

State Environmental Planning Policy (State and Regional Development) 2011

[2011-511]



New South Wales

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

Notes—

- **Does not include amendments by**
Environmental Planning and Assessment and Electoral Legislation Amendment (Planning Panels and Enforcement) Act 2017 No 39 (not commenced)

Authorisation

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New South Wales

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State Environmental Planning Policy (State and Regional Development) 2011



New South Wales

Part 1 Preliminary

1 Name of Policy

This Policy is *State Environmental Planning Policy (State and Regional Development) 2011*.

2 Commencement

This Policy commences on the date Part 3A of the Act is repealed (on the commencement of Schedule 1.1 to the *Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011*) and is required to be published on the NSW legislation website.

3 Aims of Policy

The aims of this Policy are as follows:

- (a) to identify development that is State significant development,
- (b) to identify development that is State significant infrastructure and critical State significant infrastructure,
- (c) to identify development that is regionally significant development.

4 Definitions

(1) In this Policy:

capital investment value has the same meaning as in the *Environmental Planning and Assessment Regulation 2000*.

environmentally sensitive area of State significance means:

- (a) coastal waters of the State, or
- (b) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies, or

- (c) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*, or
- (d) a declared Ramsar wetland within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, or
- (e) a declared World Heritage property within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, or
- (f) land identified in an environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
- (g) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*, or
- (h) land, places, buildings or structures listed on the State Heritage Register under the *Heritage Act 1977*, or
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

port facilities includes any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

State Significant Development Sites Map means the *State Environmental Planning Policy (State and Regional Development) 2011—State Significant Development Sites Map*.

State Significant Infrastructure Sites Map means the [State Environmental Planning Policy \(State and Regional Development\) 2011—State Significant Infrastructure Sites Map](#).

the Act means the [Environmental Planning and Assessment Act 1979](#).

Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Policy.

- (2) Words and expressions used in this Policy have (in relation to State significant infrastructure) the same meaning as they have in Division 5.2 of the Act.
- (3) Words and expressions used in this Policy have (subject to this clause) the same meaning as they have in the standard local environmental planning instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).
- (4) Notes included in this Policy do not form part of this Policy.

5 Maps

- (1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both.
- (5) A reference in this clause to an environmental planning instrument includes a reference to an order of the Minister that amends an environmental planning instrument.

Note—

The maps adopted by this Policy are to be made available on the official NSW legislation website in connection with this Policy.

6 Land to which Policy applies

This Policy applies to the State.

7 Relationship to other environmental planning instruments

Subject to section 74 (1) of the Act, in the event of 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.

Part 2 State significant development

8 Declaration of State significant development: section 4.36

- (1) Development is declared to be State significant development for the purposes of the Act if:
 - (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and
 - (b) the development is specified in Schedule 1 or 2.
- (2) If a single proposed development the subject of one development application comprises development that is only partly State significant development declared under subclause (1), the remainder of the development is also declared to be State significant development, except for:
 - (a) so much of the remainder of the development as the Director-General determines is not sufficiently related to the State significant development, and
 - (b) coal seam gas development on or under land within a coal seam gas exclusion zone or land within a buffer zone (within the meaning of clause 9A of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*), and
 - (c) development specified in Schedule 1 to *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.
- (3) This clause does not apply to development that was the subject of a certificate in force under clause 6C of *State Environmental Planning Policy (Major Development) 2005* immediately before the commencement of this Policy.

Note—

Development does not require consent under Part 4 of the Act merely because it is declared to be State significant development under this clause. Any such development that, under an environmental planning instrument, is permitted without consent may be an activity subject to Part 5 of the Act or State significant infrastructure subject to Division 5.2 of the Act. Any such development that is permitted without consent may become State significant development requiring consent if it is part of a single proposed development that

includes other development that is State significant development requiring consent (see section 4.38 (4) of the Act and subclause (2)).

8A Designation of Independent Planning Commission as consent authority for certain State significant development

- (1) The Independent Planning Commission is declared, under section 4.5 (a) of the Act, to be the consent authority for any of the following development that is State significant development unless the application to carry out the development is made by or on behalf of a public authority:
 - (a) development in respect of which the council of the area in which the development is to be carried out has duly made a submission by way of objection under the mandatory requirements for community participation in Schedule 1 to the Act,
 - (b) development in respect of which at least 25 persons (other than a council) have duly made submissions by way of objection under the mandatory requirements for community participation in Schedule 1 to the Act,
 - (c) development the subject of a development application made by a person who has disclosed a reportable political donation under section 10.4 to the Act in connection with the development application.

Note—

Under section 4.5 (a) of the Act, the Minister is the consent authority for State significant development if the Independent Planning Commission has not been declared to be the consent authority for the development by an environmental planning instrument.

- (2) The Independent Planning Commission is also declared to be the consent authority under subclause (1) in respect of an application to modify a development consent if the objections and disclosures referred to in subclause (1) apply to the objections or disclosures in respect of the application to modify the consent.
- (3) This clause extends to development the subject of development applications that were made before the commencement of this clause and that have not been determined on that commencement.

9 Exclusion of certain complying development

If, but for this clause:

- (a) particular development would be State significant development, and
- (b) a provision of an environmental planning instrument (whether made before or after this Policy takes effect) provides that the particular development is complying development, and
- (c) the particular development is not carried out as part of other development that is State significant development,

the particular development is not State significant development.

10 Subdivision certificates for State significant development

A subdivision certificate may be issued by an accredited certifier for a subdivision that is State significant development in accordance with section 6.5 (3) (a) of the Act.

11 Exclusion of application of development control plans

Development control plans (whether made before or after the commencement of this Policy) do not apply to:

- (a) State significant development, or
- (b) development for which a relevant council is the consent authority under section 4.37 of the Act.

12 Concept development applications

If:

- (a) development is specified in Schedule 1 or 2 to this Policy by reference to a minimum capital investment value, other minimum size or other aspect of the development, and
- (b) development the subject of a concept development application under Part 4 of the Act is development so specified,

any part of the development that is the subject of a separate development application is development specified in the relevant Schedule (whether or not that part of the development exceeds the minimum value or size or other aspect specified in the Schedule for such development).

