

New clause references

The table below lists the provisions in the *Environmental Planning and Assessment Regulation 2000* that have been transferred into the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the new clause numbers.

Table 1. New clause numbering for provisions

Previous Clause EP&A Regulation 2000	Title of previous clause	Equivalent section in the new Regulation
Clause 3	Definitions	Dictionary
Clause 103	Notice of appointment of principal certifier	Section 57
Clause 103A	Notice of critical stage inspections	Section 58
Clause 104	Notice to commence subdivision work or erection of building	Section 59
Compliance Certificates		
Clause 138	Compliance certificate	Section 4, 5
Clause 138A	Restriction on issue of compliance certificate	Section 6
Construction Certificates		
Clause 139	Applications for construction certificates	Section 7
Clause 139A	Withdrawal of construction certificate application	Section 11
Clause 140	Certifier may require additional information	Section 12
Clause 141	<i>(repealed 26/6/20 by the Environmental Planning and Assessment Amendment (Planning Portal) Regulation 2020)</i>	-
Clause 142	Determination of construction certificate applications	Section 13
Clause 142A	Deemed refusal for construction certificate applications	Section 119
Clause 143	Fire protection and structural capacity	Section 14
Clause 143A	Construction certificates for residential apartment buildings	Section 15
Clause 143B	Inspections for construction certificates	Section 16
Clause 143C	Record of site inspections	Section 17

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Previous Clause EP&A Regulation 2000	Title of previous clause	Equivalent section in the new Regulation
Clause 144	Referrals to NSW Fire Brigades	Section 25 - 29
Clause 144A	Performance solution reports for fire safety aspects	Section 18
Clause 145	Compliance with consent and BCA	Section 19
Clause 146	Compliance with development consent conditions	Section 20
Clause 146A	Compliance with planning agreement	Section 21
Clause 146B	Compliance with planning agreement	Section 22
Clause 147	Form of construction certificate	Section 23
Clause 148	Modification of construction certificate	Section 24
Subdivision works certificates		
Clause 148A	Application for subdivision works certificate	Section 30
Clause 148B	Withdrawal of application	Section 31
Clause 148C	Certifier may require additional information	Section 32
Clause 148D	<i>(repealed 26/6/20 by the Environmental Planning and Assessment Amendment (Planning Portal) Regulation 2020)</i>	-
Clause 148E	Procedure for determining application	Section 33
Clause 148F	Compliance with development consent	Section 34
Clause 148G	Compliance with planning agreement	Section 34
Clause 148H	Form of certificate	Section 35
Clause 148I	Modification of certificate	Section 36
Clause 148J	Deemed refusal period for certificate	Section 119
Occupation Certificates		
Clause 149	Applications	Section 37
Clause 149A	Certifier may require additional information	Section 38

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Previous Clause EP&A Regulation 2000	Title of previous clause	Equivalent section in the new Regulation
Clause 150	<i>(repealed 26/6/20 by the Environmental Planning and Assessment Amendment (Planning Portal) Regulation 2020)</i>	-
Clause 151	Procedure for determining application	Section 39
Clause 151A	Deemed refusal period for certificate	Section 119
Clause 152	Reports of Fire Commissioner	Section 50
Clause 152A	Reports of Fire Commissioner for Class 2 or 3 buildings	Section 51
Clause 152B	Performance solution reports	Section 40
Clause 153	Fire safety certificates	Section 41
Clause 153A	<i>(repealed 30/6/17 by the Environmental Planning and Assessment Amendment (Fire Safety and Building Certification) Regulation 2017)</i>	-
Clause 154	Health, safety and other issues	Section 42
Clause 154A	Requirements for residential apartment buildings	Section 43
Clause 154B	Fulfilment of BASIX commitments	Section 44
Clause 154C	BASIX completion receipt	Section 45
Clause 154D	Lighting affecting Siding Springs Observatory	Section 47
Clause 154E	Compliance with planning agreement	Section 48
Clause 154F	Payment of development contributions	Section 46
Clause 155	Form of certificate	Section 49
Clause 156	When an occupation certificate is not required	Section 52
Clause 156A	Condition apply to occupation certificates for partially completed buildings	Section 53
Subdivision certificates		
Clause 157	Applications	Clause 54
Clause 158	Certifier may require additional information	Clause 55

