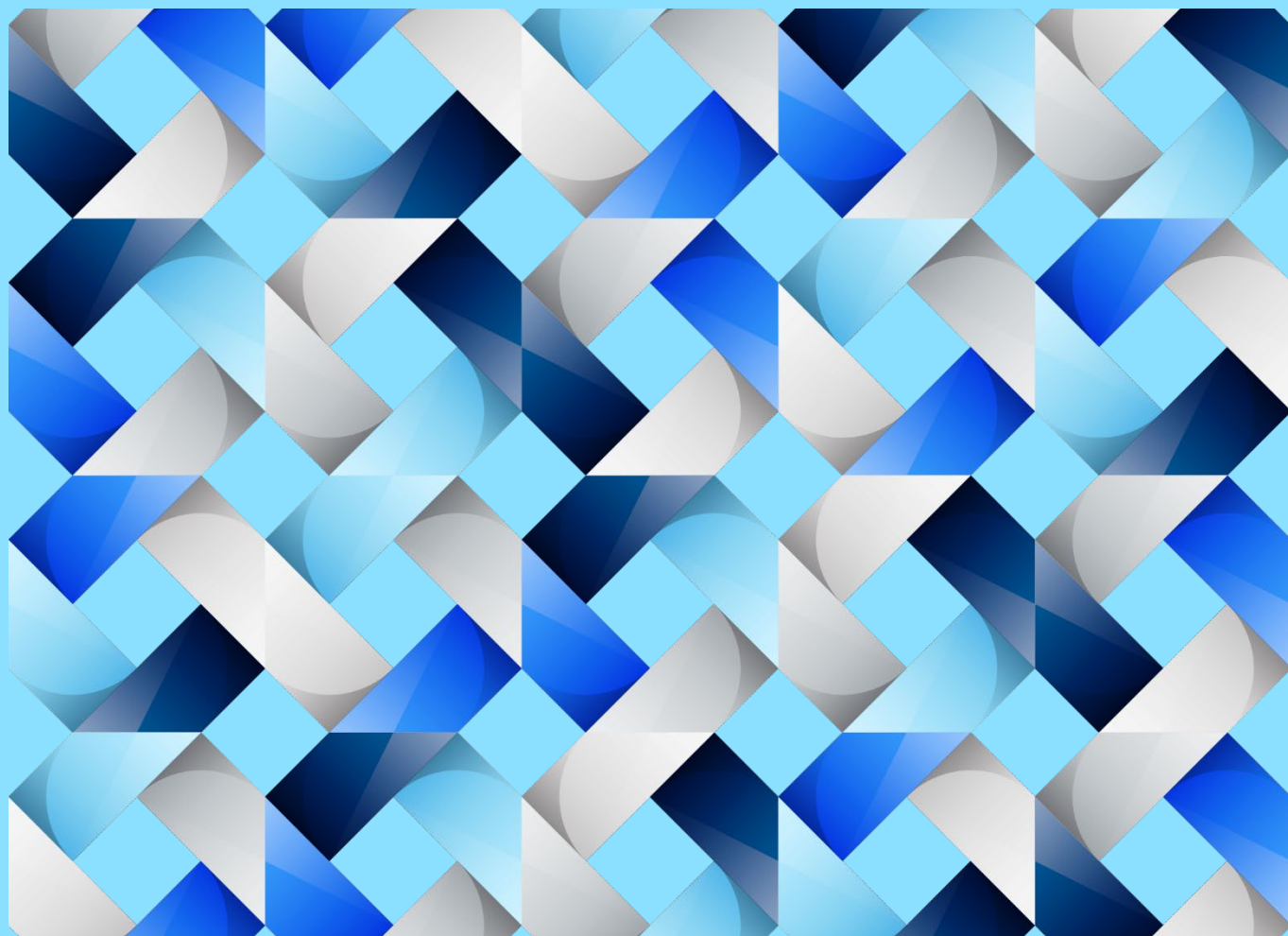


State Referral Provisions

Version 1.0

June 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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State Referral Provisions

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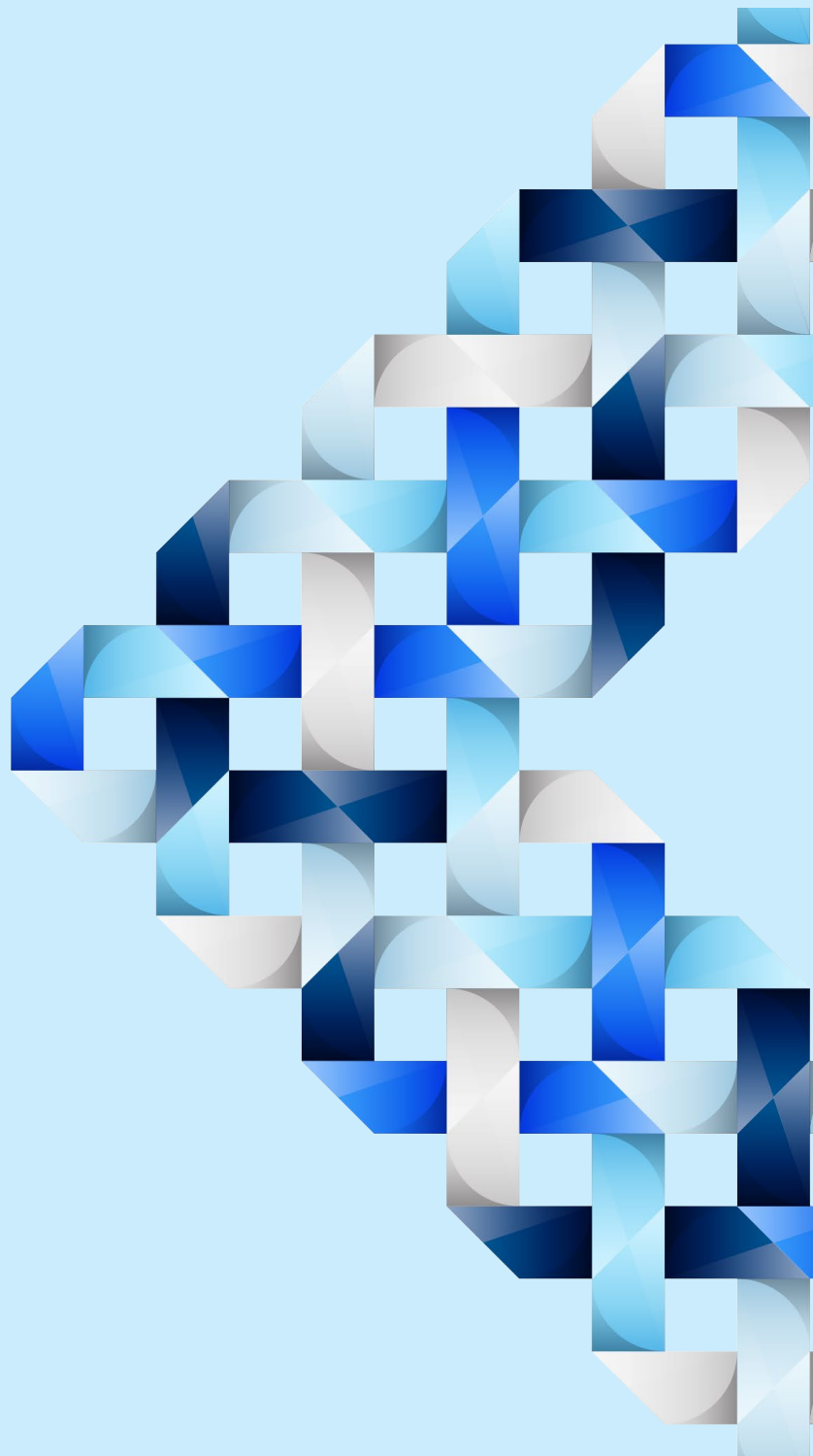
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1

Introduction



1.1 What are the State Referral Provisions?

The State Referral Provisions (SRP) is a guidance document that sets out the matters the Development Coordination Authority (DCA) and other referral bodies should consider when responding to a referral on a development application (DA).

