

Sections Guide: where have the clauses gone?

The table below contains the new numbering of the sections of the *Environmental Planning and Assessment Regulation 2000* (2000 Regulation). The 2000 Regulation will not be amended to reflect these changes until the commencement of the *Environmental Planning and Assessment Regulation 2021* (2021 EP&A Regulation).

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
Part 1	Preliminary	Part 1	Preliminary
3	Definitions	3, Sch 7	Definitions
3A	Exclusion from definition of “development”	3	Definitions
3B	Extension of meaning of “work”	3	Definitions
4	What is designated development?	7	Designated development—the Act, s 4.10
7	Building Code of Australia	4	Building Code of Australia
8	Notes	N/A	N/A
10	Public authorities must concur in proposed reservation of land by LEP	8	Concurrence of public authorities for proposed reservation of land—the Act, s 3.37(e)
10A	Notification when council does not support request to prepare planning proposal	9	Notification of refusal to prepare planning proposal
11	Fee payable for costs and expenses of studies etc by relevant planning authority	10	Fee payable for costs and expenses of studies by planning proposal authority—the Act, s 3.32(3)
12	Planning proposal authority—Lord Howe Island Board	11	Planning proposal authority for Lord Howe Island

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
Part 3	Development Control Plans	Part 2, Division 2	Development control plans—the Act, s 3.45
16	In what form must a development control plan be prepared?	12	Form of development control plan
18	Public exhibition of draft development control plans	12	Public exhibition of draft development control plans
20	Who may make submissions about a draft development control plan?	N/A	N/A
21	Approval of development control plans	14	Approval of development control plans
21A	Approval of development control plans relating to residential apartment development	15	Approval of development control plans for residential apartment development
22	Amendment or repeal of development control plan	16	Amendment or repeal of development control plan
22A	Amendment or revocation of development control plan at Minister's direction	17	Amendment or revocation of development control plan at Minister's direction
24	Application of Part to development control plans made by Planning Secretary	21	Development control plans made by Planning Secretary
25	Additional information requested by relevant planning authority	18	Draft development control plans submitted by owners
25AA	Assessment and preparation fees	19	Fees for draft development control plans prepared by owners
25AB	Councils to provide copies of development control plans to Planning Secretary	20	Publication of development control plans
25AC	Purchase of copies of development control plans	N/A	N/A
Part 4	Development Contributions	Part 9	Infrastructure contributions and finance
25A	Planning authorities	202	Definitions
25B	Form and subject-matter of planning agreements	203	Making of planning agreements

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
25C	Making, amendment and revocation of agreements	203	Making of planning agreements
25D	Public notice of planning agreements	204	Public notice of planning agreements—the Act, s 7.5(2)
25E	Explanatory Note	205	Explanatory notes for planning agreements
25F	Information about planning agreements—councils	206	Information about planning agreements
25G	Information about planning agreements—Planning Secretary	206	Information about planning agreements
25H	Information about planning agreements—other planning authorities	206	Information about planning agreements
25I	Indexation of monetary section 7.11 contribution—recoupment of costs	207	Indexation of monetary development contribution—the Act, s 7.11(3)
25J	Section 7.12 levy—determination of proposed cost of development	208	Determination of proposed cost of development—the Act, s 7.12(5)(a)
25K	Section 7.12 levy—maximum percentage	209	Maximum percentage of development levy—the Act, s 7.12(5)(b)
26	In what form must a contributions plan be prepared?	211	Form of contributions plan
27	What particulars must a contributions plan contain?	212	Contents of contributions plan
28	Public exhibition of draft contributions plans	213	Public exhibition of draft contributions plans
30	Who may make submissions about a draft contributions plan?	N/A	N/A
31	Approval of contributions plan by council	214	Approval of contributions plan
33A	Review of contributions plan	216	Review of contributions plan
34	Councils must maintain contributions register	217	Councils must keep contributions register
35	Accounting for contributions and levies—councils	218	Councils must keep accounting records for development contributions and development levies
36	Councils must prepare annual statements	219	Councils must prepare annual statements

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
37	Councils must keep certain records available for public inspection	220	Councils must keep certain records publicly available
38	Copies of contributions plans to be publicly available	220	Councils must keep certain records publicly available
Part 5	Existing Uses	Part 7	Existing uses—the Act, Div.4.11
39	Definitions	162	Application of Part
40	Object of Part	N/A	N/A
41	Certain development allowed	163	Certain development allowed
42	Development consent required for enlargement, expansion and intensification of existing uses	164	Enlargement, expansion and intensification of existing uses
43	Development consent required for alteration or extension of buildings and works	165	Alteration of buildings and works
44	Development consent required for rebuilding of buildings and works	166	Rebuilding of buildings and works
45	Development consent required for changes of existing uses	167	Change of existing uses
46	Uses may be changed at the same time as they are altered, extended, enlarged or rebuilt	167	Change of existing uses
Part 6	Procedures relating to development applications	Parts 3-5	Part 3 Development applications Part 4 Determination of development applications Part 5 Modification of development consents—the Act, ss 4.55, 4.56 and 4.57
47	Application of Part	22	Application of Part
48	Development application information	255	Information about development application fees
49	Persons who can make development applications	23	Persons who may make development applications
50	How must a development application be made?	6 24	<ul style="list-style-type: none"> Determination of BASIX development Content of development applications

