

State Environmental Planning Policy (Major Projects) 2005

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New South Wales

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State Environmental Planning Policy (State Significant Development) 2005

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New South Wales

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State Environmental Planning Policy (Major Projects) 2005



New South Wales

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005*.

2 Aims of Policy

The aims of this Policy are as follows:

- (a) to identify development to which the development assessment and approval process under Part 3A of the Act applies,
- (b) to identify any such development that is a critical infrastructure project for the purposes of Part 3A of the Act,
- (c) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant sites for the benefit of the State,
- (d) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes,
- (e) to rationalise and clarify the provisions making the Minister the approval authority for development and sites of State significance, and to keep those provisions under review so that the approval process is devolved to councils when State planning objectives have been achieved.

3 Definitions and key concepts

(1) In this Policy:

environmentally sensitive area of State significance means:

- (a) coastal waters of the State, or
- (b) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or

State Environmental Planning Policy No 26—Littoral Rainforests applies, or

- (c) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*, or
- (d) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention, or
- (e) land identified in an environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or
- (f) land reserved as a State conservation area under the *National Parks and Wildlife Act 1974*, or
- (g) land, places, buildings or structures listed on the State Heritage Register, or
- (h) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (i) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

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

(2) For the purposes of this Policy:

- (a) the **capital investment value** of development includes all costs necessary to establish and operate the development, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment (but excluding land costs), and
- (b) the **employment** of people by development means the average number of workers (calculated on a full-time equivalent basis) that will be employed to operate the development in any one year (other than construction workers employed to establish the development).

(3) Notes included in this Policy do not form part of this Policy.

4 Land to which Policy applies

This Policy applies to the State.

5 Relationship to other environmental planning instruments

Subject to section 74 (1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

6 Identification of Part 3A projects

- (1) Development that, in the opinion of the Minister, is development of a kind:
 - (a) that is described in Schedule 1 or 2, or
 - (b) that is described in Schedule 3 as a project to which Part 3A of the Act applies, or
 - (c) to the extent that it is not otherwise described in Schedules 1-3, that is described in Schedule 5,is declared to be a project to which Part 3A of the Act applies.
- (2) However, any such development does not become a project to which Part 3A of the Act applies by the operation of subclause (1) if:
 - (a) the carrying out of that development has been authorised by a consent that is in force under Part 4 of the Act before development of that kind is declared under subclause (1), or
 - (b) the development is an activity within the meaning of Part 5 of the Act and the following provisions apply in relation to the activity:
 - (i) the determining authority for the activity has, before 1 August 2005, complied with the requirements of Divisions 2 and 3 of Part 5 of the Act in relation to the activity,
 - (ii) the activity is not an activity in respect of which the Minister's approval was required under Division 4 of Part 5 of the Act (as in force before its repeal by Schedule 1 to the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*),
 - (iii) the activity is physically commenced before 1 August 2006, or
 - (c) the Act or the regulations under the Act provide that Part 3A of the Act does not apply to the carrying out of that development (or to the determination of a pending development application under Part 4 of the Act with respect to that development).
- (3) If, after the commencement of Part 3A of the Act:
 - (a) any class of development that was not a project to which that Part applies becomes such a project because of an amendment to this Policy (or because of a change in the application of a provision of this Policy), and
 - (b) a development application in respect of any particular development within that class of development was pending on the commencement of that amendment or change,

that particular development does not become such a project by the operation of subclause (1) unless the application is withdrawn or the Minister so directs.

Notes—

1. Under section 75B of the Act, development may be declared by a State Environmental Planning Policy or Ministerial Order to be a project to which Part 3A applies.
2. The Minister is the approving authority for such projects and they are generally excluded from Parts 4 and 5 of the Act.
3. Section 75R of the Act limits the application of environmental planning instruments in relation to approved projects, but any prohibition on development imposed by any such instrument continues to apply to any project other than a critical infrastructure project.
4. Schedule 6 to the Act provides that Part 3A of the Act does not apply to the determination of a development application for State significant development that is pending on the commencement of that Part and is not withdrawn by the applicant).

6A Identification of projects as critical infrastructure projects

Development that, in the opinion of the Minister, is described in Schedule 5, is also declared to be a critical infrastructure project.

Note—

Under section 75C of the Act, projects to which Part 3A apply may also be declared to be critical infrastructure projects to which additional provisions in Part 3A apply. When inserted into this Policy, Schedule 5 did not contain the description of any project.

6B Continuation of and limitations on existing lawful uses

- (1) The declaration of development by this Policy to be a project to which Part 3A of the Act applies does not operate so as to require an approval under that Part to be obtained for the continuance of a use of a building, work or land for a lawful purpose for which it was being used immediately before the declaration took effect.
- (2) Nothing in subclause (1) authorises:
 - (a) any alteration or extension to or rebuilding of a building or work, or
 - (b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into effect of the declaration concerned, or
 - (c) without affecting paragraph (a) or (b), any enlargement or expansion or intensification of the use, or
 - (d) the continuance of the use in breach of any consent in force under the Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 80A (1) (b) of the Act, or
 - (e) the continuance of the use if it has been abandoned.

- (3) Without limiting the generality of subclause (2) (e), a use is presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.

7 State significant sites

- (1) Schedule 3 describes State significant sites, including development on those sites that is a project to which Part 3A of the Act applies.
- (2) The provisions in Schedule 3 relating to the carrying out of development on a State significant site have effect.

8 Procedure for addition of new State significant sites

- (1) For the purposes of considering a proposed amendment to Schedule 3, the Minister may initiate an investigation into the proposal by requiring the Director-General to undertake a study or to make arrangements for a study to be undertaken for the purpose of determining:
 - (a) whether any development on the site should be declared to be a project to which Part 3A of the Act applies, and
 - (b) the appropriate development controls for the site.
- (2) Any such study is to assess:
 - (a) the State or regional planning significance of the site, and
 - (b) the suitability of the site for any proposed land use taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any State or regional planning strategy, and
 - (c) the implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning, and
 - (d) any other matters required by the Director-General.
- (3) The Director-General is to make arrangements for any such study to be publicly exhibited with an invitation to the public to make written submissions.
- (4) The Minister may direct that an inquiry be held as part of the investigation into a potential State significant site.
- (5) The Director-General is to provide the Minister with a copy of any such study and any recommendations relating to it.
- (6) This clause does not preclude an amendment of Schedule 3 without compliance with this clause.

9 (Repealed)

9A Development for which Minister consent authority under Part 4

- (1) The Minister is the consent authority under Part 4 of the Act for any development requiring consent under that Part that, in the opinion of the Minister, is of a kind described in Schedule 6 and is not a project to which Part 3A of the Act applies.
- (2) However, the following development is exempt development if it is carried out on land identified on Map 16 to Schedule 2 (Redfern–Waterloo Authority Sites), is of minimal environmental impact and complies with the criteria set out in the guidelines prepared by the Redfern–Waterloo Authority (and approved by the Minister for Redfern Waterloo and made publicly available) for the purposes of this subclause:
 - (a) the temporary use of the land for community events that are open to the general public, including public gatherings, ceremonies, sporting events or outdoor exhibitions,
 - (b) the erection and use of temporary structures, having minimal visual impact, for the purposes of, or in connection with, any such community event.
- (3) The provisions in Schedule 6 relating to the carrying out of development described in that Schedule have effect.

10 Exclusion of certain exempt or complying development

- (1) If, but for this clause:
 - (a) particular development would be a project to which Part 3A of the Act applies because of this Policy, and
 - (b) an environmental planning instrument (whether made before or after this Policy takes effect) provides that the particular development is exempt or complying development, and
 - (c) the particular development is not carried out as part of or in conjunction with other development that is a project to which Part 3A applies,the particular development is not such a project, despite clauses 6 and 6A.
- (2) If, but for this clause:
 - (a) particular development would be development for which the Minister is the consent authority because of clause 9A, and
 - (b) an environmental planning instrument (whether made before or after this Policy takes effect) provides that the particular development is exempt or complying development, and

(c) the particular development is not carried out as part of or in conjunction with other development for which the Minister is the consent authority,

the Minister is not the consent authority for the particular development, despite clause 9A.

11 Subdivision certificates for Part 3A projects

Subject to section 75S of the Act, a subdivision certificate may be issued by an accredited certifier for a subdivision that is a project to which Part 3A of the Act applies in accordance with section 109D (1) (d) (iv) of the Act.

12 Walsh Bay—designated consent authority

(1) This Policy terminates the powers and functions of the Minister administering the *Walsh Bay Development (Special Provisions) Act 1999* as the consent authority under the *Environmental Planning and Assessment Act 1979* for development at Walsh Bay and appoints as the consent authority for that development:

(a) in the case of development that continues to be dealt with under the Act as State significant development—the Minister designated as the consent authority for that development by section 76A of the *Environmental Planning and Assessment Act 1979*, or

(b) in the case of any other development—the Council of the City of Sydney.

(2) This clause does not affect the operation of Part 3A of the Act in relation any development at Walsh Bay that is a project to which that Part applies.

Note—

The above provision is authorised by section 9 (3) of the *Walsh Bay Development (Special Provisions) Act 1999*.

13 (Repealed)

14 Transitional provisions

(1) If, immediately before the commencement of this Policy on 25 May 2005:

(a) a development application in respect of any development had been made but not finally determined, and

(b) the development was not State significant development,

this Policy (as in force on that commencement) does not apply to or in respect of the determination of that development application.

(2) If, immediately before the commencement of this Policy on 25 May 2005:

(a) a development application in respect of any development had been made but not

finally determined, and

(b) the development was State significant development,

this Policy (as in force on that commencement) applies to and in respect of the determination of that development application.

(3) Subclauses (1) and (2) are subject to the provisions of Part 3A of the Act and the regulations made under the Act for the purposes of that Part.

(4) Subject to subclause (3), this Policy does not operate to make the carrying out of development for the purposes of a mine, as described in item 7 of Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980*, a project to which Part 3A of the Act applies if the carrying out of the development would be prohibited or require consent but for the authority conferred by:

(a) the adoption of clause 35 and that item of those Model Provisions under an environmental planning instrument applying to the land concerned, or

(b) a provision of an environmental planning instrument, applying to the land concerned, that has the same effect in relation to mines as clause 35 and that item of those Model Provisions.

(5) Subclause (4) ceases to have effect:

(a) in relation to development carried out underground—on 1 August 2010, or

(b) in any other case—on 1 August 2007.

(6) For the avoidance of any doubt, nothing in subclause (4) prevents an application to carry out development for the purposes of a mine from being made during the transitional period (as referred to in subclause (5)) for the type of development concerned.

15 Review of Policy

(1) The Minister must ensure that the provisions of this Policy are reviewed:

(a) as soon as practicable after the first anniversary of the commencement of Part 3A of the Act, and

(b) at least every 5 years thereafter,

to ensure that the provisions continue to be appropriate for identifying Part 3A projects consistently with sections 75B and 75C of the Act.

(2) Any such review is to consider whether identified projects meet one or more of the following criteria:

- (a) the development is of regional or State economic importance in terms of a particular industry or infrastructure sector,
- (b) the development is of strategic significance in achieving State or regional planning, service delivery or economic development objectives,
- (c) the development is likely to set a precedent or is an emerging industry of strategic importance to the State,
- (d) the development is of region-wide or State-wide community interest,
- (e) the development is in need of an alternative consent authority arrangement:
 - (i) for added transparency because of potential conflicting interests, or
 - (ii) because more than one local council is likely to be affected or is the consent authority.

Schedule 1 Part 3A projects—classes of development

(Clause 6)

Group 1 Agriculture, timber, food and related industries

1 Intensive livestock industries

Development that employs 20 or more people for the purpose of feedlots, piggeries, poultry egg or meat production or dairies.

2 Aquaculture

- (1) Development that employs 20 or more people for the purpose of aquaculture.
- (2) Development for the purpose of aquaculture located in environmentally sensitive areas of State significance.

3 Agricultural produce industries and food and beverage processing

Development that employs 100 or more people or has a capital investment value of more than \$30 million for any of the following purposes:

- (a) abattoirs or meat packing, boning or products plants; milk or butter factories; fish packing, processing, canning or marketing facilities; animal or pet feed; gelatine plants; tanneries; wool scouring or topping; rendering plants, or
- (b) cotton gins; cotton seed mills; sugar mills; sugar refineries; grain mills or silo complexes; edible or essential oils processing; breweries; distilleries; ethanol plants; soft drink manufacture; fruit juice works; canning or bottling works; bakeries; small goods manufacture, cereal processing or margarine manufacturing, or

(c) organic fertiliser plants or composting facilities or works.

4 Timber milling, timber processing, paper or pulp processing

Development that employs 100 or more people or has a capital investment value of more than \$30 million for the purpose of:

- (a) milling plants, sawmills, wood-chipping or particle board manufacture, or
- (b) manufacture of paper, pulp, cardboard or newsprint, or
- (c) paper recycling, or
- (d) wood preservation, or
- (e) charcoal plants,

but not including development for the purpose of plantations (unless it is ancillary to other development).

Group 2 Mining, petroleum production, extractive industries and related industries

5 Mining

(1) Development for the purpose of mining that:

- (a) is coal or mineral sands mining, or
- (b) is in an environmentally sensitive area of State significance, or
- (c) has a capital investment value of more than \$30 million or employs 100 or more people.

(2) Extracting a bulk sample as part of resource appraisal or a trial mine comprising the extraction of more than 20,000 tonnes of coal or of any mineral ore.

(3) Development for the purpose of mining related works (including primary processing plants or facilities for storage, loading or transporting any mineral, ore or waste material) that:

- (a) is ancillary to or an extension of another Part 3A project, or
- (b) has a capital investment value of more than \$30 million or employs 100 or more people.

6 Petroleum (oil, gas and coal seam methane)

(1) Development for the purpose of drilling and operation of petroleum wells (including associated pipelines) that:

- (a) has a capital investment value of more than \$30 million or employs 100 or more people, or
 - (b) is in an environmentally sensitive area of State significance, or
 - (c) is in the local government areas of Camden, Wollondilly, Campbelltown City, Wollongong City, Wingecarribee, Gosford City, Wyong, Lake Macquarie City, Newcastle City, Maitland City, Cessnock City, Singleton or Muswellbrook, but only if the principal resource sought is coal seam methane.
- (2) Development for the purpose of petroleum related works (including processing plants) that:
- (a) is ancillary to or an extension of another Part 3A project, or
 - (b) has a capital investment value of more than \$30 million or employs 100 or more people.

7 Extractive Industries

- (1) Development for the purpose of extractive industry that:
- (a) extracts more than 200,000 tonnes of extractive materials per year, or
 - (b) extracts from a total resource (the subject of the development application) of more than 5 million tonnes, or
 - (c) extracts from an environmentally sensitive area of State significance.
- (2) Development for the purpose of extractive industry related works (including processing plants, water management systems, or facilities for storage, loading or transporting any construction material or waste material) that:
- (a) is ancillary to or an extension of another Part 3A project, or
 - (b) has a capital investment value of more than \$30 million.

8 Geosequestration

Development for the geosequestration of carbon dioxide.

9 Metal, mineral or extractive material processing

Development that has a capital investment value of more than \$30 million or employs 100 or more people for any of the following purposes:

- (a) metal or mineral refining or smelting; metal founding, rolling, drawing, extruding, coating, fabricating or manufacturing works; metal or mineral recycling or recovery,
- (b) brickworks, ceramic works, silicon or glassworks or tile manufacture,

- (c) cement works, concrete or bitumen pre-mix industries or related products,
- (d) building or construction materials recycling or recovery.

