

# State Environmental Planning Policy (Major Projects) 2005

[2005-194]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Previously named**  
State Environmental Planning Policy (State Significant Development) 2005

### Authorisation

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# State Environmental Planning Policy (Major Projects) 2005



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 GST, as defined by *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth, and 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) (Repealed)
- (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 a provision of this Policy, and
- (b) another provision of this Policy or a provision of another 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) another provision of this Policy or a provision of another 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.

### **10A Development that does not require consent under Part 4**

Development specified in Schedule 7 is development that does not require consent under Part 4 of the Act.

**Note—**

As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development specified in Schedule 7 will be subject to the environmental assessment and approval requirements of Part 5 of the Act (if it is not a project to which Part 3A of the Act applies).

**10B Exempt development**

Development specified in Schedule 8 is exempt development.

**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.

## 16 Savings and transitional provisions

- (1) Despite clause 6 (3), the amendments made to this Policy by the following Policies extend to project applications under Part 3A of the Act, and development applications under Part 4 of the Act, made but not finally determined before the commencement of those amendments:

*State Environmental Planning Policy (Major Projects) 2005 (Amendment No 7)*

*State Environmental Planning Policy (Major Projects) 2005 (Amendment No 10)*

- (2) The amendments made to this Policy by the following Policies do not extend to project applications under Part 3A of the Act, and development applications under Part 4 of the Act, made but not finally determined before the commencement of those amendments:

*State Environmental Planning Policy (Major Projects) 2005 (Amendment No 4)*

### **Note—**

See also clause 6 (3).

- (3) In this clause:

***project application*** means:

- (a) an application for approval of a concept plan, or
- (b) an application for approval to carry out a project (or a part or aspect of a project),  
or

- (c) an application for approval of a concept plan and to carry out a project (or a part or aspect of a project).

## **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) This clause does not apply to development for the purpose of oyster aquaculture.

**Note—**

Subclause (3) is affected by clause 19 of [State Environmental Planning Policy No 62—Sustainable Aquaculture](#), which relates to applications under the Act with respect to oyster aquaculture that were pending immediately before the commencement of subclause (3).

#### **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, communications, 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 population), 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.

## **26A Pipelines**

Development for the purposes of a pipeline in respect of which:

(a) a licence is required under the *Pipelines Act 1967*, or

(b) an application for a licence is made under that Act on or after the commencement of this clause, or

(c) a licence was granted under that Act before the commencement of this clause.

### **Note—**

The *Pipelines Act 1967* enables a person to apply for and be granted a licence under that Act although a licence is not required by the Act for the pipeline concerned. Also, see Part 3 of Schedule 1 to the *Pipelines Act 1967*, which affects the operation of the *Environmental Planning and Assessment Act 1979* with respect to pipelines.

## **26B Submarine telecommunications cables**

Development for the purpose of submarine telecommunication cables (and any attached devices) laid on or under the seabed beneath the coastal waters of the State and below the mean high water mark, being cables used for communications between Australia and other countries.

# **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

- (1) Development for the purpose of remediation of land that is category 1 remediation work on a remediation site.
- (2) In this clause, **category 1 remediation work**, **remediation** and **remediation site** have the same meanings as in [State Environmental Planning Policy No 55—Remediation of Land](#).

## 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, being development with a capital investment value of more than \$5 million, 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, being development with a capital investment value of more than \$5 million.

**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**

(1) 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.

(2) This clause does not apply to development for the purpose of a non-sporting event (such as a concert) conducted on land described in Part 1 of Schedule 2 to the *Sydney Cricket and Sports Ground Act 1978*.

## **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 (Repealed)**

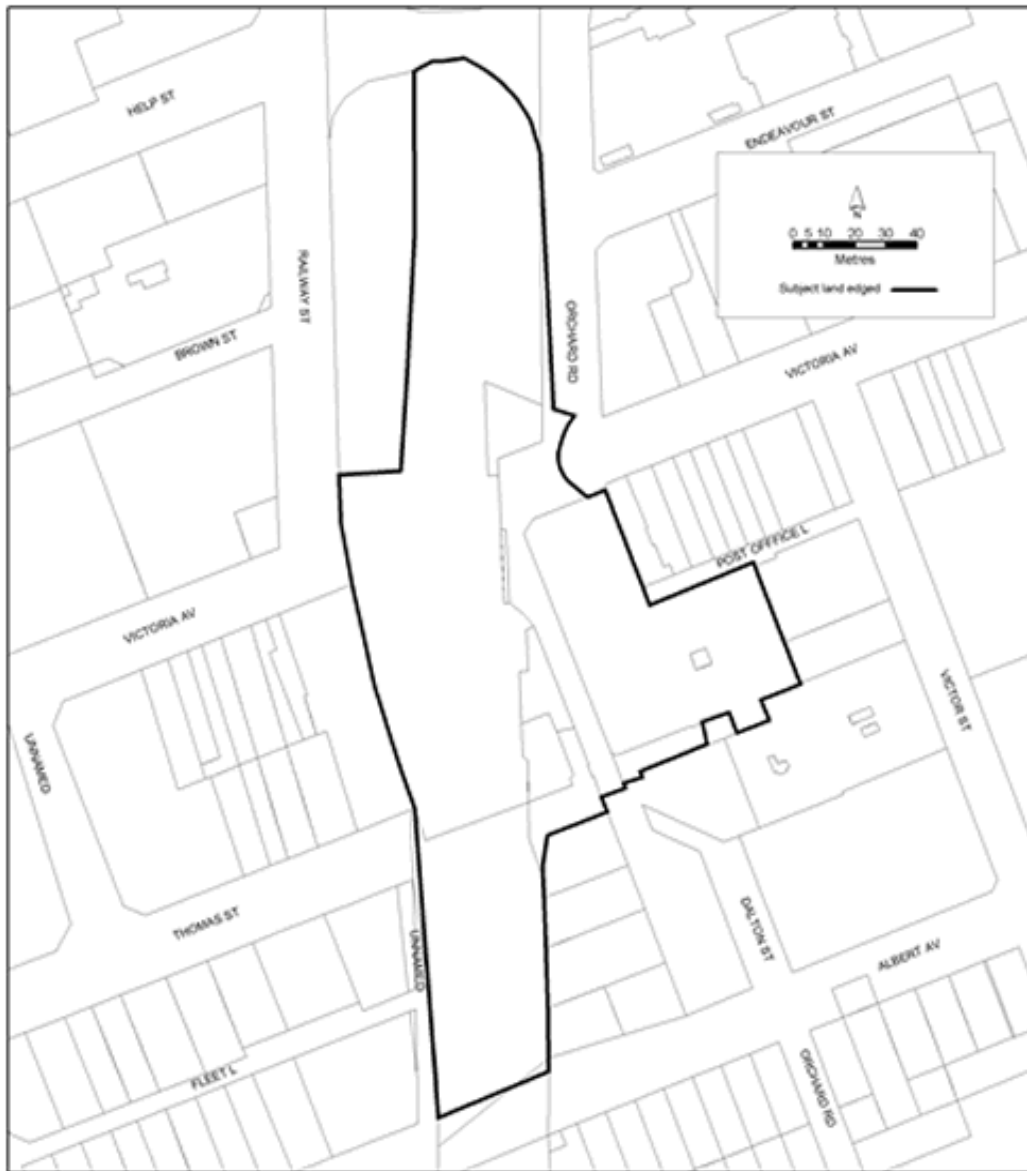
**14 Sydney Olympic Park**

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*.