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
		27 29 31	<ul style="list-style-type: none"> BASIX development Residential apartment development Other documents required for certain development applications
50A	Special provisions relating to development applications relating to mining or petroleum development on strategic agricultural land	30	Mining or petroleum development
50B	Special provisions relating to development requiring concurrence and integrated development	24	Content of development applications
50C	Special provision relating to development applications for land within Activation Precincts	31	Other documents required for certain development applications
51	Rejection of development applications	36 254	<ul style="list-style-type: none"> Rejection of development applications Circumstances in which refund of fees required
52	Withdrawal of development applications	40	Withdrawal of development applications Waiver and refund of fees
54	Consent authority may request additional information	36	Consent authority may request additional information from applicant
55	What is the procedure for amending a development application?	37 38	<ul style="list-style-type: none"> Amendment of development application Determination of application for amendment of development application
55AA	Amendment or variation of development applications for State significant development	37 38	<ul style="list-style-type: none"> Amendment of development application Determination of application for amendment of development application
55A	Amendments with respect to BASIX commitments	37 38	<ul style="list-style-type: none"> Amendment of development application Determination of application for amendment of development application
56	Extracts of development applications to be publicly available	32	Extract of development application for erection of building
56A	Planning functions subject to community participation requirements	293	Community participation requirements

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
56B	Planning authorities subject to community participation requirements	293	Community participation requirements
58	Application of Division	49	Application of Division
59	Seeking concurrence	50 51	<ul style="list-style-type: none"> Consent authority to seek concurrence Concurrence under Biodiversity Conservation Act 2016
60	Concurrence authority may require additional information	52	Concurrence authority may request additional information from consent authority
61	Forwarding of submissions to concurrence authorities	50	Consent authority to seek concurrence
62	Notification of decision	53	Notification of decision
63	Reasons for granting or refusal of concurrence	54	Notice of reasons for concurrence decisions
64	Circumstances in which concurrence may be assumed	55	Circumstances in which concurrence may be assumed
65	Application of Division	41	Application of Division
66	Seeking general terms of approval	42	Consent authority to seek general terms of approval
67	Approval body may require additional information	43	Approval body may request additional information from consent authority
68	Consent authority to be notified of proposed consultations under <i>National Parks and Wildlife Act 1974</i>	44	Notice of proposed consultations about Aboriginal heritage impact under <i>National Parks and Wildlife Act 1974</i>
69	Forwarding of submissions to approval bodies	42	Consent authority to seek general terms of approval
70	Notification of general terms of approval	45	Notification of general terms of approval
70AA	Planning Secretary may act on behalf of approval body	46	Planning Secretary may act on behalf of approval body
70AB	Additional information sought by Planning Secretary acting on behalf of approval body	47	Planning Secretary may request additional information from applicant
70AC	Notification of general terms of approval by Planning Secretary	48	Notification of general terms of approval by Planning Secretary

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
70A	Information to be included in concept development applications	33	Concept development applications
70B	Concept development applications—residential apartment development	33	Concept development applications
77	Notice of development applications	56	Notice of development applications
78	Notice of designated development application must be exhibited on relevant land	58	Exhibition of notice of designated development application
81	Forwarding of submissions to Planning Secretary	60	Submissions about designated development to be given to Planning Secretary
82	Additional requirements for State significant development	59	Additional requirements for State significant development—the Act, s 4.39
86	Application of Division	N/A	N/A
90	Circumstances in which notice requirements may be dispensed with	57	Notice not required in certain circumstances
92	Additional matters that consent authority must consider	61	Additional matters that consent authority must consider
92A	Additional matters that consent authority must consider for Wagga Wagga	61	Additional matters that consent authority must consider
93	Fire safety and other considerations	62	Consideration of fire safety
94	Consent authority may require buildings to be upgraded	64	Consent authority may require upgrade of buildings
94A	Fire safety and other considerations applying to erection of temporary structures	63	Considerations for erection of temporary structures
95	Deferred commencement consent	76	Deferred commencement consent
96	Imposition of conditions—ancillary aspects of development	77	Conditions for ancillary aspects of development
96A	Imposition of conditions—conditions limited to State significant development	78	Conditions for State significant development

