [2] **Clause 100 (1) (e) and (f)**
Omit “the consent” wherever occurring.
Insert instead “any development consent that is granted”.
- [3] **Clause 100 (3) and (5)**
Omit the subclauses.
- [4] **Clause 109 Days occurring while consent authority’s request for additional information remains unanswered**
Insert at the end of clause 109 (2):
Note. The 25-day period may be extended by operation of clauses 107 and 108.
- [5] **Clause 110 Days occurring while concurrence authority’s or approval body’s request for additional information remains unanswered**
Omit clause 110 (1). Insert instead:
(1) Any day that occurs between the date on which a consent authority receives a concurrence authority’s or approval body’s request for additional information under clause 60 or 67 and:
(a) the date occurring 2 days after the date on which the consent authority refers to the concurrence authority or approval body the additional information provided by the applicant, or

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(b) the date occurring 2 days after the date on which the consent authority notifies the concurrence authority or approval body that the applicant has notified the consent authority that the additional information will not be provided,

whichever is the earlier, is not to be taken into consideration in calculating the number of days in any of the assessment periods.

[6] Clause 110 (2)

Insert at the end of the subclause:

Note. The 25-day period may be extended by operation of clauses 107 and 108.

[7] Clause 111 Days occurring during consultation under National parks and Wildlife Act 1974

Insert at the end of clause 111 (2):

Note. The 25-day period may be extended by operation of clauses 107 and 108.

[8] Clause 117 Public participation—application under section 96 (1A) for modification of development consents

Omit “council” wherever occurring in clause 117 (2) and (3).

Insert instead “consent authority”.

[9] Clause 130 Procedure for determining application for complying development certificate

Omit clause 130 (4). Insert instead:

(4) For the purposes of section 85A (1) (b) of the Act, the accredited certifier must cause notice of his or her determination of an application for a complying development certificate to be given to the council by forwarding to it, within 7 days after the date of the determination, copies of:

- (a) the determination, together with the application to which it relates, and
- (b) any endorsed plans, specifications or other documents that were lodged with the application or submitted to the accredited certifier in accordance with clause 127, and
- (c) any complying development certificate issued as a result of the determination.

[10] Clause 147 Form of construction certificate

Insert after clause 147 (2):

- (3) Subclause (2) does not apply to a class 1a or class 10 building within the meaning of clause 167.

[11] Schedule 1 Forms

Omit clause 4 (4). Insert instead:

- (4) A detailed description of the development referred to in subclause (1) (d) (i) must indicate the following matters:
 - (a) for each proposed new building:
 - (i) the number of storeys (including underground storeys) in the building,
 - (ii) the gross floor area of the building (in square metres),
 - (iii) the gross site area of the land on which the building is to be erected (in square metres),
 - (b) for each proposed new residential building:
 - (i) the number of existing dwellings on the land on which the new building is to be erected,
 - (ii) the number of those existing dwellings that are to be demolished in connection with the erection of the new building,
 - (iii) the number of dwellings to be included in the new building,
 - (iv) whether the new building is to be attached to any existing building,
 - (v) whether the new building is to be attached to any other new building,

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- (vi) whether the land contains a dual occupancy,
- (vii) the materials to be used in the construction of the new building (using the abbreviations set out in clause 7 of this Schedule).

[12] Schedule 1, clause 6 (2)

Omit the subclause. Insert instead:

- (2) A detailed description of the development referred to in subclause (1) (a) (i) must indicate the following matters:
 - (a) for each proposed new building:
 - (i) the number of storeys (including underground storeys) in the building,
 - (ii) the gross floor area of the building (in square metres),
 - (iii) the gross site area of the land on which the building is to be erected (in square metres),
 - (b) for each proposed new residential building:
 - (i) the number of existing dwellings on the land on which the new building is to be erected,
 - (ii) the number of those existing dwellings that are to be demolished in connection with the erection of the new building,
 - (iii) the number of dwellings to be included in the new building,
 - (iv) whether the new building is to be attached to any existing building,
 - (v) whether the new building is to be attached to any other new building,
 - (vi) whether the land contains a dual occupancy,
 - (vii) the materials to be used in the construction of the new building (using the abbreviations set out in clause 7 of this Schedule).

[13] Schedule 1, clause 7

Omit the clause. Insert instead:

7 Abbreviations for building materials

The following abbreviations are to be used in any development application or application for a complying development certificate:

Walls	Code	Roof	Code
Brick (double)	11	Tiles	10
Brick (veneer)	12	Concrete or Slate	20
Concrete or Stone	20	Fibre cement	30
Fibre cement	30	Steel	60
Timber	40	Aluminium	70
Curtain glass	50	Other	80
Steel	60	Not specified	90
Aluminium	70		
Other	80		
Not specified	90		
Floor	Code	Frame	Code
Concrete or Slate	20	Timber	40
Timber	40	Steel	60
Other	80	Aluminium	70
Not specified	90	Other	80
		Not specified	90

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[14] Schedule 4 Planning certificates

Omit clause 2 (e). Insert instead:

- (e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

[15] Schedule 4, clause 3

Omit the clause. Insert instead:

3 Declared State significant development

Any development, or class of development, that is State significant development by virtue of a declaration that has been made by the Minister under section 76A (7) (b) of the Act and that applies to the land.

BY AUTHORITY
