



Planning &
Environment

Planning Legislation Updates

***Bill Guide
January 2017***

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Introduction

This paper – the Bill Guide– explains the provisions of the Environmental Planning and Assessment Amendment Bill 2016 (the Bill), which amends the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Bill contains ten schedules, which each amend a different part of the EP&A Act. Every schedule contains both principal amendments and consequential or statutory revision amendments.

The principal amendments are those changes necessary to implement the key policy proposals set out in Part 1 of this paper (the Summary of Proposals) or other substantive changes. They do this by either amending existing provisions or inserting new provisions in the EP&A Act. In some cases, the amendments repeal an entire part of the EP&A Act and replace it with a new part.

The Bill Guide focuses on the key principal amendments.

The consequential and statutory revision amendments make ‘housekeeping’ changes to the EP&A Act. This includes renumbering sections, divisions and parts of the EP&A Act as well as reorganising some aspects of its structure.

The intended structure of the EP&A Act, once amended, is set out below.

- Part 1 – Preliminary (including community participation)
- Part 2 – Administration
- Part 3 – Planning instruments
- Part 4 – Development assessment and consent
- Part 5 – Infrastructure and environmental impact assessment
- Part 6 – Building and subdivision
- Part 7 – Infrastructure contributions and finance
- Part 8 – Reviews and appeals
- Part 9 – Implementation and enforcement
- Part 10 – Miscellaneous

Key – Legislation changes:



New



Updated



No change

New – matters not currently addressed in the EP&A Act

Updated – revised approach to current provisions in the EP&A Act

No change – no change in policy (does not include housekeeping / renumbering amendments)

Schedule 1 – Preliminary (Part 1)

Schedule 1 to the Bill updates the objects to the EP&A Act and adds a new object promoting good design in the built environment

Objects of the Act

The updated objects of this Act include:

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- to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;
 - to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;
 - to promote the timely delivery of business, employment and housing opportunities (including for housing choice and affordable housing);
 - to protect the environment, including the conservation of threatened and other species of native animals and plants;
 - to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage);
 - to promote good design in the built environment;
 - to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State; and
 - to provide increased opportunity for community participation in environmental planning and assessment.
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Key: ● New ● Updated ● No change

Schedule 2 – Administration (Part 2)

Schedule 2 to the Bill contains provisions relating to the administration of the planning legislation, planning bodies and community participation. These provisions consolidate and replace provisions currently found in Part 2 and 2A of the EP&A Act and Part 3 of the *Greater Sydney Commission Act 2015*.

Minister and Planning Secretary

The Minister has portfolio responsibility for planning and the administration of the legislation.	[1] cl. 2.1	●
The Secretary has departmental responsibility for planning and the administration of the legislation.	[1] cl. 2.2	●
The Minister and the Secretary can establish panels for the purposes of the legislation and identify functions for those panels.	[1] cl. 2.3	●
The Minister, the Secretary and the Ministerial Planning Corporation can delegate certain functions conferred on them to staff of the Department, a public authority, a council, the Greater Sydney Commission, the Independent Planning Commission, a Sydney district or regional planning panel, or any person or body prescribed in the regulations.	[1] cl. 2.4	●

Planning Ministerial Corporation

Division 2.2 establishes a corporation called the Planning Ministerial Corporation. The Corporation has any functions conferred on it by the planning legislation or any other Act.	[1] cl. 2.5	●
The functions of the Planning Ministerial Corporation are set out in Schedule 2 and include dealing with land vested in the Corporation (e.g. by selling, leasing or granting easements over the land) and acquiring land in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .	[3] cl. 30-32	●

Independent Planning Commission

Division 2.3 establishes the Independent Planning Commission. This is the new name for the existing Planning Assessment Commission.	[1] cl. 2.7	●
The Commission consists of the members appointed by the Minister. Each member is to have expertise in at least one of the areas specified.	[1] cl. 2.8	●

Key: ● New ● Updated ● No change

The Commission has the functions conferred on it by the legislation or by delegation, including:	[1] cl. 2.9	●
<ul style="list-style-type: none"> consent authority functions of the Minister for State significant development conferred under the planning legislation; advising on any matter if requested by the Minister or the Secretary; holding a public hearing into any matter if requested by the Minister; and functions of a Sydney district or regional planning panel in certain circumstances (e.g. at the request of the Minister or where no panel is appointed). 		
The Commission can arrange for the use of the Department's staff or engage consultants to exercise its functions.	[1] cl. 2.11(3)	●
The work of the Commission is to be allocated by the chairperson or another member nominated by the chairperson.	[1] cl. 2.11(2)	●
The Commission can, with the approval of the Minister, delegate any of its functions to any person or body.	[1] cl. 2.11(4)	●

Sydney district and regional planning panels

Division 2.4 establishes Sydney district or regional planning panels for particular parts of the State.	[1] cl. 2.12	●
A Sydney district or regional planning panel consists of 5 members (3 State members appointed by the Minister and 2 council nominees). Each member is to have expertise in at least one of the areas specified.	[1] cl. 2.13	●
A Sydney district or regional planning panel has any functions conferred on it by the legislation, including:	[1] cl. 2.15	●
<ul style="list-style-type: none"> consent authority functions of a council for regionally significant development; and advising on planning and development matters if requested by the Minister or the Secretary. 		
A Sydney district or regional planning panel can, with the approval of the Minister, delegate any of its functions to a council, a local planning panel, the general manager of a council or other staff of the council.	[1] cl. 2.16(5)	●

Local planning panels

A council may constitute one or more local planning panels for the whole or any part of its local government area. Local planning panels are currently called independent hearing and assessment panels.	[1] cl. 2.17	●
The regulations can require a council to establish a panel.	[1] cl. 2.17(2)	●

A local planning panel consists of 3 members, including a community representative. The other two independent members must have expertise in at least one of the areas specified, and one of these members is also the chair of the panel.	[1] cl. 2.18	●
A local planning panel has any functions conferred on it by the legislation, including: <ul style="list-style-type: none"> consent authority functions of a council, conferred under the planning legislation; and assessing any aspect of a development proposal or planning matter referred to it by council. 	[1] cl. 2.19	●
The council must provide staff and facilities to enable the local planning panel to exercise its functions	[1] cl. 2.20(3)	●
The council must monitor the performance of the local planning panel. It must report to the Planning Secretary on matters including the number of local planning panels it has constituted in a year and their membership, and the matters referred to the panel.	[1] cl. 2.20(4) [1] cl. 2.20(5)	●
A local planning panel can delegate any of its functions to the general manager or other council staff member.	[1] cl. 2.20(7)	●

Mandatory community participation requirements

The mandatory community participation requirements are set out in a new Schedule to the EP&A Act (Schedule 1). They consolidate the community participation requirements for matters such as district and regional strategic plans and applications for planning approval, they also include minimum exhibition periods for planning matters, as well as requirements for submissions during exhibition and calculating exhibition periods.	[1] cl. 2.22 [2] cl. 1-17	●
It is also a mandatory community participation requirement that planning authorities give notice of the following decisions, and provide reasons for them (including how community views were taken into account): <ul style="list-style-type: none"> development application determinations (including modification applications); approving or deciding to carry out an activity where an environmental impact statement was obtained and exhibited under Part 5; and State significant infrastructure determinations (including modification requests). 	[2] cl. 19	●

Community participation plans

Division 2.6 contains new provisions relating to community participation.