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
97	Modification or surrender of development consent or existing use right	67 68	<ul style="list-style-type: none"> Modification or surrender of development consent or existing use right—the Act, s4.17(5) Voluntary surrender of development consent—the Act, s 4.63
97A	Fulfilment of BASIX commitments	75	Fulfilment of BASIX commitments
98	Compliance with Building Code of Australia and insurance requirements under the <i>Home Building Act 1989</i>	69	Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989
98A	Erection of signs	70	Erection of signs
98B	Notification of Home Building Act 1989 requirements	71	Notification of Home Building Act 1989 requirements
98C	Conditions relating to entertainment venues	72	Entertainment venues
98D	Condition relating to maximum capacity signage	73	Maximum capacity signage
98E	Condition relating to shoring and adequacy of adjoining property	74	Shoring and adequacy of adjoining property
98F	Conditions relating to development involving use of buildings as build-to-rent housing	81	Build-to-rent housing
100	Notice of determination	Part 4, Div.3	Post-determination notifications—the Act, s 4.18(1)
101	Additional particulars with respect to section 7.11 and 7.12 conditions	Part 4, Div.3	Post-determination notifications—the Act, s 4.18(1)
102	How soon must a notice of determination be sent?	Part 4, Div.3	Post-determination notifications—the Act, s 4.18(1)
103	Notice under sections 6.6 and 6.12 of the Act of appointment of principal certifier	N/A	Moved to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
103A	Notice under section 6.6 of the Act of critical stage inspections	N/A	Moved to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
104	Notice under sections 6.6 and 6.12 of the Act of intention to commence subdivision work or erection of building	N/A	Moved to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
105	Notice under section 4.47(6) of the Act to approval bodies of determination of development application for integrated development	Part 4, Div.3	Post-determination notifications—the Act, s 4.18(1)
106	Definition of “assessment period”	Part 4, Div.3	Post-determination notifications—the Act, s 4.18(1)
107	First 2 days after development application is lodged	N/A	N/A
109	Days occurring while consent authority’s request for additional information remains unanswered	Part 4, Div.3	Post-determination notifications—the Act, s 4.18(1)
110	Days occurring while concurrence authority’s or approval body’s request for additional information remains unanswered	Part 4, Div.3	Post-determination notifications—the Act, s 4.18(1)
111	Days occurring during consultation under National Parks and Wildlife Act 1974	Part 4, Div.3	Post-determination notifications—the Act, s 4.18(1)
112	Consent authority to notify applicant that time has ceased to run	36 43 44 52	<ul style="list-style-type: none"> Consent authority may request additional information from applicant Approval body may request additional information from consent authority Notice of proposed consultations about Aboriginal heritage impact under National Parks and Wildlife Act 1974 Concurrence authority may request additional information from consent authority
113	Applications taken to be refused	Part 4, Div.3	Post-determination notifications—the Act, s 4.18(1)
113A	Public participation— application under section 8.3 of the Act for review of council’s determination	245	Notice of application for review of consent authority’s decision or determination

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
113B	Period after which Crown development applications may be referred to Minister or regional panel	Part 4, Div.3	Post-determination notifications—the Act, s 4.18(1)
114	What is the form for an application for extension of a development consent?	116	Application for extension of development consent
115	Application for modification of development consent	Part 5, Div. 1	Applications for modification of development consent
115AA	Application for modification of development consent for State significant development	Part 5, Div. 1	Applications for modification of development consent
115A	Application fee for modification of development consent	99	Making a modification application
117	Modification of consent involving minimal environmental impact	105	Notice of modification applications involving minimal environmental impact
118	Applications under sections 4.55(2) and 4.56 for modification of certain development consents	106	Notice of modification applications for designated development, State significant
119	Public participation—applications under sections 4.55(2) and 4.56 for modification of other development consents	107	Notice of other modification applications
119A	Special provisions relating to applications under section 4.55(2) relating to strategic agricultural land	103	Modification applications for mining and petroleum development consents
120	Notification of concurrence authorities and approval bodies	109	Notification of concurrence authorities and approval bodies
121	Applications for modifications of development consents to be kept available for public inspection	N/A	N/A
121A	Consent authority may request additional information from applicant—the Act, ss 4.55(6) and 4.64(1)(q)	104	Consent authority may request additional information from applicant
121B	Amendment of modification application—the Act, s 4.64(1)(q)	113	Amendment of modification application

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
122	Notice of determination of application to modify development consent	118	Notice of determination of application to modify development consent
122A	Effect of failure to determine modification applications	119	Effect of failure to determine modification applications
123	Persons to be informed of proposed revocation or modification of consent under section 4.57(3) of the Act	117	Notice of proposed revocation or modification of consent
123B	Application of Division	N/A	N/A
123BA	Functions exercisable by council on behalf of regional panel	275	Functions exercisable by council on behalf of Sydney district or regional planning panel—the Act, s 4.7(2)(h)
123C	Development applications where land is in 2 or more local government areas	276	Development applications for land in 2 or more local government areas—the Act, s 4.12
123E	Procedural matters related to determination of development applications	277	277 Determination of development applications and modification applications—the Act, s 4.8
123F	Procedural matters relating to determination of applications to modify consents	277	277 Determination of development applications and modification applications—the Act, s 4.8
123G	Review of determination of development application	Part 12	Reviews and appeals—the Act, Div.8.2
123H	Review of decision to reject development application	Part 12	Reviews and appeals—the Act, Div.8.2
123I	Review of modification decision	Part 12	Reviews and appeals—the Act, Div.8.2
124	Validity of development consents	97	Validity of development consents—the Act, s 4.59
124AA	When work is physically commenced	96	When work is physically commenced—the Act, s 4.53(7)
124A	Application of Division	79	Review conditions—the Act, s 4.17(10C)
124B	Development for which review condition may be imposed	79	Review conditions—the Act, s 4.17(10C)
124C	Matters to be included in consent	79	Review conditions—the Act, s 4.17(10C)
124D	Review procedures	79	Review conditions—the Act, s 4.17(10C)

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
124E	Advice of Independent Planning Commission	278	Advice of Independent Planning Commission
124F	Calling in existing development applications	279	Calling in existing development applications
124G	Planning Secretary's functions with respect to proposed orders under section 4.36(3) of the Act	280	Orders declaring State significant development
124H	Development applications where land is in 2 or more local government areas	275	Functions exercisable by council on behalf of Sydney district or regional planning panel—the Act, s 4.7(2)(h)
124I	Procedural matters related to determination of development applications	277	Determination of development applications and modification applications—the Act, s 4.8
124J	Procedural matters relating to determination of applications to modify consents	277	Determination of development applications and modification applications—the Act, s 4.8
124K	Council of Central Coast local government area to constitute local planning panel	291	Councils required to constitute single local planning panel—the Act, s 2.17(2)(c)
Part 7	Procedures relating to complying development certificates	Part 6	Complying development—the Act, Div.4.5 and s 4.64
125	Application of Part	N/A	N/A
126	Making application for complying development certificate	6 120 129	<ul style="list-style-type: none"> Determination of BASIX development Application for complying development certificate Complying development on contaminated land
127	Council or registered certifier may require additional information	132	Certifier may require additional information
128	Special provision relating to complying development certificates for Western Sydney Aerotropolis	127	Complying development in Western Sydney Aerotropolis
129	Special provision relating to complying development	126	Complying development in Activation Precincts