13 Extension of Part to State significant development under call-in power

Clauses 9–11 extend to State significant development declared under section 4.36 (3) of the Act.

Part 3 State significant infrastructure

14 Declaration of State significant infrastructure: section 5.12 (2)

- (1) Development is declared, pursuant to section 5.12 (2) of the Act, to be State significant infrastructure for the purposes of the Act if:
 - (a) the development on the land concerned is, by the operation of a State environmental planning policy, permissible without development consent under Part 4 of the Act, and
 - (b) the development is specified in Schedule 3.

Note—

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, *State Environmental Planning Policy (Infrastructure) 2007* and *State Environmental Planning Policy (Major Development) 2005* are among the environmental planning instruments under which particular development may be carried out without development consent.

- (2) If a single proposed development comprises development that is only partly State significant infrastructure declared under subclause (1), the remainder of the development (except so much of the remainder of the development as is State significant development or as the Director-General determines is not sufficiently related to the State significant infrastructure):
- (a) may be carried out without development consent under Part 4 of the Act, and
 - (b) is also declared to be State significant infrastructure for the purposes of the Act.

Note—

See clause 191 (2) of the *Environmental Planning and Assessment Regulation 2000* which declares the remainder of the development to be infrastructure if it is not otherwise infrastructure within the meaning of Division 5.2 of the Act.

15 Declaration of State significant infrastructure: section 5.12 (4)

Development specified in Schedule 4 is declared, pursuant to section 5.12 (4) of the Act, to be State significant infrastructure for the purposes of the Act.

16 Declaration of development as critical State significant infrastructure: section 5.13

Development specified in Schedule 5:

- (a) may be carried out without development consent under Part 4 of the Act, and
- (b) is declared to be State significant infrastructure for the purposes of the Act if it is not otherwise so declared, and
- (c) is declared to be critical State significant infrastructure for the purposes of the Act.

17 Exclusion of certain exempt development

If, but for this clause:

- (a) particular development would be State significant infrastructure, and
- (b) a provision of an environmental planning instrument (whether made before or after this Policy takes effect) provides that the particular development is exempt development, and
- (c) the particular development is not carried out as part of other development that is State significant infrastructure,

the particular development is not State significant infrastructure.

18 Subdivision certificates for State significant infrastructure

A subdivision certificate may be issued by an accredited certifier for a subdivision that is State significant infrastructure in accordance with section 6.5 (3) (a) of the Act.

19 Staged infrastructure applications

If:

- (a) development is specified in Schedule 3, 4 or 5 to this Policy by reference to a minimum capital investment value, other minimum size or other aspect of the development, and
- (b) development the subject of a staged infrastructure application under Division 5.2 of the Act is development so specified,

any part of the development that is the subject of a separate application for approval under Division 5.2 of the Act is development specified in the relevant Schedule (whether or not that part of the development exceeds the minimum value, size or other aspect specified in the Schedule for such development).

Part 4 Regionally significant development

20 Declaration of regionally significant development: section 4.5 (b)

- (1) Development specified in Schedule 7 is declared to be regionally significant development for the purposes of the Act.
- (2) However, the following development is not declared to be regionally significant development:
 - (a) complying development,
 - (b) development for which development consent is not required,
 - (c) development that is State significant development,
 - (d) development for which a person or body other than a council is the consent authority,
 - (e) development within the area of the City of Sydney.

21 Concept development applications

If:

- (a) development specified in Schedule 7 is described in that Schedule by reference to a minimum capital investment value, other minimum size or other aspect of the

development, and

- (b) development the subject of a concept development application under Part 4 of the Act is development so specified,

any part of the development that is the subject of a separate development application is development specified in Schedule 7 (whether or not that part of the development exceeds the minimum value or size or other aspect specified in that Schedule for the development).

22 (Repealed)

Part 5 Miscellaneous

23 Transitional provisions—existing development applications when development identified as State significant development

Despite any other provision of this Policy, development identified by this Policy as State significant development is not State significant development if:

- (a) the development is the subject of a development application that was made, but not determined, before the development was so identified, and
- (b) the consent authority for that development application was a council or a Sydney district or regional planning panel.

24 Transitional provisions—certain other existing development applications

- (1) The Minister continues to be the consent authority for a development application for development referred to in Schedule 6 to *State Environmental Planning Policy (Major Development) 2005* (as in force immediately before the amendment of that Schedule by this Policy) if the development application was made, but not determined by the Minister, before the commencement of this Policy.
- (2) If any development that is not regionally significant development becomes regionally significant development because of an amendment of this Policy and the development is the subject of a development application that has not been determined when this Policy is so amended, the development does not become regionally significant development for the purposes of that application.
- (3) If any development that is regionally significant development ceases to be regionally significant development because of an amendment of this Policy and the development is the subject of a development application that has not been determined when this Policy is so amended, the development does not cease to be regionally significant development for the purposes of that application.

25 Transitional provision—references to former regional panel provisions

A reference in an environmental planning instrument, an instrument made under an environmental planning instrument or any other administrative instrument made under the Act to a provision of Part 3 of the *State Environmental Planning Policy (Major Development) 2005*, as in force before the commencement of this Policy, is taken to be a reference to the corresponding provision of this Policy.

Schedule 1 State significant development—general

(Clause 8 (1))

1 Intensive livestock agriculture

Development for the purpose of intensive livestock agriculture that has a capital investment value of more than \$30 million.

2 Aquaculture

- (1) Development for the purpose of aquaculture that has a capital investment value of more than \$30 million.
- (2) Development for the purpose of aquaculture located in an environmentally sensitive area of State significance.
- (3) This clause does not apply to development for the purpose of oyster aquaculture.

Note—

Subclause (3) is affected by clause 19 of *State Environmental Planning Policy No 62—Sustainable Aquaculture*, which relates to applications under the Act with respect to oyster aquaculture that were made but not finally determined prior to 1 August 2005.

