



New South Wales

Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017

under the

Environmental Planning and Assessment Act 1979

[The following enacting formula will be included if the Regulation is made:]

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning

Explanatory note

The object of this Regulation is to make further provision with respect to the implementation of the NSW planning portal.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 84A, 105, 157 (the general regulation-making power) and 158E.

Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017 [NSW]

Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000—development control plans and contributions plans

[1] Clause 3 Definitions

Omit “clause 18 (1)” from paragraph (a) of the definition of *relevant submission period* in clause 3 (1).

Insert instead “clause 17 (1)”.

[2] Part 3

Omit the Part. Insert instead:

Part 3 Development control plans

16 Application of Part

This Part applies to development control plans of relevant planning authorities, whether principal plans or plans that amend or revoke other development control plans.

17 Draft development control plan must be publicly exhibited and made available

- (1) Before a draft development control plan is made, the relevant planning authority:
 - (a) must give notice on the NSW planning portal of the draft plan, and
 - (b) must specify in the notice the period (being not less than 28 days) during which submissions about the draft plan may be made to the relevant planning authority, and
 - (c) must exhibit the draft plan on the NSW planning portal for at least the period specified in the notice.
- (2) Printed copies of the draft development control plan, and of any relevant local environmental plan or deemed environmental planning instrument, are to be made available from the relevant planning authority to interested persons on request, either free of charge or on payment of reasonable copying charges.

18 Who may make submissions about a draft development control plan?

Any person may make written submissions to the relevant planning authority or on the NSW planning portal about a draft development control plan during the relevant submission period.

19 Making of development control plans relating to residential apartment development

- (1) A relevant planning authority (if a council) must not make a development control plan containing provisions that apply to residential apartment development unless the council:
 - (a) has referred the provisions of the draft development control plan that relate to design quality to the design review panel (if any) constituted for the council’s local government area (or for 2 or more local government areas that include the council’s area), and
 - (b) has taken into consideration:
 - (i) any comments made by the design review panel concerning those provisions, and

- (ii) the matters specified in Parts 1 and 2 of the Apartment Design Guide.
- (2) This clause extends to a plan the preparation of which commenced before the constitution of the relevant design review panel.

20 Making of development control plans following public exhibition

- (1) After considering any submissions duly made about the draft development control plan, the relevant planning authority may, by publication on the NSW planning portal:
 - (a) make the plan in the form in which it was publicly exhibited, or
 - (b) make the plan with such alterations as the relevant planning authority thinks fit.
- (2) If the relevant planning authority decides not to make the plan, the relevant planning authority is to give notice of its decision, and the reasons for its decision, on the NSW planning portal.

21 Publication of development control plans

- (1) A development control plan:
 - (a) is to be published on the NSW planning portal, and
 - (b) commences on the day on which it is so published or, if a later day is specified in the plan for that purpose, on the later day so specified.
- (2) Subclause (1) does not prevent a development control plan from specifying different days for the commencement of different portions of the plan.
- (3) Neither the whole nor any part of a development control plan is invalid merely because (without statutory authority) the plan is published on the NSW planning portal after the day on which one or more of its provisions is or are expressed to commence. In that case, that or those provisions commence on the day the plan is published on the NSW planning portal, instead of on the earlier day.

22 Additional information requested by relevant planning authority

- (1) If an environmental planning instrument requires or permits a development control plan to be prepared and submitted to the relevant planning authority, the authority may request the owners (as referred to in section 74D of the Act) who are submitting the plan to provide the authority with such additional information as it considers necessary for the purposes of making the plan.
- (2) Any such request is to be in writing.
- (3) The information that the relevant planning authority may request is limited to information relating to any relevant matter under an environmental planning instrument.
- (4) In accordance with section 74D (6) of the Act, the 60-day period referred to in section 74D (5) of the Act may be extended by the number of days from the day on which the request for the information was made until the day on which the information is provided or on which the owners refuse to supply the information (whichever is the sooner).
- (5) If the owners refuse to supply the requested information, the development control plan is taken not to have been submitted to the relevant planning authority.

