

# State Environmental Planning Policy (Planning Systems) 2021

[2021-724]



New South Wales

## Status Information

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### Provisions in force

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

### Authorisation

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# State Environmental Planning Policy (Planning Systems) 2021



New South Wales

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# State Environmental Planning Policy (Planning Systems) 2021



New South Wales

## Chapter 1 Preliminary

### 1.1 Name of Policy

This Policy is *State Environmental Planning Policy (Planning Systems) 2021*.

### 1.2 Commencement

This Policy commences on 1 March 2022 and is required to be published on the NSW legislation website.

### 1.3 Definitions

In this Policy—

**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.

### 1.4 Transferred provisions

The *Interpretation Act 1987*, section 30A is taken to apply to the provisions transferred to this Policy on the commencement of this Policy in the same way as it applies to provisions transferred from a statutory rule to another statutory rule.

**Note—**

The *Interpretation Act 1987*, section 30A provides—

- (a) the transfer of a provision does not affect the operation or meaning of the provision, and
- (b) a transferred provision is to be construed as if it had not been transferred.

## Chapter 2 State and regional development

### Part 2.1 Preliminary

#### 2.1 Aims of Chapter

The aims of this Chapter 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.

#### 2.2 Definitions

(1) In this Chapter—

***environmentally sensitive area of State significance*** means—

- (a) coastal waters of the State, or
- (b) land identified as “coastal wetlands” or “littoral rainforest” on the [Coastal Wetlands and Littoral Rainforests Area Map](#) (within the meaning of *State Environmental Planning Policy (Coastal Management) 2018*), 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 Land Management Act 2016* 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*.

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

**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*.

**Sydney Metro** means Sydney Metro constituted under the *Transport Administration Act 1998*, section 38.

**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 Chapter.

- (2) Words and expressions used in this Chapter 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 Chapter have (subject to this section) 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 Chapter do not form part of this Chapter.

### **2.3 Maps**

- (1) A reference in this Chapter to a named map adopted by this Chapter 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 Chapter 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 Chapter, a map may be in, and may be kept and made available in, electronic or paper form, or both.
- (5) A reference in this section 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 Chapter are to be made available on the official NSW legislation website in connection with this Chapter.

### **2.4 Land to which Chapter applies**

This Chapter applies to the State.

### **2.5 Relationship to other environmental planning instruments**

Subject to section 74(1) of the Act, in the event of an inconsistency between this Chapter and another environmental planning instrument, whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.



## Part 2.2 State significant development

### 2.6 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 subsection (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 section 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 Chapter.

#### Note—

Development does not require consent under Part 4 of the Act merely because it is declared to be State significant development under this section. 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 subsection (2)).

### 2.7 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 or unless the development is declared to be State significant infrastructure related development under subsection (2)—

- (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 50 submissions (other than from a council) have duly been made 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 Minister may, if of the opinion that any State significant development is related to State significant infrastructure, declare, by Ministerial planning order, that the development is State significant infrastructure related development for the purposes of this section.
- (3) The Independent Planning Commission is also declared, under section 4.5(a) of the Act, to be the consent authority in respect of an application to modify a development consent that is made by a person who has disclosed a reportable political donation under section 10.4 of the Act in connection with the modification application.
- (4) This section extends to development the subject of development applications that were made before the commencement of this section and that have not been determined on that commencement.
- (5) However, this section does not apply to development the subject of a development application that was made before the commencement of this section if the Minister notified the Planning Assessment Commission in writing before that commencement that the Minister would determine the development application.
- (6) For the purposes of subsection (1)(b), each of the following is to be counted as 1 submission—
  - (a) a petition,
  - (b) any submissions that contain the same or substantially the same text.

## **2.8 Exclusion of certain complying development**

If, but for this section—

- (a) particular development would be State significant development, and
- (b) a provision of an environmental planning instrument (whether made before or after this Chapter 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.

## **2.9 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.

## **2.10 Application of development control plans to State significant development**

- (1) Development control plans (whether made before or after the commencement of this Chapter) 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.
- (2) A requirement of an environmental planning instrument that a development control plan be prepared before development consent can be granted to development does not apply to—
  - (a) State significant development, or
  - (b) development for which a relevant council is the consent authority under the Act, section 4.37.

## **2.11 Concept development applications**

If—

- (a) development is specified in Schedule 1 or 2 to this Chapter by reference to a minimum estimated development cost, 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).

## **2.12 Extension of Part to State significant development under call-in power**

Sections 2.8–2.10 extend to State significant development declared under section 4.36(3) of the Act.

## **Part 2.3 State significant infrastructure**

### **2.13 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 subsection (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.

### **2.14 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.

### **2.15 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.

### **2.16 Exclusion of certain exempt development**

If, but for this section—

(a) particular development would be State significant infrastructure, and

(b) a provision of an environmental planning instrument (whether made before or after this Chapter 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.

### **2.17 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.

### **2.18 Staged infrastructure applications**

If—

(a) development is specified in Schedule 3, 4 or 5 to this Chapter by reference to a minimum estimated development cost, 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 2.4 Regionally significant development**

### **2.19 Declaration of regionally significant development: section 4.5(b)**

(1) Development specified in Schedule 6 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.

## **2.20 Concept development applications**

If—

- (a) development specified in Schedule 6 is described in that Schedule by reference to a minimum estimated development cost, 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 6, but only if that part of the development exceeds the minimum value or size or other aspect specified in that Schedule for the development.

## **Part 2.5 Miscellaneous**

### **2.21 Transitional provisions—existing development applications when development identified as State significant development**

Despite any other provision of this Chapter, development identified by this Chapter 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.

### **2.22 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 Chapter) if the development application was made, but not determined by the Minister, before the commencement of this Chapter.
- (2) If any development that is not regionally significant development becomes regionally

significant development because of an amendment of this Chapter and the development is the subject of a development application that has not been determined when this Chapter 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 Chapter and the development is the subject of a development application that has not been determined when this Chapter is so amended, the development does not cease to be regionally significant development for the purposes of that application.

### **2.23 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 Chapter, is taken to be a reference to the corresponding provision of this Chapter.

### **2.24 Transitional provision—concept development applications for regionally significant development**

To avoid doubt, any part of development that is the subject of a separate development application as referred to in section 2.20 is, on and from the amendment of that section on 1 August 2020 by *State Environmental Planning Policy (State and Regional Development) Amendment (Regional Panel Development Applications) 2020*, development specified in Schedule 6 only if that part exceeds the minimum value or size or other aspect specified in that Schedule for the development—

- (a) even if the application was made, but not finally determined, before 1 August 2020, and
- (b) even if consent was granted on the determination of the relevant concept development application before 1 August 2020.

## **Chapter 3 Aboriginal land**

### **Part 3.1 Preliminary**

#### **3.1 Aims of Chapter**

The aims of this Chapter are—

- (a) to provide for development delivery plans for areas of land owned by Aboriginal Land Councils to be considered when development applications are considered, and
- (b) to declare specified development carried out on land owned by Aboriginal Land Councils to be regionally significant development.

### 3.2 Definitions

(1) In this Chapter—

**Aboriginal Land Council** has the same meaning as in the [Aboriginal Land Rights Act 1983](#).

**development delivery plan** means a plan adopted by the Minister under Part 3.2.

**estimated development cost** has the same meaning as in the [Environmental Planning and Assessment Regulation 2021](#).

**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 Chapter.

(2) Notes included in this Chapter do not form part of this Chapter.

### 3.3 Land to which Chapter applies

This Chapter applies to land owned by an Aboriginal Land Council.

### 3.4 Relationship with other environmental planning instruments

In the event of an inconsistency between this Chapter and another environmental planning instrument, whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.

### 3.5 (Repealed)

## Part 3.2 Development delivery plans

### 3.6 Approval of development delivery plans

- (1) The Minister is to approve development delivery plans for land to which this Chapter applies.
- (2) The Minister must not approve a development delivery plan unless—
  - (a) the Minister is satisfied that the plan was prepared by or on behalf of the Aboriginal Land Council that owns the land (the **responsible Aboriginal Land Council**), or
  - (b) if the plan was prepared by or on behalf of the Minister, the responsible Aboriginal Land Council was consulted on the proposed plan and the Minister has considered any submissions made by the responsible Aboriginal Land Council.
- (3) The Minister may amend or refuse to approve a development delivery plan prepared



by or on behalf of the responsible Aboriginal Land Council.

- (4) The Minister is to consult with the responsible Aboriginal Land Council and to consider any submissions made by the responsible Aboriginal Land Council before amending a proposed development delivery plan prepared by the responsible Aboriginal Land Council.
- (5) A development delivery plan is taken to be approved by the Minister on the day on which it is published in the Gazette or the NSW planning portal.
- (6) An approved development delivery plan may be amended or replaced by the Minister at the request of the responsible Aboriginal Land Council or at the Minister's discretion.
- (7) The Minister is to make approved development delivery plans, and amendments to those plans, publicly available.

### **3.7 Requirements for development delivery plans**

- (1A) A development delivery plan may apply to—
  - (a) certain land owned by an Aboriginal Land Council, or
  - (b) all land owned by the same Aboriginal Land Council.
- (1) A development delivery plan for land must—
  - (a) identify the land to which the plan applies,
  - (b) set out the general objectives of the Aboriginal Land Council for the land, and
  - (c) set out the nature of development proposed for the land, and
  - (d) set out the basis on which the development is proposed, having regard to applicable economic, social and environmental factors, and
  - (e) set out strategies, actions and a program for achieving the objectives for the land, and
  - (f) contain other matters that the Minister thinks appropriate.
- (2) A development delivery plan may also set out 1 or more of the following matters—
  - (a) the bulk, scale and size of development proposed for the land to which the plan applies,
  - (b) measures to support Aboriginal cultural heritage that may be affected by development proposed for the land,
  - (c) measures to support strategic biodiversity conservation relating to the land,

- (d) proposals for provision for public utility infrastructure and roads.
- (3) A responsible Aboriginal Land Council or the Minister must have regard to the following when preparing a development delivery plan or an amendment to a plan—
  - (a) a regional strategic plan that applies to the region in which the land to which the plan applies is situated,
  - (b) the community, land and business plan adopted by the responsible Aboriginal Land Council under the *Aboriginal Land Rights Act 1983*,
  - (c) any other matters the Aboriginal Land Council or Minister considers relevant.
- (4) (Repealed)

### **3.8 Development delivery plan to be considered when determining development applications**

A consent authority must have regard to matters referred to in section 3.7(2) that are included in a development delivery plan that is applicable to land to which this Chapter applies when determining an application for development consent to carry out development on that land.

