

Written Directions Notice (WDN)

WDNs are a new compliance tool that is available to private principal certifiers under section 6.31 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It gives a person that is issued with the WDN an opportunity to remedy non-compliance or potential non-compliance.

It is now mandatory for private principal certifiers to issue a WDN when they become aware of a breach or a possible breach.

The WDN must be issued to the person responsible within two days and should include the following:

- a description of the matter that has resulted or would result in the non-compliance, and
- set out the action that must be taken by that person to remedy the non-compliance,
- the time within which the non-compliance must be remedied.

To assist private principal certifiers, the Department will release a template for a WDN (with all required content/information), which will be available on the Department's website.

What is considered a non-compliance?

A non-compliance for the purposes of a WDN is any work that does not accord with the relevant approval. The approval includes any approved plans and the development consent. However, it does not include matters identified during a critical stage inspection.

When do the WDN provisions commence?

The WDN provisions in Part 6 of the EP&A Act commence on 1 December 2019. Changes have been made to the *Environmental Planning and Assessment Regulation 2000* to support this.

Who can issue an WDN?

A certifier (either a council or accredited certifier) who has been appointed as the principal certifier.

How will principal certifiers be made aware of the non-compliance?

Most non-compliances will be brought to the attention of the certifier via neighbour complaints, referrals from councils, or observed while on site.

Can a *Notice of Intention to Give an Order* (NOI) or an *Order* still be issued?

Yes, enforcement authorities (including councils) identified in section 9.35 of the EP&A Act can still issue both NOIs and Orders. From 1 December 2019, however, private principal certifiers will no longer be able to issue a *notice of intention to give an order*.

Where can I find out more?

To find out more please click on the following links:

- [Environmental Planning and Assessment Act 1979](#)
- [Environmental Planning and Assessment Regulation 2000](#)
- [View the Planning Circular](#)

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Frequently asked questions

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To contact us:

- via email please click on the following link legislativeupdates@planning.nsw.gov.au or
- by telephone please ring us on 1300 305 695.

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