

Circular	PS 19-005
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Related	PS18-13, PS18-12, PS18-003

Commencement of new Online Submission System for the NSW Planning Portal and requirement for councils to provide certain planning documents and data

This circular advises councils, industry and the community of the introduction of a new Online Submission System (OSS) for the NSW Planning Portal and outlines the requirements and procedures for councils to submit certain planning documents and data to the Secretary of the Department of Planning, Industry and Environment via the System.

New Online Submission System (OSS)

The NSW Planning Portal currently hosts a range of tools and services including the spatial viewer, application services for development applications, complying development certificates and concurrence and referrals, and a range of documents that are released or published on the Portal. Extending the use of this platform to receive councils' planning documents and information to the NSW Planning Portal will mean there is a single solution for the Department's ePlanning program.

A new Online Submissions System (OSS) has been established on the NSW Planning Portal to improve data and information collection, provide a single location facility and enable the submission of more types of documents and data to the Portal.

Previously, councils were required to send Development Control Plans (DCPs), Contribution Plans, Spatial Maps and documents relevant to Local Environment Plans (LEPs) to the NSW Planning Portal using the Planning Data Online Submission System (PDOSS) upload facility. Upon commencement of the OSS, the PDOSS upload facility was decommissioned and the planning documents and data along with a range of others now need to be submitted via the new OSS.

Advantages the new OSS will bring include:

- a more efficient document upload and storage process,

- single login as for the online systems already in use,
- streamlined workflow and management of online submissions via the ePlanning dashboard,
- a unified dashboard view,
- enhanced usability and consistent user experience and features across all ePlanning digital services, and
- on-time notification to councils and the Department at key points in a workflow.

Requirements to submit certain planning documents and data via the OSS

The planning data and documents councils will be required to submit to the NSW Planning Portal via new OSS are:

- Variations to development standards
- Local Strategic Planning Statements
- Planning Proposals
- Development Control Plans
- Contributions Plans
- Council Planning Agreements
- Local Housing Strategies
- Affordable Housing Contribution Schemes
- Community Participation Plans

There is the potential for the Department to progressively expand the 'submission types' list to cover other types of planning documents and

processes for which the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides.

Submissions can be provided to the OSS in a ZIP file in which written documents are to be in PDF/A format, variation to development standards spreadsheets are to be in Excel format, and any GIS mapping forming part of a submission is to be in one of the following formats:

- ESRI Shapefile (*.shp)
- ESRI File Geodatabase (*.gdb)
- MapInfo TAB (*.tab)
- MapInfo Interchange Format (*.mif).

See the Department's publication *Standard Technical Requirements for Spatial Datasets and Maps* (version 2.0 August 2017) for more information.

Following is an outline of what councils will need to include in each of the above six types of submission when sending them to the OSS of the NSW Planning Portal and the timing/s for those submissions.

Variations to development standards

Variations to development standards includes both variations under clause 4.6 of a Standard Instrument LEP and under State Environmental Planning Policy No 1 – Development Standards.

As per Planning Circular 18-003, each council will continue to be required to submit quarterly reports of all variations to development standards approved by council (including under delegation). These reports will continue to be due within 4 weeks of the end of each quarter (ie. March, June, September and December) using the form provided by the Department.

The email address developmentstandards@planning.nsw.gov.au to which the reports are currently sent, will be discontinued and the reports should instead be submitted to the OSS.

Local strategic planning statements (LSPSs)

An LSPS sets out a council's 20-year vision for land use in the local area, the special character and values that are to be preserved and how change will be managed into the future. Under section 3.9 of the EP&A Act each council is required to prepare and make a LSPS. For further information see <https://www.planning.nsw.gov.au/policy-and-legislation/environmental-planning-and-assessment-act-updated/guide-to-the-updated-environmental-planning-and-assessment-act-1979/part-3-strategic-planning>

Section 3.9(5) of the EP&A Act provides that a LSPS must be published on the NSW planning portal, so councils will need to submit the final versions of their LSPSs to the Department via the OSS as soon as practicable after the statements are made.

Planning Proposals

In the LEP-making process, councils are currently required to submit their planning proposals, gateway determinations and draft plans to the PDOSS upload facility. These submissions include the written documents and spatial data and maps.

The spatial data and maps are required to comply with the standards specified in the Department's *Standard Technical Requirements for Spatial Datasets and Maps*. In future, these documents, spatial data and maps (and associated material such as relevant council reports and minutes) will be submitted via the new OSS. Publication of LEPs will continue to be on the NSW Legislation website.

Development control plans (DCPs)

DCPs are made by a council (in relation to LEPs for which the council is the planning proposal authority) or by the Secretary of the Department (in relation to a SEPP). The main purpose of a DCP is to support the associated LEP or SEPP with more detailed planning and design guidance.

Councils are required, by clause 25AB of the *Environmental Planning & Assessment Regulation 2000*, to provide DCPs to the Planning Secretary within 28 days of making the plan. This includes the written component and any spatial data and maps forming part of the plan. New DCPs and DCP amendments were previously submitted to PDOSS, but in future these plans (written document and mapping) must be submitted via the new OSS.

Note, for amendments to DCPs, councils need to submit the updated consolidated version of the plan (that is including the amendment) via the OSS.