## **Part 3.3 Regional development**

### **3.9 Application of Part**

This Part does not apply to development on land to which this Chapter applies unless a development delivery plan is in force under this Chapter for the land.

### **3.10 Declaration of regionally significant development: section 4.5 (b) of the Act**

- (1) The following development on land to which this Chapter applies owned by an Aboriginal Land Council is declared to be regionally significant development for the purposes of the Act—
  - (a) development that has an estimated development cost of more than \$5 million,
  - (b) development in respect of which more than 50 submissions are received after the development application for the development is placed on public exhibition,
  - (c) development for which a development application to the relevant council has been lodged but not determined within 60 days after the application was lodged and that is the subject of a written request to the council by the applicant for the application to be dealt with by a regional panel, unless the chairperson of the regional panel determines that the delay in determining the application was caused by the applicant.
- (2) If development the subject of a concept development application under Part 4 of the

Act is development that has an estimated development cost of more than \$5 million, a part of the development that is the subject of a separate development application is taken to be development specified by subsection (1) (whether or not that part of the development has an estimated development cost of more than \$5 million).

- (3) 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.

## **Part 3.4 Miscellaneous**

### **3.11 Transitional provision—existing development applications**

- (1) This section applies to a development application (an ***existing application***) if the application—
- (a) relates to land to which this Chapter applies, and
  - (b) was made before the application of this Chapter to the land, and
  - (c) was not determined before the application of this Chapter to the land.
- (2) Development that is the subject of an existing application is not regionally significant development for the purposes of the development application.
- (3) Section 3.8 applies to the determination of an existing application.

## **Chapter 4 Concurrences and consents**

### **4.1 Land to which Chapter applies**

This Chapter applies to the State.

### **4.2 Relationship with other environmental planning instruments**

If there is an inconsistency between this Chapter and another environmental planning instrument, whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.

### 4.3 Planning Secretary may act as concurrence authority

- (1) If a person whose concurrence to development is required to be obtained by a relevant provision fails to inform a consent authority of the decision concerning concurrence within the time allowed for doing so, the Planning Secretary may elect to act in the place of the person for the purposes of deciding whether to grant concurrence to the development.
- (2) The election must be made by notice in writing given to the consent authority.
- (3) In deciding whether to grant concurrence, the Planning Secretary must take into consideration the matters that the relevant provision states that the person must take into consideration in deciding whether concurrence should be granted.
- (4) The Planning Secretary must give written notice of the Planning Secretary's decision concerning the concurrence within the time allowed by the regulations.
- (5) The person may continue to decide whether to grant concurrence to the development and, accordingly, continues to be a concurrence authority in relation to the development, until the Planning Secretary gives written notice to the consent authority of the Planning Secretary's decision (if any) concerning the concurrence.
- (6) The Planning Secretary ceases to be able to make an election under this section or to continue to be a concurrence authority in relation to the development after the person gives written notice to the consent authority of the person's decision (if any) concerning the concurrence.
- (7) A written notice required to be given under this section may be given by means of the NSW Planning Portal.
- (8) In this section—

**concurrence authority** has the same meaning as in the *Environmental Planning and Assessment Regulation 2021*.

**relevant provision** means the following—

- (a) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, section 6.64,
- (b) *State Environmental Planning Policy (Precincts—Central River City) 2021*, section 3.19 and Appendices 7, 9 and 11, section 6.10,
- (c) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, section 3.19,
- (d) *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.97, 2.99, 2.101 and 3.22.

#### 4.4 Certain repealed SEPPs continue to apply to deemed EPIs

*State Environmental Planning Policy No 1—Development Standards* and *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*, as in force immediately before the repeal of those policies, continue to apply to any of the following that are in force as if those policies had not been repealed—

- (a) *Sydney Cove Redevelopment Authority Scheme*,
- (b) *Town and Country Planning (General Interim Development) Ordinance*,
- (c) each Planning Scheme Ordinance,
- (d) each Interim Development Order.

#### 4.5 Savings provision—SEPP 1 continues to apply to existing applications

*State Environmental Planning Policy No 1—Development Standards*, as in force immediately before its repeal, continues to apply to an application made under clause 6 of that Policy if the application was made, but not finally determined, before that repeal.

**Note—**

Section 30(2)(d) of the *Interpretation Act 1987* provides that the repeal of a statutory rule does not affect the operation of any savings or transitional provision contained in the statutory rule. Section 5(6) of that Act provides that section 30 also applies to an environmental planning instrument. This means that the above provision continues to have effect despite the repeal of this Chapter.

## Schedule 1 State significant development—general

(Section 2.6(1))

### 1 Intensive livestock agriculture

Development for the purpose of intensive livestock agriculture that has an estimated development cost of more than \$30 million.

### 2 Aquaculture

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

**Note—**

Subsection (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 an estimated development cost 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 an estimated development cost 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 section).

### **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 an estimated development cost 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 an estimated development cost of more than \$30 million.

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

(5) This section 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) 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 an estimated development cost of more than \$30 million.

(3) This section 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*).

(4) In this section, **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) Subsection (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 an estimated development cost of more than \$30 million.

(4) This section 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 section 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 an estimated development cost 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 an estimated development cost 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 an estimated development cost 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 an estimated development cost 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 an estimated development cost of more than the relevant amount for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.
- (2) This section does not apply to development for the purposes of warehouses or distribution centres to which section 18 or 19 applies.
- (3) In this section—

**relevant amount** means—

- (a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—\$30 million, or
- (b) for any other development—\$50 million.

### **13 Cultural, recreation and tourist facilities**

- (1) Development that has an estimated development cost 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 an estimated development cost of more than \$100 million, or
  - (b) has an estimated development cost 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 an estimated development cost 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 that has an estimated development cost of more than \$20 million that—

- (a) is for the purpose of a new school, or
  - (b) involves the erection of a building for an existing school on land that, immediately before the commencement of the development, was not used for the purposes of a school.
- (2) Development for the purposes of the erection of a building, or alterations or additions to an existing building, at an existing school that has an estimated development cost of more than \$50 million.
  - (3) Development for the purposes of a tertiary institution, including an associated research facility, that has an estimated development cost of more than \$50 million.
  - (4) This section does not apply to development that consists only of development for the purposes of campus student accommodation within the site of a school or tertiary institution.
  - (5) This section, as in force immediately before the commencement of [State Environmental Planning Policy \(Educational Establishments and Child Care Facilities\) Amendment 2021](#), Schedule 2 continues to apply to a development application made but not finally determined before the commencement.
  - (6) In this section—

**campus student accommodation** has the same meaning as in [State Environmental Planning Policy \(Educational Establishments and Child Care Facilities\) 2017](#).

**tertiary institution** has the same meaning as in [State Environmental Planning Policy \(Educational Establishments and Child Care Facilities\) 2017](#).

## 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 an estimated development cost of more than \$30 million.
- (2) In this section—

**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 an estimated development cost 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 an estimated development cost of more than \$30 million.

## **19 Rail and related transport facilities**

- (1) Development that has an estimated development cost 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 an estimated development cost 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 an estimated development cost of more than \$30 million, or
- (b) has an estimated development cost 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 an estimated development cost of more than \$30 million.
- (2) Development for the purpose of desalination plants that has an estimated development cost 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 an estimated development cost of more than \$30 million, or

- (c) has an estimated development cost 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 section, **category 1 remediation work** and **remediation** have the same meanings as in [State Environmental Planning Policy No 55—Remediation of Land](#).

## 25 Data centres

- (1) Development for the purpose of data centres that has a total power consumption of more than the relevant amount.
- (2) In this section—
- relevant amount** means—
- (a) for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—10 megawatts, or
- (b) for any other development—15 megawatts.

## 26 Housing development carried out by certain public authorities

- (1) Development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation if the development—
- (a) has an estimated development cost of more than \$30 million, or
- (b) will result in more than 75 dwellings.
- (2) Development carried out by or on behalf of Landcom if—
- (a) the development—
- (i) has an estimated development cost of more than \$30 million, or
- (ii) will result in more than 75 dwellings, and
- (b) at least 50% of the gross floor area of the development will be used for the purposes of affordable housing.

### 26A In-fill affordable housing

- (1) Development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 2, Part 2, Division 1 applies if—
- (a) the part of the development that is residential development has an estimated development cost of—
- (i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$75 million, or

**Note—**

The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.

- (ii) for development on other land—more than \$30 million, and
  - (b) the development does not involve development prohibited under an environmental planning instrument applying to the land.
- (2) This section does not apply to—
- (a) development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 4 applies, or
  - (b) a development application made, but not finally determined, before the commencement of this section.
- (2A) This section, as in force immediately before the commencement of *State Environmental Planning Policy Amendment (Housing) 2024*, continues to apply to a development application made, but not finally determined, before the commencement.
- (3) In this section—
- residential development** has the same meaning as in *State Environmental Planning Policy (Housing) 2021*, section 15B.

