

## Instructions

**This form should be used to request Secretary's environmental assessment requirements (SEARs) for State significant development (SSD) in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*.**

Development can become SSD in two ways;

- **Declaration by State Environmental Planning Policy (SEPP).** A SEPP may declare any development, or any class of development, to be SSD, or
- **Declaration by Ministerial order.** Specified development on specified land may be declared SSD by the Minister making an order that amends a SEPP.

***If your proposal is not identified in a SEPP, it is not SSD and you should not request SEARs for SSD.***

A site map must be uploaded, showing an indicative layout of your proposal and the local and regional context.

A scoping report may need to be uploaded to support your request for SEARs.

Australian phone numbers and addresses are required when completing this form.

## Sustainable Buildings SEPP

The [State Environmental Planning Policy \(Sustainable Buildings\) 2022](#), and related [Regulation Amendments](#) commenced on 1 October 2023 with updated standards for residential development under BASIX and new provisions for non-residential developments like schools, offices and hotels.

All non-residential developments affected by the Sustainable Buildings SEPP are required to:

- Report on general sustainability measures and responsible sourcing of key materials;
- Disclose embodied emissions by submitting a NABERS Embodied Emissions Materials Form.

Further provisions apply to prescribed non-residential developments, including:

- Achieving or working towards Net Zero;
- Achieving energy and water standards.

Questions have been added to this application to determine each development's requirements and to allow proponents to demonstrate compliance.

## Applicant Details

### Applicant

**Note:** Details entered below should be for the person and/or company that is proposing to carry out the development. This should not include the consultant or person(s) acting on behalf of the Applicant.

- Title
- First name
- Last name
- Phone

- Email
- Role/Position
- Primary address

## Invoicee Details

- Is the invoicee different from the applicant?
  - (IF YES) Is the invoicee a company/business?
    - (IF YES)
      - ABN
      - Position in company
      - Title
      - First name
      - Last name
      - Email
      - Invoicee mailing address
    - (IF NO)
      - Position in company
      - Title
      - First name
      - Last name
      - Email

## Project Details

### Engagement with the Department

**Note:** It is recommended that you engage with the Department of Planning and Environment (the department).

- Have you engaged with the department in relation to this project?

### Concept and Staged Applications

- Are you intending to submit a concept or staged application?
  - (IF YES) Would this be for the initial concept application?
    - (IF YES) Would this application also include the first stage of the project?
    - (IF NO) Enter the concept proposal to which this project would relate.

### Project Details

- Project name
- Industry

- Description of the development <sup>1</sup>
- Intended community and public benefits
- Capital investment value (excl GST)
- Construction jobs
- Operational jobs
- Number of Occupants
- Gross Floor Area (GFA) sqm
- Net Lettable Area (NLA) sqm (only shows if Commercial development types are chosen)
- Number of Dwellings
- Number of Apartments (only shows if Residential or Accommodation development types are chosen)
- Number of Rooms (only shows if Residential or Accommodation development types are chosen)

## Statutory Context

### Justification and Permissibility

- Reason why the proposal is State significant

### Pathway and Permissibility

- Which State Environmental Planning Policy does your application relate to?
  - [Planning Systems SEPP 2021](#)
    - Schedule 1: SSD – General
    - Schedule 2: SSD – Identified Sites
  - [Transport & Infrastructure SEPP 2021](#)
    - Section 5.27 – State Significant Development
- Permissibility of proposal
  - Permissible with consent
  - Permissible without consent
  - Partly prohibited
    - Are you proposing to rezone any land as part of your application?
  - Wholly prohibited
    - Are you proposing to rezone any land as part of your application?
- Describe the permissibility of all proposed uses under relevant environmental planning instruments

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<sup>1</sup> Instructions: The project description should include:

- the project area
- the conceptual physical layout and design of the project
- the main uses and activities that will be carried out on site

You will be able to upload supporting documents at the end of the application.

## State Significant Development – Identified Sites

**Note:** An identified site is an area of land listed in Schedule 2 of [State Environmental Planning Policy \(Planning Systems\) 2021](#).

- Is your proposal on an identified site?
  - (IF YES) Provide identified site name

## Biodiversity Development Assessment Report Waiver Request

**Note:** Under the [Biodiversity Conservation Act 2016](#), an application is to be accompanied by a biodiversity development assessment report. However, the Secretary of the Department of Planning and Environment and the Coordinator General of Environment and Heritage can waive this requirement if they determine that the proposal is unlikely to have a significant impact on biodiversity values.

- Would you like to request that the requirement for a biodiversity development assessment report be waived?
  - (IF YES) Upload an attachment below that includes justification as to why your proposal is unlikely to have a significant impact on biodiversity values. Guidance on the matters that must be addressed in your waiver request can be found [here](#).

## Commonwealth Approvals

- Is the proposal likely to require approval under the Commonwealth [Environment Protection and Biodiversity Conservation Act 1999](#)?
  - Yes
  - No
  - Unsure

**Note:** Any development likely to have a significant impact on matters of National Environmental Significance will require approval under the [Environment Protection and Biodiversity Conservation Act 1999](#) in addition to approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of Climate Change, Energy, the Environment and Water to determine if you need approval under the [Environment Protection and Biodiversity Conservation Act 1999](#).

## Land Use Zones

- What land use zone/s is the development in?
  - Land Use Zones (select all that apply from the drop-down menu)

**Note:** Refer to the relevant consent authority's Local Environmental Plan (LEP) or the [NSW Planning Portal Spatial Viewer](#) to confirm land use zone.