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
	certificates for development on land within Activation Precincts		
129A	Amendments with respect to BASIX commitments	131	BASIX development and certificates
129AA	Restriction on issue of complying development certificate for certain development for the purpose of schools or school-based child care	138	Complying development under Education SEPP
129AB	Restriction on issue of complying development certificate for certain development related to educational establishments	138	Complying development under Education SEPP
129B	Restriction on issue of complying development certificate	139	Site inspection required
129C	Record of site inspections	140	Record of site inspections
129D	Council to be notified of significant fire safety issues	135	Council to be notified of significant fire safety issues
129E	Application form to modify complying development	159	Application to modify complying development
130AA	Time limit for determining application for complying development certificate	133	Time for determining application for complying development certificate
130AB	Requirement to advise of applications for certain complying development certificates	134	Notice to neighbours and councils
130	Procedure for determining application for complying development certificate and notification requirements	137 141	<ul style="list-style-type: none"> Compliance with Building Code of Australia Notice of determination of complying development certificate application
130A	Copy of particular documents to be given to NSW Rural Fire Service and council	160	Complying development certificate to be given to NSW Rural Fire Service and council
131	Development standards for change of building use	142	Development standards for change of building use
132	Development standards for building work involving the	143	Development standards for building work involving alteration of existing building

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
	alteration, enlargement or extension of an existing building		
133	Development standards for erection of temporary structure	144	Development standards for erection of temporary structure
134	Form of complying development certificate	136	Form of complying development certificate
135	Notice under section 86 of the Act of appointment of principal certifier	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
135A	Notice under section 86 of the Act of critical stage inspections	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
136	Notice under section 86 of the Act of intention to commence subdivision work or erection of building	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
136A	Compliance with Building Code of Australia and insurance requirements under the <i>Home Building Act 1989</i>	146	Compliance with Building Code of Australia and insurance requirements under <i>Home Building Act 1989</i>
136AA	Condition relating to fire safety systems in class 2–9 buildings	147	Fire safety systems in class 2–9 buildings
136AB	Notice to neighbours	148	Notice to neighbours of commencement of work
136B	Erection of signs	149	Erection of signs
136C	Notification of Home Building Act 1989 requirements	150	Notification of Home Building Act 1989 requirements
136D	Fulfilment of BASIX commitments	151	Fulfilment of BASIX commitments
136E	Development involving bonded asbestos material and friable asbestos material	152	Development involving asbestos material
136H	Condition relating to shoring and adequacy of adjoining property	153	Shoring and adequacy of adjoining property
136I	Traffic generating development	154	Traffic generating development
136J	Development on contaminated land	155	Development on contaminated land

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
136K	When complying development certificates must be subject to section 4.28(9) condition	156	Development contributions
136L	Contributions and levies payable under section 4.28(9) must be paid before work commences	156	Development contributions
136M	Condition relating to payment of security	157	Payment of security
136N	Principal certifier to be satisfied that preconditions met before commencement of work	158	Principal certifier to be satisfied that preconditions met before commencement of work
137	Validity of complying development certificates	161	Validity of complying development certificates—the Act, s 4.59
138-190B	Compliance certificate	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Part 10	State significant infrastructure	Part 8, Division 4	Environmental impact assessment and approval of State significant development
191	Interpretation	168	Definitions
192	Applications for approval	179	Applications for approval
193	Owner's consent or notification	181	Owner's consent for applications for approval and modification requests
193A	EIS for infrastructure on land within 200km of Siding Spring Observatory.	184	Environmental impact statement for infrastructure on land near Siding Spring Observatory—the Act, s 5.29(e)
195	Planning Secretary's environmental assessment report	185	Planning Secretary's environmental assessment report
196	Publicly available documents	186	State significant infrastructure documents to be publicly available
197	Surrender of approvals or existing use rights	187	Surrender of approvals or existing use rights—the Act, s 5.28(4)
198	Erection and occupation of buildings and subdivision of land	188	Application of the Act, Part 6 to State significant infrastructure—the Act, s 6.33(2)
Part 12	Accreditation of building products and systems	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
224	Building products and systems certified under CodeMark scheme	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
225	Savings provisions	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Part 13	Development by the Crown	261	Crown development
226(1)	Prescribed persons: section 4.32	294	Crown development—the Act, s 4.32(2)(a)
226(2) and (3)	Prescribed persons: section 4.32	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
227	Technical provisions of the State's building laws	N/A	N/A
Part 13A	Supplementary provisions for development requiring consent	N/A	Intended to be moved to certification regulation.
227A	Signs on development sites	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Part 14	Environmental assessment under Part 5 of the Act	Part 8	Infrastructure and environmental impact assessment
227AA	Demolition of temporary structure not "activity"	169	Development that is not an activity
228	What factors must be taken into account concerning the impact of an activity on the environment?	170 171	<ul style="list-style-type: none"> • Planning Secretary guidelines about review of environmental factors—the Act, s 5.10(a) • Review of environmental factors—the Act, s 5.10(a)
233	Publication of environmental impact statements	194	Publication of environmental impact statements—the Act, s 5.8
243	Report to be prepared for activities to which an environmental impact statement relates	196	Reports about activities under the Act, Division 5.1
244A	Definitions	N/A	N/A

