



RE-IMAGINING COMPLYING DEVELOPMENT

# Guideline for Complying Development Master Plans

Guideline for Council-led Master Planning for expanded complying development in employment generating areas

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# 1 The benefits of master planning

## 1.1 Introduction

This guideline has been prepared to assist Councils in preparing master plans for employment generating land, with the aim of expanding the complying development pathway to a broader range of employment land uses.

A master plan is an optional, alternative planning framework for employment generating precincts and centres. Its primary purpose is to create a complying development pathway for certain uses in precincts where upfront strategic assessment can suitably manage identified risks. This can be used by Councils to facilitate investment and streamline development within their Local Government Area.

A master plan must streamline development approval pathways for employment generating development by including additional complying development to those already contained within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

The objectives of the master planning framework are to:

- Facilitate economic activity by streamlining the approval process for employment generating development in locations identified by Councils
- Provide Councils the opportunity to tailor complying development to their employment generating precincts and centres
- Provide industry with a higher level of certainty
- Provide a streamlined yet robust assessment process in which a sufficient evidence base is provided to address environmental constraints and impacts

It is envisaged that an amendment to the Codes SEPP will establish the master planning process for certain land within the B1, B2, B3, B5, B6, B7, IN1, IN2 & IN3 zones. Note that the B4 Mixed Use zone is excluded from the master plan process as it permits residential development.

A master plan process may be considered in the instance that it satisfies the criteria at Appendix A and demonstrates that identified risks and site-specific constraints can be managed. This pathway could significantly reduce the time and cost associated with obtaining development approvals.

Master plans will be assessed by the Department of Planning, Industry and Environment (DPIE) and be determined by the Minister for Planning and Public Spaces (the Minister).

For sites where a master plan has not been prepared and the proposal does not meet the requirements of complying development under the Codes SEPP, development consent or approval will need to be obtained under Parts 4 or Part 5 of the Environmental Planning and Assessment Act 1979.

## 1.2 Relationship of Master Plans to the existing NSW Planning Framework

Master plans integrate with the NSW planning framework as identified in Figure 1. A master plan includes detailed elements such as block level-built form outcomes, densities, gross floor area, infrastructure and public domain provision to enable a streamlined approvals process for development on a site.

Master plans will sit underneath the Codes SEPP and Local Environmental Plans and are positioned above Development Control Plans on land where they apply.

## Strategic and statutory planning framework

<b>Regional and (where relevant) District Plans</b>	Regional plans set the framework, vision and direction for strategic planning and land use.	Economic directions identify economic sectors and industries for future growth, and may spatially identify areas for growth and development.  Master plans should be consistent with Regional and District Plans.
<b>Local Strategic Planning Statement (LSPS)</b>	LSPSs are prepared by Councils to set out the 20-year vision for land use and how change will be managed into the future.	As with Regional Plans, LSPSs set out economic and productivity priorities and priorities for managing local constraints. The LSPS may identify key industries and locations for growth and development (e.g. specific centres, hubs or corridors).  Master plans should be consistent with the relevant LSPS.
<b>Local Environmental Plan (LEP)</b>	LEPs guide planning decisions through zoning and development controls which provide the framework for how land can be used.	Master plans must comply with the controls prescribed within the relevant LEPs and can only be prepared for the B1, B2, B3, B5, B6, B7, IN1, IN2 & IN3 zones (as prescribed by the LEP).  Planning proposals to amend a LEP can be undertaken concurrently with preparing a master plan. For example, this may be appropriate for the rezoning of a new industrial precinct to streamline the development of the precinct.
<b>Development Control Plans (DCP)</b>	A Development Control Plan provides detailed planning and design guidelines to support the planning controls in the Local Environmental Plan developed by a council.	Councils may choose to incorporate their existing DCP controls as development standards for complying development within their master plan. Note: standards should be robust to enable clear interpretation by certifiers.  Master plans are not required to comply with Development Control Plans.
<b>Codes SEPP</b>	The Codes SEPP allows fast tracked development approval by specifying development standards for exempt and complying development.	The Codes SEPP will be amended to facilitate the preparation and implementation of master plans. The amended Codes SEPP would set the legislative requirements for Council-led master planning.  Master plans must provide for additional complying development than already provided under the provisions of the Codes SEPP.  The requirements, exclusions and site constraints identified within Part 1, Division 2 of the Codes SEPP may not apply for master planned precincts if the master plans can demonstrate that the issues can be appropriately managed.  An assessment of these matters will be required as part of the master plan to demonstrate the nature and extent of site constraints and how impacts on sensitive areas can be avoided, mitigated or adequately offset.

Strategic and statutory planning framework

<p><b>Other SEPPs</b></p>	<p>State Environmental Planning Policies are environmental planning instrument which address a range of planning issues</p>	<p>Referral and concurrence requirements under the relevant SEPPs and how they apply to master plans are detailed at Appendix D.</p> <p>State Environmental Planning Policy (Infrastructure) 2007</p> <ul style="list-style-type: none"> <li>• Various referrals and concurrence required where the master plan precinct may potentially impact infrastructure including roads, rail and pipelines</li> </ul> <p>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</p> <ul style="list-style-type: none"> <li>• Uses that are considered hazardous and offensive development are not permitted within a master plan under a Complying Development Certificate (CDC)</li> <li>• The master plan will include an up front study to identify potentially hazardous or offensive development and thresholds</li> <li>• The master plan will establish the appropriate restrictions around the application of SEPP 33 to mitigate the impacts of any potentially hazardous and offensive development proposed under the complying development pathway</li> </ul> <p>State Environmental Planning Policy No 55 – Remediation of Land</p> <ul style="list-style-type: none"> <li>• The provisions of SEPP 55 would continue to apply to ensure the site is suitable for the intended land uses. The master plan will need to establish that the proposed master plan precinct is suitable for the development through appropriate contamination studies</li> </ul> <p>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</p> <ul style="list-style-type: none"> <li>• Not relevant as residential development is not permitted within a master plan area</li> </ul> <p>State Environmental Planning Policy (State and Regional Development) 2011</p> <ul style="list-style-type: none"> <li>• If development is not complying development under the master plan the provisions of the State and Regional Development SEPP still apply for any development applications within a master plan precinct (Note: the DA must give consideration to the approved master plan)</li> </ul> <p>State Environmental Planning Policy (Coastal Management) 2018</p> <ul style="list-style-type: none"> <li>• Where the master plan may occur within or near the coastal zone, it will need to address the provisions of the Coastal Management SEPP</li> </ul> <p>Draft State Environmental Planning Policy (Design and Place)</p> <ul style="list-style-type: none"> <li>• The master plan must demonstrate that it is consistent with the principles of the Draft Design and Place SEPP</li> </ul>
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## Strategic and statutory planning framework