## 27 Build-to-rent housing

- (1) Development permitted under the Housing SEPP, Chapter 3, Part 4 if—
- (a) the proposed development has an estimated development cost of—
    - (i) for development on land in the Eastern Harbour City, Central River City or Western Parkland City in the Six Cities Region—more than \$50 million, or
- Note—**
- The Act, Schedule 9 sets out the local government areas in each city in the Six Cities Region.
- (ii) for development on other land—more than \$30 million, and
  - (b) the tenanted component of the proposed development has a value of at least 60% of the estimated development cost of the proposed development, and
  - (c) for development on land in Zone B3 Commercial Core—the proposed development does not involve development that is prohibited under an environmental planning instrument applying to the land, other than development for the purposes of multi dwelling housing, residential flat buildings or shop top housing, and
  - (d) for development on other land—the proposed development does not involve development that is prohibited under an environmental planning instrument applying to the land.
- (2) Subsection (1) does not apply to development on land within the area of the City of

Sydney.

- (2A) Subsection (1)(d) does not apply to development on land for which a site compatibility certificate has been issued—
- (i) under the Housing SEPP, section 39, or
  - (ii) *State Environmental Planning Policy (Affordable Rental Housing) 2009*, clause 37, as in force immediately before its repeal.
- (2B) This section, as in force immediately before the commencement of *State Environmental Planning Policy Amendment (Housing) 2024*, continues to apply to a development application made, but not finally determined, before the commencement.

(3) In this section—

**Housing SEPP** means *State Environmental Planning Policy (Housing) 2021*.

**tenanted component** has the same meaning as in the Housing SEPP.

## 28 Seniors housing

Development for the purposes of seniors housing if—

- (a) the seniors housing component has an estimated development cost of—
  - (i) for development on land in the Greater Sydney region—more than \$30 million, or
  - (ii) otherwise—more than \$20 million, and
- (b) the seniors housing component includes a residential care facility, and
- (c) other components of the proposed development are not prohibited on the land under an environmental planning instrument.

## 29 Development in the Western Sydney Aerotropolis

Development on land shown on the *Land Application Map* under *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4 if the proposed development—

- (a) has an estimated development cost of more than \$30 million, and
- (b) does not involve development—
  - (i) prohibited under the Chapter, or
  - (ii) to which that Policy, section 4.13A applies.



### 30 Cemeteries

(1) Development for the purposes of cemeteries that will create at least 5,000 sites for the interment of human remains other than cremated remains.

(2) In this section—

**human remains** has the same meaning as in the [Cemeteries and Crematoria Act 2013](#).

**interment**, of human remains, has the same meaning as in the [Cemeteries and Crematoria Act 2013](#).

### 31 Thermal energy from waste development

(1) Development for the purposes of electricity generating works, industry or waste or resource management facilities—

(a) involving, or carried out to enable, the thermal treatment of waste involving or resulting in energy recovery from the waste, and

(b) with an estimated development cost of—

(i) if the development is located in an environmentally sensitive area of State significance—more than \$10 million, or

(ii) otherwise—more than \$30 million.

(2) Development for the purposes of industry or waste or resource management facilities—

(a) involving, or carried out to enable, the thermal treatment of waste involving or resulting in energy recovery from the waste, and

(b) involving the incineration of more than 1,000 tonnes of waste per year.

(3) This section does not apply to proposed development the subject of a development application made, but not finally determined, before this section commenced.

(4) A word or expression used in this section has the same meaning as in the [Protection of the Environment Operations \(General\) Regulation 2022](#), Chapter 9, Part 4, unless otherwise defined in this section.

(5) In this section—

**waste** has the same meaning as in the [Protection of the Environment Operations Act 1997](#).

## Schedule 2 State significant development—identified sites

(Section 2.6(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 an estimated development cost 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 an estimated development cost 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 an estimated development cost 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 an estimated development cost 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 an estimated development cost of more than \$10 million, or
- (b) it does not comply with the approved scheme within the meaning of clause 27 of Schedule 1 to the [Environmental Planning and Assessment \(Savings, Transitional and Other Provisions\) Regulation 2017](#).

#### **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 an estimated development cost 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 Schedule 4A, Part 1, Division 1 of the [Sporting Venues Authorities Act 2008](#).

#### **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 an estimated development cost of more than \$10 million.

### **10 (Repealed)**

### **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.

### **15 Development in Gosford City Centre**

Development that has an estimated development cost of more than \$75 million on land

identified on the [Land Application Map](#) (within the meaning of *State Environmental Planning Policy (Gosford City Centre) 2018*).

### **16 Development at Waterloo Metro Quarter**

Development carried out by or on behalf of Sydney Metro or the Planning Ministerial Corporation on land identified as being within the Waterloo Metro Quarter on the [State Significant Development Sites Map](#) if the development has an estimated development cost of more than \$30 million.

### **18 Development in Cherrybrook Station Precinct**

Development on land identified as the Cherrybrook Station Precinct on the [State Significant Development Sites Map](#) if the development—

- (a) is carried out by or on behalf of—
  - (i) Sydney Metro, or
  - (ii) the Planning Ministerial Corporation, and
- (b) has an estimated development cost of more than \$30 million.

## **Schedule 3 State significant infrastructure—general**

(Section 2.13)

### **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 section 2.13).

### **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 section does not apply to development if the proponent is a council or county council.
- (2A) This section 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 section does not apply to development specified in any other section 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 an estimated development cost 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 an estimated development cost 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 an estimated development cost of more than \$30 million.

(1A) Subsection (1) does not apply to development for the purposes of upgrading water treatment facilities carried out by or on behalf of Sydney Water Corporation or Hunter Water Corporation.

(2) Development for the purpose of desalination plants by or on behalf of a public authority that has an estimated development cost 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 section, or
- (c) a licence was granted under that Act before the commencement of this section.

### **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 an estimated development cost of more than \$10 million.

## **Schedule 4 State significant infrastructure—specified development on specified land**

(Section 2.14)

### **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 an estimated development cost 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 section—

**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 an estimated development cost 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).

## **6 Sydney International Speedway Project**

- (1) Development for the purposes of the Sydney International Speedway Project, being—
  - (a) the construction and operation of new motor sports infrastructure at Ferrers Road, Eastern Creek, including—
    - (i) a race track and speedway motorcycle track, competitor pit areas, garages, trackside operational support areas, spectator viewing areas and associated facilities, and
    - (ii) access and parking facilities and associated infrastructure, and
  - (b) ancillary development, including construction compounds and utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure).
- (2) The development is to be carried out on land in the local government area of the City of Blacktown.
- (3) The development does not include the following—
  - (a) surveys, test drilling, test excavations, geotechnical or contamination investigations or other tests, surveys, sampling or investigation for the purposes of the design or assessment of the Sydney International Speedway Project,
  - (b) the establishment of access roads, temporary car parks, fences and signage and construction compounds including the erection of temporary buildings and the provision of associated facilities undertaken before the commencement of the construction of the development specified in this section.

## **7 Moorebank Avenue Realignment**

- (1) The Moorebank Avenue Realignment project is a realignment and upgrade of Moorebank Avenue from a point south of Anzac Road in the north to the East Hills Railway in the south.
- (2) Development for the purposes of the Moorebank Avenue Realignment project on land identified as being within the Moorebank Avenue Realignment Project on the [State Significant Infrastructure Sites Map](#), including—
  - (a) the construction of a multi lane road, and
  - (b) ancillary development including, but not limited to, access roads, construction compounds, flood mitigation works, pedestrian and cycling facilities, road modification works, signage, stormwater management, signalised intersections

and utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure).

## **8 Sydney Terminal Building (Central Station) Revitalisation Project**

- (1) Development for the purposes of the Sydney Terminal Building (Central Station) Revitalisation Project, including the following—
  - (a) the restoration, refurbishment or redevelopment of—
    - (i) the Sydney Terminal Building at Central Station, including the Grand Concourse, and
    - (ii) the adjacent Central Electric Building, Eddy Avenue Colonnade, Eddy Avenue Plaza, Western Forecourt and loading dock,
  - (b) the erection of buildings used for one or more of the following—
    - (i) commercial premises,
    - (ii) community facilities,
    - (iii) information and education facilities,
  - (c) associated works to improve access or provide parking,
  - (d) the construction, installation or alteration of related infrastructure,
  - (e) ancillary development, including development for the purposes of—
    - (i) construction compounds, or
    - (ii) utilities infrastructure, including the alteration or relocation of existing utilities infrastructure.
- (2) The development is to be carried out on land in Haymarket and Chippendale in the local government area of City of Sydney.
- (3) In this section—

**development** does not include the following—

  - (a) geotechnical investigations, surveys, test drilling, test excavations or other investigations, sampling or tests for the purposes of the design or assessment of the project,
  - (b) the construction of temporary car parks or site facilities,
  - (c) the installation of temporary fences or signage.

## **9 Cowarra Water Supply Scheme**

Development for the purposes of the Cowarra Water Supply Scheme on land in the Port Macquarie-Hastings local government area, including the following—

- (a) the construction of a water treatment facility at Cowarra Dam,
- (b) the construction of a water reservoir,
- (c) the construction of pipelines—
  - (i) between Cowarra Dam and Clearwater Crescent, and
  - (ii) between the water reservoir and water reticulation systems at Thrumster, Port Macquarie and Camden Haven,
- (d) the construction of infrastructure to manage waste generated by the water treatment facility,
- (e) ancillary development.

## **10 Thrumster Wastewater Scheme**

Development for the purposes of the Thrumster Wastewater Scheme on land in the Port Macquarie-Hastings local government area, including the following—

- (a) construction of a wastewater treatment plant at 433 Fernbank Road, Thrumster,
- (b) construction of sewer rising mains and recycled water mains,
- (c) works at certain existing sewer pump stations for the purposes of reducing sewer load on the existing system,
- (d) ancillary development.

