



New South Wales

State Environmental Planning Policy Amendment (Estimated Development Cost) 2023

under the

Environmental Planning and Assessment Act 1979

Her 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*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy Amendment (Estimated Development Cost) 2023

under the

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1 Name of policy

This policy is *State Environmental Planning Policy Amendment (Estimated Development Cost) 2023*.

2 Commencement

This policy commences on 4 March 2024 and is required to be published on the NSW legislation website.

3 Repeal of policy

This policy is repealed at the beginning of the day following the day on which this policy commences.

Schedule 1 Amendment of local environmental plans

1.1 Blue Mountains Local Environmental Plan 2015

[1] Clause 6.24 Council infrastructure development

Omit “a capital value” from clause 6.24(2)(b).

Insert instead “an estimated development cost”.

[2] Clause 6.24(3)

Insert after clause 6.24(2)—

(3) In this clause—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.2 Central Coast Local Environmental Plan 2022

[1] Clause 7.7 Council infrastructure development

Omit “a capital value” from clause 7.7(2)(b)(ii).

Insert instead “an estimated development cost”.

[2] Clause 7.7(3)

Insert after clause 7.7(2)—

(3) In this clause—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.3 Fairfield Local Environmental Plan 2013

[1] Clause 6.8 Infrastructure development—Council

Omit “a capital investment value” from clause 6.8(2)(b).

Insert instead “an estimated development cost”.

[2] Clause 6.8(3)

Omit “capital investment value”. Insert instead “estimated development cost”.

[3] Clause 6.8(4)

Omit the subclause. Insert instead—

(4) In this clause—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.4 Liverpool Local Environmental Plan 2008

[1] Clause 7.20 Council infrastructure development

Omit “a capital value” from clause 7.20(3)(b).

Insert instead “an estimated development cost”.

[2] Clause 7.20(4)

Insert after clause 7.20(3)—

(4) In this clause—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.5 Mosman Local Environmental Plan 2012

Schedule 2 Exempt development

Omit “a capital investment value (within the meaning of the *Environmental Planning and Assessment Regulation 2000*)” from the matter relating to **Taronga Zoo works**, subclause (1).

Insert instead “an estimated development cost, within the meaning of the *Environmental Planning and Assessment Regulation 2021*.”.

1.6 Newcastle Local Environmental Plan 2012

[1] Clause 7.5 Design excellence

Omit “a capital value” from clause 7.5(4)(c).

Insert instead “an estimated development cost”.

[2] Clause 7.5(7)

Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.7 Parramatta Local Environmental Plan 2023

[1] Clauses 6.13(5)(b), 7.14(1)(e) and 7.25(2)(f)

Omit “a capital value” wherever occurring. Insert instead “an estimated development cost”.

[2] Dictionary

Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.8 Penrith Local Environmental Plan 2010

[1] Clause 8.4 Design excellence

Omit “a capital value” from clause 8.4(3)(b).

Insert instead “an estimated development cost”.

[2] Clause 8.4(7)

Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.9 Ryde Local Environmental Plan 2014

[1] Clause 6.13 Design excellence

Omit “a capital value” from clause 6.13(5)(b).

Insert instead “an estimated development cost”.

[2] Clause 6.13(8)

Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.10 Shoalhaven Local Environmental Plan 2014

[1] Clause 7.12 Council infrastructure development

Omit “a capital value” from clause 7.12(2)(b).

Insert instead “an estimated development cost”.

[2] Clause 7.12(3)

Insert after clause 7.12(2)—

(3) In this clause—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.11 Shoalhaven Local Environmental Plan (Jerberra Estate) 2014

[1] Clause 6.3 Council infrastructure development

Omit “a capital value” from clause 6.3(2)(b).

Insert instead “an estimated development cost”.

[2] Clause 6.3(3)

Insert after clause 6.3(2)—

(3) In this clause—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.12 Strathfield Local Environmental Plan 2012

[1] Clause 6.7 Design excellence for Strathfield Town Centre

Omit “a capital value” from clause 6.7(5)(b).

Insert instead “an estimated development cost”.

[2] Clause 6.7(8)

Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.13 Sydney Local Environmental Plan 2012

[1] Clause 6.21A Definitions

Omit the definition of *capital investment value*. Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

[2] Clause 6.21D Competitive design process

Omit “a capital investment value” from clause 6.21D(1)(b).

Insert instead “an estimated development cost”.

1.14 Sydney Local Environmental Plan (Green Square Town Centre) 2013

[1] Clause 6.9 Design excellence

Omit “a capital investment value (within the meaning of the *Environmental Planning and Assessment Regulation 2000*)” from clause 6.9(5)(b).

Insert instead “an estimated development cost”.

[2] Clause 6.9(7)

Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.15 Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013

[1] Clause 6.9 Design excellence

Omit “a capital investment value (within the meaning of the *Environmental Planning and Assessment Regulation 2000*)” from clause 6.9(5)(b).

Insert instead “an estimated development cost”.

[2] Clause 6.9(8)

Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.16 Tweed City Centre Local Environmental Plan 2012

[1] Clause 6.10 Design excellence

Omit “a capital value” from clause 6.10(4)(a).

