



New South Wales

Environmental Planning and Assessment Amendment (CodeMark) Regulation 2006

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*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000* to replace provisions recognising the certification of components, processes and designs in accordance with the Australian Building Products and Systems Certification Scheme for the purposes of specified provisions of the *Environmental Planning and Assessment Act 1979* with provisions recognising the certification of building products and systems in accordance with the CodeMark scheme managed by the Australian Building Codes Board.

The amendments are made as a consequence of the amendment of the *Environmental Planning and Assessment Act 1979* by the *Building Professionals Act 2005*.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 79C (4), 85A (4), 105 and 157 (the general regulation-making power).

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Clause 1 Regulation 2006

**Environmental Planning and Assessment Amendment
(CodeMark) Regulation 2006**

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (CodeMark) Regulation 2006*.

2 Commencement

This Regulation commences on 23 June 2006.

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

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

Schedule 1 Amendment

(Clause 3)

Part 12

Omit the Part. Insert instead:

Part 12 Accreditation of building products and systems

224 Building products and systems certified under CodeMark scheme

- (1) For the purposes of sections 79C (4) and 85A (4) of the Act, a building product or system is accredited if and only if a certificate of conformity issued in accordance with the CodeMark scheme is in force with respect to the building product or system.

Note. This clause also applies in relation to accreditation for the purposes of the issue of construction certificates as provided by section 109F (2) of the Act.

- (2) In this clause, *CodeMark scheme* means the CodeMark scheme for the certification of building products and systems managed by the Australian Building Codes Board, in which the certification bodies are accredited and monitored by the Joint Accreditation System of Australia and New Zealand established on 30 October 1991.

225 Savings provisions

- (1) Any building product or system (however described) in respect of which a certificate of conformity under the ABCB scheme was issued before the commencement is taken to have been accredited in accordance with clause 224 as in force after the commencement, subject to the same limitations as to time as those to which the certificate of conformity is subject.
- (2) Any building product or system (however described):
 - (a) that was the subject of an application for a certificate of conformity that was lodged under the ABCB scheme before the commencement but had not been determined at the commencement, and
 - (b) in respect of which such a certificate of conformity is issued in accordance with that scheme after the commencement,

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Schedule 1 Amendment

is taken to have been accredited in accordance with clause 224 as in force after the commencement, subject to the same limitations as to time as those to which the certificate of conformity is subject.

(3) In this clause:

ABCB scheme has the same meaning as in clause 224 as in force before the commencement.

commencement means the commencement of the *Environmental Planning and Assessment Amendment (CodeMark) Regulation 2006*.

BY AUTHORITY
