



New South Wales

Environmental Planning and Assessment Amendment (Occupation Certificates) Regulation 2020

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*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

Explanatory note

The object of this Regulation is to require in certain circumstances—

- (a) an application for an occupation certificate to include a document from the relevant council or the Planning Secretary, as applicable, certifying that a contribution or levy under section 7.11, 7.12 or 7.24 of the *Environmental Planning and Assessment Act 1979*—
 - (i) is not required at any time before the issue of an occupation certificate, or
 - (ii) is required and the requirement has been met, and
- (b) a certifier to confirm that there are no outstanding contributions or levies under section 7.11, 7.12 or 7.24 required before issuing an occupation certificate.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 6.10(2)(d) and (3)(c), 6.33(1)(b) and 10.13 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Occupation Certificates) Regulation 2020*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

[1] Clause 149 Applications

Insert after clause 149(2)—

- (2AA) In the case of an application with respect to development with a proposed cost (as indicated in the development application) of \$10,000,000 or more, the application must also be accompanied by the following documents—
- (a) if the certifier determining the application is an accredited certifier—a copy of a document from the relevant council certifying that a section 7.11 contribution or section 7.12 levy—
 - (i) is not required at any time before the issue of an occupation certificate, or
 - (ii) is required and the requirement has been met,
 - (b) if the building resulting from the development is on land within a special contributions area (within the meaning of Division 7.1 of the Act)—a copy of a document from the Planning Secretary certifying that a contribution under section 7.24 of the Act—
 - (i) is not required at any time before the issue of an occupation certificate, or
 - (ii) is required and the requirement has been met.

[2] Clause 154F

Insert after clause 154E—

154F Restriction on issue of certificates unless contributions paid

- (1) This clause applies to development with a proposed cost (as indicated in the development application) of \$10,000,000 or more.
- (2) An accredited certifier must not issue an occupation certificate for a building resulting from the development unless the certifier—
 - (a) has received a copy of a document from the relevant council certifying that a section 7.11 contribution or section 7.12 levy—
 - (i) is not required at any time before the issue of an occupation certificate, or
 - (ii) is required and the requirement has been met, and
 - (b) has confirmed with the relevant council that—
 - (i) the council issued the document referred to in paragraph (a), and
 - (ii) no contributions or levies have been required since the document was issued.
- (3) A certifier must not issue an occupation certificate for a building resulting from the development on land within a special contributions area (within the meaning of Division 7.1 of the Act) unless the certifier—
 - (a) has received a copy of a document from the Planning Secretary certifying that a contribution under section 7.24 of the Act—
 - (i) is not required at any time before the issue of an occupation certificate, or
 - (ii) is required and the requirement has been met, and
 - (b) has confirmed with the Planning Secretary that—

- (i) the Planning Secretary issued the document referred to in paragraph (a), and
 - (ii) no contributions have been required since the document was issued.
- (4) To avoid doubt, this clause does not limit the restrictions on the issue of occupation certificates set out in section 6.10 of the Act.

[3] Part 17 Miscellaneous

Insert at the end of the Part, with appropriate clause numbering—

Savings and transitional provision—occupation certificates

- (1) The amendments to this Regulation made by the amending Regulation do not apply to an application for an occupation certificate made before the commencement of the amending Regulation.
- (2) In this clause, ***amending Regulation*** means the *Environmental Planning and Assessment Amendment (Occupation Certificates) Regulation 2020*.