Planning authorities are required to prepare a community participation plan.	[1] cl. 2.23(1)	●
Planning authorities must consider a set of community participation principles when preparing a community participation plan.	[1] cl. 2.23(2)	●

Key: ● New ● Updated ● No change

Community participation plans can include mandatory or discretionary requirements.	[1] cl. 2.22(2)	●
The community participation plan prepared by the Secretary applies to the Minister and can also be adopted by other public authorities.	[1] cl. 2.23(3)	●
To avoid duplication, councils do not need to prepare a separate community participation plan if their community strategic plans, prepared under the local government legislation, meet these requirements.	[1] cl. 2.23(4)	●
Community participation plans can only be legally challenged within 3 months of being published.	[1] cl. 2.24(2)	●
Planning authorities must report on the implementation of their community participation in accordance with the regulations.	[1] cl. 2.24(4)(b)	●

Miscellaneous

Division 2.7 includes other miscellaneous provisions, including:

<ul style="list-style-type: none"> obligations for planning bodies to consult with a council before making decisions that may have a significant adverse financial impact on the council; 	[1] cl. 2.26	●
<ul style="list-style-type: none"> obligations for councils to assist planning bodies; 	[1] cl. 2.27	●
<ul style="list-style-type: none"> exclusion of personal liability if acting in good faith; 	[1] cl. 2.28	●
<ul style="list-style-type: none"> delegation by public authorities (other than councils); and 	[1] cl. 2.29	●
<ul style="list-style-type: none"> publication of instruments of delegation. 	[1] cl. 2.31	●

Schedules to Part 2

Schedule 1 sets out the mandatory community participation requirements discussed above.	[2] Sched. 1	●
Schedule 2 contains more detailed provisions on procedures and the membership of planning bodies, including the Independent Planning Commission, Sydney district panels, regional planning panels and local planning panels. It also contains provisions governing the land and property functions of the Planning Ministerial Corporation.	[3] Sched. 2	●
Schedule 3 contains provisions governing the NSW planning portal and online planning services. This includes requirements that environmental planning instruments and other specific types of planning information are published on the portal.	[4] Sched. 3	●

Schedule 3 – Planning

instruments (Part 3)

Schedule 3 to the Bill contains provisions relating to strategic planning and planning instruments. It amends provisions currently found in Part 3 and 3B of the EP&A Act.

Making local environmental plans

A local environmental plan is made by a local plan-making authority. This new terminology is adopted to reflect the arrangements introduced with the Greater Sydney Commission.	[3] s. 53 and 53A	●
Local plan-making authorities are: <ul style="list-style-type: none">• the Minister (except for in the Greater Sydney Region);• the Greater Sydney Commission, for any area in the Greater Sydney Region; and• a council, if the gateway determination for a proposed plan authorises the council to make the plan.	[3] s. 53 and 53A	●
The planning proposal authority for a proposed local environmental plan is the council for the local government area where the plan will apply. The Minister can also direct that the Planning Secretary, Sydney district or regional planning panel is the planning proposal authority in respect of a proposed plan in certain circumstances.	[4] s. 54	●
If a council is the planning proposal authority, the gateway determination is to state whether the council is authorised to make the proposed plan and any conditions the council is required to comply with when doing so.	[8] s. 56(2)(g)	●

Review of environmental planning instruments

The Planning Secretary is to determine every 5 years whether relevant State environmental planning policies should be updated, and councils are also required to determine every 5 years whether their local environmental plans should be updated.	[13] s. 73(2)	●
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Key: ● New ● Updated ● No change

Preparation of development control plans

The regulations may require the standardisation of development control plans and authorise the Minister to publish requirements as to the form, structure and subject-matter of these plans.

[17] s. 74E(2A)



Local strategic planning statements

Councils are required to prepare and publish a local strategic planning statement, and to review it every 5 years. The local strategic planning statement explains how the council will give effect to regional and district plans in its local area, having regard to any community strategic plan under the *Local Government Act 1993*.

[20] s. 3.#



Schedule 4 – Development assessment and consent (Part 4)

Schedule 4 to the Bill contains provisions relating to development assessment and consent. It amends provisions currently found in Part 4, Part 5.1 and Schedule 6A of the EP&A Act.

Consent authorities

The consent authority for each category of development under the planning legislation is:	[3] s. 76A(6)	●
<ul style="list-style-type: none">for State significant development – the Minister or the Independent Planning Commission if identified in an environmental planning instrument;for regionally significant development – the Sydney district or regional planning panel; andfor all other development – the council or another public authority identified in an environmental planning instrument.	(see also [1], [10], [11] and [14])	
The Minister can direct that a local planning panel or council delegate is to determine development applications on behalf of the council. Transitional arrangements will ensure existing panels continue to operate for this purpose.	[3] s. 76A(8)	●
Local planning panels or council delegates can also receive applications for approval under the <i>Local Government Act 1993</i> at the same time as an application for development consent, and can deal with them together.	[5] s. 78A(6A)	●

Conditions of consent

A development consent can be subject to conditions which cease to have effect once an authorisation under another Act is issued. In order for this to occur, the consent authority must be satisfied that the matters regulated by the condition will be adequately addressed by the authorisation under the other Act.	[6] s. 80A(4A)	●
A development consent can be subject to a conditions requiring financial assurance for the carrying out of works or programs required by the consent.	[6] s. 80A(4B)	●
The Minister can impose new conditions on State significant development consents and State significant infrastructure approvals for monitoring or environmental audits by written notice. These conditions can also be varied or revoked by written notice.	[18] s. 122C	●