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
244B	Fishing activities and shark meshing	N/A	N/A
244D	Definitions	197 198	Definitions Approved Codes
244E	Code required for rail infrastructure facilities must be complied with by ARTC	198	Approved Codes
244F	Approved Code	198 199 200	Approved Codes Additional requirements for ARTC Code Approval of ARTC Code
244I	Existing environmental impact statements and assessments	N/A	N/A
244J	Definitions	197 198	Definitions Approved Codes
244K	Approved Code	198	Approved Codes
244L	Procedure for approval of Code	201	Approval of other Codes
244M	Definitions	197 198	Definitions Approved Codes
244N	Approved Code must be complied with	201	Approval of other Codes
244O	Procedure for approval of Code	201	Approval of other Codes
244P	Offences against specified approved Code	N/A	N/A
Part 15	Fees and charges	Part 13 and Sch 4	Fees
245A	Definitions	N/A	N/A
245B	Determination of fees payable for Part 3A application	N/A	N/A
245C	Payment of fees for Part 3A applications	N/A	N/A
245D	Maximum fee for application involving erection of building, carrying out of work or demolition (other than for marinas or extractive)	N/A	N/A
245E	Maximum fee—marinas	N/A	N/A

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
245F	Maximum fee—extractive industries	N/A	N/A
245G	Maximum fee—subdivision of land	N/A	N/A
245H	Additional fee for critical infrastructure projects	N/A	N/A
245I	Additional application fee for making environmental assessment publicly available	N/A	N/A
245J	Additional application fee for planning reform	N/A	N/A
245K	Fee for request for modification of Minister's approval	N/A	N/A
245L	Fee for review by Independent Planning Commission	N/A	N/A
245M	Fee for investigation of potential State significant site	N/A	N/A
245N	Meaning of "estimated cost" for determining fee under this Division	N/A	N/A
246	Definition	N/A	N/A
246A	What is the maximum fee?	250	Services covered by fees for development applications
246B	Fee for development application	Sch 4, Part 2, item 2.1	Development application for development, other than a development application referred to in item 2.2 or 2.3, involving the erection of a building, the carrying out of a work or the demolition of a work or building with an estimated cost of development...
247	Fee for dwelling-house—construction cost under \$100,000	Sch 4, Part 2, item 2.3	Development application for development involving the erection of a dwelling house with an estimated cost of \$100,000 or less
248	Additional fee—residential apartment development	Sch 4, Part 3, item 3.4 and Part 4, item 4.8	<ul style="list-style-type: none"> Additional fee for development application that is referred to design review panel for advice Additional fee for modification application that is referred to design review panel for advice

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
			<ul style="list-style-type: none"> Additional fee for modification application that is referred to design review panel for advice
249	Maximum fee—subdivision of land	Sch 4, Part 2, items 2.4, 2.5, and 2.6	<ul style="list-style-type: none"> Development application involving subdivision, other than strata subdivision, involving the opening of a public road Development application involving subdivision, other than strata subdivision, not involving the opening of a public road Development application involving strata subdivision
250	Development not involving the erection of a building, the carrying out of a work, the subdivision of land or the demolition of a building or work	Sch 4, Part 2, item 2.7	Development application for development not involving the erection of a building, the carrying out of a work, the subdivision of land or the demolition of a work or building
251	Additional fee—designated development	Sch 4, Part 3, item 3.3	Additional fee for development application for designated development
252	Additional fees—development requiring advertising	Sch 4, Part 3, items 3.5, 3.6, 3.7, and 3.8	<ul style="list-style-type: none"> Giving of notice for designated development Giving of notice for nominated integrated development, threatened species development or Class 1 aquaculture development Giving of notice for prohibited development Giving of notice for other development for which a community participation plan requires notice to be given
252A	Additional fees—development requiring concurrence	Sch 4, Part 3, item 3.2	Additional fee for development application for development requiring concurrence, other than if concurrence is assumed under this Regulation, section 55
253	Additional fees—integrated development	Sch 4, Part 3, item 3.1	Additional fee for development application for integrated development
254	What if two or more fees are applicable to a single development application?	256	Determination of fees for development applications
255	How is a fee based on estimated cost determined?	251	Estimated cost of development
256	Determination of fees for development applications	256	Determination of fees for development applications

