



## **Guideline on ‘call-in’ of State significant development under the *Environmental Planning & Assessment Act 1979***

### **PART 1 - OVERVIEW**

The *Environmental Planning and Assessment Act 1979* (the Act) enables a State environmental planning policy to declare development to be State significant development (SSD)<sup>1</sup>. *State Environmental Planning Policy (State and Regional Development) 2011* (the SRD SEPP) has declared certain development of a particular class or description to be SSD. The SRD SEPP has also identified classes of development as regional development. Applications for regional development are to be determined by Joint Regional Planning Panels<sup>2</sup>.

The Act also allows for ‘specified development on specified land’ to be declared SSD and therefore to be subject to the SSD provisions of the Act<sup>3</sup> (the ‘call-in power’).

The call-in power operates in addition to the SRD SEPP. As such, applications for SSD under the SRD SEPP will not need to be called in and applications for regional development under the SRD SEPP would not ordinarily be called-in.

This guideline sets out the process that proponents, councils and other bodies should follow in seeking to have a development proposal called-in as SSD. In particular, they should ensure that when making an application for call-in that they thoroughly address the matters referred to in Part 5 of this guideline in providing justification for the application.

### **PART 2 - INTRODUCTION**

The SSD call-in power relates to ‘specified development’. It is anticipated that the call-in power will be applied to single development proposals (i.e. specific development proposals on specific sites), that can be appropriately assessed in one development application, which may be a staged development application<sup>4</sup>, for the entire site.

The call-in power is not considered to be an appropriate mechanism for development proposals that are better characterised as being primarily rezonings for the release of employment or residential land which would usually require more than one development application. The Government has adopted other specific planning processes within the planning system for these proposals.

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<sup>1</sup> Section 89C(2).

<sup>2</sup> Section 23G(2A) and Schedule 4A enable a SEPP to identify classes of development for which a joint regional planning panel may exercise a council’s functions as consent authority.

<sup>3</sup> Section 89C(3).

<sup>4</sup> Under section 83B.

Before declaring development to be SSD, the Minister for Planning and Infrastructure ('the Minister') is to obtain and make publicly available advice from the Planning Assessment Commission about the State or regional planning significance of the development<sup>5</sup>. The Minister will provide reasons for his decision.

The Minister has requested the Planning Assessment Commission address the general issues relating to State or regional planning significance set out in Part 5 of this Guideline when providing that advice<sup>6</sup>.

### **PART 3 - PROCEDURE FOR SSD CALL-IN**

A development proponent, a council, or another body may apply to the Department of Planning and Infrastructure (DP&I) for the declaration of a development proposal as SSD.

The application should include or be accompanied by the following:

- details of the proponent and landowners;
- a description of the site and its surrounds, both locally and regionally;
- a description of the development proposal, including an estimate of the capital investment value of carrying out the proposal;
- a statement about its permissibility under environmental planning instruments and any supporting information;
- a full justification - addressing the issues relating to the State and regional planning significance of the development proposal (**see Part 5 of this Guideline**);
- if relevant, disclosure of any reportable political donations under section 147 of the Act;
- a fee of \$3000.00.

The above information and fee payment is required before the application will be processed by the Department, or forwarded to the Planning Assessment Commission for its consideration. The Department may seek additional information from the applicant if it considers that the information provided by the applicant is inadequate.

Once the information provided by the proponent is adequate, the Department will prepare a report on the application for the Planning Assessment Commission. Before completing the report it will seek the views of the relevant local council. The relevant local council will have 14 days to provide its views to the Department.

The application to call-in a development proposal as SSD and the report on the development proposal provided by the Department will be forwarded to the Planning Assessment Commission within 28 days of the Department seeking the views of the relevant Council.

The Planning Assessment Commission may also request further information from the Department and/or consult with the applicant, relevant local council or other interested parties, if warranted. Please refer to the **attached flow diagram** for SSD Ministerial call-in application.

The Planning Assessment Commission will forward its advice about the State or regional planning significance of the development proposal to the Minister, with a copy to the Department. Once the Minister has obtained the Planning Assessment Commission's advice and it has been made publicly available, the Minister may decide to call-in the development proposal by declaring it (by order published in the Gazette) to be SSD under section 89C(3) of the Act.

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<sup>5</sup> see section 89C(3) of the Act.

<sup>6</sup> Clause 124E of the EP&A Regulation requires the Planning Assessment Commission to consider any general issues relating to State or regional planning significance that the Minister requests the Commission to consider.

## **PART 4 - PUBLICATION OF DOCUMENTS**

This guideline is published on the Department's website: [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

The following documents will be published on the Department's website within 5 days of receipt:

- any application for a development proposal to be declared to be SSD,
- any report provided by the Department to the Planning Assessment Commission,
- any additional information provided by the person applying for the declaration,
- any letter from the relevant local council responding to the Department's request
- any advice from the Planning Assessment Commission on the State and regional planning significance of a proposal, and
- the Minister's decision whether or not to declare a proposal SSD, and the reasons for that decision.

## **PART 5 - GENERAL ISSUES RELATING TO STATE OR REGIONAL PLANNING SIGNIFICANCE**

When determining the State or regional planning significance of a development proposal, the Minister has requested the Planning Assessment Commission to consider the following general issues:

1. whether the proposal is of regional or State importance because it is in an identified strategic location, or is critical in advancing the nominated strategic direction or achieving a nominated strategic outcome, contained in a relevant State policy, plan or strategy, or regional or sub-regional strategy;
2. whether the proposal delivers major public benefits such as large-scale essential transport, utility infrastructure, or social services to the community;
3. whether the proposal is likely to have significant environmental, social or economic impacts or benefits, be of a significant hazardous or environmentally-polluting nature, or is located in or in close proximity to areas or locations that have State or regional environmental, archaeological or cultural heritage significance;
4. whether the proposal is of significant economic benefit to a region, the State or the national economy, such as those with high levels of financial investment and continuing or long-term employment generation;
5. whether the proposal is geographically broad in scale, including whether it crosses over multiple council and other jurisdiction boundaries, or impacts a wide area beyond one local government area;
6. whether the proposal is complex, unique or multi-faceted and requires specialist expertise or State coordinated assessment, including where councils require or request State assistance.

These issues are to be considered in addition to any other matter that the Planning Assessment Commission considers relevant to its consideration of the State or regional planning significance of a development proposal.

## Ministerial call-in for SSD Flowchart