23 Assessment and preparation fees

- (1) If a draft development control plan under section 74D of the Act is prepared (and submitted to the relevant planning authority) by the owners of the land to which it applies, the owners must pay the authority an assessment fee as determined by the authority.
- (2) If any such draft development control plan is prepared by the relevant planning authority at the request of the owners (or the percentage of the owners as referred in section 74D (3) of the Act), those owners must pay the authority a preparation fee as determined by the authority.
- (3) Any such assessment or preparation fee must not exceed the reasonable cost, to the relevant planning authority, of assessing or preparing the draft development control plan, carrying out any associated studies and publicly exhibiting the draft plan.
- (4) If there is more than one owner of the land to which the draft development control plan applies, the fee concerned is to be apportioned between them as the relevant planning authority determines.
- (5) If the Minister, in accordance with section 74D (5) (b) of the Act, acts in the place of a council to make the development control plan concerned, the council must, if directed by the Minister to do so, forward to the Minister any assessment or preparation fee that has been paid to the council in relation to that plan.

24 Amendment or revocation of development control plan at Minister's direction

- (1) This clause applies if the Minister directs a council under section 74F of the Act to make a development control plan that:
 - (a) revokes a development control plan, or
 - (b) amends a development control plan and the direction specifies that the amending plan is not required to be exhibited.
- (2) This Part, except clauses 17 (1), 19 and 20, applies to a development control plan made under this clause.

[3] Part 4, Division 1C, heading

Omit the heading. Insert instead:

Division 1C Contributions plans

[4] Clause 25L

Insert before clause 26:

25L Application of Division

This Division applies to contributions plans, whether principal plans or plans that amend or repeal other contributions plans.

[5] Clause 26 In what form must a contributions plan be made?

Omit “prepared” from clause 26 (1). Insert instead “made”.

[6] Clause 26 (3)

Omit “approve”. Insert instead “make”.

public exhibition draft

Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017 [NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000—development control plans and contributions plans

[7] Part 4, Division 2, heading

Omit the heading.

[8] Clause 28

Omit clauses 28 and 29. Insert instead:

28 Draft contributions plan must be publicly exhibited

Before a draft contributions plan is made, the council:

- (a) must give notice on the NSW planning portal of the draft plan, and
- (b) must specify in the notice the period (being not less than 28 days) during which submissions about the draft plan may be made to the council, and
- (c) must exhibit the draft plan on the NSW planning portal for at least the period specified in the notice.

[9] Part 4, Division 3, heading

Omit the heading.

[10] Clauses 31 and 31A

Omit clause 31. Insert instead:

31 Making of contributions plans

- (1) After considering any submissions duly made about the draft contributions plan, the council may, by publication on the NSW planning portal:
 - (a) make the plan in the form in which it was publicly exhibited, or
 - (b) make the plan with such alterations as the council thinks fit.
- (2) If the council decides not to make the plan, the council is to give notice of its decision, and the reasons for its decision, on the NSW planning portal.

31A Publication of contributions plans

- (1) A contributions plan:
 - (a) is to be published on the NSW planning portal, and
 - (b) commences on the day on which it is so published or, if a later day is specified in the plan for that purpose, on the later day so specified.
- (2) Subclause (1) does not prevent a contributions plan from specifying different days for the commencement of different portions of the plan.
- (3) Neither the whole nor any part of a contributions plan is invalid merely because (without statutory authority) the plan is published on the NSW planning portal after the day on which one or more of its provisions is or are expressed to commence. In that case, that or those provisions commence on the day the plan is published on the NSW planning portal, instead of on the earlier day.

[11] Part 4, Division 4, heading

Omit the heading.

[12] Clauses 32 and 33

Omit the clauses.

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Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017 [NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000—development
control plans and contributions plans

[13] Clause 37 Councils must keep certain records available for public inspection

Insert “(unless published on the NSW planning portal)” after “contributions plans” in clause 37 (1) (a).

[14] Clause 38 Copies of contributions plans to be publicly available

Omit the clause.

Schedule 2 Amendment of Environmental Planning and Assessment Regulation 2000—authorised forms

[1] Clause 47A

Insert after clause 47:

47A Authorised development application form

- (1) The Secretary is to determine the form of a development application (the *authorised development application form*).
- (2) If the Secretary varies the authorised development application form, the variation does not affect a development application that has already been lodged.

[2] Clause 48 Provision of scale of fees and application forms

Omit clause 48 (c) and “and” at the end of clause 48 (b).

