

The Regionally Significant Development (RSD) Assessment process

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Overview

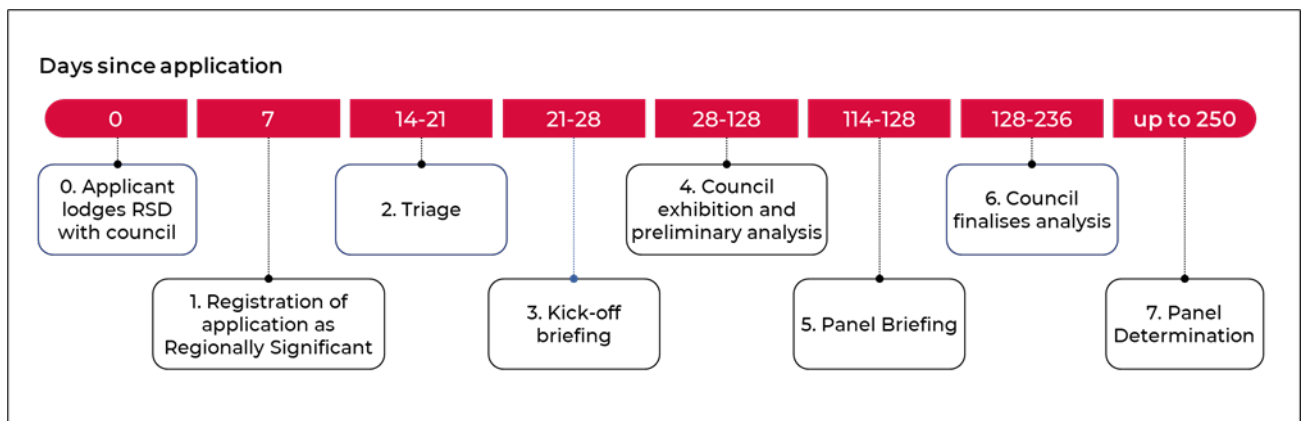
- Regionally Significant Development Applications are reviewed by the relevant [Regional Planning Panel](#), who determine the success of the application.
- The panel will make its determination by considering the application and advice from the council.
- Applicants can present their case to the panel and discuss the advice council have provided.
- The process takes up to 250 days, although this may be extended for very complex cases.

This document outlines the process and provides FAQs.

1. What is the RSD process?

The process involves seven steps for each application.

Fig 1. The seven process steps and timeline



0. Applicant lodges RSD with council

Once Council accepts the fee, the application is formally lodged and the process begins.

Where applications are incomplete or do not contain all information necessary to assess the DA, Councils are encouraged to provide this feedback to applicants before accepting the DA for lodgement.

1. Registration as Regionally Significant Development

If the application meets RSDA requirements¹, Council registers the application with the State RSD team via the ePlanning portal.

¹ Requirements for RSDs are legislated in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, accessible [here](#).

In addition to registering the application, Council needs to confirm that all the necessary documentation has been received, in accordance with their own DA lodgement forms.

2. Triage

The State RSD team review the application for completeness; identify the panel and chair; check for conflicts; and use the e-planning portal to schedule a Kick-Off Briefing.

3. Kick-Off Briefing

Purpose: opportunity for the Applicant to meet the officials involved and brief them on their proposal. Also, the Chair will explain the process and timelines involved.

Attendees:

- Panel Chair (and rest of panel if required by the Chair)
- Applicant
- Council officials
- RSD Case Manager and Project Officer

The Panel Chair may invite the Council to give their initial thoughts. However, this is an initial discussion and should not be expected to give a complete or final list of issues.

Following the Kick-Off Briefing, the State RSD team will share a [Record of Kick-Off Briefing](#) and schedule a Panel Briefing.

4. Council exhibition and preliminary analysis:

The Council conducts its exhibition and analysis of the application.

Requests for Further Information

During its analysis, the Council may need more information from the Applicant. If so, they will issue a Request for Further Information (RFI).

An RFI should be issued within 14 days of the Kick-Off Briefing. The case will not pass its Panel Assessment Briefing without a complete response to this RFI, so the applicant is encouraged to reply in a timely manner.

Other referrals

The Council may Refer the case to other experts for advice. Council will notify the Applicant if they do this and the applicant will be given an opportunity to review the advice itself before it is formally presented to the panel at the Panel Assessment Briefing.

