

Circular	PS 10-017
Issued	13 July 2010
Related	

Changes to section 149 planning certificates for the Growth Centres

The purpose of this circular is to advise councils, property owners and the community on changes to the requirements of section 149 planning certificates for land within the Growth Centres as a result of changes to the Environmental Planning and Assessment Regulation 2000.

Introduction

Schedule 4 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) was amended on 9 July 2010 to require the inclusion of land use zoning and controls in section 149 planning certificates issued for land rezoned by the State Environmental Planning Policy (Growth Centres) 2006 (GC SEPP).

The purpose of the amendment is to ensure landowners, prospective buyers and other interested parties are able to obtain written, reliable and accurate information on the zoning of land under the GC SEPP. Prior to the amendment, Councils were not required to issue planning certificates that included information on zoning or planning controls applying to land that had been rezoned by the GC SEPP.

New information required in section 149 planning certificates

The Environmental Planning and Assessment Amendment (Planning Certificates for Growth Centres) Regulation 2010 amends Schedule 4 of the EP&A Regulation to require the relevant land use zoning and controls for land zoned (or proposed to be zoned) under the GC SEPP to be included on a planning certificate issued under section 149 of the *Environmental Planning and Assessment Act 1979*.

Where land is zoned under the GC SEPP or is proposed to be zoned under the GC SEPP, the new Scheduled item (item '2A') now requires planning certificates to include information outlined in item 2 of Schedule 4 of the EP&A Regulation. These matters include:

- the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2 (a)"),
- the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,
- the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,
- the purposes for which the instrument provides that development is prohibited within the zone,
- whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,
- whether the land includes or comprises critical habitat,
- whether the land is in a conservation area (however described),
- whether an item of environmental heritage (however described) is situated on the land.

Item '2A' of Schedule 4 is only to be noted on planning certificates issued for land in the Growth Centres that has been zoned by a Precinct Plan in the Appendices to the GC SEPP, proposed to be zoned in a draft Precinct Plan (that has been publicly exhibited or formally consulted on) or has been zoned under Part 3 of the GC SEPP.

Item '2A' does not apply to any other areas in the State or where land is not zoned under the GC SEPP.

Councils and implementation

The amendment to the EP&A Regulation will only affect six Western Sydney councils that have land within the Growth Centres (Blacktown, Camden,

Campbelltown, The Hills, Hawkesbury and Liverpool).

The amendment to the EP&A Regulation will commence 6 weeks from the date of publication (20 August 2010). The deferred commencement is to give councils sufficient time to update their inquiry systems.

Further information

Copies of the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (Growth Centres) 2006 (as amended) are available online at <http://www.legislation.nsw.gov.au>.

If you have further enquiries, please contact:

NSW Department of Planning
23–33 Bridge Street, Sydney NSW 200
GPO Box 39, Sydney NSW 2001
Tel: 02 9228 6111 Fax: 02 9228 6455
Email: information@planning.nsw.gov.au

Note: This circular and other issued by the Department of Planning are published on the web at www.planning.nsw.gov.au/circulars

Authorised by:

Sam Haddad
Director-General
NSW Department of Planning

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

© State of New South Wales through the Department of Planning
www.planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.