DCA will use the considerations in the SRP to issue a single response on behalf of the NSW Government. These considerations will also be used by referral bodies outside the NSW Government, such as Commonwealth departments, airport operators, or private companies like gas and electricity suppliers.

1.2 What is a referral and when is it required?

The NSW Government and other bodies play an important role in providing expert inputs that consent authorities need to make decisions on DAs. These inputs are critical in managing important issues like bush fire, pollution, and infrastructure. Councils must refer DAs to DCA or other relevant bodies to obtain these inputs before a DA can be determined.

Referrals for DAs are mandated in *State Environmental Planning Policy (Planning Systems) 2021*, and in certain Acts. There are three types of referrals in the planning system:

- **Consultation:** This is where the consent authority must consult with a specific person or body and consider any comment received before granting consent to a DA. Where no comment is received, consent authorities can generally still choose to grant consent.

Example: A development application proposing new access to a busy arterial road needs to be referred to DCA for comment. The consent authority must then consider any advice received before it can grant consent to the DA.

- **Concurrence:** This is where the agreement of a specific person or body must be obtained before the consent authority can grant consent to a DA.

Example: A development application proposing excavation above an underground rail corridor needs a concurrence from DCA before the consent authority can grant consent to the DA.

- **Integrated development:** This is where development proposed in a DA requires a particular approval under an Act other than the *Environmental Planning and Assessment Act 1979*. Where the integrated development pathway applies, DCA decides whether to provide the consent authority with the 'general terms of approval' (GTAs) for the corresponding approval under the relevant Act. If the consent authority decides to grant development consent, it must do so consistently with any GTAs that have been issued by the agency. The agency must then grant the approval under the relevant Act consistently with that development consent.

Example: A development application proposing works that impact a State heritage item needs an approval under the Heritage Act 1977. If the integrated development pathway applies to the DA, DCA decides whether to issue GTAs for the development. If the consent authority decides to grant development consent, it must do so consistently with any GTAs issued by DCA. The Heritage Council then issues a separate approval under the Heritage Act that must be consistent with the development consent.

1.3 Where does the SRP fit in the planning system?

The SRP provides policy guidance only and does not contain legal advice. The policy guidance provided in the SRP, including the description of matters for consideration, does not override or replace the statutory requirements applicable to each referral. The SRP instead provides guidance for the DCA and other referral bodies in preparing and issuing responses to DA referrals. It is important to refer to the relevant provisions in State Environmental Planning Policies, Acts and other statutory instruments for the legal requirements and assessment obligations applicable to each proposal.

2

State Referral Provisions

2.1 Airports, airspace operations and ports

2.1.1 Development intruding into airport airspace

Referral provision: section 4.5 of *SEPP (Planning Systems) 2021*

Referral type: consultation

Airports play a critical role in transport and the economy, connecting communities and supporting business activity, tourism, emergency services and freight movement.

Development that penetrates airport airspace can affect airport operations by creating physical obstacles, such as buildings and cranes, that constrain aircraft movement and interfere with navigation.

The purpose of this provision is to ensure development does not compromise the safe and effective operation of airports.

Considerations

No.	Considerations
1	The nature, location, duration and purpose of any penetration by the development into the Obstacle Limitation Surface (OLS), Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS), or Terminal Instrument Flight Procedures Obstacle Protection (TIFPOP) surfaces of the airport.
2	The impact of any penetration by the development into the OLS, PANS-OPS or TIFPOP surfaces on the safe and effective operation of the airport.

2.1.2 Development that may affect a Defence Aviation Area

Referral provision: section 4.6 of *SEPP (Planning Systems) 2021*

Referral type: consultation

Defence Aviation Areas are areas declared under Commonwealth law around Defence aerodromes to help protect the safe and effective operation of aircraft and associated aviation systems.

Development within Defence Aviation Areas may affect aircraft operations or aviation systems if it exceeds height restrictions, generates plumes or air turbulence, or involves objects or activities that are hazardous to aircraft or to aviation-related communications, navigation or surveillance systems.

The purpose of this provision is to ensure development does not compromise the safety and effective operation of aircraft and associated aviation systems at Defence aerodromes.

Considerations

No.	Considerations
1	The nature, location, duration and purpose of the development.
2	The impact of the development and any associated plumes, air turbulence, hazards, objects or activities on the safety and effective operation of aircraft and associated aviation systems at the Defence aerodrome.

2.1.3 Development that may affect Western Sydney Airport operations

Referral provision: section 4.7 of *SEPP (Planning Systems) 2021*

Referral type: consultation

Western Sydney International (Nancy-Bird Walton) Airport is a major new 24-hour airport that will support passenger travel and freight services and play a central role in the future growth of Western Sydney. As the airport grows, it is essential that surrounding development is compatible with safe aircraft operations and does not create risks such as physical obstructions, lighting hazards, wildlife attraction, emissions, or interference with navigational aids.

The purpose of this provision is to ensure development is compatible with the long-term safety, capacity and effective operation of the airport.

Considerations

No.	Considerations
1	The nature, location and purpose of any intrusions the development may cause into the Obstacle Limitation Surface (OLS) or Terminal Instrument Flight Procedures Obstacle Protection (TIFPOP) surfaces of the airport.
2	The impact of any intrusion the development may cause into the OLS or TIFPOP surfaces on the safe and effective operation of the airport.
3	Any impact the development may cause on the development and operation of the airport, arising from: - wind shear and turbulence generated by buildings - wildlife - wind turbines and wind monitoring towers - lighting and reflectivity distractions - development in restricted areas.
4	The consistency of the development with the National Airports Safeguarding Framework.

2.1.4 Development that may affect hospital helicopter airspace

Referral provision: section 4.8 of *SEPP (Planning Systems) 2021*

Referral type: consultation

Liverpool Hospital is a major hospital and trauma centre that relies on helicopter services to transport patients requiring urgent care. These services depend on clear airspace to operate effectively.

Development near the hospital, including buildings, cranes, or other temporary structures can interfere with helicopter flight paths, visibility and safety if not carefully planned.

The purpose of this provision is to ensure that development in Liverpool centre does not compromise the safe operation of the hospital's helicopter ambulance service.

Considerations

No.	Considerations
1	The nature, location, duration and purpose of any intrusion into helicopter airspace.
2	Any impact the development may have on the safe operation of the hospital's helicopter airspace and measures taken to mitigate that impact.

2.1.5 Development that may affect Port Botany, Port Kembla or Port of Newcastle infrastructure and operations

Referral provision: section 4.9 of *SEPP (Planning Systems) 2021*

Referral type: consultation

Port Botany, Port Kembla, and the Port of Newcastle are three of the largest ports in NSW and play a vital role in supporting the state's trade and supply chains. These ports rely on safe navigation, efficient freight movement and the ability to maintain and expand port infrastructure over time.

The purpose of this provision is to ensure development protects the safe operation, efficiency and future development of Port Botany, Port Kembla and the Port of Newcastle.

Considerations

No.	Considerations
1	The effect of the development on the practicability, cost, structural integrity and safety of future port expansion or dredging works within navigation channels.
2	The effect of the development on ship movements to, from or within the port to which the development relates.

2.2 Biodiversity and conservation

2.2.1 Development likely to significantly affect threatened species where consent conditions would reduce biodiversity credit obligations

Referral provision: sections 7.11, 7.12 of the *Biodiversity Conservation Act 2016*

Referral type: consultation, concurrence

Development that is likely to significantly impact a threatened species must prepare a Biodiversity Development Assessment Report (BDAR). The BDAR identifies the biodiversity credits required to offset those impacts so there is no net loss of biodiversity.

If a consent authority proposes to approve development with a reduced biodiversity credit obligation, the development must receive additional expert review to ensure biodiversity impacts are appropriately addressed.

The purpose of this provision is to protect the long-term viability of threatened species, populations and ecological communities.

Considerations

No.	Considerations
1	Any species impact statement prepared for the development and submissions made in response to it.
2	Any BDAR prepared for the development and the impacts of the development on biodiversity values that will not be offset because biodiversity credits are not being retired as specified in the report.
3	Whether the development is likely to reduce the long-term viability of the threatened species or ecological communities in the bioregion (unless a BDAR has been prepared for the development).
4	Any further assessment report prepared by or on behalf of the proponent.
5	The facilitation of ecologically sustainable development.

