



New South Wales

# Environmental Planning and Assessment Amendment (Compliance Certificates) Regulation 2008

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 limit the application of new provisions that require a certifying authority to obtain a compliance certificate from a person holding a category C10 accreditation under the *Building Professionals Act 2005* before issuing a complying development certificate, construction certificate or occupation certificate for a building or building work involving an alternative solution under the *Building Code of Australia* in respect of fire safety requirements. The Regulation will limit the new certification requirements to building work in respect of particular types of buildings (including those having a larger floor area). From 1 March 2010 the requirements will apply to all buildings.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 81A, 85, 109H and 157 (the general regulation-making power).

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Clause 1

Environmental Planning and Assessment Amendment (Compliance Certificates) Regulation 2008

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**Environmental Planning and Assessment Amendment  
(Compliance Certificates) Regulation 2008**

under the

Environmental Planning and Assessment Act 1979

**1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Compliance Certificates) Regulation 2008*.

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

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

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 130 Procedure for determining application for complying development certificate**

Insert after clause 130 (2A):

- (2B) Until 28 February 2010, subclause (2A) applies only to building work in respect of:
  - (a) a class 9a building, as defined in the *Building Code of Australia*, that is proposed to have a total floor area of 2,000 square metres, and
  - (b) any building (other than a class 9a building) that is proposed to have:
    - (i) a fire compartment, as defined in the *Building Code of Australia*, with a total floor area of 2,000 square metres, or
    - (ii) a total floor area of more than 6,000 square metres, that involves an alternative solution under the *Building Code of Australia* in respect of the requirements set out in EP1.4, EP2.1, EP2.2, DP4 and DP5 in Volume 1 of that Code.
- (2C) From 1 March 2010, subclause (2A) applies to all building work that involves an alternative solution under the *Building Code of Australia* in respect of a fire safety requirement.

**[2] Clause 144A Compliance certificate required for certain fire safety aspects of building work**

Insert at the end of the clause:

- (2) Until 28 February 2010, this clause applies only to building work in respect of:
  - (a) a class 9a building, as defined in the *Building Code of Australia*, that is proposed to have a total floor area of 2,000 square metres, and
  - (b) any building (other than a class 9a building) that is proposed to have:
    - (i) a fire compartment, as defined in the *Building Code of Australia*, with a total floor area of 2,000 square metres, or

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Schedule 1 Amendments

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(ii) a total floor area of more than 6,000 square metres, that involves an alternative solution under the *Building Code of Australia* in respect of the requirements set out in EP1.4, EP2.1, EP2.2, DP4 and DP5 in Volume 1 of that Code.

(3) From 1 March 2010, this clause applies to all building work that involves an alternative solution under the *Building Code of Australia* in respect of a fire safety requirement.

**[3] Clause 291 Savings and transitional provisions relating to requirements to obtain compliance certificates for alternative fire safety solutions**

Insert after clause 291 (3):

(4) In relation to building work or a building to which clause 130 (2A), 144A or 153A does not apply immediately before 1 March 2010 because of the operation of clause 130 (2B) or 144A (2), subclauses (1)–(3) have effect as if a reference to 1 March 2008 were a reference to 1 March 2010.

BY AUTHORITY

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