Group 3 Chemical, manufacturing and related industries

10 Chemical, manufacturing and related industries

- (1) Development that employs 100 or more people or with a capital investment value of more than \$20 million for the purpose of the manufacture or reprocessing of the following (excluding labelling or packaging):
 - (a) soap, detergent or cleaning agents,
 - (b) paints, ink, dyes, adhesives, solvents,
 - (c) pesticides or inorganic fertiliser,
 - (d) pharmaceuticals or veterinary products,
 - (e) ammunition or explosives,
 - (f) oils, fuels, gas, petrochemicals or precursors,
 - (g) polymers, plastics, rubber or tyres,
 - (h) batteries or carbon black.
- (2) Development with a capital investment value of more than \$20 million for the purpose of:
 - (a) bulk liquid storage facilities, or
 - (b) gas storage facilities, or
 - (c) chemical storage facilities.
- (3) Development for the purpose of the manufacture, storage or use of dangerous goods in such quantities that constitute the development as a major hazard facility under the *Control of Major Hazard Facilities National Standard [NOHSC: 1014 (2002)]*.

Group 4 Other manufacturing industries, distribution and storage facilities

11 Other manufacturing industries

Development that employs 100 or more people or with a capital investment value of more than \$30 million for the purpose of:

- (a) laboratory, research or development facilities, or

- (b) medical products, or
- (c) printing or publishing, or
- (d) textile, clothing, footwear or leather manufacturing, or
- (e) furniture manufacturing, or
- (f) machinery or equipment manufacturing, or
- (g) the vehicle, defence or aerospace industry, or
- (h) vessel or boat building.

12 Distribution and storage facilities

Development for the purpose of container storage facilities, or storage or distribution centres, with a capital investment value of more than \$30 million.

Group 5 Residential, commercial or retail projects

13 Residential, commercial or retail projects

- (1) Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives.
- (2) This clause does not apply to major development within the meaning of section 31 of the *City of Sydney Act 1988*.

Group 6 Tourism and recreational facilities

14 Marina facilities

- (1) Development for the purpose of marinas or other related land or water shoreline facilities that moor, berth or store vessels (excluding dinghies and other small craft) at fixed or floating berths, at freestanding moorings, alongside jetties or pontoons, within dry storage stacks or on cradles in hardstand areas and that:
 - (a) moor, berth or store more than 30 vessels in Sydney Harbour, Middle Harbour, North Harbour, Botany Bay, Port Hacking, Broken Bay or associated tidal waters, or
 - (b) moor, berth or store more than 80 vessels in other waters, or
 - (c) are located in environmentally sensitive areas of State significance,but excluding any development that, in the opinion of the Minister, is only of local environmental planning significance.
- (2) A reference in this clause to the number of vessels moored, berthed or stored includes

a reference (in the case of an existing facility) to the additional number of vessels moored, berthed or stored at the facility.

15 Major sporting facilities

- (1) Development for the purpose of a new sporting complex with a capital investment value of more than \$10 million on land to which *Sydney Regional Environmental Plan No 31—Regional Parklands* or *State Environmental Planning Policy No 29—Western Sydney Recreation Area* applies.
- (2) Development for the purpose of major sporting facilities that:
 - (a) has a capital investment value of more than \$30 million, or
 - (b) is listed in the *Sporting Venues Management Act 2002* and has a capital investment value of more than \$10 million.
- (3) Development for the purpose of a regional shooting complex where two or more shooting clubs or ranges within a defined region are consolidated into a single site.

16 Film, television, media or performing arts facilities

- (1) Development that employs 100 or more people or has a capital investment value of more than \$30 million for the purpose of film production, the television industry or the digital or recorded media.
- (2) Development for the purpose of new performing arts facilities with a capital investment value of more than \$30 million (excluding any development that the Minister determines is only of local environmental planning significance).

17 Tourist, convention and entertainment facilities

Development for the purpose of tourist related facilities, major convention and exhibition facilities or multi-use entertainment facilities that:

- (a) has a capital investment value of more than \$100 million, or
- (b) employs 100 or more people, or
- (c) has a capital investment value of more than \$5 million and is located in an environmentally sensitive area of State significance.

Group 7 Health and public service facilities

18 Hospitals

- (1) Development that has a capital investment value of more than \$15 million for the purpose of providing professional health care services to people admitted as in-patients (whether or not out-patients are also cared for or treated there), including

ancillary facilities for:

- (a) day surgery, day procedures or health consulting rooms, or
 - (b) accommodation for nurses or other health care workers, or
 - (c) accommodation for persons receiving health care or for their visitors, or
 - (d) shops or refreshment rooms, or
 - (e) transport of patients, including helipads and ambulance facilities, or
 - (f) educational purposes, or
 - (g) research purposes, whether or not they are used only by hospital staff or health care workers and whether or not any such use is a commercial use, or
 - (h) any other health-related use.
- (2) For the purposes of this clause, professional health care services include preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, care or counselling services provided by health care professionals.

19 Medical research and development facility

Development for the purpose of health, medical or related research (which may also be associated with the facilities or research activities of a NSW Government Area Health Service, a University or an independent medical research institute) and that:

- (a) has a capital investment value of more than \$15 million, or
- (b) employs 100 or more people.

20 Educational facilities

Development for the purpose of teaching or research (including universities, TAFE or schools) that has a capital investment value of more than \$30 million.

21 Correctional facilities

Development for the purpose of correctional facilities that:

- (a) has a capital investment value of more than \$30 million, or
- (b) employs 100 or more people, or
- (c) provides accommodation for an additional 100 or more persons.

Group 8 Transport, energy and water infrastructure

22 Port and wharf facilities

Development for the purpose of shipping berths or terminals or wharf-side facilities (and related infrastructure) that has a capital investment value of more than \$30 million.

23 Rail and related transport facilities

- (1) Development that has a capital investment value of more than \$30 million for the purpose of:
 - (a) heavy railway lines associated with mining, extractive industries or other industry, or
 - (b) railway freight facilities or inter-modal terminals.
- (2) Development within a railway corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million and that the Minister determines is of strategic State or regional planning significance, and is for the purpose of:
 - (a) commercial, residential or retail development, or
 - (b) container packing, storage or examination facility, or
 - (c) bus interchange development.

24 Electricity generation

Development for the purpose of an electricity generation facility that:

- (a) has a capital investment value of more than \$30 million for gas or coal-fired generation, or co-generation, or bioenergy, bio-fuels, waste gas, bio-digestion or waste to energy generation, or hydro or wave power generation, or solar power generation, or wind generation, or
- (b) (Repealed)
- (c) is located in an environmentally sensitive area of State significance.

25 Water supply works

- (1) Development for the purpose of water treatment works that has a capital investment value of more than \$30 million for drinking water supply.
- (2) Development for the purpose of desalination plants that has a capital investment value of more than \$10 million for drinking water supply.

26 Sewage and related waste water treatment plants

- (1) Development for the purpose of sewage and related waste water treatment plants for the treatment, storage or disposal of sewage effluent or other waste water that:
 - (a) handles more than 10,000 ep equivalent, or
 - (b) has a capital investment value of more than \$30 million, or
 - (c) is located in an environmentally sensitive area of State significance.
- (2) This clause does not apply to development if the proponent is a public authority.

Group 9 Resource and waste related industries

27 Resource recovery or waste facilities

- (1) Development for the purpose of regional putrescible landfills or an extension to a regional putrescible landfill that:
 - (a) has a capacity to receive more than 75,000 tonnes per year of putrescible waste, or
 - (b) has a capacity to receive more than 650,000 tonnes of putrescible waste over the life of the site, or
 - (c) is located in an environmentally sensitive area of State significance.
- (2) Development for the purpose of waste transfer stations in metropolitan areas of the Sydney region that handle more than 75,000 tonnes per year of waste.
- (3) Development for the purpose of resource recovery or recycling facilities that handle more than 75,000 tonnes per year of waste or have a capital investment value of more than \$30 million.
- (4) Development for the purpose of waste incineration that handles more than 1,000 tonnes per year of waste.
- (5) Development for the purpose of hazardous waste facilities that transfer, store or dispose of solid or liquid waste classified in the *Australian Dangerous Goods Code* or medical, cytotoxic or quarantine waste that handles more than 1,000 tonnes per year of waste.
- (6) Development for the purpose of any other liquid waste depot that treats, stores or disposes of industrial liquid waste and:
 - (a) handles more than 10,000 tonnes per year of liquid food or grease trap waste, or
 - (b) handles more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste.

28 Remediation of contaminated land

Development for the purpose of remediation of land on:

- (a) premises subject to a notice requiring prescribed remedial action to be taken under section 35 or section 36 of the *Environmentally Hazardous Chemicals Act 1985* (as continued in force by the *Contaminated Land Management Act 1997*), or
- (b) land declared as a remediation site under Division 3 of Part 3 of the *Contaminated Land Management Act 1997*.

Schedule 2 Part 3A projects—specified sites

(Clause 6)

1 Coastal areas

(1) Development within the coastal zone for any of the following purposes:

- (a) extractive industries,
- (b) landfill facilities,
- (c) mining that is designated development and that is wholly or partly in a sensitive coastal location,
- (d) marinas that are designated development and that are wholly or partly in a sensitive coastal location,
- (e) the following types of industries (other than mining or extractive industries) but only if they are:
 - (i) designated development, and
 - (ii) in the case of the metropolitan coastal zone—wholly or partly in a sensitive coastal location:

agricultural produce industries, bitumen pre-mix industries, breweries or distilleries, cement works, ceramic or glass industries, chemical industries or works, chemical storage facilities, composting facilities or works, contaminated soil treatment works, crushing, grinding or separating works, drum or container reconditioning works, electricity generating stations, livestock intensive industries, livestock processing industries, mineral processing or metallurgical works, paper, pulp or pulp products industries, petroleum works, wood or timber milling or processing works, or wood preservation works,
- (f) recreational or tourist facilities (other than internal refits of, or minor alterations or minor additions to, existing facilities):
 - (i) in the case of facilities wholly or partly in a sensitive coastal location outside

- the metropolitan coastal zone—that provide accommodation (or additional accommodation) for any number of persons, or
 - (ii) in the case of facilities wholly or partly in a sensitive coastal location in the metropolitan coastal zone—that provide accommodation (or additional accommodation) for 100 persons or more, or
 - (iii) in the case of facilities outside a sensitive coastal location that are not connected to an approved sewerage treatment work or system—that provide accommodation (or additional accommodation) for 25 persons or more,
- (g) buildings or structures (other than minor alterations or minor additions to existing buildings or structures) that are:
- (i) greater than 13 metres in height, in the case of buildings or structures wholly or partly within a sensitive coastal location, or
 - (ii) greater than 13 metres in height, in the case of buildings in other locations outside the metropolitan coastal zone,
- (h) subdivision of land where the future development created by the subdivision will not be connected to an approved sewage treatment work or system:
- (i) into more than 2 lots, if wholly or partly in a sensitive coastal location, or
 - (ii) into more than 5 lots if in other locations (or into a lesser number of lots if the land proposed to be subdivided and any adjoining or neighbouring land in the same ownership in other locations could be subdivided into more than 5 lots),
- (i) subdivision of land in a residential zone into more than 25 lots or in a rural/residential zone into more than 5 lots, but in the case of the metropolitan coastal zone only if the land is wholly or partly within a sensitive coastal location.

(2) This clause does not apply to:

- (a) development in relation to which, under another environmental planning instrument, development consent cannot be granted without the concurrence of the Minister or the Director-General, or
- (b) development in relation to which, under another environmental planning instrument, the Minister or the Director-General is the consent authority.

However, this clause continues to apply to development in relation to which, under:

- (a) *State Environmental Planning Policy No 1—Development Standards*, or
- (b) *State Environmental Planning Policy No 14—Coastal Wetlands*, or
- (c) *State Environmental Planning Policy No 26—Littoral Rainforests*,

development consent cannot be granted without the concurrence of the Director-General, whether or not the concurrence may be lawfully assumed.

- (3) For the purposes of this clause, development is not partly in a sensitive coastal location merely because part of the allotment on which it is carried out is in such a location if none of the development is actually carried out in such a location.
- (4) In this clause:

building does not include an aerial, chimney stack, mast, pole, receiving tower, silo, transmission tower, utility installation or ventilator.

coastal lake means a lake referred to in Schedule 1 to [State Environmental Planning Policy No 71—Coastal Protection](#).

coastal zone means the coastal zone within the meaning of the [Coastal Protection Act 1979](#).

extractive industry means obtaining extractive materials by methods including excavating, dredging, tunnelling or quarrying, or the storing, stockpiling or processing of extractive materials by methods including washing, crushing, sawing or separating.

height of a building or structure means the greatest height measured from any point on the building or structure to the natural ground level (being the ground level of the site as if the land comprising the site were undeveloped) immediately below that point.

landfill facility means a facility that is principally used for the disposal of waste by landfilling, whether or not it includes the recovery, processing or recycling of resources or the generation of energy from the capture and utilisation of methane, and includes regional putrescible landfill (being a landfill site that is used for the purposes of disposing of putrescible waste, or waste including putrescible waste, brought to the site from more than one local government area).

metropolitan coastal zone means that part of the coastal zone between the northern boundary of the local government area of Newcastle City and the southern boundary of Shellharbour City.

recreational or tourist facilities means facilities that provide accommodation, including hotels, motels, backpackers' accommodation, hostels, tourist resorts, holiday cabins, holiday units, serviced apartments, eco-tourism resorts, caravan parks, camping grounds, health farms, religious retreat houses, rest homes or youth camps, but does not include bed and breakfast establishments or farm stays.

sensitive coastal location means any of the following which occur within the coastal zone:

- (a) land within 100m above mean high water mark of the sea, a bay or an estuary,
- (b) a coastal lake,
- (c) a declared Ramsar wetland within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (d) a declared World Heritage property within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
- (e) land declared as an aquatic reserve under the *Fisheries Management Act 1994*,
- (f) land declared as a marine park under the *Marine Parks Act 1997*,
- (g) land within 100m of any of the following:
 - (i) the water's edge of a coastal lake,
 - (ii) land to which paragraph (c), (d), (e) or (f) applies,
 - (iii) land reserved under the *National Parks and Wildlife Act 1974*,
 - (iv) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies,
- (h) residential land (within the meaning of *State Environmental Planning Policy No 26—Littoral Rainforests*) that is within a distance of 100m from the outer edge of the heavy black line on the series of maps held in the Department and marked "State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)".

subdivision of land does not include a boundary adjustment, or a strata subdivision, or a community title subdivision associated with an approved development.

2 Chatswood Railway Interchange

Development within the area identified on Map 1 to this Schedule with a capital investment value of more than \$30 million.

3 (Repealed)

4 Kurnell

Industrial development within the area identified on Map 2 to this Schedule that is:

- (a) a facility that manufactures, stores or uses significant quantities of dangerous goods and meets the criteria in *State Environmental Planning Policy No 33—Hazardous and Offensive Development* of being potentially hazardous, or
- (b) a waste facility that meets the criteria in *State Environmental Planning Policy No*

33—Hazardous and Offensive Development of being potentially hazardous.

5 Newcastle—Honeysuckle

Development within the area identified on Map 3 to this Schedule that:

- (a) is a principal subdivision establishing major lots or public domain areas, or
- (b) is the remediation of contaminated land, or
- (c) is the creation of new roadways, or
- (d) is the creation of new foreshore public domain for the purpose of providing public access to the foreshore in an area under redevelopment, including seawalls, jetties, wharves, pontoons, boardwalks, landscaping, stormwater management or public domain elements (such as furniture, lighting or play equipment), but excluding maintenance, additions or alterations to a developed area, or
- (e) has a capital investment value of more than \$5 million.