Insert instead “an estimated development cost”.

[2] Clause 6.10(9)

Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.17 Tweed Local Environmental Plan 2014

[1] Clause 7.11 Council infrastructure development

Omit “a capital value” from clause 7.11(2)(b).

Insert instead “an estimated development cost”.

[2] Clause 7.11(3)

Insert after clause 7.11(2)—

(3) In this clause—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.18 Willoughby Local Environmental Plan 2012

[1] Clause 6.14 Council infrastructure development

Omit “a capital investment value” from clause 6.14(2)(b).

Insert instead “an estimated development cost”.

[2] Clause 6.14(3)

Insert after clause 6.14(2)—

(3) In this clause—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

1.19 Wollongong Local Environmental Plan 2009

[1] Clause 7.18 Design excellence in Wollongong city centre and at key sites

Omit “a capital value” from clause 7.18(5)(b).

Insert instead “an estimated development cost”.

[2] Clause 7.18(6)

Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

Schedule 2 Amendment of State environmental planning policies

2.1 State Environmental Planning Policy (Industry and Employment) 2021

[1] Sections 2.34(1) and 2.35(1)

Omit “a capital investment value” wherever occurring.

Insert instead “an estimated development cost”.

[2] Sections 2.34(3), definition of “capital investment value” and 2.35(3), definition of “capital investment value”

Omit the definitions.

[3] Schedule 4 Dictionary for Chapter 2

Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

2.2 State Environmental Planning Policy (Planning Systems) 2021

[1] Section 2.2 Definitions

Omit section 2.2(1), definition of *capital investment value*. Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

[2] Sections 2.11(a), 2.18(a) and 2.20(a)

Omit “capital investment value” wherever occurring.

Insert instead “estimated development cost”.

[3] Section 3.2 Definitions

Omit section 3.2(1), definition of *capital investment value*. Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

[4] Section 3.10 Declaration of regionally significant development: section 4.5 (b) of the Act

Omit “a capital investment value” wherever occurring in section 3.10(1)(a) and (2).

Insert instead “an estimated development cost”.

[5] Schedule 1 State significant development—general

Omit “a capital investment value” wherever occurring in sections 1, 2(1), 3, 4, 5(1)(c) and (3)(b), 6(4)(b), 7(3)(b), 9, 10(1) and (2), 11, 12(1), 13(1) and (2)(a) and (b), 14, 15(1)–(3), 16(1), 17, 18, 19(1) and (2), 20(a) and (b), 21(1) and (2), 22(b) and (c), 26, 27(1)(a), 28(a), 29(a) and 31(1)(b).

Insert instead “an estimated development cost”.

[6] Schedule 1, section 6

Renumber subsections (4), (4A) and (5) as subsections (2), (3) and (4).

- [7] **Schedule 1, section 27(1)(b)**
Omit “capital investment value”. Insert instead “estimated development cost”.
- [8] **Schedule 2 State significant development—identified sites**
Omit “a capital investment value” wherever occurring.
Insert instead “an estimated development cost”.
- [9] **Schedule 3 State significant infrastructure—general**
Omit “a capital investment value” wherever occurring in sections 2, 3, 4(1) and (2) and 7(b).
Insert instead “an estimated development cost”.
- [10] **Schedule 4 State significant infrastructure—specified development on specified land**
Omit “a capital investment value” wherever occurring in sections 2 and 5.
Insert instead “an estimated development cost”.
- [11] **Schedule 6 Regionally significant development**
Omit “a capital investment value” wherever occurring in sections 2, 3, 4, 5, 6 and 9.
Insert instead “an estimated development cost”.
- 2.3 State Environmental Planning Policy (Precincts—Central River City) 2021**
- [1] **Section 3.22 Referral to Department after release of precinct**
Omit “a capital investment value” from section 3.22(2)(a).
Insert instead “an estimated development cost”.
- [2] **Section 3.22(4)**
Omit the subsection.
- [3] **Section 3.22(7)**
Insert after section 3.22(6)—
(7) In this section—
estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.
- [4] **Section 6.2 Definitions**
Omit section 6.2(1), definition of *capital investment value*.
- [5] **Section 6.8 Development in potential precincts**
Omit “a capital investment value” from section 6.8(1).
Insert instead “an estimated development cost”.
- [6] **Section 6.8(5)**
Insert after section 6.8(4)—
(5) In this section—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

2.4 State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

[1] Section 2.3 Definitions and key concepts

Omit section 2.3(1), definition of *capital investment value*. Insert in alphabetical order—
estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

[2] Sections 2.8(2), (4)(a), (5) and (5A) and 2.9(2)

Omit “a capital investment value” wherever occurring.
Insert instead “an estimated development cost”.

[3] Appendix 8 Stage 1 Bays West Precinct

Omit “a capital investment value” from sections 2(1), definition of *residential development*, paragraph (b), 17(5)(a) and 25(3), definition of *non-residential development*, paragraph (b).
Insert instead “an estimated development cost”.