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
256A	Proportion of development application fees to be remitted to Planning Secretary and Registration Secretary	266	Planning reform contributions from development application fees
256B	Concept development applications	258	Concept development applications other than State significant development
256BA	Fees not to be charged for council compliance and enforcement functions—the Act, s 4.64(1)(f)	259	Fees not to be charged for council compliance and enforcement functions—the Act, s 4.64(1)(f)
256C	Definitions	249	Definitions
256D	Determination of fees payable for application	256	Determination of fees for applications
256E	Determination of fees	256	Determination of fees for applications
256F	Maximum fee—buildings, works or demolition (other than marinas or extractive industries)	Sch 4, Part 5, item 5.1	Application involving the erection of a building, the carrying out of a work or the demolition of a work or building, other than in relation to a marina or extractive industry referred to in item 5.2 or 5.3, with an estimated cost of development of...
256G	Maximum fee—marinas	Sch 4, Part 5, item 5.2	Application involving the erection of a building or the carrying out of a work for the purposes of a marina
256H	Maximum fee—extractive industries	Sch 4, Part 5, item 5.3	Application involving an extractive industry, other than mining
256I	Maximum fee—subdivision of land	Sch 4, Part 5, items 5.4, 5.5, 5.6	<ul style="list-style-type: none"> Application involving minor subdivision Application involving strata subdivision Application involving other subdivision
256J	Additional fee for critical State significant infrastructure	Sch 4, Part 6, item 6.2	Additional fee for application for approval of critical State significant infrastructure
256K	Additional fee for making environmental impact statement publicly available	265 Sch 4, Part 6, item 6.3	<ul style="list-style-type: none"> Making environmental impact statements publicly available Making an environmental impact statement publicly available in relation to an application
256KA	Additional fee for assessing concept component of staged application	261	Assessment fee for concept component of staged applications for State significant development and State significant infrastructure

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
256L	Additional fee for planning reform	249 267	<ul style="list-style-type: none"> Definitions Planning reform contributions from development application fees for State significant development and State significant infrastructure
256M	Fees for modifications	Sch 4, Part 6, items 6.4, 6.5, 6.6 and 5.7	<ul style="list-style-type: none"> Modification application for State significant development Modification request for State significant infrastructure Modification application for State significant development or modification request for State significant infrastructure other than item 6.4 or 6.5 Giving of notice of modification application for State significant development or modification request for State significant infrastructure, other than notice on the NSW planning portal
256N	Fee for public hearing by Independent Planning Commission	263 Sch 4, Part 9, item 9.10	<ul style="list-style-type: none"> Public hearing by Independent Planning Commission Public hearing by Independent Planning Commission under the Act, section 2.9(1)(d)
256O	Fee for planning proposal with application	264 Sch 4, Part 6, Item 6.1	<ul style="list-style-type: none"> Consideration of planning proposal with State significant development application Application for consideration of planning proposal under the Act, section 4.38(5) in relation to a development application for State significant development
256P	Meaning of “estimated cost” for determining fee under this Division	251	Estimated cost of development
257	Fee for request for review of determination	Sch 4, Part 7, items 7.1, 7.2 and 7.3	<ul style="list-style-type: none"> Application for review under the Act, section 8.3 that relates to a development application not involving the erection of a building, the carrying out of a work or the demolition of a work or building Application for review under the Act, section 8.3 that relates to a development application involving the erection of a dwelling house with an estimated cost of \$100,000 or less

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
			<ul style="list-style-type: none"> Application for review under the Act, section 8.3 that relates to a development application, not referred to in item 7.1 and 7.2 for development with an estimated cost of...
257A	Fee for review of decision to reject a development application	Sch 4, Part 7, item 7.4	Application for review of decision to reject and not determine a development application under the Act, section 8.2(1)(c) if the estimated cost of development is...
258	Fee for application for modification of consent for local development	254 Sch 4, Part 4	<ul style="list-style-type: none"> Circumstances in which refund of fees required Fees for modification of development consents—other than State significant development
258A	Fee for review of modification application	Sch 4, Part 7, item 7.5	Appeal against determination of modification application under the Act, section 8.9
259	Fee for planning certificate	290 Sch 4, Part 9, item 9.7	Planning certificates—the Act, s 10.7 Application for planning certificate under the Act, section 10.7(1)
260	Fee for building certificate	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
261	Fee for copy of building certificate	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
262	Fee for certified copy of document, map or plan held by Department or council	268 Sch 4, Part 9, item 9.9	<ul style="list-style-type: none"> Other fees—the Act, section 10.8 and Sch 3, cl 3(2) Provision of certified copy of a document, map or plan under the Act, section 10.8(2)
262A	Fee for site compatibility certificate	269 Sch 4, Part 8	<ul style="list-style-type: none"> Fees for site compatibility certificates and site verification certificates Fees for site compatibility certificates and site verification certificates under SEPPs
262B	Fee for BASIX certificate	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
262C	Fee for strategic agricultural land site verification certificate	269	<ul style="list-style-type: none"> Fees for site compatibility certificates and site verification certificates

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
		Sch 4, Part 8	<ul style="list-style-type: none"> Fees for site compatibility certificates and site verification certificates under SEPPs
263	Other fees	252 260 262 Sch 4, Part 9, item 9.3 Sch 4, Part 9, items 9.3 and 94	<ul style="list-style-type: none"> Planning Secretary may determine fees Fees for proponents of State significant development Fees for referral to Independent Planning Commission or Sydney district or regional Lodging a complying development certificate on the NSW planning portal Submitting application for construction certificate, subdivision works certificate, occupation certificate, subdivision certificate, building information certificate or complying development certificate on the NSW planning portal
263A	Charge by way of reimbursement for certain local planning panel costs paid by Department	292	Reimbursement for local planning panel costs paid by Department—the Act, s 7.44
Part 16	Registers and other records	Part 11	Council Registers and other records—the Act, s 4.58
264	Council to maintain a register of development applications and consents	240	Council to keep a register of development applications and development consents
265	Council to maintain a register of complying development applications	241	Council to keep a register of complying development certificates
266	Council to keep certain documents relating to development applications and consents	242	Council to keep certain documents relating to development applications and consents
267	Council to keep certain documents relating to complying development certificates	243	Council to keep certain documents relating to complying development certificates
267A	Records relating to complaints	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
268	Council to keep certain records available for public inspection	240 241	<ul style="list-style-type: none"> Council to keep a register of development applications and development consents