6 Penrith Lakes

Development within the area identified on Map 4 to this Schedule for the purpose of extraction, rehabilitation or lake formation (including associated infrastructure located in or outside that area).

7 Port and Related Employment Lands

(1) **Botany** Development within the area identified on Map 5 to this Schedule for the purpose of:

- (a) a shipping berth, shipping terminal or associated building, structure or work, or
- (b) a facility that manufactures, stores or uses significant quantities of dangerous goods and meets the criteria in *State Environmental Planning Policy No 33—Hazardous and Offensive Development* of being potentially hazardous, or
- (c) a waste facility that meets the criteria in *State Environmental Planning Policy No 33—Hazardous and Offensive Development* of being potentially hazardous.

(2) **Sydney Harbour** Development within the area identified as Glebe Island, White Bay, Rozelle Bay and Blackwattle Bay on Maps 6A and 6B to this Schedule.

Note—

See *State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports*.

8 Rhodes Peninsula

Development within the area identified on Map 7 to this Schedule that:

- (a) is a principal subdivision establishing major lots or public domain areas, or
- (b) is the remediation of contaminated land, or
- (c) is the creation of new roadways, or
- (d) is the creation of new foreshore public domain for the purpose of providing public access to the foreshore in an area under redevelopment, including seawalls, boardwalks, landscaping, stormwater management or public domain elements (such as furniture, lighting or play equipment), but excluding maintenance, additions or alterations to a developed area, or
- (e) has a capital investment value of more than \$5 million.

9 Sydney—Fox Studios, Moore Park Showground and Sydney Cricket Grounds

Development within the area identified on Map 8 to this Schedule that:

- (a) is the subdivision of land (not including strata subdivision or boundary adjustments), or
- (b) has a capital investment value of more than \$5 million.

10 Sydney Harbour Foreshore Sites

(1) Development (with a capital investment value of more than \$5 million) within the area identified on the following maps to this Schedule:

- (a) Circular Quay—Map 9,
- (b) Rocks to Dawes Point—Map 9,
- (c) Walsh Bay—Wharf 2-3—Map 9,
- (d) East Darling Harbour—Wharfs 3-8—Map 9,
- (e) Darling Harbour—Map 9,
- (f) Banks Street precinct and Fish Markets—Map 9,
- (g) Sydney Casino Switching station site—Map 9.
- (h) (Repealed)

(2) Development within the area identified on the following maps to this Schedule:

- (a) Caltex Site, Ballast Point—Map 11,
- (b) Rozelle Marshalling Yard—Map 6A,
- (c) White Bay Power Station and Hotel Site—Map 6A,

excluding:

- (d) business identification signs, and
- (e) any use of existing premises or approved premises, or any change of use of those premises, and
- (f) fitouts and internal alterations of existing premises or approved premises, and
- (g) strata subdivisions of existing premises.

(3) Development that:

- (a) is subdivision of land (excluding strata subdivision and boundary adjustments), or
- (b) is remediation of contaminated land, or
- (c) is the creation of new foreshore public domain for the purpose of providing public access to the foreshore in an area under redevelopment, including seawalls, boardwalks, landscaping, stormwater management or public domain elements (such as furniture, lighting or play equipment) but excluding maintenance, additions or alterations to a developed area, or

(d) has a capital investment value of more than \$5 million,

within the area identified on the following maps to this Schedule:

- (e) ADI Site, Ryde—Map 12,
- (f) HMAS Platypus—Map 13,
- (g) Naval Stores Site, Ermington—Map 14,
- (h) Woolwich Defence Land—Map 15.

11 Taronga Zoo

Development at Taronga Zoo that has a capital investment value of more than \$5 million.

12 Australian Museum

Development at the Australian Museum that has a capital investment value of more than \$5 million.

13 Redfern-Waterloo Authority Sites

Development (with a capital investment value of more than \$5 million) within the area identified on Map 16 to this Schedule.

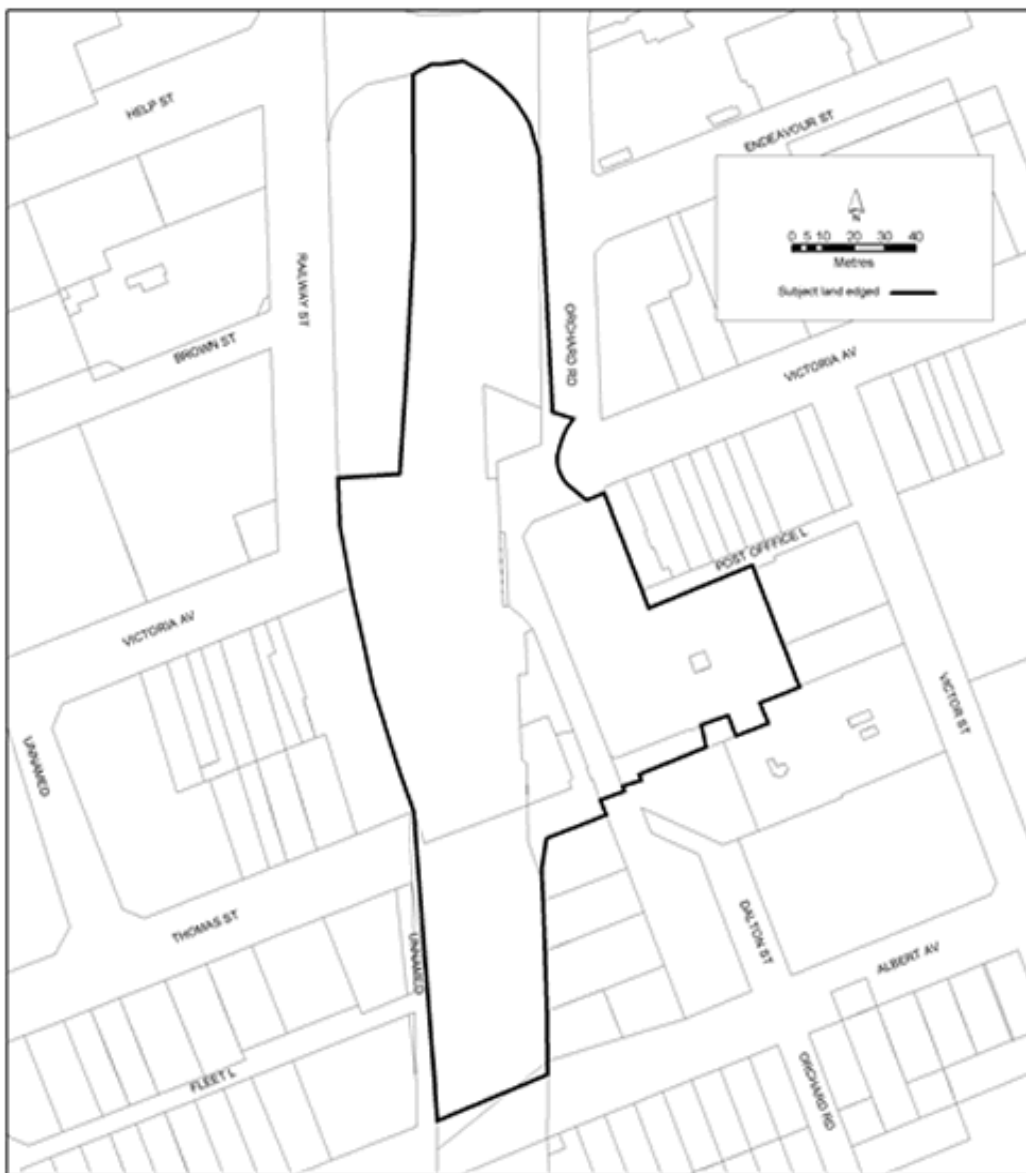
14 Sydney Olympic Park

Development (with a capital investment value of more than \$5 million) on land described in Schedule 1 to the *Sydney Olympic Park Authority Act 2001*.

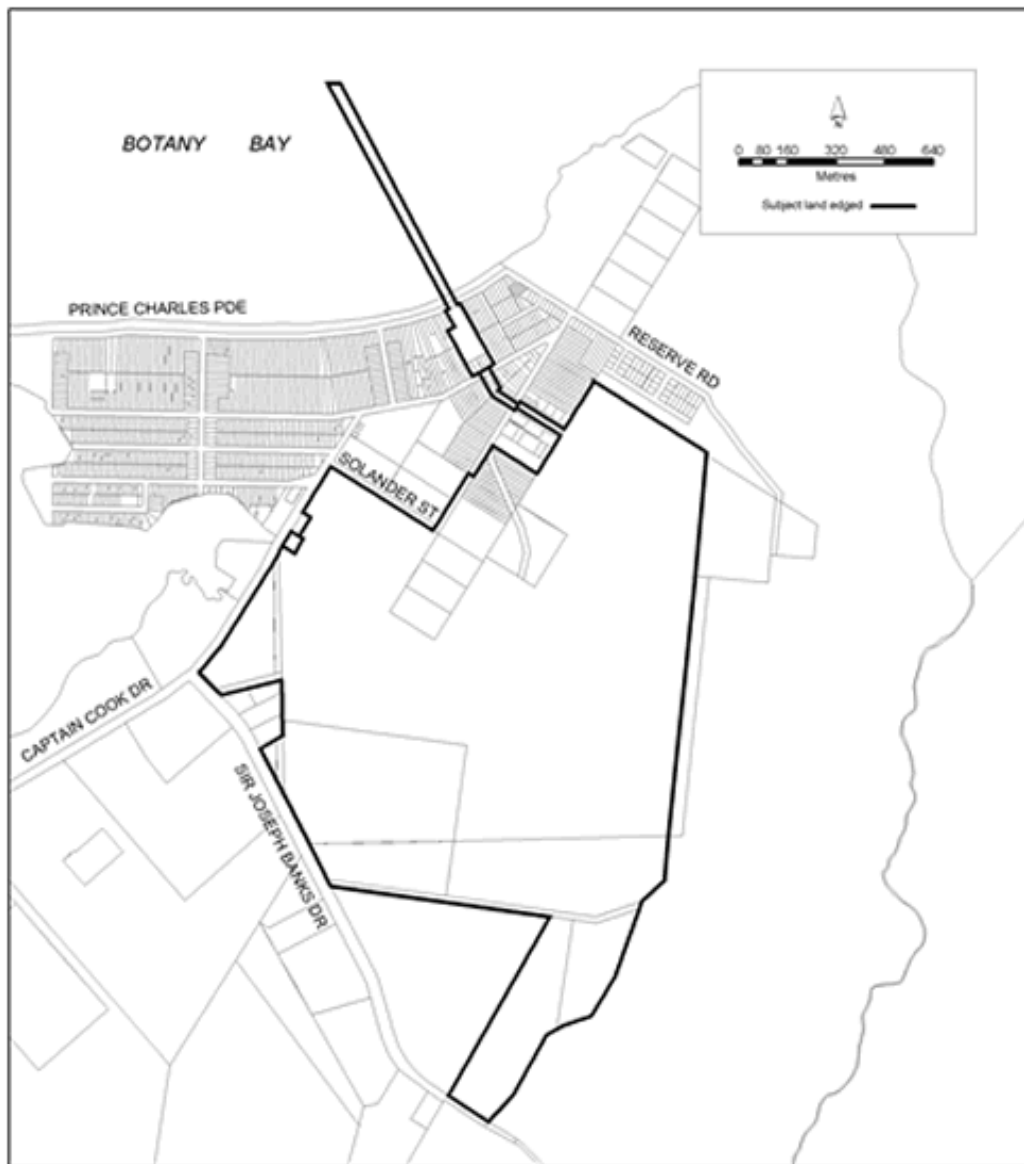
15 Housing in Ku-ring-gai

Development for the purpose of multi unit housing (including related subdivision and demolition including demolition of a heritage item) on sites in the area of Ku-ring-gai listed in Schedule 4 to *State Environmental Planning Policy No 53—Metropolitan Residential Development*.

