



Environmental Planning and Assessment Amendment Regulation 2013

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*.

BRAD HAZZARD, MP
Minister for Planning and Infrastructure

Explanatory note

The objects of this Regulation are as follows:

- (a) to make further provision in relation to matters that must be complied with before an occupation certificate may be issued that authorises a person to commence occupation or use of a new building or a partially completed new building,
- (b) to prescribe the maximum amounts that a relevant authority may require a person to pay, under a compliance cost notice, for certain costs and expenses of the authority relating to a notice of intention to give an order and the giving of an order,
- (c) to make amendments (including savings and transitional arrangements) consequent on the commencement of certain provisions of the *Environmental Planning and Assessment Amendment Act 2012*.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 109H, 121CA, 157 (the general regulation-making power) and 159 and clause 1 of Schedule 6.

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Clause 1 Environmental Planning and Assessment Amendment Regulation 2013

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under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment Regulation 2013*.

2 Commencement

This Regulation commences on 1 March 2013 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

[1] Clauses 57 and 129

Omit the clauses.

[2] Clause 154 Health, safety, compliance with development consent and other issues: section 109H

Insert after clause 154 (1A):

- (1B) An occupation certificate authorising a person to commence occupation or use of a new building, or a partially completed new building, must not be issued unless the design and construction of the new building, or any part of the new building that is completed, are not inconsistent with the development consent in force with respect to the new building. This subclause applies only if the development consent (excluding any construction certificate forming part of the consent) was issued on or after 1 March 2013.

Note. A complying development certificate is a form of development consent.

[3] Clause 281C

Omit the clause. Insert instead:

281C Compliance cost notices—maximum amounts that may be required to be paid

- (1) The maximum amount that may be required to be paid under a compliance cost notice in respect of any costs or expenses relating to an investigation that leads to the giving of an order is \$1,000.
- (2) The maximum amount that may be required to be paid under a compliance cost notice in respect of any costs or expenses relating to the preparation or serving of the notice of the intention to give an order is \$500.

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Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

[4] Schedule 7 Savings and transitional provisions

Insert at the end of the Schedule (with appropriate Part and clause numbering):

Part Provisions consequent on enactment of Environmental Planning and Assessment Amendment Act 2012

Compliance cost notices

Section 121CA (1) (c)–(e) of the Act, as inserted by the *Environmental Planning and Assessment Amendment Act 2012*, apply only in relation to an order given on or after 1 March 2013.