2.2.2 Development in a koala habitat corridor

Referral provision: section 4.10 of *SEPP (Planning Systems) 2021*

Referral type: concurrence

The Greater Macarthur and Wilton Growth Areas in Sydney's southwest are home to one of the few remaining koala populations in the Greater Sydney area. As these areas continues to grow, careful planning is needed to ensure koala habitat remains connected and protected. Without appropriate safeguards, development can increase risks to koalas, including habitat loss and fragmentation, disease, and exposure to traffic and domestic animals.

The purpose of this provision is to protect koala habitat and support ongoing movement and connectivity for the koala population in the Greater Macarthur and Wilton Growth Areas.

Considerations

No.	Considerations
1	The impact of the development on: • the protection of the koala population in the relevant growth area • the maintenance and delivery of a koala habitat corridor • the movement of koalas between different koala habitat corridors.

2.2.3 Development likely to significantly affect threatened aquatic species, populations or ecological communities

Referral provision: sections 221ZY, 221ZZ of the *Fisheries Management Act 1994*

Referral type: consultation, concurrence

Responsible fisheries management is essential to conserving NSW's aquatic environments and protecting the state's fishery resources. Development can adversely impact threatened species, populations or ecological communities, causing disruption to life cycles, reducing or damaging important habitat and potentially placing the survival of those species, populations or communities at risk.

The purpose of this provision is to support the sustainability of the state's fisheries and aquatic ecosystems by ensuring such impacts, and any measures that could mitigate them, are reviewed.

Considerations

No.	Considerations
1	Any reports or statements required under section 221ZZ(5) of the <i>Fisheries Management Act 1994</i>: • Any species impact statement^a prepared for the development or activity and submissions made in response to it. • Any assessment report prepared by or on behalf of the proponent. • Any Priorities Action Statement.^a
2	Whether the development or activity is likely to reduce the long-term viability of the threatened species, populations or ecological communities in the bioregion.
3	The facilitation of ecologically sustainable development.

a) As defined in section 220B of the *Fisheries Management Act 1994*.

2.2.4 Development in or affecting a marine park or aquatic reserve

Referral provision: sections 55, 56 of the *Marine Estate Management Act 2014*

Referral type: concurrence, consultation

Marine parks and aquatic reserves are designated areas of water or land managed to protect marine biodiversity and ecosystems, while delivering a range of other benefits and uses, including sustainable recreational and commercial uses, public appreciation and enjoyment, research, education and Aboriginal cultural uses.

The purpose of this provision is to manage the impact of development in and near marine parks and aquatic reserves on marine biodiversity and ensure development is consistent with relevant management rules, management plans and notifications.

Considerations

Development in a marine park or aquatic reserve

No.	Considerations
1	The consistency of the development with the primary purpose of marine parks and aquatic reserves under the <i>Marine Estate Management Act 2014</i> . ^a
2	If there are management rules for the marine park or aquatic reserve, the purposes of the zone within which the area concerned is situated as specified in those management rules. ^b
3	The permissible uses of the area concerned under the regulations or the management rules. ^c
4	If a management plan for the marine park or aquatic reserve has been made, the objectives of the marine park or aquatic reserve. ^d
5	Any relevant marine park or aquatic reserve notifications. ^e

Development affecting a marine park or aquatic reserve

No.	Considerations
1	If there are management rules for the marine park or aquatic reserve, the purposes of the zone within which the affected area is situated as specified in those management rules. ^b
2	The permissible uses of the affected area of the marine park or aquatic reserve under the regulations or the management rules. ^c
3	If a management plan for the marine park or aquatic reserve has been made, the objectives of the marine park or aquatic reserve. ^d
4	Any relevant marine park or aquatic reserve notifications ^e .

No.	Considerations
5	Any current or future impact to marine park or aquatic reserve plants, animals, habitat, hydrology or water quality, and measures to mitigate that impact.
	a) As stated in sections 22 and 33 of the <i>Marine Estate Management Act 2014</i>. b) Zone objects are specified in Part 1 of the <i>Marine Estate Management (Management Rules) Regulation 1999</i>. Indicative maps of zone boundaries can be found on the individual web pages for each marine park: Marine Parks NSW Government c) Marine park management rules are specified in the <i>Marine Estate Management (Management Rules) Regulation 1999</i>. d) Refer to the web site <i>Marine park management planning</i> for the current status of marine park and aquatic reserve management plans: Marine park management planning NSW Government e) The <i>Marine Estate Management (Aquatic Reserve) Notification 2025</i>.

2.3 Bushfire

2.3.1 Development on bush fire prone land

Referral provision: section 4.11 of *SEPP (Planning Systems) 2021* & section 100B of the *Rural Fires Act 1997* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: consultation & integrated development

Bush fires present serious risks to people and property. These risks are increasing as the climate changes, the population grows and ages, and more people live in bush fire prone areas. To minimise these risks and support community resilience, development on bush fire prone land must be planned, designed and constructed to respond to the level of bush fire risk.

The purpose of this provision is to minimise risks to people and property by ensuring appropriate bush fire protection measures are taken for development on bush fire prone land.

Considerations

No.	Considerations
1	The ability of the proposed development to achieve all applicable performance criteria as set out in <i>Planning for Bush Fire Protection</i> . ^a

- a) The version of *Planning for Bush Fire Protection* specified by section 271 of the *Environmental Planning and Assessment Regulation 2021*.

2.4 Heritage

2.4.1 Development affecting an item listed on the State Heritage Register or subject to an interim heritage order

Referral provision: section 58 of the *Heritage Act 1977* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

The State Heritage Register lists places, buildings, works, relics, objects or precincts that are of State heritage significance. Items listed on the register are protected from unapproved demolition or disturbance. Interim Heritage Orders can be made for items which may be of heritage significance, however, are not on the State Heritage Register. This confers the same protections on these items while further assessment is undertaken.

The purpose of this provision is to manage development that may affect a State Heritage Item or an item under an interim heritage order by assessing impacts on heritage significance and ensuring any changes are justified, well designed and minimise harm.

Considerations

No.	Considerations
1	The extent to which that application, if approved, would affect the significance of any item as an item of the environmental heritage.
2	Such matters relating to the conservation of that item or land as seem relevant.
3	Any applicable conservation management plan (within the meaning of section 38A) ^a endorsed by the Heritage Council.
4	Such other matters considered relevant to DCA.

a) Of the *Heritage Act 1977*.

2.4.2 Development that would harm an Aboriginal object or Aboriginal place

Referral provision: section 90 of the *National Parks and Wildlife Act 1974* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

Aboriginal places and objects of significance to Aboriginal cultural heritage in NSW are protected to preserve their cultural connection. Any activities or development which may cause harm to an Aboriginal Place or object (such as destroying, defacing, damaging or moving an object from the land) requires an Aboriginal heritage impact permit (AHIP).

The purpose of this provision is to control development that could harm an Aboriginal object or a declared Aboriginal place, by assessing the proposal's impact and ensuring that any change is appropriately justified, designed and conditioned to avoid and minimise harm.

Considerations

No.	Considerations
1	The objects of the <i>National Parks and Wildlife Act 1974</i> .
2	Actual or likely harm to the Aboriginal objects or Aboriginal place that will be the subject of the permit.
3	Practical measures that may be taken to protect and conserve the Aboriginal objects or Aboriginal place that will be the subject of the permit.
4	Practical measures that may be taken to avoid or mitigate any actual or likely harm to the Aboriginal objects or Aboriginal place that will be the subject of the permit.
5	The significance of the Aboriginal objects or Aboriginal place that will be the subject of the permit.
6	The results of any consultation by the applicant with Aboriginal people regarding the Aboriginal objects or Aboriginal place that will be the subject of the permit (including any submissions made by Aboriginal people as part of a consultation required by the regulations). ^a
7	Whether any such consultation substantially complied with any requirements for consultation set out in the regulations. ^a
8	The social and economic consequences of making the decision.
9	Any documents accompanying the application.
10	Any public submission that has been made under the <i>Environmental Planning and Assessment Act 1979</i> in connection with the activity to which the permit application will relate and that has been received by DCA. ^b
11	Any other matter prescribed by the regulations. ^a

a) *National Parks and Wildlife Regulation 2019*.

b) When the development application has been, or is being, publicly exhibited.