Map 1—Schedule 2—Chatswood Railway Interchange



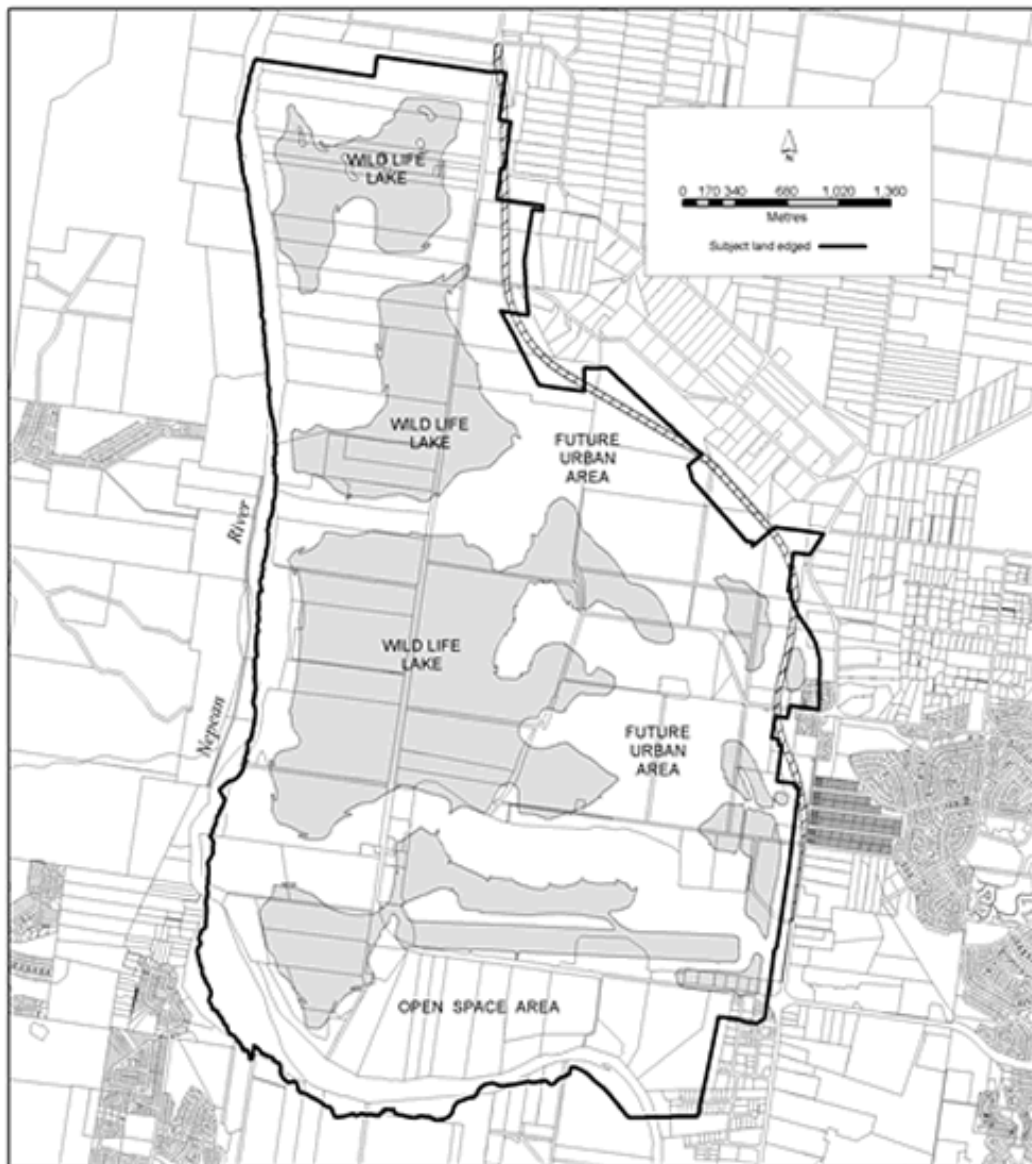
Map 2—Schedule 2—Kurnell



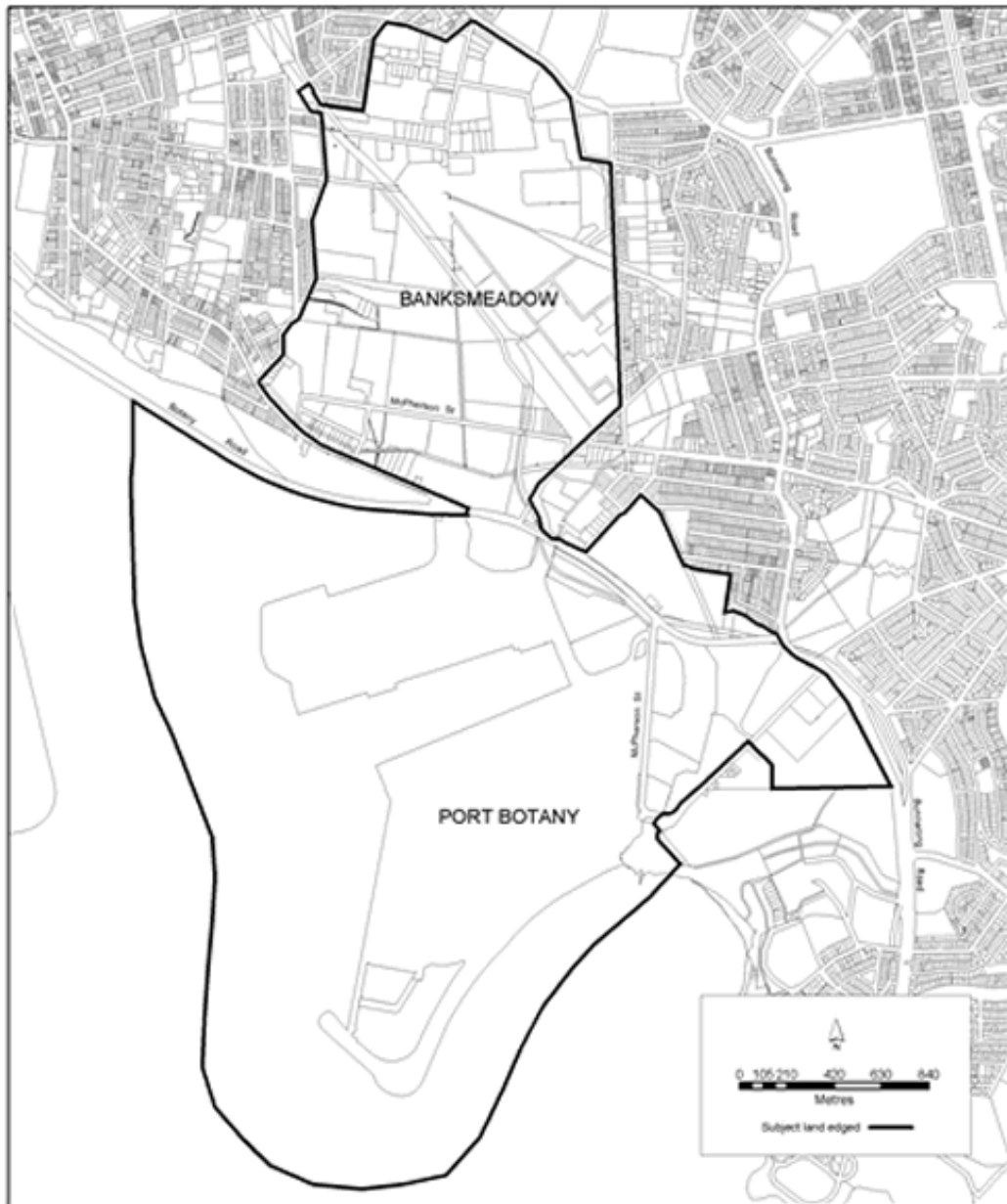
Map 3—Schedule 2—Newcastle—Honeysuckle



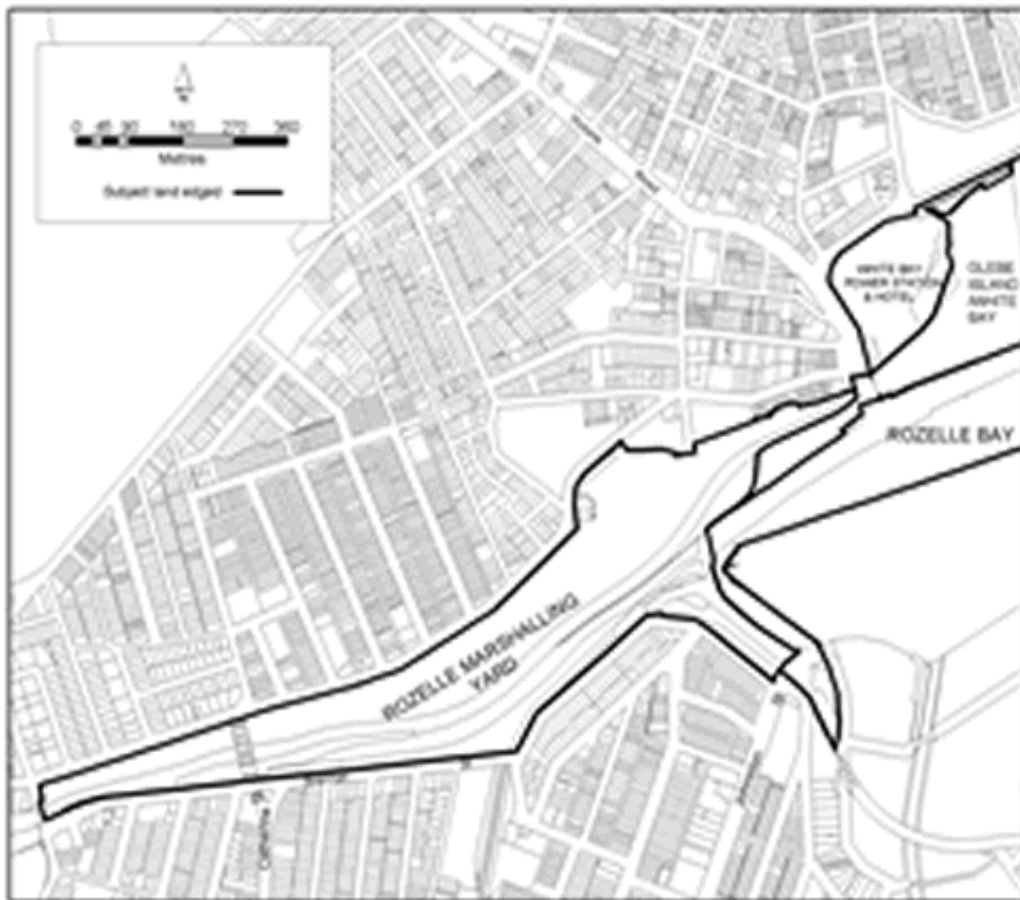
Map 4—Schedule 2—Penrith Lakes



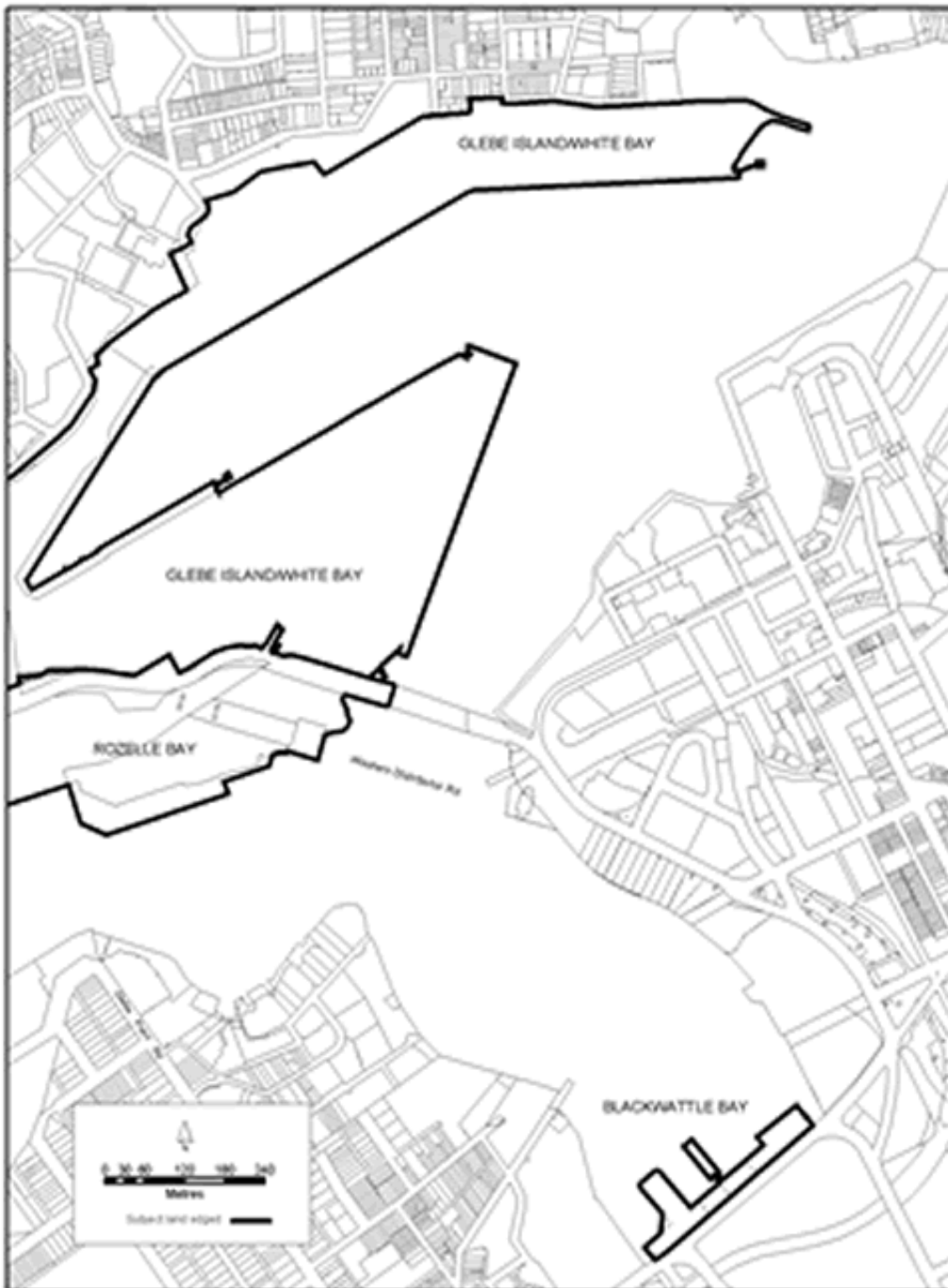
Map 5—Schedule 2—Port and Related Employment Lands



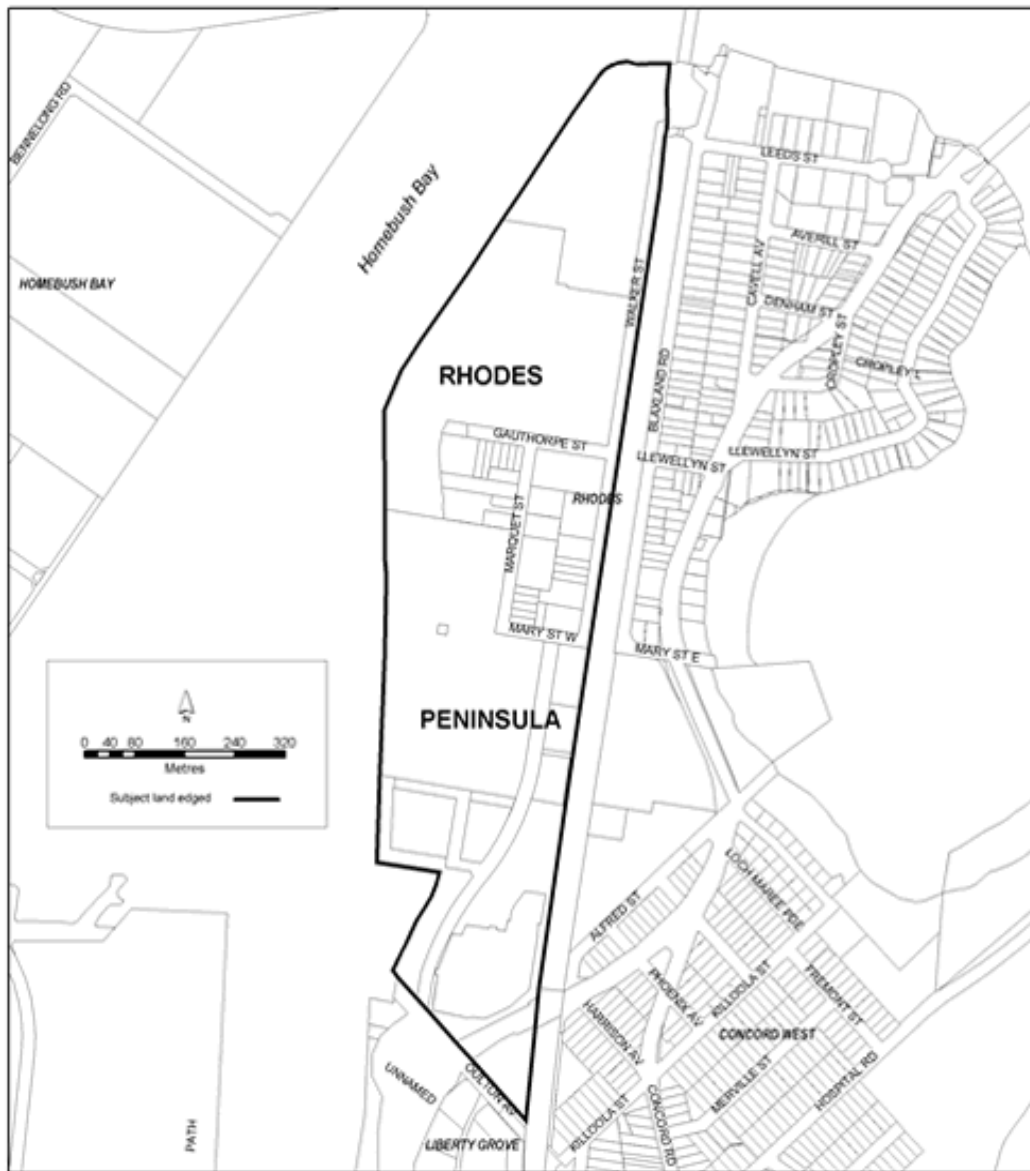
Map 6A—Schedule 2—Port and Related Employment Lands