## **Schedule 5 Critical State significant infrastructure**

(Section 2.15)

### **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—North West Rail Link and Sydney light rail extension**

- (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 section is to declare the development set out in this section (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 section, 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 section—
- 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 subsection (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, Earlwood, Canterbury, Campsie, Belmore, Lakemba, Wiley Park, Punchbowl, Yagoona 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 section—
- 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 section is to declare the development set out in this section (being development that forms part of Inland Rail) to be critical State significant infrastructure.
- (1A) **Albury to Illabo project** Development for the purposes of the Albury to Illabo project being the upgrade of existing railway track and associated rail infrastructure to provide vertical and horizontal clearances to allow trains to operate within the existing 185 kilometre rail corridor between Albury and Illabo, including—



- (a) works at Murray River Bridge, Albury Railway Station, Wagga Wagga Railway Station and Junee Railway Station and other sites, and
  - (b) the alteration of rail, road and pedestrian bridges, and
  - (c) the lowering of existing track, and
  - (d) the slewing of approximately 26 kilometres of track between Junee and Illabo.
- (1B) The development specified in subsection (1A) is to be carried out on land in the local government areas of the City of Albury, Greater Hume Shire, Lockhart, City of Wagga Wagga and Junee.
- (1C) **Illabo to Stockinbingal project** Development for the purposes of the Illabo to Stockinbingal project being the construction of approximately 37 kilometres of new rail line between the existing rail line north-east of Illabo and the existing rail line west of Stockinbingal, in the Junee and Cootamundra-Gundagai Regional local government areas, including—
- (a) interfaces with the existing rail lines, and
  - (b) a crossing loop and associated maintenance siding, and
  - (c) the construction of rail bridges, road bridges, level crossings and stock crossings, and
  - (d) the removal of the Burley Griffin Way level crossing at Stockinbingal, realignment of 1.6 kilometres of the Burley Griffin Way and the construction of a new road bridge over the rail line, including associated road and rail realignments.
- (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).
- (2A) **Narromine to Narrabri project** Development for the purposes of the Narromine to Narrabri project being the construction of approximately 300 kilometres of new rail line between Narromine and Narrabri in the Narromine, Gilgandra, Coonamble, Warrumbungle and Narrabri local government areas, including—

- (a) the construction of 7 crossing loops, and
- (b) the construction of interfaces with existing rail lines, and
- (c) the construction of new rail bridges, road bridges and level crossings, and
- (d) development of borrow pits for supply of materials to the project.

(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.

(3A) **North Star to Queensland border project** Development for the purposes of the North Star to the Queensland border project being the construction of approximately 30 kilometres of new rail line between North Star and the Queensland border, in the Moree Plains and Gwydir local government areas, including—

- (a) the construction of approximately 25 kilometres of new rail line within the existing Boggabilla Line rail corridor, and
- (b) the construction of approximately 5 kilometres of new rail line in a new rail alignment, between Boggabilla and the Queensland border, and
- (c) the construction of a crossing loop and a maintenance siding, and
- (d) the construction of a viaduct over the Macintyre River and the Whalan Creek, and
- (e) the construction of new rail bridges, road bridges and level crossings, and
- (f) the development of borrow pits for supply of materials to the project.

(4) **Ancillary development** Development that is ancillary to any other development in this section, 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.

(5) In this section—

**development** does not include—

(a) for a project, other than the Parkes to Narromine project, the following activities carried out before the commencement of construction of the project—

(i) 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,

(ii) the use of an existing rail corridor, or an existing rail facility adjoining an existing rail corridor, for delivery or storage of tracks, sleepers, ballast, posts or culverts,

(iii) the adjustment, relocation, upgrade or replacement of existing utilities infrastructure, unless existing water flows within or through the existing rail corridor will be permanently affected, and

(b) for a project, other than the Parkes to Narromine and the Narrabri to North Star projects, the adjustment, relocation, upgrade or replacement of existing utilities infrastructure, carried out before the commencement of construction of the project, unless the activity involves clearing native vegetation that is likely to significantly affect threatened species within the meaning of Part 7 of the [Biodiversity Conservation Act 2016](#).

#### **7A Parramatta Light Rail Stage 1 Project**

(1) Development for the purposes of the Parramatta Light Rail Stage 1 Project being—

(a) the construction and operation of new passenger light rail infrastructure from Westmead to Parramatta and on to Camellia, including—

(i) light rail tracks and associated works, and

(ii) light rail stops and facilities, and

(b) the construction and operation of new passenger light rail infrastructure from Camellia to Carlingford, generally along the existing rail corridor including—

(i) light rail tracks and associated works, and

(ii) light rail stops and facilities, and

- (iii) stabling and maintenance facilities and an associated rail turnback.
- (2) Development that is ancillary to any other development in this section including—
  - (a) construction of rail and bus interchange facilities, modification of bus facilities, railway stations, public amenities, pedestrian and cycle facilities and urban design features (including fencing, landscaping, lighting and planting trees), the modification and replacement of substations, utilities, amenities and signage and road and bridge modification works, and
  - (b) removal of heavy rail equipment including tracks, sleepers, ballast, posts, signals, trackside equipment, overhead wire structures, wires and other equipment along the former Sandown Line and the Carlingford Line from Carlingford to Parramatta Road Level Crossing at Clyde, and
  - (c) removal of the Parramatta Road Level Crossing at Clyde.
- (3) The development includes work in the suburbs of Westmead, North Parramatta, Parramatta, Rosehill, Camellia, Rydalmere, Dundas, Telopea, Carlingford, Granville and Clyde.
- (4) In this section, **development** does not include—
  - (a) surveys, test drilling, test excavations, geotechnical investigations or other tests, sampling or investigation for the purposes of the design or assessment of the project, or
  - (b) any remediation work at Lot 3, DP 843591 (known as 4 Grand Avenue, Rosehill) that has already been the subject of a determination under Division 5.1 of the Act.

## **8 Bayswater Power Station Turbine Efficiency Upgrade project**

Development for the purposes of the Bayswater Power Station Turbine Efficiency Upgrade project, being the replacement and upgrade of turbines on the 4 existing generating units. The development is to be carried out on the site of the Bayswater Power Station (being Lot 2, DP 327372 and Lot 2, DP 1095515).

## **9 Snowy 2.0 and Transmission Project**

- (1) The Snowy 2.0 and Transmission Project is a proposed program of works for the expansion of the generating capacity of the Snowy Mountains Hydroelectric Scheme and for associated upgrades and additions to the electricity transmission network. The object of this section is to declare development for the purposes of the Snowy 2.0 and Transmission Project that is set out in this section to be State significant infrastructure and critical State significant infrastructure.
- (2) This section applies to development on land in any of the following local government areas—

- (a) Cootamundra-Gundagai Regional,
  - (b) Goulburn Mulwaree,
  - (c) Snowy Monaro Regional,
  - (d) Snowy Valleys,
  - (e) Upper Lachlan Shire,
  - (f) Yass Valley,
  - (g) City of Wagga Wagga.
- (3) **Snowy 2.0** Development for the purpose of pumped hydro and generation works to be known as Snowy 2.0 on land between Tantangara Reservoir and Talbingo Reservoir that involves—
- (a) the carrying out of exploratory geotechnical works or engineering investigations, and
  - (b) the construction and operation of an underground hydroelectric power and pump station capable of supplying approximately 2,000 megawatts of hydroelectric power, and
  - (c) the construction of water and access tunnels, surge tank and intake and outlet structures at and between the two reservoirs.
- (4) **Transmission works** Development that involves—
- (a) the construction and operation of new electricity transmission lines and an electricity substation to the west of the Talbingo Reservoir to connect Snowy 2.0 to the existing electricity transmission network at Nurenmerenmong, east of Tumbarumba, and
  - (b) the construction and operation of new electricity transmission lines between the new substation at Nurenmerenmong and an existing substation at Bannaby, north of Marulan, and
  - (c) (Repealed)
  - (d) the augmentation of the existing substations at Bannaby and Wagga Wagga, and
  - (e) the construction and operation of a new substation near the existing substation at Wagga Wagga, and
  - (f) the construction and operation of new electricity transmission lines between the new substation near Wagga Wagga and existing substations at Bannaby and Wagga Wagga and the new substation at Nurenmerenmong.

- (5) The development referred to in this section does not include—
- (a) the carrying out of surveys, sampling, environmental investigations, geotechnical borehole drilling, test drilling, test excavations, or other tests or investigations, for the purposes of feasibility assessment and the preliminary design of the Snowy 2.0 and Transmission Project, or
  - (b) the carrying out of works to upgrade or modify electricity transmission lines, works within existing switchyards, and the installation of communications infrastructure, other than ancillary development specified in subsection (6)(b) and (f).
- (6) **Ancillary development** Development that is ancillary to any other development in this section, including the carrying out of works to upgrade or construct the following—
- (a) access roads,
  - (b) utilities infrastructure,
  - (c) construction accommodation,
  - (d) construction compounds,
  - (e) construction power supply,
  - (f) for the development specified in subsection (4)(b)-(f)—
    - (i) electricity transmission lines, and
    - (ii) substation infrastructure, and
    - (iii) telecommunication huts.