3 Agricultural produce industries and food and beverage processing

Development that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) abattoirs or meat packing, boning or products plants, milk or butter factories, fish packing, processing, canning or marketing facilities, animal or pet feed production, gelatine plants, tanneries, wool scouring or topping or rendering plants,
- (b) cotton gins, cotton seed mills, sugar mills, sugar refineries, grain mills or silo complexes, edible or essential oils processing, breweries, distilleries, ethanol plants, soft drink manufacture, fruit juice works, canning or bottling works, bakeries, small goods manufacture, cereal processing, margarine manufacturing or wineries,
- (c) organic fertiliser plants or composting facilities or works.

4 Timber milling, timber processing, paper and pulp processing

Development that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) milling plants, sawmills, log processing works, wood-chipping or particle board manufacture,
- (b) manufacture of paper, pulp, cardboard or newsprint,
- (c) paper recycling,
- (d) wood preservation,
- (e) charcoal plants,

but not including development for the purpose of plantations (unless it is ancillary to other development specified in this clause).

5 Mining

(1) Development for the purpose of mining that:

- (a) is coal or mineral sands mining, or
- (b) is in an environmentally sensitive area of State significance, or
- (c) has a capital investment value of more than \$30 million.

(2) Extracting a bulk sample as part of resource appraisal of more than 20,000 tonnes of coal or of any mineral ore.

(3) Development for the purpose of mining related works (including primary processing plants or facilities for storage, loading or transporting any mineral, ore or waste material) that:

- (a) is ancillary to or an extension of another State significant development project, or
- (b) has a capital investment value of more than \$30 million.

(4) Development for the purpose of underground coal gasification.

(5) This clause does not apply to development specified in Schedule 1 to [State Environmental Planning Policy \(Mining, Petroleum Production and Extractive Industries\) 2007](#).

6 Petroleum (oil and gas)

(1) Development for the purpose of petroleum production.

(2), (3) (Repealed)

- (4) Development for the purpose of petroleum related works (including pipelines and processing plants) that:
 - (a) is ancillary to or an extension of another State significant development project, or
 - (b) has a capital investment value of more than \$30 million.
- (4A) This clause does not apply to coal seam gas development on or under land within a coal seam gas exclusion zone or land within a buffer zone (within the meaning of clause 9A of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*).
- (5) In this clause, **petroleum production** has the same meaning as it has in *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

7 Extractive industries

- (1) Development for the purpose of extractive industry that:
 - (a) extracts more than 500,000 tonnes of extractive materials per year, or
 - (b) extracts from a total resource (the subject of the development application) of more than 5 million tonnes, or
 - (c) extracts from an environmentally sensitive area of State significance.
- (2) Subclause (1) (c) does not apply to extraction:
 - (a) by a public authority in maintenance dredging of a tidal waterway, or
 - (b) in maintenance dredging of oyster lease areas, or adjacent areas, in Wallis Lake.
- (3) Development for the purpose of extractive industry related works (including processing plants, water management systems, or facilities for storage, loading or transporting any construction material or waste material) that:
 - (a) is ancillary to or an extension of another State significant development project, or
 - (b) has a capital investment value of more than \$30 million.
- (4) This clause does not apply to development for the purpose of extractive industry or extractive industry related works that is part of a single proposed development if any other part of the development is State significant infrastructure.
- (5) This clause does not apply to development specified in Schedule 1 to *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

8 Geosequestration

- (1) Development for the purpose of injection and geological storage of greenhouse gases.
- (2) Development for the purpose of drilling or operating greenhouse gas geological exploration wells (not including stratigraphic boreholes or monitoring wells).

9 Metal, mineral and extractive material processing

Development that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) metal or mineral refining or smelting, metal founding, rolling, drawing, extruding, coating, fabricating or manufacturing works or metal or mineral recycling or recovery,
- (b) brickworks, ceramic works, silicon or glassworks or tile manufacture,
- (c) cement works, concrete or bitumen pre-mix industries or related products,
- (d) building or construction materials recycling or recovery.

10 Chemical, manufacturing and related industries

- (1) Development that has a capital investment value of more than \$30 million for the purpose of the manufacture or reprocessing of the following (not including labelling or packaging):
 - (a) soap, detergent or cleaning agents,
 - (b) paints, ink, dyes, adhesives, solvents,
 - (c) pesticides or inorganic fertiliser,
 - (d) pharmaceuticals or veterinary products,
 - (e) ammunition or explosives,
 - (f) oils, fuels, gas, petrochemicals or precursors,
 - (g) polymers, plastics, rubber or tyres,
 - (h) batteries or carbon black.
- (2) Development with a capital investment value of more than \$30 million for any of the following purposes:
 - (a) liquid fuel depots,
 - (b) gas storage facilities,
 - (c) chemical storage facilities.

- (3) Development for the purpose of the manufacture, storage or use of dangerous goods in such quantities that constitute the development as a major hazard facility within the meaning of Chapter 6B of the *Occupational Health and Safety Regulation 2001*.

11 Other manufacturing industries

Development that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) laboratory, research or development facilities,
- (b) medical products manufacturing,
- (c) printing or publishing,
- (d) textile, clothing, footwear or leather manufacturing,
- (e) furniture manufacturing,
- (f) machinery or equipment manufacturing,
- (g) the vehicle, defence or aerospace industry,
- (h) vessel or boat building and repair facilities (not including marinas).

12 Warehouses or distribution centres

- (1) Development that has a capital investment value of more than \$50 million for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.
- (2) This clause does not apply to development for the purposes of warehouses or distribution centres to which clause 18 or 19 applies.

13 Cultural, recreation and tourist facilities

- (1) Development that has a capital investment value of more than \$30 million for any of the following purposes:
 - (a) film production, the television industry or digital or recorded media,
 - (b) convention centres and exhibition centres,
 - (c) entertainment facilities,
 - (d) information and education facilities, including museums and art galleries,
 - (e) recreation facilities (major),
 - (f) zoos, including animal enclosures, administration and maintenance buildings, and associated facilities.

- (2) Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that:
 - (a) has a capital investment value of more than \$100 million, or
 - (b) has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location.

14 Hospitals, medical centres and health research facilities

Development that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) hospitals,
- (b) medical centres,
- (c) health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute).

