



New South Wales

State Environmental Planning Policy (Major Projects) (Amendment No 15)

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 Planning. (S07/00340-1)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 234

Clause 1 State Environmental Planning Policy (Major Projects) (Amendment No 15)

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under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) (Amendment No 15)*.

2 Aims of Policy

The aims of this Policy are:

- (a) to make the land to which this Policy applies a State significant site, and
- (b) to establish appropriate zoning and other development controls for that land, and
- (c) to zone parts of that land for industrial development and for an infrastructure corridor, and
- (d) to protect within an environmental conservation zone those parts of that land identified as having high conservation values, and
- (e) to identify development on that land that is development to which Part 3A of the Act applies.

3 Land to which Policy applies

This Policy applies to the land shown edged heavy black on Map 8 in Schedule 3 to *State Environmental Planning Policy (Major Projects) 2005* (to be inserted by Schedule 1 [2] to this Policy).

4 Relationship to other environmental planning instruments

- (1) *State Environmental Planning Policy (Major Projects) 2005* is amended as set out in Schedule 1.
- (2) *State Environmental Planning Policy No 14—Coastal Wetlands* is amended by inserting after clause 4 (2):
 - (3) This policy does not apply to the land shown edged heavy black on Map 8 in Schedule 3 to *State Environmental Planning Policy (Major Projects) 2005*.

- (3) *State Environmental Planning Policy No 74—Newcastle Port and Employment Lands* is repealed.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Schedule 3 State significant sites

Insert in appropriate order:

Part 10 Tomago Industrial site

Division 1 Preliminary

1 Land to which Part applies

This Part applies to the land shown edged heavy black on Map 8 to this Schedule referred to in this Schedule as the *Tomago Industrial site*.

2 Interpretation

A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Part.

3 Consent authority

For the purposes of this Part:

- (a) the consent authority for development on land within that part of the Tomago Industrial site that is within Newcastle local government area is the Council of the City of Newcastle, and
- (b) the consent authority for development on land within that part of the Tomago Industrial site that is within Port Stephens local government area is the Council of Port Stephens.

4 Maps

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.

- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

Division 2 Part 3A projects

5 Part 3A projects

- (1) Such development within the Tomago Industrial site as has a capital investment value of more than \$5 million, other than development for the purposes of a public utility undertaking.
- (2) Subdivision of land within the Tomago Industrial site, other than a strata title subdivision, a community title subdivision, or a subdivision for any one or more of the following purposes:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

Division 3 Provisions applying to development within Tomago Industrial site

6 Application of Division

This Division applies with respect to any development within the Tomago Industrial site and so applies whether or not the development is a project to which Part 3A of the Act applies.

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Schedule 1 Amendments

7 Land use zones

- (1) For the purposes of this Policy, land within the Tomago Industrial site is in a zone as follows if the land is shown on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 15)—Zoning Map” as being within that zone:
 - (a) Zone IN1 General Industrial,
 - (b) Zone SP2 Infrastructure,
 - (c) Zone E2 Environmental Conservation.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

8 Zone IN1 General Industrial

- (1) The objectives of Zone IN1 General Industrial are as follows:
 - (a) to provide for a wide range of industrial, warehouse and related land uses,
 - (b) to provide suitable areas for those industries that need to be separated from other land uses,
 - (c) to encourage employment opportunities,
 - (d) to minimise any adverse effect of industry on other land uses and the environment,
 - (e) to enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- (2) Development for any of the following purposes is permitted without consent within Zone IN1 General Industrial:
environmental protection works.
- (3) Development for any of the following purposes is permitted with consent within Zone IN1 General Industrial:
aquaculture; boat construction facilities; boat repair facilities; boat launching ramps; commercial port facilities; depots; drainage; earthworks; educational establishments; fill; freight transport facilities; hazardous industries; hazardous storage establishments; heavy industries; jetties; light industries; marinas; materials recycling or recovery centres; offensive industries; offensive storage establishments; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouses or distribution centres; waste management facilities.

- (4) Except as otherwise provided by this Policy, development is prohibited within Zone IN1 General Industrial unless it is permitted by subclause (2) or (3).

9 Zone SP2 Infrastructure

- (1) The objectives of Zone SP2 Infrastructure are as follows:
- (a) to provide for infrastructure and related land uses,
 - (b) to prevent development that is not compatible with or that may detract from the provision of infrastructure,
 - (c) to minimise any adverse effect of infrastructure on other land uses and the environment.
- (2) Development for any of the following purposes is permitted without consent within Zone SP2 Infrastructure:
environmental protection works.
- (3) Development for any of the following purposes is permitted with consent within Zone SP2 Infrastructure:
infrastructure (including railways, roads, conveyors, electricity transmission and distribution lines, gas pipelines, water pipelines, stormwater systems, flood management facilities, sewerage systems and telecommunications facilities), except if it is for the purposes of a public utility undertaking and is carried out by or on behalf of a public authority.
- (4) Except as otherwise provided by this Policy, development is prohibited within Zone SP2 Infrastructure unless it is permitted by subclause (2) or (3).

