



New South Wales

State Environmental Planning Policy Amendment (Sydney Regional Environmental Plan No 30—St Marys) 2020

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*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Sydney Regional Environmental Plan No 30—St Marys) 2020*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed on the day following the day on which this Policy commences.

Schedule 1 Amendment of Sydney Regional Environmental Plan No 30—St Marys

[1] Clause 45A

Insert after clause 45—

45A Subdivision for residential purposes

The consent authority must not grant consent to the subdivision of land for residential purposes within the Central Precinct unless the consent authority is satisfied that—

- (a) a range of dwelling types is provided for within the Precinct, and
- (b) the total number of dwellings within the Precinct will not exceed 2,000 dwellings.

[2] Clauses 62C–62F

Insert after clause 62B—

62C Concurrence of Planning Secretary—intensive urban development

- (1) This clause applies to development—
 - (a) on land in an intensive urban development area, and
 - (b) that results in an increase in the number of dwellings on the land.
- (2) Development consent must not be granted to the development unless the consent authority has obtained the concurrence of the Planning Secretary.
- (3) In deciding whether to grant concurrence, the Planning Secretary must consider the following—
 - (a) the impact of the development on—
 - (i) existing designated State public infrastructure, and
 - (ii) the need for additional designated State public infrastructure.
 - (b) the cumulative impact of the development with other development that has been, or is likely to be, carried out in the intensive urban development area on—
 - (i) existing designated State public infrastructure, and
 - (ii) the need for additional designated State public infrastructure,
 - (c) the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into that contributes to designated State public infrastructure.
- (4) This clause does not apply to development on land if all or part of the land is in a special contributions area to which a determination under section 7.23 of the Act applies.

62D Public utility infrastructure

- (1) Development consent must not be granted for development on land in an intensive urban development area unless the consent authority is satisfied that—
 - (a) public utility infrastructure that is essential for the development is available, or
 - (b) the public utility infrastructure will be available when required.

- (2) In this clause—
public utility infrastructure includes infrastructure for the following—
- (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

62E Emergency evacuation management plan

- (1) The object of this clause is to ensure that provision is made for the safe evacuation of residents of the Central Precinct in an emergency.
- (2) Development consent must not be granted to the subdivision of land in the Central Precinct unless the consent authority is satisfied that—
 - (a) an emergency evacuation management plan will be prepared in consultation with the relevant Local Emergency Management Committee under the *State Emergency and Rescue Management Act 1989*, and
 - (b) the plan will be prepared and implemented before the land is used for residential purposes, and
 - (c) the plan will adequately provide for the safe evacuation of persons residing in the Central Precinct in an emergency.

62F Subsidence risk

- (1) The objectives of this clause are to ensure that development in areas of subsidence risk—
 - (a) does not disturb the underlying geotechnical conditions of the land, and
 - (b) is restricted on unsuitable land, and
 - (c) does not endanger life or property.
- (2) This clause applies to land shown as “Subsidence Risk Area” on the Zoning Map.
- (3) Before determining a development application for specified development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development is responsive to the risk of subsidence—
 - (a) the development’s design and construction methods,
 - (b) the specific geotechnical constraints of the site,
 - (c) wastewater management, stormwater and drainage across the site.
- (4) Development consent must not be granted to specified development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the development is designed, sited and will be managed to avoid any significant adverse impact on the development and the land surrounding the development, and
 - (b) the consent authority is satisfied that the development will appropriately manage wastewater, stormwater and drainage across the site so as to not affect the rate, volume and quality of water leaving the land.
- (5) In this clause—
specified development means—
 - (a) development under clause 20(4), 45 or 50, or

- (b) development for any of the following purposes—
 - (i) community facilities,
 - (ii) drains,
 - (iii) essential community services,
 - (iv) flood mitigation works,
 - (v) parks,
 - (vi) recreation facilities,
 - (vii) public roads or private roads within the meaning of the *Roads Act 1993*, and including classified roads.

[3] Schedule 1 Definitions

Insert in alphabetical order—

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) social infrastructure and facilities, including schools, hospitals, emergency services and affordable housing.

intensive urban development area means the area of land identified as “Intensive Urban Development Area” on the Zoning Map.

[4] Schedule 1, definition of “the Heritage Map”

Insert in appropriate order in the note to the definition—

Sydney Regional Environmental Plan No 30—St Marys—Non
Aboriginal Items of Heritage (Amendment No 3)

[5] Schedule 1, definition of “the Structure Plan”

Insert in appropriate order in the note to the definition—

Sydney Regional Environmental Plan No 30—St Marys—Structure
Plan (Amendment No 3)

[6] Schedule 1, definition of “the Zoning Map”

Insert in appropriate order in the note to the definition—

Sydney Regional Environmental Plan No 30—St Marys—Zoning
(Amendment No 3)