<b>Protection of the Environment Operations Act 1997 (POEO Act)</b>	The POEO Act aims to provide protection to the natural environment.	Development requiring an Environmental Protection License is not permitted within a master plan through the CDC pathway.  The master plan must include an up front assessment of the potential impacts addressed by the POEO Act. The master plan will be referred to the EPA to provide concurrence for the master plan at a precinct wide scale.
<b>Water Management Act 2000</b>	The WM Act aims to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations	Development within waterfront land requires a controlled activity approval (clause 91)  Where the master plan precinct is located near waterfront land, the master plan will need to include an up front assessment of the relevant considerations of the WM Act and will be referred to DPIE Water for concurrence at a precinct wide level
<b>Heritage Act 1977</b>	The Heritage Act aims to protect and conserve areas of heritage significance	Consideration of the impacts of the broader master plan development on items or areas of heritage significance will be required in the master plan.  An excavation permit may be required under clause 140 of the Heritage Act 1977 for the broader master plan precinct which would facilitate the complying development pathway for development of the site
<b>National Parks and Wildlife Act 1974</b>	The NPW Act aims to protect areas and objects of natural and cultural heritage values	Consideration of the impacts of the broader master plan development on Aboriginal objects, places, land, activity or person will be required in the master plan.  An Aboriginal heritage impact permit may be required under clause 90 of the NPW Act 1974 for the broader master plan precinct which would facilitate the complying development pathway for development of the site.

Figure 1. Relationship of master plans to the NSW Planning Framework

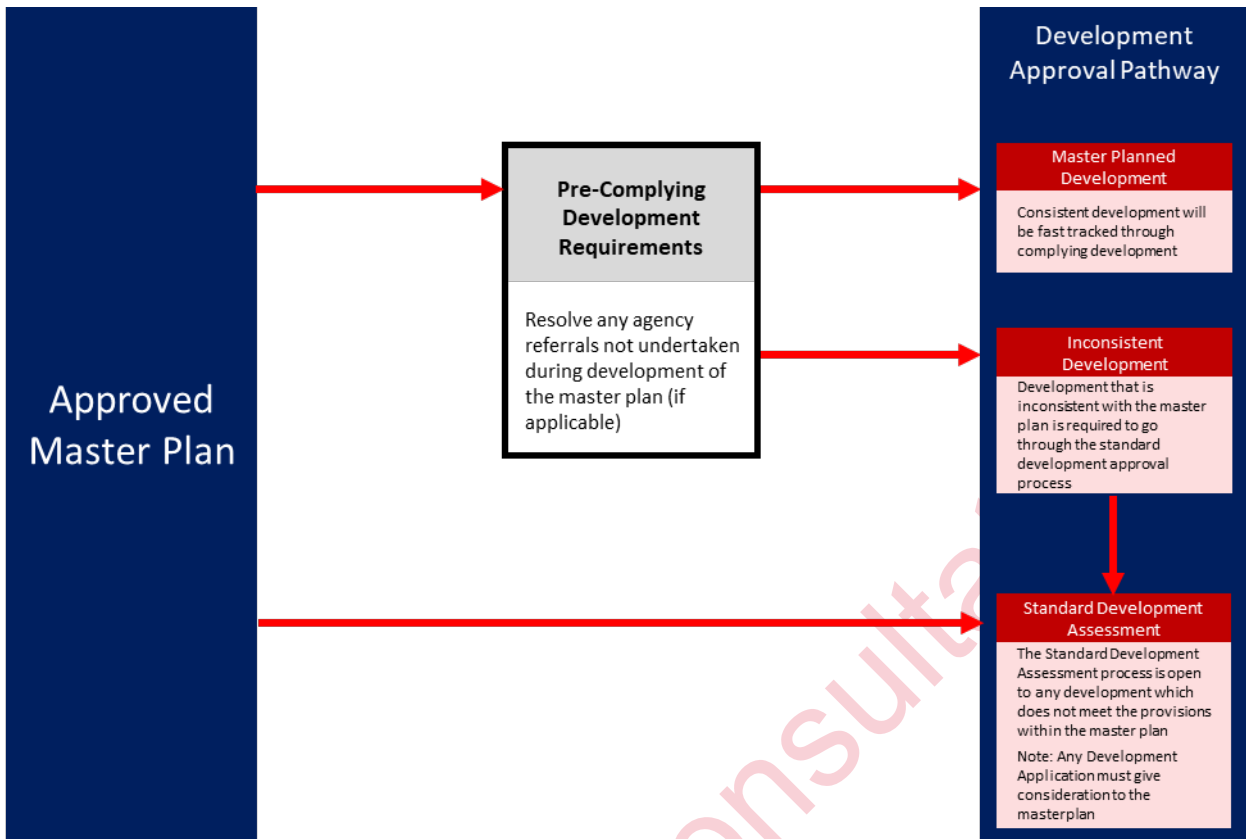
### 1.3 Approval process for master plans

A master plan must be approved by the Minister for Planning and Public Spaces. A master plan is to be prepared in accordance with this guideline and the requirements of a new Part of the Codes SEPP.

### 1.4 Approval process for development in a master planned precinct

The master plan will identify certain categories of development that can be complying development and prescribe the relevant standards and controls to be classified as complying development.

The process for obtaining a CDC under the master planning process is shown at Figure 2.



**Figure 2. Development approval pathways for a master plan site**

Development in a master planned precinct should predominantly be approved through the complying development pathway. If a proposal does not meet the complying development standards in the master plan, the standard development application process is still available.

Should a proposed development in the master planned precinct not meet the complying development standards, the development application must consider any approved master plan for the site. This will include specific matters for consideration to be outlined in the master plan.