[3] Clause 48 (2)

Insert at the end of clause 48:

- (2) The authorised development application form is to be made available on the NSW planning portal. Blank copies of the authorised development application form are to be made available by a consent authority to proposed applicants on request.

Note. A copy of the form is contained in the document entitled Secretary's Requirements and may be downloaded from the NSW planning portal or made available by a consent authority in hard-copy form to proposed applicants on request.

[4] Clause 49 Persons who can make development applications

Omit “in writing” wherever occurring in clause 49 (1) (b), (2) and (3).

[5] Clause 49 (4A)

Insert after clause 49 (4):

- (4A) The consent of an owner or other person under this clause is not required to be in writing.

[6] Clause 50 How must a development application be made?

Omit clause 50 (1). Insert instead:

- (1) A development application:
 - (a) must be in the authorised development application form, and
 - (b) does not require the signature or seal of the applicant or other person consenting to the application, but must include a statement that the applicant is authorised to make the application and has obtained all necessary consents under clause 49 to make the application, and
 - (c) must contain the information, and be accompanied by the documents, specified in the authorised development application form (including information or documents required by the Act or this Regulation), and
 - (d) must be accompanied by the fee, not exceeding the fee prescribed by Part 15, determined by the Secretary on the NSW planning portal or by the consent authority, and
 - (e) must be:

- (i) lodged on the NSW planning portal, or
- (ii) delivered by hand, sent by post or transmitted electronically (but not by facsimile transmission) to the principal office of the consent authority.

A development application that is lodged on the NSW planning portal is only so lodged when an email or other electronic communication is sent to the applicant that acknowledges that the application has been so lodged.

[7] Clause 50 (1C) and (1D)

Insert after clause 50 (1B):

- (1C) In addition to the documents required by the authorised development application form, a development application for any BASIX affected development must also be accompanied by a BASIX certificate or BASIX certificates for the development, being a BASIX certificate or BASIX certificates that has or have been issued no earlier than 3 months before the date on which the application is made.
- (1D) If the proposed development involves the alteration, enlargement or extension of a BASIX affected building that contains more than one dwelling, a separate BASIX certificate is required for each dwelling concerned.

[8] Clause 50 (3)

Omit the subclause. Insert instead:

- (3) When a development application is lodged:
 - (a) the application is to be registered with a distinctive number, and
 - (b) the application must be endorsed with its registered number and the date it was lodged, and
 - (c) the applicant is to be notified of the registration number and the date the application was lodged, and
 - (d) if the applicant is not the land owner, the land owner is to be notified of the registration number and the date the application was lodged.

[9] Clause 50 (8)

Insert after clause 50 (7):

- (8) In the case of State significant development, a development application must:
 - (a) contain the following information:
 - (i) a list of any authorisations that must be provided under section 89K of the Act in relation to the development,
 - (ii) the capital investment value of the development, and
 - (b) be accompanied by an environmental impact statement.

[10] Clause 51 Rejection of development applications

Omit clause 51 (1) (b). Insert instead:

- (b) the application does not contain all of the required information or is not accompanied by all of the required documents specified in the authorised development application form (including information or documents required by the Act or this Regulation), or

[11] Clause 51 (4) and (4A)

Omit clause 51 (4). Insert instead:

- (4) The consent authority may (but is not required to) refund to the applicant the whole or any part of any application fee paid in connection with an application that is rejected under this clause.
- (4A) The consent authority must notify the applicant in writing of the reasons for the rejection of the application.

[12] Clause 54 Consent authority may request additional information

Insert after clause 54 (3):

- (3A) The information that a consent authority may request includes evidence of any consent of the Crown under clause 49 (3).

[13] Clause 55A Amendments with respect to BASIX commitments

Omit “clause 2A of Schedule 1” wherever occurring in clause 55A (1).

Insert instead “clause 50 (1C)”.

[14] Clause 55A (4)

Omit “pursuant to clause 2 of Schedule 1”.

Insert instead “specified in the authorised development application form”.

[15] Clause 56 Extracts of development applications to be publicly available

Omit clause 56 (2). Insert instead:

- (2) Extracts of a development application relating to the erection of a building sufficient to identify the applicant and the land to which the application relates are to be made available on the NSW planning portal.