2.4.3 Development in an Aboriginal place of heritage significance

Referral provision: section 4.12 of *SEPP (Planning Systems) 2021*

Referral type: consultation

Areas of Aboriginal heritage significance may be identified in an Aboriginal heritage study adopted by a local council or mapped in an environmental planning instrument. These areas are afforded separate protections to those under the *National Parks and Wildlife Act 1974* for declared Aboriginal places, although both may apply.

The purpose of this provision is to ensure the input from the Aboriginal community is considered when assessing the impact of development on heritage significance.

Considerations

No.	Considerations
1	The place, its significance, and/or the potential impact of the development on that significance.

2.4.4 Development in the Willandra Lakes Region World Heritage Property

Referral provision: section 4.13 of *SEPP (Planning Systems) 2021*

Referral type: consultation

The Willandra Lakes Region World Heritage Property is globally significant for its cultural, archaeological, landscape and research values. The area is an ancient fossil lake system that preserves a record of environmental change over the last 100,000 years and human habitation dating back at least 47,000 years.

The purpose of this provision is to ensure potential impacts of development on the archaeological, cultural and natural heritage values of the World Heritage Property are appropriately managed.

Considerations

No.	Considerations
1	The impact of the development on the World Heritage Property, including the outstanding universal values of the World Heritage Property.
2	Any requirements that should apply to the development in relation to managing or mitigating the impact.

2.5 Mining and resources

2.5.1 Development in a mine subsidence district

Referral provision: section 22 of the *Coal Mine Subsidence Compensation Act 2017* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

Underground coal mining (active and non-active) exists in various areas across NSW and can lead to subsidence. Coal mine subsidence is ground movement that can occur when the land sinks to fill hollow mine workings. This can cause tilts and strains on the ground surface with potential impact to development. Mine Subsidence Districts are declared areas in NSW where there is a potential subsidence risk to development from planned, active or non-active underground coal mining.

The purpose of this provision is to manage the risk of damage to homes and buildings in these declared districts due to mine subsidence.

Considerations

No.	Considerations
1	The type of mining and associated subsidence impact which may affect the property.
2	The consistency of the proposed development with the applicable <i>Surface Development Guideline</i> for the property. ^a

a) See the Subsidence Advisory NSW website for the relevant *Surface Development Guideline*: [Development approval process | NSW Government](#)

2.5.2 Development involving mining operations in the notification area of a declared dam

Referral provision: section 48 of the *Dams Safety Act 2015*

Referral type: consultation

Declared dams are dams where failure could endanger life or cause significant environmental or property damage downstream. They require maintenance and monitoring to detect any potential signs that could lead to failure. Mining activities near declared dams can introduce risks to dam safety, including ground movement, vibrations and changes to drainage or groundwater conditions.

The purpose of this provision is to ensure mining activities near declared dams do not compromise dam safety.

Considerations

No.	Considerations
1	The current consequence category of the declared dam and any impact of the mining activity on the consequence category.
2	The risk to dam safety and structural integrity from: • mining induced ground movement, pressure changes or vibration • mining induced changes to groundwater regimes or hydrogeological conditions • the cumulative effects of past, current, and proposed mining.
3	Any measures to mitigate these risks, including monitoring programs and contingency plans.

2.5.3 Development requiring a mining lease

Referral provision: sections 63, 64 of the *Mining Act 1992* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

The NSW mining industry is a major part of the state's economy, supporting jobs, investment and regional development. NSW has globally significant resources, including nationally declared critical minerals, which are essential to the clean energy, defence, aerospace and medical industries.

Mining can carry risks to air quality, amenity, water, and local ecosystems. To ensure responsible, safe and sustainable practices that protect communities and the environment, a mining lease is required before mining can take place.

The purpose of this provision is to review mining proposals so all environmental and regulatory impacts are properly assessed before a mining lease can be granted.

Considerations

No.	Considerations
1	Whether the applicant, or a relevant person associated with the application, is a fit and proper person. ^a
2	Whether a written land access arrangement is in place between the landholder(s) and the prospective lease holder.
3	The presence of an economically mineable mineral deposit within the proposed lease area and the mineral(s) or mineral group(s) intended for extraction.
4	The applicant's financial and technical capacity to carry out mining responsibly.

No.	Considerations
5	The impact of the development on the environment.
6	The ability of the development to effectively and sustainably rehabilitate the land for post-mining uses.

a) Under section 393 of the *Mining Act 1992*.

2.5.4 Development requiring a petroleum production lease

Referral provision: section 16 of the *Petroleum (Onshore) Act 1991* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

Petroleum refers to naturally occurring hydrocarbons, like crude oil and natural gas, found beneath the Earth's surface. It is used in the production of fertilisers, construction materials and plastics, and is a major source of energy.

The production of petroleum can carry risks to air quality, amenity, water and local ecosystems. To manage these risks and ensure projects are environmentally sustainable and in the public interest, a petroleum production lease is required before production can take place.

The purpose of this provision is to review applications for petroleum production leases and ensure petroleum resources are developed in ways that minimise impacts on the environment.

Considerations

No.	Considerations
1	Whether the applicant, or a relevant person associated with the application, is a fit and proper person. ^a
2	Whether a written land access arrangement is in place between the landholder(s) and the prospective lease holder.
3	The presence of an economically extractable petroleum deposit within the area of the proposed lease.
4	The applicant's financial and technical capacity to carry out the proposed work program responsibly.
5	The impact of the development on the environment.
6	The ability of the development to effectively and sustainably rehabilitate the land following operations.

a) Under section 24A of the *Petroleum (Onshore) Act 1991*.

2.6 Observatory and defence infrastructure

2.6.1 Development near defence communications facilities

Referral provision: section 4.15 of *SEPP (Planning Systems) 2021*

Referral type: concurrence

Defence communication installations are secure facilities that support military communications and coordination, underpinning national defence capabilities. Defence installations are sensitive to nearby land uses, which can create operational security risks or interfere with specialist infrastructure.

Development near defence communications facilities can affect critical signal reception by producing electromagnetic emissions^a or creating other types of interference (such as from metallic surfaces or tall structures).

The purpose of this provision is to ensure development does not compromise the security and optimum operational capability of defence communication facilities.

Considerations

No.	Considerations
1	Whether the development will adversely affect the optimum operational capability of the defence receiver station.

- a) Examples of emissions impacts may include: carrier-signal degradation, radio frequency noise floor interference (2-30MHz), electromagnetic induction, electrostatic coupling, or conduction to the facility.

2.6.2 Development that may affect observing conditions at the Siding Spring Observatory

Referral provision: sections 4.16, 4.17 of *SEPP (Planning Systems) 2021*

Referral type: consultation and concurrence

The Siding Spring Observatory is Australia's most important visible-light observatory and is one of a few in the world that can view the whole Southern Hemisphere sky. The steady increase in light pollution from distant and nearby light sources can affect observing conditions at the observatory. To protect the effective operation of the observatory, surrounding land has been identified as a Dark Sky Region.

The purpose of this provision is to ensure development is designed, constructed, operated and maintained to protect observing conditions at Siding Spring Observatory.

Considerations

No.	Consideration
1	Any impact the development would have on observing conditions at the Siding Spring Observatory and measures taken to mitigate that impact.
2	The consistency of the development with the <i>Dark Sky Planning Guideline</i> (2023).
3	Whether any public interest in permitting the development outweighs the public interest in preserving the observing conditions at the Siding Spring Observatory.

2.7 Pollution control and hazardous activities

2.7.1 Development requiring an environmental protection licence

Referral provision: sections 43(a), 47 and 55; 43(b), 48 and 55; 43(d), 55 and 122 of the *Protection of the Environment Operations Act 1997* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

Certain development, such as mining, chemical production, agricultural processing and others, present a higher risk of environmental impact due to its nature or scale. An environmental protection licence (EPL) must be obtained to undertake such development. An EPL regulates pollution and environmental risks by setting requirements for pollution prevention and control, monitoring and reporting, and operational standards. An EPL is not required for some development but can be issued if an applicant seeks to regulate water pollution from that development and mitigate environmental risk.

