

1993—No. 125

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 34—
MAJOR EMPLOYMENT—GENERATING INDUSTRIAL
DEVELOPMENT**

NEW SOUTH WALES



[Published in Gazette No. 30 of 26 March 1993]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of section 39 of the Environmental Planning and Assessment Act 1979, has been pleased to make the State Environmental Planning Policy set forth hereunder in accordance with the recommendation made by the Minister for Planning.

ROBERT WEBSTER,
Minister for Planning.

Sydney, 25 March, 1993.

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 34—Major Employment—Generating Industrial Development.

Commencement

2. This Policy commences one month after the day on which it is published in the Gazette.

Aims, objectives etc.

3. The aims of this Policy are:

- to promote and co-ordinate the orderly and economic use and development of land and the economic welfare of the State; and
- to facilitate certain types of major employment-generating industrial development of State significance; and

- to facilitate the carrying out of labour intensive rural industrial development of State significance; and
- to achieve appropriate planning controls in respect of such development; and
- to provide for public participation and involvement in the assessment of applications for consent to carry out such development.

Definitions

4. In this Policy:

“**extractive materials**” means sand, gravel, clay, turf, soil, rock, stone or similar substances;

“**mineral**” means coal, oil shale and petroleum and any substance prescribed as a mineral under the Mining Act 1992;

“**processing**” includes manufacturing, formulating, producing, assembling, altering, making or transforming;

“**the Act**” means the Environmental Planning and Assessment Act 1979.

Land to which this Policy applies

5. This Policy applies to the State.

Relationship to other environmental planning instruments

6. Subject to section 74 (1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument (including State Environmental Planning Policy No. 30—Cattle Feedlots, but not including State Environmental Planning Policy No. 4—Development Without Consent), whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

Development to which this Policy applies

7. This Policy applies to development included in Schedule 1.

Consent authority

8. The consent authority for the purposes of development to which this Policy applies is the Minister for Planning.

Development consent required

9. (1) A person must not carry out development to which this Policy applies except with the consent of the consent authority.

(2) Nothing in this Policy authorises the carrying out of development if the carrying out of the development is not otherwise permitted, whether with or without development consent.

Advertising of development which is not designated

10. The provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development (not being designated development) to which this Policy applies in the same way as those provisions apply to and in respect of designated development.

Consultation with local councils

11. (1) The consent authority must give notice to a council of any application for consent to carry out any development to which this Policy applies which is proposed to be carried out in the council's area.

(2) The notice is to invite the council to make a submission to the consent authority in respect of the application and is to specify the manner in which and the period, being not less than 30 days, during which the submission may be made.

Consideration of submissions

12. In determining an application for consent to the carrying out of development to which this Policy applies, the consent authority must consider any submissions made pursuant to clause 10 or 11.

Transitional provision—applications made before the commencement of this Policy

13. This Policy does not apply to or in respect of:

- (a) the carrying out of an activity (within the meaning of Part 5 of the Act) for which approval was granted by a determining authority (within the meaning of that Part) before the commencement of this Policy, if the activity commences pursuant to that approval not later than 3 years after that commencement; or
- (b) an application for the approval of an activity (within the meaning of that Part), if the application was made at any time within 1 year before the commencement of this Policy to a determining authority (within the meaning of that Part) but had not been determined before the commencement of this Policy; or

- (c) the carrying out of an activity pursuant to such an approval, if the approval is granted and the activity commences pursuant to that approval not later than 3 years after the approval is granted; or
- (d) the carrying out of an activity exempted from the application of State Environmental Planning Policy No. 30—Cattle Feedlots by clause 3 (2) of that Policy; or
- (e) the determination of a development application which was made, but not determined, before the commencement of this Policy.

SCHEDULE 1—DEVELOPMENT TO WHICH THIS POLICY APPLIES

(Cl. 7)

Development:

- (a) which in the opinion of the consent authority:
 - (i) would, after the construction stage, employ 100 or more persons on a full-time basis (or such number of persons on some other basis as would be equivalent) or, in the case of intensive livestock operations, 20 or more persons on a full-time basis (or such number of persons on some other basis as would be equivalent); or
 - (ii) has a capital investment value of \$20 million or more (excluding land); and
- (b) which is of one or more of the following types or for the purpose of one or more of the following:
 - (i) intensive livestock operations, for example development for the purpose of cattle feedlots, piggeries, poultry sheds, abattoirs or slaughterhouses;
 - (ii) food or beverage processing, for example development for the purpose of dairy factories, breweries, distilleries, soft drink manufacture, bakeries, small goods manufacture, meat packing or boning plants, sugar mills, sugar refineries, grain mills, canning and bottling works, fruit juice works, cereal processing or margarine and edible oil processing;
 - (iii) timber, pulp or paper processing or printing, for example development for the purpose of sawmills, woodchipping, particle board manufacture, wood preservation, paper recycling plants, printing plants or cardboard and newsprint manufacture;

- (iv) agricultural produce processing, for example development for the purpose of cotton gins, tanneries, wool scouring, wool topping or distillation of essential oils;
 - (v) metals, minerals or extractive materials processing, for example development for the purpose of smelters, fabrication shops, brickworks, ceramic works, glassworks, tile manufacture, cement works, foundries, scrapmetal recycling, oil refineries or coal washeries;
 - (vi) mining;
 - (vii) chemical processing, such as processing of soap, detergent, pesticides, pharmaceuticals, cleaning agents, inorganic fertiliser, polymers, petrochemicals, solvent recycling, or development for the purpose of ammunition and explosives production or gas separation plants;
 - (viii) warehouse, distribution, storage or materials handling operations, where associated with raw materials or products of the above operations, for example development for the purpose of coal loaders, oil storage depots, bulk liquid storage facilities, bulk liquids wharves and terminals, chemical storage facilities or LPG storage facilities; and
- (c) which, except where ancillary or incidental to the above, is not:
- (i) cropping, harvesting, orcharding, horticulture or development for the purpose of plantations; or
 - (ii) quarrying or the obtaining of extractive material; or
 - (iii) extractive material crushing; or
 - (iv) development for the purpose of pipelines; or
 - (v) labelling and packaging; and
- (d) which is not:
- (i) tourist development; or
 - (ii) temporary agistment, carrying out animal feeding arrangements during a flood or drought, grazing or aquaculture; or
 - (iii) development for the purpose of a new coal mine that requires a mining lease under section 63 of the Mining Act 1992; or
 - (iv) offshore mining or offshore extraction of other resources; or
 - (v) mineral exploration; or
 - (vi) residential development; or
 - (vii) retail or commercial development.

NOTE
TABLE OF PROVISIONS

1. Citation
2. Commencement
3. Aims, objectives etc.
4. Definitions
5. Land to which this Policy applies
6. Relationship to other environmental planning instruments
7. Development to which this Policy applies
8. Consent authority
9. Development consent required
10. Advertising of development which is not designated
11. Consultation with local councils
12. Consideration of submissions
13. Transitional provision—applications made before the commencement of this Policy

SCHEDULE 1—DEVELOPMENT TO WHICH THIS POLICY APPLIES