[16] Clause 87 How must a development application be publicly notified?

Insert “or on the NSW planning portal” after “with the consent authority”.

[17] Clause 97A Fulfilment of BASIX commitments

Omit “clause 2A of Schedule 1” from clause 97A (1) (b). Insert instead “clause 50 (1C)”.

[18] Clause 102 How soon must a notice of determination be sent?

Insert after clause 102 (1):

- (1A) The consent authority may, but need not, publish the notice of determination on the NSW planning portal.

[19] Clauses 107, 108 (2) (b), 109 (2), 111 (1) and 113 (2) (a)

Insert “or on the NSW planning portal” after “with the consent authority” wherever occurring.

[20] Clause 108 Days prior to referral of application to other bodies to be disregarded

Insert “or on the NSW planning portal” after “with a consent authority” in clause 108 (2).

[21] Clause 115 Application for modification of development consent

Omit “statement signed by the owner of the land to the effect” from clause 115 (1) (h).

Insert instead “statement”.

[22] Clause 115 (1)

Omit “and, if the consent authority so requires, must be in the form approved by that authority” from clause 115 (1).

Insert instead “and be in the form determined by the Secretary (the *authorised modification of development consent application form*) and contain the information, and be accompanied by the documents, specified in the authorised modification of development consent application form (including information or documents required by the Act or this Regulation)”.

[23] Clause 115 (1A)–(1E)

Insert after clause 115 (1):

- (1A) The authorised modification of development consent application form is to be made available on the NSW planning portal. Blank copies of the authorised modification of development consent application form are to be made available by a relevant consent authority to proposed applicants on request.
Note. A copy of the form is contained in the document entitled Secretary’s Requirements and may be downloaded from the NSW planning portal or made available by a consent authority in hard-copy form to proposed applicants on request.
- (1B) If the Secretary varies the authorised modification of development consent application form, the variation does not affect an application for modification of a development consent that has already been lodged.
- (1C) An application for the modification of a development consent granted by the consent authority must be:
 - (a) lodged on the NSW planning portal, or
 - (b) delivered by hand, sent by post or transmitted electronically (but not by facsimile transmission) to the principal office of the consent authority.
- (1D) An application for the modification of a development consent granted by the Court is not to be lodged with the Court, but with the consent authority that dealt with the original development application from which that consent arose or on the NSW planning portal.
- (1E) An application for the modification of a development consent that is lodged on the NSW planning portal is only so lodged when an email or other electronic communication is sent to the applicant that acknowledges that the application has been so lodged.

[24] Clause 115 (6)

Omit “clause 2A of Schedule 1”. Insert instead “clause 50 (1C)”.

[25] Clause 115 (8A)

Insert after clause 115 (8):

- (8A) The consent of the New South Wales Aboriginal Land Council under subclause (8) or the land owner under subclause (1) (h) is not required to be in writing.

[26] Clause 116 Modification of consent granted by Court

Omit the clause.

[27] Clause 123G

Omit the clause. Insert instead:

123G Review of determination of development application

- (1) The Secretary is to determine the form of an application to review a determination under section 82A of the Act. If the Secretary varies the authorised review of determination application form, the variation does not affect an application that has already been lodged.

Note. A copy of the form is contained in the document entitled Secretary's Requirements and may be downloaded from the NSW planning portal or made available by a consent authority in hard-copy form to proposed applicants on request.

- (2) A council must give written notice to an applicant of the result of a review under section 82A of the Act as soon as practicable after the review is determined.

[28] Clause 125A

Insert after clause 125:

125A Authorised complying development certificate application form

- (1) The Secretary is to determine the form of a complying development certificate application (the *authorised complying development certificate application form*).
- (2) If the Secretary varies the authorised complying development certificate application form, the variation does not affect a complying development certificate application that has already been lodged.

[29] Clause 126 How must an application for a complying development certificate be made?

Omit clause 126 (1) and (2). Insert instead:

- (1) An application for a complying development certificate:
- (a) must be in the authorised complying development certificate application form, and
 - (b) does not require the signature or seal of the applicant or other person consenting to the application, but must include a statement that the applicant is authorised to make the application, and
 - (c) must contain the information, and be accompanied by the documents, specified in the authorised complying development certificate application form (including information or documents required by the Act or this Regulation), and
 - (d) must be:
 - (i) lodged on the NSW planning portal, or
 - (ii) delivered by hand, sent by post or transmitted electronically (but not by facsimile transmission) to the principal office of the consent authority.