## 2 Master Plan content and requirements

To enable the appropriate and timely development of employment generating land uses, the master plan will need to address the following key elements:

Element	Comment
<b>Vision and values</b>	The master plan must include a description of the vision and values of the master plan precinct. These are to be consistent with the aims and objectives in this guideline, to facilitate employment generating complying development for a broader range of uses than described in the Codes SEPP.
<b>Land use zones to which the master plan applies</b>	<p>Master plans can only apply to employment and industrial zones, including the B1, B2, B3, B5, B6, B7, IN1, IN2 &amp; IN3 zones.</p> <p>Master planned precincts must not permit residential development or development that potentially results in amenity impacts (odour, noise, air quality) on nearby sensitive land uses, including hazardous or offensive development.</p>
<b>Amenity constraints</b>	Master plans will need to address the potential amenity impacts of the precinct on sensitive land uses around the precinct. The master plan may identify areas within the precinct where certain types of development are encouraged or restricted, such as a buffer zone.
<b>Environmental constraints</b>	Master plans will need to address the site's environmental constraints including its proximity to bushfire prone land, environmentally sensitive land, biodiversity values, heritage values and waterways
<b>Infrastructure</b>	Master plans must consider the likely infrastructure requirements and availability/connectivity and the potential impacts of the master planned precinct on local and regional infrastructure such as road and rail, power supply, water and wastewater.
<b>Complying development standards</b>	The master plan must contain complying development standards that are in addition to those already established in the Codes SEPP.
<b>Non-complying development</b>	<p>The master plan must include specific matters to be addressed in development applications for developments in the precinct that do not meet the complying development standards listed in the master plan.</p> <p>Such matters may include</p> <ul style="list-style-type: none"> <li>• Objectives of the master plan</li> <li>• Amenity and environmental constraints of the precinct and surrounds</li> <li>• Infrastructure requirements</li> </ul>
<b>Staging</b>	Master plans will describe the likely staging of the development of the site, particularly preliminary works required to establish a suitable site including infrastructure, earthworks, drainage and remediation.
<b>Implementation</b>	How the master plan will be implemented, including how Councils or accredited certifiers certify compliance with master plan.

### 3 The Master Planning Process

#### 3.1 Process for making a master plan

The master planning process is outlined in Figure 3. The stages of the master plan process are further detailed in Section 3.2.

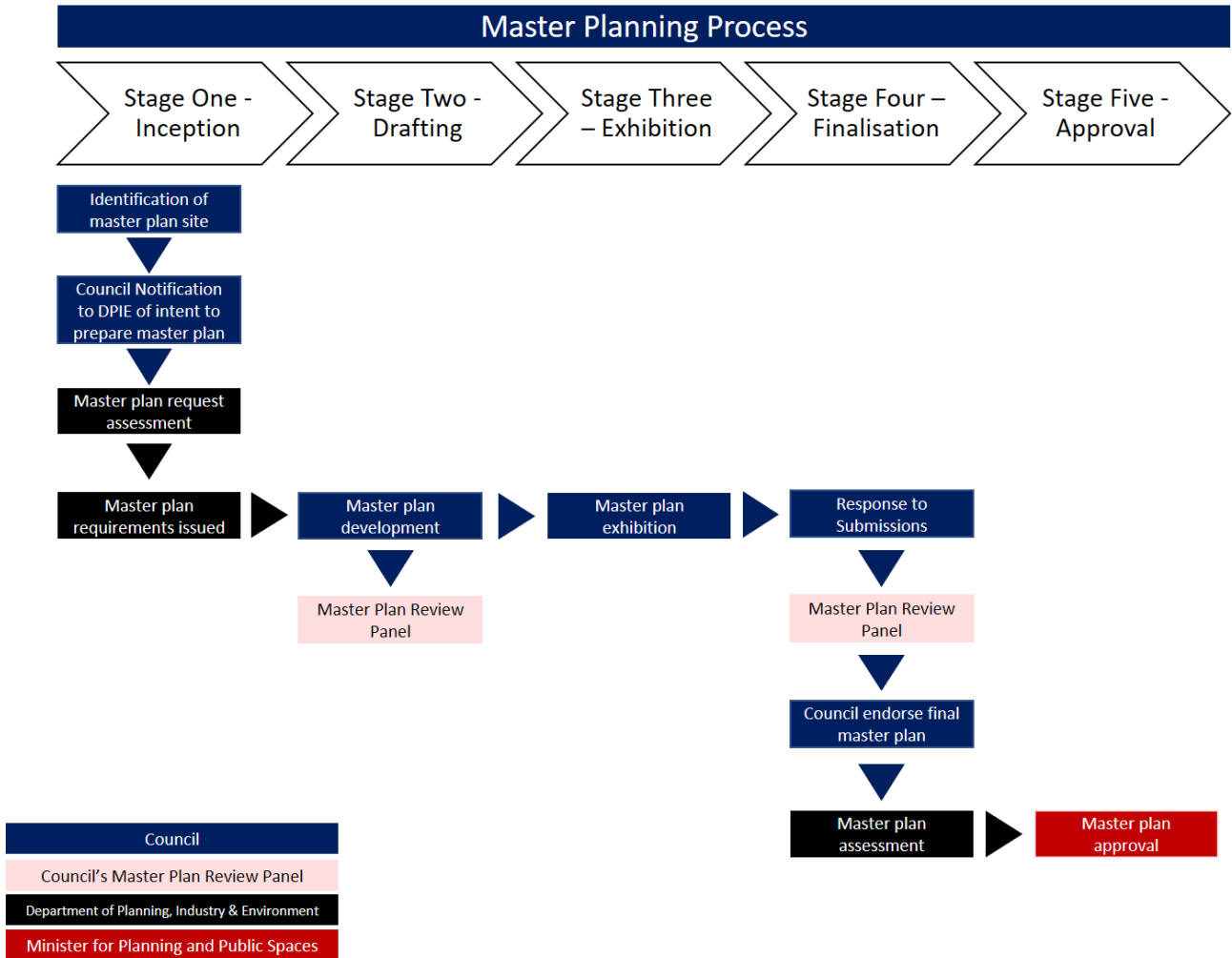


Figure 3. Master planning process

## 3.2 Stages in the master planning process

There are five stages in the master planning process:

- Stage One – Inception
- Stage Two – Drafting
- Stage Three – Exhibition
- Stage Four – Finalisation
- Stage Five – Approval

### 3.2.1 Stage One – Inception

#### 3.2.1.1 Identification of potential master plan sites

There are a number of potential constraints and exclusions that Councils should consider whilst identifying a potential master plan site/s. These considerations are detailed in full at Appendix A.

