This planning circular has been ARCHIVED
This circular is no longer current but provides historical information and advice on planning system matters.

NSW GOVERNMENT

Planning circular

PLANNING SYSTEM

Consolidation of State environmental planning policies

Circular	PS 21-007
Issued	2 December 2021
Related	N/A

Consolidation of State environmental planning policies

This circular advises councils, applicants, practitioners and other stakeholders of changes made to 45 State environmental planning policies (SEPPs) and deemed SEPPs. These SEPPs have been consolidated into 11 new thematic SEPPs. The new thematic SEPPs commence on 1 March 2022.

Overview of the amendments

The SEPP consolidation project consolidates 45 existing State environmental planning policies (SEPPs) and deemed SEPPs into 11 new thematic SEPPs. The existing SEPPs will be repealed on commencement of the new SEPPs.

The SEPPs have been consolidated to align with the new thematic framework developed by the Department of Planning and Environment. This framework includes the following focus areas: Housing, Transport and Infrastructure, Primary Production, Biodiversity and Conservation, Resilience and Hazards, Industry and Employment, Resources and Energy and Planning Systems.

The changes reduce the duplication of policy and controls between SEPPs, regional plans and other instruments so that matters of State and regional significance are appropriately co-located within the planning framework.

Consolidated SEPPs

The following consolidated SEPPs will commence on 1 March 2022:

1. *State Environmental Planning Policy (Primary Production) 2021*
2. *State Environmental Planning Policy (Resources and Energy) 2021*
3. *State Environmental Planning Policy (Resilience and Hazards) 2021*
4. *State Environmental Planning Policy (Industry and Employment) 2021*
5. *State Environmental Planning Policy (Transport and Infrastructure) 2021*
6. *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
7. *State Environmental Planning Policy (Planning Systems) 2021*
8. *State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021*
9. *State Environmental Planning Policy (Precincts - Central River City) 2021*
10. *State Environmental Planning Policy (Precincts - Western Parkland City) 2021*
11. *State Environmental Planning Policy (Precincts - Regional) 2021.*

Separate to the SEPP consolidation project, the *State Environmental Planning Policy (Housing) 2021,* which commenced on 26 November 2021 repeals 5 SEPPs.

No changes have been made to *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Key changes

All relevant provisions from the SEPPs have been carried over into ‘chapters’ within the new 11 SEPPs. The SEPP consolidation does not change the legal effect of existing SEPPs with section 30A of the *Interpretation Act 1987* applying to the transferred provisions. The SEPP

consolidation is administrative only and no policy changes have been made.

Provisions that are repealed, redundant or that relate to savings and transitional matters that are outdated will not be carried over.

Further amendments are proposed to update references, reflect current government agencies and update outdated legislation references.

As of December 2021, all maps within the consolidated SEPPs are in the process of being included on the NSW Planning Portal.

Overview of new SEPP content

Provisions in the 11 consolidated SEPPs are outlined below and summarised in Attachment 1.

State Environmental Planning Policy (Primary Production) 2021

This SEPP incorporates and repeals the provisions of the *State Environmental Planning Policy (Primary Production and Rural Development) 2019,* and the *Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas).*

State Environmental Planning Policy (Resources and Energy) 2021

This SEPP incorporates and repeals the provisions of *State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries*) *2007* and the *Sydney Regional Environmental Plan No. 9 – Extractive Industries (No 2 – 1995)*.

State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP incorporates and repeals the provisions of the *State Environmental Planning Policy (Coastal Management) 2018, State Environmental Planning Policy 33 - Hazardous and Offensive Development,* and *State Environmental Planning Policy 55 – Remediation of Land*.

State Environmental Planning Policy (Industry and Employment) 2021

This SEPP incorporates and repeal the provisions of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* and *State Environmental Planning Policy 64 - Advertising and Signage*.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This SEPP incorporates and repeals the provisions of the *State Environmental Planning Policy (Infrastructure)* 2007, the *State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017*, *State Environmental Planning Policy (Major Infrastructure Corridors*) *2020* and the *State Environmental Planning Policy (Three Ports) 2013*.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This SEPP incorporates and repeals the provisions of:

- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *State Environmental Planning Policy (Koala Habitat Protection) 2020*
- *State Environmental Planning Policy (Koala Habitat Protection) 2021*
- *Murray River Regional Environmental Plan No 2—Riverine Land*
- *State Environmental Planning Policy (Bushland in Urban Areas) 2019*
- *State Environmental Planning Policy 50 - Canal Estate Development*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *Sydney Regional Environmental Plan 20 - Hawkesbury-Nepean River No. 2 1997*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment*
- *Willandra Lakes Regional Environmental Plan No 1—World Heritage Property*

State Environmental Planning Policy (Planning Systems) 2021

This SEPP incorporates and repeals the provisions of the *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy (Aboriginal Land) 2019* and the *State Environmental Planning Policy (Concurrences and Consents) 2018*.

