



New South Wales

# Environmental Planning and Assessment Amendment (Complying Development) Regulation 2009

under the

Environmental Planning and Assessment Act 1979

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

BARBARA PERRY, M.P.,  
for Minister for Planning

## Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000* as follows:

- (a) to provide that a council or an accredited certifier must determine an application for a complying development certificate within 10 days after it is lodged,
- (b) to require notice of a decision to issue a complying development certificate for development on land to be given to owners or occupiers of land within 40 metres of the land on which the development is carried out,
- (c) to require an application for a complying development certificate to indicate the name of the environmental planning instrument, and any development control plan, under which the development is made complying development,
- (d) to require additional information about zoning to be included in certain complying development certificates,
- (e) to provide for information about land excluded from complying development to be included in planning certificates,
- (f) to make provision for savings and transitional matters consequential on the other amendments.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 85A, 149, 157 (the general regulation-making power) and clause 1 of Schedule 6.

**2009 No 23**

Clause 1

Environmental Planning and Assessment Amendment (Complying Development) Regulation 2009

---

**Environmental Planning and Assessment Amendment  
(Complying Development) Regulation 2009**

under the

Environmental Planning and Assessment Act 1979

**1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Complying Development) Regulation 2009*.

**2 Commencement**

This Regulation commences on 27 February 2009.

**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 Amendments

(Clause 3)

**[1] Clause 130AA**

Insert before clause 130:

**130AA Time limit for determining application for complying development certificate**

For the purposes of section 85A (8) of the Act, the period prescribed by the regulations is 10 days.

**[2] Clause 130 Procedure for determining application for complying development certificate and notification requirements**

Insert after clause 130 (4):

- (5) For the purposes of section 85A (11) (c) of the Act, the council or accredited certifier must cause written notice of the determination to issue a complying development certificate to be given to the owner or occupier of any land within 40 metres of any boundary of the land to which the certificate relates.
- (6) A notice under subclause (5) is to be in the form approved by the Director-General and is to be given within 2 days after the date of the determination.

**[3] Clause 134 Form of complying development certificate**

Insert after section 134 (1):

- (1A) A complying development certificate for development that is complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* must also specify:
  - (a) the land use zone within which the land is situated, and
  - (b) if the land is not zoned under an environmental planning instrument made as provided by section 33A (2) of the Act, the equivalent named land use zone applicable to the land for the purposes of that Policy.

## 2009 No 23

Environmental Planning and Assessment Amendment (Complying Development) Regulation 2009

Schedule 1 Amendments

---

### [4] Clause 279 What matters must be specified in a planning certificate?

Insert at the end of clause 279:

- (2) A certificate under section 149 (2) of the Act may be issued containing only the information set out in clause 3 of Schedule 4.

### [5] Schedule 1 Forms

Insert after clause 3 (f):

- (g) the name of the environmental planning instrument under which the development is complying development and, if the development is specified as complying development by a development control plan referred to in that instrument, the name of the development control plan.

### [6] Schedule 4 Planning certificates

Insert after clause 2:

#### 3 Complying development

Whether or not the land is land on which no complying development may be carried out under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and, if no complying development may be carried out on that land under that Policy, the reason why complying development may not be carried out on that land.

### [7] Schedule 7 Savings and transitional provisions

Insert at the end of the Schedule with appropriate clause numbering:

#### Applications for complying development certificates

- (1) Clause 130AA, as inserted by the *Environmental Planning and Assessment Amendment (Complying Development) Regulation 2009*, does not apply to an application for a complying development certificate made but not determined before the commencement of that clause.
- (2) Clauses 130 (5) and (6) and 134 (1A), as inserted by the *Environmental Planning and Assessment Amendment (Complying Development) Regulation 2009*, apply to an application for a complying development certificate made but not determined before the commencement of the applicable subclause.
- (3) Any provision of a development control plan that requires public or particular advertising or notification of an application for a complying development certificate has no effect.

BY AUTHORITY

---