Key: ● New ● Updated ● No change

Complying development

The regulations may identify types of complying development for which an accredited certifier may not issue a complying development certificate.	[7] s. 85A(2)	●
A complying development certificate can be subject to a deferred commencement condition.	[8] s. 85A(9A)	●
If a complying development certificate is challenged within 3 months and the Court finds that it was not authorised to be issued, the certificate can be declared invalid.	[9] s. 4.#	●
The regulations can make provision for a levy on applicants for complying development certificates which reimburse councils for the costs of investigating and enforcing compliance with the planning legislation.	[17] s. 105(1)(f1)	●
The regulations can authorise council officers to suspend the carrying out of work under a complying development certificate for up to 7 days, pending an investigation into the whether the development complies with the applicable development standards.	[17] s. 105(1)(f2)	●

Integrated development

The Secretary may act on behalf of an approval body for integrated development if there is a delay in giving the general terms of approval or if there is inconsistency between general the terms of approval of multiple approval bodies. The regulations will set out the circumstances in which this can occur.	[12] s. 91A (4A) and [13]	●
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Modifications

Consent authorities must consider the statement of reasons for the original development consent when determining a modification application.	[14] s. 96B and [16]	●
If development is carried out in breach of a development consent, it cannot be modified to authorise the breach.	[15] s. 96(3A)	●

Schedule 5 – Infrastructure and environmental impact assessment (Part 5)

Schedule 5 to the Bill contains provisions relating to infrastructure and environmental impact assessment. It will insert a new division into Part 5 of the EP&A Act.

Concurrence and notification in infrastructure corridors

A State environmental planning policy can designate future infrastructure corridors. In order to be designated in this way, the land must be zoned in an environmental planning instrument identified in a strategic plan for a future use or identified in an environmental planning instrument as requiring the concurrence of a public authority.	[1]	●
If a State environmental planning policy designates land as being within an infrastructure corridor, it can require a determining authority assessing an activity under Part 5 to obtain the concurrence of or notify a public authority before carrying out or approving the activity.	[1]	●
The public authority can refuse concurrence if it is satisfied the activity will unreasonably interfere with the future use of the land (including by unreasonably increasing construction or operating costs).	[1]	●
Where concurrence is refused, a determining authority may seek a review of the refusal by the Planning Secretary or the Minister, who can confirm the refusal or give the concurrence.	[1]	●

Key: ● New ● Updated ● No change

Schedule 6 – Building and subdivision certification (Part 6)

Schedule 6 to the Bill contains provisions relating to the certification of building and subdivision works. These replace provisions currently found in Parts 4, 4A and 8 of the EP&A Act.

Preliminary

Division 6.1 contains definitions of terms used in the building and subdivision certification provisions. [1] cl. 6.1

Certificates required

Division 6.2 provides that work must not be carried out unless a certificate has been obtained, and must not be carried out in contravention of the certificate. This includes building and subdivision work, occupation or use of a building and subdividing land. [1] cl. 6.3

The kinds of certificates and what they mean are set out below: [1] cl. 6.4

Type of certificate	What it means
<ul style="list-style-type: none">Construction certificate	<ul style="list-style-type: none">The building work in the certificate will comply with the regulations if it follows the plans and specifications shown
<ul style="list-style-type: none">Subdivision works certificate	<ul style="list-style-type: none">The subdivision work in the certificate will comply with the regulations if it follows the plans and specifications shown
<ul style="list-style-type: none">Occupation certificate	<ul style="list-style-type: none">A new building, or an altered or extended existing building, can be occupied or usedA building use can be changed
<ul style="list-style-type: none">Subdivision certificate	<ul style="list-style-type: none">A plan of subdivision can be registered under the <i>Conveyancing Act 1919</i>

Type of certificate	What it means
<ul style="list-style-type: none"> Compliance certificate 	<ul style="list-style-type: none"> Building work has been completed and/or complies with certain standards or requirements A condition of a planning approval has been complied with A building has a certain classification under the Building Code of Australia

The functions of certifiers and principal certifiers are set out below:

[1] cl. 6.5



Building work functions of certifiers	Subdivision functions of certifiers
<ul style="list-style-type: none"> Issuing construction certificates for building works Carrying out inspections of building work with the approval of the principal certifier Ensuring building manuals are provided to the owners of buildings 	<ul style="list-style-type: none"> Issuing subdivision certificates Carrying out inspections of subdivision work with the approval of the principal certifier

Additional principal certifier functions
<ul style="list-style-type: none"> Carrying inspections of building or subdivision work Issuing occupation certificates Issuing completion of work compliance certificates Issuing subdivision certificates for subdivision work

Building work and certificates relating to building

Division 6.3 requires a principal certifier to be appointed for any building work and sets out the procedural requirements before building work can commence.

[1] cl. 6.6



A construction certificate is required for building work, but not for complying development or Crown building work. A construction certificate must not be issued unless the regulations have been complied with and any long service levy paid.

[1] cl. 6.7 and 6.8



Additionally, if a certificate under Part 6 (other than an occupation certificate) is challenged within 3 months and the Court finds that it was not consistent with the development consent, the certificate can be declared invalid.

[1] cl. 6.32



Key: New Updated No change

An occupation certificate is required for: [1] cl. 6.9(1) ●

- occupying or using of a new building or an altered or extended existing building
- changing the use of an existing building (or any part of one).

There are certain circumstances when an occupation certificate isn't required (e.g. where a construction certificate authorises an alternative). An occupation certificate must not be issued unless preconditions in the development consent have been met, as well as other requirements. [1] cl. 6.9(2) and 6.10 ●

Subdivision work and certificates relating to subdivision

Division 6.4 requires a principal certifier to be appointed for any subdivision work and sets out the procedural requirements before subdivision work can commence. [1] cl. 6.12 ●

A subdivision works certificate is required for building work, but not for complying development or Crown building work. A subdivision works certificate must not be issued unless the regulations have been complied with and any long service levy paid. [1] cl. 6.13 and 6.14 ●

There are a series of procedural requirements before a subdivision certificate can be issued. [1] cl. 6.15 ●

Compliance certificates

The regulations can set out when a compliance certificate is required in relation to building or subdivision work and the procedural requirements before a certificate can be issued. Compliance certificates can also be obtained by a certifier in other circumstances. [1] cl. 6.16 and 6.18 ●

Compliance certificates can be issued by a certifier or another person prescribed by the regulations. [1] cl. 6.17 ●

Liability for defective building or subdivision work

Division 6.6 provides that legal proceedings may only be brought in relation to defective building work or subdivision work within 10 years of the completion of the work. [1] cl. 6.19-6.21 ●