Key considerations prior to submitting a request to create a master plan include the relevant strategic objectives relating to economic growth in identified areas, the land's zoning, proposed land uses, site specific constraints and consistency with the guideline objectives.

#### 3.2.1.2 Formal notification of intent to prepare a master plan

Once an appropriate precinct has been identified by a Council, the Council shall write to DPIE advising of its intention to prepare a masterplan. The notification must address the considerations and criteria provided in Appendix A. A request to create a master plan must include the information requirements listed in Appendix B.

The format for this stage should be a high level letter which details:

- The proposed master plan site
- Intended land uses and complying development standards
- Benefits of the proposed master plan
- Consistency with guideline objectives
- Key constraints and opportunities of the site
- Project staging (if proposed)
- Response to master plan criteria (Appendix A)

This step ensures that Councils do not spend significant time, funds and other resources preparing a master plan which is inconsistent with the objectives of this guideline or inappropriate for the location or constraints of the site and surrounds. Documentation submitted during this step should be brief and succinct as this preliminary process should be streamlined as possible to minimise delays.

#### 3.2.1.3 Master Plan Requirements

The notification will be reviewed by DPIE against set criteria, identified in Appendix A. For master plans of greater size and/or complexity, DPIE may also consult relevant agencies and provide the opportunity for agency comment within the 28 day assessment period, to assist DPIE's assessment.

Within 28 days of receipt of the notification to prepare a master plan, DPIE will issue Master Plan Requirements to Council detailing what is required to be addressed within the master plan. Master Plan Requirements will be based on the example provided at Appendix C.

## 3.2.2 Stage Two – Drafting

### 3.2.2.1 Master Plan Review Panel establishment

Following the issue of Master Plan Requirements, Council is required to establish a Master Plan Review Panel (the Panel). The Panel is to comprise internal council staff and experts covering a number of disciplines. Councils may also choose to include community representation within the Panel.

This Panel will be collaborative and focused on the technical and design aspects of the master plan in terms of specifications and development parameters, especially the formation of a complying development code. The Panel will also provide independent, expert and impartial design advice on the design quality of the master plan.

The Panel should include experts in relevant fields including (but not limited to):

- Planning
- Waste and recycling
- Traffic and transport
- Water and wastewater
- Design and landscaping

This collaboration will encourage the transparent communication of technical information required by Council to inform the development of a master plan as well as infrastructure providers to inform detailed infrastructure planning.

The sharing of technical information and skills will assist in the development of a complying development code for relevant areas of an approved master plan without compromising on land use and infrastructure delivery and safety outcomes.

Once the Panel is established it will provide preliminary advice based on the submitted request and Master Plan Requirements. The Panel will continue to have an ongoing role in the development of the master plan.

### 3.2.2.2 Master Plan Preparation

Council is to undertake relevant technical studies to satisfy the Master Plan Requirements provided at Appendix C and any site-specific conditions issued by DPIE.

Any technical studies and resources required to be prepared and submitted as part of the master planning process are to be funded by Council.

It is crucial all required technical studies are prepared to a high quality and high level of detail, as the studies submitted with the master plan will be referred to the relevant agencies and must be sufficient to cover all future CDCs issued under the master plan.

Further, master planning and complying development provisions can enable complying development to be conducted on land that would have otherwise been excluded from complying development under other provisions of the Codes SEPP (e.g. Heritage Conservation Areas or Flood Control Lots). As such, extensive detail on management strategies for site-specific constraints are important to opening up this approval pathway.

#### Development Standards

Master plans are to include development standards which will establish the complying development provisions for development within the master plan area. Development standards within the master plan cannot be more restrictive than the standards within the Codes SEPP.

The development standards must be clearly interpretable and robust to ensure that complying development is clearly identifiable.

Development standards should be informed by the technical studies that have been prepared and consultation with relevant agencies. The standards are to enforce compliance with the proposed scheme, for example standards should address specific heights, gross floor area allocations, setbacks, car parking, landscaped area and management measures for site specific constraints (e.g. Asset Protection Zones).

Council may choose to adapt the existing controls within its Development Control Plan into tailored development standards applicable to complying development.

#### Standard Conditions for Complying Development

Master plans must include standard conditions to be applied to all CDCs approved under the master plan. The standard conditions cannot be more restrictive than those specified under Schedule 8 of the Codes SEPP.

The standard conditions must include:

- conditions applying before works commence,
- conditions applying during the works,
- conditions applying before the issue of an occupation certificate and
- operational requirements.

The standard conditions should incorporate findings and management strategies included within supporting technical studies.

Within the standard conditions, Councils can choose whether they wish to apply their contributions plans to complying development within the master plan area.

#### Consultation

Agency and community consultation during the development of the master plan is to be Council-led.

#### Timing

The master plan and supporting studies are to be undertaken by Council within 18 months of receiving Master Plan requirements from DPIE.

Should a master plan not be submitted to DPIE for approval by Council within the designated timeframe, Council can request an extension of time from the Minister if:

- The site requires extensive consultation with council and agencies; or
- The Minister considers there to be sufficient progress in the master plan to warrant an extension of time.

An extension of time should not exceed 6 months.

### 3.2.3 Stage Three – Exhibition

#### 3.2.3.1 Master Plan Exhibition

##### Exhibition

Master plans are to be exhibited for community and stakeholder feedback for a minimum of 28 days. Exhibition timeframes are consistent with similar exhibition items in the *Environmental Planning and Assessment Act 1979*. The master plan will be exhibited on the NSW Planning Portal and it is recommended Councils provide a link to the exhibition page on their website.

During the exhibition period relevant State agencies will be offered the opportunity to provide comment on the masterplan, noting that they will not have the opportunity to provide comment on future complying development applications under the master plan.

Council is to consider and respond to feedback provided, with the master plan to be refined or amended where required.

##### Concurrence and Referrals

Given the objective to streamline the application process for complying development, the master planning process will include consultation with relevant agencies and organisations to ensure the relevant concurrence and referrals matters are resolved where possible.

Examples of matters to be addressed during the master plan process include

- infrastructure impacts, connectivity and demand
- proximity of the master plan precinct to sensitive land uses and potential amenity impacts
- bushfire, flooding and biodiversity
- heritage and contamination

The master plan will be reviewed by all relevant agencies and organisations during the exhibition period to ensure that it meets concurrence & referral requirements. Feedback from referrals should inform development standards and standard conditions within the master plan.

