



NSW GOVERNMENT
Department of Planning

Guideline for State Significant Sites under the Major Project SEPP

Guidelines for State Significant Sites

Introduction

The State Environmental Planning Policy (Major Project) 2005 provides for the Minister to declare an area to be a State significant site. When declaring a site to be of State planning significance, the Minister will also establish the planning regime for that site.

These provisions will be used to deliver the State's planning objectives on major sites important in the implementation of the Metro Strategy and other regional strategies. The provisions will also be used to facilitate major investment in significant economic and employment generating development in NSW and the redevelopment of major State government sites.

In the past, when the Minister determined to develop a new planning regime on a major site, a regional environmental plan or SEPP had to be made. This has led to a proliferation of site specific planning instruments.

Under the provisions of the Major Project SEPP, the Minister will amend the SEPP to add the site to Schedule 3 of the SEPP. These provisions will be kept under review and will be revoked when the State's planning objectives have been achieved on the site or when a suitable replacement planning instrument is able to incorporate its provisions.

Criteria for a State Significant Site

A State Significant Site must be of State or regional planning significance because of its social, economic or environmental characteristics.

When considering whether a site can be categorised as being of State significance, the Minister will consider whether the site meets one or more of the following criteria:

- (a) be of regional or state importance because it is in an identified strategic location (in a State or regional strategy), its importance to a particular industry sector, or its employment, infrastructure, service delivery or redevelopment significance in achieving government policy objectives; or
- (b) be of regional or state environmental conservation or natural resource importance in achieving State or regional objectives. For example protecting sensitive wetlands or coastal areas; or
- (c) be of regional or state importance in terms of amenity, cultural, heritage, or historical significance in achieving State or regional objectives. For example sensitive redevelopment of important heritage precincts; or
- (d) need alternative planning or consent arrangements where:
 - (i) added transparency is required because of potential conflicting interests
 - (ii) more than one local council is likely to be affected.

Procedures for being listed as a State significant site

Nomination as a State significant site

There are two methods by which the process for considering and including a site as State significant site can be initiated. The Minister may initiate the process by nominating a site to be a State significant site or a proponent may initiate the process by requesting that the Minister nominate their site to be a State significant site.

Where a proponent makes a request that the Minister nominate the site as a State significant site, the request should be accompanied by preliminary document that provides details of:

- the site in its current zoning context including permissibility and compliance with core planning controls
- the State and regional significance of the site in terms of meeting the criteria outlined above;
- future land use proposals
- views of the local Council

Preliminary consultation with council

Prior to a proponent making a request of the Minister for the listing of the site as State significant site, proponents should consult with the relevant local council to determine if the appropriate planning regime can be efficiently delivered through local planning processes.

Site Investigation

Prior to making a decision as to the State significance status of a site, the Minister may initiate an investigation into a State significant site by requiring the Director-General to undertake a study or to make arrangements for a study to be undertaken for the purpose of determining:

- the appropriate land use and development controls for the site.
- whether any future development on the site should be declared to be Major Project

The study is to assess:

- a) the state or regional planning significance of the site
- b) the suitability of the site for any proposed land use taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any State or regional planning strategy
- c) the implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning; and
- d) any other matters required by the Director-General.

Requirements for the investigation

In issuing any requirements for the study, the Director-General will consult relevant agencies and the local council(s). The Director-General may also convene a Planning Focus Meeting to assisting in identifying and prioritising issues to be addressed in the Study.

If the proposed planning changes on the site are likely to affect threatened species, populations or ecological communities or their habitats, the Director-General must formally consult the Director-General of Department of Environment and Conservation and/or Director-General of Department of Primary Industries, regarding requirements for the Study under the provisions of s34A of the EP&A Act.

If the proposed planning changes on the site are likely to affect items on the State Heritage Register (including interim listings), the Director-General must formally consult with the Heritage Council regarding requirements for the Study under the provisions of s83 of the Heritage Act.

Proponents should check with the Department regarding the applicable assessment fee which applies under the EP&A Regulation.

Exhibition and consultation

The Director-General will exhibit the study for a minimum of 30 days with an invitation to the public to make written submissions. The Director-General will send a copy of the study to the relevant councils and agencies for comment. This may occur concurrently with a concept plan (or project application) under Part 3A of the Act where applicable.

When submissions are received the Director-General will consider the matters raised and if relevant modify the proposal to minimise impacts on the environment or to make it more consistent with State or regional planning objectives.

Director-General's Assessment

The Director-General shall assess the study and the implications of the proposed changes in land use and provide recommendations to the Minister relating to.

- a) the state or regional planning significance of the site
- b) the suitability of the site for any proposed land use
- c) the implications of any change in land use.

The Minister may establish an independent panel at any phase of the process. For example advice may be required in relation to

- matters to be considered in the study
- the proposed planning provisions and any technical assessment to arrive at these provisions

The Minister and Director-General will take into consideration any recommendations made by the panel.

Minister's determination and SEPP amendment

If the Minister intends to proceed with declaring the site to be a State significant site, the Minister must consult with other relevant Ministers under s37 as part of the process of amending the Major Project SEPP to list the site as State significant.

Following this advice, the Minister must make a determination as to whether the site is to be listed as State significant site.

If the Minister determines to make the site a State significant site, the Major Project SEPP must be amended to add the site and the relevant planning provisions to Schedule 3 of the SEPP. As a result the provisions in the council LEP will be amended and replaced by the provisions in the Major Project SEPP.

State significant site planning provisions

The planning provisions relating to a State significant site will be listed in Schedule 3 of the Major Project SEPP. Depending on the site, the planning provisions may relate to:

- zoning and permitted land uses possibly accompanied by a map with layout of subsequent land uses on the site
- core planning controls and/or performance criteria
- list of exempt or complying development with any relevant performance criteria
- list of any major projects or development to be determined by the Minister and/or local development to be determined by council.

In addition, infrastructure contributions arrangements may be established either through the amendment to the Major Projects SEPP and or through any determination under Part 3A of the Act.

State significant site provisions without a site investigation

Under the Major Project SEPP, a State significant site along with appropriate planning controls may be added to Schedule 3 without the need for a study or consultation.

Review of the State significant site provisions

The Major Project SEPP will be reviewed as a minimum every 5 years. At that time, a judgement will be made as to whether the State's planning objectives have been fully or partly achieved on the site. As soon as these objectives, the State's approval role will be withdrawn and the planning provisions in the Major Project SEPP will be integrated into the relevant LEP.