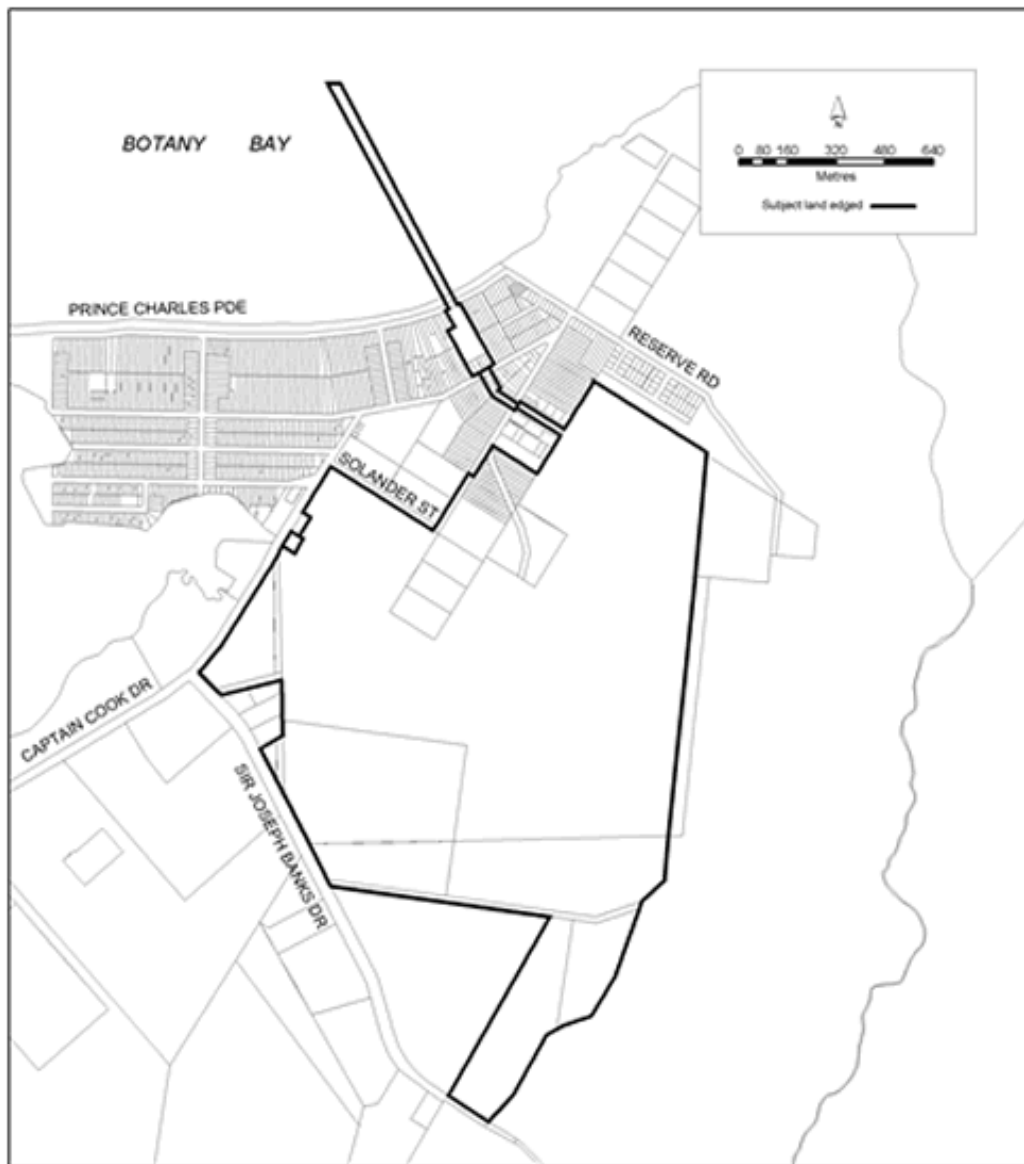
**15 Housing in Ku-ring-gai**

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**

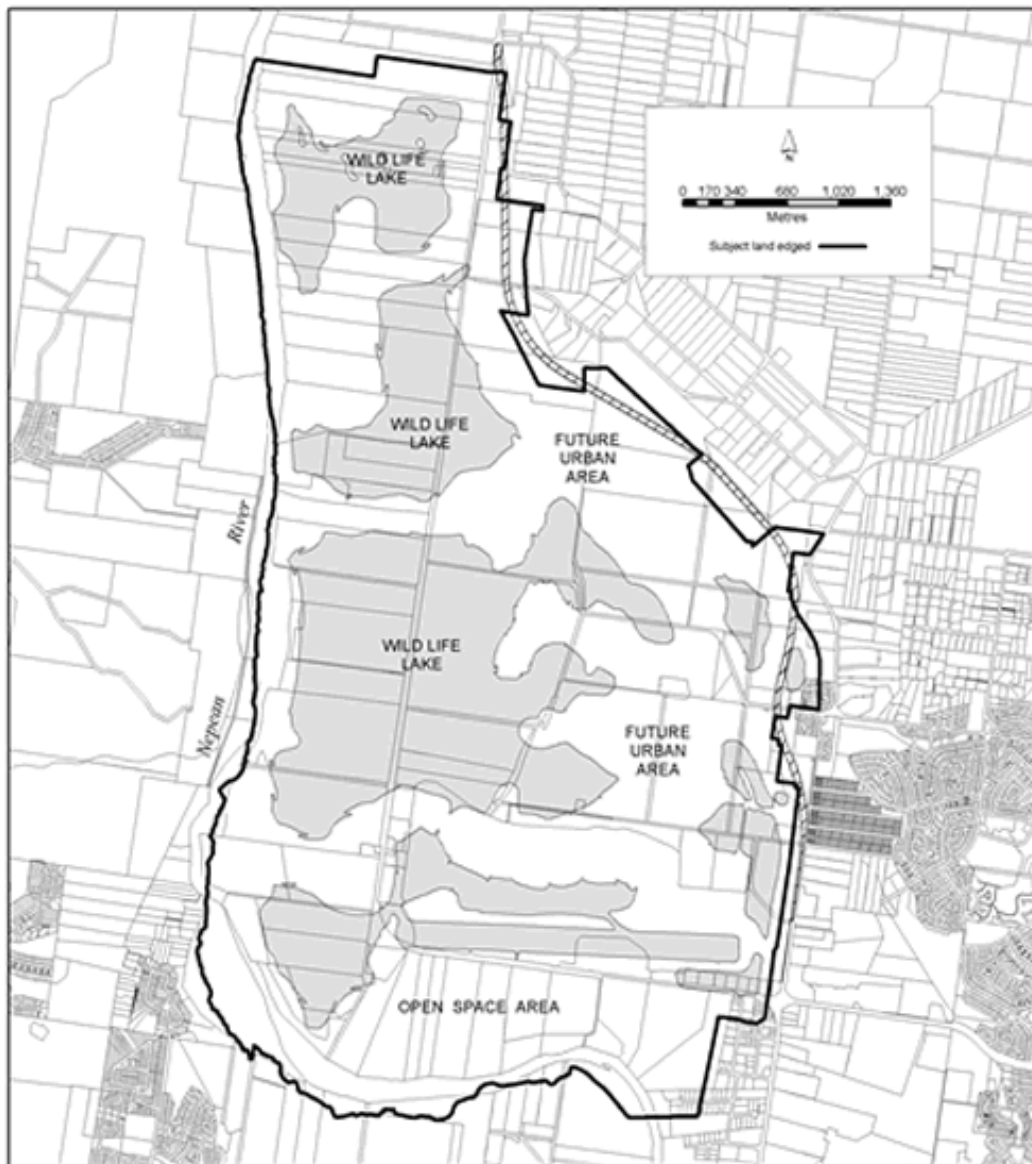


**Map 3—Schedule 2—Newcastle—Honeysuckle**