15 Educational establishments

- (1) Development for the purpose of a new school (regardless of the capital investment value).
- (2) Development that has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school.
- (3) Development for the purpose of a tertiary institution (within the meaning of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*), including associated research facilities, that has a capital investment value of more than \$30 million.

16 Correctional centres and correctional complexes

- (1) Development for the purpose of a new correctional centre, or the expansion of an existing correctional complex, that has a capital investment value of more than \$30 million.
- (2) In this clause:

correctional complex means any premises declared to be a correctional complex by a proclamation in force under section 224 of the *Crimes (Administration of Sentences) Act 1999*.

17 Air transport facilities

Development for the purpose of air transport facilities that has a capital investment value

of more than \$30 million.

18 Port facilities and wharf or boating facilities

Development for the purpose of port facilities or wharf or boating facilities (not including marinas) that has a capital investment value of more than \$30 million.

19 Rail and related transport facilities

(1) Development that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) heavy railway lines associated with mining, extractive industries or other industry,
- (b) railway freight terminals, sidings and inter-modal facilities.

(2) Development within a rail corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) commercial premises or residential accommodation,
- (b) container packing, storage or examination facilities,
- (c) public transport interchanges.

20 Electricity generating works and heat or co-generation

Development for the purpose of electricity generating works or heat or their co-generation (using any energy source, including gas, coal, biofuel, distillate, waste, hydro, wave, solar or wind power) that:

- (a) has a capital investment value of more than \$30 million, or
- (b) has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance.

21 Water storage or water treatment facilities

(1) Development for the purpose of water storage or water treatment facilities (not including desalination plants) that has a capital investment value of more than \$30 million.

(2) Development for the purpose of desalination plants that has a capital investment value of more than \$10 million.

22 Sewerage systems

Development for the purpose of sewerage systems that:

- (a) handles more than 10,000 EP (equivalent population), or

- (b) has a capital investment value of more than \$30 million, or
- (c) has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance.

23 Waste and resource management facilities

- (1) Development for the purpose of regional putrescible landfills or an extension to a regional putrescible landfill that:
 - (a) has a capacity to receive more than 75,000 tonnes per year of putrescible waste, or
 - (b) has a capacity to receive more than 650,000 tonnes of putrescible waste over the life of the site, or
 - (c) is located in an environmentally sensitive area of State significance.
- (2) Development for the purpose of waste or resource transfer stations in metropolitan areas of the Sydney region that handle more than 100,000 tonnes per year of waste.
- (3) Development for the purpose of resource recovery or recycling facilities that handle more than 100,000 tonnes per year of waste.
- (4) Development for the purpose of waste incineration that handles more than 1,000 tonnes per year of waste.
- (5) Development for the purpose of hazardous waste facilities that transfer, store or dispose of solid or liquid waste classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste that handles more than 1,000 tonnes per year of waste.
- (6) Development for the purpose of any other liquid waste depot that treats, stores or disposes of industrial liquid waste and:
 - (a) handles more than 10,000 tonnes per year of liquid food or grease trap waste, or
 - (b) handles more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste.

24 Remediation of contaminated land

- (1) Development for the purpose of remediation of land that is category 1 remediation work on significantly contaminated land if the work is required to be carried out under the [Contaminated Land Management Act 1997](#) by a management order that requires:
 - (a) the taking of action of the kind referred to in section 16 (d) or (g) of that Act, or
 - (b) the preparation of a plan of management that provides for the taking of any such

action.

- (2) In this clause, **category 1 remediation work** and **remediation** have the same meanings as in [State Environmental Planning Policy No 55—Remediation of Land](#).

Schedule 2 State significant development—identified sites

(Clause 8 (1))

1 Sydney Opera House

All development on land identified as being within the Sydney Opera House Site on the [State Significant Development Sites Map](#).

2 Development on specified sites

Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the [State Significant Development Sites Map](#):

- (a) Bays Precinct Site,
- (b) Darling Harbour Site,
- (c) Broadway (CUB) Site,
- (d) Honeysuckle Site,
- (e) Luna Park Site,
- (f) Sydney Olympic Park Site,
- (g) Redfern-Waterloo Sites,
- (h) Taronga Zoo Site.

3 Development at Barangaroo

- (1) Development that has a capital investment value of more than \$10 million on land identified as being within the Barangaroo Site on the [State Significant Development Sites Map](#).
- (2) Subdivision of land within the Barangaroo Site, other than a strata title subdivision, a community title subdivision, or a subdivision for any one or more of the following purposes:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,

- (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes or emergency service purposes or public conveniences.

4 Development at Royal Randwick Racecourse

Development on land identified as being within the Royal Randwick Racecourse Site on the [State Significant Development Sites Map](#) if:

- (a) it has a capital investment value of more than \$10 million, or
- (b) it is for the purposes of an event that is not a race day event.

5 Development in the Western Parklands

Development that has a capital investment value of more than \$10 million on land identified as being within the Western Parklands on the [Western Sydney Parklands Map](#) within the meaning of *State Environmental Planning Policy (Western Sydney Parklands) 2009*.

6 Development in The Rocks

Development on land identified as being within The Rocks Site on the [State Significant Development Sites Map](#) if:

- (a) it has a capital investment value of more than \$10 million, or
- (b) it does not comply with the approved scheme within the meaning of clause 27 of Schedule 6 to the Act.

7 Development at Fox Studios, Moore Park Showgrounds and Sydney Sports Stadiums Site

Development on land identified as being within Fox Studios, Moore Park Showgrounds and Sydney Sports Stadiums Site on the [State Significant Development Sites Map](#) if:

- (a) it has a capital investment value of more than \$10 million, or
- (b) it is for the purposes of an event that is not a sporting event on land described in Part 1 of Schedule 2 to the *Sydney Cricket and Sports Ground Act 1978*.

8 Development at Penrith Lakes Site

Development on land identified as being within the Penrith Lakes Site on the [State](#)

[Significant Development Sites Map](#) if the development is for the purposes of extraction, rehabilitation or lake formation (including for the purposes of associated infrastructure on land located within or outside that Site).

