



New South Wales

State Environmental Planning Policy (Concurrences) 2018

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

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Part 1 Preliminary

1 Name of Policy

This Policy is *State Environmental Planning Policy (Concurrences) 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).