Contributions plans

Contributions plans are made by councils under section 7.18 of the EP&A Act. These plans provide for local infrastructure development contributions under either section 7.11 or 7.12 of the Act. For more information see <https://www.planning.nsw.gov.au/Policy-and-Legislation/Infrastructure/Infrastructure-Funding/Local-contributions>.

Councils are required under section 7.18(4) of the EP&A Act to provide copies of their contributions plans to the Minister for Planning as soon as practicable after approving the plan. This includes the written component and any associated spatial data.

Note, for amendments to contributions plans, councils need to submit both the amendment to the relevant plan and a copy of the updated consolidated version of the plan (that is, including the amendment) via the OSS.

Council planning agreements

Under Subdivision 2 of Division 7.1 of the EP&A Act, a planning agreement is a voluntary agreement or other arrangement between a planning authority (or 2 or more planning authorities) and a developer:

- (a) who has sought a change to an environmental planning instrument, or
- (b) who has made, or proposes to make, a development application or complying development certificate application, or
- (c) who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,

under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

Planning agreements allows planning authorities and developers to work together to deliver innovative infrastructure outcomes alongside development proposals, with the purpose of the whole community benefitting from the development.

A copy of each planning agreement entered into between a council and another person is to be submitted to the OSS if the Minister is not a party to that planning agreement. This also applies to amendments to, and revocations of, planning agreements to which the council is a party but the Minister is not.

Local Housing Strategies (LHS)

A local housing strategy (LHS) establishes a council's vision for providing housing in a local government area. An LHS will link a council's vision for housing with the housing objectives and targets of the NSW Government and Greater Sydney Commission's strategic plans, including regional and district plans. Councils must prepare an LHS if required by the relevant regional or district plans. For further information see <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/Local-Housing-Strategy-Guideline-and-Template.pdf>

A council will need to submit the endorsed version of its LHS to the Department via the OSS as soon as practicable after the LHS is finalised.

Affordable Housing Contribution Schemes (AHCS)

An Affordable Housing Contribution Scheme (AHCS) outlines the requirements for councils to collect contributions for affordable housing as part of a condition of consent. Under 7.32 of the EP&A Act, a condition of consent may be placed on a development application requiring a contribution for affordable housing if the local government area is identified in a

State Environmental Planning Policy (SEPP) as having a need for affordable housing.

Under Section 7.32 of the EP&A Act, the condition of consent requiring a contribution for affordable housing must be in accordance with an AHCS which is included in or adopted by an LEP. An AHCS can only be set out in or adopted by an LEP through an amendment to the relevant LEP.

This requires a council to prepare a planning proposal to refer to or adopt an AHCS, and progress through the LEP plan-making process. Once finalised, an AHCS will be included in or adopted in the relevant LEP. A council may then place a condition of consent on a development approval to levy contributions for affordable housing.

A council which chooses to develop an AHCS will be required to submit a draft AHCS with the planning proposal, and a final AHCS at the LEP plan-making stage. A council will need to submit its final AHCS via the OSS as soon as practicable as it will be made publicly available on the planning portal.

Community Participation Plans (CPPs)

It will be clearer and easier for members of the community to understand how they can participate in planning decisions, with new community participation plans (CPPs) that all planning authorities – every council and NSW agency with key planning approval functions – will need to prepare. CPPs were introduced into the EP&A Act as part of the 2017 updates. The minimum requirements are described in Division 2.6 of the EP&A Act which includes the need for CPPs to be published on the NSW Planning Portal (Section 2.24 of the EP&A Act) by 1 December 2019.

The CPPs will set out how planning authorities will engage with their communities across their statutory planning functions. While the plans must meet the minimum requirements for community participation that are set out in Schedule 1 to the EP&A Act.

In preparing CPPs, authorities will have to take into consideration new community participation principles in the EP&A Act, which set the standard for how the community should be engaged.

Elements of OSS functionality

Below is an outline of some of the functions that councils will be able to perform in respect of the submission of planning data and information under the new OSS.

Function	Purpose
Register in the system	Enable new NSW Planning Portal users to register for NSW Planning Portal account and obtain a password for accessing OSS
Log on to the system	Enable existing NSW Planning portal users to access OSS application
Select the OSS to use for data/information/data submission	Enable reporting submission to be lodged
Select type of submission to be lodged	Enable the data/information/document to be correctly stored in the OSS
Attach submission in ZIP file (containing PDF/A, Excel and/or GIS files as relevant)	Meet compliance standards for lodgement of relevant data/information/document
Lodge submission	Trigger a notification to DPE data team
View confirmation that submission has been received by DPE	DPE provides reference number for the submission
Navigate back to the dashboard	View submission in the OSS
Select data	Sender can review the data/information/document
Get help and view FAQs if needed	Obtain guidance if having issues with the system
Reset password	Obtain new password if existing password forgotten or has lapsed

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Further Information

The NSW Planning Portal can be accessed at <http://www.planningportal.nsw.gov.au>

For further information please contact Service NSW on 13 77 18.

Department of Planning, Industry and Environment circulars are available at: planning.nsw.gov.au/circulars

Authorised on 26 August 2019 by:

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Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.