10 Zone E2 Environmental Conservation

- (1) The objectives of Zone E2 Environmental Conservation are as follows:
- (a) to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values,
 - (b) to prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- (2) Development for any of the following purposes is permitted without consent within Zone E2 Environmental Conservation:
environmental protection works.
- (3) Development for any of the following purposes is permitted with consent within Zone E2 Environmental Conservation:
information and education facility.

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Schedule 1 Amendments

- (4) Except as otherwise provided by this Policy, development is prohibited within Zone E2 Environmental Conservation unless it is permitted by subclause (2) or (3).

11 Public utility undertakings

- (1) Development for the purposes of public utility undertakings that is carried out on land within the Tomago Industrial site does not require development consent.
- (2) Subclause (1) does not apply to development for which development consent is required by clause 9 (3).

12 Subdivision—consent requirements

- (1) Land within the Tomago Industrial site may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
- (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

Division 4 Miscellaneous

13 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to the Tomago Industrial site are all other State environmental planning policies.

14 Notice of development applications to be given to councils

The Director-General, in respect of an application to carry out development within the Tomago Industrial site that is a project to which Part 3A of the Act applies, must forward a copy of the 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.

15 Exempt and complying development

Development within the Tomago Industrial site that satisfies the requirements for exempt development or complying development specified in Port Stephens Council's *Development Control Plan PS8—Guidelines for Exempt and Complying Development*, adopted by the Port Stephens Council on 24 February 2003 and as in force at the commencement of this clause, is exempt development or complying development, as appropriate.

16 Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land within the Tomago Industrial site to be carried out in accordance with this Policy or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1) and (2).

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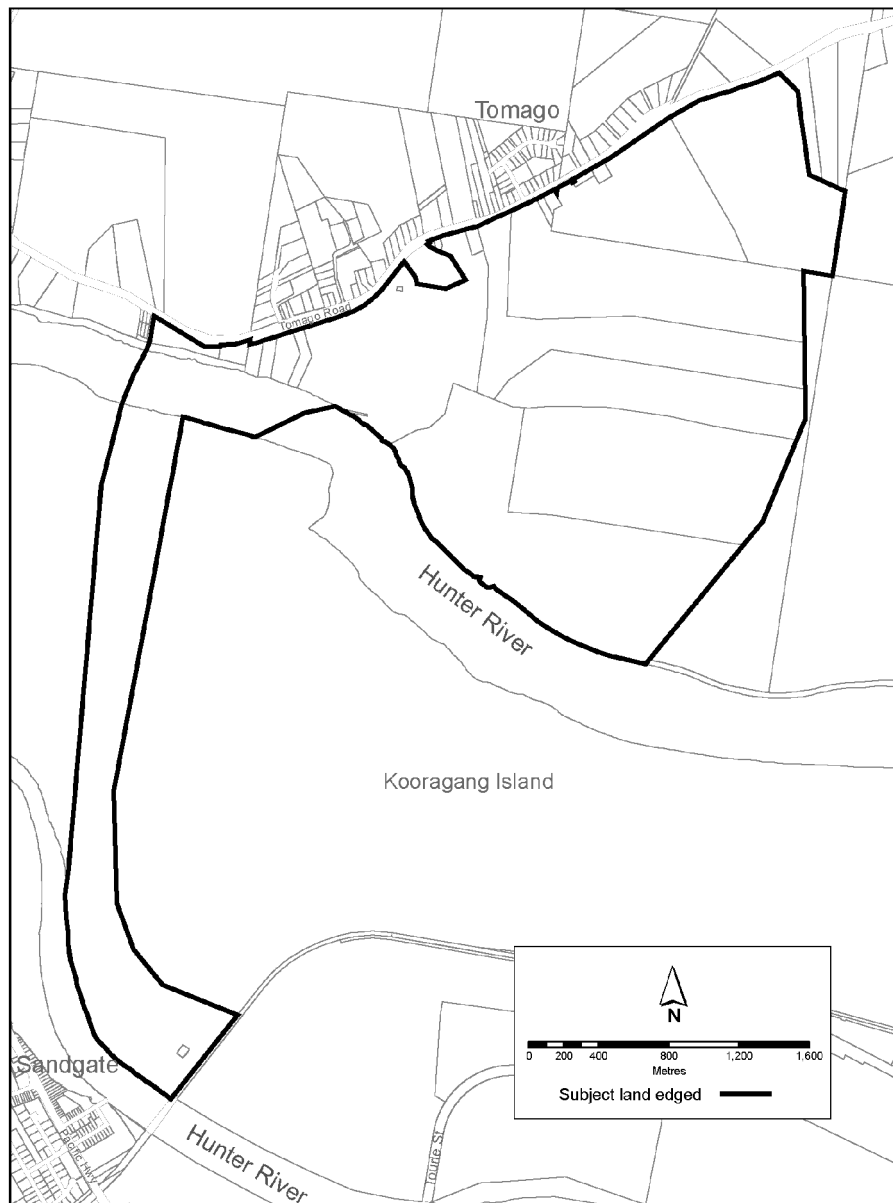
State Environmental Planning Policy (Major Projects) (Amendment No 15)

Schedule 1 Amendments

[2] Schedule 3

Insert in appropriate order:

Map 8—Schedule 3—Tomago Industrial site



BY AUTHORITY