9 Development at Warnervale Town Centre Site

Development on land identified as being within the Warnervale Town Centre Site on the [State Significant Development Sites Map](#) if the development:

- (a) is for the purposes of retail premises having a floor space area of more than 5,000 square metres, and
- (b) has a capital investment value of more than \$10 million.

10 Development at NSW Land and Housing Corporation Sites

(1) Development on land identified as a NSW Land and Housing Corporation Site on the [State Significant Development Sites Map](#) if the development:

- (a) is carried out by or on behalf of the NSW Land and Housing Corporation, and
- (b) has a capital investment value of more than \$20 million.

(2) For the purposes of subclause (1), land identified as being within Ivanhoe Estate on the [State Significant Development Sites Map](#) is identified as a NSW Land and Housing Corporation Site.

11 Development at North Penrith Site

Development on land identified as being within the North Penrith Site on the [State Significant Development Sites Map](#) if the development is for the purposes of:

- (a) a principal subdivision establishing major lots or public domain areas, or
- (b) the creation of new roadways and associated works.

12 Development at North Ryde Station Precinct Site

Development on land identified as being within the North Ryde Station Precinct Site on the [State Significant Development Sites Map](#) if the development is for the purposes of:

- (a) a principal subdivision establishing major lots or public domain areas, or
- (b) the creation of new roadways and associated works.

13 Development at Bella Vista Station Precinct and Kellyville Station Precinct Sites

Development on land identified as being within the Bella Vista Station Precinct Site or the Kellyville Station Precinct Site on the [State Significant Development Sites Map](#) if the development is for the purposes of:

- (a) a principal subdivision establishing major lots or public domain areas, or
- (b) the creation of new roadways and associated works.

14 Development at Showground Station Precinct Site

Development on land identified as being within the Showground Station Precinct Site on the [State Significant Development Sites Map](#) if the development is for the purposes of:

- (a) a principal subdivision establishing major lots or public domain areas, or
- (b) the creation of new roadways and associated works.

Schedule 3 State significant infrastructure—general

(Clause 14)

Note—

Development within a category specified in this Schedule is not State significant infrastructure unless it is development that may be carried out without development consent under Part 4 of the Act (see section 5.12 (3) of the Act and clause 14).

1 General public authority activities

- (1) Infrastructure or other development that (but for Division 5.2 of the Act and within the meaning of Part 5 of the Act) would be an activity for which the proponent is also the determining authority and would, in the opinion of the proponent, require an environmental impact statement to be obtained under Part 5 of the Act.
- (2) This clause does not apply to development if the proponent is a council or county council.
- (2A) This clause does not apply to development if, in the opinion of the proponent, its likely significant effect on threatened species is the only significant effect on the environment (whether or not an environmental impact statement is dispensed with under section 7.8 of the [Biodiversity Conservation Act 2016](#)).
- (3) This clause does not apply to development specified in any other clause of this Schedule.

2 Port facilities and wharf or boating facilities

Development for the purpose of port and wharf facilities or boating facilities (not including marinas) by or on behalf of a public authority that has a capital investment value of more than \$30 million.

3 Rail infrastructure

Development for the purpose of rail infrastructure by or on behalf of the Australian Rail Track Corporation that has a capital investment value of more than \$50 million.

4 Water storage or water treatment facilities

- (1) Development for the purpose of water storage or water treatment facilities (not including desalination plants) carried out by or on behalf of a public authority that has a capital investment value of more than \$30 million.
- (2) Development for the purpose of desalination plants by or on behalf of a public authority that has a capital investment value of more than \$10 million.

5 Pipelines

Development for the purpose of a pipeline in respect of which:

- (a) a licence is required under the *Pipelines Act 1967*, or
- (b) an application for a licence is made under that Act on or after the commencement of this clause, or
- (c) a licence was granted under that Act before the commencement of this clause.

Note—

The *Pipelines Act 1967* enables a person to apply for and be granted a licence under that Act although a licence is not required by the Act for the pipeline concerned. Also, see Part 3 of Schedule 1 to the *Pipelines Act 1967*, which affects the operation of the *Environmental Planning and Assessment Act 1979* with respect to pipelines.

6 Submarine telecommunication cables

Development for the purpose of submarine telecommunication cables (and any attached devices) laid on or under the seabed beneath the coastal waters of the State and below the mean high water mark, being cables used for communications between Australia and other countries.

7 Certain development in reserved land under the National Parks and Wildlife Act 1974

Development on land reserved under the *National Parks and Wildlife Act 1974* by a person other than a public authority:

- (a) for a purpose authorised under section 151A (1) (b) of that Act, and
- (b) that has a capital investment value of more than \$10 million.

Schedule 4 State significant infrastructure—specified development on specified land

(Clause 15)

Note—

Section 5.12 (4) of the Act provides a procedure for specified development on specified land to be declared State significant infrastructure by SEPP or by Ministerial order that amends a SEPP (any such declaration has effect whether or not the development would otherwise require consent under Part 4 of the Act). Clause 5 of Schedule 6A to the Act also provides such a

procedure for declaring Part 3A projects to be State significant infrastructure and that clause applies to the development listed in Part 1 of this Schedule.

Part 1 Transitional projects

1 Transitional development—development subject to certain Part 3A applications

Development the subject of the following applications for approval under Part 3A of the Act:

- (a) Concept plan application No MP 06_0157,
- (b) Project application No MP 10_0203,
- (c) Project application No MP 09_0204,
- (d) Project application No MP 10_0146,
- (e) Project application No MP 10_0201.

Part 2 Other development

2 Northern Beaches Hospital Precinct

Development carried out by or on behalf of a public authority that has a capital investment value of more than \$30 million on land identified as being within the Northern Beaches Hospital Precinct on the [State Significant Infrastructure Sites Map](#).