Appendix D outlines legislative referral requirements and how they apply to complying development master plans.

### 3.2.4 Stage Four – Finalisation

#### 3.2.4.1 Response to submissions

Councils must address all comments and submissions from the exhibition period, ensuring that where appropriate, the master plan is revised to address the issues raised. A response to submissions should be provided to DPIE when submitting the master plan for approval.

If required, the Council may need to consult further with relevant government agencies and councils to ensure the final master plan remains consistent with comments made through the referral process.

#### 3.2.4.2 Master Plan Review Panel recommendation

Following exhibition and response to submissions, the Panel will review the final master plan prior to assessment by DPIE. The Panel will review the master plan to ensure all concerns raised during exhibition have been adequately addressed and that the proposal has been amended accordingly.

The Panel will provide a recommendation to the Council of any final changes or concerns for consideration prior to DPIE undertaking the final assessment of the master plan.

### 3.2.4.3 Master plan assessment

The master plan will be assessed by DPIE for its suitability and consistency with the initial master plan criteria (Appendix A) and the Master Plan Requirements (Appendix C) provided by the Minister for Planning and Public Spaces. The Minister may also specify additional criteria.

DPIE will also consider referrals and submissions received on the master plan and how they have been addressed in the amended master plan (if applicable).

During this stage concurrent approvals should be finalised.

DPIE will provide a recommendation to the Minister for Planning and Public Spaces who will consider the master plan for approval. This approval will include deciding if the proposed complying development pathway will be permitted for the master plan site.

If not approved, Council will be advised and if relevant the submission returned for amendment.

### 3.2.5 Stage Five – Approval

#### 3.2.5.1 Master Plan Approval

Once the master plan has been finalised, submitted to DPIE and assessed, DPIE is to provide a recommendation to the Minister or delegate to assist their final determination.

If approved by the Minister for Planning and Public Spaces, the master plan will be incorporated into the planning framework for the relevant precinct.

The content of a master plan will act as the Complying Development Code for the master plan site.

## 3.3 Implementation

A master plan may be implemented through:

- Complying development, and/or
- Development application process under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Figure 2 identifies the development approval pathways following the approval of a master plan on a site.

As master plans are tailored to specific sites it is expected that most development would be approved through the complying development pathway. Such development must meet all applicable development standards and adhere to all of the standard conditions contained within the final master plan.

Approved master plans will contain straight-forward and robust provisions to provide certifiers with the confidence to sign off on the CDC, similar to when assessing applications under Part 5 and 5A of the Codes SEPP. The CDC from an accredited certifier (to be determined in 10 days) will provide for planning and building approval.

If a proposal does not comply with the provisions within the master plan, they must go through the standard development application process. Any development application within a master plan area must consider the master plan.

## 3.4 Review or amendment of approved Master Plans

After five years from the date of approval, to ensure approved master plans remain relevant and align with the overarching strategic framework, a review of an approved master plan is required. If a review is not undertaken and the master plan is not renewed, the master plan is considered expired and will not be able to be used for further complying development.

Council may elect to review the master plan at any stage.

Alternatively, the Minister may determine a full master plan review is required at any time in response to new policies or reforms within the NSW Planning System.

If the master plan is to remain unchanged or only requires minor amendments, Council can write to DPIE to request a simple extension of the expiry date of the existing master plan.

If substantial amendments to the master plan are sought as part of the review, the master plan development process must start again. Amendments that would warrant re-starting the process include the following:

- Changes to key built form controls such as height and FSR
- Extension of the master plan area
- New identified contaminated lands
- Changes to site constraints

### 3.5 Appeals

There are no appeal processes for the making of master plan.

DRAFT for consultation



## Appendix A: Criteria for a master plan

Requirement	Criteria
i. Site area of precinct	There is no minimum area for Council-led master planning
ii. Zoning	<p>The site must be zoned:</p> <ul style="list-style-type: none"> <li>• B1 Neighbourhood Centre</li> <li>• B2 Local Centre</li> <li>• B3 Commercial Core</li> <li>• B5 Business Development</li> <li>• B6 Enterprise Corridor</li> <li>• B7 Business Park</li> <li>• IN1 General Industrial</li> <li>• IN2 Light Industrial</li> <li>• IN3 Heavy Industrial</li> </ul>
iii. Land Use	<p>A master plan must relate to either a Business Zone (other than B4 Mixed Use) or Industrial zone, or both, and therefore relate to employment generating developments permissible in these zones.</p> <p>A master plan cannot include any residential uses within the boundary regardless of permissibility under the relevant LEP (and hence cannot apply to land zoned B4 Mixed Use).</p> <p>Development that is potentially hazardous or offensive should be identified upfront through a precinct wide hazard study. If development identified as potentially hazardous or offensive under SEPP 33 is proposed, mitigation measures for impacts of the development should be provided. If, after studies are conducted, development is still deemed to be hazardous or offensive, it cannot be proposed under a master plan.</p>
iv. Site specific constraints	<p>Site specific constraints must be identified along with preliminary detail of the constraints. It should be demonstrated that any required buffer zones or management strategies could be feasibly incorporated on the site to manage constraints.</p> <p>Example constraints that should be identified at this stage include (but are not necessarily limited to):</p> <ul style="list-style-type: none"> <li>• Heritage (Aboriginal or European)</li> <li>• Contamination</li> <li>• Acid Sulfate Soils</li> <li>• Bushfire</li> <li>• Flooding</li> <li>• Potentially hazardous or offensive industry</li> </ul>
v. Potential Impacts	Potential impacts of proposed uses must be manageable and able to be mitigated
vi. Benefit of master plan and consistency with guideline objectives	<p>Proposed land uses for complying development must be nominated and listed, including:</p> <ul style="list-style-type: none"> <li>• the types of uses and the areas where development will be complying development represent an acceptable level of risk;</li> <li>• the benefits are consistent with the objectives of the master planning framework in particular, that the proposed master plan will allow for a greater scale of complying development than under the Codes SEPP</li> </ul>

Requirement	Criteria
	<ul style="list-style-type: none"> <li>the scale of development that can be suitably undertaken as complying development and warrants the preparation of a master plan.</li> </ul>
/ii. Development is feasible	Delivery of site will achieve positive cost and public benefits
	Sufficient funding or investment opportunities have been identified
	Limited Government funding required to enable site delivery (e.g. forward funding of enabling infrastructure out of sequence).
iii. Land is suitable for development	Site is not significantly environmentally constrained and is suitable for the uses envisaged
ix. No risk of land fragmentation	Master plan precinct will not result in land fragmentation or isolation of lots.
x. Staging Plan	<p>Where a staged master plan is being requested a staging plan has been provided and accompanied by timeframes for master planning to be undertaken for the entire site.</p> <p>A rationale for a staged master plan clearly justifies the staged approach.</p>

## Appendix B: Information to be submitted with a notification of intent to prepare a master plan

The notification of intent to prepare a master plan application should be a succinct document that will assist DPIE to draft tailored and requirements for the proposed master plan.