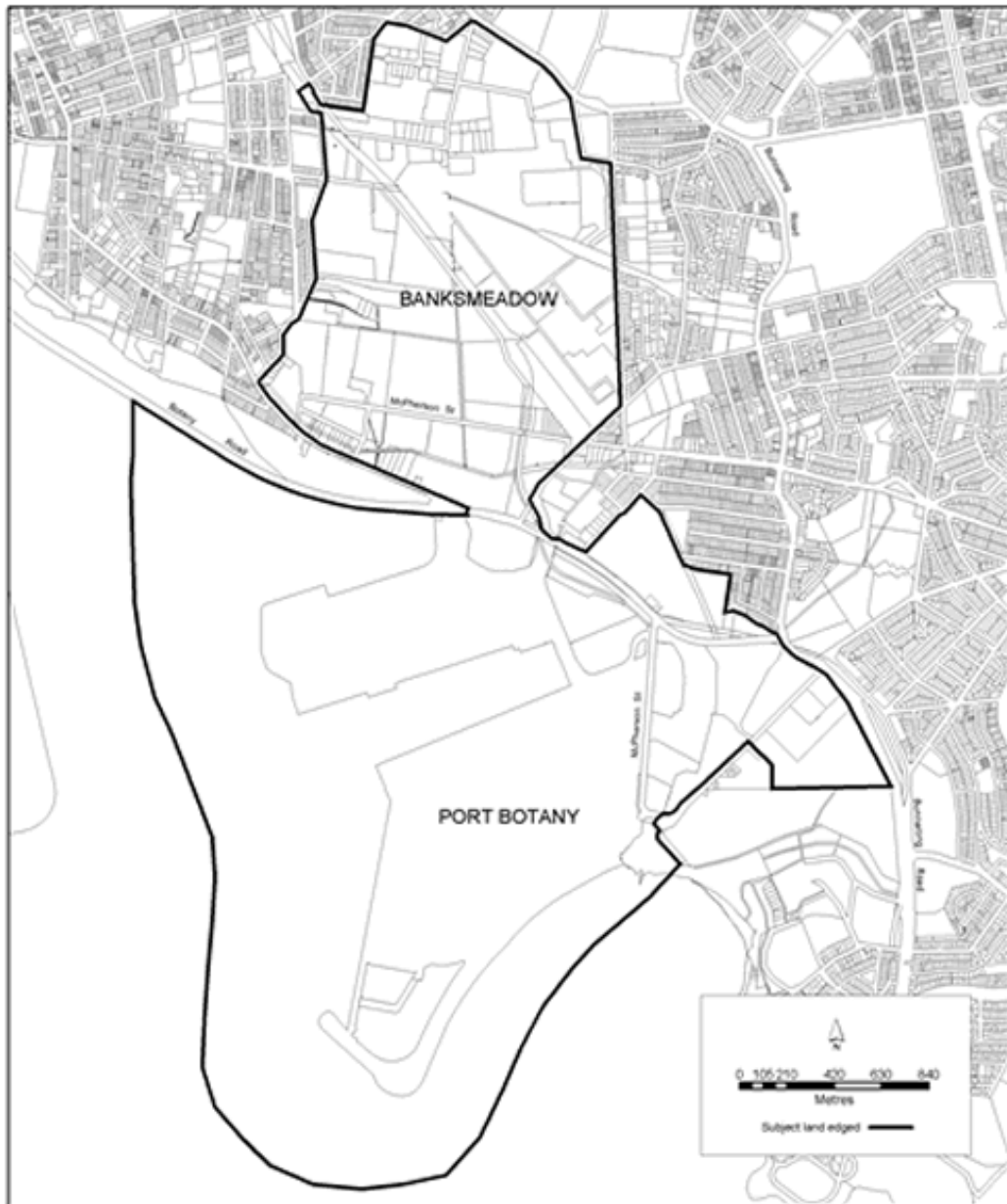


**Map 4—Schedule 2—Penrith Lakes**

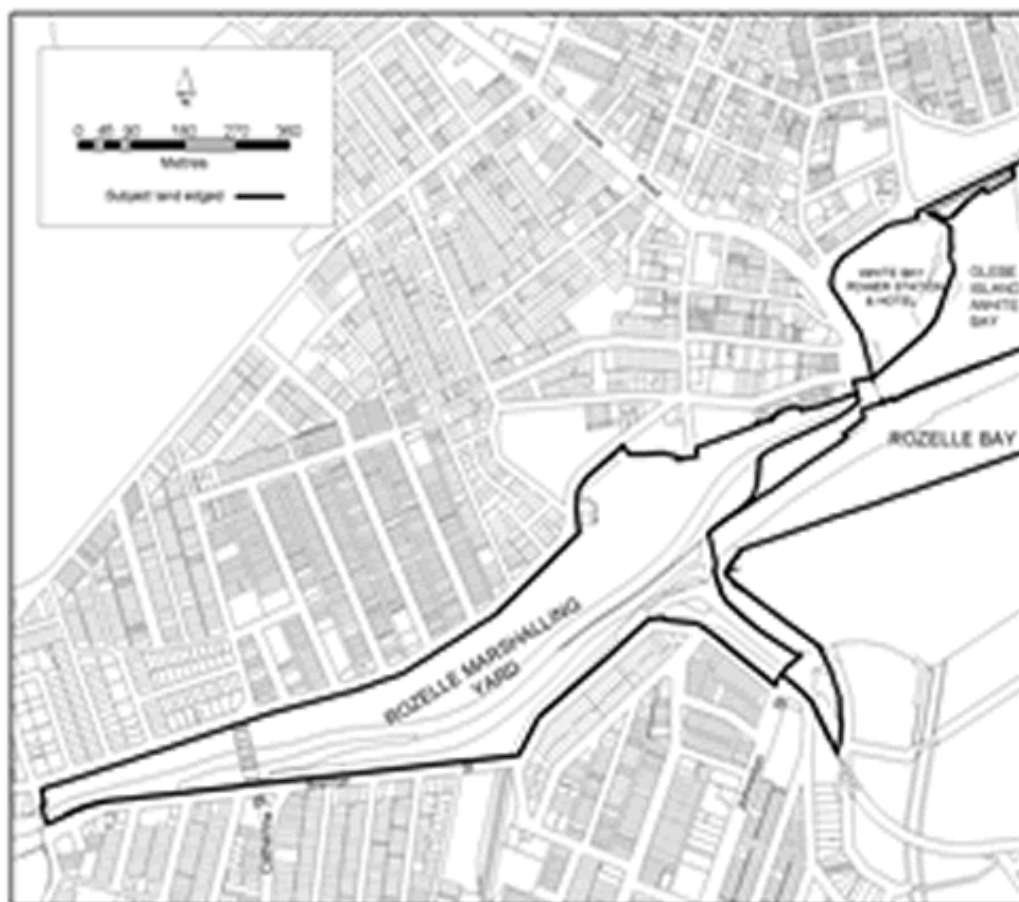




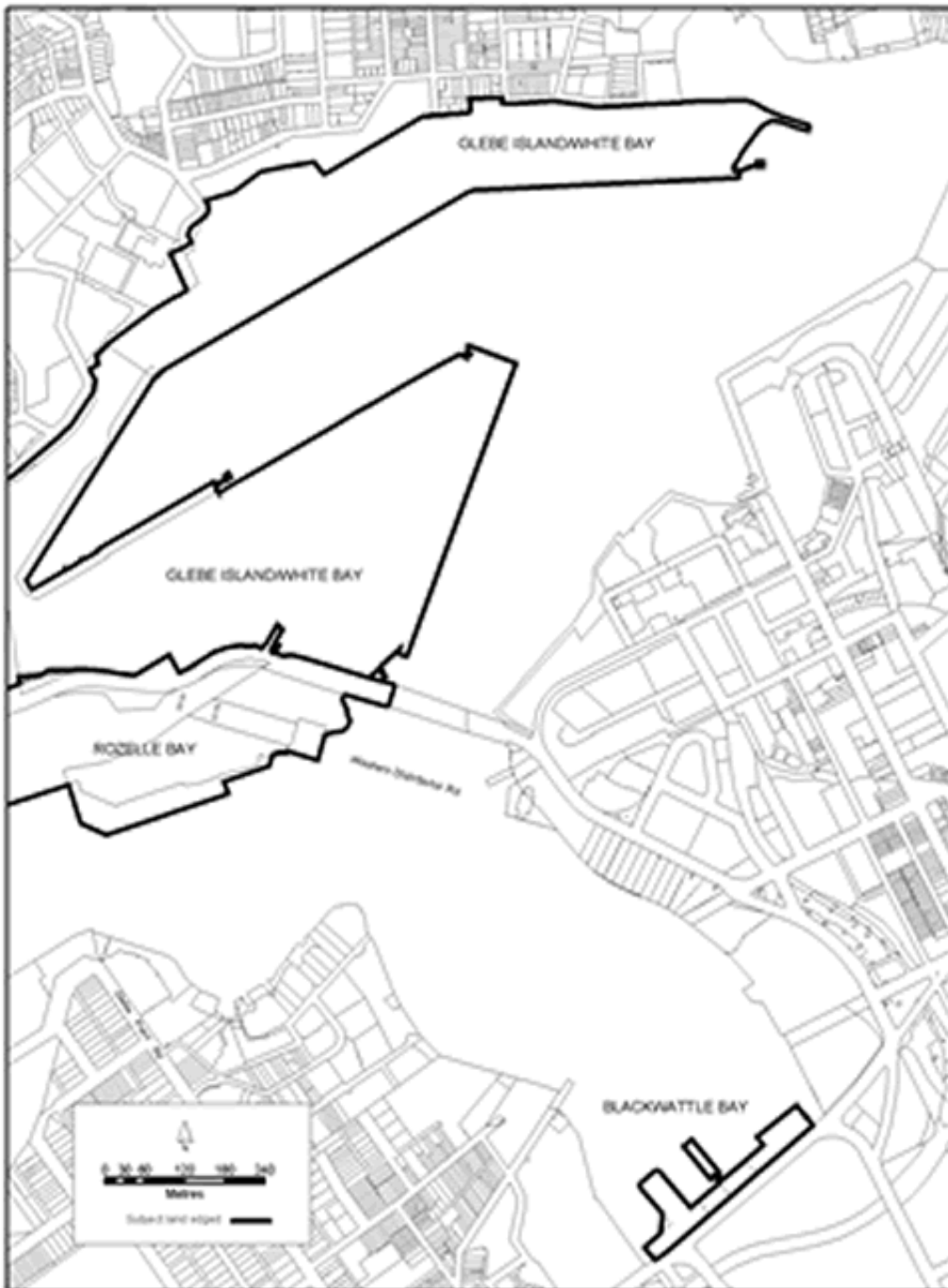
**Map 5—Schedule 2—Port and Related Employment Lands**