Site visit

Officials may visit the site itself. They will tell the Applicant if they do this.

5. Panel Assessment Briefing:

Purpose: Council briefs the Panel on their analysis so far and agrees the final list of issues.

Also, the Panel Chair decides whether they agree the Issues List is complete and they have sufficient information to progress to a determination.

Attendees:

- Panel Chair
- Full Panel
- Applicant
- Council officials
- RSD Case Manager and Project Officer
- Members of the public (at Chair's discretion)

During the Panel Assessment Briefing, the Council will tell the Panel what information they have received so far and present an issues list on any outstanding areas of concern. The Applicant will have an opportunity to respond to the issues list and the Panel may ask detailed questions.

- The briefing is not a Determination and the Panel should not be expected to indicate their decision
- The outcome of this meeting will be for the Panel to decide, through the Chair, whether they have enough information to progress to a Panel Determination.
- If further work is needed, the Chair will ask for another Panel Assessment Briefing.
- Members of the public may be included for contentious issues and it may be combined with a **site visit**.

Following the briefing, the State RSD team signs off the [Record of Assessment Briefing](#) with the Panel Chair and schedules either a Panel Determination or the next Panel Assessment Briefing.

6. Final Council Analysis

Once the Chair agrees the Application is ready for Determination, the council will address any outstanding issues outlined in the [Record of Assessment Briefing](#) and draft the Final Assessment Report for the Panel Determination.

7. Panel Determination

Purpose: Panel determines the application outcome.

Attendees:

- Panel Chair (and rest of panel if required by the Chair)
- Applicant
- Council officials
- RSD Case Manager and Project Officer

The Council submits the [Final Assessment Report](#) to the Panel and the Chair explains their decision.

The State RSD team will issue a final [Determination Statement of Reasons](#) and the Council issues a [Notice of Determination](#) to inform applicants of the decision. This determination should be made within 250 days of the application being lodged.

Frequently Asked Questions

1. What is Regionally Significant Development?

Regionally Significant Developments (RSDs) bring crucial investments that boost growth in the NSW economy. To support the significant economic contribution of RSDs, NSW has set a target of 250 days to process the applications.

RSDs can be complicated, so deciding whether they meet the legal and administrative criteria for approval can involve coordinating advice from a lot of different organisations. The RSD process is intended to bring expert analysis to the application in a way that is fair, open and transparent.

2. Where can I find the appropriate contacts for my council?

Please refer to the *Planning Panel Regions Allocation* ([LINK](#)) document for contact details of the Case Manager and Project Officer for your region, and for the pilot program.

3. Who should I contact for more information about the RSD process?

Once the case is notified to the State RSD team, they will get in touch with you to explain the process. If you do not hear from them, you can email them at enquiry@planningpanels.nsw.gov.au

4. Who are the officials involved in the process?

Because RSDs are complicated, the process needs to coordinate together several different levels of government to make the correct decision in a fair, open and transparent way.

The Panel is made up of independent experts who determine whether the application meets the criteria for approval.

- While the panel is made up of experienced planners, the complicated nature of the RSDs mean they do need to rely on advice from the Council Planning Officers.
- The Applicant will get an opportunity to review and comment on this advice before any decision is made

The Council Planning Officer will coordinate the information needed to decide whether the application meets the criteria for success. They will check the application against the legislation, exhibit the application to the public and invite their views and consult technical experts if required.

The State RSD team will oversee the process, support the panel and coordinate meetings.

Kick-Off Briefing FAQs

5. What is the Kick-Off Briefing for?

The Kick-Off Briefing is an opportunity for the Applicant to brief attendees on their proposal and for the Chair to introduce the officials involved and explain the process to the Applicant.

The Council may also provide a briefing, based on their Pre-Lodgement conversations.

The Panel Chair can ask questions and may raise issues but, because this is an initial meeting, no final list of issues can be agreed. The Issues List will be agreed at the Panel Assessment Briefing (see below).

The Kick-Off Briefing should be held within 28 days of the application being lodged.

