

State Environmental Planning Policy (Concurrences and Consents) 2018

[2018-764]



New South Wales

Status Information

Currency of version

Repealed version for 1 February 2020 to 28 February 2022 (accessed 5 November 2024 at 22:19)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
State Environmental Planning Policy (Concurrences) 2018
- **Repeal**
This Policy was repealed by [State Environmental Planning Policy \(Planning Systems\) 2021 \(724\)](#), Sch 7, sec 5 with effect from 1.3.2022.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 February 2020

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State Environmental Planning Policy (Concurrences and Consents) 2018



New South Wales

1 Name of Policy

This Policy is *State Environmental Planning Policy (Concurrences and Consents) 2018*.

2 Commencement

This Policy commences on 28 February 2019 and is required to be published on the NSW legislation website.

3 Land to which Policy applies

This Policy applies to the State.

4 Relationship with other environmental planning instruments

If there is an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

5 Planning Secretary may act as concurrence authority

- (1) If a person whose concurrence to development is required to be obtained by a relevant provision fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so, the Planning Secretary may elect to act in the place of the person for the purposes of deciding whether to grant concurrence to the development.
- (2) The election must be made by notice in writing given to the consent authority.
- (3) In deciding whether to grant concurrence, the Planning Secretary must take into consideration the matters that the relevant provision states that the person must take into consideration in deciding whether concurrence should be granted.
- (4) The Planning Secretary must give written notice of the Planning Secretary's decision concerning the concurrence within the time allowed by the regulations.

- (5) The person may continue to decide whether to grant concurrence to the development and, accordingly, continues to be a concurrence authority in relation to the development, until the Planning Secretary gives written notice to the consent authority of the Planning Secretary's decision (if any) concerning the concurrence.
- (6) The Planning Secretary ceases to be able to make an election under this clause or to continue to be a concurrence authority in relation to the development after the person gives written notice to the consent authority of the person's decision (if any) concerning the concurrence.
- (7) A written notice required to be given under this clause may be given by means of the NSW Planning Portal.
- (8) In this clause—

concurrence authority has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*.

relevant provision means any of the following provisions—

- (a) clause 22 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*,
- (b) clauses 84, 86 and 88 of *State Environmental Planning Policy (Infrastructure) 2007*,
- (c) clause 11 of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*,
- (d) the following provisions of or to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*—
 - (i) clause 14,
 - (ii) clause 6.10 of Appendix 4 (*Alex Avenue and Riverstone Precinct Plan 2010*),
 - (iii) clause 6.10 of Appendix 7 (*Schofields Precinct Plan 2012*),
 - (iv) clause 6.10 of Appendix 12 (*Blacktown Growth Centres Precinct Plan 2013*).

6 Certain repealed SEPPs continue to apply to deemed EPs

State Environmental Planning Policy No 1—Development Standards and *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*, as in force immediately before the repeal of those policies, continue to apply to any of the following that are in force as if those policies had not been repealed—

- (a) *Sydney Cove Redevelopment Authority Scheme*,

- (b) *Town and Country Planning (General Interim Development) Ordinance*,
- (c) each Planning Scheme Ordinance,
- (d) each Interim Development Order.

7 Savings provision—SEPP 1 continues to apply to existing applications

State Environmental Planning Policy No 1—Development Standards, as in force immediately before its repeal, continues to apply to an application made under clause 6 of that Policy if the application was made, but not finally determined, before that repeal.

Note—

Section 30(2)(d) of the *Interpretation Act 1987* provides that the repeal of a statutory rule does not affect the operation of any savings or transitional provision contained in the statutory rule. Section 5(6) of that Act provides that section 30 also applies to an environmental planning instrument. This means that the above provision continues to have effect despite the repeal of this Policy.

8 Notes

Notes included in this Policy do not form part of this Policy.