



New South Wales

# **Environmental Planning and Assessment Amendment (Complying Development Certificates) Regulation 2021**

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*.

ROB STOKES, MP  
Minister for Planning and Public Spaces

## **Explanatory note**

The object of this Regulation is to prescribe documents that must accompany an application for a complying development certificate for certain complying development in relation to industrial and business buildings.

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### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Complying Development Certificates) Regulation 2021*.

### **2 Commencement**

This Regulation commences on 1 February 2022 and is required to be published on the NSW legislation website.

## Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

**[1] Clause 126 Making application for complying development certificate**

Omit clause 126(2A) and (2B).

**[2] Clause 136I Traffic generating development**

Omit “or (k)”.

**[3] Clause 136I(2)**

Insert at the end of clause 136I—

- (2) If an application for a complying development certificate is required to be accompanied by a certificate of the relevant roads authority under Schedule 1, clause 4AA(4), the complying development certificate must be issued subject to a condition that any requirements specified in the certificate of the relevant roads authority must be complied with.

**[4] Schedule 1 Forms**

Omit clause 4(1)(k).

**[5] Schedule 1, clause 4AA**

Insert after clause 4—

**4AA Documents to accompany Part 5A applications**

- (1) This clause prescribes documents, in addition to the documents required by clause 4, that must accompany an application for a complying development certificate for complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Part 5A (a **Part 5A application**).
- (2) A Part 5A application must be accompanied by a document containing information on whether the land on which the development is to be carried out—
  - (a) is on the list of sites notified under the *Contaminated Land Management Act 1997*, section 60, or
  - (b) is used, or was formerly used, for a purpose listed in *Managing Land Contamination Planning Guidelines, SEPP 55—Remediation of Land*, clause 3.2.1, Table 1, published in 1998 by the Department of Urban Affairs and Planning and the Environment Protection Authority.
- (3) A Part 5A application in relation to development for a specified purpose on land in Zone B5, B6 or B7 must be accompanied by a statement, in the form approved by the Planning Secretary, by a qualified designer that—
  - (a) verifies that the designer designed, or directed the design of, the development, and
  - (b) addresses how the design is consistent with the relevant design criteria set out in the *Business Zone Design Guidelines* published on the NSW planning portal, as in force from time to time.
- (4) A Part 5A application in relation to the following development must be accompanied by a certificate issued by the relevant roads authority certifying that any impacts on the surrounding road network as a result of the

development are acceptable or will be acceptable if the requirements specified in the certificate are met—

- (a) food and drink premises with a gross floor area of 300m<sup>2</sup> or more,
  - (b) shops or wholesale supplies with a gross floor area of 500m<sup>2</sup> or more,
  - (c) commercial premises with a gross floor area of 2,500m<sup>2</sup> or more,
  - (d) industries with a gross floor area of 5,000m<sup>2</sup> or more,
  - (e) depots or warehouses or distribution centres with a gross floor area of 8,000m<sup>2</sup> or more,
  - (f) the following land uses involving 50 or more vehicles per hour—
    - (i) community facilities,
    - (ii) health consulting rooms,
    - (iii) information and education facilities,
    - (iv) medical centres,
    - (v) storage premises,
    - (vi) vehicle repair stations,
    - (vii) veterinary hospitals,
  - (g) car parks of 50 car parking spaces or more.
- (5) Subclause (2) does not apply to complying development carried out under the complying development provisions of *State Environmental Planning Policy (Three Ports) 2013* in the Lease Area within the meaning of that Policy.
- (6) In this clause—  
**roads authority** has the same meaning as in the *Roads Act 1993*.  
**specified purpose** has the same meaning as in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Part 5A.

**[6] Schedule 1, clause 4A(1)**

Insert “or 4AA” after “clause 4”.