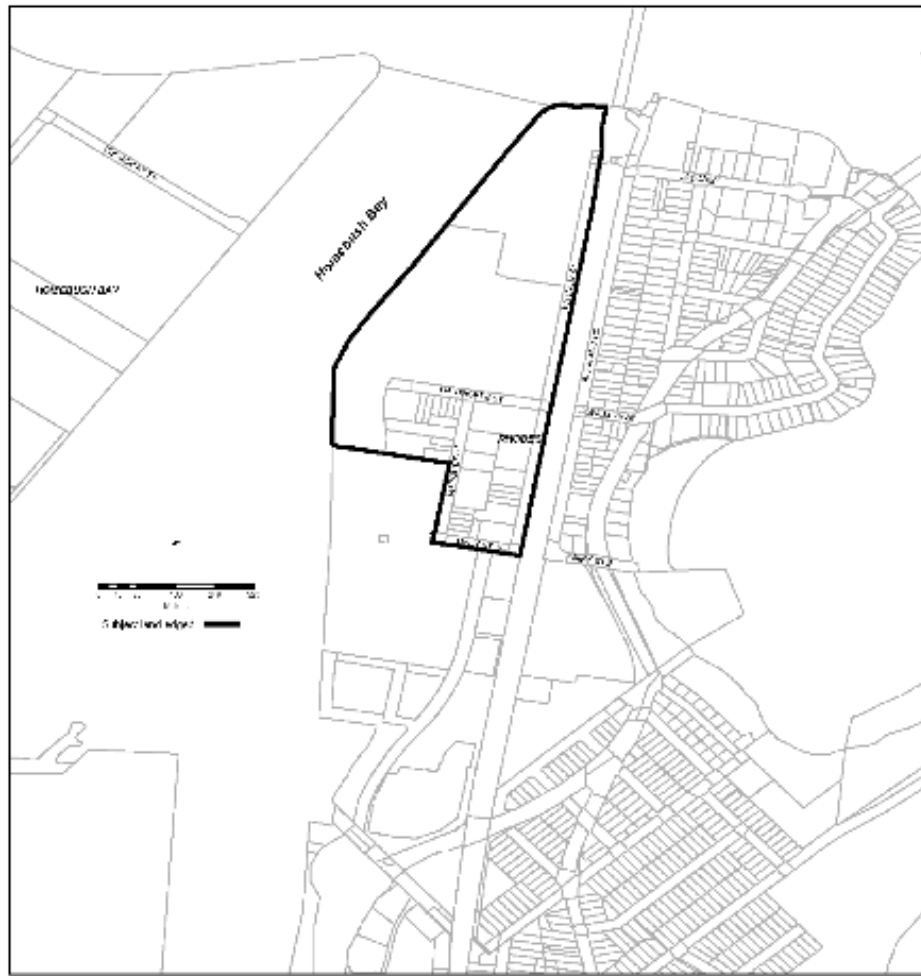
**Map 6A—Schedule 2—Port and Related Employment Lands**



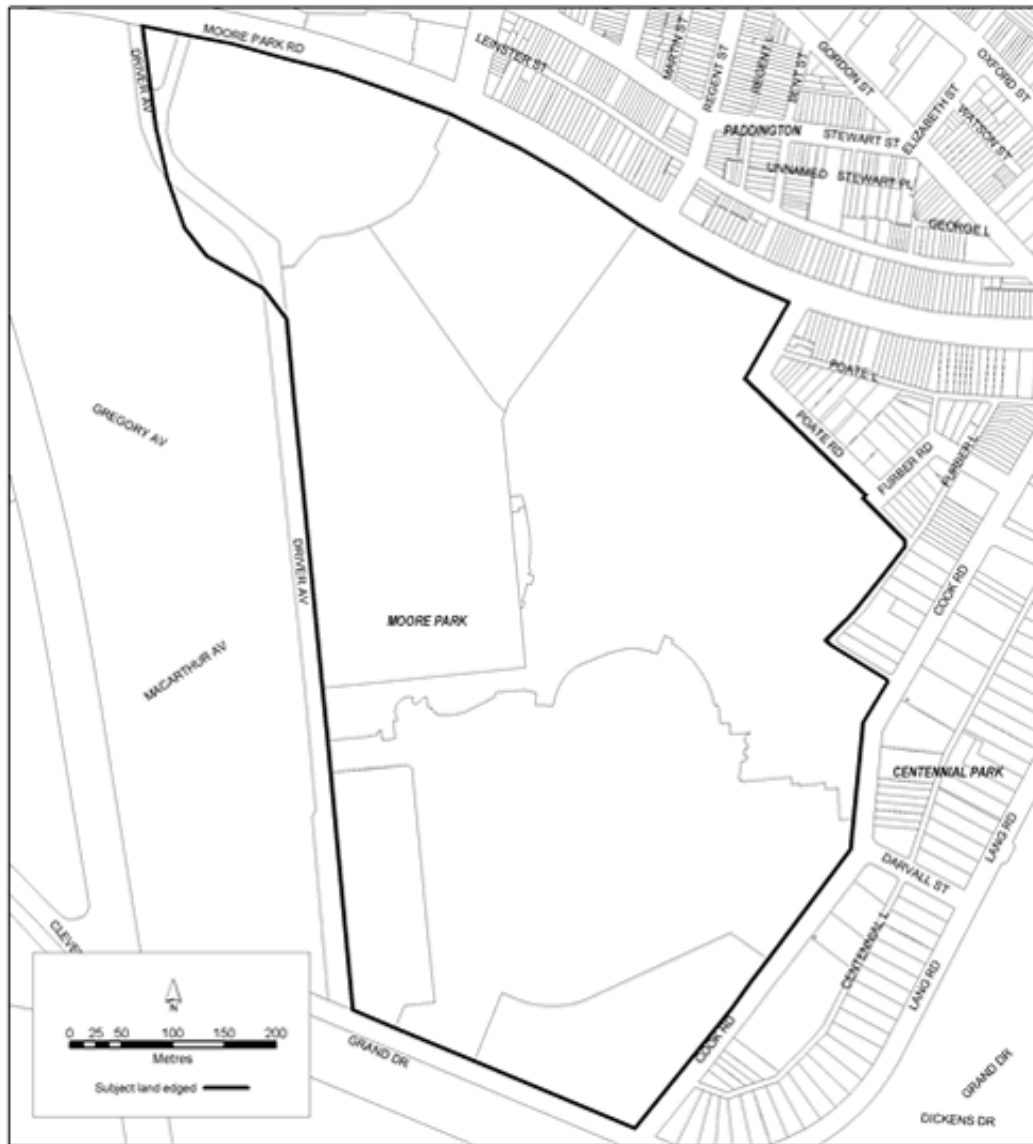
**Map 6B—Schedule 2—Port and Related Employment Lands**