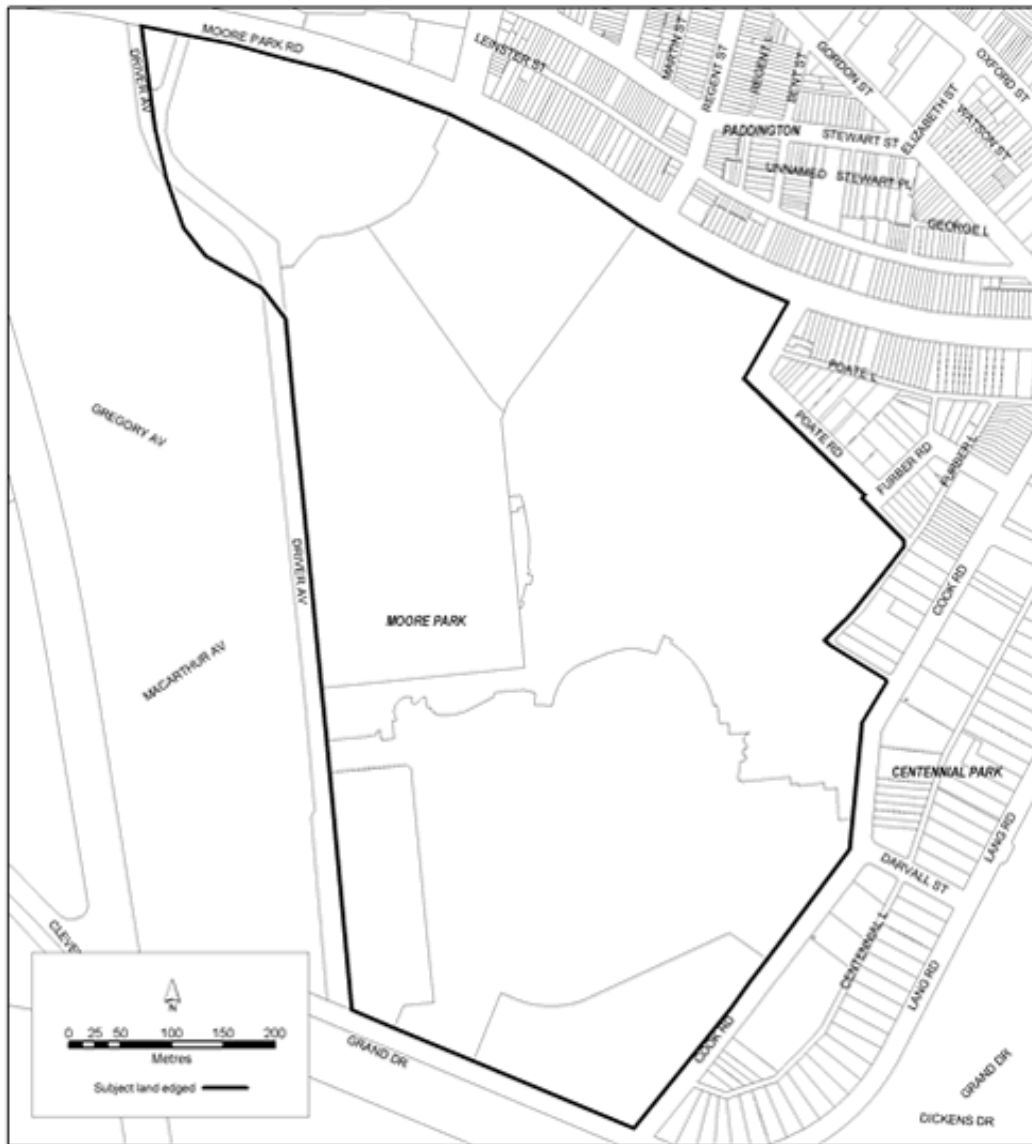
Map 6B—Schedule 2—Port and Related Employment Lands



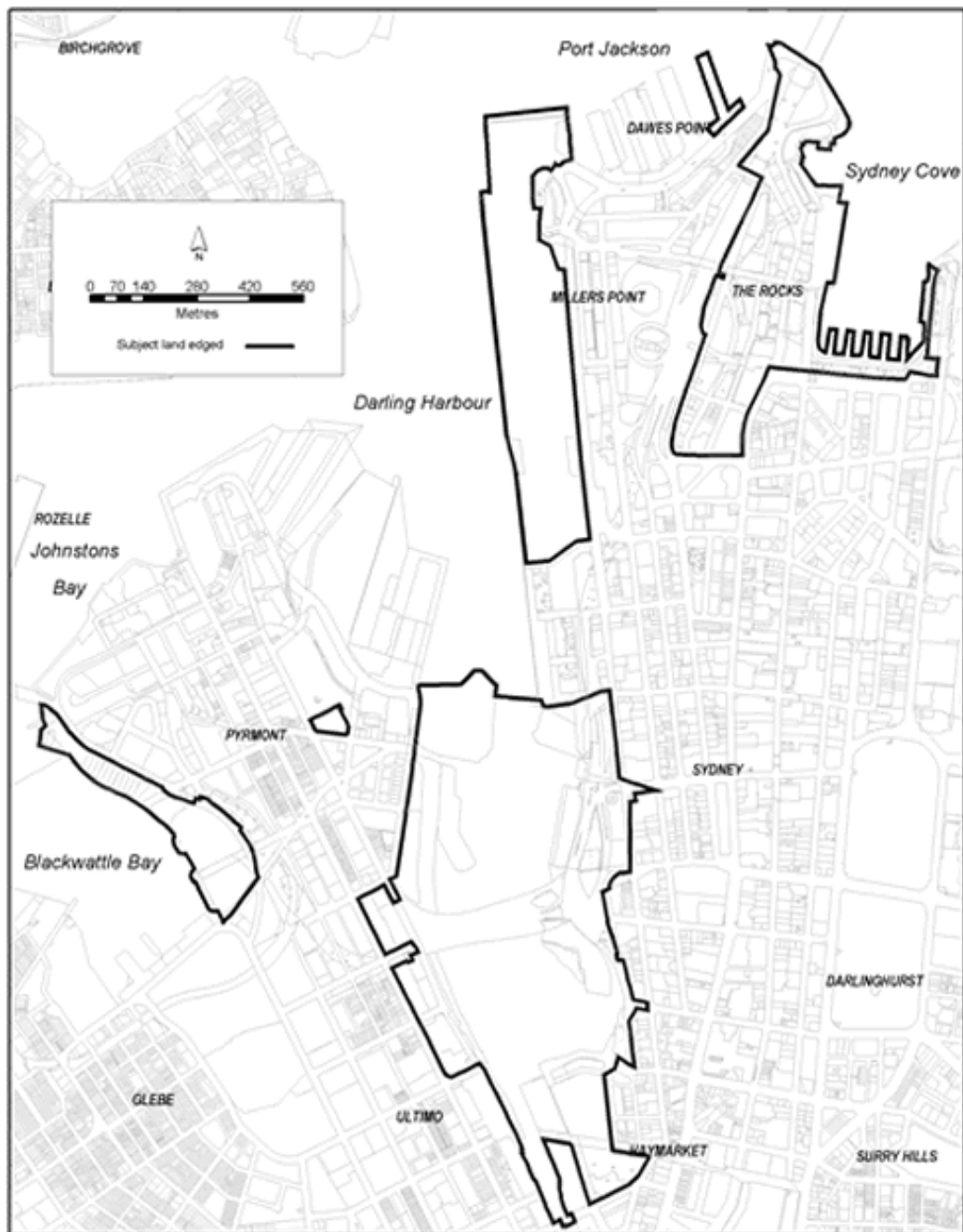
Map 7—Schedule 2—Rhodes Peninsula



Map 8—Schedule 2—Fox Studios, Moore Park Showground and Sydney Cricket Grounds

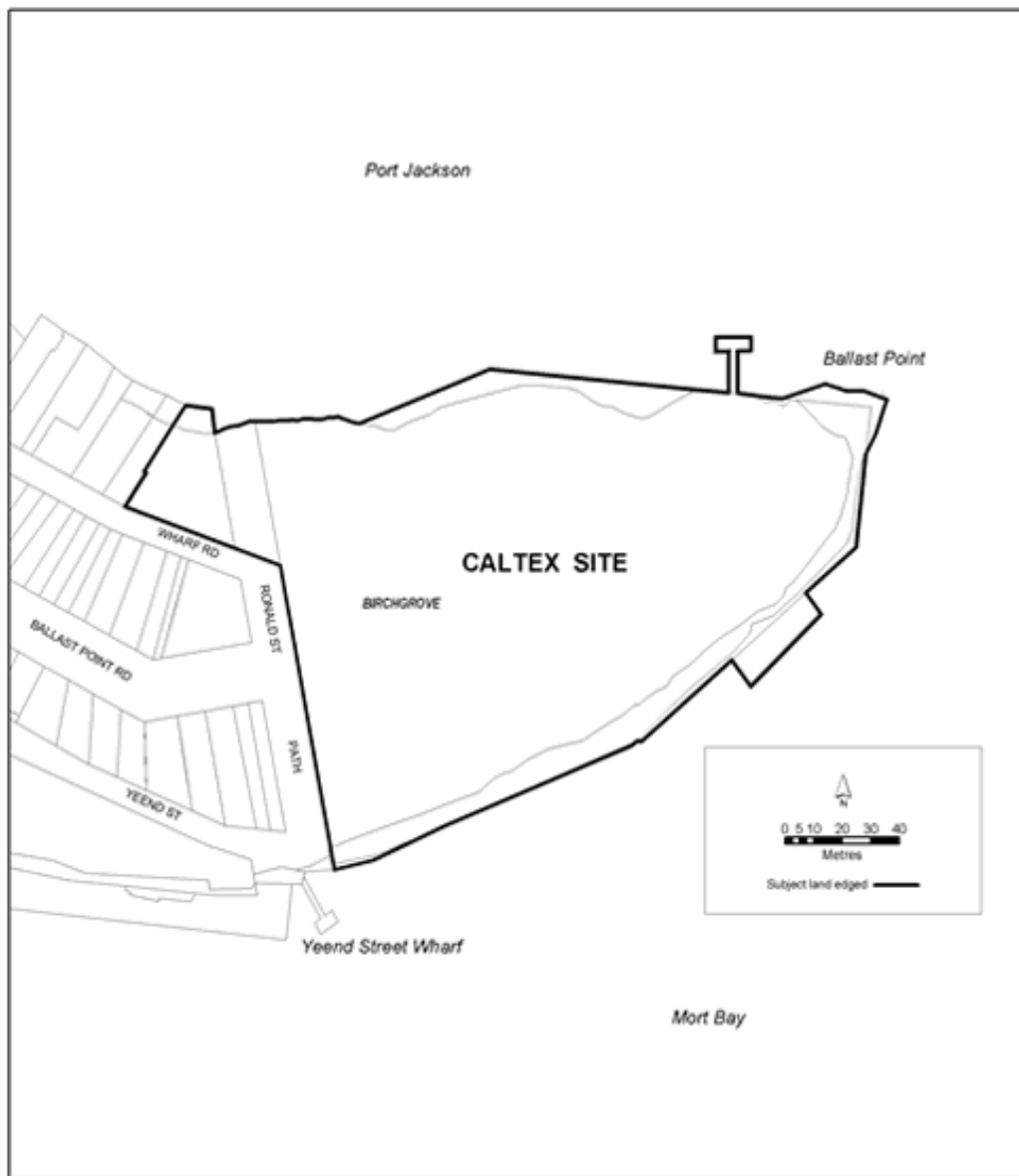


Map 9—Schedule 2—Sydney Harbour Foreshore Sites



Map 10—Schedule 2 (Renumbered as Map 2—Schedule 3)

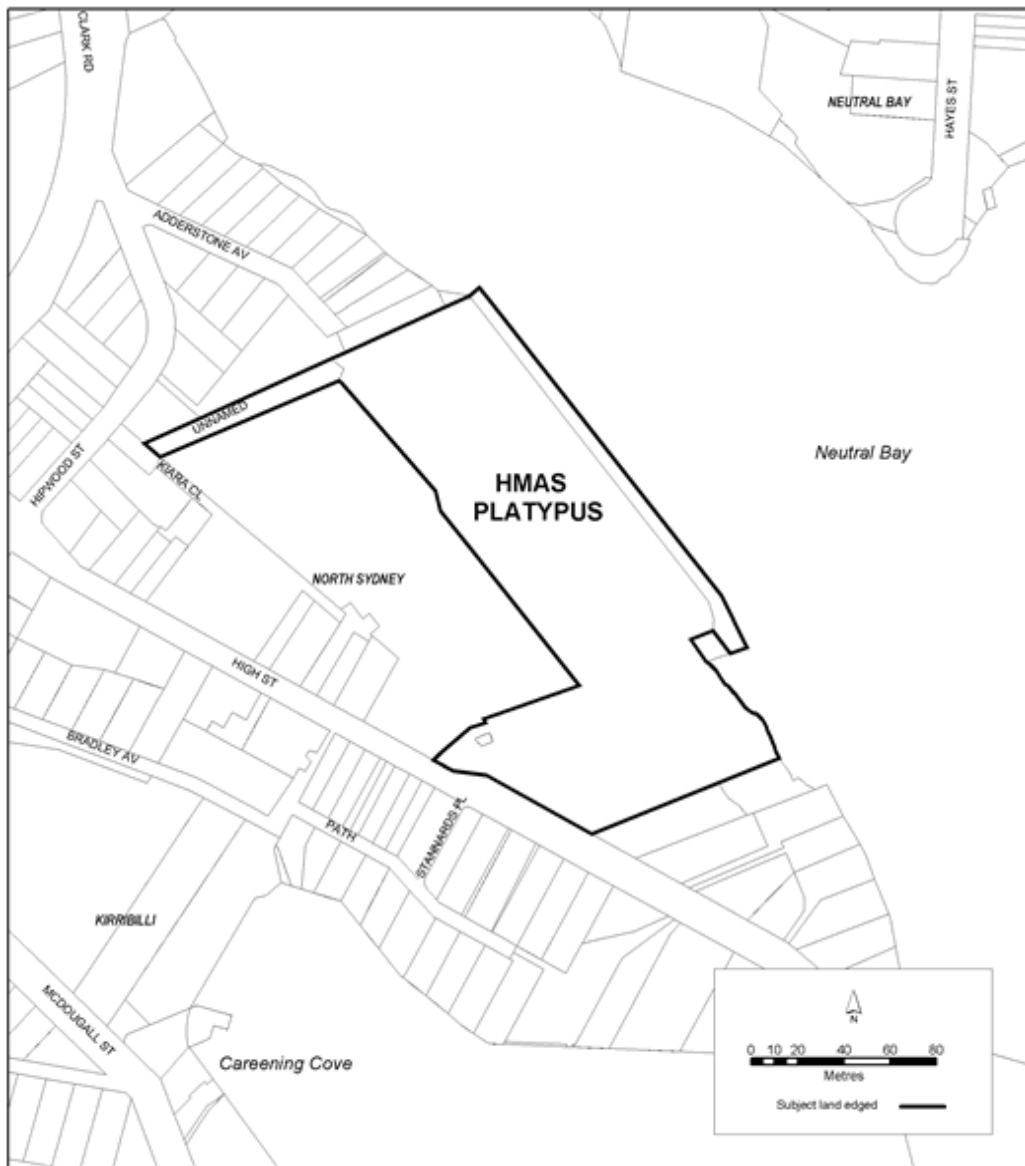
Map 11—Schedule 2—Caltex Site, Ballast Point