Building information certificates

Division 6.7 contains provisions for the application, issue, nature and effect of building information certificates. [1] cl. 6.22-6.26 ●

Miscellaneous

A building manual is to be prepared by the certifier when issuing an occupation certificate for specified buildings and is to be maintained by the owner of the building. The building manual includes matters required to be checked for ongoing compliance, for example fire systems that must be maintained. It is an offence not to maintain a building manual. [1] cl. 6.27 ●

Division 6.8 also includes provisions relating to:

- certification of Crown building work; [1] cl. 6.28 ●
 - exemption from liability for persons relying on a certificate issued under Part 6; [1] cl. 6.30 ●
 - directions by principal certifiers; and [1] cl. 6.31 ●
 - regulation making powers (including for smoke alarms in buildings providing sleeping accommodation). [1] cl. 6.33-6.34 ●
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Key: ● New ● Updated ● No change

Schedule 7 – Infrastructure contributions and finance (Part 7)

Schedule 7 to the Bill contains provisions relating to planning agreements and special infrastructure contributions. It amends provisions currently found in Part 4 of the EP&A Act.

Planning agreements

Planning agreements may be entered into for complying development proposals.	[1] s. 93F(1)(b) and 93I(1)(a) and (3)(b)	●
The Minister can make determinations or give directions about the method of determining the public benefit provided by a developer under a planning agreement	[2] s. 93K(b1)	●

Special infrastructure contributions

Special infrastructure contributions can be required for complying development. This is done by the Minister directing certifiers to impose conditions for special infrastructure contributions in the same way consent authorities are directed. If the certifier doesn't impose the condition then it is taken to be imposed.	[3] s. 94EE(1A) (see also [4]-[7])	●
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Schedule 8 - Reviews and appeals

(Part 8)

Schedule 8 to the Bill contains provisions relating to reviews and appeals available to applicants for development consent and objectors. These replace and bring together provisions currently found in Parts 4, 4A, 6 and 8 of the EP&A Act.

Introductory

Division 8.1 contains definitions of the terms 'appeal' and 'review'. [2] cl. 8.1 ●

Reviews

Division 8.2 sets out when reviews are and aren't available, and who conducts them. These are set out below: [2] cl. 8.2 ●

An applicant may seek a review of:	Reviews are not available for:
<ul style="list-style-type: none"> • a determination of a development application • a determination of a modification to a development consent • a decision to reject a development application 	<ul style="list-style-type: none"> • complying development certificates • designated development • Crown development • decisions made after the Independent Planning Commission has held a public meeting

Reviews must be requested within six months after receiving notice of a determination or decision, or six months after the date of deemed refusal. [2] cl. 8.3(2) ●

Where the original determination or decision is made by a delegate of the council (e.g. council staff), the review is conducted by a more senior delegate of the council (e.g. a senior council staff member). [2] cl. 8.3(4) ●

Where the original determination or decision is made by a delegate of the Minister, the review is to be conducted by a more senior delegate or the Independent Planning Commission. [2] cl. 8.3(9) ●

Determinations or decisions made by a local planning panel, Sydney district or regional panel or the Independent Planning Commission are to be reviewed by the body that made the original determination or decision. [2] cl. 8.3(5)-(8) ●

Key: ● New ● Updated ● No change

When conducting a review, the consent authority has the same functions it had for determining the original development application.	[2] cl. 8.5(2)	●
After conducting a review, the determination or decision can be confirmed or changed.	[2] cl. 8.4	●

Appeals about development consents

Division 8.3 sets out when applicants have a right of appeal to the court:	[2] cl. 8.6-8.9 and 8.11	●
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Applicants have a right of appeal against:	Appeals are not available for:
<ul style="list-style-type: none"> A determination or deemed refusal of a development application (including after review) A determination or deemed refusal of a modification application (after a review) 	<ul style="list-style-type: none"> Complying development certificates Decisions made after the Independent Planning Commission has held a public hearing State significant infrastructure

If a development application is not determined within the time period set by the regulations, it is taken to have been refused. This is known as a deemed refusal.	[2] cl. 8.11	●
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Appeals must be commenced within six months of the date the decision is notified or after the date of deemed refusal.	[2] cl. 8.10(1)	●
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Objectors may appeal against a decision the determination of development consents for designated development, including those that are also State significant development. An objector is someone who has made a submission objecting to a development application during its public exhibition. However a determination cannot be appealed by an objector if a public hearing was held by the Independent Planning Commission.	[2] cl. 8.8	●
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Any objector appeal must be commenced within 28 days of receiving notice of the decision.	[2] cl. 8.10(2)	●
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A development consent ceases to have effect when an appeal is commenced, and takes effect again if the Court grants or confirms the consent.	[2] cl. 8.13	●
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In hearing and deciding an appeal, the Court has all the functions and discretions of the consent authority. The Court's decision on an appeal is taken to be the final decision of the consent authority.	[2] cl. 8.14	●
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Division 8.3 also includes provisions relating to:

• the right of certain parties to be heard and joined to appeals	[2] cl. 8.15(2)	●
• the joint hearing of appeals	[3] cl. 8.15(2)	●
• giving notice of appeals	[2] cl. 8.15(4) and (5)	●

Appeals about building and subdivision certification

Division 8.4 provides that applicants have a right of appeal against a decision of a council to refuse to issue the following certificates under Part 6 or to issue any such certificate subject to conditions:	[2] cl. 8.16(1)	●
<ul style="list-style-type: none">• construction certificate• occupation certificate• subdivision works certificate• subdivision certificate		
The regulations can set a deemed refusal period for these kinds of certificates.	[2] cl. 8.17(1)	●
Appeals must be commenced within six months of the date the decision is notified or after the date of deemed refusal.	[2] cl. 8.16(3)	●

Appeals about development control orders

Division 8.5 provides a right of appeal for persons who are given a development control order. Appeals are not available against fire safety orders given by an authorised fire officer except in limited circumstances.	[2] cl. 8.18(1) and (2)	●
Appeals must be commenced within 28 days of being given the order.	[2] cl. 8.18(3)	●
The Court can revoke, modify or substitute a development control order, or make other orders. It can also award compensation following an appeal, including for investigative works or reinstatement carried out.	[2] cl. 8.18(4)	●

Miscellaneous appeal provisions

Division 8.6 includes miscellaneous rights of appeal against:		
<ul style="list-style-type: none">• A decision about the provision of security required by condition of development consent• A decision or failure to determine an application to extend a lapsing period for a development consent• A decision to unilaterally revoke or modify a development consent• A decision about compliance cost notices• A decision about a building information certificate, or a failure to issue one.	[2] cl. 8.21 [2] cl. 8.22 [2] cl. 8.23 [2] cl. 8.24 [2] cl. 8.25	● ● ● ● ●

Key: ● New ● Updated ● No change

Schedule 9 – Implementation and enforcement (Part 9)

Schedule 9 to the Bill contains provisions relating to implementation and enforcement. These replace provisions currently found in Part 6 of the EP&A Act.