## 10 Port Kembla Gas Terminal

- (1) Development for the purposes of the Port Kembla Gas Terminal, being a facility that enables the importation of liquefied natural gas through a carrier vessel to a floating storage and regasification unit (**the FSRU**) at Port Kembla and a pipeline from the FSRU to the existing east coast gas transportation network.
- (2) The development involves the following—
- (a) demolition, excavation and dredging works for the purposes of removing an existing loading and unloading wharf,
  - (b) the disposal of excavated and dredged materials,
  - (c) the construction of a new berth that will accommodate offloading liquefied natural gas from liquefied natural gas carrier vessels, storing liquefied natural gas in the FSRU and the regasification and delivery of natural gas to shore,

- (d) the construction and operation of a gas pipeline for the transmission of natural gas from the FSRU to the east coast gas transportation network and an associated metering station,
  - (e) the operation of the mooring, wharf, liquefied natural gas handling facilities and the FSRU moored in Port Kembla.
- (3) Development that is ancillary to any other development in this section, including the carrying out of works to upgrade or construct access roads, fencing and safety and communications infrastructure.
- (4) The development is to be carried out on land in the suburbs of Cringila, Port Kembla and Spring Hill and includes land within the port of Port Kembla (whether terrestrial or underwater).
- (5) In this section, **development** does not include surveys, sampling (soil, air and water), test drilling and other geotechnical investigations for the purposes of dredging, wharf design and other design and assessment processes associated with the Port Kembla Gas Terminal.

#### 11 F6 Extension Stage 1

- (1) Development for the purposes of the F6 Extension Stage 1 project, being—
- (a) a new multi-lane road link from the New M5 at Arncliffe to President Avenue, Kogarah, including twin tunnels with entry and exit ramps, an intersection at Princes Highway and President Avenue and associated works to upgrade the surrounding road network and to provide cycle and pedestrian pathways, and
  - (b) lane markings of 2 additional lanes in each carriageway of the New M5 tunnels, resulting in 4 lanes in each carriageway, from the St Peters interchange to the connection with the F6 Extension Stage 1 tunnel at Arncliffe, and
  - (c) the construction and operation of a new power line, commencing at Earlwood and ending at Rockdale, to power the twin tunnels between Arncliffe and Kogarah, and
  - (d) ancillary development, including construction compounds, utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure), electronic tolling facilities, signage, ventilation systems, treatment plants, motorway control centre facilities, emergency systems and systems for the control and management of roads.
- (2) The development is to be carried out on land in the suburbs of St Peters, Sydenham, Tempe, Wollie Creek, Earlwood, Turrella, Bardwell Park, Bardwell Valley, Bexley, Arncliffe, Banksia, Kyeemagh, Rockdale, Brighton-Le-Sands, Monterey and Kogarah.
- (3) In this section, **development** does not include surveys, test drilling, test excavations,

geotechnical or contamination investigations or other tests, utility location identification or surveys, sampling or investigation for the purposes of the design or assessment of the project, unless such development is carried out on land identified as “coastal wetlands” on the [Coastal Wetlands and Littoral Rainforests Area Map](#) (within the meaning of [State Environmental Planning Policy \(Coastal Management\) 2018](#)).

## 12 Newcastle Gas-Fired Power Station project

- (1) Development for the purposes of the Newcastle Gas-Fired Power Station project.
- (2) The Newcastle Gas-Fired Power Station project includes the following—
  - (a) a gas-fired power station (capable of operating with diesel fuel, if necessary),
  - (b) a new transmission line to an existing substation at Tomago,
  - (c) a gas transmission and storage pipeline, receiving station and compressor units,
  - (d) the decommissioning of the gas-fired power station and rehabilitation of the project site.
- (3) Development that is ancillary to other development in this section, including the upgrade or construction of water management infrastructure (such as ponds), construction compounds and lay-down areas, tanks, car parks, roads and access roads, utilities infrastructure, and facilities for unloading, administration, workshops and amenities.
- (4) The development is to be carried out on land in the suburb of Tomago in the Port Stephens local government area.
- (5) In this section—

**development** does not include surveys, sampling, environmental investigations, archaeological excavations or other tests for the assessment of the project.

## 13 Shoalhaven Hydro Expansion Project

- (1) Development for the purposes of the Shoalhaven Hydro Expansion Project.
- (2) The Shoalhaven Hydro Expansion Project includes the following—
  - (a) exploratory geotechnical works for the design of the project,
  - (b) a new underground pumped hydro power station,
  - (c) tunnels and underground and overground water pipelines,
  - (d) surge tanks and intake and outlet structures,



- (e) the decommissioning of the underground pumped hydro power station and rehabilitation of the site.
- (3) Development that is ancillary to other development in this section (including the upgrading or construction of access roads, utilities infrastructure, construction accommodation and construction compounds).
- (4) The development is to be carried out on land in the suburbs of Kangaroo Valley, Barrengarry and Fitzroy Falls.
- (5) In this section, **development** does not include the carrying out of surveys, sampling, environmental investigations, archaeological excavations or other tests or investigations for the assessment of the project.

#### **14 Newcastle Gas Terminal Project**

- (1) Development for the purposes of the Newcastle Gas Terminal Project.
- (2) The Newcastle Gas Terminal Project includes the following—
  - (a) a terminal for receiving, handling, storing and processing liquefied natural gas,
  - (b) a gas pipeline for the transmission of gas from the terminal to the NSW gas distribution network.
- (3) Development that is ancillary to other development in this section, including utilities and communications infrastructure, gas compression and odourisation units, pipeline monitoring infrastructure, access roads and car parks, construction compounds and lay-down areas, excavation, waste management and environmental control systems, geotechnical and engineering investigations, and the decommissioning of the project and rehabilitation of the project site.
- (4) The development is to be carried out on land in the suburb of Kooragang and includes land within the port of the Port of Newcastle (whether terrestrial or underwater).
- (5) In this section—

**development** does not include the following—

  - (a) surveys, sampling (soil, air and water), test drilling, test excavations, minor geotechnical and engineering investigations for the purposes of the berth and pipeline design, archaeological investigations and other design and assessment processes associated with the project,
  - (b) development authorised by the development consent granted by the Minister for Planning dated 9 August 2005 (File No. S01/00533) and as modified from time to time, including dredging works and the construction and operation of the swing basin.

## 15 Project EnergyConnect (SA to NSW Electricity Interconnector)

- (1) Development for the purposes of Project EnergyConnect (SA to NSW Electricity Interconnector), being the development of high voltage electricity transmission lines within south-western New South Wales to interconnect the State-based electricity markets of New South Wales, South Australia and Victoria.
- (2) Project EnergyConnect (SA to NSW Electricity Interconnector) includes the following—
  - (a) new electricity transmission lines from the South Australian border (generally in the vicinity of Renmark Road) to Wagga Wagga,
  - (b) new electricity transmission lines from Buronga substation to the Victorian border (generally in the vicinity of Monak),
  - (c) new substation infrastructure.
- (3) Development that is ancillary to any other development in this section, including the carrying out of works to upgrade or augment existing electricity transmission lines and substation infrastructure, the construction of access roads, utilities infrastructure, construction accommodation, construction compounds and construction power supply, and the installation and operation of communication facilities (excluding facilities using microwave technology).
- (4) The development is to be carried out on land in the following local government areas—
  - (a) Balranald,
  - (b) Edward River,
  - (c) Federation,
  - (d) Hay,
  - (e) Lockhart,
  - (f) Murray River,
  - (g) Murrumbidgee,
  - (h) Narrandera,
  - (i) City of Wagga Wagga,
  - (j) Wentworth.
- (5) In this section—

**development** does not include—

- (a) temporary access tracks, the carrying out of surveys, sampling, environmental investigations, geotechnical borehole drilling, test drilling, test excavations, or other tests or investigations, for the assessment of Project EnergyConnect (SA to NSW Electricity Interconnector), or
- (b) communication facilities using microwave technology.

## **16 M12 Motorway**

- (1) Development for the purposes of the M12 Motorway, being—
  - (a) a multi-lane road link from the M7 Motorway at Cecil Hills extending for approximately 16 kilometres to The Northern Road at Luddenham, including intersections with existing roads (including The Northern Road) and the following interchanges—
    - (i) an interchange with the M7 Motorway extending approximately 4 kilometres within the existing M7 Motorway Corridor (the **M7 interchange**),
    - (ii) an interchange with the proposed Western Sydney International Airport, and
  - (b) electronic tolling facilities at the M7 interchange, and
  - (c) the construction of new bridges across—
    - (i) creeks (being Ropes Creek, Kemps Creek, South Creek, Badgerys Creek and Cosgrove Creek), and
    - (ii) roads (being Clifton Avenue, Elizabeth Drive, Range Road, Luddenham Road, Wallgrove Road, Villiers Road and the M7 and M12 motorways), and
    - (iii) part of the Western Sydney Parklands, and
  - (d) ancillary development, including (but not limited to) access roads, construction compounds, gantries, motorway control centre facilities, pedestrian and cycling facilities, pedestrian bridges, road modification works, signage, systems for the control and management of roads, treatment plants and utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure).
- (2) The development is to be carried out in the suburbs of Mount Vernon, Kemps Creek, Badgerys Creek, Luddenham, Cecil Hills, Cecil Park, Abbotsbury and Horsley Park.
- (3) The development does not include surveys, test drilling, test excavations, geotechnical or contamination investigations or other tests, utility location identification or surveys, sampling or investigation for the purposes of the design or assessment of the project.

### **17 Botany Rail Duplication project**

- (1) Development for the purposes of the Botany Rail Duplication project, being the construction and operation of a second railway track generally within the existing Botany Line rail corridor between Mascot and Botany.
- (2) The Botany Rail Duplication project includes the following—
  - (a) construction of approximately 3 kilometres of track within the existing Botany Line rail corridor,
  - (b) realignment and upgrading of sections of existing track,
  - (c) construction of rail crossovers,
  - (d) construction of new rail bridges and associated structures adjacent to existing rail bridges at Mill Stream, Southern Cross Drive, O’Riordan Street and Robey Street and reconstruction of existing rail bridges and associated structures at Robey Street and O’Riordan Street,
  - (e) construction of a new embankment and retaining structures adjacent to Qantas Drive between Robey Street and O’Riordan Street and an embankment between the bridges at Mill Stream and Botany Road.
- (3) Development that is ancillary to any other development in this section, including bi-directional signalling upgrades, adjustments to, and the demolition, removal or relocation of, signage and billboards and adjustments to, and relocation of, existing utilities infrastructure, drainage work and temporary facilities during construction (including construction compounds, lay-down areas and access tracks).
- (4) The development is to be carried out on land in the suburbs of Mascot, Botany and Pagewood, in the Bayside local government area.

