



New South Wales

Environmental Planning and Assessment Amendment (Planning Portal) Regulation 2021

under the

Environmental Planning and Assessment Act 1979

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

ROB STOKES, MP
Minister for Planning and Public Spaces

Explanatory note

The object of this Regulation is to make further provision for the use of the NSW planning portal, including by providing for the fees to be paid for the use of the portal.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.10, 4.18, 4.64, 6.33, 7.10, 7.44 and 10.13 (the general regulation-making power) and clause 3 of Schedule 3.

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Planning Portal) Regulation 2021*.

2 Commencement

- (1) This Regulation commences on the day on which it is published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 1[2], to the extent that it inserts clause 25B(1)(d), [7]–[9] and [12] commence on 1 July 2021.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

- [1] Whole Regulation (except where otherwise amended by this Schedule)**
Omit “building certificate” wherever occurring.
Insert instead “building information certificate”.
- [2] Clause 25B Form and subject-matter of planning agreements**
Insert at the end of clause 25B(1)(b)—
 , and
 (c) be lodged on the NSW planning portal, and
 (d) be accompanied by the fee prescribed under clause 263B.
- [3] Clause 51 Rejection of development applications**
Insert “by means of the NSW planning portal” after “approval body of the rejection” in clause 51(5).
- [4] Clause 52 Withdrawal of development applications**
Insert “by means of the NSW planning portal” after “approval body of the withdrawal” in clause 52(4).
- [5] Clause 102 How soon must a notice of determination be sent?**
Insert “publish or” after “Failure to” in clause 102(3).
- [6] Clause 114 What is the form for an application for extension of a development consent?**
Omit clause 114(2). Insert instead—
 (2) The application must be lodged on the NSW planning portal.
- [7] Clause 144 Referral of certain plans and specifications to New South Wales Fire Brigades**
Omit clause 144(8B). Insert instead—
 (8B) A certifier or the Fire Commissioner must provide a document, information or notice required under this clause by means of the NSW planning portal.
- [8] Clause 152 Reports of Fire Commissioner**
Omit clause 152(5B). Insert instead—
 (5B) A certifier or the Fire Commissioner must provide a document, information or notice required under this clause by means of the NSW planning portal.
- [9] Clause 152A Reports of the Fire Commissioner for class 2 or 3 buildings containing certain fire safety systems**
Omit clause 152A(6A). Insert instead—
 (6A) A certifier or the Fire Commissioner must provide a document, information or notice required under this clause by means of the NSW planning portal.
- [10] Clause 256 Determination of fees for development applications**
Omit “the application is lodged on the NSW planning portal” from clause 256(1).

Insert instead “the consent authority receives the application”.

[11] Clause 256E Determination of fees

Omit “the application is lodged on the NSW planning portal” from clause 256E(1).

Insert instead “the consent authority receives the application”.

[12] Clause 263B

Insert after clause 263A—

263B Additional fees for use of NSW planning portal

- (1) A fee of \$40 is payable for the use of the NSW planning portal to lodge an application for the following—
 - (a) modification of a development consent under section 4.55 or 4.56 of the Act,
 - (b) a site compatibility certificate,
 - (c) a construction certificate,
 - (d) a subdivision works certificate,
 - (e) an occupation certificate,
 - (f) a subdivision certificate,
 - (g) a building information certificate.
- (2) A fee of \$5 is payable for the use of the NSW planning portal to lodge the following—
 - (a) a review of a determination under section 8.3 of the Act,
 - (b) the lodgement of a planning agreement under clause 25B(1),
 - (c) an application for a BASIX certificate under clause 164A,
 - (d) the lodgement of a certificate referred to in clause 263(2).
- (3) A fee of \$5 is payable for the use of the NSW planning portal to pay a monetary contribution or levy under Division 7.1 of the Act.

[13] Clause 280

Insert after clause 280(2)—

- (2A) An application must be lodged on the NSW planning portal.

[14] Clause 281, heading

Omit the heading. Insert instead—

281 Form and issue of building information certificate

[15] Clause 281(2)

Insert at the end of the clause—

- (2) The building information certificate must be issued to an applicant by means of the NSW planning portal.

[16] Schedule 3 Designated development

Omit clause 19(2)(a). Insert instead—

- (a) extractive industries on land to which *Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme* applies, or

- (a1) extractive industries on land in the Western Division, within the meaning of the *Crown Land Management Act 2016*, or

[17] Schedule 6 Special provisions relating to ski resort areas

Omit “building certificates” from clause 11(22).

Insert instead “a building information certificate”.