The purpose of this provision is to assess the risk of development and where appropriate determine conditions designed to prevent or minimise the environmental impacts from the development.

Considerations

No.	Considerations
1	Any protection of the environment policies. ^a
2	The objectives of the EPA as referred to in section 6 of the <i>Protection of the Environment Administration Act 1991</i> .
3	The pollution caused or likely to be caused by the carrying out of the activity or work concerned and the likely impact of that pollution on the environment.
4	The practical measures that could be taken: • to prevent, control, abate or mitigate that pollution, and • to protect the environment from harm as a result of that pollution.
5	Any relevant green offset scheme, green offset works or tradeable emission scheme or other scheme involving economic measures, as referred to in Part 9.3. ^b
6	Whether the person concerned is a fit and proper person. ^c

No.	Considerations
7	In relation to an activity or work that causes, is likely to cause or has caused water pollution: - the environmental values of water affected by the activity or work, and - the practical measures that could be taken to restore or maintain those environmental values.
8	In connection with an application relating to the control of the carrying out of non-scheduled activities for the purpose of regulating water pollution – whether the applicant is the appropriate person to hold the licence having regard to the role of the applicant in connection with the carrying out of those activities.
9	Any documents accompanying the application.
10	Any relevant environmental impact statement, or other statement of environmental effects, prepared or obtained by the applicant under the <i>Environmental Planning and Assessment Act 1979</i>.
11	Any relevant species impact statement prepared or obtained by the applicant under the <i>Biodiversity Conservation Act 2016</i> or Part 7A of the <i>Fisheries Management Act 1994</i>.
12	Any waste strategy in force under the <i>Waste Avoidance and Resource Recovery Act 2001</i>.
13	Any public submission that has been made under the <i>Environmental Planning and Assessment Act 1979</i>, in connection with the activity to which the licence application will relate, and that has been received by DCA.^d
14	Any guidelines issued by the EPA relating to the exercise of functions under Chapter 3.^b

a) As defined in Chapter 2 of the *Protection of the Environment Operations Act 1997*.

b) Of the *Protection of the Environment Operations Act 1997*.

c) See section 83 of the *Protection of the Environment Operations Act 1997* for provisions relating to the determination of whether a person is a fit and proper person for the purposes of this section.

d) When the development application has been, or is being, publicly exhibited.

2.7.2 Development on land in an industrial or pipeline risk area

Referral provision: section 4.18 of *SEPP (Planning Systems) 2021*

Referral type: consultation

The Botany Industrial Park at Banksmeadow is a major petrochemical and chemical manufacturing facility. The High Pressure Gas Pipeline Risk Area in Arncliffe applies to land around pipelines that carry gas at high pressures. Because these activities involve higher safety risks, development within the Botany Industrial Park and the High Pressure Gas Pipeline Risk Area needs to be carefully considered.

The purpose of this provision is to ensure risks to people and property from the Botany Industrial Park and high pressure gas pipelines in Arncliffe are appropriately managed.

Considerations

No.	Considerations
1	Any risks to life or property posed by the Botany Industrial Park Risk Area and/or High Pressure Gas Pipeline Risk Area as a result of the proposed development, and any measures to mitigate those risks.

2.8 Transport

2.8.1 Development that may affect rail safety or infrastructure

Referral provision: section 4.22 of *SEPP (Planning Systems) 2021*

Referral type: concurrence

Rail corridors support passenger and freight services that are essential to the movement of people and goods across NSW. These corridors contain rail tracks, signalling systems, overhead wiring, drainage and other critical infrastructure that must always operate safely and reliably.

Development within or near rail corridors, including excavation, building works or changes to land use, can affect rail safety and operations if it is not carefully planned and managed.

The purpose of this provision is to ensure development is designed and managed to minimise adverse impacts on the safe and effective operation of the rail network.

Considerations

No.	Considerations
1	The potential effects of the development, whether alone or cumulatively with other development, on: - the safety and structural integrity of existing or proposed rail infrastructure facilities in the rail corridor - the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor.
2	What measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

2.8.2 Development involving access through a level crossing

Referral provision: section 4.23 of *SEPP (Planning Systems) 2021*

Referral type: concurrence

Level crossings are places where roads and rail lines meet at the same level without a bridge or a tunnel that allows vehicles, cyclists and pedestrians to cross the railway tracks. Development that increases or changes the type of traffic near a level crossing can increase safety risks if not carefully planned.

The purpose of this provision is to assess and manage the impacts of development on the operation of the rail network and the safety of drivers, pedestrians and cyclists.

Considerations

No.	Considerations
1	Any rail safety or operational issues associated with the aspects of the development.
2	The implications of the development for traffic safety including the cost of ensuring an appropriate level of safety, having regard to existing traffic and any likely change in traffic at level crossings because of the development.

2.8.3 Development involving excavation in or near a major road corridor

Referral provision: section 4.27 of *SEPP (Planning Systems) 2021*

Referral type: concurrence

Major road corridors support high traffic volumes and incorporate critical transport infrastructure, including road pavements, bridges, tunnels and buried services.

Excavation and other ground-disturbing works can create safety risks and affect the integrity and operation of the road if not carefully managed.

The purpose of this provision is to ensure excavation in or near major road corridors is planned and carried out in a way that protects the safety and integrity of the road.

Considerations

No.	Considerations
1	The impact of the ground penetration on: - the structural integrity of the road or project - the cost of the road or project.
2	The measures proposed, or that could reasonably be taken, to avoid or minimise the potential impact.

2.8.4 Development involving large advertisements near and visible from a classified road

Referral provision: section 4.29 of *SEPP (Planning Systems) 2021*

Referral type: concurrence

Large advertising signs near major roads can distract drivers or block their view of traffic signals, warning signs or other road users. These risks are greater near intersections, curves and crossings.

The purpose of this provision is to ensure that advertising signs near classified roads are designed, located and operated in a way that does not compromise road safety.

Considerations

No.	Considerations
1	The impact of the advertisement on traffic safety.
2	The consistency of the advertisement with the <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i> (2017).

2.8.5 Development that would generate significant traffic

Referral provision: section 4.30 of *SEPP (Planning Systems) 2021*

Referral type: consultation

Some developments generate significant traffic or change how people and freight move around an area. This can affect road safety, traffic flow and the performance of the road network if not carefully managed.

The purpose of this provision is to manage the impacts of traffic-generating development on the safe and efficient operation of the road network and encourage walking, cycling and the use of public transport where possible.

Considerations

No.	Considerations
1	The impact of the development on road safety and any measures to mitigate that impact.
2	The impact of any traffic generated by the development on the operation of the road network in the locality, and any measures to mitigate that impact.
3	The ability of the development to minimise the need for car travel by integrating with public and active transport networks.

2.8.6 Development in or adjacent to future infrastructure corridors

Referral provision: sections 4.20, 4.21, 4.24, 4.25, 4.26, 4.28 of *SEPP (Planning Systems) 2021*

Referral type: concurrence

Future infrastructure corridors are areas of land that are protected to ensure the delivery of future transport infrastructure. Because these corridors are often identified long before the infrastructure is to be constructed, interim uses may be permitted in some cases to enable this land to remain productive and beneficial to communities, while still protecting its long-term purpose.

Infrastructure investigation areas and proposed classified roads are sites of earlier investigation. These allow potential infrastructure locations to be protected and assessed without imposing stricter planning controls on the subject land.

The purpose of this provision is to protect the delivery of future infrastructure, while allowing interim corridor uses and compatible development on adjacent land.

Considerations

Development in a future infrastructure corridor for previously permitted land uses

No.	Considerations
1	The need to carry out the proposed development on the land.
2	The timing of carrying out the proposed development and the proposed timing for constructing infrastructure in the future infrastructure corridor.
3	The likely additional cost of constructing infrastructure in the future infrastructure corridor resulting from the carrying out of the proposed development.

Interim development in a future infrastructure corridor

No.	Considerations
1	The period during which the land is proposed to be used for the interim development.
2	The timing for the delivery of infrastructure on the land.
3	Impacts of the interim development on the delivery of future infrastructure.
4	Appropriate measures proposed to mitigate the impacts of the interim development on the delivery of future infrastructure.
5	Arrangement for access to the land by TfNSW for testing and works relating to future infrastructure.
6	The removal of interim development.
7	Appropriate measures proposed to restore the land to the condition it was in before the commencement of the development.

