



State Environmental Planning Policy No 74—Newcastle Port and Employment Lands

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Infrastructure and Planning.
(S00/01192/S69)

CRAIG JOHN KNOWLES, M.P.,
Minister for Infrastructure and Planning

2003 No 576

State Environmental Planning Policy No 74—Newcastle Port and Employment Lands

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Part 1 Preliminary

1 Name of Policy

This Policy is *State Environmental Planning Policy No 74—
Newcastle Port and Employment Lands*.

2 Aims of Policy

The aims of this Policy are:

- (a) to promote and co-ordinate the orderly and economic development of certain land in the local government areas of Port Stephens and Newcastle, and
- (b) to promote the economic development of the Port of Newcastle while promoting the conservation of natural and cultural heritage in the lower Hunter, and
- (c) to facilitate the carrying out of certain types of industrial and infrastructure development of State significance with a strong commitment to sustainable environmental performance, and
- (d) to enable public involvement and participation in the assessment of applications for consent to carry out this development.

3 Definitions

- (1) In this Policy:

the map means the map marked “State Environmental Planning Policy 74—Newcastle Port and Employment Lands” deposited in the office of the Department of Infrastructure, Planning and Natural Resources.

- (2) Notes in this Policy do not form part of it.

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State Environmental Planning Policy No 74—Newcastle Port and
Clause 4 Employment Lands

Part 1 Preliminary

4 Land to which Policy applies

This Policy applies to land in the Port Stephens and Newcastle local government areas as shown on the map.

5 Relationship with other environmental planning instruments

- (1) If any other environmental planning instrument, whether made before or after this Policy, contains provisions that are inconsistent with this Policy, this Policy prevails to the extent of any inconsistency, subject to this clause.
- (2) Nothing in this Policy affects *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development*.

Part 2 Development controls

6 Development permissible without development consent

A person may carry out development specified in Schedule 1 on the land to which this Policy applies without development consent.

7 Carrying out of certain development with consent

A person may, with the consent of the consent authority, carry out development specified in Schedule 2 on the land specified in that Schedule.

8 State significant development

Development specified in Schedule 2 is State significant development.

Note. Pursuant to section 76A (9) of the *Environmental Planning and Assessment Act 1979*, the Minister for Infrastructure and Planning is the consent authority for State significant development.

9 Notice of development applications to be given to councils

The consent authority, in respect of a development application to carry out development specified in Schedule 2 must forward a copy of the development application:

- (a) to the Port Stephens Council if the development, or any part of it, is proposed to be carried out in that council's area, or
- (b) to the Newcastle City Council, if the development, or any part of it, is proposed to be carried out in that council's area,

or to both councils, as the case may require.

10 Additional matters to be considered by consent authority

In determining a development application or an activity relating to land to which this Policy applies, the consent authority or determining authority must take into consideration such of the following matters as are of relevance:

- (a) the cumulative air and other environmental impacts of the development or activity and any other development in the vicinity of a development or activity to which this Policy applies,
- (b) the efficiency of the utilisation of resources, including energy, water and raw materials,

- (c) the minimisation and management of waste,
- (d) the minimisation of visual impacts, including the restoration of native vegetation,
- (e) the likely effects of the development on local and regional societies and economies,
- (f) the adequacy of consultation undertaken by the applicant or proponent with potentially affected land owners and communities,
- (g) minimisation of direct or indirect impacts to National Parks and Wildlife Service estate, Ramsar estate and other habitat for wildlife,
- (h) minimisation of direct or indirect impacts to natural and cultural heritage values, including important vegetation communities, threatened species and migratory species and key habitats and corridors,
- (i) the impact of the development or activity on the distribution of floodwater within the Hunter River estuary.

Schedule 1 Development permissible without consent
(Clause 6)

Development, undertaken by a public authority for the purposes of any of the following:

- (a) infrastructure (including roads, bridges, conveyors and railways) required for the movement of raw materials or finished products associated with development listed in Schedule 2,
- (b) port facilities (including ancillary dredging) associated with development listed in Schedule 2.

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Schedule 2 State significant development

Schedule 2 State significant development

(Clauses 7 and 8)

Development on land described in Column 1 for a purpose
described opposite the land in Column 2.

Column 1	Column 2
Land	Purpose of development
Lots 4,6,7 and 8, DP 37876 Lot 52, DP 577334 Lots 151, 152 and 153, DP 625755 Lot 161, DP 774440 Lot 11, DP 774442, Tomago Road, Tomago	A steelmaking facility, including earthworks associated with site preparation.

BY AUTHORITY