

# Life Cycle of a SEPP

## Phase 1 - Conception and Drafting

### Key Steps

The Minister makes decision to deal with a planning matter at the State level by making a State Environmental Planning Policy (SEPP).



Development of the evidence base for components of the SEPP. This may involve undertaking detailed studies and high-level consultation with key stakeholders, internally and externally.



Development of the explanation of intended effect (EIE), which may include input provided by key stakeholders.



Minister approves of the release of the EIE for public exhibition.



EIE is exhibited for agreed period and submissions are invited.



Following exhibition, submissions are considered, policy positions are refined, and drafting instructions are prepared to the Parliamentary Counsel's office (PCO) with assistance from the Department's Legal Branch.

### Extra Considerations

This may be a new proposal or an amendment to an existing SEPP. SEPPs can also be made to amend other Environmental Planning Instruments (EPIs).

The Department may undertake threatened species consultation under section 3.25 of the EP&A Act.

In some cases, the Department may hold public information sessions and workshops on the proposed changes, including online webinars.

As part of this, GIS mapping of the land application and other maps of the SEPP will be undertaken.

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## Phase 1 - Conception and Drafting

### Key Steps

SEPP is drafted by PCO with input for the policy team.



SEPP is finalised and the final instrument and an opinion is issued by the Parliamentary Counsel.



Minister approves of the making of the SEPP and recommends that the Governor makes it.



Governor considers the package submitted by the Minister at the allocated meeting of the Executive Council.



Minister and/or the Department may make a media announcement about the proposal or matter to which the SEPP relates.

### Extra Considerations

Drafting is an iterative process and it could take many drafts before a SEPP is finalised. Further consultation may be undertaken during this process. The Minister may also decide to publicly exhibit a consultation draft of the SEPP.

The opinion given by the Parliamentary Counsel is confirmation that the SEPP can legally be made, i.e. it complies with the requirements of the Act

If approved, the SEPP is published on the NSW Legislation. SEPPs usually have immediate effect on publication, but it is common to include saving and transitional provisions to delay aspects of the SEPP or to preserve arrangements for existing development applications. Where SEPPs amend existing EPIs, once the change is made, the SEPP self repeals. However, it can still be viewed in the 'As made' part of the NSW Legislation website.

Generally, the Department's website and the planning portal are updated to outline the approved changes.

# Life Cycle of a SEPP

## Phase 2 - Operation

### Key Steps

During its lifetime, a SEPP may need to be updated. This may be to bring new areas into the framework, to fix errors or to otherwise respond to the changing planning landscape.

### Extra Considerations

The same process outlined above is typically followed for amending an existing SEPP once it is operational.

## Phase 3 - Winding Down

### Key Steps

Minister makes a decision to end a SEPP.



Work is undertaken to determine whether the existing controls are still required and if so, the most appropriate home. Consultation may be undertaken as part of this process.

### Extra Considerations

SEPP can be repealed by Act changes or when an EPI is made, and the existing controls transferred to other EPIs as part of that process. An Act change will be approved by Parliament, EPIs the Governor.