Development in or adjoining an infrastructure investigation area

No.	Considerations
1	The practicability and cost of carrying out transport projects on the land in the future.
2	The structural integrity or safety of, or ability to operate, transport projects on the land in the future.
3	The land acquisition costs and the costs of construction, operation or maintenance of transport projects on the land in the future.
4	For development identified as “400m Metro Station Referral Zone” on the Infrastructure Investigation Areas Map: • The appropriateness of the development in relation to the locations of proposed train stations, including the service capability of the proposed stations and the need for sustainable transport. • The time by which the proposed development will be carried out. • The time by which the proposed stations will be built. • The effect of the proposed development on proposed stations.

Development in a future underground infrastructure corridor

No.	Considerations
1	The practicability and cost of carrying out public transport projects on the land in the future.
2	The structural integrity or safety of, or ability to operate, public transport projects on the land in the future.
3	The operation or maintenance of public transport projects on the land in the future.

Development on a proposed classified road

No.	Considerations
1	The need to carry out development for the purposes of a classified road or a proposed classified road.
2	The imminence of acquisition of the land by TfNSW.
3	The likely additional cost to TfNSW resulting from the carrying out of the proposed development.

Development involving excavation in or near a future infrastructure corridor

No.	Considerations
1	The potential effects of the development (whether alone or cumulatively with other development or proposed development) on: - the safety or structural integrity of existing or proposed infrastructure in the future infrastructure corridor - the safe and effective operation of existing or proposed future infrastructure in the future infrastructure corridor.
2	What measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

2.8.7 Development involving works to a public road (where the consent authority is not the roads authority)

Referral provision: section 138 of the *Roads Act 1993* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

Certain development can impact the safety and functionality of the road network. Examples can include disturbing the road surface or carrying out works in the road, interfering with structures or trees in the road, or pumping water onto the road. Such development must be reviewed by the roads authority responsible for managing the road.

The purpose of this provision is to prevent or manage traffic impacts, damage to roads, or risks to the safety of road users.

Considerations

No.	Considerations
1	The need to undertake the proposed works.
2	The impact of the proposed works on the road surface, the flow of traffic and road user safety.
3	The impact of the proposed works on any existing works or structures in the road.
4	The placement, design, and depth of utilities within the road reserve.
5	Any drainage and stormwater arrangements affecting the road.

2.9 Water and energy infrastructure

2.9.1 Development near electricity infrastructure

Referral provision: section 4.31 of *SEPP (Planning Systems) 2021*

Referral type: consultation

Electricity transmission and distribution infrastructure is essential to the reliable supply of power and includes overhead power lines, underground cables, substations and associated structures. This infrastructure relies on safety clearances and easements for operation, maintenance and upgrades. Development within or near electricity infrastructure and easements can create safety risks, restrict access or damage assets if it is not carefully planned and managed.

The purpose of this provision is to ensure development near electricity infrastructure protects public safety and the efficient and reliable operation of the electricity network.

Considerations

No.	Considerations
1	Any impacts the development may create to the operation or integrity of the electricity infrastructure, and whether these have been adequately identified and mitigated.
2	Any reduction in access to an electricity easement or infrastructure caused by the development.

2.9.2 Development adjoining a pipeline corridor

Referral provision: section 4.32 of *SEPP (Planning Systems) 2021*

Referral type: consultation

High pressure pipelines are critical infrastructure that transport gas, fuel and other products across NSW. They run above and below the ground within defined easements or corridors that allow access for safety inspection and ongoing maintenance. Development in or adjacent to pipeline corridors can increase risks to pipeline integrity and place people and property at risk if not carefully managed.

The purpose of this provision is to ensure development on or near pipeline corridors is planned and assessed in a way that protects public safety and the efficient and reliable operation of pipeline infrastructure.

Considerations

No.	Consideration
1	Any impacts the development may create to the pipeline's operation or integrity, and whether these have been adequately identified and mitigated.

No.	Consideration
2	Any reduction in access to the pipeline easement or corridor caused by the development.
3	Any impacts the pipeline may pose to the proposed development and any mitigation measures proposed.

2.9.3 Development on or adjoining the Warragamba Pipelines

Referral provision: section 4.33 of *SEPP (Planning Systems) 2021*

Referral type: concurrence

The Warragamba Pipelines are critical infrastructure that transfer water from Warragamba Dam to treatment plants at Warragamba, Orchard Hills and Prospect to supply around 80% of Greater Sydney's drinking water.

The purpose of this provision is to ensure development near the Warragamba Pipelines protects water quantity and quality and supports the safe and secure operation of the pipelines.

Considerations

No.	Considerations
1	Whether the development will adversely affect: - the quantity or quality of water in the Warragamba Pipelines controlled area (declared in accordance with the <i>Water NSW Act 2014</i>, section 54) - the operation and security of water supply pipelines from Warragamba Dam to Prospect Reservoir and associated infrastructure.

2.9.4 Development that would affect Hunter Water or Sydney Water infrastructure or operations

Referral provision: section 51 of the *Hunter Water Act 1991* & section 78 of the *Sydney Water Act 1994*

Referral type: consultation

Hunter Water and Sydney Water provide drinking water, wastewater, recycled water and some stormwater services across the Lower Hunter and Greater Sydney regions. Hunter Water also manages the health of the drinking water catchment in the Lower Hunter.

Development that damages or restricts access to infrastructure, affects the quality of water in the catchment or significantly changes demand can impact the ability of these authorities to deliver these services.

The purpose of this provision is to ensure that development does not compromise Hunter Water and Sydney Water's operations and the ongoing supply of high-quality drinking water.

Considerations

Development that would affect Hunter Water infrastructure or operations

No.	Considerations
1	Whether the development will have a neutral or beneficial effect on water quality within a Hunter Water catchment.
2	Whether Hunter Water can reliably and economically provide drinking water, wastewater, recycled water and stormwater services to the development site.
3	Any impact the development will have on Hunter Water's operations, including potential damage to assets, reduced access to assets and easements or significant impacts on service delivery.

Development that would affect Sydney Water infrastructure or operations

No.	Considerations
1	Whether Sydney Water can reliably and economically provide drinking water, wastewater, recycled water and stormwater services to the development site.
2	Any impact the development will have on Sydney Water's operations, including potential damage to assets, reduced access to assets and easements or significant impacts on service delivery.

2.10 Waterways, water sources and waterfront land

2.10.1 Development in the Sydney drinking water catchment that may impact water quality

Referral provision: section 4.35 of *SEPP (Planning Systems) 2021*

Referral type: concurrence

The Sydney drinking water catchment supplies drinking water to more than 5 million people across Greater Sydney and surrounding regions. Development within the Sydney drinking water catchment has the potential to affect water quality by impacting stormwater, wastewater, erosion and sediment movement if not carefully managed.

The purpose of this provision is to ensure development protects water quality in the Sydney drinking water catchment.

Considerations

No.	Considerations
1	The consistency of the development with the <i>Neutral or Beneficial Effect on Water Quality Assessment Guideline 2026</i> .
2	Whether the development will have a neutral or beneficial effect on water quality.

2.10.2 Development that may affect oyster aquaculture

Referral provision: section 4.36 of *SEPP (Planning Systems) 2021*

Referral type: consultation

The NSW oyster aquaculture industry is Australia's largest producer of edible oysters, the fourth largest Australian aquaculture industry, and the state's most valuable fishery. On average, a farmed oyster will filter more than 250,000 litres of estuarine water in its lifetime. This means that in many estuaries, oysters play an important role in maintaining estuary health, but in performing this role they are vulnerable to poor estuarine water quality. Things like increased sewer loads and higher sediment levels can directly impact the health of oysters.

The purpose of this provision is to provide for the healthy growth of oysters that are safe for human consumption by reviewing development that could adversely affect the NSW oyster aquaculture industry.