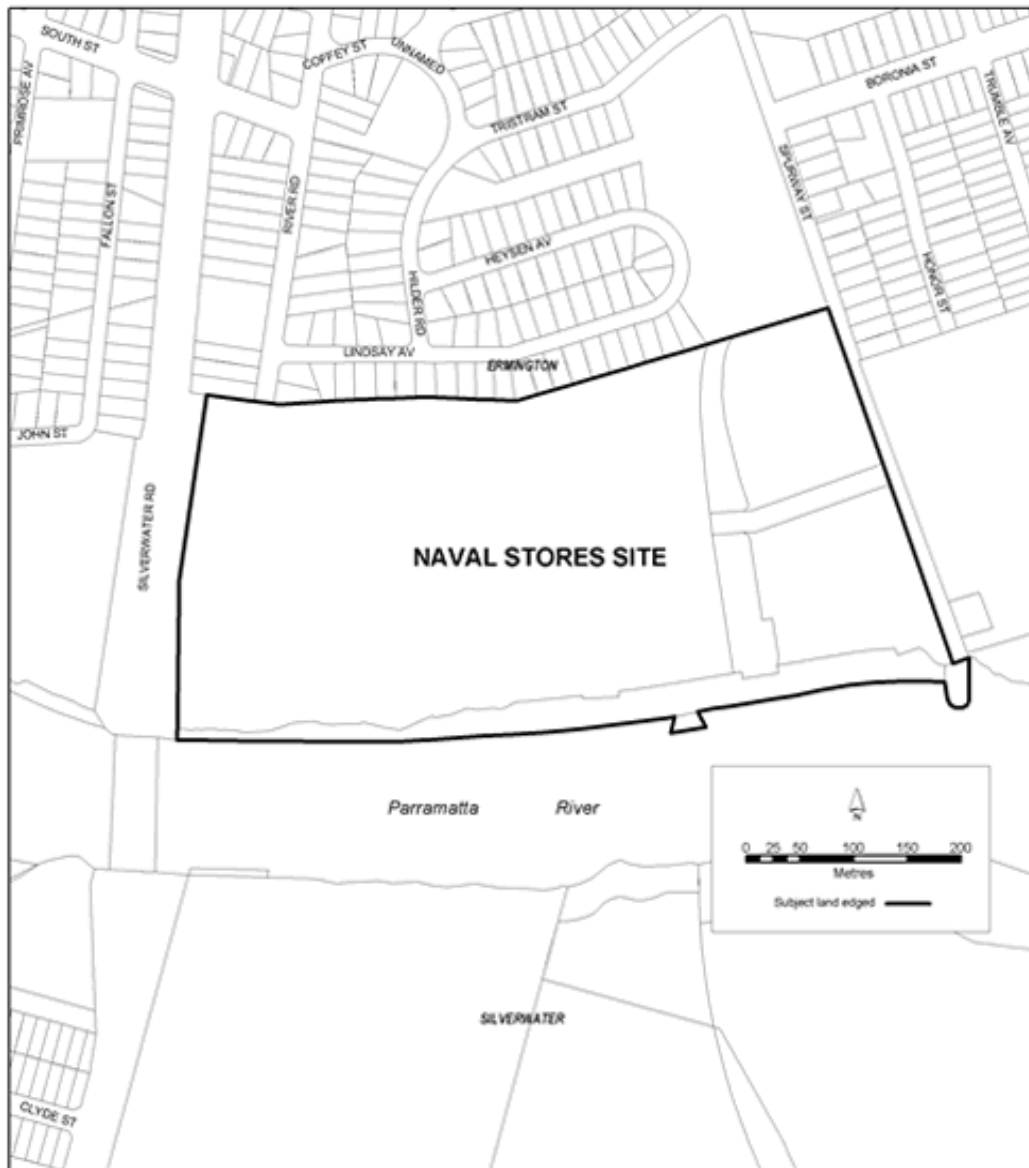
Map 12—Schedule 2—ADI Site, Ryde



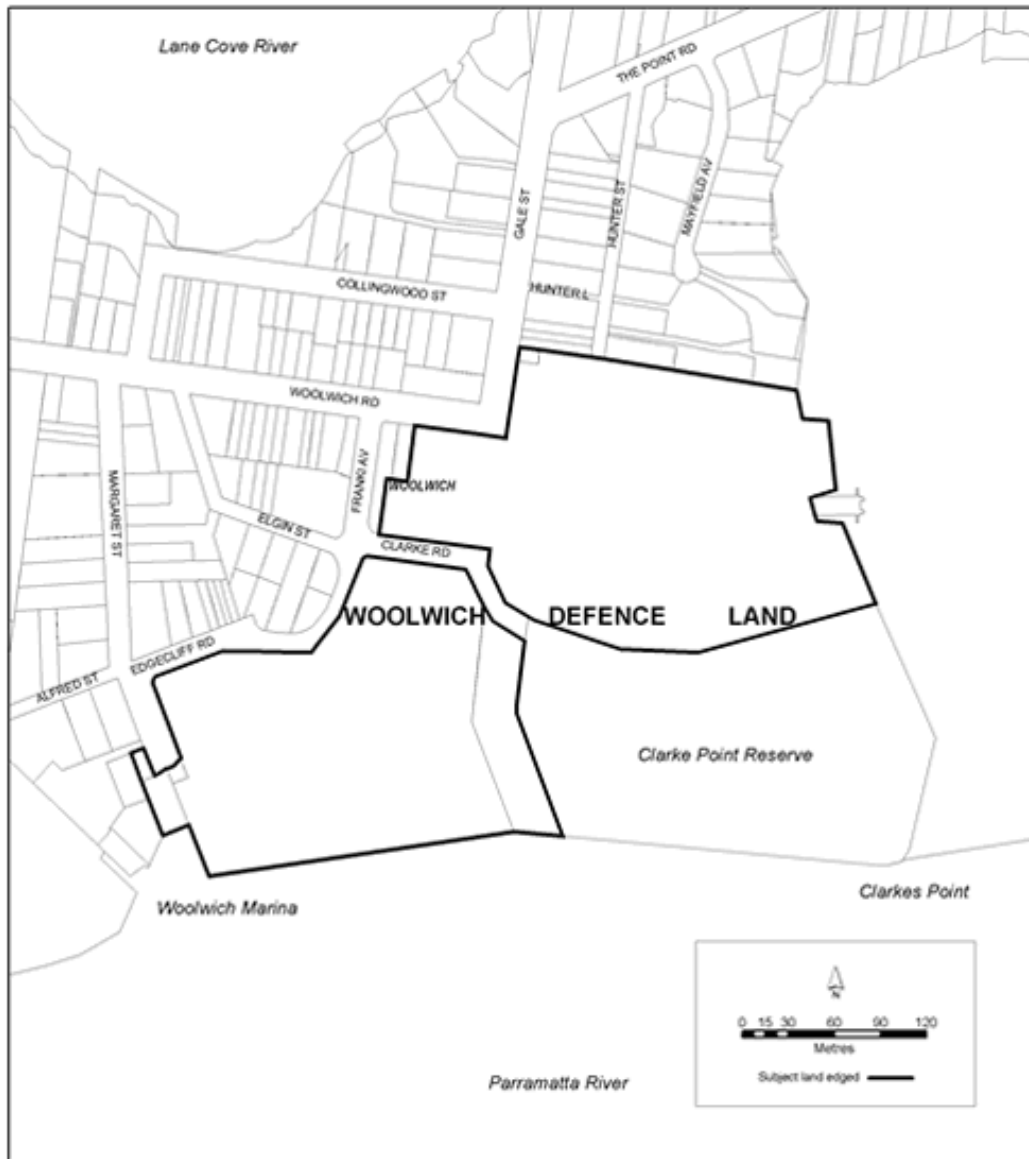
Map 13—Schedule 2—HMAS Platypus



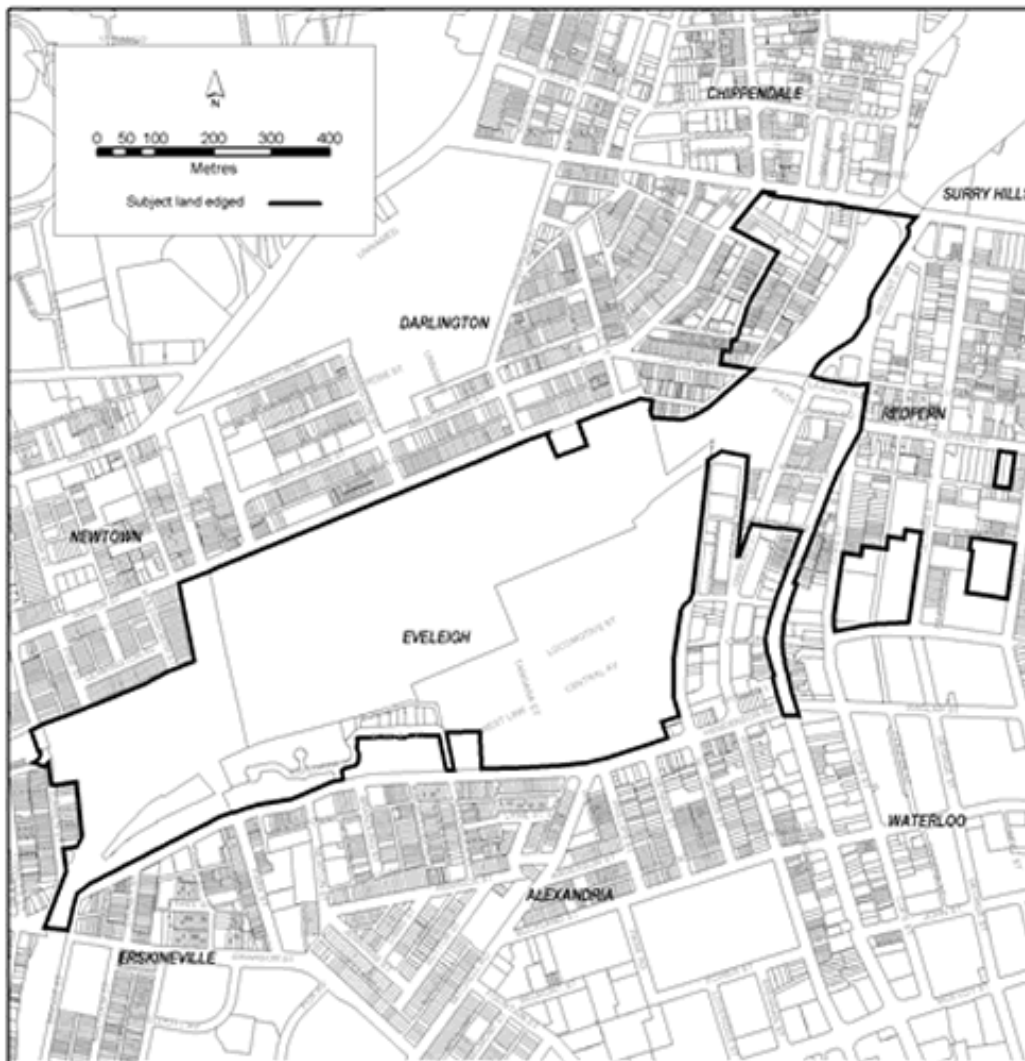
Map 14—Schedule 2—Naval Stores Site, Ermington



Map 15—Schedule 2—Woolwich Defence Land



Map 16—Schedule 2—Redfern-Waterloo Authority Sites



Schedule 3 State significant sites

(Clauses 6 and 7)

Part 1 Sydney Opera House

Division 1 Part 3A projects

1 Part 3A projects

All development on land identified on Map 1 to this Schedule.

Division 2 Exempt development

2 Definition

In this Division:

CMP means the conservation management plan for the Sydney Opera House and its site

as adopted and published for the time being by the Sydney Opera House Trust.

3 Exempt development

The development described in this Division is exempt development if it is of minimal environmental impact and complies with the applicable requirements under this Division.

4 Minor Repairs

- (1) Exempt development includes minor repairs, including the replacement of missing, damaged or deteriorated fabric that is beyond further maintenance.
- (2) Any such exempt development must comply with the following requirements:
 - (a) the repairs must not adversely affect the heritage significance of the Sydney Opera House,
 - (b) the repairs must match the existing fabric in appearance, material and method of affixing,
 - (c) the repairs must not involve damage or removal of other fabric graded “some”, “considerable” or “exceptional” significance in the CMP.

5 Minor internal alterations and additions

- (1) Exempt development includes minor internal alterations and additions including:
 - (a) minor building works and alterations to the backstage infrastructure and performance venues (such as widening the doors or updating flying systems) for the purpose of improving the operational efficiency,
 - (b) minor works and fitout of new technology for telecommunications and technical purposes,
 - (c) replacement of doors, walls, ceiling or floor linings,
 - (d) renovation of bathrooms, kitchens and storage areas.
- (2) Any such exempt development must comply with the following requirements:
 - (a) the development must not adversely affect the heritage significance of the Sydney Opera House,
 - (b) any internal alterations must not affect the load-bearing capacity of any load-bearing component of the building,
 - (c) the development must have no adverse effect on fabric and spaces rated “some”, “considerable” or “exceptional” significance in the CMP.

6 Minor building works related to permanent and temporary security arrangements

- (1) Exempt development includes minor building works related to permanent and temporary security arrangements, including:
 - (a) the installation of security cameras, light fittings and other minor alterations and additions to the interior or exterior spaces of the building to upgrade building security,
 - (b) the installation of emergency security fencing, scaffolding, hoardings or other barriers to prevent unauthorised access or to secure public safety.
- (2) Any such exempt development must comply with the following requirements:
 - (a) the minor building works must not adversely affect the heritage significance of the Sydney Opera House,
 - (b) the minor building works must not involve significant changes to the external appearance of the building,
 - (c) the minor building works must have no adverse effect on fabric and spaces rated “some”, “considerable” or “exceptional” significance in the CMP,
 - (d) the minor building works must be appropriate having regard to current and future risk/threat assessments provided by State and/or Commonwealth security agencies or by recognised security consultants commissioned by the Sydney Opera House and NSW Police.

7 Internal works and fitout of shops, restaurants, cafes and offices

- (1) Exempt development includes internal works and fitout of shops, restaurants, cafes and offices.
- (2) Any such exempt development must comply with the following requirements:
 - (a) the development must not adversely affect the heritage significance of the Sydney Opera House,
 - (b) the development must not involve significant changes to the external appearance of the building,
 - (c) the development must have no adverse effect on fabric and spaces rated “some”, “considerable” or “exceptional” significance in the CMP.

8 Minor public domain works

- (1) Exempt development includes minor public domain works including:
 - (a) footpath improvements, tree planting, re-paving, street surfacing, kerb reconstruction, footpaths, gutters, street furniture (benches, bollards, public

artwork, installations and street lighting), and

(b) installation of permanent directional/wayfinding signage.

(2) Any such exempt development must comply with the following requirements:

(a) the works must not adversely affect the heritage significance of the Sydney Opera House,

(b) the works must have no adverse effect on fabric and spaces rated “some”, “considerable” or “exceptional” significance in the CMP,

(c) the works must not prevent public access to, and use of, the adjoining public domain.

9 Installation of minor structures ancillary to the use of Sydney Opera House

(1) Exempt development includes the installation of minor structures ancillary to the use of the Sydney Opera House, including small structures to house on-line information, refreshment vending carts (up to a maximum number of 12), ticketing and banking services and plasma and flat screen displays for the purpose of promoting performances and sponsors.

(2) Any such exempt development must comply with the following requirements:

(a) the structures must not adversely affect the heritage significance of the Sydney Opera House,

(b) the structures do not obstruct views identified as significant in the CMP,

(c) the structures must not prevent public access to, and use of, the adjoining public domain,

(d) the structures must have no adverse effect on fabric and spaces rated “some”, “considerable” or “exceptional” significance in the CMP.

10 Signage associated with shops, cafes, restaurants and offices, and signage for the purpose of advertising events within Sydney Opera House

(1) Exempt development includes signage associated with shops, cafes, restaurants and offices, and signage for the purposes of advertising the events within the Sydney Opera House such as concourse posters, and light boxes, including:

(a) removal of signage,

(b) replacement of existing signage with new signage,

(c) installation of new signage.

(2) Any such exempt development must comply with the following requirements:

- (a) the signage must be identified as non-intrusive or of “low” significance in the CMP,
- (b) the development must make no change to the dimension, size and location of the existing signage,
- (c) any new signage must be consistent with signage for adjoining tenancies in regard to size, dimension, location, design details and total number,
- (d) the development must have no adverse effect on fabric and spaces rated “some”, “considerable” or “exceptional” significance in the CMP.