### **18 Cabramatta Loop project**

- (1) Development for the purposes of the Cabramatta Loop project, being the construction and operation of a passing loop on the Southern Sydney Freight Line.
- (2) The Cabramatta Loop project includes the following—
  - (a) construction of approximately 1.65 kilometres of railway track adjacent to existing track between Cabramatta Road and the Hume Highway, with connections to the existing track at the northern and southern ends,
  - (b) realignment of approximately 550 metres of existing track between Cabramatta Road and the Hume Highway,
  - (c) construction of new rail bridges and associated structures adjacent to existing rail bridges over Sussex Street, Cabramatta and Cabramatta Creek, Warwick Farm,

- (d) road work to reconfigure Broomfield Street, Cabramatta between Sussex Street and Bridge Street to accommodate new track on the eastern boundary of the existing rail corridor.
- (3) Development that is ancillary to any other development in this section, including communications, signalling and power upgrades, adjustments to, and relocation of, existing utilities infrastructure, works to existing retaining and noise walls, drainage works and the installation of new signals.
- (4) The development is to be carried out on land in the suburbs of Cabramatta, Warwick Farm, Carramar and Liverpool in the local government areas of the City of Fairfield and the City of Liverpool.

## **19 Sydney Gateway**

- (1) Development for the purposes of the Sydney Gateway, being the following—
  - (a) the construction and operation of the following—
    - (i) a multi-lane road between the St Peters Interchange and Sydney Airport Terminal 1, over the Alexandra Canal and Botany Rail Line,
    - (ii) a multi-lane road between the St Peters Interchange and Sydney Airport Terminals 2 and 3, over the Alexandra Canal and Botany Rail Line,
    - (iii) a multi-lane road between Sydney Airport Terminal 1 and Qantas Drive, over the Alexandra Canal to Sydney Airport Terminals 2 and 3,
    - (iv) a single-lane road over the Botany Rail Line,
    - (v) a multi-lane road over the Alexandra Canal near Sydney Airport Terminal 1 and Link Road,
    - (vi) cycle and pedestrian pathways along the Alexandra Canal between the Tempe Recreation Reserve and the Botany Rail Line,
  - (b) the widening and extension of Qantas Drive between the Alexandra Canal and Sydney Airport Terminals 2 and 3,
  - (c) the upgrade of the surrounding road network,
  - (d) 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) The development is to be carried out in the suburbs of Tempe, St Peters and Mascot in the Inner West, Bayside and City of Sydney local government areas.

(3) The development does not include—

- (a) surveys, test drilling, test excavations, geotechnical or contamination investigations or other tests, utility location identification or 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 or installation of new utilities infrastructure undertaken prior to the commencement of the construction of the development specified in subsection (1)(a)-(c).

## **20 Oven Mountain Pumped Hydro Energy Storage Project**

(1) Development for the purposes of the Oven Mountain Pumped Hydro Energy Storage Project.

(2) The Oven Mountain Pumped Hydro Energy Storage Project includes the following—

- (a) pumped hydroelectric and generation works, including—
  - (i) subsurface works to facilitate exploratory geotechnical investigations, and
  - (ii) new upper and lower water storage dams and reservoirs, and
  - (iii) a new underground pumped hydroelectric power station, and
  - (iv) water and access tunnels, surge tank, intake and outlet structures, and
  - (v) water offtake works to connect the water storage dams and reservoirs to the Macleay River, and
  - (vi) decommissioning works and rehabilitation of the site,
- (b) transmission works, including—
  - (i) new electricity transmission lines to connect the pumped hydroelectric and generation works to the existing electricity transmission network, and
  - (ii) new electricity transmission infrastructure and upgrades on the existing transmission network back to, or in the vicinity of, the existing substation at Armidale, and
  - (iii) augmentation of the existing substation, or the construction and operation of a new substation near Armidale,
- (c) ancillary development, including (but not limited to) access roads, on-site quarry and related infrastructure, utilities and communications infrastructure, construction accommodation, construction compounds and construction power supply.

(3) The development is to be carried out on land in the local government areas of

Armidale Regional Council and Kempsey Shire Council.

- (4) The development does not include the carrying out of surveys, sampling, environmental investigations, geotechnical borehole drilling, test drilling, test excavations or other tests or investigations for the purposes of the preliminary design and assessment of the Project.

## **21 Sydney Metro West Project**

- (1) Development for the purposes of the Sydney Metro West Project, being—
- (a) the construction and operation of new passenger rail infrastructure between Westmead and the central business district of Sydney, including—
    - (i) tunnels, stations (including surrounding areas) and associated rail facilities, and
    - (ii) stabling and maintenance facilities (including associated underground and overground connections to tunnels), and
  - (b) the modification of existing rail infrastructure (including stations and surrounding areas), and
  - (b1) the construction of the following at Burwood North Station and The Bays Station—
    - (i) commercial premises,
    - (ii) health services facilities,
    - (iii) information and education facilities, and
  - (c) ancillary development.
- (2) The development is to be carried out on—
- (a) land in the following local government areas—
    - (i) Burwood,
    - (ii) City of Canada Bay,
    - (iii) Cumberland,
    - (iv) Inner West,
    - (v) City of Parramatta,
    - (vi) Strathfield,
    - (vii) City of Sydney, and

(b) the parts of Sydney Harbour and the Parramatta River that adjoin the local government areas described in paragraph (a).

(3) The development does not include the following—

(a) surveys, test drilling, test excavations, geotechnical or contamination investigations or other tests, surveys, sampling or investigation for the purposes of the design or assessment of the Sydney Metro West Project,

(b) the relocation or upgrade of existing roads, intersections or parking areas that—

(i) is carried out on land identified as being within the Bays Precinct Site on the [State Significant Development Sites Map](#), and

(ii) is the subject of a determination under Division 5.1 of the Act,

(c) the construction of commercial premises, health services facilities and information and education facilities on that part of Burwood North Station identified as “Lot 1” on the [State Significant Infrastructure Sites Map](#).

(4) In this section—

**Burwood North Station** means land identified as “Burwood North Station Site” on the [State Significant Infrastructure Sites Map](#).

**The Bays Station** means land identified as “The Bays Station Site” on the [State Significant Infrastructure Sites Map](#).

## 22 Western Harbour Tunnel and Warringah Freeway Upgrade project

(1) Development for the purposes of the Western Harbour Tunnel and Warringah Freeway Upgrade project, being a new multi-lane road link connecting the M4-M5 Link at Rozelle with the Warringah Freeway at North Sydney, including—

(a) approximately 6.5 kilometres of twin multi-lane tunnels linking Rozelle to North Sydney, and

(b) stub tunnels and ramps for connections to the Gore Hill Freeway and proposed Beaches Link tunnels, and

(c) connections to stub tunnels at Lilyfield and Rozelle, and

(d) connections with existing roads at Rozelle, North Sydney and Cammeray, and

(e) associated works to upgrade the surrounding road network, bridges, interchanges and ramps and to provide cycle and pedestrian pathways, and

(f) ancillary development, including construction compounds, utilities infrastructure (including adjustments to, or relocation of, existing utilities infrastructure),



drainage and treatment works, electronic tolling facilities, signage, ventilation systems, emergency systems, systems for the control and management of roads, and motorway control centre facilities.

(2) The development is to be carried out on land in the suburbs of Annandale, Artarmon, Balmain, Birchgrove, Cammeray, Crows Nest, Emu Plains, Kirribilli, Lilyfield, Macquarie Park, Milsons Point, Naremburn, Neutral Bay, North Sydney, Rozelle and Waverton.

(3) In this section—

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

### **23 Central-West Orana REZ Transmission project**

(1) Development for the purposes of the Central-West Orana REZ Transmission project.

(2) The Central-West Orana REZ Transmission project is a program of works to construct and operate the high-voltage electricity transmission infrastructure required to connect energy generation and storage projects within the Central-West Orana REZ to the existing electricity network.

(3) The Central-West Orana REZ Transmission project includes the following—

(a) the construction and operation of new electricity transmission lines connecting from the existing electricity network south of Wollar to south-west of Dunedoo and then to the existing electricity network west of Lake Burrendong,

(b) the construction and operation of new electricity substations,

(b1) the construction and operation of battery energy storage systems,

(c) the augmentation of the existing electricity substation at Wollar,

(d) ancillary development including, but not limited to the following—

(i) the carrying out of works to upgrade or augment existing electricity transmission lines and substation infrastructure,

(ii) the construction and operation of access roads,

(iii) the installation and operation of communication infrastructure and facilities,

(iv) the installation and operation of construction accommodation, compounds and power supplies.

(4) The development is to be carried out on land in the following local government areas—

- (a) Dubbo Regional,
- (b) Mid-Western Regional,
- (c) Upper Hunter Shire,
- (d) Warrumbungle Shire.

(5) In this section—

**Central-West Orana REZ** means the Central-West Orana Renewable Energy Zone under the *Electricity Infrastructure Investment Act 2020*.

**development** does not include—

- (a) tests or investigations for the assessment of the Central-West Orana REZ Transmission project including, but not limited to, the carrying out of the following—
  - (i) surveys,
  - (ii) sampling,
  - (iii) environmental investigations,
  - (iv) geotechnical borehole drilling,
  - (v) test drilling,
  - (vi) test excavations, or
- (b) the construction of temporary access tracks and temporary site facilities to allow for the carrying out of tests or investigations described in paragraph (a), or
- (c) minor works within existing switchyards, or
- (d) upgrading, relocating or widening existing public roads—
  - (i) carried out on land in the Central-West Orana REZ, and
  - (ii) subject to a determination under the Act, Division 5.1.