Considerations

No.	Considerations
1	Any adverse effect that the development may have on, or ways in which the development may impede or be incompatible with, oyster aquaculture development or a priority oyster aquaculture area.
2	Any measures to avoid or minimise the adverse effect, impediment or incompatibility.
3	The consistency of the development with: • <i>Healthy Estuaries for Healthy Oysters – Guidelines for development near waterways</i> (2023) • <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2021).

2.10.3 Development in or over navigable waters of the River Murray

Referral provision: section 4.37 of *SEPP (Planning Systems) 2021*

Referral type: consultation

The River Murray is the longest river in NSW and is an important navigable waterway that supports recreational boating, tourism and local transport. Structures and works in the waterway, such as piers, pontoons and boat ramps can create hazards, restrict vessel access, or interfere with navigational safety.

The purpose of this provision is to ensure that navigation on the River Murray remains safe and reliable.

Considerations

No.	Considerations
1	The impact of the proposed development on navigation and waterway safety in the River Murray, including: • any changes to channel depth, width or alignment • obstruction of navigable waters • interference with navigational aids • commercial use of vessels on the river.

2.10.4 Development that may have a significant environmental effect along the River Murray

Referral provision: section 4.38 of *SEPP (Planning Systems) 2021*

Referral type: consultation

The River Murray is an environment of significant natural and cultural value. Actions along the river can have cross-border ecological and land use impacts, and development that may have significant effects must be reviewed by Victorian authorities to support consistent, coordinated management of the river corridor.

The purpose of this provision is to conserve and enhance the riverine environment of the River Murray for the benefit of all users.

Considerations

No.	Considerations
1	The impact of the development on the health and ecological condition of the River Murray and its associated wetlands, floodplains and groundwater systems.
2	The impact of the development on the access and use of the River Murray and adjoining lands.
3	The impact of the development on cultural heritage values of the riverine environment of the River Murray.

2.10.5 Development requiring an aquaculture permit

Referral provision: section 144 of the *Fisheries Management Act 1994* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

Aquaculture is the farming of fish or marine plants for commercial purposes, including growing them for sale or keeping them in confined areas such as ponds (excluding pet shops and aquariums).

Improper aquaculture practices can lead to significant negative impacts on the environment, including water pollution and the spread of disease and genetic issues. To manage these risks and ensure the aquaculture industry in NSW develops in a sustainable manner, a permit is required to undertake aquaculture.

The purpose of this provision is to assess the suitability of an applicant and their aquaculture proposal.

Considerations

No.	Considerations
1	Any disqualifications from holding an aquaculture permit (under section 161 ^a) applying to the applicant or, in the case of a corporation, any other persons concerned with the management of the corporation.
2	The appropriateness of the applicant's proposed commercial farm development plan. ^b
3	Whether the applicant has the expertise necessary to undertake the aquaculture successfully.
4	The availability and suitability of the area proposed for the aquaculture purpose.
5	The consistency of the application with any relevant aquaculture industry development plan. ^c
6	Whether the Fisheries Minister would otherwise be authorised or required by the <i>Fisheries Management Act 1994</i> or the regulations made under that Act, or by or any other Act, to refuse to issue an aquaculture permit.
7	Whether the applicant has been convicted or found guilty of an offence under the <i>Fisheries Management Act 1994</i> or regulations made under that Act.
8	Whether, on reasonable grounds, it is believed that there is a risk that, if the activity to which the permit will relate were authorised: • fish, whether cultivated or naturally occurring, could become infected with a particular disease, or • the environment of the area where it is proposed to carry on the activity would be damaged.
9	Whether the applicant has previously had an aquaculture permit suspended or cancelled.
10	Any submissions made by the applicant. ^d

a) Section 161 of the *Fisheries Management Act 1994*.

b) As required under section 145 of the *Fisheries Management Act 1994*.

c) As defined in section 143 of the *Fisheries Management Act 1994*.

d) Prior to refusal of an application, as required under section 146 of the *Fisheries Management Act 1994*.

2.10.6 Development requiring a permit for dredging or reclamation works

Referral provision: section 201 of the *Fisheries Management Act 1994* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

Dredging involves the removal of material from waterways and wetlands and other potentially important fish habitat. This might be undertaken to improve navigation, modify water flow, obtain supplies of gravel or sand, install pipelines and cables, or maintain culverts and stormwater outlets by removing sediment.

Reclamation involves the filling in of waterways and wetlands using any material, and is generally undertaken alongside dredging for purposes such as waterway crossings, water access structures and erosion protection measures.

Both activities can have significant negative effects on aquatic environments, primarily through habitat destruction and water quality reduction. To manage these risks, individuals and businesses require a permit to undertake dredging or reclamation.

The purpose of this provision is to assess the need for proposed dredging or reclamation against the potential environmental impacts.

Considerations

No.	Considerations
1	The purpose of and need for the proposed dredging or reclamation.
2	The proposed methodology for the dredging or reclamation, including materials to be used.
3	The residual impact of the construction, design and use of the development on the short- and long-term water quality of bodies of water within the locality, including from acid sulphate soils, after avoidance and mitigation measures have been implemented.
4	The residual impacts of the construction, design and use of the development, after avoidance and mitigation measures have been implemented, on: • key fish habitats, such as marine and aquatic vegetation, coastal lakes and lagoons, reefs, intertidal habitats, gravel beds, snags and unvegetated sand or mud substrate • fish passage (connectivity) • fish including listed threatened species.
5	Any interference the development may cause with commercial, recreational and cultural fishing or aquaculture activities.

No.	Considerations
6	Any other impacts of the proposed development on the environment, including direct and indirect impacts from the siting and operation of a structure on key fish habitat or geomorphological process, and any environmental protection and/or compensation measures to address them.
7	The consistency of the development or works with the <i>Policy and guidelines for fish habitat conservation and management</i> (2013).
8	Any relevant habitat protection plan. ^a

a) A habitat protection plan prepared under section 192 of the *Fisheries Management Act 1994*.

2.10.7 Development requiring a permit to harm marine vegetation

Referral provision: section 205 of the *Fisheries Management Act 1994* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

Marine vegetation (such as saltmarsh, mangrove, seagrass and seaweed) is important to the health of people, animals and the environment as it produces oxygen, isolates carbon, cleans the air and water, and provides coastal protection and stability. Marine vegetation also provides vital habitat and food for fish, invertebrates and birds.

Development that damages, interferes with, or inhibits light from reaching marine vegetation (whether alive or dead) can lead to loss of this crucial habitat and the important environmental benefits it provides. To manage these impacts, a permit is required to harm marine vegetation when working within key fish habitat.

The purpose of this provision is to assess the need for the proposed development against the potential harm it may cause to marine vegetation.

Considerations

No.	Considerations
1	The purpose of and need for the proposed development, including consideration of alternative arrangements, and measures to minimise harm to marine vegetation.
2	The proposed methodology of the harm, including measures to mitigate impacts to marine vegetation and other key fish habitat.
3	The species and impacted area of marine vegetation that will be harmed, after avoidance and mitigation measures have been implemented.
4	The location of the marine vegetation that will be harmed.

No.	Considerations
5	Measures taken to offset unavoidable residual impacts to marine vegetation, after avoidance and mitigation measures have been implemented.
6	Any other direct and indirect impacts from the proposed activity on marine vegetation, including the siting, construction and use of works or structures, and any environmental protection and/or compensation measures to address them.
7	The consistency of the development or works with the <i>Policy and guidelines for fish habitat conservation and management</i> (2013).
8	Any relevant habitat protection plan. ^a

a) A habitat protection plan prepared under section 192 of the *Fisheries Management Act 1994*.

2.10.8 Development requiring a permit to obstruct fish passage

Referral provision: section 219 of the *Fisheries Management Act 1994* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

Australian native fish (both fresh and saltwater) require unimpeded access along waterways to find food and shelter, avoid predators, and seek out mates. Obstructions to fish passage, such as weirs, floodgates, waterway crossings, or activities which restrict flow or increase turbulence within a waterway, can have significant implications for these populations, and may result in localised extinctions. To manage these risks, a permit is required when a proposed activity within key fish habitat would partially or fully impede the free passage of fish.

The purpose of this provision is to assess the need to block fish passage against the impact on fish populations.