11 Temporary use of Sydney Opera House to project fireworks or make broadcast

- (1) Exempt development includes the temporary use of the Sydney Opera House to project fireworks or make a broadcast.
- (2) Any such use must comply with the following requirements:
 - (a) the use must not adversely affect the heritage significance of the Sydney Opera House,
 - (b) the use must have no adverse effect on fabric and spaces rated “some”, “considerable” or “exceptional” significance in the CMP,
 - (c) the use must be only for limited periods and on infrequent occasions,
 - (d) the use must be confined to exceptional, non-commercial occasions of brief duration.

12 Temporary use of public space for community events

- (1) Exempt development includes the temporary use of public space for community events that are open to the general public with no entry charges, including public gatherings, ceremonies, celebrations, sporting events, events for community and outdoor exhibitions that may involve the installation of temporary structures having minimal visual impact (such as barricading) that are otherwise ancillary to the event.
- (2) Any such use must comply with the following requirements:
 - (a) the use occurs between the hours of 8.00am to 11.00pm on Sundays to Thursdays and 8.00am to midnight on Fridays and Saturdays, except New Years Eve celebrations which may occur between 8.00am and 2.00am,
 - (b) community events (not more than four events in total in a calendar year) can start as early as 6.00am,
 - (c) set-up and clean-up can occur one day before and one day after each event, except some community events (not more than a total of five events in a calendar year) with longer set-up and clean-up times may be required (not more than six

bump in/out days in total per event),

- (d) should the event involve amplified music, ancillary to the main purpose of the event, the noise levels at the following locations must not exceed the background noise levels:
 - (i) Beulah Street Wharf (off Waruda Street), Kirribilli,
 - (ii) Cremorne Wharf (off Milson Road), Cremorne Point,
 - (iii) a point within 1 metre of the residential boundary nearest to the Sydney Opera House at Bennelong Apartments, East Circular Quay,
 - (iv) Dawes Point Park (off Lower Fort Street), Millers Point,
- (e) all amplified music is to commence after 8.00am (except for those four events in total in a calendar year which may start as early as 6.00am) and to cease by 10.30pm on Sundays to Thursdays and 11.30pm on Fridays and Saturdays,
- (f) lighting associated with events must not cause adverse impact on the area surrounding the site,
- (g) the event does not include staging of private or commercial functions,
- (h) back of house areas must be carefully designed (fencing and gates must be of high quality, and provide artwork and visual interest/public information in appropriate places).

13 Temporary use of public space for minimal impact events related to the primary function of Sydney Opera House

- (1) Exempt development includes the temporary use of public space for minimal impact events related to the primary function of the Opera House as a performing arts centre, including temporary outdoor events and performances, such as Sydney Festival events, that involve the installation of temporary structures (including main stage, sound and lighting systems) having minimal visual impact that are otherwise ancillary to the event for which an entry fee may be charged.
- (2) Any such use must comply with the following requirements:
 - (a) the use takes place not more than 40 days (whether consecutive or not) in any 12 month period,
 - (b) the use occurs between the hours of 8.00am to 11.00pm on Sundays to Thursdays (all amplified music to commence after 10.00am and to cease by 10.30pm) and 8.00am to midnight on Fridays and Saturdays (all amplified music to commence after 10.00am and to cease by 11.30pm),
 - (c) no more than 5,000 people attend each event at any one time,

- (d) in addition to the maximum events days (ie 40 days) set-up and clean-up can occur one day before and one day after each event. Any additional days required for set-up and clean-up are to be included within the 40 days,
- (e) lighting associated with events must not cause adverse impact on the area surrounding the site,
- (f) noise levels at the following locations must not exceed L_{Amax} 70 dB(A) and L_{Cmax} 90 dB(C) from Friday to Saturday and L_{Amax} 65 dB(A) and L_{Cmax} 85 dB(C) from Sunday to Thursday:
 - (i) Beulah Street Wharf (off Waruda Street), Kirribilli,
 - (ii) Cremorne Wharf (off Milson Road), Cremorne Point,
 - (iii) a point within 1 metre of the residential boundary nearest to the Sydney Opera House at Bennelong Apartments, East Circular Quay,
 - (iv) Dawes Point Park (off Lower Fort Street), Millers Point.

14 Erection of temporary building ancillary to the temporary use of a public space for minimal impact events

- (1) Exempt development includes the erection of temporary buildings ancillary to the temporary use of a public space for minimal impact events.
- (2) Any such use must comply with the following requirements:
 - (a) all temporary buildings related to events must be confined to the event site area,
 - (b) public access to the lower concourse via the southern escalators, southern stairs and ramp must not be obstructed at any time,
 - (c) public access must not be obstructed between the bottom of the Tarpeian Steps and Royal Botanic Gardens Opera House Gate along the forecourt except during events,
 - (d) must not obstruct views identified as significant in the CMP,
 - (e) must have no adverse effect on fabric and spaces rated “some”, “considerable” or “exceptional” significance in the CMP,
 - (f) details of temporary buildings must be consistent with the principles of the CMP in relation to “exterior furniture”,
 - (g) any temporary building must not remain in place for not more than 40 days (whether consecutive or not) in any 12 month period, excluding one day bump-in and one day bump-out for each event.

- (3) In this clause, **minimal impact events** include temporary outdoor events and performances such as Sydney Festival events that involve the installation of temporary structures (including main stage, sound and lighting systems) having minimal visual impact that are otherwise ancillary to the event.

15 Erection of temporary signage ancillary to the temporary use of a public space for community events and minimal impact events

- (1) Exempt development includes the erection of temporary signage ancillary to the temporary use of a public space for community events and minimal impact events.
- (2) Any such use must comply with the following requirements:
- (a) must not adversely affect the heritage significance of the Sydney Opera House,
 - (b) must have no adverse effect on fabric rated “some”, “considerable” or “exceptional” significance in the CMP,
 - (c) must not be displayed for more than fourteen days before a temporary outdoor event and must be removed within seven days after the event,
 - (d) does not obstruct views identified as significant in the CMP,
 - (e) must not contain general advertising unrelated to events or sponsors at the Sydney Opera House,
 - (f) any temporary signage ancillary to minimal impact events must not remain in place for more than 60 days (whether consecutive or not) in any 12 month period.

- (3) In this clause:

community events include public gatherings, ceremonies, celebrations, sporting events, events for community and outdoor exhibitions that may involve the installation of temporary structures having minimal visual impact (such as barricading) that are otherwise ancillary to the event.

minimal impact events include temporary outdoor events and performances, such as Sydney Festival events, that involve the installation of temporary structures (including main stage, sound and lighting systems) having minimal visual impact that are otherwise ancillary to the event.

Part 2 The Luna Park site

Division 1 Part 3A projects

1 Part 3A projects

Such development on land identified on Map 2 to this Schedule as has a capital investment value of more than \$5 million.

Division 2 Provisions relating to development on Luna Park site

2 Development near the intersection of Glen and Dind Streets, North Sydney

- (1) This clause applies to land in the cliff top area, near the intersection of Glen and Dind Streets, North Sydney, being such part of Lot 1 DP 1066900 as comprises former Lots 1259 and 1260 DP 48514 (**the cliff top sites**).
- (2) This clause applies to development that, pursuant to clause 1, is a project to which Part 3A of the Act applies.
- (3) Development may be carried out on the cliff top sites for any purpose that is an authorised use under section 6C of the [Luna Park Site Act 1990](#) in relation to the cliff top area.
- (4) Any building on the cliff top sites:
 - (a) must not exceed:
 - (i) in the case of a building on land comprising former Lot 1259 DP48514, 44.8 metres in height above Australian Height Datum, or
 - (ii) in the case of a building on land comprising former Lot 1260 DP48514, 31.5 metres in height above Australian Height Datum, and
 - (b) must not encroach on land beneath the canopy of any heritage fig tree.
- (5) Any building on land comprising former Lot 1259 DP48514, and any parking space on that land, must be set back at least 6 metres from the northern boundary of that land.
- (6) Subclause (5) does not prevent the erection, within 6 but no closer than 1.7 metres of the northern boundary, of any structure to facilitate vehicular access to parking spaces within the building.
- (7) Any building erected on the cliff top sites must not interfere with sight lines along Glen and Northcliff Streets to such an extent as to be a hazard to traffic.
- (8) Any building erected on the cliff top sites, and the process of erecting any such building, must not threaten or damage any heritage fig tree and, in particular, any land beneath the canopy of any heritage fig tree must not be used for any purpose in connection with the erection of any such building.
- (9) Appropriate arrangements must be made to give public access to the open spaces around any building on the cliff top sites.
- (10) [State Environmental Planning Policy No 1—Development Standards](#) does not apply to or in respect of the cliff top sites.
- (11) In this clause:

cliff top area has the same meaning as it has in Part 2A of the *Luna Park Site Act 1990*.

heritage fig tree means a fig tree that is a heritage item for the purposes of *North Sydney Local Environmental Plan 2001*.

Part 3 Royal Rehabilitation Centre Sydney site

Division 1 Preliminary

1 Definition of particular terms

In this Part:

dwelling and **floor space ratio** have the same meanings as they have in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

RRCS site means the land as shown edged heavy black on the map marked “*State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)—Royal Rehabilitation Centre Sydney Site*”.

Note—

As at the commencement of this Part, the RRCS site is the location of the Royal Rehabilitation Centre Sydney, comprising Lot 1010, DP 836975 and Lot 102, DP 826426, in Ryde.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine.

2 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.

3 Meaning of development purposes

Words and expressions used to refer to a development purpose in clause 8, 9 or 10 have the same meaning as they have in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

4 Application of this Part

Nothing in this Part applies to or with respect to development for the purposes of a public utility undertaking.

Note—

Development for the purposes of a public utility undertaking may, by operation of another Schedule to this Policy, be a project to which Part 3A of the Act applies.

Division 2 Part 3A projects

5 Part 3A projects

- (1) Such development within the RRCS site as has a capital investment value of more than \$5 million.
- (2) Subdivision of land within the RRCS 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 Royal

Rehabilitation Centre Sydney site

6 Application of Division

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

7 Land use zones

- (1) For the purposes of this Policy, land within the RRCS 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 5)—Zoning Map*" as being within that zone:
 - (a) General Residential Zone,
 - (b) Public Recreation Zone,
 - (c) Special Activities (Royal Rehabilitation Centre Sydney) Zone.
- (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 General Residential Zone

- (1) The objectives of the General Residential Zone are as follows:
 - (a) to provide for the housing needs of the community,
 - (b) to provide for a variety of housing types and densities,
 - (c) to enable other land uses that provide facilities or services to meet the day to day needs of residents.
- (2) Development for any of the following purposes is permitted with consent within the General Residential Zone:

boarding houses; car parks; child care centres; community facilities; dwelling houses; educational establishments; group homes; home-based child care or family day care homes; home businesses; home industries; home occupations; hostels; multi dwelling housing; neighbourhood shops; office premises; places of public worship; recreation areas; residential care facilities; residential flat buildings; roads that are not classified roads; seniors housing; shop top housing; telecommunications facilities.
- (3) Except as otherwise provided by this Policy, development is prohibited within the General Residential Zone unless it is permitted by subclause (2).

9 Public Recreation Zone

- (1) The objectives of the Public Recreation Zone are as follows:

- (a) to enable land to be used for open space or recreational purposes,
 - (b) to provide a range of recreational settings and activities and compatible land uses,
 - (c) to protect and enhance the natural environment for recreational purposes.
- (2) Development for any of the following purposes is permitted with consent within the Public Recreation Zone:
- car parks; child care centres; community facilities; environmental protection works; kiosks; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); roads that are not classified roads; telecommunications facilities.
- (3) Except as otherwise provided by this Policy, development is prohibited within the Public Recreation Zone unless it is permitted by subclause (2).

10 Special Activities (Royal Rehabilitation Centre Sydney) Zone

- (1) The objectives of the Special Activities (Royal Rehabilitation Centre Sydney) Zone are as follows:
- (a) to encourage the development of land for the purpose of promoting community welfare by the service delivery of a State significant rehabilitation and research centre and delivery of an improved health service to northern Sydney and the State,
 - (b) to provide for special land uses that are not provided for in other zones under this Policy,
 - (c) to provide for sites with special natural characteristics that are not provided for in other zones under this Policy,
 - (d) to facilitate development that is in keeping with the special characteristics of the RRCS site or its existing or intended special use.
- (2) Development for any of the following purposes is permitted with consent within the Special Activities (Royal Rehabilitation Centre Sydney) Zone:
- (a) a hospital,
 - (b) the following purposes, but only if the development is ancillary to development for the purposes of a hospital:
 - car parks; recreation areas; recreation facilities (indoor); recreational facilities (outdoor); roads that are not classified roads; telecommunication facilities.
- (3) Except as otherwise provided by this Policy, development is prohibited within the Special Activities (Royal Rehabilitation Centre Sydney) Zone unless it is permitted by

subclause (2).

11 Development controls

- (1) The height of a building on any land is not to exceed the maximum number of storeys shown for the land on the map marked “*State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)—Building Height Map*”.
- (2) The floor space ratio of a building on any land is not to exceed the floor space ratio shown for the land on the map marked “*State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)—Floor Space Ratio Map*”.
- (3) Development for the purposes of a dwelling must not be carried out if it would result in an average density of more than 50 dwellings per hectare.
- (4) For the purposes of subclause (3), the average density is to be calculated by reference to the total area of the RRCS site excluding the land within the Special Activities (Royal Rehabilitation Centre Sydney) Zone.

Division 4 Miscellaneous

12 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to or in respect of development within the RRCS site are as follows:

- (a) in the case of development that is a project to which Part 3A of the Act applies—this Policy and all other State environmental planning policies except *State Environmental Planning Policy No 1—Development Standards*,
- (b) in the case of all other development—all environmental planning instruments except *State Environmental Planning Policy No 1—Development Standards*.

13 Exempt and complying development

Development within the RRCS site that satisfies the requirements for exempt development or complying development specified in Ryde City Council’s *Exempt and Complying Development—Development Control Plan No 34*, as in force on 25 November 2005, is exempt development or complying development, as appropriate.

14 Acquisition of land within RRCS site

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions)*.

Note—

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land within the RRCS site, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to that land (or, if none is specified, the authority designated or determined under those provisions):

Zone	Authority of the State
Public Recreation Zone	The corporation constituted by section 8 (1) of the Act

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Part 4 Channel 7 site

Division 1 Preliminary

1 Definition of particular terms

In this Part:

Channel 7 site means the land as shown edged heavy black on the map marked “*State Environmental Planning Policy (Major Projects) 2005 (Amendment No 6)*”.

Note—

The land shown on the map is a site in Epping that has been the location of television production studios (with a street address of 61 Mobbs Lane).

dwelling and **gross floor area** have the same meanings as they have in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine.

2 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.

3 Meaning of development purposes

Words and expressions used to refer to a development purpose in clause 8 or 9 have the same meaning as they have in the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

4 Application of this Part

Nothing in this Part applies to or with respect to development for the purposes of a public utility undertaking.

Note—

Development for the purposes of a public utility undertaking may, by operation of another Schedule to this Policy, be a project to which Part 3A of the Act applies.

Division 2 Part 3A projects

5 Part 3A projects

(1) Such development within the Channel 7 site as has a capital investment value of more than \$5 million.

(2) Subdivision of land within the Channel 7 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 Channel 7 site

6 Application of Division

This Division applies with respect to any development within the Channel 7 site and so applies whether or not the development is a project to which Part 3A of the Act applies.