A complying development certificate application that is lodged on the NSW planning portal is only so lodged when an email or other electronic communication is sent to the applicant that acknowledges that the application has been so lodged.

- (2) When an application is lodged:
- (a) the application is to be registered with a distinctive number, and

- (b) the application must be endorsed with its registered number and the date it was lodged, and
- (c) the applicant is to be notified of the registration number and the date the application was lodged, and
- (d) if the applicant is not the land owner, the land owner is to be notified of the registration number and the date the application was lodged.

[30] Clause 126 (3A) and (3B)

Insert after clause 126 (3):

- (3A) In addition to the documents required by the authorised complying development certificate application form, an application for a complying development certificate for any BASIX affected development must also be accompanied by a BASIX certificate or BASIX certificates for the development, being a BASIX certificate or BASIX certificates that has or have been issued no earlier than 3 months before the date on which the application is made.
- (3B) If the proposed development involves the alteration, enlargement or extension of a BASIX affected building that contains more than one dwelling, a separate BASIX certificate is required for each dwelling concerned.

[31] Clause 128

Omit the clause. Insert instead:

128 Provision of authorised complying development certificate application forms

The authorised complying development certificate application form is to be made available on the NSW planning portal. Blank copies of the authorised complying development certificate application form are to be made available by a relevant consent authority or accredited certifier to proposed applicants on request.

Note. A copy of the form is contained in the document entitled Secretary's Requirements and may be downloaded from the NSW planning portal or made available by a consent authority or accredited certifier in hard-copy form to proposed applicants on request.

[32] Clause 129A Amendments with respect to BASIX commitments

Omit “clause 4A of Schedule 1” wherever occurring in clause 129A (1).

Insert instead “clause 126 (3A)”.

[33] Clause 129A (4)

Omit “pursuant to clause 4 of Schedule 1”.

Insert instead “specified in the authorised complying development certificate application form”.

[34] Clause 129E

Insert after clause 129D:

129E Application form to modify complying development

- (1) The Secretary is to determine the form of an application under section 87 of the Act to modify the development the subject of a complying development

certificate or application. If the Secretary varies the form, the variation does not affect an application that has already been lodged.

Note. A copy of the form is contained in the document entitled Secretary's Requirements and may be downloaded from the NSW planning portal or made available by a consent authority in hard-copy form to proposed applicants on request.

- (2) This Part applies to an application to modify complying development in the same way as it applies to the original application.

[35] Clause 136D Fulfilment of BASIX commitments

Omit “clause 4A of Schedule 1” from clause 136D (1) (b). Insert instead “clause 126 (3A)”.

[36] Clause 136I Traffic generating development

Omit “as referred to in clause 4 (1) (k) of Schedule 1”.

Insert instead “as specified in the authorised complying development certificate application form”.

[37] Clause 136J Development on contaminated land

Omit “as referred to in clause 4 (1) (l) of Schedule 1” from clause 136J (1).

Insert instead “as specified in the authorised complying development certificate application form”.

[38] Clause 138A

Insert before clause 139:

138A Authorised construction certificate application form

- (1) The Secretary is to determine the form of a construction certificate application (the *authorised construction certificate application form*).
- (2) If the Secretary varies the authorised construction certificate application form, the variation does not affect a construction certificate application that has already been lodged.

[39] Clause 139 Applications for construction certificates

Omit clause 139 (1). Insert instead:

- (1) An application for a construction certificate:
 - (a) must be in the authorised construction certificate application form, and
 - (b) does not require the signature or seal of the applicant or other person consenting to the application, but must include a statement that the applicant is authorised to make the application, and
 - (c) must contain the information, and be accompanied by the documents, specified in the authorised construction certificate application form (including information or documents required by the Act or this Regulation), and
 - (d) must be:
 - (i) lodged on the NSW planning portal, or
 - (ii) delivered by hand, sent by post or transmitted electronically (but not by facsimile transmission) to the principal office of the certifying authority.

