



New South Wales

# Environmental Planning and Assessment Amendment (Construction Certificate Applications) 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*.

KEVIN ANDERSON, MP  
Minister for Better Regulation and Innovation

## Explanatory note

This Regulation provides for the referral of construction certificate applications to Fire and Rescue NSW where the applications are associated with plans and specifications involving—

- (a) fire sprinkler systems in certain multi-storey residential buildings, and
- (b) certain early childhood centres in multi-storey buildings.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 6.33(1)(b) (which provides for the making of regulations about applications for and the issue of certificates under Part 6 of the Act).

## **Environmental Planning and Assessment Amendment (Construction Certificate Applications) Regulation 2020**

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### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Construction Certificate Applications) Regulation 2020*.

### **2 Commencement**

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

### **3 Amendment of Environmental Planning and Assessment Regulation 2000**

#### **(1) Clause 144 Referral of certain plans and specifications to New South Wales Fire Brigades**

Insert after clause 144(1)(e)—

- (f) a class 2 or class 3 building of 4 or more storeys where the plans and specifications for the work provide for a performance solution to meet performance requirement EP1.4 in Volume 1 of the *Building Code of Australia*,
- (g) a class 9b early childhood centre where the plans and specifications for the work do not meet requirement D1.18(a) in Volume 1 of the *Building Code of Australia*.

#### **(2) Clause 144(8C)**

Insert after clause 144(8B)—

- (8C) An application for a construction certificate made, but not finally determined, before the amendment of subclause (1) by the *Environmental Planning and Assessment Amendment (Construction Certificate Applications) Regulation 2020* is to be dealt with as if that amendment had not been made.

#### **(3) Clause 144(9)**

Insert in alphabetical order—

*early childhood centre* has the same meaning as in the *Building Code of Australia*.