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Previous Clause EP&A Regulation 2000	Title of previous clause	Equivalent section in the new Regulation
Clause 159	<i>(repealed 30/6/17 by the Environmental Planning and Assessment Amendment (Fire Safety and Building Certification) Regulation 2017)</i>	-
Clause 160	Procedure for determining certificate	Section 56
Clause 160A	<i>(repealed 30/8/19 by the Environmental Planning and Assessment Amendment (Building and Subdivision Certification) Regulation 2019)</i>	-
Clause 160B	Deemed refusal period	Section 119
General provisions		
Clause 161	Certifiers may be satisfied as to certain matters	Section 73
Clause 161A	Directions notices	Section 66
Clause 161B	General duties of principal certifiers	Section 67
Clause 162	Replacement of principal certifier	Section 68
Clause 162AA	Provision of information to replacement principle certifier	Section 69
Clause 162A	Critical stage inspections for building work	Section 61
Clause 162AB	Critical stage inspections at certain Ports	Section 62
Clause 162B	Record of critical stage and other inspections	Section 63
Clause 162C	Progress inspection unavoidably missed	Section 64
Clause 162D	Notification to council of significant fire safety issues	Section 60
Clause 163	Notice to allow inspections	Section 65
Clause 164	No need for duplicate notices	Section 118
Clause 164A	BASIX certificates	Section 71
Clause 164B	BCA exemption for certain building work	Section 74

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Previous Clause EP&A Regulation 2000	Title of previous clause	Equivalent section in the new Regulation
Clause 164C	Interpretation	Omitted. Relevant definitions have been transferred to the Dictionary.
Fire safety provisions		
Clause 165	Definitions	Dictionary
Clause 166	Statutory fire safety measures	Section 79
Clause 167	Application of part	Omitted. Each new section identifies the application of that provision to certain building types.
Clause 167A	<i>(repealed 31/10/18 by the Building and Development Certifiers Act 2018)</i>	-
Fire safety schedules		
Clause 168	Fire safety schedules	Section 78, 79
Clause 168A	<i>(repealed 20/12/13 by the Environmental Planning and Assessment Amendment (Complying Development and Fire Safety) Regulation 2013)</i>	-
Clause 168B	Fire sprinklers in residential aged care facilities	Omitted. The program under Part 9 Division 7B has been completed and those provisions removed.
Fire safety orders		
Clause 169	Fire safety schedules and fire safety certificates	Section 80
Fire safety certificates		
Clause 170	What is a final fire safety certificate	Section 83

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Previous Clause EP&A Regulation 2000	Title of previous clause	Equivalent section in the new Regulation
Clause 171	Issue of final fire safety certificates	Section 84
Clause 172	Certificates issued to Fire Commissioner and displayed	Section 85
Clause 173	What is an interim fire safety certificate	Section 83
Clause 174	Form of final fire safety certificate	Section 86
Fire safety statements		
Clause 175	What is an annual fire safety statement	Section 88
Clause 176	Issue of annual fire safety statement	Section 88
Clause 177	Statement to be given to Fire Commissioner and displayed in building	Section 89
Clause 178	What is a supplementary fire safety statement	Section 90
Clause 179	Issue of supplementary fire safety statement	Section 90
Clause 180	Supplementary statement to be given to Fire Commissioner and displayed in building	Section 91
Clause 181	Form of fire safety statements	Section 92
Fire safety maintenance		
Clause 182	Essential fire safety measures to be maintained	Section 81
Miscellaneous fire safety offences		
Clause 183	Fire safety notices	Section 108
Clause 184	Fire exits	Section 108, 109
Clause 185	Doors relating to fire exits	Section 109
Clause 186	Paths of travel to fire exits	Section 108, 109
Smoke Alarms		
Clause 186A	Smoke alarms must be installed in buildings	Section 95, 96, 97
Clause 186AA	Smoke alarms must be installed in moveable dwellings	Section 98