A construction certificate application that is lodged on the NSW planning portal is only so lodged when an email or other electronic communication is sent to the applicant that acknowledges that the application has been so lodged.

[40] Clause 139AA

Insert after clause 139:

139AA BASIX certificate required for certain development

- (1) This clause applies to:
 - (a) BASIX affected development, and
 - (b) BASIX optional development in relation to which a person made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 50 for it to be so accompanied).
- (2) In addition to the documents required by the authorised construction certificate application form, an application for a construction certificate for any development to which this clause applies must also be accompanied by a BASIX certificate or BASIX certificates for the development, being either the BASIX certificate applicable to the development when the relevant development consent was granted or some other BASIX certificate or BASIX certificates that has or have been issued no earlier than 3 months before the date on which the application is made.
- (3) If the proposed development involves the alteration, enlargement or extension of a BASIX affected building that contains more than one dwelling, a separate BASIX certificate is required for each dwelling concerned.

[41] Clause 141

Omit the clause. Insert instead:

141 Provision of authorised construction certificate application forms

The authorised construction certificate application form is to be made available on the NSW planning portal. Blank copies of the authorised construction certificate application form are to be made available by a relevant certifying authority to proposed applicants on request.

Note. A copy of the form is contained in the document entitled Secretary's Requirements and may be downloaded from the NSW planning portal or made available by a consent authority in hard-copy form to proposed applicants on request.

[42] Clause 164A BASIX certificates

Omit the note to clause 164A (3A).

[43] Clause 164A (5)

Omit “pursuant to clause 2, 4 or 6 of Schedule 1” from the definition of *accompanying document*.

Insert instead “specified in the authorised development application form, authorised complying development certificate application form or authorised construction certificate application form”.

[44] Clause 165 Definitions

Omit “and Schedule 1”.

[45] Clause 246B Fee for development application

Insert after clause 246B (2):

- (2A) The estimated cost of a development must be estimated in accordance with the calculator determined by the Secretary and published on the NSW planning portal.

[46] Clause 256

Omit the clause. Insert instead:

256 Determination of fees after development applications have been made

- (1) The determination of a fee to accompany a development application must be made before, or within 14 days after, the application is lodged.
- (2) A determination of fees made after the lodging of a development application is to include any fees that are required under this Part that were not paid at the time the application was lodged.
- (3) Any determination of fees made after the lodging of a development application has no effect until notice of the determination is given to the applicant.
- (4) A consent authority may refuse to consider a development application for which a fee has been duly determined and notified to the applicant but remains unpaid.

[47] Clause 256A Proportion of development application fees allocated to Secretary

Omit “with a consent authority” from clause 256A (1).

[48] Clause 256A (2) (a)

Omit “with it”.

[49] Clause 256A (3)

Insert after clause 256A (2):

- (3) If a fee for a development application is paid on the NSW planning portal, the Secretary may retain the amount calculated under subclause (1) at the time the fee is paid. If the Secretary retains such an amount, subclause (2) does not apply in relation to that development application.

[50] Clause 256E Determination of fees after application is made

Omit “with the consent authority” from clause 256E (1).

[51] Clause 263 Other fees

Omit “with it of any of the following certificates” from clause 263 (2).

Insert instead “of any of the following certificates with the consent authority or council or on the NSW planning portal”.

[52] Clause 263 (2A)

Insert after clause 263 (2):

- (2A) A consent authority or council may refuse to consider an application for a complying development certificate for which the fee remains unpaid.

[53] Schedule 1 Forms

Omit the Schedule.

[54] Schedule 7 Savings and transitional provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering:

Part Provision consequent on making of Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017

Phasing in of new application forms

- (1) Despite amendments made by the *Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017*, the consent authority or certifying authority, as the case requires, may require any of the following applications to be made in accordance with this Regulation as if those amendments had not been made:
 - (a) a development application,
 - (b) an application to modify development consent under section 96 or 96AA of the Act,
 - (c) an application to review a determination under section 82A of the Act,
 - (d) an application for a construction certificate.
- (2) Despite amendments made by the *Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017*, an application for a complying development certificate must be made in accordance with this Regulation as if those amendments had not been made.
- (3) This clause ceases to have effect on the date specified by the Minister in an order published in the Gazette.
- (4) An order under subclause (3) may, without limitation, apply to all councils or a particular council.