

ePlanning Amendment Regulation 2017

○ Frequently Asked Questions for private certifiers

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 complying development certificate (CDC) applications 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 Planning Portal will provide applicants with contextual help and guidance to support them through the application process. This means certifiers can be assured that applications received online are of high quality and in a decision-ready format. Certifiers can spend more of their time focusing on assessing the application.
- The Planning Portal will provide visibility and transparency to all complying development proposals for neighbouring property owners and residents.

Will the Planning Portal function as a marketplace for the services of certifiers whereby applicants could obtain multiple quotes?

- No. The Planning Portal will not function as a marketplace for the services of certifiers whereby applicants could obtain multiple quotes. Applicants will only be able to identify one certifier as the principal certifying authority.

Will certifiers be able to assist applicants in lodging complying development application forms via the Planning Portal?

- Yes. Certifiers will be able to assist applicants with lodging CDCs via the Planning Portal.

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- The person having the benefit of a CDC for development must appoint a principal certifying authority in respect of building work involved in the development and a principal certifying authority in respect of subdivision work involved in the development.
- The person having the benefit of a CDC for development may appoint the same principal certifying authority for both types of work or different certifying authorities.

Will the Planning Portal provide the data completed on the online forms in a format which can be seamlessly integrated into certifiers case management systems?

- Yes. Certifiers will be able to download the data provided on the online CDC forms in a format that can be seamlessly integrated into their case management systems (machine readable code) without the need to re-enter or double handle any application.

Are sufficient arrangements in place to enable certifiers to transition to online lodgement via the Portal?

- Yes – It is intended that the changes proposed to the Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017 (the Regulation) will be introduced gradually. Certifiers can continue to CDC applications made on (i) their existing application forms under the existing provisions or (ii) on the new standard application forms prescribed in the Regulation. The duration of the transitional period will be determined by the Minister for Planning.
- If a CDC application is lodged through the Planning Portal, the provisions of the Regulation will apply.

Will the Planning Portal allow certifiers and applicants to investigate whether complying development is an assessment option for a specified property or lot?

- Yes – The Planning Portal will provide an investigation module that will allow a certifier or applicant to enter a property address or lot/deposited plan, specify the nature of the development proposal and be advised of the assessment options available on the specified site.

How will the Planning Portal allow an applicant to identify a certifier as the principal certifying authority (PCA)?

- Online submission and lodgement services for complying development certificates and construction certificates requires the applicant to appoint a PCA.
- The Planning Portal will provide functionality for the applicant to appoint either an accredited private certifier or an accredited certifier in the local council to this role.
- If an applicant chooses to appoint an accredited private certifier, they will be presented with options to:
 - enter the Building Professionals Board reference number of an accredited private certifier; or
 - type the name of an accredited certifier into a PCA field provided. This field will use fuzzy logic that is similar to the functionality provided for typing an address when ordering goods online. Applicants will be prompted with the details of all accredited certifiers that match the characters typed into the PCA field; or
 - select an accredited certifier from the register of accredited private certifiers maintained on the Planning Portal.

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Will the Planning Portal provide functionality for certifiers to record mandatory site inspections for Part 4A certificates (occupation certificates)?

- Yes. The Planning Portal will provide functionality for certifiers to record mandatory site inspections for occupation certificates.

When will the Planning Portal provide functionality for certifiers to record mandatory site inspections for Part 4A certificates (occupation certificates)?

- Functionality for certifiers to record mandatory site inspections for Part 4A certificates (occupation certificates) will be rolled out from June 2017.

Will the Planning Portal provide functionality for certifiers to upload complying development certificates?

- Yes. The Planning Portal will provide functionality for certifiers to upload complying development certificates.

Where will CDCs be stored after they have been uploaded to the Planning Portal?

- CDCs will be stored against a property address in the Register of Consents, which is a key component of the Planning Database.

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
 - by mail to:

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

- 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

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.