



New South Wales

# **State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 5)**

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant 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. (S04/00310/PC)

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

## **State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 5)**

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area (Amendment No 5)*.

### **2 Aims of Policy**

The aims of this Policy are:

- (a) to allow a Precinct plan to be approved for certain land at Eastern Creek before an extraction and rehabilitation plan is prepared for that land, but to require regard to be had to an extraction and rehabilitation plan before consent is granted to development of that land, and
- (b) to update a note quoting a provision of a Regulation made under the *Environmental Planning and Assessment Act 1979* because the provision has been remade and altered.

### **3 Land to which Policy applies**

This Policy applies to land at Eastern Creek, comprised of Lot 2 DP 262213, Lot 1 DP 400697, Lot W DP 419612 and Lot 11 DP 558723.

### **4 Amendment of State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area**

*State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 12 Necessity for Precinct plan and sec 94B contributions plan

Omit the note to the clause. Insert instead:

**Note.** Clause 271 of the *Environmental Planning and Assessment Regulation 2000* provides as follows:

**271 Precinct plans and section 94B contributions plans under SEPP 59**

- (1) Pursuant to section 80 (11) of the Act, a development application in respect of land within a Precinct within the meaning of *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* must not be determined by the consent authority unless the following plans have been prepared for the land:
  - (a) a Precinct plan within the meaning of that Policy, and
  - (b) a contributions plan under section 94B of the Act.
- (2) Despite subclause (1), a consent authority may dispense with the need for the plans referred to in that subclause if:
  - (a) the development application is, in the opinion of the consent authority, of a minor nature, or
  - (b) the development application relates to quarrying or associated activities within the Greystanes Precinct within the meaning of *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area*, and the development the subject of the application will not, in the opinion of the consent authority, prevent the attainment of the zoning objectives under that Policy for the land, or
  - (c) the developer has entered into an agreement with the consent authority that makes adequate provision with respect to the matters that may be the subject of those plans, or
  - (d) the development application relates to land zoned "Employment" under *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* and the proposed development consists of:
    - (i) the erection of a building or the carrying out of a work on the land for the purpose of any land use that was being lawfully carried out on the land immediately before the commencement of this Regulation, or
    - (ii) the enlargement, expansion or intensification of any such land use, or

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Schedule 1 Amendments

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- (e) the development application relates to land zoned “Employment” under *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* and the proposed development consists of a subdivision:
  - (i) that relates to a single lot that existed at the commencement of this Regulation, and
  - (ii) that does not result in more than one additional lot being created, and
  - (iii) that does not dedicate land as a public road, or
- (f) the development is in the St Bartholomews Precinct as shown by distinctive colouring on Sheet 3 of the map referred to in *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area*.

### [2] Clause 18 Approval of draft Precinct plan

Insert after clause 18 (4):

- (5) An extraction and rehabilitation plan referred to in Schedule 1 need not be prepared for land at Eastern Creek comprised of Lot 2 DP 262213, Lot 1 DP 400697, Lot W DP 419612 and Lot 11 DP 558723 before a Precinct plan is approved for that land, but the consent authority is to have regard to such an extraction and rehabilitation plan before granting consent to any development on that land.

BY AUTHORITY

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