



New South Wales

# **Local Government (General) Amendment (Mutual Recognition of Approvals) Regulation 2025**

under the

Local Government Act 1993

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following regulation under the *Local Government Act 1993*.

RON HOENIG, MP  
Minister for Local Government

## **Explanatory note**

The object of this regulation is to establish a scheme for mutual recognition by councils of approvals granted under the *Local Government Act 1993*, Chapter 7, Part 1 for certain activities.

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### **1 Name of regulation**

This regulation is the *Local Government (General) Amendment (Mutual Recognition of Approvals) Regulation 2025*.

### **2 Commencement**

This regulation commences on the commencement of the *Local Government Amendment Act 2019*, Schedules 1[4] and [20] and 2.2.

## **Schedule 1      Amendment of Local Government (General) Regulation 2021**

### **[1]    Section 3 Definitions**

Insert in alphabetical order in section 3(1)—

*approval*, for Part 2, Division 7—see section 81A.

*recognised approval*, for Part 2, Division 7—see section 81A.

*recognition certificate*, for Part 2, Division 7—see section 81A.

*relevant activity*, for Part 2, Division 7—see section 81A.

### **[2]    Part 2, Division 7**

Insert after Division 6—

#### **Division 7      Mutual recognition of approvals scheme—the Act, Sch 6, item 8AA**

##### **81A    Definitions**

In this division—

*approval* means an approval granted under the Act, Chapter 7, Part 1.

*recognised approval*, in relation to a recognition certificate, means the approval recognised by the recognition certificate.

*recognition certificate* means a recognition certificate granted under section 81D.

*relevant activity* means an activity specified in the Act, section 68, table, Part D or Part F, item 7.

##### **81B    Mutual recognition of approvals scheme**

- (1) The provisions of this division comprise a scheme for the mutual recognition by councils of approvals.
- (2) For the purposes of the scheme—
  - (a) a person who holds a recognition certificate is taken to have the prior approval of the council that granted the recognition certificate to carry out the activity referred to in the recognition certificate, and
  - (b) a person who carries out an activity in accordance with a recognition certificate is taken to carry out the activity in accordance with the approval of the council that granted the recognition certificate.
- (3) For the purposes of the scheme, in the Act and this regulation—
  - (a) a reference to an approval extends to a recognition certificate, and
  - (b) a reference to an application for an approval extends to an application for a recognition certificate.
- (4) However, subsection (3) does not apply to a reference in—
  - (a) the Act, sections 69, 75, 76, 78, 79, 92–96, 99, 102–103, 106–107A or 114–123B, or
  - (b) this division.
- (5) A reference in the Act, section 101(1) to the date from which the approval operates specified in the notice under section 99 is taken to be the date

specified in the recognition certificate under section 81D(4)(c) for a recognition certificate.

**81C Applications for recognition certificates**

- (1) A person who holds an approval granted by a council for a relevant activity may apply to another council for a recognition certificate for the approval.
- (2) An application must be made in the approved form.
- (3) An application must include the following—
  - (a) a copy of one of the following—
    - (i) a notice given to the person under the Act, section 99 granting the approval,
    - (ii) a notice given to the person under the Act, section 100 granting the approval on review,
    - (iii) a decision of the Land and Environment Court on an appeal made under the Act, section 176 that has the effect of granting the approval,
  - (b) if the approval is a “deferred commencement” approval referred to in the Act, section 95—a copy of the notice given under the Act, section 99(3)(b) of the date from which the approval operates,
  - (c) if the approval has been amended, renewed, extended or modified under the Act, sections 106–108—a copy of the notice of the amendment, renewal, extension or modification,
  - (d) if the approval has been varied by a decision of the Land and Environment Court—a copy of the decision,
  - (e) a description of any conditions of the approval, other than a condition—
    - (i) specified in the document given under paragraph (a), or
    - (ii) set out in a local policy adopted under the Act, Chapter 7, Part 3,
  - (f) the date the approval lapses.

**81D Determination of applications for recognition certificates**

- (1) A council, on application, may—
  - (a) grant a recognition certificate, with or without conditions, or
  - (b) refuse to grant the application.
- (2) A council may grant a recognition certificate subject to a condition that the person who holds the recognition certificate must comply with council policies that apply to the relevant activity.
- (3) Subsection (1) does not affect the Act, section 72.
- (4) A recognition certificate must include the following—
  - (a) a description of the approval subject to the application,
  - (b) the name of the council,
  - (c) the date from which the recognition certificate operates,
  - (d) the date the recognition certificate lapses,
  - (e) if the recognition certificate is granted with conditions—
    - (i) a description of the conditions, and
    - (ii) the reasons for imposing each condition, and
    - (iii) information about the applicant’s review and appeal rights.

- (5) If the council refuses to grant the application, the council must give written notice to the applicant specifying the following—
  - (a) a description of the approval subject to the application,
  - (b) the name of the council,
  - (c) the reasons for the refusal,
  - (d) information about the applicant's review and appeal rights.

**81E Cessation of recognition certificates**

- (1) A recognition certificate ceases to have effect on the earlier of the following—
  - (a) the date the recognition certificate lapses, as specified in the recognition certificate,
  - (b) the date the recognised approval lapses or is revoked,
  - (c) if the recognised approval is extended under the Act, section 107—the date the recognised approval would have otherwise lapsed,
  - (d) the date the council that granted the recognition certificate revokes the recognition certificate under section 81G or the Act, section 108.
- (2) If a recognition certificate ceases to have effect under subsection (1)(b) on the revocation of the recognised approval and, on appeal under the Act, section 178, the instrument of revocation is cancelled—
  - (a) the person who holds the recognition certificate must, within 7 business days, give a copy of the decision of the Land and Environment Court to the council that granted the recognition certificate, and
  - (b) the recognition certificate comes into operation again from the date the recognised approval comes into operation again.

**81F Notification of modification or revocation of recognised approvals**

- (1) A person who holds a recognition certificate granted by a council must notify the council in accordance with this section if the recognised approval is—
  - (a) amended under the Act, section 106, or
  - (b) modified under the Act, section 108, or
  - (c) revoked under the Act, section 108, or
  - (d) varied or revoked by a decision of the Land and Environment Court.Maximum penalty—10 penalty units.
- (2) The notice must be given in writing and within 24 hours after the amendment, modification, variation or revocation takes effect.
- (3) The notice must include a copy of—
  - (a) the notice of the amendment, modification or revocation of the approval, or
  - (b) the decision of the Land and Environment Court varying or revoking the approval.

**81G Modification or revocation of recognition certificates**

- (1) A council may modify or revoke a recognition certificate granted by the council if the recognised approval is—
  - (a) amended or modified under the Act, section 106 or 108, or
  - (b) varied by a decision of the Land and Environment Court.

- (2) The Act, sections 108, 110, 111 and 178 apply to a modification or revocation under this section.