Enforcement of undertakings

The Secretary may accept, vary or withdraw an undertaking given by a person in relation to planning matters (e.g. compliance action).	[1] s. 9.# (1) and (2)	●
If the Court is satisfied that a person has breached a term of the undertaking, it can make an order requiring: <ul style="list-style-type: none">• compliance with the terms of the undertaking• payment of money to the State• payment of compensation to a person who suffered as a result of the breach• mitigation of any damage to the built or natural environment resulting from the breach• any damage to be made good.	[1] s. 9.# (4)	●

Development control orders

A new Division 9.3 sets out what orders may be given and the relevant enforcement authorities who may give the orders.	[2] 9.33-9.36	●
There are three categories of orders that can be given: general orders, fire safety order and brothel closure orders	[2] cl. 9.33(1)	●
The specific types of orders will be located in a new Schedule to the EP&A Act and are summarised on next page:	[3] Parts 1-3	●

Types of orders

General Orders	<ul style="list-style-type: none"> Stop Use Order Stop Work Order Demolish Works Order and Stop Demolition Order Repair Order Remove Advertising Order Public Safety Order Evacuate Premises Order Exclusion Order Restore Works Order Compliance Order Repair or Remove Works Order Complete Works Order
Fire Safety Orders	<ul style="list-style-type: none"> Fire Safety Awareness Order Stop Activity Order Stop Use Order
Brothel Closure Orders	<ul style="list-style-type: none"> Stop Use Order

These orders can be given by:

[2] cl. 9.34(1)



- the Minister or the Secretary (but only for State significant development, State significant infrastructure or development for which the Minister, the Secretary or the Independent Planning Commission was the consent authority);
- a council; or
- a consent authority

Fire safety orders can only be given the Commissioner of Fire and Rescue NSW, a member of staff of Fire and Rescue, or a member of a permanent fire brigade.

[2] cl. 9.34(1)(d)



Brothel closure orders may only be given by a person or body exercising planning or regulatory functions for the area where the premises are located.

[2] cl. 9.34(1)(e)



It is a Tier 1 offence not to comply with an order, with a maximum penalty of \$5 million for a corporation or \$1 million for an individual.

[2] cl. 9.36



Orders can specify standards that need to be met and the work that will satisfy those standards.

[3] cl. 1



Key:  New  Updated  No change

If an order is likely to make a person homeless, the enforcement authority must provide information on alternative accommodation or any other assistance.	[3] cl. 2	●
The impact of an order on an item of environmental heritage must be considered before the order is made.	[3] cl. 3	●
The enforcement authority must provide reasons when giving an order (except in emergencies when they can be provided the next day).	[3] cl. 5	●

Notices

An enforcement authority must provide notice before giving a development control order. The person who will be given the order can make representations which must be heard and considered by the enforcement authority.	[3] cl. 8	●
Notices must also be given to other persons and bodies of proposed order (e.g. councils, certifiers and Fire and Rescue NSW in the case of fire safety orders).	[3] cl. 9 and 10	●

Special provisions

There are special provisions relating to fire safety orders and brothel closure orders.	[3] Parts 8 and 9	●
For fire safety orders:		
• the natural justice requirements (such as notice and representations) do not apply if there is an emergency or serious risk to safety;	[3] cl. 16(2)	●
• Fire and Rescue NSW must provide inspection reports to councils, including recommendations regarding fire safety and fire-fighting equipment;	[3] cl. 17(1)	●
• councils must consider the reports and decide whether or not to take enforcement action.	[3] cl. 17(2)	●
For brothel closures orders:		
• the natural justice requirements do not apply;	[3] cl. 19(1)	●
• the compliance period cannot exceed 5 days; and	[3] cl. 20(1)	●
• the regulations can set out appeal procedures.	[3] cl. 21	●

Modification and revocation of orders

Orders can be modified or revoked. This can be done by the relevant authority who gives the development control order (for example, the Minister can revoke an order made by the Minister, and a consent authority can revoke an order given by that consent authority).	[3] cl. 22 and 23	●
The Minister can revoke or modify a council's order in limited circumstances (e.g. emergencies, matters of State or regional significant).	[3] cl. 24 and 25	●

Effect of orders and compliance with orders

Development control orders bind successors in title, as well as future owners and occupiers. Managers or occupiers can recover compliance costs from the current owner.	[3] cl. 26	●
Development consent is not required to comply with an order. An enforcement authority can carry out the work required to comply with an order if necessary and can recover the costs of doing so.	[3] cl. 33 and 34	●
The Court can make an order to switch off the water, electricity or gas if an order is not complied with. This is only available for brothel closure orders or stop use orders for certain kinds of premises prescribed in the regulations (e.g. backpacker hostels).	[3] cl. 35	●

Compliance cost notices

When giving a development control order, an enforcement authority can also give a compliance cost notice.	[3] cl. 36(1)	●
Compliance cost notices require the person given the order to pay the enforcement authorities costs associated with the order (including investigation, compliance and monitoring costs). These costs can be recovered in Court.	[3] cl. 36(2)-(4)	●

Miscellaneous

This Division includes miscellaneous provisions relating to:

• combined orders	[3] cl. 37	●
• giving orders to two or more persons jointly	[3] cl. 38	●
• notice requirements for land or buildings owned or occupied by more than one person.	[3] cl. 39	●

Key: ● New ● Updated ● No change

Schedule 10 – Miscellaneous (Part 10)

Schedule 10 to the Bill contains miscellaneous provisions. It amends provisions currently found in Part 7A and 8 of the EP&A Act and moves some provisions to the regulations.

Transitional arrangements for Part 3A projects

The current transitional arrangements for Part 3A projects will be moved to the regulations and amended so that projects become State significant infrastructure or State significant development. Special provision will also be made to deal with the ongoing effect of concept plans.

