

State Environmental Planning Policy (Resilience and Hazards) 2021

This document provides information regarding the new Resilience and Hazards SEPP, which is part of the NSW SEPP consolidation project.

State environmental planning policies (SEPPs) have been consolidated to align with theme-based focus areas to make the planning system more accessible and user-friendly.

Overview

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) consolidates and repeals the provisions of the following 3 SEPPs:

1. *SEPP (Coastal Management) 2018* (Coastal Management SEPP)
2. *SEPP 33 – Hazardous and Offensive Development* (SEPP 33)
3. *SEPP 55 – Remediation of Land* (SEPP 55)

These changes are part of a broader administrative consolidation of SEPPs. Planning Circular PS–21-007 gives an overview of all changes made as part of the SEPP consolidation initiative.

Key changes

No policy changes have been made. The SEPP consolidation does not change the legal effect of the existing SEPPs, with section 30A of the *Interpretation Act 1987* applying to the transferred provisions. The SEPP consolidation is administrative. It has been undertaken in accordance with section 3.22 of the *Environmental Planning and Assessment Act 1979*.

The Resilience and Hazards SEPP:

- transfers most existing provisions from the 3 SEPPs being consolidated into chapters 2, 3 and 4. Chapter 1 contains the preliminary information and commencement details
- repeals the 3 SEPPs being consolidated.

Benefits of these changes

Aligning SEPPs with the planning principles focus areas

The SEPP changes are part of a package of reforms to consolidate 45 existing SEPPs into 11 new SEPPs based on the following themed focus areas:

- housing
- transport and infrastructure
- primary production
- biodiversity and conservation
- resilience and hazards
- industry and employment

- resources and energy
- planning systems.

Simplifying the planning system

The SEPP consolidation builds on previous work to simplify, consolidate and reduce the number of SEPPs. The consolidation reflects the NSW Government's commitment to reduce the complexity of the NSW planning system. The changes will simplify and improve the effectiveness and usability of current policies by reducing the number of separate planning instruments.

Provisions of the Resilience and Hazards SEPP

The Resilience and Hazards SEPP incorporates provisions from the SEPPs being consolidated as follows:

- 'Chapter 2 - Coastal management' contains planning provisions from the Coastal Management SEPP for land use planning within the coastal zone consistent with the *Coastal Management Act 2016*.
- 'Chapter 3 – Hazardous and offensive development' contains planning provisions from SEPP 33 to manage hazardous and offensive development.
- 'Chapter 4 – Remediation of land' contains planning provisions from SEPP 55, which provides a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

Commencement and impacts

The Resilience and Hazards SEPP will begin on 1 March 2022. The 3 SEPPs being consolidated will be repealed on the same day.

References in planning legislation and policies to the 3 SEPPs being consolidated will be taken as references to the equivalent provisions in the Resilience and Hazards SEPP.

Provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged. The changes should not impact development application assessment. The Resilience and Hazards SEPP should be used for new development and rezoning applications.

Savings and transitional provisions from the consolidated SEPPs will not be transferred to the Resilience and Hazards SEPP. However, all savings and transitional provisions of the repealed SEPPs continue to have effect due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

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