3 Merimbula Sewage Treatment Plant Upgrade and Ocean Outfall

- (1) The Merimbula Sewage Treatment Plant Upgrade and Ocean Outfall project is an upgrading of the Merimbula Sewage Treatment Plant and the construction of a deep water ocean outfall transfer pipe from that plant.
- (2) Development for the purposes of the Merimbula Sewage Treatment Plant Upgrade and Ocean Outfall project on land identified as being within the Merimbula Sewage Treatment Plant and Ocean Outfall Site on the [State Significant Infrastructure Sites Map](#) including:
 - (a) the construction and use of sewage processing systems, and
 - (b) the construction and use of a deep water ocean outfall transfer pipe running from the sewage treatment plant mainly underground to a discharge point, being a submerged diffuser located on the seabed up to 6 kilometres from the sewage treatment plant, and
 - (c) ancillary development including the erection and use of construction compounds, the installation and use of pumping equipment and the decommissioning of existing exfiltration ponds.

4 Albion Park Rail Bypass

- (1) The Albion Park Rail Bypass project is an extension of the M1 Princes Motorway that stretches for approximately 9.8 kilometres between Yallah and Oak Flats bypassing Albion Park Rail town centre.
- (2) Development for the purposes of the Albion Park Rail Bypass on land identified as being within the Albion Park Rail Bypass corridor on the [State Significant Infrastructure Sites Map](#), including:
 - (a) the construction of a new multi lane road, and
 - (b) any works required to be carried out with respect to the Croom Regional Sporting Complex as a result of the new road, including relocating or replacing sporting and other facilities.
- (3) In this clause:

Croom Regional Sporting Complex means the sporting complex and associated facilities on land at Albion Park (being Lot 1, DP 216772, Lot 3, DP 549511, Lot 1, DP 821478, Lot 2, DP 605565, Lot 2, DP 219411 and Lot 57, DP 263741).

development does not include:

- (a) surveys, test drilling, test excavations, geotechnical investigations or other tests, surveys, sampling or investigation for the purposes of the design or assessment of the project, or
- (b) adjustments to, or relocation of, existing utilities infrastructure and installation of new utilities infrastructure.

5 New Maitland Hospital project

Development for the purposes of a health services facility and associated car park that has a capital investment value of more than \$100 million on land identified as being within the New Maitland Hospital Site on the [State Significant Infrastructure Sites Map](#) (being Lot 7314, DP 1162607 and part of Lot 401, DP 755237, Maitland).

Schedule 5 Critical State significant infrastructure

(Clause 16)

1 Pacific Highway projects

Development for the purposes of upgrading the following segments of the Pacific Highway, located within the Ballina, Clarence Valley, Coffs Harbour, Newcastle, Port Stephens and Richmond Valley local government areas, to achieve at least four lanes of dual carriageway:

- (a) F3 Freeway to Raymond Terrace, from the F3 Freeway approximately 1.5 kilometres south of the John Renshaw Drive Roundabout extending for approximately 15 kilometres to approximately 2.5 kilometres north of Masonite Road, Raymond Terrace,
- (b) Coffs Harbour Bypass, from approximately 1 kilometre south of the Englands Road intersection extending for approximately 14 kilometres to approximately 500 metres north of Seaview Close,
- (c) Woolgoolga to Ballina:
 - (i) from Arrawarra Beach Road approximately 5 kilometres north of Woolgoolga to approximately 21 kilometres south of Grafton (the Franklins Road intersection with the Pacific Highway), and
 - (ii) from approximately 13 kilometres south of Grafton (the Eight Mile Lane intersection with the Pacific Highway) to approximately 66 kilometres north of Grafton, and
 - (iii) from approximately 72 kilometres north of Grafton to the Ballina Bypass approximately 6 kilometres south of Ballina.

2 Rail infrastructure projects

- (1) Development for the purposes of the North West Rail Link, being the construction and operation of an electrified passenger rail line between Epping and Rouse Hill, including the following:
 - (a) new stations in Cherrybrook, Castle Hill, Hills Centre, Norwest, Kellyville and Rouse Hill,
 - (b) associated ancillary infrastructure, including (but not limited to) train stabling, roads, car parks, bus interchanges, public amenities and inter-modal facilities.
- (2) Development for the purposes of a Sydney light rail extension being the construction and operation of an extension of the light rail network generally on land between Circular Quay and Randwick and Kingsford, as shown edged heavy black on the [State Environmental Planning Policy \(State and Regional Development\) 2011—Critical State Infrastructure Sites Map—Sydney Light Rail](#), including the following:
 - (a) light rail tracks and associated works,
 - (b) stops and facilities for passengers,
 - (c) associated ancillary infrastructure, including (but not limited to) roads, car parks, bus interchanges, public amenities, pedestrian bridges and walking and cycling paths.

The development does not include surveys, test drilling, test excavations,

geotechnical investigations or other tests, surveys, sampling or investigation for the purposes of the design or assessment of the light rail extension.

3 F3-M2 project

- (1) Development for the purposes of the NorthConnex project being a new multi-lane road link between the M1 Pacific Motorway (formerly the F3 Sydney–Newcastle Expressway) at North Wahroonga and the Hills M2 Motorway at Baulkham Hills, on land in the suburbs of Hornsby, North Wahroonga, Wahroonga, Normanhurst, Thornleigh, Pennant Hills, Beecroft, West Pennant Hills, Carlingford, North Rocks, Northmead and Baulkham Hills, including the following:
 - (a) a motorway with tunnels and interchanges, intersections and connections with existing roads,
 - (b) premises for a tunnel control centre facility with any associated facilities, including a car park,
 - (c) ancillary development, including construction compounds, utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure), electronic tolling facilities, signage, ventilation systems, emergency systems and systems for the control and management of the road.
- (2) The development does not include surveys, test drilling, test excavations, geotechnical investigations or other tests, surveys, sampling or investigation for the purposes of the design or assessment of the project.