6. Who is involved?

The Kick-off Briefing should involve the:

- Applicant
- Case Manager
- Council Planner
- Panel Chair
- Other panel members at Chair's discretion

7. Why doesn't the whole Panel attend?

To maintain flexibility for when the Kick-Off Briefing is held, Panel member attendance is at the Chair's discretion. A record of the Kick-Off briefing is produced and shared afterward to all attendees and the Panel Members. The Chair will also need to ensure that the rest of the Panel are brought up to speed on key issues.

8. What level of information / detail am I required to provide?

Applicants should give a short, factual presentation that can take up to 10 minutes, using *Applicant Kick-Off Briefing Presentation* template (accessible [here](#)) as a guide.

Council may raise questions but are not obliged to a response at this stage.

9. Does the applicant have to be there?

Yes. The Kick-Off Briefing is the applicant's opportunity to introduce their project and understand if the council needs further information or if the Panel has any early advice. It is also where the schedule is agreed for the next steps, so the applicant needs to hear this.

10. Are any issues considered in detail?

No. The Kick-Off Briefing happens early in the process, so councils are not expected to have considered the issues yet. The *Kick-Off Record of Briefing* might note some issues for council to consider, but this should not be considered a final or definitive list.

11. Can the exhibition begin before the kick-off briefing?

Yes.

Panel Assessment Briefing FAQs

1. What is the Panel Assessment Briefing for?

The Panel Assessment Briefing takes place after the council exhibition has finished and the Chair will decide whether they have enough information for the case to go to a Panel Determination.

The Council will brief the Panel on their analysis so far and the Panel can ask questions and give direction on what else the council needs to consider before a determination can take place. The Applicant can also brief the Panel on issues.

This briefing should agree the final list of issues the Council need to consider before submitting their recommendation to a Panel Determination.

The Chair will tell everyone the date of the next step: either a further Assessment Briefing or a Determination.

2. Who is involved?

The Panel Assessment Briefing should involve the:

- Applicant
- Case Manager
- Council Planner
- Panel Chair
- State and council nominated panel members

3. Can we hold another briefing?

The Panel Chair will decide whether a further Panel Briefing is required, within the expected timeframe – for example, for complicated cases

4. Can we change the date?

Briefing dates can only be changed by exception and with the agreement of council, Case Manager and Panel Chair.

Panel Determination Meeting FAQs

1. What is the Panel Determination Meeting for?

The Panel Determination Meeting is the final step in the assessment process, where the Panel determine the application outcome.

At least 7 days prior to the Determination Meeting, the Council submits the [Final Assessment Report](#) to the Planning Panels Case Manager. The completed documents, including the assessment report, recommendation and attachments, and any representations made by Councils, are then uploaded onto the [Panel website](#).

Following the meeting, the RSDA Case Manager issues a final [Determination Statement of Reasons](#). After this, the RSDA Project Officer finalises the determination on the e-planning portal, and the council issues a [Notice of Determination](#) to inform applicants of the decision.

2. Who is involved?

The Panel Determination Meeting should involve the²:

- Applicant
- Council Assessment Officer
- Panel members
- Experts engaged by the Panel
- Individuals or representatives of groups who have made a submission (at the Chair's discretion, or where 10 or more unique submissions have been received)

3. Who sits on the Panel?

Each Panel consists of five (5) members with three of those, including the chair, appointed by the Minister. Two members are nominated by the relevant Council.

4. Will the Panel Determination Meeting be open to the public?

For contentious matters, where a DA has attracted 10 or more unique submissions, the Panel will generally hold a public Panel Determination Meeting to consider the DA. Notice of a public Panel Determination Meeting (including the time, date, and venue) is given at least 7 days prior to the meeting on the [Panel website](#), and to every person who made a submission to the council. For petitions, notice is only given to the head petitioner.

5. When will the Panel make its decision?

The Panel will strive to make decisions unanimously during the Panel Determination Meeting. Where a decision cannot be made unanimously, the decision will be made by a majority vote.

The Panel must provide reasons for its decision, which are recorded in the 'Determination and Statement of Reasons' by the RSDA team.

A decision may be deferred for any reason, including to obtain additional information or advice. Should the Panel determine to defer a decision, it must provide a written record of the reasons for deferral.

² Further information can be found on pages 34-35 of of the [Sydney District and Regional Planning Panels Operational Procedures](#).

Once determined, the Council will issue a [Notice of Determination](#) to inform applicants of the decision. Public notice is given through publishing of the decision and *Statement of Reasons* online.