#### **24 Kurri Kurri Gas-fired Power Station Project**

- (1) Development for the purposes of the Kurri Kurri Gas-fired Power Station Project, being a project for the construction and operation of a gas-fired power station at the former Kurri Kurri aluminium smelter site and the construction of associated infrastructure.
- (2) The development includes the following—
  - (a) the construction and operation of an open cycle gas turbine power station—

- (i) capable of supplying up to approximately 750MW of gas-fired power generation, and
  - (ii) capable of operating with diesel fuel, if necessary, and
  - (iii) that may be developed in stages,
- (b) the construction and operation of a new gas transmission and storage pipeline, compressor station and delivery station,
  - (c) the construction and operation of a new switchyard, substation infrastructure and transmission line augmentation to connect into the existing transmission system at the site,
  - (d) the decommissioning of the gas-fired power station and rehabilitation of the project site.
- (3) Development ancillary to other development in this section, including the demolition of existing structures, upgrade or construction of water management infrastructure, construction compounds and lay-down areas, tanks, car parks, roads and access roads, communications infrastructure, utilities infrastructure, and facilities for unloading, administration, workshops and amenities.
  - (4) The development is to be carried out on land in the following local government areas—
    - (a) City of Cessnock,
    - (b) City of Lake Macquarie,
    - (c) City of Maitland,
    - (d) City of Newcastle.

## **25 Sydney Metro—Western Sydney Airport project**

- (1) Development for the purposes of the Sydney Metro—Western Sydney Airport project, being—
  - (a) the construction and operation of new passenger rail infrastructure, and
  - (b) the modification of existing rail infrastructure, including existing stations, and
  - (c) the construction and operation of infrastructure associated with new and existing station precincts.
- (2) The Sydney Metro—Western Sydney Airport project includes the following—
  - (a) the construction of approximately 23 kilometres of railway track between the T1 Western Line rail line and the proposed Western Sydney Aerotropolis in Bringelly,

- (b) the construction of new stations and associated ancillary infrastructure at St Marys, Orchard Hills, Luddenham and the Aerotropolis Core precinct,
  - (c) interchange links with the existing T1 Western Line rail line,
  - (d) the construction of a train stabling and maintenance facility, including an operational control centre,
  - (e) the construction of associated rail infrastructure facilities,
  - (f) the construction of tunnels, bridges, viaducts and associated works,
  - (g) site preparation and enabling earthworks, including land remediation,
  - (h) associated ancillary infrastructure and works.
- (3) The development is to be carried out in the suburbs of Oxley Park, North St Marys, St Marys, Werrington, Werrington County, Kingswood, Claremont Meadows, Caddens, St Clair, Erskine Park, Orchard Hills, Luddenham, Greendale, Badgerys Creek, Kemps Creek and Bringelly, in the City of Penrith and City of Liverpool local government areas.
- (4) The development does not include surveys, test drilling, test excavations, geotechnical or contamination investigations or other tests, utility location identification or surveys, sampling or investigations for the purposes of the design or assessment of the project.

## **26 Port Kembla Steelworks projects**

- (1) Development for the purposes of the Port Kembla Steelworks Blast Furnace No 6 Upgrade project, being—
- (a) the upgrade of Blast Furnace No 6, including—
    - (i) the demolition and removal of the existing refractory lining and internal cooling elements within the furnace, and
    - (ii) the relining of the interior of the furnace with a new refractory lining and new internal cooling elements, and
  - (b) the modification and upgrade of associated infrastructure that supports the operation of Blast Furnace No 6.
- (1A) Development for the purposes of the Commodity Logistics and Import project, being—
- (a) the modification and upgrade of Berths 111, 112 and 113, including the following—

- (i) installation of a new ship unloader,
  - (ii) relocation of, and modifications to, existing ship unloaders,
  - (iii) modifications to existing, and installation of new, conveyors for material handling,
  - (iv) new truck loading facilities and a truck wash area,
  - (v) modifications to berth infrastructure,
  - (vi) relocation of the coke loader and coke transfer house,
  - (vii) other modifications and works necessary to facilitate the installation of the new infrastructure, and
- (b) automation of the new and existing ship unloaders, and
- (c) the modification and upgrade of associated infrastructure that supports the operation of Berths 111, 112 and 113.
- (2) The development is to be carried out on the following land—
- (a) Lot 1, DP 606434,
  - (b) Lots 71 and 72, DP 1182824.
- (3) The development does not include the following—
- (a) tests, surveys, sampling or investigation for the purposes of the design or assessment of a project,
  - (b) development undertaken prior to the commencement of construction of a project that—
    - (i) is the subject of a complying development certificate, or
    - (ii) would otherwise be exempt development or development that does not require development consent,
  - (c) any of the following undertaken prior to the commencement of construction of a project—
    - (i) adjustments to, or the relocation of, existing utilities infrastructure, or the 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 temporary car parks,

- (d) the removal of existing steelworks infrastructure, buildings and redundant underground services, including drainage systems and connections to power supply,
- (d1) if undertaken prior to the commencement of the Commodity Logistics and Import project—
  - (i) the resealing of the raw materials handling yard, and
  - (ii) upgrades to the access roads to the Blast Furnace No 6 site,
- (e) development authorised by the development consent granted by Wollongong City Council dated 27 July 1993 (File No. DA-1993/16) and as modified from time to time, including the construction and operation of the furnace.

## **27 Port Kembla Gas Turbine Power Station project**

- (1) Development for the purposes of the Port Kembla Gas Turbine Power Station project, being a project for the construction and operation of a gas-fired power station at Port Kembla and associated infrastructure.
- (2) The development includes the following—
  - (a) the construction and operation of a gas-fired power station—
    - (i) capable of supplying approximately 635 megawatts of gas-fired power generation, and
    - (ii) capable of operating with hydrogen fuel, and
    - (iii) that may be developed in stages,
  - (b) the construction and operation of new gas conditioning equipment, a new gas receiving station and a new gas supply pipeline from the Port Kembla Gas Terminal,
  - (c) the construction and operation of a new switching station, transmission line and power station switchyard to connect the power station to the existing transmission network,
  - (d) the construction and operation of cooling water systems, including a seawater intake, an ocean outfall discharge pipe and a discharge point on the seabed,
  - (e) the decommissioning of the gas-fired power station and rehabilitation of the project site.
- (3) The development is to be carried out on the following land—
  - (a) land in the City of Wollongong local government area in the following suburbs—

- (i) Berkeley,
  - (ii) Cringila,
  - (iii) Dombarton,
  - (iv) Kembla Grange,
  - (v) Port Kembla,
  - (vi) Spring Hill,
  - (vii) Unanderra,
- (b) land within the port of Port Kembla, whether terrestrial or underwater, and coastal waters of the State up to 1 kilometre from the gas-fired power station.
- (4) The development does not include surveys, sampling, environmental investigations, archaeological excavations or other tests for the assessment of the project.

**28 Upper South Creek Advanced Water Recycling Centre**

- (1) Development for the purposes of the Upper South Creek Advanced Water Recycling Centre project, being—
- (a) the construction and operation of the following—
    - (i) a sewage treatment plant at Kemps Creek,
    - (ii) approximately 21 kilometres of pipeline for the transmission of treated water from the sewage treatment plant to the Nepean River at Wallacia and the Warragamba River at Warragamba,
    - (iii) approximately 24 kilometres of pipeline for the transmission of brine from the sewage treatment plant to the sewage reticulation system at Lansdowne, and
  - (b) associated ancillary development and works.
- (2) The development is to be carried out on land in the suburbs of Badgerys Creek, Bonnyrigg, Bonnyrigg Heights, Cabramatta, Cabramatta West, Canley Heights, Canley Vale, Cecil Hills, Cecil Park, Elizabeth Hills, Fairfield, Green Valley, Kemps Creek, Lansdowne, Lansvale, Luddenham, Mount Pritchard, Mulgoa, Wallacia, Warragamba and West Hoxton.
- (3) The development does not include the following—
- (a) surveys, sampling, test drilling, test excavations, geotechnical or contamination investigations or other tests for the purposes of the design or assessment of the project,

- (b) utility connections to the site of the sewage treatment plant,
- (c) access roads to the site of the sewage treatment plant,
- (d) minor upgrades and maintenance.

## **29 Beaches Link and Gore Hill Freeway Connection project**

- (1) Development for the purposes of the Beaches Link and Gore Hill Freeway Connection project, being the construction and operation of new road infrastructure, the upgrade of existing roads and ancillary development.
- (2) The development includes the following—
  - (a) construction and operation of twin motorway tunnels (the **Beaches Link tunnels**) connecting the Warringah Freeway and the Western Harbour Tunnel at Cammeray and the Gore Hill Freeway at Artarmon to the Burnt Bridge Creek Deviation at Balgowlah and the Wakehurst Parkway at Killarney Heights,
  - (b) upgrade of the Wakehurst Parkway to 2 lanes in each direction between the tunnel portals at Killarney Heights and the intersection with Warringah Road at Frenchs Forest,
  - (c) construction of an access road connection between the Burnt Bridge Creek Deviation and Sydney Road at Balgowlah,
  - (d) associated works to connect the Beaches Link tunnels with the Gore Hill Freeway and the Lane Cove Tunnel at Artarmon,
  - (e) associated works to upgrade and connect the surrounding road network, bridges, ramps, footpaths and shared cycle and pedestrian pathways,
  - (f) ancillary development, including construction compounds, utilities infrastructure, drainage and treatment works, electronic tolling facilities, signage, ventilation systems, emergency systems, systems for the control and management of roads, tunnel support facilities and motorway control centre facilities,
  - (g) development for the purposes of public recreation areas and facilities at Balgowlah.
- (3) The development is to be carried out on land in the following local government areas—
  - (a) Lane Cove,
  - (b) Mosman,
  - (c) North Sydney,



(d) Northern Beaches,

(e) City of Willoughby.