[7]



Comparison table: new and existing provision numbers

Key: EP&A Act *Environmental Planning and Assessment Act 1979*
 EP&A Regulation *Environmental Planning and Assessment Regulation 2000*
 GSC Act *Greater Sydney Commission Act 2015*
 LEC Act *Land and Environment Court Act 1979*

Bill provision	Bill provision title	Current reference in planning legislation	
Schedule 1—Preliminary			
cl. 1.4	Objects of Act	s. 5	EP&A Act
Schedule 2—Planning administration			
[1] Part 2 Planning administration			
cl. 2.1	The Minister	s. 7	EP&A Act
cl. 2.2	The Planning Secretary	ss. 13, 15 and 17	EP&A Act
cl. 2.3	Panels established by Minister or Planning Secretary	s. 22	EP&A Act
cl. 2.4	Delegation by Minister, Planning Ministerial Corporation or Planning Secretary	s. 23	EP&A Act
cl. 2.5	Constitution and functions of Corporation	s. 8	EP&A Act
cl. 2.6	Management of Corporation	s. 8	EP&A Act
cl. 2.7	Independent Planning Commission	s. 23B	EP&A Act
cl. 2.8	Members of Commission	cl. 2, Sched. 3	EP&A Act
cl. 2.9	Functions of Commission	s. 23D	EP&A Act
cl. 2.10	Constitution of Commission for particular matters	cl. 4, Sched. 3	EP&A Act
cl. 2.11	Miscellaneous provisions relating to Commission	ss. 23C and 23E	EP&A Act
cl. 2.12	Constitution of Sydney district and regional planning panels	s. 23G	EP&A Act
cl. 2.13	Members of Sydney district and regional planning panels	cl. 2(1), Sched. 4	EP&A Act

Bill provision	Bill provision title	Current reference in planning legislation	
cl. 2.14	Chairperson of Sydney district and regional planning panel	cl. 2(2), Sched. 4	EP&A Act
cl. 2.15	Functions of Sydney district and regional planning panels	s. 23G	EP&A Act
cl. 2.16	Miscellaneous provisions relating to Sydney district and regional planning panels	ss. 23H, 118AD and 118AE	EP&A Act
cl. 2.17	Constitution of local planning panels	-	
cl. 2.18	Members of local planning panels	-	
cl. 2.19	Functions of local planning panels	-	
cl. 2.20	Miscellaneous provisions relating to local planning panels	-	
cl. 2.25	NSW planning portal and other online services and information	ss. 158B and 158C	EP&A Act
cl. 2.26	Obligation of Commission and panels to consult with council about certain decisions	s. 23M	EP&A Act
cl. 2.27	Obligations of councils to assist Commission and panels	s. 23N	EP&A Act
cl. 2.28	Exclusion of personal liability	ss. 23(9) and 158	EP&A Act
cl. 2.29	Delegation by public authorities other than councils	s. 153A	EP&A Act
cl. 2.30	Section 381 of Local Government Act 1993 excluded	-	
cl. 2.31	Publication of instruments of delegation	-	
[2] Schedule 1 Community participation requirements			
cl. 1	Draft community participation plans	-	
cl. 2	Draft regional or district strategic plans	s. 75AH	EP&A Act
cl. 3	Planning proposals for local environmental plans subject to a gateway determination (other than minor proposals that under the gateway determination are excluded from public exhibition)	s. 57	EP&A Act
cl. 4	Draft development control plans	cl. 18(2)	EP&A Regulation
cl. 5	Draft contributions plans	cl. 26(4)	EP&A Regulation

Bill provision	Bill provision title	Current reference in planning legislation	
cl. 6	Application for development consent (other than for complying development certificate, for designated development or for State significant development)	-	
cl. 7	Application for development consent for designated development	s. 79	EP&A Act
cl. 8	Application for development consent for State significant development	s. 89F	EP&A Act
cl. 9	Application for modification of development consent that is required to be publicly exhibited by the regulations	-	
cl. 10	Environmental impact statement obtained under Division 5.1	s. 113	EP&A Act
cl. 11	Environmental impact statement for State significant infrastructure under Division 5.2	s. 115Z	EP&A Act
cl. 12	Re-exhibition of any amended application or matter referred to above required by or under this Schedule	-	
cl. 13	Publicly exhibited plans, applications etc not to be made or determined until after exhibition period	-	
cl. 14	Submissions during exhibition period	-	
cl. 15	Exclusion of Christmas/New Year period	-	
cl. 16	Rule where more than one exhibition period applies	-	
cl. 17	Provision relating to public exhibition of EIS	-	
cl. 18	Development and other applications and decisions—general	-	
cl. 19	Public notification of certain decisions and reasons for the decisions	-	
cl. 20	Additional or revised mandatory public exhibition and notification requirements	-	
cl. 21	Regulations relating to public exhibition	-	
cl. 22	Re-exhibition	-	
cl. 23	Regulations relating to community consultation by applicants for planning approvals	-	
[3] Schedule 2 Provisions relating to planning bodies			
cl. 6	Reports by Commission after public hearing	cl. 268V	EP&A Regulation

Bill provision	Bill provision title	Current reference in planning legislation	
cl. 7	Annual report by Commission	cl. 268W	EP&A Regulation
cl. 8	Regulations	s. 238E	EP&A Act
cl. 9	Constitution of Sydney district planning panels	s. 18	GSC Act
cl. 10	Constitution of regional planning panels	-	
cl. 11	Terms of office of members	cl. 5, Sched. 3 cl. 4, Sched. 4 cl. 5, Sched. 3	EP&A Act EP&A Act GSC Act
cl. 12	Full-time or part-time office	cl. 6 Sched. 3 cl. 5, Sched. 4 cl. 6, Sched. 3	EP&A Act EP&A Act GSC Act
cl. 13	Deputy chairperson – Sydney district or regional planning panels	cl. 7, Sched. 4 cl. 8, Sched. 3	EP&A Act GSC Act
cl. 14	Remuneration of members	cl. 7, Sched. 3 cl. 6, Sched. 4 cl. 7, Sched. 3 cl. 268L	EP&A Act EP&A Act GSC Act EP&A Regulation
cl. 15	Alternate members (except for Independent Planning Commission)	cl. 8, Sched. 4 cl. 9, Sched. 3 cl. 268M	EP&A Act GSC Act EP&A Regulation
cl. 16	Removal from office of members	cl. 8, Sched. 3 cl. 9, Sched. 4 cl. 10, Sched. 3	EP&A Act EP&A Act GSC Act
cl. 17	Vacancy in office of member	-cl. 8, Sched. 3 cl. 9, Sched. 4 cl. 10, Sched. 3	EP&A Act EP&A Act GSC Act
cl. 18	Chairperson—vacation of office	cl. 10, Sched. 3 cl. 11, Sched. 4 cl. 12, Sched. 3	EP&A Act EP&A Act GSC Act