## Statutory Context 2

### Legislation and EPIs

- List any relevant legislation and environmental planning instruments that apply to the project.

- List any relevant planning agreements or existing approvals that apply to the project (e.g. concept plan approvals, staged DA consents).
- Would the project vary any development standard?
  - Yes
    - (IF YES) Describe the nature of variation.
  - No
  - Unsure

## Designated Development

- Would the project be designated development (but for Section 4.10(2) of the Environmental Planning and Assessment Act 1979) under Schedule 3 of the [Environmental Planning and Assessment Regulation 2021](#) or any other environmental planning instrument?
  - (IF YES) Describe any designated development provisions and how they would relate to the project (but for Section 4.10(2) of the Environmental Planning and Assessment Act 1979).
  - (IF NO) If the project is in a location or includes a use that corresponds with a designated development provision, provide an explanation of why the project is not designated development.

## Sustainable Buildings SEPP

### Exemption from Sustainable Buildings SEPP

- Is the development exempt from the [State Environmental Planning Policy \(Sustainable Buildings\) 2022 Chapter 3](#), relating to non-residential buildings?
  - (IF YES) Choose a reason for the exemption.
    - Is the development permitted with or without consent or is exempt or complying development under?
      - [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), or
      - [State Environmental Planning Policy \(Resources and Energy\) 2021, Chapter 2](#), or
      - [State Environmental Planning Policy \(Transport and Infrastructure\) 2021, Chapter 5](#)
    - Is the development on land wholly in any of the following zones?
      - Zones RU1, RU2 or RU3
      - Zone E5
      - Zone IN3
      - Zones C1,C2 or C3
      - Zones W1, W2, W3 or W4
    - Is the development wholly residential?
    - Is the development for purposes of residential care facilities?
    - Is the development an alteration or addition with a Capital Investment Value under \$10 million?

- (IF YES) to any of the above continue to Site Details stage.
- (IF NO) to all of the above. **Note:** The sustainability provisions in Chapter 3 of the [State Environmental Planning Policy \(Sustainable Buildings\) 2022](#) are likely to apply to this development.
  - (IF NO) answer further questions below.
- Is the development a prescribed state significant development in the Sustainable Buildings SEPP?
  - Yes
  - No
- Is the development a prescribed large commercial development in the Sustainable Buildings SEPP?
  - Yes
  - No

## Site Details

### Site Information

- Site name
- Site address or description
- Indicative site co-ordinates – latitude
- Indicative site co-ordinates – longitude

### Local Government Area

- Select local government area

### Lot & DP

- Lot and DP

### Site Area

- What is the total site area for your development?
  - Site Area sqm

### Climate Zone

- What climate zone/s is the development in?
  - Climate zone (select all that apply from the drop-down menu)

**Note:** Refer to the [Climate zone map](#) on the Australian Building Codes Board website.
- How has the climate zone impacted the design of the development? (Describe how the climate zone has impacted the design)

## Approvals – Part 1

- Would the development otherwise, but for [Section 4.41](#) of the Environmental Planning and Assessment Act 1979, require any of the following:

- A permit under Section 201, 205 or 219 of the *Fisheries Management Act 1994*?
- An approval under Part 4, or an excavation permit under Section 139, of the *Heritage Act 1977*?
- An Aboriginal heritage impact permit under Section 90 of the *National Parks and Wildlife Act 1974*?
- A bush fire safety authority under Section 100B of the *Rural Fires Act 1997*?
- A water use approval under Section 89, a water management work approval under Section 90 or an activity approval under Section 91 of the *Water Management Act 2000*?

## Approvals – Part 2

- Do you require any of the following approvals from Section 4.42 of the Environmental Planning and Assessment Act 1979 in order to carry out the development:
  - An aquaculture permit under Section 144 of the *Fisheries Management Act 1994*?
  - An approval under Section 15 of the *Mine Subsidence Compensation Act 1961*?  
**Note:** Section 15 of the Mine Subsidence Compensation Act 1961 (MSC Act) is repealed and replaced with the *Coal Mine Subsidence Compensation Act 2017* (CMSC Act). A reference to section 15 of the MSC Act can be read to include an approval under section 22 of the CMSC Act.
  - A mining lease under the *Mining Act 1992*?
  - A petroleum production lease under the *Petroleum (Onshore) Act 1991*?
  - An environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in Section 43 of that Act)?
  - A consent under Section 138 of the *Roads Act 1993*?
  - A licence under the *Pipelines Act 1967*?

## Attachments

- You must submit a site map with this request.
  - The map should show the local and regional context of the proposal and an indicative layout of the project.
  - You may also submit any other supporting documents, such as a scoping report, to explain your proposal.

## Confirmation

### Privacy and Personal Information Protection Notice

**Purpose:** Your personal information is being collected to enable the department to exercise its functions and assess your application under the *Environmental Planning and Assessment Act 1979* and other legislation.

**Recipients:** Department of Planning and Environment, councils, and government agencies for the above-stated purpose.

**Supply:** The application form will be published on the NSW planning portal, as required by law. If you do not provide the information (or any part of it) your application may not be accepted.

# SSD SEARs Application Form

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**Access/Correction:** The Department of Planning and Environment will collect this information. You can access and correct the information by contacting –

- the Information Access & Privacy Unit, 4 Parramatta Square, Locked Bag 5022, Parramatta 2124.
- Phone: (02) 9860 1440.
- Email: [gipa@dpie.nsw.gov.au](mailto:gipa@dpie.nsw.gov.au).

**Storage:** The Department of Planning and Environment will store this information on its records management system in line with its [Privacy Management Plan](#).