Precincts SEPPs

NSW has 17 SEPPs that relate to precinct planning. These have now been consolidated into 4 Precinct SEPPs defined by their geographical area to ensure functionality and useability.

The Precinct SEPPs have been developed based

on the strategic planning vision of the 'three cities' regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities, with a fourth SEPP for regional areas – being areas outside of the Greater Sydney Region.

Sites within the *State Environmental Planning Policy (State Significant Precincts) 2005* have been split across the four precincts. Sites within the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* have been split between the Central River and Western Parkland City Precincts. These and other precinct based SEPPs have been incorporated within the Precinct SEPPs as chapters based on where these sites are located within the 'three cities' and regional locations.

The four new Precinct SEPPs are outlined below:

State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021
This SEPP incorporates provisions from the:

- *State Environmental Planning Policy (State Significant Precincts) 2005* for Sydney Opera House, Luna Park, Redfern–Waterloo Authority Site, Barangaroo, Sirius site, North Head Federal Police Training site and the Wahroonga Estate site.
- *Darling Harbour Development Plan No 1*
- *Sydney Regional Environmental Plan No 26 - City West*
- *Sydney Regional Environmental Plan No 16 - Walsh Bay*
- *Sydney Regional Environmental Plan No 33 - Cooks Cove*
- *State Environmental Planning Policy No 47 - Moore Park Showground.*

State Environmental Planning Policy (Precincts - Central River City) 2021
This SEPP incorporates provisions from the:

- *State Environmental Planning Policy (State Significant Precincts) 2005* for Channel 7 site, Huntingwood West Precinct, Greystanes Southern Employment Lands and Sydney Olympic Park site
- *State Environmental Planning Policy (Sydney Region Growth Centre) 2006* for the North Kellyville Precinct, Riverstone West Precinct, Alex Avenue and Riverstone Precinct, Area 20 Precinct, Schofields Precinct, the Hills Growth Centre Precinct, Blacktown Growth Centres Precinct and Hawkesbury Growth Centres Precinct
- *Sydney Regional Environmental Plan 24 - Homebush Bay Area*
- *State Environmental Planning Policy (Urban Renewal) 2010*
- *State Environmental Planning Policy (Kurnell Peninsula) 1989.*

State Environmental Planning Policy (Precincts - Western Parkland City) 2021
This SEPP includes provisions from the:

- *State Environmental Planning Policy (State Significant Precincts) 2005* for Edmondson Park South site
- *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* for Oran Park and Turner Road Precinct, Marsden Park Industrial Precinct Plan, Liverpool Growth Centres Precinct, Camden Growth Centres Precinct, Campbelltown Growth Centres Precinct, South East Wilton Precinct and North Wilton Precinct
- *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*
- *State Environmental Planning Policy (Penrith Lakes Scheme) 1989*
- *Sydney Regional Environmental Plan No 30—St Marys*
- *SEPP (Western Sydney Parklands) 2009*
- *State Environmental Planning Policy (Penrith Lakes Scheme) 1989.*

State Environmental Planning Policy (Precincts – Regional) 2021
This SEPP includes provisions for precincts within regional NSW areas from the:

- *State Environmental Planning Policy (State Significant Precincts) 2005* for Kings Forest site, Tomago Industrial site, Sandon Point site, Rise Bilambil Heights site, Calderwood site, Southern Highlands, Regional Shooting and Complex site
- *State Environmental Planning Policy (Activation Precincts) 2020*
- *State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007*
- *State Environmental Planning Policy (Gosford City Centre) 2018.*

Impacts on other planning legislation

References to the SEPPs being consolidated in other planning legislation and policies are deemed as references to the equivalent

provisions within the new consolidated SEPPs. Legislative updates to these references are planned.

Planning circulars and guidelines

References to repealed SEPPs in past planning circulars and guidelines should be interpreted as a reference to the relevant new consolidated SEPP.

Local planning

Council planning policies including local environmental plans (LEPs), development control plans (DCPs) and local strategic planning statements (LSPSs) may reference SEPPs. These plans can be updated to reference the new 11 consolidated SEPPs as follows:

- An amending SEPP is planned to update references in LEPs
- Councils can update references to the SEPPs as part of future revisions to their DCPs and LSPSs.

Amendments will be required to planning certificates issued under section 10.7 of the *EP&A Act* 1979 once the new consolidated SEPPs come into operation on 1 March 2022. Planning certificates will need to be updated to refer to the new SEPPs and remove references to repealed SEPPs.

