



New South Wales

Environmental Planning and Assessment Amendment (NSW Planning Portal) Regulation 2023

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*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

Explanatory note

The objects of this regulation are as follows—

- (a) to enable the Secretary of the Department of Planning and Environment to provide advice about the design of proposed State significant development before an environmental impact statement is prepared in relation to the development,
- (b) to update a reference to the *Parramatta City Centre Local Infrastructure Contributions Plan* adopted by the City of Parramatta Council on 22 May 2023,
- (c) to require submissions about certain development to be made through the NSW planning portal,
- (d) to make consequential amendments to clarify the use of the NSW planning portal for certain notices and applications.

The regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.39, 7.12(5)(b) and 10.13, the general regulation-making power and Schedule 1, clause 22 and Schedule 3, clause 3.

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1 Name of regulation

This regulation is the *Environmental Planning and Assessment Amendment (NSW Planning Portal) Regulation 2023*.

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 2021

[1] Sections 36(4), 59(4), 104(3), 141(4) and 245(3)

Omit “using” wherever occurring. Insert instead “through”.

[2] Sections 38(2)(b) and (3), 39(3) and 113(5)(b)

Omit “by the NSW planning portal” wherever occurring.

Insert instead “through the NSW planning portal”.

[3] Section 178A

Insert after section 178—

178A Advice about design of State significant development

- (1) The Planning Secretary may, before an environmental impact statement is prepared in relation to proposed State significant development, provide advice to the responsible person about the design of the development, including in relation to how the development gives effect to the objects of the Act specified in the Act, section 1.3(f) and (g).
- (2) In providing the advice, the Planning Secretary may consider the document *Better Placed—an integrated design policy for the built environment of NSW* published by the Department from time to time.

[4] Section 195 Submissions about environmental impact statements for State significant infrastructure

Omit the section.

[5] Section 209 Maximum percentage of development levy—the Act, s 7.12(5)(b)

Omit “14 June 2022” from section 209(6), definition of *Parramatta City Centre Local Infrastructure Contributions Plan*.

Insert instead “22 May 2023”.

[6] Section 285 Use of NSW planning portal—the Act, Sch 3, cl 3

Omit “use the NSW planning portal to give a document or information to an applicant, or to” from section 285(1).

Insert instead “, through the NSW planning portal, give a document or information to an applicant, or”.

[7] Section 286 Use of NSW planning portal for consultation, concurrence and approval

Omit “by using” from section 286(1). Insert instead “through”.

[8] Sections 287 and 287A

Omit section 287. Insert instead—

287 Use of NSW planning portal for development if Minister, Planning Secretary or Independent Planning Commission is consent authority—the Act, Sch 1, cl 22

- (1) Submissions about proposed development for which the Minister, Planning Secretary or Independent Planning Commission is the consent authority made during a public exhibition period must be made through the NSW planning portal.

- (2) Despite subsection (1), if the Independent Planning Commission is carrying out the public exhibition, whether as the consent authority or as delegate for the Minister or Planning Secretary as consent authority, the Commission may require submissions to be made other than through the NSW planning portal.
- (3) This section applies to a public exhibition period commencing on or after 1 April 2024.

287A Use of NSW planning portal for State significant infrastructure—the Act, Sch 1, cl 22

- (1) Submissions about proposed State significant infrastructure, including about an environmental impact statement, made during a public exhibition period must be made through the NSW planning portal.
- (2) This section applies to a public exhibition period commencing on or after 1 April 2024.