Bill provision	Bill provision title	Current reference in planning legislation	
cl. 19	Effect of certain other Acts	cl. 12, Sched. 3 cl. 13, Sched. 4 cl. 14, Sched. 3	EP&A Act EP&A Act GSC Act
cl. 20	Special provision regarding composition of Sydney district or regional planning panel in the case of coastal protection works	-	
cl. 21	General procedure	cl. 268D	EP&A Regulation
cl. 22	Quorum	cl. 268E	EP&A Regulation
cl. 23	Presiding member	cl. 268F of the Regulation	EP&A Regulation
cl. 24	Voting	cl. 268G of the Regulation	EP&A Regulation
cl. 25	Public meetings	cl. 268H of the Regulation	EP&A Regulation
cl. 26	Transaction of business outside meetings or by telephone etc	cl. 268I of the Regulation	EP&A Regulation
cl. 27	Disclosure of pecuniary interests	cl. 11, Sched. 3 cl. 12, Sched. 4 cl. 13, Sched. 3	EP&A Act EP&A Act GSC Act
cl. 28	Code of conduct	-	
cl. 29	Provision of information by planning bodies	cl. 268NA	EP&A Regulation
cl. 30	General land functions of Corporation	s. 11	EP&A Act
cl. 31	Power of Corporation to acquire land etc	ss. 9 and 10	EP&A Act
cl. 32	Notification of interests	s. 12	EP&A Act
cl. 33	Definitions	-	

Bill provision	Bill provision title	Current reference in planning legislation	
cl. 34	Ministerial corporation sole	-	
cl. 35	Planning Assessment Commission	-	
cl. 36	Sydney planning panels	-	
cl. 37	Joint regional planning panels	-	
cl. 38	Independent hearing and assessment panels	-	
[4] Schedule 3 NSW planning portal and online delivery of planning services and information			
cl. 11	Establishment, content and maintenance of NSW planning database	s. 158C	EP&A Act
cl. 22	Public access to documents and information on NSW planning portal	s. 158D	EP&A Act
cl. 33	Regulations and other provisions relating to online planning services and information	s. 158E	EP&A Act
Schedule 3—Planning instruments			
Bill refers to existing provision numbers in EP&A Act			
Schedule 4—Development assessment and consent			
Bill refers to existing provision numbers in EP&A Act			
Schedule 5—Infrastructure and environmental impact assessment			
Bill refers to existing provision numbers in EP&A Act			
Schedule 6—Building and subdivision certification			
[1] Part 6 Building and subdivision certification			
cl. 6.1	Definitions	-	
cl. 6.2	Meaning of “subdivision” of land	s. 4B	EP&A Act
cl. 6.3	Work or activity that requires certificate under this Part	s. 109C	EP&A Act
cl. 6.4	Kinds of certificates under this Part	s. 109C	EP&A Act
cl. 6.5	Functions of certifiers (including principal certifiers)	s. 109E	EP&A Act
cl. 6.6	Requirements before building work commences	s. 81A	EP&A Act
cl. 6.7	Requirement for construction certificate	s. 81A	EP&A Act
cl. 6.8	Restriction on issue of construction certificate	s. 109F	EP&A Act

Bill provision	Bill provision title	Current reference in planning legislation	
cl. 6.9	Requirement for occupation certificate	ss. 109H(1), 109M, 109N	EP&A Act
cl. 6.10	Restrictions on issue of occupation certificates	s. 109H	EP&A Act
cl. 6.11	Effect of occupation certificate on earlier occupation certificates	s. 109I	EP&A Act
cl. 6.12	Requirements before subdivision work commences	s. 81A(4)	EP&A Act
cl. 6.13	Requirement for subdivision works certificate	s. 81A(3)	EP&A Act
cl. 6.14	Restriction on issue of subdivision works certificate	s. 81A(3)	EP&A Act
cl. 6.15	Restrictions on issue of subdivision certificates	s. 109J	EP&A Act
cl. 6.16	Requirement for compliance certificate	s. 109C(1)(a)	EP&A Act
cl. 6.17	Persons who may issue compliance certificates	s. 109D(1)	EP&A Act
cl. 6.18	Restriction on issue of compliance certificates	s. 109G	EP&A Act
cl. 6.19	Definitions	s. 109ZI	EP&A Act
cl. 6.20	Limitation on time when action for defective building or subdivision work may be brought	s. 109ZK	EP&A Act
cl. 6.21	Division not to affect rights to recover damages for death or personal injury	s. 109ZL	EP&A Act
cl. 6.22	Who may apply for building information certificates	s. 149B	EP&A Act
cl. 6.23	Making of applications for building information certificates	s. 149B	EP&A Act
cl. 6.24	Issue of building information certificates	ss. 149A and 149D	EP&A Act
cl. 6.25	Issue, nature and effect of building information certificate	ss. 149D and 149E	EP&A Act
cl. 6.26	Miscellaneous provisions relating to building information certificates	ss. 149A, 149D and 149G	EP&A Act
cl. 6.27	Owners building manual	-	
cl. 6.28	Crown subdivision, building, demolition and incidental work	s. 109R	EP&A Act
cl. 6.29	Certifiers may be satisfied as to certain matters	s. 109O	EP&A Act

Bill provision	Bill provision title	Current reference in planning legislation	
cl. 6.30	Satisfaction as to compliance with conditions precedent to the issue of certificates	s. 109P	EP&A Act
cl. 6.31	Directions by principal certifiers	s. 109L	EP&A Act
cl. 6.32	Validity of certificates under this Part	-	
cl. 6.33	Regulations: Part 6	s. 109Q	EP&A Act
cl. 6.34	Regulations: smoke alarms in buildings providing sleeping accommodation	s. 146A	EP&A Act
cl. 6.35	Existing building and other Part 4A certificates	-	
Schedule 7—Infrastructure contributions and finance			
Bill refers to existing provision numbers in EP&A Act			
Schedule 8—Reviews and appeals			
[1] Section 83			
[1]	Date from which development consent has effect	s. 83	EP&A Act
[2] Part 8 Reviews and appeals			
cl. 8.1	Definitions: Part 8	-	
cl. 8.2	Determinations and decisions subject to review	ss. 82A(1) and 82B(1)	EP&A Act
cl. 8.3	Application for and conduct of review	ss. 82A(2)-(4) and (6) 82B(2)-(4)	EP&A Act
cl. 8.4	Outcome of review	ss. 82A(4A) and 82B(5)	EP&A Act
cl. 8.5	Miscellaneous provisions relating to reviews	ss. 82A(10) and 82C, s. 82D	EP&A Act
cl. 8.6	Decisions subject to appeal to Court under this Division	s. 23F	EP&A Act
cl. 8.7	Appeal by applicant – applications for development consent	s. 97	EP&A Act
cl. 8.8	Appeal by objector – designated development applications	s. 98	EP&A Act
cl. 8.9	Appeal by applicant – modifications of development consent	s. 97AA	EP&A Act