As the provisions within the repealed SEPPs have been carried over into the new SEPPs and the intent and provisions remain largely unchanged, these changes should not impact planning matters such as assessment of development applications. Saving and transitional arrangements will apply.

Savings and transitional arrangements

The savings and transitional provisions in the SEPPs being repealed will not be transferred to the new consolidated SEPPs because all savings and transitional provisions continue to have effect despite their repeal pursuant to sections 5(6) and 30(2)(d) of the *Interpretation Act* 1987.

Further Information

The SEPPs are available on the NSW Legislation website at **www.legislation.nsw.gov.au**

The SEPP maps are available at **www.planningportal.nsw.gov.au**

Department of Planning, Industry and Environment circulars are available at: **planning.nsw.gov.au/circulars**

Authorised by:

Marcus Ray
Group Deputy Secretary Planning and Assessment
Department of Planning and Environment

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

© State of New South Wales through the Department of Planning and Environment planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

Attachment 1 – New consolidated SEPPs and repealed SEPPs

Planning principle focus area	New consolidated SEPPs	Repealed SEPPs
Primary Production	*State Environmental Planning Policy (Primary Production) 2021*	*State Environmental Planning Policy (Primary Production and Rural Development) 2019*; *Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)*
Resources and Energy	*State Environmental Planning Policy (Resources & Energy) 2021*	*State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 2007*; *Sydney Regional Environmental Plan No. 9 – Extractive Industries (No 2 – 1995)*
Resilience and Hazards	*State Environmental Planning Policy (Resilience and Hazards) 2021*	*State Environmental Planning Policy (Coastal Management) 2018; State Environmental Planning Policy 33 - Hazardous and Offensive Development*; *State Environmental Planning Policy 55 - Remediation of Land*
Industry and Employment	*State Environmental Planning Policy (Industry & Employment) 2021*	*State Environmental Planning Policy (Western Sydney Employment Area) 2009; State Environmental Planning Policy 64 - Advertising and Signage*
Transport and Infrastructure	*State Environmental Planning Policy (Transport and Infrastructure) 2021*	*State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017*, *State Environmental Planning Policy (Major Infrastructure Corridors) 2020; State Environmental Planning Policy (Three Ports) 2013*
Biodiversity and Conservation	*State Environmental Planning Policy (Biodiversity & Conservation) 2021*	*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*; *State Environmental Planning Policy (Koala Habitat Protection) 2020*; *State Environmental Planning Policy (Koala Habitat Protection) 2021*; *Murray River Regional Environmental Plan No 2—Riverine Land; State Environmental Planning Policy (Bushland in Urban Areas) 2019*; *State Environmental Planning Policy 50 - Canal Estate Development*; *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*; *Sydney Regional Environmental Plan 20 - Hawkesbury-Nepean River No. 2 1997*; *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*; *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment*; *Willandra Lakes Regional Environmental Plan No 1—World Heritage Property*
Planning Systems	*State Environmental Planning Policy (Planning Systems) 2021*	*State Environmental Planning Policy (State and Regional Development) 2011; State Environmental Planning Policy (Aboriginal Land) 2019; State Environmental Planning Policy (Concurrences and Consents) 2018*
Planning Systems	*State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021*	*State Environmental Planning Policy (State Significant Precincts) 2005*; *Darling Harbour Development Plan No 1; Sydney Regional Environmental Plan No 26—City West; Sydney Regional Environmental Plan No 16—Walsh Bay; Sydney Regional Environmental Plan No 33—Cooks Cove; State Environmental Planning Policy No 47—Moore Park Showground*
Planning Systems	*State Environmental Planning Policy (Precincts – Central River City) 2021*	*State Environmental Planning Policy (State Significant Precincts) 2005*; *State Environmental Planning Policy (Sydney Region Growth Centre) 2006; Sydney Regional Environmental Plan 24—Homebush Bay Area*; *State Environmental Planning Policy* (*Kurnell Peninsula) 1989*; *State Environmental Planning Policy* (Urban Renewal) *2010*
Planning Systems	*State Environmental Planning Policy (Precincts – Western Parkland City) 2021*	*State Environmental Planning Policy (State Significant Precincts) 2005, State Environmental Planning Policy (Sydney Region Growth Centre) 2006; State Environmental Planning Policy* (*Western Sydney Aerotropolis) 2020; State Environmental Planning Policy (Penrith Lakes Scheme) 1989; Sydney Regional Environmental Plan No 30—St Marys; State Environmental Planning Policy (Western Sydney Parklands) 2009*
Planning Systems	*State Environmental Planning Policy (Precincts - Regional) 2021*	*State Environmental Planning Policy (State Significant Precincts) 2005*; *State Environmental Planning Policy (Activation Precincts) 2020; State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*; *State Environmental Planning Policy (Gosford City Centre) 2018*