The requirements are aimed at ensuring that the master plan addresses all relevant issues and is prepared with a robust evidence base to support its proposed complying development provisions.

Requirement	Inclusions
Letter Request	<ul style="list-style-type: none"> <li>• Applicable controls and zone</li> <li>• Proposed uses and their potential impacts (e.g. noise and odour)</li> <li>• List of applicable constraints and preliminary detail of constraints</li> <li>• A preliminary management plan for key constraints</li> <li>• Address consistency with objectives of this guide</li> <li>• Outline benefits of a master plan</li> <li>• Outline preliminary analysis of infrastructure needs and funding</li> <li>• Identify if staging is proposed</li> </ul>
Site Plan	<ul style="list-style-type: none"> <li>• Identifying the extent of the site</li> </ul>
Indicative plan	<ul style="list-style-type: none"> <li>• Implementing the SEPP and proposed initial controls for land use and built form.</li> <li>• Land use sub-precincts organised by intensity and primary land use</li> <li>• Estimated number of jobs</li> </ul>
Constraints plan	<ul style="list-style-type: none"> <li>• Flooding – 1% AEP, 0.5% AEP and PMF</li> <li>• Significant vegetation</li> <li>• Areas of known contamination</li> <li>• Areas of heritage or cultural significance</li> <li>• Planned transport corridors</li> <li>• Sensitive land use surrounding the precinct</li> </ul>
Proposed Complying Development Code	<ul style="list-style-type: none"> <li>• Plan showing areas where complying development is proposed</li> <li>• Land uses proposed to be complying development and preliminary development standards for each uses in table form, including land based exclusions (e.g. flood areas, significant heritage areas)</li> <li>• The existing approval pathway for those uses (i.e. SSD, relevant SEPPs, third parties' approvals required).</li> </ul>

## Appendix C: Example Master Plan Requirements

DPIE will consider site-specific constraints and may consult with agencies at the request to master plan stage, which will inform the final list of requirements for the master plan. The requirements will be tailored to address the specific uses being sought to be complying development and the individual constraints of each precinct. Agencies may also provide Council with specific draft conditions for complying development at this time.

The following is provided for information only.

Requirement	Inclusions
Consistency with the relevant strategic planning framework	Demonstrate adherence to the relevant strategic planning framework including relevant Region and District Plans, Local Strategic Planning Statements and how the master plan implements desired outcomes and principles.
Consistency with the relevant statutory planning framework	Demonstrate adherence to the relevant statutory planning framework including the Local Environment Plan, State Environmental Planning Policies and relevant Acts.
Vision and Values	Defined vision and values for the site, taking into consideration community input
Indicative plan	<p>Proposed land uses, including gross floor distribution of different uses, where applicable</p> <p>A framework for permitted activities and uses within the site</p> <p>Clearly identified development constraints, including flooding, environmental constraints and areas of high value biodiversity to be protected.</p> <p>Identification of required infrastructure where relevant, including:</p> <ul style="list-style-type: none"> <li>• transport infrastructure (including street hierarchy, pedestrian and cycle paths and public transport integration and parking allocations);</li> <li>• water infrastructure (including natural waterways, water supply, sewerage, drainage, stormwater);</li> <li>• green infrastructure (including street scapes, open space, bushland and tree canopy);</li> <li>• social infrastructure; and</li> <li>• other relevant services and utilities</li> </ul>
Precinct performance measures	<p>The following may be required to understand the impacts of complying development under the master plan:</p> <ul style="list-style-type: none"> <li>• Maximum traffic movements</li> <li>• Stormwater – flowrate and water quality</li> <li>• Noise impacts</li> <li>• Odour impacts</li> <li>• Maximum development capacity.</li> <li>• Any other, based on the types of complying development being proposed and the particular constraints of that land.</li> </ul>
Draft Complying Development Code	Draft development standards for the precinct and each use, including land-based exclusions.

Requirement	Inclusions
	<p>Where appropriate, the development standards should include built form controls:</p> <ul style="list-style-type: none"> <li>• Defined building heights, setbacks and bulk</li> <li>• Considered relationships between buildings and open space</li> <li>• Consideration of sunlight access to areas of open space</li> <li>• Demonstration of acceptable active street frontages</li> </ul> <p>A table for each proposed use to be complying development, identifying the key risks for each use, and how these will be mitigated in the new planning framework.</p>
Non-complying development applications	Describe the specific matters to be addressed in development applications for developments in the precinct that do not meet the complying development standards.
Opportunities for concurrent third party approvals or considerations	<p>Identify where approvals from other agencies can be obtained at a precinct scale in parallel with the master planning process.</p> <p>For example, the master plan should be designed in accordance with TransGrid's Easement Guidelines, creating potential for stream-lined referrals at a later stage.</p>
Draft standard conditions for complying development	<p>Draft standard conditions that will apply to each type of complying development.</p> <p>The master plan must contain draft standard conditions that apply in addition to those found in Schedule 8 of the Codes SEPP. The conditions will deal with detailed context specific considerations presented in the specified complying development controls. Councils may choose to incorporate more lenient conditions than those provided within Schedule 8 of the Codes SEPP (e.g. standard conditions may allow hours of operation that exceed the hours of operation within Schedule 8, Clause 21)</p>
Public Domain and Landscape Plan	<p>Identification of publicly accessible space (if applicable), including their role in a public space hierarchy, street cross sections, proposed design approach and elements and recommended materials and treatments.</p> <p>Implementation of NSW Government Movement and Place Principles</p> <p>Identify approach for integrating master plan precinct with broader public domain</p> <p>Earthworks and final landform plan</p> <p>Identification of tree canopy outcomes</p> <ul style="list-style-type: none"> <li>• Identification of trees to be removed</li> <li>• Identification of trees to be planted (at an at least 2:1 replacement ratios)</li> <li>• Sufficient deep soil requirements for trees to be planted</li> <li>• Identification of water sources for trees planted</li> </ul> <p>Identification of riparian corridor enhancements, where applicable</p>

