

Planning certificates FAQs

This document answers frequently asked questions about planning certificates

1. What changes did the EP&A Regulation 2021 make to planning certificates?

The *Environmental Planning and Assessment Regulation 2021* (2021 EP&A Regulation) makes planning certificates simpler and easier to administer by refining, updating, and reordering the matters required to be included in certificates issued under section 10.7(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The intent of the changes is to focus on land use and development controls essential to conveyancing as well as provide greater clarity, address gaps, and remove information that is not useful to incoming purchasers or can be found elsewhere. See the [Guide to the 2021 EP&A Regulation - Planning certificates](#) for further information.

2. When do the changes to planning certificates introduced in Schedule 2 of the 2021 EP&A Regulation commence?

Schedule 2 of the 2021 EP&A Regulation commences on 1 October 2022. While the 2021 EP&A Regulation commenced on 1 March 2022, Schedule 4 of the former *Environmental Planning and Assessment Regulation 2000* (2000 EP&A Regulation) applies until 30 September 2022. The delayed commencement of Schedule 2 was intended to provide adequate time for councils to update their systems in response to the changes.

3. Will there be a standard template for planning certificates?

The department has recently updated priorities to ensure key reforms are successfully delivered and to help moderate the pace of policy changes. This means consultation and introduction of the standard template for planning certificates is now planned to occur in 2023. Until a standard template has been introduced, councils should continue to use their current format and address the new requirements of Schedule 2.

4. What will be included in the planning certificates template?

The template will include a prescribed structure and format for each matter required to be included in a planning certificate issued under section 10.7(2). This template will be accompanied by plain English explanations of the relevant regulatory provisions where necessary, including references to supporting documentation to guide understanding. A standard template will facilitate greater consistency across councils and address issues related to the length and complexity of certificates

5. Why won't there be a standard template for the content of certificates issued under section 10.7(5)?

The EP&A Act does not allow the Regulation to prescribe matters for certificates issued under section 10.7(5). The department will provide optional guidance to councils regarding the matters to be included in section 10.7(5) certificates.

6. How should the new consolidated SEPPs be referenced in planning certificates?

Planning certificates should refer to the consolidated State Environmental Planning Policies (SEPPs) by chapter and consolidated SEPP name. For example, the former *State Environmental Planning Policy (Infrastructure) 2007* is now Chapter 2 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

7. Which proposed EPIs are required to be included under section 1?

From 1 October 2022, only proposed environmental planning instruments (EPIs) or development control plans (DCPs) that have been publicly exhibited or subject to community consultation within the last 3 years are required to be listed on planning certificates.

8. What is the intent of the new section 5 relating to exempt development?

The intent of section 5 of Schedule 2 is to focus on the land use classifications that affect the ability to undertake exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* rather than on whether all types of exempt development can be undertaken on the land.

9. The notation related to requirements under the *Contaminated Land Management Act 1997* (CLMA Act) has been removed from the planning certificates schedule. Does this mean the requirement no longer applies?

The notation related to the requirements of the CLMA Act at the bottom of the former Schedule 4 of the 2000 EP&A Regulation has been moved to section 290 of the 2021 EP&A Regulation. The prescribed matters contained in section 59(2) of the CMLA Act still need to be included on a planning certificate.

10. Will there be further changes to planning certificates?

In 2023, the department will consider further improvements to planning certificates to:

- develop a standardised template for planning certificates in consultation with stakeholders as well as seek feedback on the content of guidance material and any potential further changes to Schedule 2.
- address issues related to the timing of legislative and policy changes that affect the content of planning certificates. The department will investigate and consult on developing an internal protocol for the timely notification of legislative changes that have an impact on planning certificates.

11. Where can I seek further guidance about the changes to planning certificates?

For any further questions, please contact regulation.review@planning.nsw.gov.au.