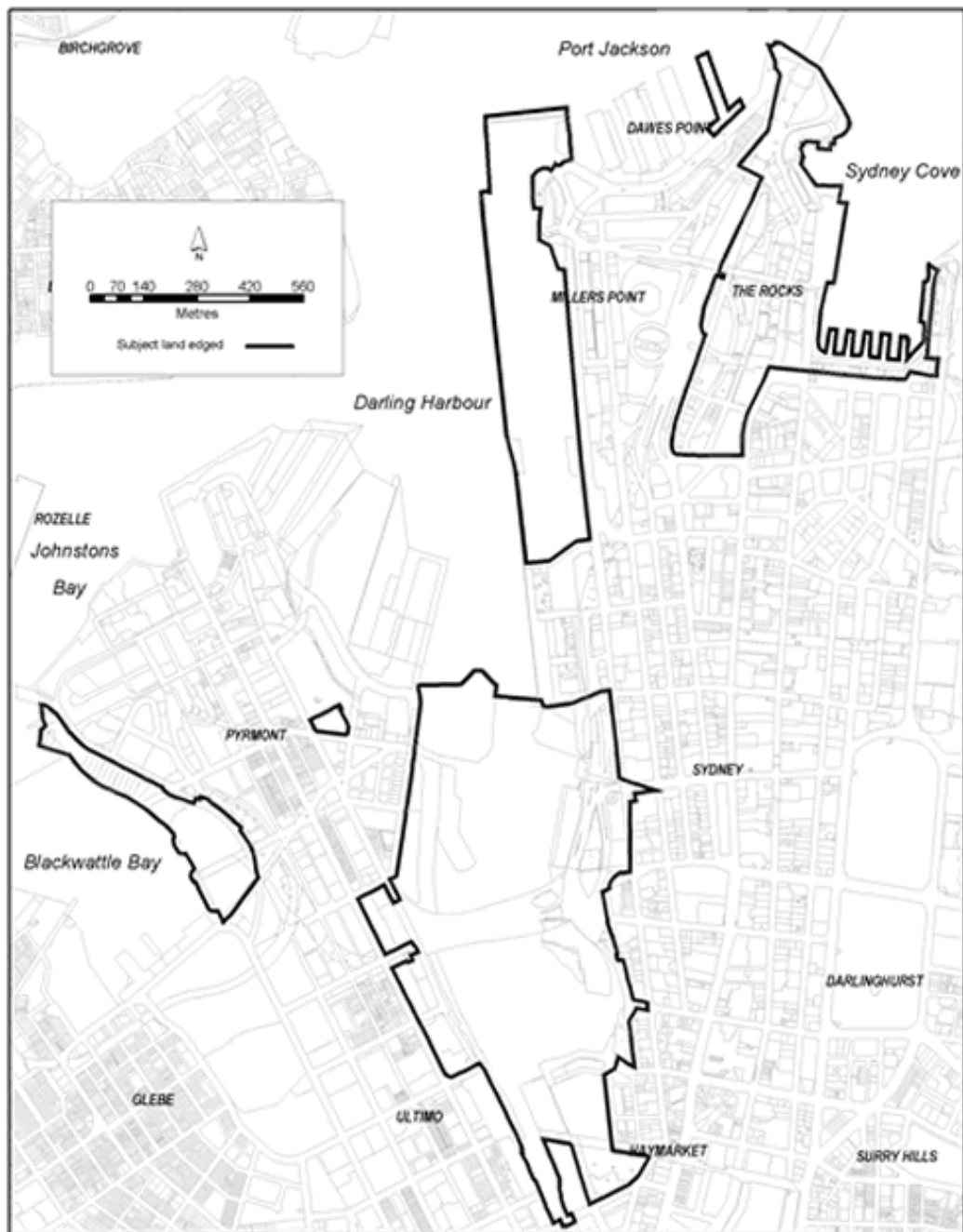
**Map 7—Schedule 2—Rhodes Peninsula**



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

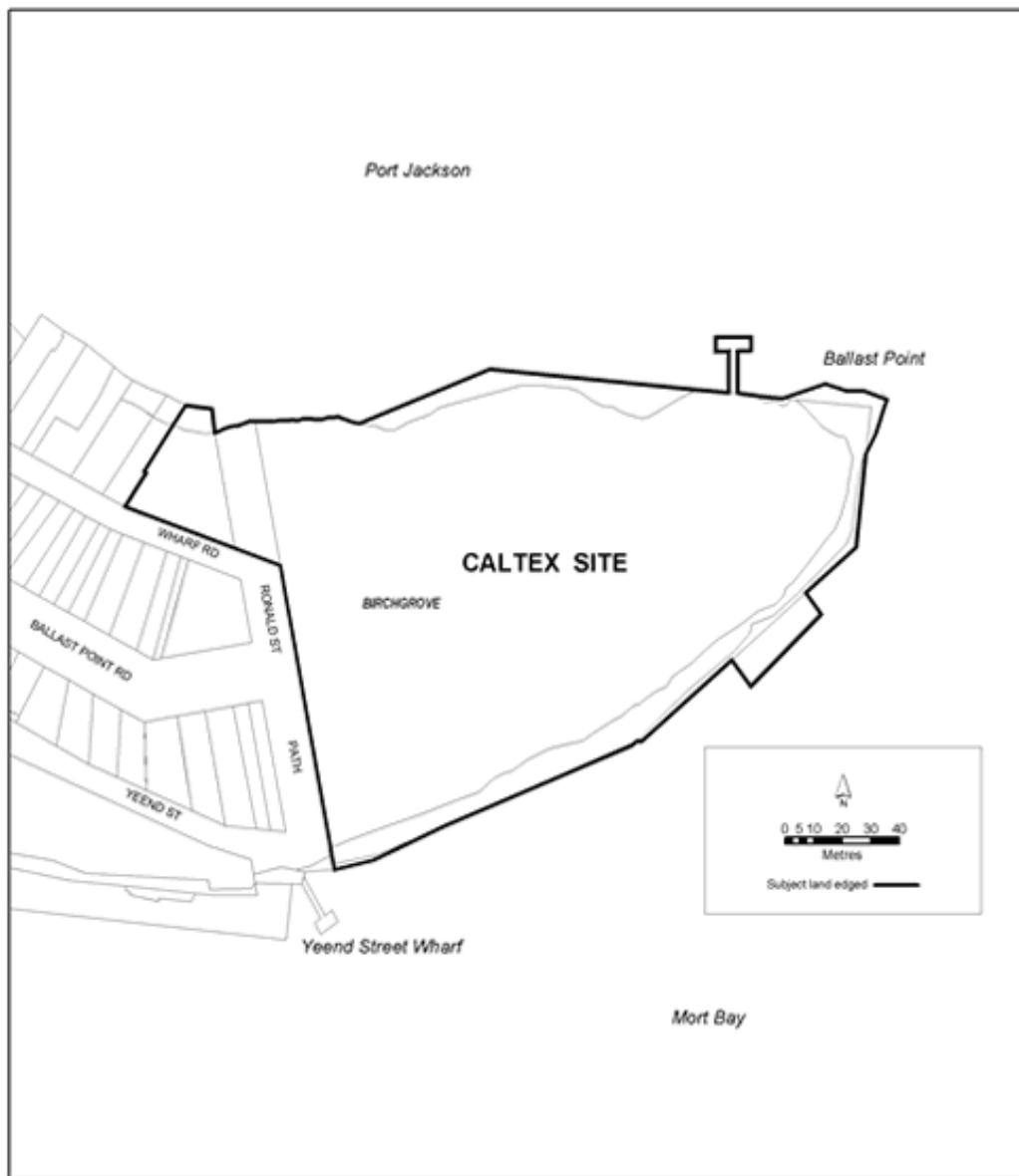


**Map 9—Schedule 2—Sydney Harbour Foreshore Sites**



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

**Map 11—Schedule 2—Caltex Site, Ballast Point**

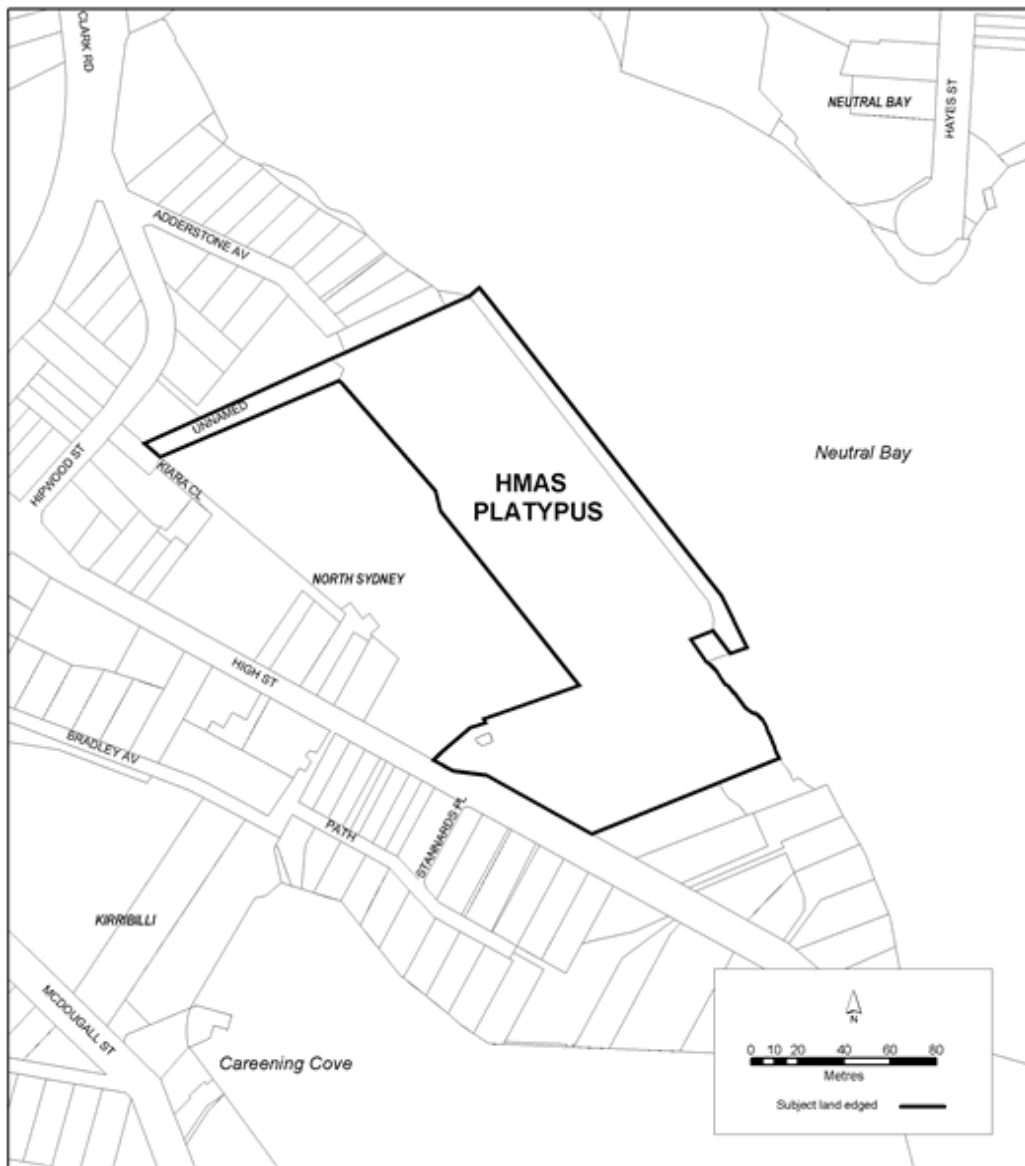


**Map 12—Schedule 2—ADI Site, Ryde**

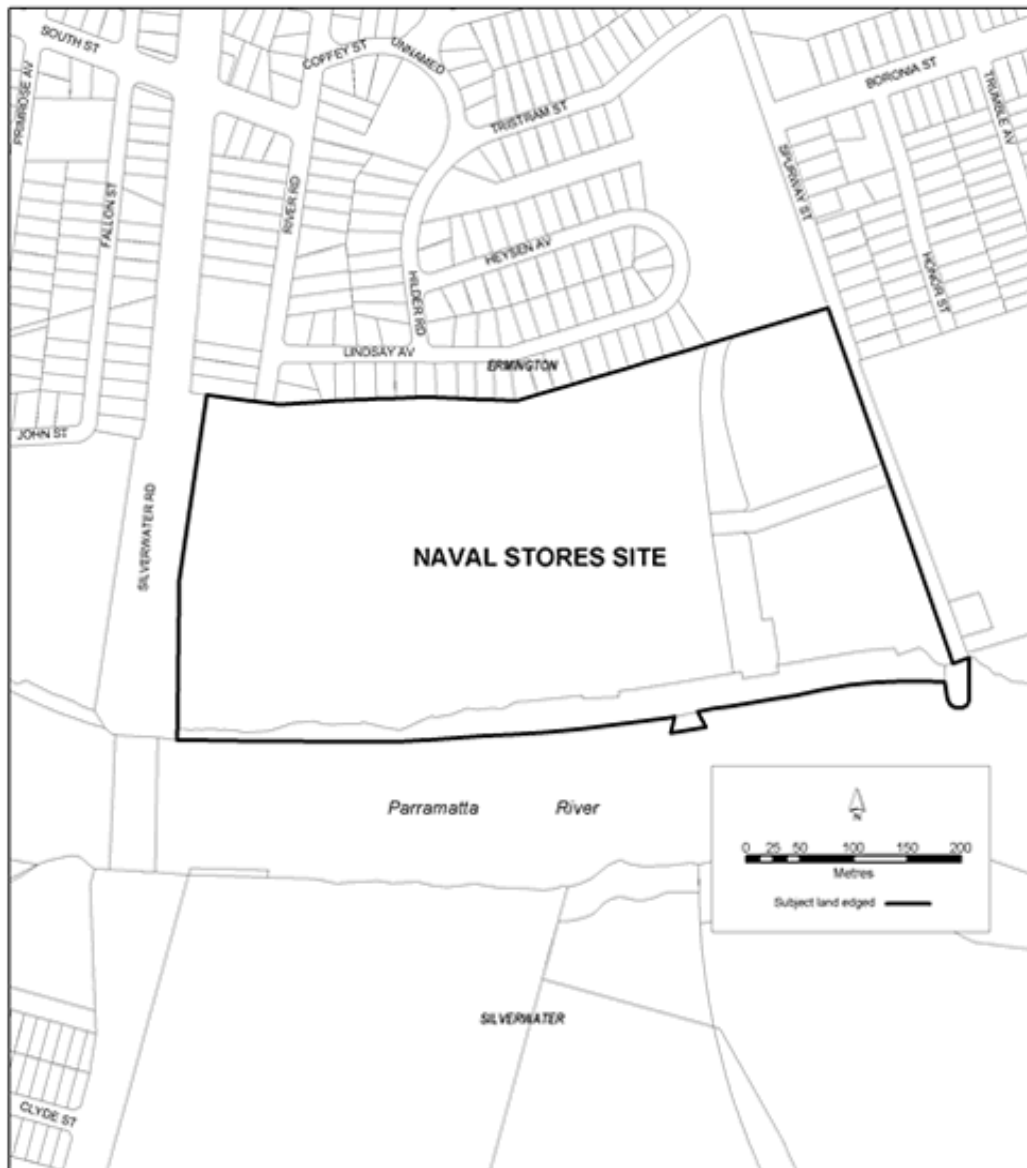




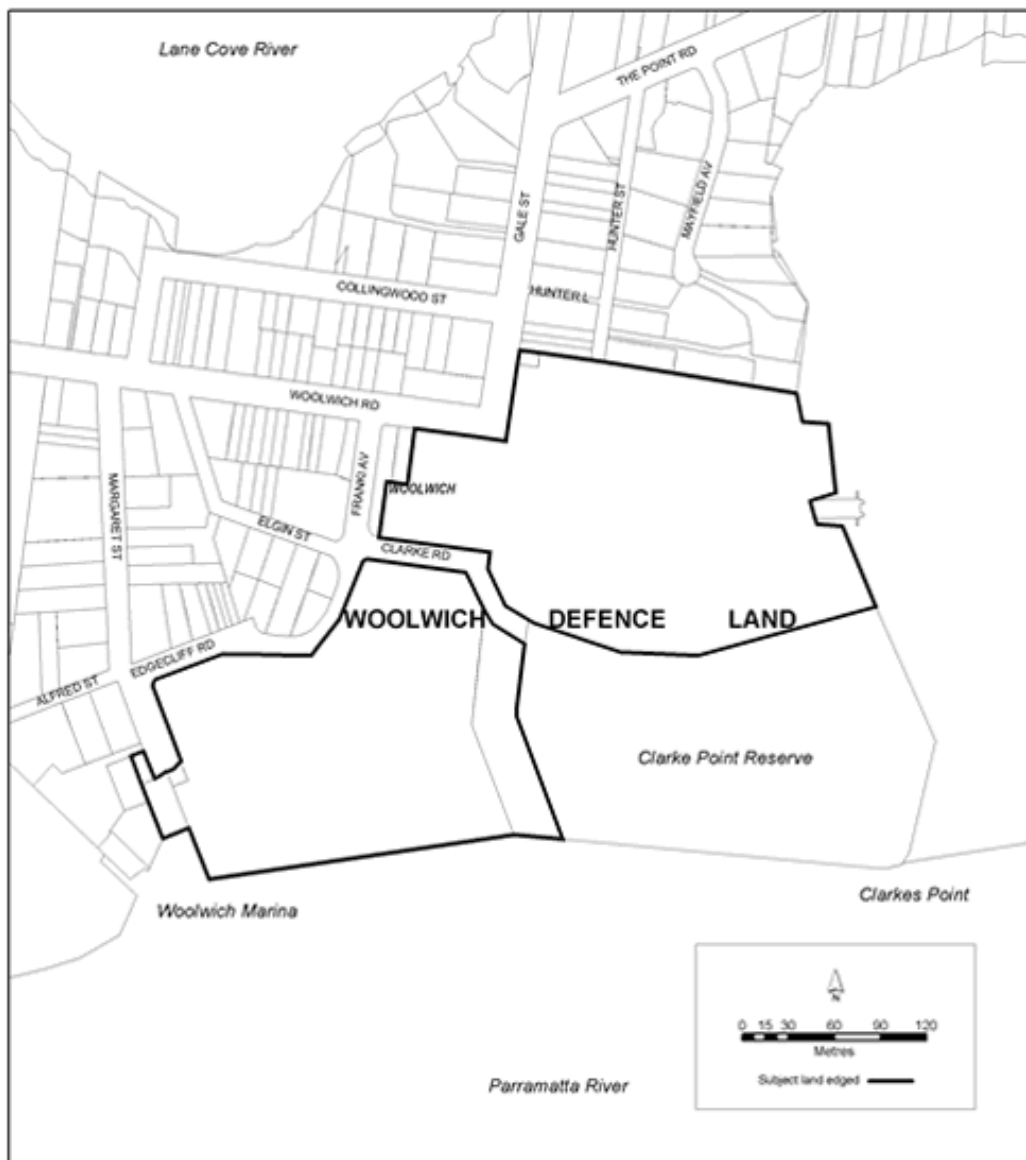
**Map 13—Schedule 2—HMAS Platypus**



**Map 14—Schedule 2—Naval Stores Site, Ermington**



**Map 15—Schedule 2—Woolwich Defence Land**



**Map 16—Schedule 2 (Repealed)**

**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 the NSW Police Force.

#### **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):

<b>Zone</b>	<b>Authority of the State</b>
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):

<b>Zone</b>	<b>Authority of the State</b>
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 5 The Redfern-Waterloo Authority Sites**

### **Division 1 Preliminary**

#### **1 Land to which Part applies**

This Part applies to the area identified on Map 3 to this Schedule referred to in this Schedule as the **Redfern-Waterloo Authority Sites**.

#### **2 Interpretation**

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

#### **3 Relationship with other environmental planning instruments**

All other environmental planning instruments do not apply to the Redfern-Waterloo Authority Sites, except for other State environmental planning policies.

#### **4 Maps**

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.
- (2) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

### **Division 2 Part 3A projects**

#### **5 Part 3A projects**

Development (with a capital investment value of more than \$5 million) on land within the Redfern-Waterloo Authority Sites, but not including development for the purposes of public utility undertakings to which clause 19 (1) applies.

**Note—**

Clause 2 of Part 1 of Schedule 6 provides that the Minister is the consent authority for all development on the Redfern-Waterloo Authority Sites that is development to which Part 4 of the Act applies.