Requirement	Inclusions
Connection to Country and Cultural Consideration	<p>Identification of cultural resources existing in a community</p> <p>Clear incorporation, integration and enhancement of cultural resources</p> <p>Considered inclusion of values that esteem, protect and promote local Aboriginal knowledge, culture and tradition</p>
Staging Plan	<p>A request can be made to proceed with a staged master plan. When requesting a staged master plan, the Council must provide:</p> <ul style="list-style-type: none"> <li>• A staging plan.</li> <li>• Appropriate detail is required for the non-initial stages to guide future intent and urban design principles of the entire site</li> <li>• Identification of constraints which will need to be addressed in future stages and/or may impact on development in the initial stage of the site.</li> <li>• A rationale for a staged master plan clearly justifying the need for a staged approach.</li> <li>• Identification of infrastructure interfaces within adjoining land and corresponding servicing requirements</li> <li>• Identification of a staging plan that aligns with infrastructure provision including green infrastructure, social infrastructure, transport, and utilities at each stage of the development, including interim interfaces or arrangements.</li> <li>• Infrastructure interfaces within adjoining land to be identified along with servicing requirements.</li> </ul>
Relationship to the surrounding area	<p>Consider the precinct's relationship with adjacent land and context within the area and surrounding environment, including safeguarding considerations</p>
Infrastructure and servicing	<p>Address the potential infrastructure servicing requirements of the master plan precinct including a framework for the delivery of infrastructure and identification of existing and proposed services and easements.</p>
Bush Fire	<p>Demonstrate consistency with bush fire protection measures and <i>Planning for Bush Fire Protection 2019</i>.</p>
Water Quality	<p><i>Example only – tailored provisions to be provided by agencies on a precinct by precinct basis.</i></p> <ul style="list-style-type: none"> <li>• The master plan must demonstrate: <ul style="list-style-type: none"> <li>– Post-development flows that enter or are conveyed across the master plan precinct must be equal to or less than the pre-development flows for each storm event up to and including 1% AEP flood event. Additional surface and ground water entering the precinct must be prevented. Specifically, any assessment must model pre- and post-development flows for each storm event up to and including 1% AEP event and map each storm event including velocity.</li> <li>– An assessment of the impacts of the proposed development on drainage paths crossing the master plan precinct.</li> </ul> </li> </ul>

Requirement	Inclusions
	<ul style="list-style-type: none"> <li>- Potentially contaminated water and sediments in any existing farm dams must be removed in a manner that avoids entry into the watercourses that traverse the master plan precinct.</li> <li>- identify and estimate the quality and quantity of all pollutants that may be introduced into the water cycle by source and discharge point and describe the nature and degree of impact that any discharge(s) may have on the receiving environment, including consideration of all pollutants that pose a risk of non-trivial harm to human health and the environment;</li> <li>- identify the rainfall event that the water quality protection measures will be designed to cope with;</li> <li>- assess the significance of any identified impacts including consideration of the relevant ambient water quality outcomes;</li> <li>- identify proposed monitoring locations, monitoring frequency and indicators of surface and groundwater quality.</li> </ul>
Noise	<ul style="list-style-type: none"> <li>• Include a description of the background noise environment of the land surrounding the precinct</li> <li>• For certain complying uses, it may be appropriate to model the noise scenarios for a maximum development scenario in order to inform precinct scale noise emission controls and restrictions</li> </ul>
Air Quality	<ul style="list-style-type: none"> <li>• For certain complying uses, it may be appropriate to model the air quality scenarios for a maximum development scenario in order to inform precinct scale air quality controls, with a focus on creating appropriate development standards for complying development that would not be a scheduled activity under the POEO Act.</li> </ul>
Biodiversity	<p><i>Example only – tailored provisions to be provided by agencies on a precinct by precinct basis.</i></p> <ul style="list-style-type: none"> <li>• The master plan must assess biodiversity impacts in accordance with the current guidelines including the Framework for Biodiversity Assessment (FBA)</li> <li>• The master plan must assess any impacts on biodiversity values not covered by the FBA as specified in s2.3 (EESG will provide this list of species during agency consultation on the request to masterplan).</li> <li>• The master plan must assess impacts on the following [EECs, threatened species and/or populations] and provide the information specified in s9.2 of the FBA (EESG will provide this list of species during agency consultation on the request to master plan).</li> </ul>
<p>Climate Change Risk</p> <p>The master plan is designed, constructed and operated to be resilient to the future impacts of climate change</p>	<ul style="list-style-type: none"> <li>• The master plan must assess the risk and vulnerability of the project to climate change in accordance with the current guidelines.</li> <li>• The master plan must quantify specific climate change risks with reference to the NSW Government’s climate projections at 10km resolution (or lesser resolution if 10km projections are not available) and incorporate specific adaptation actions in the design.</li> </ul>