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
		242 243	<ul style="list-style-type: none"> • Council to keep a register of complying development certificates • Council to keep certain documents relating to development applications and consents • Council to keep certain documents relating to complying development certificates
268A	Development for temporary structures that are entertainment venues	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Part 16C	Paper subdivisions	Part 10	Paper subdivisions—the Act, Sch 7
268Y	Interpretation	223	Definitions
268YA	Subdivision works	223	Definitions
268Z	Additional matters to be included in development plans	224	Content of development plans
268ZA	Preparation of development plans	225	Preparation of development plans
268ZB	Notice of proposed development plans and consent ballots	226	Notice of proposed development plans and ballots
268ZC	Consent ballot to be held	227	Ballot to be held
268ZD	Voting roll and ballot papers	228	Voting roll and ballot papers
268ZE	Voting	229	Voting
268ZF	Safe keeping of ballot papers	230	Safe keeping of ballot papers
268ZG	Counting of votes	231	Counting of votes
268ZH	Result of ballot	232	Result of ballot
268ZI	Retention of ballots	230	Safe keeping of ballot papers
268ZJ	Adoption of development plans	233	Adoption of development plans
268ZK	Amendment of development plans	234	Amendment of development plans
268ZL	Additional requirements for amendments other than minor amendments	235	Additional requirements for certain amendments
268ZM	Contributions by owners	236	Contributions by owners
268ZN	Powers of entry	237	Powers of entry
268ZO	Notice to council of subdivision action	238	Notice to council of subdivision action

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
268ZP	Reporting requirements for relevant authorities	239	Reporting requirements for relevant authorities
Part 17	Part 17 Miscellaneous	Part 15, Sch 1 and Sch 5	<ul style="list-style-type: none"> • Miscellaneous • Sch 1 Public authorities • Sch 5 Penalty notice offences
269	Notice of proposal to constitute development area	221	Notice of proposal to constitute development area—the Act, s 7.38(4)
270	Contributions plans for Western Sydney Employment Area	66	Contributions plans for certain areas in Sydney—the Act, s 4.16(1)
270A	Contributions plans for Sydney Region Growth Centres	66	Contributions plans for certain areas in Sydney—the Act, s 4.16(1)
271	Contributions plans for Western Sydney Aerotropolis	66	Contributions plans for certain areas in Sydney—the Act, s 4.16(1)
272	Planning for Bush Fire Protection	Part 14	Bush fire protection—the Act, s 4.14
273	Development excluded from application of requirements relating to bush fire prone land	Part 14	Bush fire protection—the Act, s 4.14
273A	Bush fire prone land map	Part 14	Bush fire protection—the Act, s 4.14
273B	Transitional provision—Planning for Bush Fire Protection	N/A	N/A
274	Release areas under SREP 30	35	Additional requirements for development applications in certain parts of Sydney
275	Development assessment during precinct planning in North West and South West growth centres of Sydney Region	35	Additional requirements for development applications in certain parts of Sydney
275A	Development assessment in North and South East Wilton Precincts	35	Additional requirements for development applications in certain parts of Sydney
275B	Development assessment in Mamre Road Precinct	35	Additional requirements for development applications in certain parts of Sydney
275C	Requirements for development applications for Western Sydney Aerotropolis	35	Additional requirements for development applications in certain parts of Sydney
275D	Development assessment in Glenfield Precinct	35	Additional requirements for development applications in certain parts of Sydney

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
275E	Requirements for development applications for Rhodes Precinct	35	Additional requirements for development applications in certain parts of Sydney
276	Growth Centres SEPP—release of precinct for urban development and planning process for the precinct	34	Urban development under Growth Centres SEPP
277	Public authorities	Sch 1	Public authorities
278	Assessment of loan commitments of councils in development areas	222	222 Assessment of loan commitments of councils in development areas—the Act, s 7.42(1)
279	What matters must be specified in a planning certificate?	290	Planning certificates—the Act, s 10.7
280	Application for building certificate	289	Building information certificates—the Act, Div.6.7
281	Form of building certificate	289	Building information certificates—the Act, Div.6.7
281A	Notice of orders under Sch 5 to the Act	281	Notice of development control orders
281B	Form of compliance cost notices	283	Form of compliance cost notices—the Act, Sch 5, cl 37(6)(b)
281C	Compliance cost notices—maximum amounts that may be required to be paid	284	Amounts payable under compliance cost notices—the Act, Sch 5, cl 37(6)(c)
282	Planning Secretary may certify certain documents	297	Planning Secretary may certify certain documents—the Act, s 10.8(1)(b)(i)
283A	Offences against this Regulation	Sch 5	Penalty notice offences
284	Penalty notice offences	Sch 5, sections 1 and 2	<ul style="list-style-type: none"> • Application of Schedule • Authorised persons who may serve penalty notices
285	Enforcement of orders by cessation of utilities	282	Enforcement of orders by cessation of utilities
285A	Modification of Part 8.3 of the <i>Protection of the Environment Operations Act 1997</i>	295	Modification of <i>Protection of the Environment Operations Act 1997</i> , Part 8.3—the Act, s 9.56(2A)
285B	Provision of false or misleading information in connection with a planning matter	296	Provision of false or misleading information—the Act, s 10.6(3)(d)
286	Repeal, savings and transitional	N/A	N/A