Bill provision	Bill provision title	Current reference in planning legislation	
cl. 8.10	Time within which appeals may be made	ss. 97 and s. 98(1)	EP&A Act
cl. 8.11	Circumstances in which consent taken to have been refused for purposes of appeal rights	s. 82	EP&A Act
cl. 8.12	Notice of appeals to be given and right to be heard	s. 97A	EP&A Act
cl. 8.13	Effect of appeals on operation of consents	s. 83(2)-(5)	EP&A Act
cl. 8.14	Power of Court on appeals	s. 39	LEC Act
cl. 8.15	Miscellaneous provisions relating to appeals under this Division	s. 97B s. 39A	EP&A Act LEC Act
cl. 8.16	Appeals against failure or refusal to issue certificate under Part 6	s. 109K(1)-(2)	EP&A Act
cl. 8.17	Deemed refusal for purposes of appeal	s. 109K(3)	EP&A Act
cl. 8.18	Appeals concerning orders	s. 121ZK	EP&A Act
cl. 8.19	Awarding of compensation concerning orders	s. 121ZL	EP&A Act
cl. 8.20	Effect of appeal on order	s. 121ZN	EP&A Act
cl. 8.21	Appeal concerning decisions on security for development requirements or damage	s. 98A	EP&A Act
cl. 8.22	Appeals against refusal to extend consent lapsing period	s. 95A(3)	EP&A Act
cl. 8.23	Appeals against revocation or modification of development consent	s. 96A(5)	EP&A Act
cl. 8.24	Appeals concerning compliance cost notices	s. 121ZKA	EP&A Act
cl. 8.25	Appeals with respect to building information certificates	s. 149F	EP&A Act
cl. 8.26	Regulations	s. 105(1)(p1) and (t)	EP&A Act
Schedule 9— Implementation and enforcement			
[1] Section 9.#			
[1]	Enforcement of undertakings	-	
[2] Part 6, Division 9.3			
cl. 9.33	Orders that may be given	s. 121B	EP&A Act

Bill provision	Bill provision title	Current reference in planning legislation	
cl. 9.34	Relevant enforcement authorities who may give orders	ss. 121B and 121C	EP&A Act
cl. 9.35	Provisions relating to orders	s. 121B	EP&A Act
cl. 9.36	Failure to comply with order – offence	s. 125	EP&A Act
[3] Schedule 5 Development control orders			
cl. 1	Order may specify standards and work that will satisfy those standards	ss. 121P, 121R	EP&A Act
cl. 2	Orders that make or are likely to make residents homeless	s. 121G	EP&A Act
cl. 3	Orders affecting heritage items	s. 121S	EP&A Act
cl. 4	Giving and taking effect of orders	ss. 121N and 121U	EP&A Act
cl. 5	Reasons for orders to be given	s. 121L	EP&A Act
cl. 6	Natural justice requirements	s. 121D	EP&A Act
cl. 7	Effect of compliance	s. 121E	EP&A Act
cl. 8	Notice to be given of proposed order to person who will be subject to order	s. 121H(1)-(3)	EP&A Act
cl. 9	Notice to be given to other persons and bodies of proposed order	s. 121H(4)-(5)	EP&A Act
cl. 10	Notice of fire safety orders to be given to Commissioner of Fire and Rescue NSW	s. 121ZB	EP&A Act
cl. 11	Notice of giving of complete works order	s. 121X	EP&A Act
cl. 12	Details of orders and notices to be given to councils	s. 121ZE	EP&A Act
cl. 13	Making of representations	s. 121I	EP&A Act
cl. 14	Hearing and consideration of representations	s. 121J	EP&A Act
cl. 15	Procedure after hearing and consideration of representations	s. 121K	EP&A Act
cl. 16	Powers of fire brigades	s. 121ZC	EP&A Act
cl. 17	Inspection reports by fire brigades	s. 121ZD	EP&A Act
cl. 18	Interpretation	s. 121ZR	EP&A Act
cl. 19	Procedure relating to making of brothel closure orders	s. 121ZR(2)-(4)	EP&A Act

Bill provision	Bill provision title	Current reference in planning legislation	
cl. 20	Compliance with brothel closure orders	s. 121ZR(5) and (7)	EP&A Act
cl. 21	Appeals	s. 121ZR (8)	EP&A Act
cl. 22	Modification of orders	s. 121ZF	EP&A Act
cl. 23	Revocation of orders	s. 121ZG	EP&A Act
cl. 24	Minister may revoke or modify a council's order	s. 121ZH	EP&A Act
cl. 25	Limitation on Minister's orders	s. 121ZI	EP&A Act
cl. 26	Effect of order on successors in title	s. 121Y	EP&A Act
cl. 27	Period for compliance with order	s. 121M	EP&A Act
cl. 28	Continuing effect of orders	s. 121ZQ	EP&A Act
cl. 29	Development consent or approval not required to comply with order	s. 121O	EP&A Act
cl. 30	Compliance with order under clause 1 (2)	s. 121Q	EP&A Act
cl. 31	Compliance with orders by occupiers or managers	s. 121Z	EP&A Act
cl. 32	Occupier of land may be required to permit owner to carry out work	s. 121ZA	EP&A Act
cl. 33	Failure to comply with order—carrying out of work by consent authority	s. 121J(1) & (10)-(12)	EP&A Act
cl. 34	Recovery of expenses by relevant enforcement authority for carrying out work	s. 121J(7)	EP&A Act
cl. 35	Enforcement of orders by cessation of utilities	s. 121ZS	EP&A Act
cl. 36	Compliance cost notices	s. 121CA	EP&A Act
cl. 37	Combined orders	s. 121T	EP&A Act
cl. 38	Orders may be given to 2 or more persons jointly	s. 121V	EP&A Act
cl. 39	Notice in respect of land or building owned or occupied by more than one person	s. 121W	EP&A Act
Schedule 10—Miscellaneous			
Bill refers to existing provision numbers in EP&A Act			

This table includes only the principal amendments in the Bill. The consequential and statutory revision amendments in the Bill generally refer to existing provision numbers in the EP&A Act.



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