### **Division 3 Provisions relating to development of Redfern-Waterloo**

## **Authority Sites**

### **6 Development to which Division applies**

The provisions of this Division apply with respect to development on land within the Redfern–Waterloo Authority Sites and so apply 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 Redfern–Waterloo Authority Sites is within a zone specified below if the land is shown on the map marked “*Redfern–Waterloo Authority Sites Zoning Map*” as being within that zone:
  - (a) Business Zone—Business Park
  - (b) Business Zone—Commercial Core
  - (c) Business Zone—Mixed Use
  - (d) Business Zone—Local Centre
  - (e) Recreation Zone—Public Recreation
  - (f) Recreation Zone—Private Recreation
  - (g) Residential Zone—Medium Density Residential
  - (h) Special Purpose Zone—Infrastructure
  - (i) Special Purpose Zone—Community
- (2) The consent authority must take into consideration each of the objectives for development in a zone when determining a development application in respect of land within the zone.

### **8 Business Zone—Business Park**

- (1) The objectives of the Business Zone—Business Park are as follows:
  - (a) to establish business and technology parks to encourage employment generating activities that provide for a wide range of business, technology, educational and entertainment facilities in the Zone,
  - (b) to support development that is related or ancillary to business, technology or education,
  - (c) to support development for retail uses that primarily serve the needs of the working population in the Zone and the local community,



- (d) to ensure the vitality and safety of the community and public domain,
- (e) to ensure buildings achieve design excellence,
- (f) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.

- (2) Development for any of the following purposes is prohibited on land within the Business Zone—Business Park:

boarding houses; bulky goods premises; depots; dual occupancies; dwelling houses; group homes; hazardous industries; hazardous storage establishments; heavy industries; offensive industries; residential accommodation; restricted premises; sex services premises.

- (3) Except as otherwise provided by this Policy, development is permitted with consent on land within the Business Zone—Business Park unless it is prohibited by subclause (2).

## **9 Business Zone—Commercial Core**

- (1) The objectives of the Business Zone—Commercial Core are as follows:

- (a) to facilitate the development of a town centre,
- (b) to encourage employment generating activities by providing a wide range of retail, business, office, community and entertainment facilities,
- (c) to permit residential development that is compatible with non-residential development,
- (d) to maximise public transport patronage and encourage walking and cycling,
- (e) to ensure the vitality and safety of the community and public domain,
- (f) to ensure buildings achieve design excellence,
- (g) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.

- (2) Development for any of the following purposes is prohibited on land within the Business Zone—Commercial Core:

bulky goods premises; depots; dual occupancies; dwelling houses; hazardous industries; hazardous storage establishments; heavy industries; home occupations (sex services); industries; light industries; offensive industries; offensive storage establishments; restricted premises; sex services premises; transport depots; truck depots; vehicle body repair workshops; warehouses or distribution centres.

- (3) Except as otherwise provided by this Policy, development is permitted with consent on

land within the Business Zone—Commercial Core unless it is prohibited by subclause (2).

#### **10 Business Zone—Mixed Use**

- (1) The objectives of the Business Zone—Mixed Use are as follows:
  - (a) to support the development of sustainable communities with a mix of employment, educational, cultural and residential opportunities,
  - (b) to encourage employment generating activities by providing a range of office, business, educational, cultural and community activities in the Zone,
  - (c) to permit residential development that is compatible with non-residential development,
  - (d) to maximise public transport patronage and encourage walking and cycling,
  - (e) to ensure the vitality and safety of the community and public domain,
  - (f) to ensure buildings achieve design excellence,
  - (g) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.
- (2) Development for any of the following purposes is prohibited on land within the Business Zone—Mixed Use:

bulky goods premises; depots; dual occupancies; dwelling houses; hazardous industries; hazardous storage establishments; heavy industries; home occupations (sex services); industries; offensive industries; offensive storage establishments; restricted premises; sex services premises; transport depots; truck depots; vehicle body repair workshops.
- (3) Except as otherwise provided by this Policy, development is permitted with consent on land within the Business Zone—Mixed Use unless it is prohibited by subclause (2).

#### **11 Business Zone—Local Centre**

- (1) The objectives of the Business Zone—Local Centre are as follows:
  - (a) to facilitate the development of a local centre,
  - (b) to provide a range of retail, business, educational, health and community facilities in the Zone to serve the local community,
  - (c) to permit residential development that is compatible with non-residential development,
  - (d) to maximise public transport patronage and encourage walking and cycling,

- (e) to ensure the vitality and safety of the community and public domain,
  - (f) to ensure buildings achieve design excellence,
  - (g) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.
- (2) Development for any of the following purposes is prohibited on land within the Business Zone—Local Centre:
- depots; dwelling houses; hazardous industries; hazardous storage establishments; heavy industries; home occupations (sex services); industries; light industries; offensive industries; offensive storage establishments; restricted premises; sex services premises; transport depots; truck depots; vehicle body repair workshops; warehouse or distribution centres.
- (3) Except as otherwise provided by this Policy, development is permitted with consent on land within the Business Zone—Local Centre unless it is prohibited by subclause (2).

## **12 Recreation Zone—Public Recreation**

- (1) The objectives of the Recreation Zone—Public Recreation are as follows:
- (a) to enable land to be used for public open space or recreational purposes,
  - (b) to enable development for the enjoyment of the community,
  - (c) to ensure the vitality and safety of the community and public domain,
  - (d) to enhance and protect the natural environment for recreational purposes,
  - (e) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.
- (2) Development for any of the following purposes may be carried out on land within the Recreation Zone—Public Recreation only with consent:
- car parks; environmental facilities; environmental protection works; kiosks; passenger transport facilities; recreation areas; recreation facilities (outdoor).
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Recreation Zone—Public Recreation unless it may be carried out under subclause (2).

## **13 Recreation Zone—Private Recreation**

- (1) The objectives of the Recreation Zone—Private Recreation are as follows:
- (a) to enable land to be used for private open space or recreational purposes,

- (b) to enable a range of recreational and community activities and compatible land uses,
  - (c) to ensure the vitality and safety of the community and public domain,
  - (d) to enhance and protect the natural environment for recreational purposes,
  - (e) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.
- (2) Development for any of the following purposes may be carried out on land within the Recreation Zone—Private Recreation only with consent:
- car parks; community facilities; environmental facilities; environmental protection works; kiosks; passenger transport facilities; recreation areas; recreation facilities (indoor); recreation facilities (outdoor).
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Recreation Zone—Private Recreation unless it may be carried out under subclause (2).

#### **14 Residential Zone—Medium Density Residential**

- (1) The objectives of the Residential Zone—Medium Density Residential are as follows:
- (a) to provide for a range and variety of housing types in the Zone,
  - (b) to allow for other types of development to provide facilities or services to meet the day to day needs of residents in the local area,
  - (c) to enable other development that is compatible with housing,
  - (d) to ensure the vitality and safety of the community and public domain,
  - (e) to ensure that buildings achieve design excellence,
  - (f) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.
- (2) Development for any of the following purposes may be carried out on land within the Residential Zone—Medium Density Residential only with development consent:
- boarding houses; child care centres; community facilities; dual occupancies; dwelling houses; group homes; health consulting rooms; home industries; multi dwelling housing; neighbourhood shops; places of public worship; residential flat buildings; seniors housing; shop top housing; telecommunications facilities; temporary structures.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within

the Residential Zone—Medium Density Residential unless it may be carried out under subclause (2).

### **15 Special Purpose Zone—Infrastructure**

- (1) The objectives of the Special Purpose Zone—Infrastructure are as follows:
  - (a) to provide for railway infrastructure and related facilities,
  - (b) to prevent development in the Zone that is not compatible with or may detract from the provision of railway infrastructure and related facilities,
  - (c) to ensure the vitality and safety of the community and public domain,
  - (d) to ensure that buildings achieve design excellence,
  - (e) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.
- (2) Development for any of the following purposes may be carried out on land within the Special Purpose Zone—Infrastructure only with consent:
  - (a) the alteration of or addition to a railway station; the construction of a new railway station; retail or business activities ancillary to a railway station,
  - (b) telecommunications facilities,
  - (c) access facilities (such as tunnels or bridges) that traverse the railway corridor.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Special Purpose Zone—Infrastructure unless it may be carried out under subclause (2).

### **16 Special Purpose Zone—Community**

- (1) The objectives of the Special Purpose Zone—Community are as follows:
  - (a) to enable land to be used for community purposes,
  - (b) to enable development to be carried out for the social, educational and recreational needs of the community,
  - (c) to support development that is related or ancillary to community, recreational or educational use of the land in the Zone,
  - (d) to ensure the vitality and safety of the community and public domain,
  - (e) to ensure that buildings achieve design excellence,
  - (f) to promote landscaped areas with strong visual and aesthetic values to enhance

the amenity of the area.

- (2) Development for any of the following purposes may be carried out on land within the Special Purpose Zone—Community only with development consent:

advertisements; advertising structures; boarding houses; car parks; child care centres; community facilities; educational establishments; entertainment facilities; function centres; hostels; information and educational facilities; kiosks; medical centres; office premises; passenger transport facilities; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); registered clubs; restaurants; telecommunications facilities; temporary structures; tourist and visitor accommodation related or ancillary to community facilities, educational establishments, recreation facilities (indoor) or recreation facilities (outdoor).

- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Special Purpose Zone—Community unless it may be carried out under subclause (2).

