

# ePlanning Amendment Regulation 2017

## ○ Frequently Asked Questions for State agencies

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).

### How will concurrences fees be paid to State agencies?

- As part of the online lodgement of development applications, proponents will be presented with a statement of transactions fee which will include:
  - a development application fee
  - other statutory application fees and charges including GST where applicable
  - concurrence fees
  - other fees and charges levied by the council, including GST where applicable.
- All fee payments will be made through the Portal Payment Gateway. All fees 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 approval fee payable for applications for integrated development to the nominated account of the approval body and will include metadata comprising:
  - unique portal reference number
  - payment reference
  - payment amount
  - payment date.
- The Department will distribute the concurrence fee payable for development applications requiring concurrence to the nominated account of the concurrence authority on Wednesday of each week, for all concurrence fee payments received in the preceding seven calendar days.

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### Will State agencies still need to complete their reports for the Department or will the information be sourced directly from the Planning Portal?

- State agencies will still be required to provide councils with General Terms of Approval (GTA) or reasons for refusal. The GTA and reasons for refusal will be uploaded directly to the Planning Portal, which will notify councils when the determination has been provided.

### Will submissions received during the notification/advertising period for a development application be visible through the Planning Portal?

- No. Submissions received during the notification/advertising period are stored within council property information systems and will not be made available through the Planning Portal. Councils will continue to provide the submissions directly to the State agencies.

### Will the Planning Portal generate an email notification to State agencies when a concurrence has been added to their electronic work queue? Will the email be sent to an individual or to a central agency email address?

- The Planning Portal will auto generate an email notification to State agencies when a concurrence has been added to their electronic work queue. Emails will be sent to a central agency email address.

### What is the default fee for concurrences? Can this fee be overridden?

- The maximum concurrence fee payable to a State agency is \$320 or such lesser amount as is notified to the consent authority in writing by the concurrence authority, whether generally, in relation to that application or in relation to a class of development applications to which that application belongs.
- The Planning Portal will maintain the fee payable to each State agency. This fee will be applied when a concurrence is added to the electronic work queue for the State agency.
- The role of councils in reviewing the submission received from the applicant includes reviewing the concurrences and referrals identified by the Planning Portal. Where appropriate, this will also include liaising with State agencies in respect of the fee to be charged for concurrences.
- The Planning Portal will provide functionality for councils to reduce the fee paid for concurrences to State agencies on an application by application basis.

### If the Portal is unavailable, what happens to a concurrence or referral in progress?

- The Planning Portal has been built as a 'cloud' based solution. The Department has implemented a disaster recovery strategy which involves the provision of a disaster recovery site.
- Extensive disaster recovery testing has been completed and has verified that the entire Planning Portal can be reinstated in eight minutes. In the event of a disaster recovery, all concurrences and referrals in progress will be reinstated and business will continue.

### 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:

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- 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.

### Will the Planning Portal generate an email to State agencies notifying them of a new concurrence or referral?

- Yes. State agencies will receive an email alert (to a centrally monitored mailbox) that a new concurrence or referral has been added to their electronic work queue.

### What documents will be available to State agencies and what is considered public or private documentation?

- All documentation provided with a development application will be available to State agencies. Councils will decide which documents will be publicly available and which will be classed as private (only available to applicant, council and State agencies).

### 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

- 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)

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## 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)