7 Land use zones

- (1) For the purposes of this Policy, land within the Channel 7 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 6)—Zoning Map*" as being within that zone:
 - (a) General Residential Zone,
 - (b) Public Recreation Zone.
- (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 General Residential Zone

- (1) The objectives of the General Residential Zone are as follows:
 - (a) to provide for the housing needs of the community,
 - (b) to provide for a variety of housing types and densities,
 - (c) to enable other land uses that provide facilities or services to meet the day to day needs of residents.
- (2) Development for any of the following purposes is permitted with consent within the General Residential Zone:
 - boarding houses; car parks; child care centres; community facilities; dwelling houses; group homes; home-based child care or family day care homes; home businesses; home industries; home occupations; hostels; multi dwelling housing; neighbourhood shops; office premises; places of public worship; recreation areas; residential care facilities; residential flat buildings; roads that are not classified roads; seniors housing; shop top housing; telecommunications facilities.
- (3) Except as otherwise provided by this Policy, development is prohibited within the General Residential Zone unless it is permitted by subclause (2).

9 Public Recreation Zone

- (1) The objectives of the Public Recreation Zone are as follows:
 - (a) to enable land to be used for open space or recreational purposes,
 - (b) to provide a range of recreational settings and activities and compatible land uses,
 - (c) to protect and enhance the natural environment for recreational purposes,
 - (d) to provide a range of community uses that serve the needs of the people who live and work in the surrounding neighbourhood.
- (2) Development for any of the following purposes is permitted with consent within the Public Recreation Zone:

car parks; child care centres; community facilities; environmental facilities; environmental protection works; kiosks; recreation areas; recreation facilities (outdoor); roads that are not classified roads.
- (3) Except as otherwise provided by this Policy, development is prohibited within the Public Recreation Zone unless it is permitted by subclause (2).

10 Development controls

- (1) The height of a building on any land is not to exceed the maximum number of storeys shown for the land on the map marked "*State Environmental Planning Policy (Major Projects) 2005 (Amendment No 6)—Building Height Map*".
- (2) Development for the purpose of a dwelling must not be carried out if it would result in:
 - (a) an average density of more than 73 dwellings per hectare on the Channel 7 site, or
 - (b) there being more than 650 dwellings (whether of the same or different types) on the Channel 7 site, or
 - (c) the total of the gross floor areas for dwellings within the Channel 7 site exceeding 80,000 square metres.

Division 4 Miscellaneous

11 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to or in respect of development within the Channel 7 site are as follows:

- (a) in the case of development that is a project to which Part 3A of the Act applies—this

Policy and all other State environmental planning policies except *State Environmental Planning Policy No 1—Development Standards*,

- (b) in the case of all other development—all environmental planning instruments except *State Environmental Planning Policy No 1—Development Standards*.

12 Exempt and complying development

Development within the Channel 7 site that satisfies the requirements for exempt development or complying development specified in Parramatta City Council's *Parramatta Development Control Plan 2005*, as in force 14 December 2005, is exempt development or complying development, as appropriate.

13 Acquisition of land within Channel 7 site

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

Note—

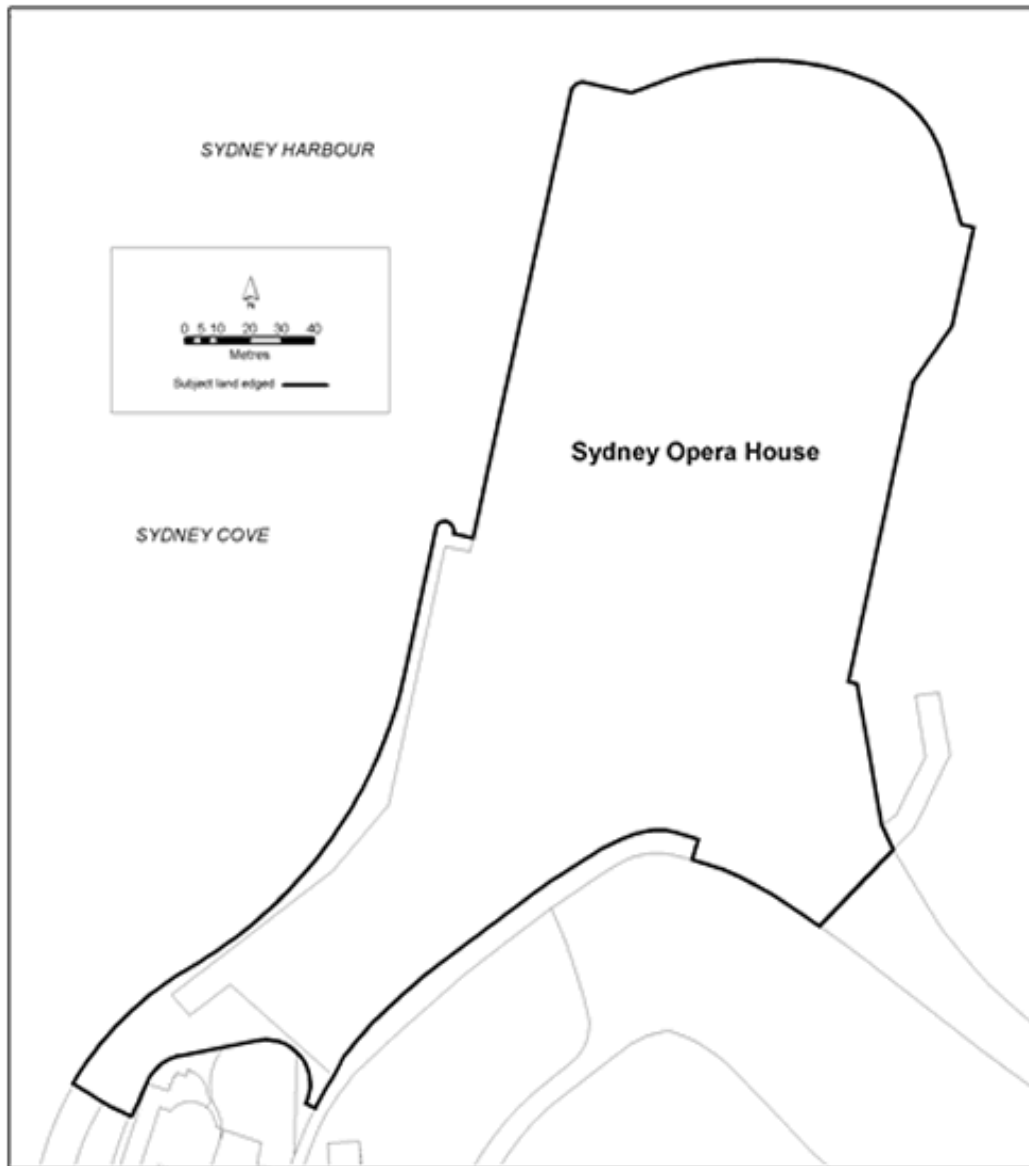
If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land within the Channel 7 site, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to that land (or, if none is specified, the authority designated or determined under those provisions):

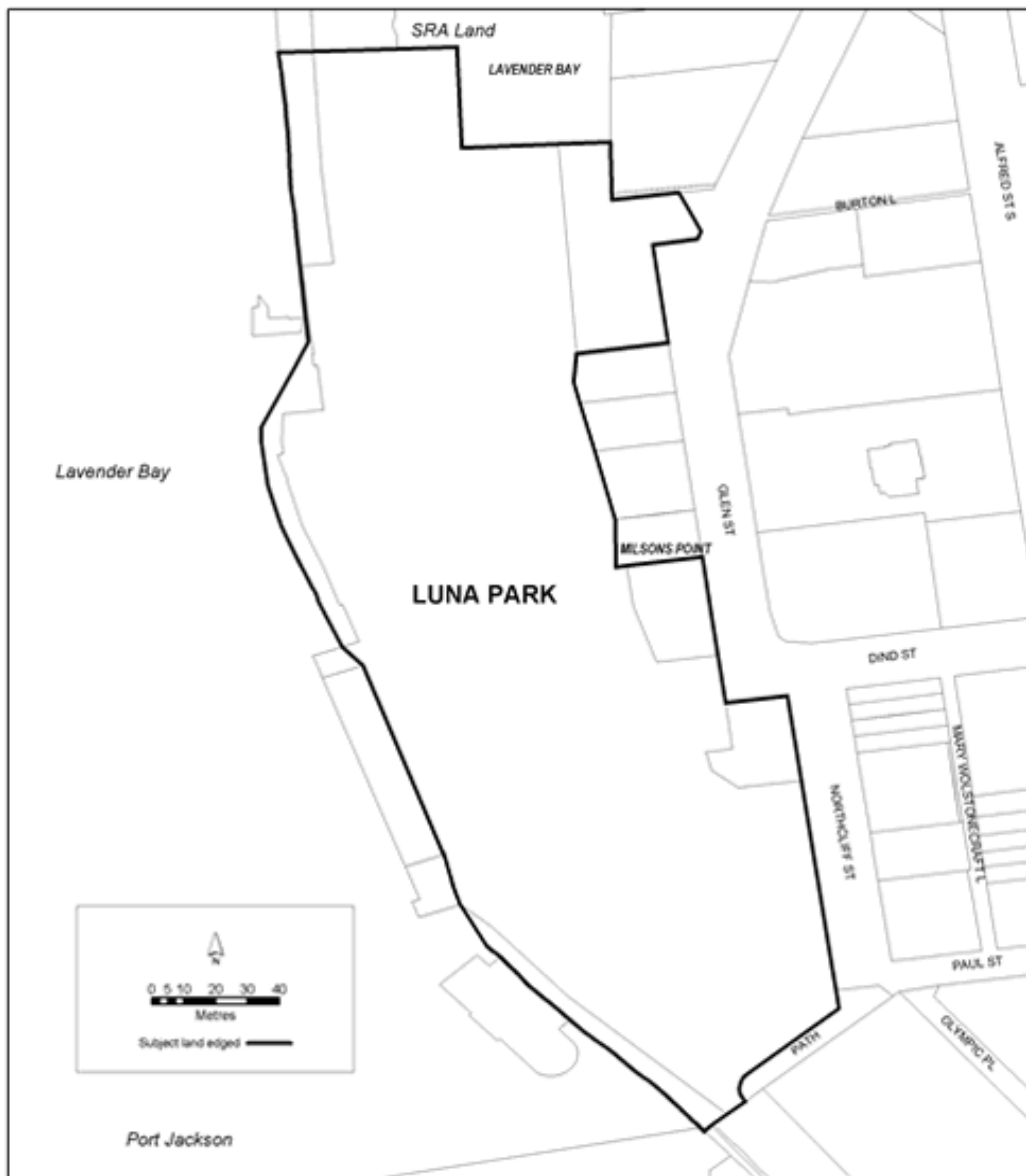
Zone	Authority of the State
Public Recreation Zone	The corporation constituted by section 8 (1) of the Act

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Map 1—Schedule 3—Sydney Opera House



Map 2—Schedule 3—Luna Park



Schedule 4 (Repealed)

Schedule 5 Critical infrastructure projects

(Clauses 6 and 6A)

1 Kurnell Desalination Plant

- (1) Development carried out by or on behalf of Sydney Water Corporation for the purposes of a desalination plant on the Kurnell Peninsula for the supply of up to 500 megalitres of drinking water per day.
- (2) This clause does not apply to development for the purposes of a pilot desalination plant on the Kurnell Peninsula.

(3) In this clause:

desalination plant means a plant used to obtain drinking water from seawater, and includes:

- (a) inlet and outlet pipelines to draw seawater into the plant and return seawater concentrate to the ocean (including tunnelling under Botany Bay National Park), and
- (b) pipelines from the plant across Botany Bay to the Sydney Water Corporation water supply system for the distribution of drinking water (including tunnelling under Botany Bay), and
- (c) pipelines from the plant to Miranda water supply system for the distribution of drinking water, and
- (d) the connection of the plant to the electricity grid, and
- (e) temporary laydown areas for construction use.

Schedule 6 Minister consent authority for Part 4 development

(Clause 9A)

Part 1 Development for which Minister consent authority

1 Sydney Harbour Foreshore Sites

- (1) Development (with a capital investment value of not more than \$5 million) within the area identified on the following maps to Schedule 2:
 - (a) Circular Quay—Map 9,
 - (b) Rocks to Dawes Point—Map 9,
 - (c) Walsh Bay—Wharf 2-3—Map 9,
 - (d) East Darling Harbour—Wharfs 3-8—Map 9,
 - (e) Darling Harbour—Map 9,
 - (f) Banks Street precinct and Fish Markets—Map 9,
 - (g) Sydney Casino Switching station site—Map 9.
 - (h) (Repealed)
- (2) Development (with a capital investment value of not more than \$5 million) within the area identified on Map 2 to Schedule 3.

2 Redfern-Waterloo Authority Sites

Development (with a capital investment value of not more than \$5 million) within the area identified on Map 16 to Schedule 2.

3 Sydney Olympic Park

Development (with a capital investment value of not more than \$5 million) within the area described in Schedule 1 to the [Sydney Olympic Park Authority Act 2001](#).

Part 2 Additional provisions for the Luna Park site

1 Definition

In this Part, **Luna Park site** means the land described in Map 2 to Schedule 3.

2 Development near the intersection of Glen and Dind Streets, North Sydney

- (1) This clause applies to land in the cliff top area, near the intersection of Glen and Dind Streets, North Sydney, being such part of Lot 1 DP 1066900 as comprises former Lots 1259 and 1260 DP 48514 (**the cliff top sites**).
- (2) This clause applies to development that is not a project to which Part 3A of the Act applies.
- (3) Development may be carried out on the cliff top sites, but only with development consent, for any purpose that is an authorised use under section 6C of the [Luna Park Site Act 1990](#) in relation to the cliff top area.
- (4) Any building on the cliff top sites:
 - (a) must not exceed:
 - (i) in the case of a building on land comprising former Lot 1259 DP48514, 44.8 metres in height above Australian Height Datum, or
 - (ii) in the case of a building on land comprising former Lot 1260 DP48514, 31.5 metres in height above Australian Height Datum, and
 - (b) must not encroach on land beneath the canopy of any heritage fig tree.
- (5) Any building on land comprising former Lot 1259 DP48514, and any parking space on that land, must be set back at least 6 metres from the northern boundary of that land.
- (6) Subclause (5) does not prevent the erection, within 6 but no closer than 1.7 metres of the northern boundary, of any structure to facilitate vehicular access to parking spaces within the building.
- (7) Development consent must not be granted to the erection of any building on the cliff top sites unless:

- (a) the Minister is satisfied, after consultation with the Roads and Traffic Authority, that the building will not interfere with sight lines along Glen and Northcliff Streets to such an extent as to be a hazard to traffic, and
 - (b) the Minister is satisfied, on the basis of information provided by the applicant for development consent, that neither the building, nor the process of its erection, will threaten or damage any heritage fig tree and, in particular, that land beneath the canopy of any heritage fig tree will not be used for any purpose in connection with the erection of the building, and
 - (c) the Minister is satisfied that appropriate arrangements will be made to give public access to the open spaces around the building.
- (8) Nothing in any local environmental plan or regional environmental plan applies to or in respect of the carrying out of development on the cliff top sites.
- (9) *State Environmental Planning Policy No 1—Development Standards* does not apply to or in respect of the cliff top sites.
- (10) In this clause:

cliff top area has the same meaning as it has in Part 2A of the *Luna Park Site Act 1990*.

heritage fig tree means a fig tree that is a heritage item for the purposes of *North Sydney Local Environmental Plan 2001*.