

1995—No. 131

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

RIVERINA REGIONAL ENVIRONMENTAL PLAN No. 1

NEW SOUTH WALES



[Published in Gazette No. 32 of 17 March 1995]

I, the Minister for Planning, in pursuance of section 51 of the Environmental Planning and Assessment Act 1979, make the regional environmental plan set out hereunder.

ROBERT WEBSTER,
Minister for Planning.

Sydney, 14 March 1995.

Citation

1. This plan may be cited as Riverina Regional Environmental Plan No. 1.

Aims, objectives etc.

2. The aim of this plan is to ensure that the land to which this plan applies is developed in a way which will preserve optimum operational capability of the Defence Communications Facility near Morundah in accordance with the recommendations in Australian Standard AS 3516.1—1988—Siting of Radiocommunications Facilities.

Land to which this plan applies

3. This plan applies to land within the local government areas of Lockhart, Urana and Narrandera shown edged heavy black on the map marked “Riverina Regional Environmental Plan No. 1”, except land shown cross hatched on that map. The map is deposited in the Queanbeyan office of the Department of Planning and a copy of it is deposited in the office of the council of each of those areas.

The land is part of the Riverina Region declared by the Minister by order published in Gazette No. 65 of 6 May 1994 at page 2081.

Interpretation

4. In this plan:

“**Defence Communications Facility**” means the buildings and equipment of the Defence Receiver Station established by the Commonwealth Department of Defence on the land shown cross hatched;

“**radio frequency interference**” means any source of electromagnetic emission which causes degradation to radio reception at the Defence Communications Facility and degrades the Facility’s optimum operational capability;

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

Relationship to other environmental planning instruments

5. (1) This plan prevails to the extent of any inconsistency between this plan and a local environmental plan or another regional environmental plan made before the commencement of this plan.

(2) Clauses 8 and 10 (1) (a) of State Environmental Planning Policy No. 4—Development Without Consent do not apply to land to which this plan applies.

Aims of this plan to be taken into consideration

6. (1) A consent authority must give consideration to the aim of this plan when determining a development application that relates to land to which this plan applies.

(2) A person (whether or not a public authority) must give consideration to the aim of this plan when proposing to carry out an activity that does not require development consent on land to which this plan applies.

(3) A council should give consideration to the aim of this plan when preparing a draft local environmental plan for land to which this plan applies.

Development likely to cause radio frequency interference

7. (1) A consent authority that is a council must not grant consent to the carrying out of any of the following development on land to which this plan applies without first obtaining the concurrence of the Director of Planning:

- (a) development for any purpose which involves equipment causing an electromagnetic emission to which Part 1 or 2 of Australian Standard—New Zealand Standard AS/NZS 2064: 1992—Limits and methods of measurement of electromagnetic disturbance, characteristics of industrial, scientific and medical (ISM) radio-frequency equipment applies; or
 - (b) development for the purpose of an industry which emits radio frequency interference; or
 - (c) development of the purpose of permanent radio transmitters; or
 - (d) development for the purpose of power transmission lines of 132kv or greater; or
 - (e) development for the purpose of electric powered railways, excluding diesel electric; or
 - (f) development for the purpose of roadworks involving classified roads, as defined in the Roads Act 1993.
- (2) Before determining whether concurrence should be granted, the Director must:
- (a) serve notice of the proposed development on the Commonwealth Minister for Defence and consider any written comments received by the Director about the proposed development from that Minister or a nominee of that Minister within 30 days of service of the notice; and
 - (b) consider the effect of the proposed development on the optimum operational capability of the Defence Communications Facility; and
 - (c) consider the public interest.
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