

# ePlanning Amendment Regulation 2017

## Frequently Asked Questions for councils

February 2017

### What is the ePlanning Amendment Regulation 2017?

- Currently, there are many variations in document requirements for development applications, which can cause delays in preparing and determining applications.
- Changes are proposed to the *Environmental Planning and Assessment Regulation 2000* to make it faster and easier to lodge and track applications by introducing standards for online submission and lodgement. These changes are addressed in the Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017.

### What are the key changes proposed?

Key changes include:

- standardising the documents required to lodge applications for development
- replacing written consent with legally enforced declarations by applicants that they have permission from land owners to submit a development application, which will save time when preparing and determining applications
- introducing new requirements for making and exhibiting **Development Control Plans** and Contribution Plans (financial contributions from developers towards infrastructure costs).

### What are the benefits of lodging applications for development via the NSW Planning Portal and introducing standard application forms and consistent minimum submission requirements?

- Introduction of consistent minimum requirements and standard application forms will improve the quality of applications and reduce unnecessary delays caused by poorly completed applications with missing documentation.
- The NSW Planning Portal will provide applicants with additional contextual guidance to support them through the application process. This means councils can be assured that applications received online are of high quality and in a decision-ready format, and can spend more of their time focusing on assessing development proposals.

### How will application fees be paid to councils?

- All fee payments will be made through the Portal Payment Gateway. All fee payments received through the Portal Payment Gateway will be paid into a clearing account owned and operated by the Department of Planning and Environment.
- The Department will distribute the application fee payable, other fees and charges levied by council and GST where applicable to the nominated account of the council. Electronic payments made to nominated council bank accounts will include metadata comprising: a unique portal reference number, payment reference, payment amount and payment date.
- The Department will distribute the fee payable for development applications to the nominated account of the council on Wednesday of each week, for all application fee payments received in the preceding seven calendar days.

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### How is the land owner's consent verified?

- The signature of a land owner will no longer be required when submitting an application for development. In place of a signature, the applicant will be required to make a declaration stating that they are either the land owner, or that they have permission from the land owner to lodge the application on their behalf.
- The applicant will also be required to identify the land owner and provide the relevant contact details.
- If the applicant is not the land owner, the land owner(s) will be notified of the registration number and the date the application was lodged.

### Are sufficient arrangements in place to enable councils to transition to online lodgement via the Planning Portal?

- Yes. Transitional arrangements have been put in place for councils to phase in use of the new application forms and online lodgement.
- The duration of the transitional period will be determined by the Minister for Planning.
- During the transitional period councils will have the option to continue to accept applications submitted on their existing application forms.
- While transitional arrangements will be in place initially, the Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017 makes provision for online lodgement via the Planning Portal using the standard forms prescribed in the Secretary's Requirements for online lodgement, to have effect on the date specified by the Minister for Planning in an order published in the Gazette.
- Councils are encouraged to direct applicants to the NSW Planning Portal and use the standard forms prescribed in the Secretary's Requirements to ensure a smooth transition to online lodgement as soon as practicable.
- The Department's eBusiness team will provide help and support to users of the NSW Planning Portal and assist councils during the transition period.

### Can the NSW Planning Portal be used to check whether or not complying development can be undertaken on the land?

- Yes. Applicants will be required to select a property address on the NSW Planning Portal before opting to lodge an application. If any land-based constraints are identified that prohibit complying development it will not be possible to lodge an application online.
- Councils, applicants, certifiers, builders and architects will also be able to use the investigation module to check for any land-based constraints.
- While every effort is made to ensure the accuracy of the data on the NSW Planning Portal, applicants and certifiers are advised to obtain an s149 certificate prior to lodging an application.

### Can a council still require a document that is not specified as a minimum requirement in the Secretary's Requirements?

- Yes – the minimum submission requirements operate on the 80/20 principle. That is to say that the vast majority of applications received via the NSW Planning Portal in accordance with the Secretary's

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Requirements should contain enough information for assessment to begin with no further information required.

- However, it is understood that from time to time additional information may be required by the consent authority during the course of the assessment process.

### When complying development certificate applications are lodged on the NSW Planning Portal will councils be able to view the plans?

- The Planning Portal will provide functionality to submit and lodge complying development certificates. This functionality will be phased in as part of the rollout of online submission and lodgement services, and will have effect on the date specified by the Minister for Planning in an order published in the Gazette.
- All applications and accompanying documentation lodged on the Planning Portal will be publicly available.

### What spatial data is contained in the Planning Database?

- The Planning Database holds a comprehensive collection of environmental and planning spatial datasets for which the Department is the legal custodian. These include:
  - *Land application*
  - *Land zoning*
  - *Minimum subdivision lot size*
  - *Height of buildings*
  - *Floor space ratio*
  - *Land reservation acquisition*
  - *Heritage conservation*
  - *Future Residential Growth Area*
  - *SEPP 14 Coastal wetlands protected areas*
  - *SEPP 26 Littoral rainforest protected*
  - *SEPP 71 Coastal protection*
  - *SEPP (Major Development) 2005*
  - *Strategic Agricultural Land – Biophysical*
  - *Strategic Agricultural Land – Equine*
  - *Strategic Agricultural Land – Viticulture*
- The Planning Database also consumes web map services from other NSW Government Agencies and Departments for spatial data for which the Department is not legal custodian.

### How do I comment on the proposal?

- Submissions on the Exhibition of the Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017 will close on 15 March 2017.
- You can make a submission by:
  - responding online at: [www.planningportal.nsw.gov.au/publications/on-exhibition](http://www.planningportal.nsw.gov.au/publications/on-exhibition)
  - by mail to:

Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

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- All submissions will be made public in line with the Department's objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. Before making a submission, please read our privacy statement at: [www.planning.nsw.gov.au/privacy](http://www.planning.nsw.gov.au/privacy)

### Where can I find out more?

- Call our Information Centre on 1300 305 695.
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)