Considerations

No.	Considerations
1	The purpose of and need for the proposed obstruction, including consideration of alternative arrangements, and measures to minimise impacts to fish passage.
2	The location of the works, and the existing aquatic landscape and fish migration patterns of the affected area.
3	The methodology for the proposed works, including duration and extensiveness of the blockage, and any proposed mitigation measures and/or restoration of fish passage.
4	Any impacts of the proposed works on the environment, and any environmental protection and/or compensation measures to address them.

No.	Considerations
5	The consistency of the development or works with the <i>Policy and guidelines for fish habitat conservation and management</i> (2013).
6	Any relevant habitat protection plan. ^a

a) A habitat protection plan prepared under section 192 of the *Fisheries Management Act 1994*.

2.10.9 Development requiring a water use, water management work, and/or controlled activity approval

Referral provision: sections 89, 90, 91 of the *Water Management Act 2000* / section 4.46 of the *Environmental Planning and Assessment Act 1979*

Referral type: integrated development

Water approvals are required by the holder to construct and use works that take water, may impact the storage or flow of water, or are on waterfront land. They include:

- **Water use approvals**, which allow the holder to use water for a specified purpose.
- **Water management work approvals**, which allow the holder to construct works to take water from surface or groundwater sources (such as pumps, bores, dams and groundwater dewatering) or construct works that affect the flow of floodwater (such as banks and levees).
- **Controlled activity approvals**, which allow the holder to carry out construction, excavation, removal and depositing material on waterfront land.

Inappropriate use, or overuse, of natural water sources can deplete them or harm water quality and the surrounding environment. The purpose of this provision is to assess proposed water works and use against potential impacts on the surrounding environment, other water users, and the health and long-term sustainability of water sources.

Considerations

No.	Considerations
1	The objects and principles of the <i>Water Management Act 2000</i> .
2	The consistency of the development with any relevant management plan.
3	Such other matters as DCA considers to be relevant.

No.	Considerations
4	For water use approvals: • The impact of the development on any water source, or its dependent ecosystems.^a • The impact of the development on existing water users, including increased risk of flood and inundation, or reduced water access. • The consistency of the proposal with the relevant Water Sharing Plans.
5	For water management work approvals: • The impact of the development on any water source, or its dependent ecosystems.^b • The impact of the development on existing water users, including increased risk of flood and inundation, or reduced water access. • In relation to a water management work situated on land not owned by the applicant:^c ○ Whether the applicant is likely to become the owner of the land within a reasonable time. ○ Whether the land is subject to an easement that authorises the construction and use of such a work for the benefit of the applicant's land. ○ Whether the applicant is otherwise entitled (whether under the <i>Water Management Act 2000</i> or any other Act or under an agreement applying to the land) to construct and use such a work. • In relation to a water supply work approval for the construction or use of a water supply work comprising a declared dam within the meaning of the <i>Dams Safety Act 2015</i>, or a dam or proposed dam that is of a class prescribed by the regulations: the matters raised by Dams Safety NSW.^d • In relation to a flood work approval for the construction or use of a flood retarding basin that is of a class prescribed by the regulations: the matters raised by Dams Safety NSW.^d • In relation to development which proposes interference with an aquifer: the consistency of the development with the <i>NSW Aquifer Interference Policy</i> (2012).
6	For controlled activity approvals on waterfront land: • The extent of works on waterfront land. • The impact of the development on any waterfront land.^e • Any riparian corridor protection, establishment, encroachments, or offsets proposed by the development. • All applicable requirements in the controlled activity on waterfront land guidelines.^f

- a) Under section 97 of the *Water Management Act 2000*, a water use approval is not to be granted unless the Minister is satisfied that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the proposed use of water on the land in respect of which the approval is to be granted.

- b) Under section 97 of the *Water Management Act 2000*, a water management work approval is not to be granted unless the Minister is satisfied that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.
- c) Under section 97 of the *Water Management Act 2000*, a water management work approval for a water management work that is, or is proposed to be, situated on land not owned by the applicant is not to be granted unless the Minister is satisfied that the applicant is likely to become the owner of the land within a reasonable time, or that the land is subject to an easement that authorises the construction and use of such a work for the benefit of the applicant's land, or that the applicant is otherwise entitled (whether under this or any other Act or under an agreement applying to the land) to construct and use such a work.
- d) As a result of consultation undertaken in accordance with section 91AA of the *Water Management Act 2000*.
- e) Under section 97 of the *Water Management Act 2000*, a controlled activity approval is not to be granted unless the Minister is satisfied that adequate arrangements are in force to ensure that no more than minimal harm will be done to any waterfront land as a consequence of the carrying out of the proposed controlled activity.
- f) Refer to the *Controlled activity approvals* web site for the relevant controlled activity on waterfront land guidelines: [Controlled activity approvals | NSW Government](#).

2.11 Other development

2.11.1 Development in the resort areas of Kosciuszko National Park

Referral provision: section 4.39 of *SEPP (Planning Systems) 2021*

Referral type: consultation

The resort areas within Kosciuszko National Park, including Thredbo, Perisher, Charlotte Pass, Mount Selwyn and alpine accommodation precincts, support year-round recreation and are a major contributor to tourism in the Snowy Mountains. These resort areas are located in sensitive alpine environments, so development needs to be carefully considered.

The purpose of this provision is to ensure development in resort areas is compatible with the ongoing management and protection of the region's environmental and heritage values.

Considerations

No.	Considerations
1	Any environmental impacts associated with the development, including: • land stability • bushfire and flooding risks • vegetation clearing • plants, animals and other living organisms • natural waterways • groundwater-dependent ecosystems.
2	The impact of the development on Aboriginal and environmental heritage within the National Park.
3	The impact of the development on the visual character of the surrounding National Park.
4	The impact of the development on visitor access to areas of the National Park within and adjacent to resorts.
5	The impact of the development on public authority operations or other approved development in the National Park.
6	The capacity of existing infrastructure (including roads, stormwater, drinking water, sewer and waste management facilities) to support the development.
7	The consistency of the development with applicable leasing and licensing arrangements, the adopted Kosciuszko National Park Plan of Management, and the environmental management system obligations under those.

2.11.2 Development for places of public worship

Referral provision: section 4.40 of *SEPP (Planning Systems) 2021*

Referral type: consultation

Places of public worship, such as churches, mosques and temples, are places where people gather for religious and community purposes. They can involve large gatherings, extended hours of operation and vulnerable users, which raise specific community safety risks.

The purpose of this provision is to ensure places of public worship are planned and assessed in a way that supports community safety and reduces the risk of crime.

Considerations

No.	Considerations
1	Community safety.
2	The prevention of crime in the local government area in which the development will be carried out.

2.11.3 Residential development in the Greater Macarthur Growth Area

Referral provision: section 4.41 of *SEPP (Planning Systems) 2021*

Referral type: concurrence

The Greater Macarthur Growth Area is a key growth corridor between Campbelltown and Wollondilly that will accommodate up to 58,000 new homes and create up to 40,000 local jobs over time. Delivering this growth in an orderly and sustainable way depends on the timely provision of essential infrastructure, particularly wastewater infrastructure and roads.

The purpose of this provision is to ensure that residential development within the Greater Macarthur Growth Area is supported by sufficient wastewater infrastructure and roads.

Considerations

No.	Considerations
1	Whether the development will have sufficient access to wastewater infrastructure and roads.

2.11.4 Subdivision of land in an urban release area

Referral provision: section 4.42 of *SEPP (Planning Systems) 2021*

Referral type: concurrence

Urban release areas often experience rapid growth, creating a need for the timely delivery of State public infrastructure such as state or regional roads, public transport, schools and regional parks and public spaces to support new communities. To ensure this infrastructure is available when required, developments must demonstrate adequate arrangements for the funding or provision of State public infrastructure has been made.

The purpose of this provision is to ensure satisfactory arrangements have been made for the provision of designated State public infrastructure in urban release areas.

Considerations

No.	Considerations
1	The impact of the subdivision on: - existing designated State public infrastructure - the need for additional designated State public infrastructure.
2	The cumulative impact of the subdivision with other development that has been, or is likely to be, carried out in surrounding areas on: - existing designated State public infrastructure - the need for additional designated State public infrastructure.
3	The steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into to contribute to designated State public infrastructure.