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Previous Clause EP&A Regulation 2000	Title of previous clause	Equivalent section in the new Regulation
Clause 186B	Specifications for smoke alarms	Section 90
Clause 186C	Removal or interference with smoke alarms	Section 100
Clause 186D	Development consent to install smoke alarms	Section 101
Clause 186E	Smoke and heat alarms that are essential fire services	Section 102
Clause 186F	Transitional provisions	Omitted.
Clause 186G	Transitional provisions	Omitted.
Fire sprinklers in certain residential aged care facilities		
Clause 186H	Definitions	Omitted.
Clause 186I	Application	Division 7B of Part 9 of the 2000 Regulation (which required the installation of fire sprinklers in residential aged care facilities) was not been replicated in the new Reg because the completion date for installation has passed and the program is complete.
Clause 186J	Requirement to install fire sprinkler systems	
Clause 186K	Nominated completion date	
Clause 186L	Postponement of completion date	
Clause 186M	Accordance with fire Sprinkler Standard	
Clause 186N	Occupation certificates	
Clause 186O	Installation in facilities with 1 March 2016 completion date	
Clause 186P	Notices for facilities without fire sprinkler systems	
Clause 186Q	Implementation committee	
Clause 186R	Applications for CDC and construction certificates	
Combustible Cladding		
Clause 186S	Certain building owners to provide information	Section 103, 104
Clause 186T	Building owner may be directed to provide information	Section 104, 105

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Previous Clause EP&A Regulation 2000	Title of previous clause	Equivalent section in the new Regulation
Clause 186U	Register of buildings with combustible cladding	Section 106
Miscellaneous		
Clause 187	Modification and supplementation of the BCA	Section 115 - 117
Clause 188	Exemption from fire safety standards	Section 111
Clause 189	Fire brigades inspection powers	Section 112
Clause 190	Offences relating to certain Crown property	Omitted. Section 9.35 of the Act limits the issuing of development control orders to certain property of the Crown
Clause 190A	CDCs and CCs for fire sprinkler systems in residential for seniors	Section 113
Clause 190B	Plans and specs for fire safety systems	Section 114
Accreditation of building products and systems		
Clause 224	CodeMark scheme	Section 19, 120
Clause 225	Savings provisions	Omitted.
Development by the Crown		
Clause 226(2) and (3)	Prescribed persons	Section 121
Clause 227	Technical provisions of the State's building laws	Omitted. Section 6.28 of the Act now refers to the BCA.
Supplementary provisions		
Clause 227A	Signs of development sites	Section 75
Fees and charges		

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Previous Clause EP&A Regulation 2000	Title of previous clause	Equivalent section in the new Regulation
Clause 262B	Fee for BASIX certificate	Section 72
Registers and records		
Clause 267A	Records relating to complaints	Section 70
Provisions arising from transfer of provisions from Local Government Act		
Clause 268A	Temporary structures for entertainment venues	Section 76
Clause 268B	<i>(repealed 23/10/09 by the Environmental Planning and Assessment Amendment (Entertainment Venues) Regulation 2009)</i>	-
Miscellaneous		
Clause 284	Penalty notice offences	Schedule 1
Clause 295	Use of the NSW planning portal	Section 122
Schedule 1 Forms		
Clause 6	Documents to accompany application for construction certificate	Section 8, 9, 10
Clause 6A	BASIX certificate required for certain development	Section 10
Clause 6AB	Documents to accompany application for subdivision works certificate	Section 30
Clause 7	Abbreviations for building materials	Section 8
Penalty notice offences		
Schedule 5	Penalty notice offences	Schedule 1

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