4 WestConnex

- (1) WestConnex is a proposed program of works for approximately 33 kilometres of multi-lane roads linking the M4 Western Motorway and the M5 South West Motorway. The object of this clause is to declare the development set out in this clause (being development that forms part of WestConnex) to be State significant infrastructure and critical State significant infrastructure.
- (2) **M4 widening project** Development for the purposes of the M4 widening project:
 - (a) being the upgrading and widening of the M4 Western Motorway between Pitt Street at Merrylands, Holroyd, Parramatta and Granville and Homebush Bay Drive at Homebush, and
 - (b) to be carried out on land in Merrylands, Holroyd, Parramatta, Granville, Harris Park, Rosehill, Clyde, Auburn, Silverwater, Lidcombe, Newington, Sydney Olympic Park, Homebush West and Homebush.
- (3) **M4 East project** Development for the purposes of the M4 East project:
 - (a) being the upgrading, widening and extension of the M4 Western Motorway

between Homebush Bay Drive at Homebush West and Haberfield (including a new multi-lane road via tunnels approximately between Homebush and Haberfield), and

(b) to be carried out on land in Homebush West, Homebush, North Strathfield, Strathfield, Concord, Burwood, Canada Bay, Croydon, Five Dock, Ashfield and Haberfield.

(4) **King Georges Road interchange upgrade project** Development for the purposes of the King Georges Road interchange upgrade project:

(a) being the upgrading, widening and extension of the interchange at King Georges Road between the M5 South West Motorway and the M5 East Motorway, and

(b) to be carried out on land in Narwee, Roselands and Beverly Hills.

(5) **New M5 project** Development for the purposes of the New M5 project:

(a) being a new multi-lane road link between the M5 East Motorway (east of King Georges Road) and St Peters (including new twin multi-lane tunnels approximately between Kingsgrove and St Peters, the widening of the M5 East Motorway between King Georges Road and the proposed tunnels and an interchange at St Peters together with associated works to upgrade local roads), and

(b) to be carried out on land in Beverly Hills, Kingsgrove, Bexley North, Earlwood, Bardwell Park, Bardwell Valley, Arncliffe, Wolli Creek, Tempe, Sydenham, St Peters, Alexandria and Mascot.

(6) **M4-M5 Link project** Development for the purposes of the M4-M5 Link project:

(a) being a new multi-lane road link connecting the M4 East project at Haberfield with the New M5 project at the St Peters interchange (including twin multi-lane tunnels between Haberfield and St Peters, with connections to an interchange at Lilyfield and Rozelle which includes stub tunnels, ramps and related infrastructure for a potential future Western Harbour Tunnel and a tunnel connection to the Iron Cove Bridge), together with associated works to upgrade the surrounding road network, and

(b) to be carried out on land in Haberfield, Leichhardt, Lilyfield, Rozelle, Five Dock, Drummoyne, Annandale, Pyrmont, Petersham, Stanmore, Enmore, Erskineville, Croydon, Ashfield, Chippendale, Surry Hills, Camperdown, Newtown, St Peters and Alexandria.

(7) **Ancillary development** Development that is ancillary to any other development in this clause, including construction compounds, utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure), electronic tolling facilities, signage, ventilation systems, emergency systems, systems for the control

and management of roads, and tunnel control centre facilities.

(8) In this clause:

development does not include the following:

- (a) surveys, test drilling, test excavations, geotechnical investigations or other tests, surveys, sampling or investigation for the purposes of the design or assessment of a project,
- (b) in the case of the M4 East project—any of the following undertaken prior to the commencement of the construction of the new multi-lane road:
 - (i) adjustments to, or relocation of, existing utilities infrastructure and installation of new utilities infrastructure,
 - (ii) the establishment of construction compounds including the erection of temporary buildings and the provision of associated facilities including access roads and car parks,
- (c) in the case of the M4–M5 Link project—contamination investigations or any the following works at the former Rozelle Rail Yards:
 - (i) site establishment for the site management works, including fencing and temporary site offices,
 - (ii) investigative works to identify the location and nature of underground utilities and services,
 - (iii) removal of waste or stockpiled materials or vegetation from the site,
 - (iv) removal of existing rail infrastructure, buildings and redundant underground services, except for rail infrastructure beneath or to the east of the Victoria Road bridge,
 - (v) site stabilisation works,
 - (vi) stormwater management works, including drainage channels and sediment basins.

tunnel control centre facility means premises used for the purposes of a tunnel control centre together with any associated facilities, including car parks.

5 Sydney Metro City and Southwest

- (1) Development for the purposes of Sydney Metro City and Southwest being the construction and operation of new passenger rail infrastructure and the modification of existing rail infrastructure on land in the suburbs referred to in subclause (2), being approximately from Chatswood, through the lower north shore and the central

business district of Sydney, to Sydenham and west to Bankstown, including:

- (a) the construction of stations in connection with that rail infrastructure, and the modification of existing stations, and
 - (b) the construction of a tunnel under Sydney Harbour, and
 - (c) links with the existing rail network at Chatswood, and
 - (d) associated ancillary infrastructure and works.
- (2) The development includes work in the suburbs of Chatswood, Artarmon, Lane Cove North, Naremburn, St Leonards, Crows Nest, North Sydney, McMahons Point, Barangaroo, Millers Point, Sydney, Haymarket, Surry Hills, Chippendale, Camperdown, Darlington, Redfern, Waterloo, Alexandria, Eveleigh, Erskineville, Newtown, St Peters, Marrickville, Sydenham, Tempe, Dulwich Hill, Hurlstone Park, Canterbury, Campsie, Belmore, Lakemba, Wiley Park, Punchbowl and Bankstown.
- (3) The development does not include surveys, test drilling, test excavations, geotechnical investigations, contamination investigations or other tests, surveys, sampling or works for the purposes of the design or assessment of Sydney Metro City and Southwest.

6 The Northern Road Upgrade project

- (1) Development for the purposes of The Northern Road Upgrade project, being:
- (a) the upgrading, widening and realignment of The Northern Road between Mersey Road, Bringelly and Glenmore Parkway, Glenmore Park, to be carried out on land in the local government areas of the City of Liverpool and the City of Penrith, and
 - (b) ancillary development, including construction compounds, utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure), signage, emergency systems and systems for the control and management of roads.

- (2) In this clause:

development does not include surveys, test drilling, test excavations, geotechnical investigations or other tests, surveys, sampling or investigation for the purposes of the design or assessment of the project.