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

(5) In this section—

**utilities infrastructure** includes adjustments to, or relocation of, existing utilities infrastructure.

### 30 Hunter Transmission Project

(1) Development for the purposes of the Hunter Transmission Project, including the following—

(a) construction and operation of up to 150km of new high voltage 500kV transmission lines between the existing substations at Bayswater Power Station and Eraring Power Station,

(b) upgrading and replacing existing transmission line infrastructure between the existing substations at Bayswater Power Station and Eraring Power Station,

(c) the construction and operation of new electrical substation infrastructure,

(d) augmentation of the existing substations at Bayswater Power Station and Eraring Power Station,

(e) ancillary development, including the following—

(i) the carrying out of works to upgrade or augment existing transmission lines and substation infrastructure,

(ii) the upgrade, construction and operation of access tracks and roads,

(iii) the installation and operation of communication infrastructure and facilities, excluding microwave technology,

(iv) the installation and operation of construction accommodation, compounds and power supplies,

(v) the installation and operation of construction crane pads, helicopter landing pads and brake and winch sites.

(2) The development is to be carried out on land in the following local government areas—

(a) Central Coast,

- (b) City of Cessnock,
  - (c) City of Lake Macquarie,
  - (d) City of Maitland,
  - (e) City of Newcastle,
  - (f) Dungog,
  - (g) Muswellbrook,
  - (h) Port Stephens,
  - (i) Singleton,
  - (j) Upper Hunter Shire.
- (3) The development does not include the following—
- (a) tests or investigations for the assessment of the Hunter Transmission Project, including surveys, sampling, environmental investigations, geotechnical borehole drilling, test drilling and test excavations,
  - (b) the construction of temporary access tracks and temporary site facilities to allow for the carrying out of tests or investigations described in paragraph (a),
  - (c) minor works within existing switchyards.

### **31 Waratah Super Battery Project—Munmorah**

- (1) Development for the purposes of the Waratah Super Battery Project—Munmorah, including the following—
  - (a) the installation and operation of a battery,
  - (b) the construction and operation of transmission lines and related electricity infrastructure to connect the battery to the Munmorah Substation,
  - (c) the construction and operation of a System Integrity Protection Scheme, which is a communications and control system that enables the battery to supply electricity when required,
  - (d) ancillary development.
- (2) The development is to be carried out on the site of the former Munmorah Power Station at Colongra.
- (3) The development does not include surveys, sampling, environmental investigations, archaeological excavations or other tests for the assessment of the Waratah Super

Battery Project—Munmorah.

### **32 Dungowan Dam and Pipeline Project**

- (1) Development for the purposes of a new dam and pipeline located at Ogunbil in the Tamworth Regional local government area, including the following—
  - (a) construction and operation of a dam with up to 22.5GL of storage,
  - (b) construction and operation of a bulk water pipeline from the dam to intersect with the pipeline at the existing Chaffey Dam,
  - (c) decommissioning the existing Dungowan Dam and related infrastructure and services,
  - (d) rehabilitation of the storage area of the existing Dungowan Dam,
  - (e) ancillary development, including construction and operation of pipeline connection spurs, upgrade or construction of access roads, utilities infrastructure, construction accommodation and construction compounds.
- (2) The development does not include surveys, test drilling, test excavation, geotechnical investigations or other tests, sampling or investigations.

### **33 Warragamba Dam project**

- (1) Development for the purposes of the Warragamba Dam project, being a project to increase the capacity of Lake Burragorang for the purposes of flood mitigation.
- (2) The development includes—
  - (a) increasing the height of spillways by up to 14 metres, and
  - (b) increasing the height of the roadway above the wall of the dam by up to 17 metres, and
  - (c) the construction of an upstream multi-level intake and downstream valve house using existing pipe infrastructure to facilitate environmental flows, and
  - (d) ancillary development, including development for the purposes of control and monitoring equipment, construction compounds, infrastructure used to transport material to the site (including roads or cableways), utilities infrastructure, signage, recreational facilities and landscaping and urban design features.
- (3) The development is to be carried out on land at Farnsworth Avenue and Weir Road, Warragamba, being Lot 1, DP 87998 and Lot 1124, DP 1159978.
- (4) In this section—

**development** does not include surveys, test drilling, archaeological investigations,

geotechnical investigations, contamination investigations or other tests, surveys, sampling or investigations for the purposes of the design or assessment of the project.

### **34 Narrabri Lateral Pipeline project**

- (1) Development for the purposes of the Narrabri Lateral Pipeline project, to provide a gas pipeline connecting the Narrabri Gas project and the Queensland-Hunter Gas Pipeline.
- (2) The development includes—
  - (a) the construction and operation of the following—
    - (i) a gas transmission pipeline capable of supplying up to approximately 200 terajoules of gas per day,
    - (ii) associated or ancillary infrastructure and facilities, including scraper stations, meter stations, pressure let-down facilities and communications towers,
    - (iii) temporary construction facilities, including laydown and storage areas, access tracks and construction camps, and
  - (b) the decommissioning of the gas transmission pipeline, associated or ancillary infrastructure and temporary facilities, and
  - (c) the rehabilitation of the project site.
- (3) The development is to be carried out on land in the Narrabri local government area.
- (4) In this section—

**development** does not include surveys, test drilling, archaeological investigations, geotechnical investigations, contamination investigations or other tests, surveys, sampling or investigations for the purpose of assessing the project.

### **35 Parramatta Light Rail Stage 2 Project**

- (1) Development for the purposes of the Parramatta Light Rail Stage 2 Project, being the construction and operation of new passenger light rail infrastructure from Parramatta to Lidcombe, including—
  - (a) light rail tracks and associated works, and
  - (b) light rail stops and facilities, and
  - (c) stabling and maintenance facilities and associated rail turnbacks.
- (2) Development that is ancillary to any other development in this section, including construction of rail and bus interchange facilities, modification of public transport facilities, railway stations, public amenities, pedestrian and cycle facilities and urban design features (including fencing, landscaping, lighting and planting trees),

construction of substations, utilities, amenities and signage and road and bridge modification works.

- (3) The development is to be carried out on land in the following local government areas—
  - (a) City of Parramatta,
  - (b) City of Ryde.
- (4) In this section—

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

### **36 Great Western Highway Upgrade project—Blackheath to Little Hartley**

- (1) Development for the purposes of the Great Western Highway Upgrade project, being the construction and operation of new road infrastructure and the upgrade of existing roads.
- (2) The development includes the following—
  - (a) construction and operation of approximately 11km of twin tunnels between Blackheath and Little Hartley, connecting to the Great Western Highway at both ends,
  - (b) construction and operation of approximately 14km of water supply pipeline between Little Hartley and Lithgow,
  - (c) upgrades to existing surface roads to facilitate the connection between the tunnels and the surface road network, including mainline carriageways and entry and exit ramps into tunnel portals at Blackheath and Little Hartley,
  - (d) utilities infrastructure, including—
    - (i) construction and operation of electricity substations at Little Hartley and in the tunnels, and
    - (ii) adjustments to, or relocation of, existing utilities infrastructure,
  - (e) ancillary development, including construction compounds, tunnel control centre facilities, ventilation systems, sediment and water quality basins, water treatment plants, emergency systems, lighting, landscaping, signage and systems for the control and management of roads.
- (3) The development is to be carried out on land in the local government areas of the City of Blue Mountains and the City of Lithgow.

(4) In this section—

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

## Schedule 6 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 2.3 of [State Environmental Planning Policy \(Infrastructure\) 2007](#).

**road infrastructure facilities** has the same meaning as it has in Division 17 of Part 2.3 of [State Environmental Planning Policy \(Infrastructure\) 2007](#).

### 2 General development over \$30 million

Development that has an estimated development cost of more than \$30 million.

### 3 Council related development over \$5 million

Development that has an estimated development cost 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 an estimated development cost of more than \$5 million.

## **5 Private infrastructure and community facilities over \$5 million**

Development that has an estimated development cost 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 an estimated development cost of more than \$5 million.

## **7 Particular designated development**

(1) Development for the purposes of—

- (a) extractive industry facilities that meet the requirements for designated development under the [Environmental Planning and Assessment Regulation 2021](#), Schedule 3, section 26, or
- (b) marinas or related facilities that meet the requirements for designated development under the [Environmental Planning and Assessment Regulation 2021](#), Schedule 3, section 32, or
- (c) waste management facilities or works that meet the requirements for designated development under the [Environmental Planning and Assessment Regulation 2021](#), Schedule 3, section 45.

(2) This section does not apply to a development application submitted but not finally determined before [State Environmental Planning Policy \(Planning Systems\) Amendment \(State Significant Development—Honeysuckle Site\) 2022](#) commences.

## **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 section—

**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.

#### **8A Certain coastal protection works**

- (1) The following development on land within the coastal zone that is directly adjacent to, or is under the waters of, the open ocean, the entrance to an estuary or the entrance to a coastal lake that is open to the ocean—
  - (a) development for the purpose of coastal protection works carried out by a person other than a public authority, other than coastal protection works identified in the relevant certified coastal management program,
  - (b) development for the purpose of coastal protection works carried out by or on behalf of a public authority (other than development that may be carried out without development consent under clause 19(2)(a) of *State Environmental Planning Policy (Coastal Management) 2018*).
- (2) Words and expressions used in this section have (in relation to coastal protection works) the same meaning as they have in *State Environmental Planning Policy (Coastal Management) 2018*.

#### **9 Development subject to delays in determination**

Development that has an estimated development cost 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.

### **Schedule 7 (Repealed)**