

**Summary of changes contained in the Environmental Planning and Assessment (Development Certification and Fire Safety) Amendment (Construction Certificates) Regulation 2023**

The following identifies a summary of the proposed amendments contained in the Environmental Planning and Assessment (Development Certification and Fire Safety) Amendment (Construction Certificates) Regulation 2023 (**Amending Regulation**).

The Amending Regulation includes amendments to both the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the *Environmental Planning and Assessment Regulation 2021*.

	Legislative amendment	Commentary/Outcome
<b><i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EP&amp;A (DCFS) Regulation)</i></b>		
1.	Section 19	Section 19 of the EP&A (DCFS) Regulation currently specifies the edition of the Building Code of Australia ( <b>BCA</b> ) that applies to building work.  The amendment to this section applies to a multi storey building the subject of multiple construction certificate (CC) applications under the same development consent. It specifies that the edition of the BCA applying to CC applications issued after the CC for the 'entrance floor' has been issued ('later in time CC application/s'), is the edition that applied to the CC application which includes the 'entrance floor'. In this way, the edition of the BCA is 'locked in' at the time of the application which involves the 'entrance floor'.
2.	Section 23	Section 23 of the EP&A (DCFS) Regulation currently identifies the information that must be contained on a CC.  The amendment identifies that the certifier now needs to nominate the BCA edition on the CC that applies to the subject building work. This applies to all CCs.
3.	Section 24	Section 24 of the EP&A (DCFS) Regulation deals with modification of development the subject of a CC application.  The amendment identifies that the edition of the BCA applying to all CC applications to modify development, is the edition which applied to the 'original' CC application that is the subject of the modification. This applies to all CC applications to modify development.
4.	Savings, transitional and other provisions	The saving and transitional provision identifies the developments that are subject to the amendments to section 19 of the EP&A (DCFS) Regulation.  Specifically, this amendment applies to later in time CC applications for a multi storey building,

		where the CC for building work which involves the 'entrance floor', was not issued before the commencement of the Amending Regulation.
<b><i>Environmental Planning and Assessment Regulation 2021 (EP&amp;A Regulation)</i></b>		
1.	Section 69	Section 69 of the EP&A Regulation currently includes a prescribed condition of consent relating to the BCA edition applying to a CC application. The amendment updates this prescribed condition of consent to reflect the new requirements in section 19 of EP&A (DCFS) Regulation.
2.	Savings, transitional and other provisions	This saving and transitional provisions apply to existing development consents. Additionally, this provision overrides the current prescribed condition about compliance with the BCA on existing development consents for multi storey buildings, where the CC for building work which involves the 'entrance floor,' was not issued before the commencement of the Amending Regulation.