7 Inland Rail

- (1) Inland Rail is a proposed program of works comprising the upgrade and construction of railway track over approximately 1,700 kilometres between Melbourne and Brisbane, including works to existing track and the construction of new track between Albury and the Queensland border. The object of this clause is to declare the

development set out in this clause (being development that forms part of Inland Rail) to be critical State significant infrastructure.

- (2) **Parkes to Narromine project** Development for the purposes of the Parkes to Narromine project being:
- (a) the upgrade of approximately 106 kilometres of existing track, track formation and culverts and realignment of sections of track in the existing rail corridor between Parkes and Narromine, via Peak Hill, and
 - (b) the construction of 3 new crossing loops approximately 13 kilometres, 65 kilometres and 90 kilometres north of Parkes Station, and
 - (c) the construction of approximately 5 kilometres of new rail line to join the Broken Hill rail line to the west of Parkes (including a new road bridge over the existing rail corridor at Brolgan Road).
- (3) **Narrabri to North Star project** Development for the purposes of the Narrabri to North Star project being:
- (a) upgrading approximately 188 kilometres of existing track, track formation, culverts and underbridges in the existing rail corridor between Narrabri and North Star (including the realignment of track at Bellata, Gurley and Moree Stations), and
 - (b) the removal of existing bridges and the construction of 3 new rail bridges over the Mehi and Gwydir Rivers and Croppa Creek and the construction of a new road bridge over the existing rail corridor at Jones Avenue, Moree, and
 - (c) the realignment of approximately 1.5 kilometres of the Newell Highway near Bellata (including the construction of a new road bridge over the existing rail corridor), and
 - (d) the construction of approximately 1.6 kilometres of new rail line at Camurra to eliminate the existing hairpin curve, and
 - (e) the construction of 5 new crossing loops approximately 11 kilometres, 35 kilometres and 76 kilometres south of Moree Station and 31 kilometres and 75 kilometres north of Moree Station.
- (4) **Ancillary development** Development that is ancillary to any other development in this clause, including construction compounds, utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure), works to level crossings, signalling and communications, signage, fencing and services for the control and management of roads and railways.

Schedule 6 (Repealed)

Schedule 7 Regionally significant development

(cl 20)

1 Definitions

In this Schedule:

eco-tourist facility means a building or place used for tourist and visitor accommodation, function centres or environmental facilities that is located in a natural environment and is primarily used for activities involving education about, or the interpretation, cultural understanding or appreciation of, the natural environment.

rail infrastructure facilities has the same meaning as it has in Division 15 of Part 3 of [State Environmental Planning Policy \(Infrastructure\) 2007](#).

road infrastructure facilities has the same meaning as it has in Division 17 of Part 3 of [State Environmental Planning Policy \(Infrastructure\) 2007](#).

2 General development over \$30 million

Development that has a capital investment value of more than \$30 million.

3 Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if:

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or
- (b) the council is the owner of any land on which the development is to be carried out, or
- (c) the development is to be carried out by the council, or
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).

4 Crown development over \$5 million

Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million.

5 Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes:

- (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or

boating facilities,

- (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.

6 Eco-tourist facilities over \$5 million

Development for the purpose of eco-tourist facilities that has a capital investment value of more than \$5 million.

7 Particular designated development

Development for the purposes of:

- (a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*, or
- (b) marinas or other related land and water shoreline facilities, which meet the requirements for designated development under clause 23 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*, or
- (c) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

8 Coastal subdivision

- (1) Development within the coastal zone for the purposes of subdivision of the following kind:
 - (a) subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system,
 - (b) subdivision of land for residential purposes into more than 100 lots, if the land:
 - (i) is not in the metropolitan coastal zone, or
 - (ii) is wholly or partly in a sensitive coastal location,
 - (c) subdivision of land for rural-residential purposes into more than 25 lots, if the land:
 - (i) is not in the metropolitan coastal zone, or
 - (ii) is wholly or partly in a sensitive coastal location.
- (2) In this clause:

coastal zone has the same meaning as in the [Coastal Management Act 2016](#).

metropolitan coastal zone means that part of the coastal zone between the northern boundary of the local government area of the City of Newcastle and the southern boundary of the local government area of the City of Shellharbour.

sensitive coastal location means any of the following that occur within the coastal zone:

- (a) land within 100m above mean high water mark of the sea, a bay or an estuary,
- (b) a coastal lake,
- (c) a declared Ramsar wetland within the meaning of the [Environment Protection and Biodiversity Conservation Act 1999](#) of the Commonwealth,
- (d) a declared World Heritage property within the meaning of the [Environment Protection and Biodiversity Conservation Act 1999](#) of the Commonwealth,
- (e) land declared as a marine park or an aquatic reserve under the [Marine Estate Management Act 2014](#),
- (f) land within 100m of any of the following:
 - (i) the water's edge of a coastal lake,
 - (ii) land to which paragraph (c), (d) or (e) applies,
 - (iii) land reserved under the [National Parks and Wildlife Act 1974](#),
 - (iv) land to which [State Environmental Planning Policy No 14—Coastal Wetlands](#) applies,
- (g) residential land (within the meaning of [State Environmental Planning Policy No 26—Littoral Rainforests](#)) that is within a distance of 100m from the outer edge of the heavy black line on the series of maps held in the Department and marked "State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)".

subdivision of land does not include a boundary adjustment, a strata subdivision, or a community title subdivision associated with another development that has been approved.

9 Development subject to delays in determination

Development that has a capital investment value of more than \$10 million but less than \$30 million:

- (a) for which a development application to the relevant council has been lodged but not

determined within 120 days after the application was lodged, and

- (b) that is the subject of a written request to that council by the applicant for the application to be dealt with by a regional panel,

unless the chairperson of the regional panel concerned determines that the delay in determining the development application was caused by the applicant.

10 Development in council areas where development assessment unsatisfactory

- (1) Development within the area of a particular council for particular purposes designated by the Minister by order published on the NSW legislation website.
- (2) Such an order cannot be made unless the Minister is satisfied that the performance of the council concerned in dealing with development matters has not met applicable performance criteria.