2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
286A	Savings and transitional provisions: staged introduction of scheme	N/A	N/A
286AA	Savings and transitional provision: introduction of BASIX completion receipt	N/A	N/A
286B	Savings and transitional provision: changes to development contributions scheme	N/A	N/A
286D	Savings and transitional provisions: existing uses	N/A	N/A
287	Special provisions relating to ski resort areas	N/A	Transferred to Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017
288	Special provision relating to Sydney Opera House	65	Consideration of conservation plan for development at Sydney Opera House
288A	Special provision for major events	N/A	N/A
289	Miscellaneous savings and transitional provisions: 2005 Amending Act	N/A	N/A
289A	Transitional provisions relating to development control plans	N/A	N/A
290	Savings and transitional provision: references to “comprehensive development applications”	N/A	N/A
291	Savings and transitional provisions	N/A	N/A
291A	Transitional provisions relating to Part 4A certificates and planning agreements	N/A	N/A
291B	Savings and transitional provision—abolition of Wagga Wagga Interim Joint Planning Panel	N/A	N/A
291C	Transitional provision relating to CodeMark scheme	N/A	N/A

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293	Deemed refusal period for Court appeals	248	Deemed refusal period for Court appeals
294	Special provisions for public hearings or public meetings of planning bodies during COVID-19 pandemic	298	Special provisions for public hearings or public meetings of planning bodies during COVID-19 pandemic—the Act, Part 2 and Sch 2
295	Use of NSW planning portal	285	Use of NSW planning portal—the Act, Sch 3, cl 3
296	Transitional provision relating to phasing in of NSW planning portal	Sch 6	Savings, transitional and other provisions
297	Savings and transitional provision—occupation certificates	N/A	N/A
298	Transitional provision for Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021	Sch 6	Savings, transitional and other provisions
298	Savings and transitional provision for certain 1 July 2021 amendments	Sch 6	Savings, transitional and other provisions
299	Savings and transitional provision for certain 1 October 2021 amendments	Sch 8	Amendment of <i>Environmental Planning and Assessment Regulation 2021</i> —commencing on 1 July 2022
Sch 1	Forms	N/A	N/A
Part 1	Development applications	Part 3	Development applications
1	Information to be included in development application	25 26 28	<ul style="list-style-type: none"> Information about concurrence or approvals Information about community housing, boarding houses, co-living housing Development applications relating to <i>Biodiversity Conservation Act 2016</i>
2	Documents to accompany development application	24	Content of development applications
2A	BASIX certificate required for certain development	27	BASIX development

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
2B	BASIX certificate required for certain development	27	BASIX development
Part 2	Complying development certificates	Part 6	Complying development—the Act, Div. 4.5 and s 4.64
4	Documents to accompany application for complying development certificate	121-124 and 128-131	Multiple sections.
4A	BASIX certificate required for certain development	131	BASIX development and certificates
4B	Relationship with <i>State Environmental Planning Policy (Port Botany and Port Kembla) 2013</i>	129	Complying development on contaminated land
Part 3	Construction certificates	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
6	Documents to accompany application for construction certificate	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
6A	BASIX certificate required for certain development	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
Part 3A	Subdivision works certificates	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
6AB	Documents to accompany application for subdivision works certificate	N/A	Transferred to <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
7	Abbreviations for building materials	5	Abbreviations for building materials
Sch 2	Environmental impact statements	Part 8	Infrastructure and environmental impact assessment
Part 1	Definitions	N/A	N/A
Part 2	Requirements of Planning Secretary and approval bodies	Part 8, Division 2	Environmental assessment requirements for State significant development and designated development—the Act, ss 4.39, 4.64 and 5.10
2	Application of Part	172	Application of Division

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2000 Reg clause or part	Description	2021 EP&A Reg relevant or equivalent section or part	Description
3	Environmental assessment requirements	173-178, 191	Multiple sections.
4	Integrated development—requirements of approval bodies	174	Application for environmental assessment requirements for integrated development
Part 3	General provisions	Part 8, Division 5	Division 5 Environmental impact statements—the Act, ss 4.12(8), 5.7(1) and 5.16(2)
5	Application of Part	Part 8, Division 5	Division 5 Environmental impact statements—the Act, ss 4.12(8), 5.7(1) and 5.16(2)
6	Form of environmental impact statement	190	Form of environmental impact statement
7	Content of environmental impact statement	192 193	<ul style="list-style-type: none"> Content of environmental impact statement Principles of ecologically sustainable development
8	Sale of copies of environmental impact statement	N/A	N/A
9	Documents forming part of environmental impact statement	N/A	N/A
10	Responsible authority may require additional copies	N/A	N/A
Sch 3	Designated development	Sch 3	Designated Development
Sch 3A	Entertainment venues	72	Entertainment venues
Sch 4	Planning certificates	Sch 2	Planning certificates
Sch 5	Penalty notice offences	Sch 5	Penalty notice offences
Sch 6	Special provisions relating to ski resort areas	N/A	Transferred to <i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i>

N/A = no equivalent clause. This may be the case due to policy changes that mean the clause is no longer required, the provision may have been superseded by new provisions, or it has no direct equivalent due to restructuring and drafting changes.

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