2.5 State Environmental Planning Policy (Precincts—Regional) 2021

[1] Section 5.5 Consent authority

Omit “a capital investment value” wherever occurring in section 5.5(a) and (b) and note 1.
Insert instead “an estimated development cost”.

[2] Section 5.5, note 1

Omit “Schedule 2 to *State Environmental Planning Policy (State and Regional Development) 2011*”.
Insert instead “*State Environmental Planning Policy (Planning Systems) 2021*, Schedule 2”.

[3] Section 5.5, note 2

Omit the note.

[4] Section 5.54 Community infrastructure

Omit “a capital value” from section 5.54(2)(b).
Insert instead “an estimated development cost”.

[5] Schedule 1D Snowy Mountains Activation Precinct

Omit “a capital investment value” from section 2(1).
Insert instead “an estimated development cost”.

[6] Schedule 1D, section 2(2)

Omit the definition of *capital investment value*. Insert in alphabetical order—
estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

[7] Schedule 10 Dictionary for Chapter 5

Omit the definition of *capital investment value*. Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

2.6 State Environmental Planning Policy (Precincts—Western Parkland City) 2021

[1] Section 3.22 Referral to Department after release of precinct

Omit “a capital investment value” from section 3.22(2)(a).

Insert instead “an estimated development cost”.

[2] Section 3.22(4)

Omit the subsection. Insert instead—

(4) In this section—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

[3] Sections 4.27(1)(a) and (3), 4.31(1)(b) and 4.40(2)

Omit “a capital investment value” wherever occurring.

Insert instead “an estimated development cost”.

[4] Section 5.37 Council infrastructure development

Omit “a capital value” from section 5.37(2)(b).

Insert instead “an estimated development cost”.

[5] Section 5.37(3)

Insert after section 5.37(2)—

(3) In this section—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

[6] Section 7.3 Interpretation—general

Omit section 7.3(1), definition of *capital investment value*.

[7] Appendix 10 Appin (Part) Precinct Plan

Omit “a capital investment value” from section 6.5(1)(a).

Insert instead “an estimated development cost”.

[8] Appendix 10, section 6.5(3)

Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

[9] Schedule 3 Dictionary for Chapter 4

Omit the definition of *capital investment value*. Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

2.7 State Environmental Planning Policy (Sustainable Buildings) 2022

[1] Section 3.1 Application of Chapter

Omit “a capital investment value” wherever occurring in section 3.1(1).

Insert instead “an estimated development cost”.

[2] Dictionary

Omit the definition of *capital investment value*. Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

[3] Dictionary, definition of “large commercial development”, paragraph (b)

Omit “a capital investment value”. Insert instead “an estimated development cost”.

2.8 State Environmental Planning Policy (Transport and Infrastructure) 2021

[1] Section 2.3 Interpretation—general

Omit section 2.3(2), definition of *capital investment value*. Insert in alphabetical order—

estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

[2] Sections 2.15(2)(h), 2.101(1)(a) and (b)(ii) and 2.118(1)(b)

Omit “a capital investment value” wherever occurring.

Insert instead “an estimated development cost”.

[3] Section 3.18 General requirements for complying development

Omit “*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*” from section 3.18(2)(e), note.

Insert instead “*State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2”.

[4] Section 3.18(4)

Omit “clause 15(2) of Schedule 1 to *State Environmental Planning Policy (State and Regional Development) 2011*”.

Insert instead “*State Environmental Planning Policy (Planning Systems) 2021*, Schedule 1, section 15(2)”.

[5] Section 3.18(4), note 1

Omit “clause 9 of that Policy”.

Insert instead “*State Environmental Planning Policy (Planning Systems) 2021*, section 2.8”.

[6] Section 3.18(4), note 2

Omit “Clause 15(2) of Schedule 1 to that Policy”.

Insert instead “*State Environmental Planning Policy (Planning Systems) 2021*, Schedule 1, section 15(2)”.

- [7] **Section 3.18(4), note 2**
Omit “a capital investment value”.
Insert instead “an estimated development cost”.
- [8] **Section 3.36 Schools—development permitted with consent**
Omit “a capital investment value” from section 3.36(8).
Insert instead “an estimated development cost”.
- [9] **Section 3.36(11)**
Insert after section 3.36(10)—
(11) In this section—
estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.
- [10] **Section 4.2 Definitions**
Omit section 4.2(2), definition of *capital investment value*. Insert in alphabetical order—
estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.
- [11] **Section 4.7 Development in future infrastructure corridor for previously permitted uses of land**
Omit “a capital investment value” from section 4.7(1)(b).
Insert instead “an estimated development cost”.
- [12] **Section 5.2 Definitions**
Omit section 5.2(1), definition of *capital investment value*. Insert in alphabetical order—
estimated development cost has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.
- [13] **Sections 5.16(1)(b) and (e) and (4) and note 2, 5.27(1)(c) and 5.28(1)(c)**
Omit “a capital investment value” wherever occurring.
Insert instead “an estimated development cost”.
- [14] **Schedule 11 Complying development—Chapter 5**
Omit “a capital investment value” from section 11(2)(b).
Insert instead “an estimated development cost”.