

March 2022

Consolidation of State environmental planning policies

The NSW Government is combining state environmental planning policies and reducing their number. This is part of the government's suite of reforms to deliver a better planning system for NSW.

Why have the state environmental planning policies (SEPPs) been consolidated?

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

The SEPP consolidation project builds on previous work to simplify, consolidate and reduce the number of SEPPs. The consolidation reflects the NSW Government's commitment to make the NSW planning system simpler.

What are the new SEPPs?

45 existing SEPPs will be consolidated into 11 new SEPPs based on the theme-based focus areas. The following consolidated SEPPs commence on 1 March 2022:

- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021*
- *State Environmental Planning Policy (Precincts – Central River City) 2021*
- *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*
- *State Environmental Planning Policy (Precincts – Regional) 2021.*

Separately from the SEPP consolidation project, we have also consolidated 5 existing housing-themed SEPPs into the *State Environmental Planning Policy (Housing) 2021*, which began on 26 November 2021.

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* as part of the SEPP consolidation project.

What do the changes mean for the SEPP provisions?

We have transferred most existing provisions in each SEPP into the new consolidated SEPPs as chapters.

No policy changes have been made. The SEPP consolidation does not change the legal effect of the SEPPs being repealed and section 30A of the *Interpretation Act 1987* applies to the transferred provisions.

Savings and transitional provisions, which preserve particular rights and obligations from the SEPPs being repealed, have not been transferred. However, all savings and transitional provisions of the repealed SEPPs are still in force despite their repeal, due to sections 5(6) and 30(2)(d) of the *Interpretation Act 1987*.

We have renumbered all clauses of the SEPPs being repealed and these clauses are now called sections.

What instruments have been consolidated into the new SEPPs?

Table 1. Consolidated instruments

Focus area	New SEPPs	Former SEPPs
Housing	SEPP (Housing) 2021	<ul style="list-style-type: none"> SEPP (Affordable Rental Housing) SEPP (Housing for Seniors and People with a Disability) SEPP 70 – Affordable Housing SEPP 21 – Caravan Parks SEPP 36 – Manufactured Home Estates
Primary Production	SEPP (Primary Production) 2021	<ul style="list-style-type: none"> SEPP (Primary Production and Rural Development) 2019 Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)
Resources and Energy	SEPP (Resources and Energy) 2021	<ul style="list-style-type: none"> SEPP (Mining Petroleum Production and Extractive Industries) 2007 Sydney Regional Environmental Plan No. 9 – Extractive Industries (No 2 – 1995)
Resilience and Hazards	SEPP (Resilience and Hazards) 2021	<ul style="list-style-type: none"> SEPP (Coastal Management) 2018 SEPP 33 – Hazardous and Offensive Development SEPP 55 – Remediation of Land
Industry and Employment	SEPP (Industry and Employment) 2021	<ul style="list-style-type: none"> SEPP (Western Sydney Employment Area) 2009 SEPP 64 – Advertising and Signage

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Frequently asked questions

Focus area	New SEPPs	Former SEPPs
Transport and Infrastructure	SEPP (Transport and Infrastructure) 2021	<ul style="list-style-type: none"> SEPP (Infrastructure) 2007 SEPP (Educational Establishments and Childcare Facilities) 2017 SEPP (Major Infrastructure Corridors) 2020 SEPP (Three Ports) 2013
Biodiversity and Conservation	SEPP (Biodiversity and Conservation) 2021	<ul style="list-style-type: none"> SEPP (Vegetation in Non-Rural Areas) 2017 SEPP (Koala Habitat Protection) 2020 SEPP (Koala Habitat Protection) 2021 Murray River Regional Environmental Plan No 2 – Riverine Land SEPP (Bushland in Urban Areas) 2019 SEPP 50 – Canal Estate Development SEPP (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	SEPP (Planning Systems) 2021	<ul style="list-style-type: none"> SEPP (State and Regional Development) 2011 SEPP (Aboriginal Land) 2019 SEPP (Concurrences and Consents) SEPP 2018
Planning Systems	SEPP (Precincts – Eastern Harbour City) 2021	<ul style="list-style-type: none"> SEPP (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 SEPP No 47 – Moore Park Showground
Planning Systems	SEPP (Precincts – Central River City) 2021	<ul style="list-style-type: none"> SEPP (State Significant Precincts) 2005 SEPP (Sydney Region Growth Centre) 2006 Sydney Regional Environmental Plan 24 – Homebush Bay Area SEPP (Kurnell Peninsula) 1989 SEPP (Urban Renewal) 2010

Focus area	New SEPPs	Former SEPPs
Planning Systems	SEPP (Precincts – Western Parkland City) 2021	<ul style="list-style-type: none">SEPP (State Significant Precincts) 2005SEPP (Sydney Region Growth Centre) 2006SEPP (Western Sydney Aerotropolis) 2020SEPP (Penrith Lakes Scheme) 1989Sydney Regional Environmental Plan No 30 – St MarysSEPP (Western Sydney Parklands) 2009
Planning Systems	SEPP (Precincts - Regional) 2021	<ul style="list-style-type: none">SEPP (State Significant Precincts) 2005SEPP (Activation Precincts) 2020SEPP (Kosciuszko National Park – Alpine Resorts) 2007SEPP (Gosford City Centre) 2018

When do the SEPPs commence?

The consolidated SEPPs were made on 2 December 2021 and commence on 1 March 2022.

The Housing SEPP began on 26 November 2021.

What happens to the SEPPs that are being consolidated?

The SEPPs being consolidated will be repealed when the new SEPPs commence on 1 March 2022.

The housing-related SEPPs were repealed when the Housing SEPP began on 26 November 2021.

What does this mean for planning applications already lodged?

The provisions within the repealed SEPPs have been transferred over into the new SEPPs. The intent and provisions remain largely unchanged. Therefore, these changes should not affect applications that have already been lodged.

Any new concurrence and referrals should be undertaken under the new SEPP section numbers, noting the SEPP consolidation project has not impacted on existing concurrence and referral requirements.

What is happening with SEPP maps?

The Department is in the process of adding all maps within the consolidated SEPPs to the NSW Planning Portal and Spatial Viewer. Maps referenced within the SEPPs will retain their current title for ease of cross-referencing.

What is happening with other legislation and regulations that reference old SEPPs?

Work is underway on updating the *Environmental Planning and Assessment Regulation (2021)* and environmental planning instruments to correctly reference the new SEPPs.

Changes to the *Environmental Planning and Assessment Act 1979* and other legislation may take longer, because of the process involved in amending this legislation.

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

How should the new SEPPs be referenced within planning certificates?

Planning certificates issued under the *Environmental Planning and Assessment Regulation 2000* are required to list the names of each environmental planning instrument that apply to the carrying out of development on the land. Given that in instances only some chapters of the consolidated SEPPs may apply to the land, it is recommended that the chapter numbers of the relevant SEPPs are included on planning certificates. This will ensure that planning certificates are more useful for their audience.

Whom can I contact for more information about the SEPP consolidation project?

For any enquiries about the SEPP consolidation project, please contact legislativeupdates@planning.nsw.gov.au

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