Requirement	Inclusions
<p>Flooding</p> <p>The master plan minimises adverse impacts on existing flooding characteristics. Construction and operation of the project avoids or minimises the risk of, and adverse impacts from, infrastructure flooding, flooding hazards, or dam failure.</p>	<p><i>Example only – tailored provisions to be provided by agencies on a precinct by precinct basis.</i></p> <ul style="list-style-type: none"> <li>• The master plan must assess and (model where required) the impacts on flood behaviour during construction and operation for a full range of flood events up to the probable maximum flood (taking into account sea level rise and storm intensity due to climate change) including: <ul style="list-style-type: none"> <li>– any detrimental increases in the potential flood affectation of other properties, assets and infrastructure;</li> <li>– consistency (or inconsistency) with applicable Council floodplain risk management plans;</li> <li>– compatibility with the flood hazard of the land;</li> <li>– compatibility with the hydraulic functions of flow conveyance in flood ways and storage areas of the land;</li> <li>– downstream velocity and scour potential;</li> <li>– impacts the development may have upon existing community emergency management arrangements for flooding. These matters must be discussed with the State Emergency Services; and</li> <li>– any impacts the development may have on the social and economic costs to the community as consequence of flooding.</li> </ul> </li> </ul>
<p>Heritage</p>	<p><i>Example only – tailored provisions to be provided by agencies on a precinct by precinct basis.</i></p> <ul style="list-style-type: none"> <li>• A Statement of Heritage Impact (SOHI) should be prepared by a suitably qualified heritage professional in accordance with the guideline Statements of Heritage Impact (2002) – <a href="http://heritage.nsw.gov.au/assets/Uploads/a-z-publications/s-u/Statements-of-Heritage-Impact.pdf">heritage.nsw.gov.au/assets/Uploads/a-z-publications/s-u/Statements-of-Heritage-Impact.pdf</a>. The SOHI should identify: <ul style="list-style-type: none"> <li>– what State and Local heritage items exist in the project area and in the vicinity. This should include built heritage, heritage conservation areas, landscapes and historical archaeology, detailed mapping of these items, and assessment of why the items and sites are of heritage significance</li> <li>– where relevant Conservation Management Plans (CMPs) exist and what key conservation policies should guide your project in design and delivery</li> <li>– potential impacts on the heritage significance of State and Local items within the project area and in the vicinity, including both direct and indirect physical and visual impacts, and potential noise and vibration impacts</li> <li>– proposed measures to mitigate impacts on State and Local items within the project area and in the vicinity</li> <li>– justification for any changes proposed to heritage fabric or landscape elements and for why more sympathetic solutions are not viable, and</li> <li>– options analysis of the placement or movement of proposed activities or development to avoid impacts to State and Local heritage items.</li> </ul> </li> </ul>



Requirement	Inclusions
<p>Protected and Sensitive Lands</p>	<p><i>Example only – tailored provisions to be provided by agencies on a precinct by precinct basis.</i></p> <ul style="list-style-type: none"> <li>• The master plan must assess the impacts of the project on environmentally sensitive land and processes (and the impact of processes on the project) including, but not limited to: <ul style="list-style-type: none"> <li>– land defined as a “sensitive coastal environment” under the State Environmental Planning Policy (Coastal Management) 2018;</li> <li>– coastal hazards identified in studies completed by local councils or state agencies (including risk mitigation strategies that reduce coastal hazards exposure and funding of such strategies);</li> <li>– coastal processes (including disruptions to wave direction, dune stability, sediment movement etc.) associated with adopted risk mitigation actions;</li> <li>– safe public access to coastal areas, beaches, headlands and foreshores;</li> <li>– protected areas (including land and water) managed by OEH and/or DPI Fisheries under the National Parks and Wildlife Act 1974 and the Marine Estate Management Act 2014;</li> <li>– Key Fish Habitat as mapped and defined in accordance with the Fisheries Management Act 1994 (FM Act);</li> <li>– waterfront land as defined in the Water Management Act 2000;</li> <li>– land or waters identified as Critical Habitat under the Biodiversity Conservation Act, FM Act or EPBC Act; and</li> <li>– biobank sites, private conservation lands and other lands identified as offsets</li> </ul> </li> </ul> <p>This work will inform the identification of land-based exclusions in the complying development code.</p>
<p>Sustainability</p> <p>The project reduces the NSW Government’s operating costs and ensures the effective and efficient use of resources. Conservation of natural resources is maximised.</p>	<ul style="list-style-type: none"> <li>• The master plan must recommend sustainability objectives for the precinct in accordance with the Infrastructure Sustainability Council of Australia (ISCA) Infrastructure Sustainability Rating Tool and recommend an appropriate target rating for the precinct.</li> <li>• The master plan must assess the precinct against the current guidelines including targets and strategies to improve Government efficiency in use of water, energy and transport.</li> </ul>

## Appendix D: Concurrence and Referral Criteria

Concurrence Agency	Criteria	Relation to master plans
Transport for NSW (Roads and Maritime Services)	Referral to TfNSW in accordance with Division 17 of the ISEPP is required for: <ul style="list-style-type: none"> <li>Development within or adjacent to a classified road Clauses 100 and 101)</li> <li>Traffic-generating development (Clause 104)</li> </ul>	Concurrence of TfNSW required for the master plan
Transport for NSW (NSW Trains, Sydney Trains)	Development within or adjacent to rail corridors (Division 15 of the ISEPP) to be referred to TfNSW	Concurrence of TfNSW required for the master plan
Environment, Energy and Science division within DPIE	Biodiversity Conservation Act 2016 <ul style="list-style-type: none"> <li>Development within or near biodiversity conservation areas</li> <li>Development requiring clearing of native vegetation</li> </ul>	Preparation of relevant assessments if required as part of the master plan
Owner and operator of pipelines including <ul style="list-style-type: none"> <li>Water supply authority</li> <li>Gas supply authority</li> </ul>	Division 12A of the ISEPP	Referral to the relevant authority if the master plan precinct may affect a pipeline corridor
State Emergency Service	Development on flood liable land (clause 15AA)	Consultation with the SES where the master plan precinct may impact flood liable land
Heritage Council	Land or item listed on the State Heritage Register	Concurrence or approval of Heritage Council
Minerals and Energy Group within DPIE	Mining SEPP <ul style="list-style-type: none"> <li>Development within or near an existing mine or extractive industry, or an area identified as containing a state or regionally significant resource</li> <li>Development within a mine subsidence district</li> </ul>	Referral to MEG is required for a master plan precinct to determine any potential sterilisation of a state significant resource
Subsidence Advisory NSW	Coal Mine Subsidence Compensation Act	Approval from SA NSW is required for a master plan precinct development within a designated mine subsidence district

Concurrence Agency	Criteria	Relation to master plans
Siding Springs Observatory	For land within 200 km of the observatory (Dark Sky Planning Guidelines)	Consultation with the observatory for any master plan precinct within this zone that may increase artificial light in the night sky
Rural Fire Service	Rural Fires Act 1997 prohibits complying development on bush fire prone land	Planning for Bush Fire Protection to be addressed in the master plan
Relevant electricity supply authority	Development within or adjacent to an electricity easement or power supply infrastructure	Consultation with the relevant authority is required prior to finalising the master plan

DRAFT for consultation

## Appendix E: Dictionary

- Will detail terms introduced and used throughout the guidelines

Term	Definition
Council	The relevant Council seeking approval to undertake a master plan.
Relevant planning authority	The Department of Planning, Industry and Environment is the relevant planning authority.

DRAFT for consultation