### **17 Exempt development**

The following development is exempt development if it is carried out on land within the 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 and made publicly available) for the purposes of this clause:

- (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,
- (c) the erection and use of outdoor seating, tables and similar furniture located in the public domain and associated with cafes, restaurants, bars and other similar development,
- (d) the erection and use of public furniture, planter boxes, lighting, bus shelters, public telephone booths or post boxes, or the carrying out of street planting, footpath widening and related road works, undertaken by a public authority,
- (e) the erection and use of public furniture and the carrying out of landscaping associated with existing public recreation areas, such as the erection of shade structures, tables, seats, children’s play equipment, barbecues and toilets,
- (f) development for the purposes of real estate signs,
- (g) the erection of a flagpole, if the maximum height of the flagpole is not more than 6 metres above existing ground level,

- (h) erection of a side or rear boundary fence located behind the front wall of a building, if the fence does not exceed 1.8 metres in height and is not of masonry construction,
- (i) the use of premises for a home business.

### **18 Unzoned land**

- (1) This clause applies to land within the Redfern–Waterloo Authority sites that is not within a zone specified in clause 7.
- (2) Except as provided by this clause, development is prohibited on land to which this clause applies.
- (3) Development for the purposes of public utility undertakings to which clause 19 (1) applies may be carried out on land to which this clause applies without development consent.
- (4) Development referred to in clause 30 may be carried out on land to which this clause applies with development consent.

### **19 Public utility undertakings excepted**

- (1) Development for the purposes of public utility undertakings that is carried out on land within the Redfern–Waterloo Authority Sites does not require development consent.
- (2) Subclause (1) does not apply to development referred to in clause 15 (2) (a) or (c).

#### **Note—**

As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of the Act or, if it is applicable, Part 3A of the Act.

### **20 Subdivision—consent requirements**

- (1) Land within the Redfern–Waterloo Authority Sites may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
  - (a) widening a public road,
  - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
  - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
  - (d) a consolidation of lots that does not create additional lots or the opportunity for

additional dwellings,

- (e) rectifying an encroachment on a lot,
- (f) creating a public reserve,
- (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

(3) Despite subclause (1), consent is not required for subdivision under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, except:

- (a) in the case of a building to which *State Environmental Planning Policy No 10—Retention of Low-Cost Rental Accommodation* applies, or
- (b) where the building has been designed or approved for occupation as a single unit.

## **21 Height and floor space ratio restrictions**

- (1) The height of a building on any land that is the subject of the map marked “*Redfern–Waterloo Authority Sites Height Map*” is not to exceed the maximum height shown for the land on that map.
- (2) The floor space ratio of a building on any land that is the subject of the map marked “*Redfern–Waterloo Authority Sites Floor Space Ratio Map*” is not to exceed the floor space ratio shown for the land on that map.
- (3) This clause applies only in relation to development where the Minister has not, in an approval for a concept plan for the development (whether given before or after the commencement of this clause), provided for the construction of a building that exceeds the height or floor space ratio restrictions, or both, set out in subclauses (1) and (2).

## **22 Design excellence**

- (1) Consent must not be granted to a new building or to external alterations to an existing building unless the consent authority has considered whether the proposed development exhibits design excellence.
- (2) In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters:
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,



(c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency,

(d) if a competition is held as referred to in subclause (3) in relation to the development, the results of the competition.

(3) The consent authority may require a design competition for any development over 12 storeys consistent with guidelines issued by the Redfern–Waterloo Authority and approved by the Minister.

(4) The Redfern–Waterloo Authority may draft a guideline to be approved by the Minister detailing what matters are to be addressed for design excellence and for the conduct of design competitions.

### **23 Car parks**

(1) Development for the purpose of car parks is permissible with consent on land within the Business Zone—Business Park and identified as site H on the map marked “*Redfern–Waterloo Authority Sites Floor Space Ratio Map*”.

(2) Consent may not be granted as referred to in subclause (1) unless the consent authority is satisfied that the number of car parking spaces in the Business Zone—Business Park will not, as a result of the granting of consent, exceed 1,600 car spaces.

### **24 Suspension of covenants, agreements and instruments**

(1) For the purpose of enabling development on land within any zone to be carried out in accordance with this plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

(2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.

(3) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1) and (2).

## **Division 4 Additional provisions for the Redfern–Waterloo Authority Sites not applying to Part 3A projects**

### **25 Development to which Division applies**

The provisions of this Division do not apply with respect to development on land within the Redfern–Waterloo Authority Sites that is a project to which Part 3A of the Act applies.

## 26 Notification of advertised development

Subject to the Act and the regulations, notice of a development application for consent to carry out development on land within the Redfern–Waterloo Authority Sites is to be given in accordance with the provisions of any applicable development control plan.

## 27 Heritage conservation

- (1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item:
  - (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or
  - (b) damage or remove the relic, or
  - (c) excavate land for the purpose of discovering, exposing or moving the relic, or
  - (d) damage or despoil the tree or place, or
  - (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or
  - (f) damage any tree or land on which the building, work or relic is situated on or on the land which comprises the place, or
  - (g) make structural changes to the interior of the building or work,except with the consent of the consent authority.
- (2) However, consent under this clause is not required if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - (a) is of a minor nature, or is for the maintenance of the heritage item, and
  - (b) would not adversely affect the significance of the heritage item.
- (3) In this clause, **heritage item** means a building, work, relic, tree or place that is indicated as a heritage item on the *Redfern–Waterloo Authority Sites Heritage Map*.

## 28 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the Redfern–Waterloo Authority Sites through the preservation of trees and other vegetation.
- (2) This clause applies to species or kinds of trees or other vegetation that are identified for the purposes of this clause by a development control plan adopted by the consent authority.

**Note—**

A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
  - (a) development consent, or
  - (b) a permit granted by the consent authority.
- (4) The refusal by the consent authority to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the consent authority to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the consent authority is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the consent authority is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation that is or forms part of a heritage item (within the meaning of clause 27).

**Note—**

As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 27 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:
  - (a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the [Native Vegetation Act 2003](#) or that is a routine agricultural management activity within the meaning of that Act carried out on land to which that Act applies, or
  - (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the [Native Vegetation Act 2003](#)) that is authorised by a development consent under the provisions of the [Native Vegetation Conservation Act 1997](#) as continued in force by that clause, or
  - (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the [Forestry Act 1916](#), or
  - (d) action required or authorised to be done by or under the [Electricity Supply Act 1995](#), the [Roads Act 1993](#) or the [Surveying Act 2002](#), or
  - (e) plants declared to be noxious weeds under the [Noxious Weeds Act 1993](#).

## 29 Community use of educational establishments

- (1) The objective of this clause is to allow the use of educational establishments, including their site and facilities, for other community purposes.
- (2) An educational establishment (including the site and facilities) may, with consent, be used for any other community purpose, whether or not any such use is a commercial use of the land.
- (3) Nothing in this clause requires consent to carry out development on any land if that development could, but for this clause, be carried out on that land without consent.

## 30 Temporary use of land

The consent authority may grant consent to the carrying out, on land within the Redfern–Waterloo Authority Sites, of development (other than designated development) for any purpose for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.

# Part 6 Kings Forest site

## 1 Definitions

In this Part:

**agricultural buffer** means an area within the Kings Forest site indicated by distinctive marking as “Agricultural Buffer—150m” on the Zoning Map.

**ecological buffer** means an area within the Kings Forest site indicated by distinctive marking as “Ecological Buffer—50m” on the Zoning Map.

**Kings Forest site** means the land at Kings Forest as shown edged heavy black on Map 4 to this Schedule.

**native vegetation** has the same meaning as in the [Native Vegetation Act 2003](#).

**Zoning Map** means the map marked “*State Environmental Planning Policy (Major Projects) 2005 (Amendment No 10)—Kings Forest—Zoning Map*”.

## 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 Application of Part**

- (1) Subject to subclauses (2) and (3), this Part applies with respect to development within the Kings Forest site and so applies whether or not the development is a project to which Part 3A of the Act applies.
- (2) This Part does not apply to the land comprising Lot 19, DP 112061 unless and until that land has been vacant for one continuous period of 12 months, being a period that commences on or after the commencement of this Part.
- (3) 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.

### **4 Land use zones and objectives**

- (1) For the purposes of this Policy, land within the Kings Forest site is in a zone specified below if the land is shown on the Zoning Map as being within that zone:
  - (a) Zone 2 (c) Urban Expansion,
  - (b) Zone 5 (a) Special Uses,
  - (c) Zone 7 (a) Environmental Protection (Wetlands and Littoral Rainforests),
  - (d) Zone 7 (l) Environmental Protection (Habitat).
- (2) Subject to the other provisions of this Part, the provisions of *Tweed Local Environmental Plan 2000*, as in force at the commencement of this clause, apply to land within a zone in the same way as they apply to land within a zone of the same name under that Plan and so apply as if those provisions were provisions of this Policy.
- (3) The consent authority must have regard to the objectives for development in a zone within the Kings Forest site when determining a development application in respect of land within that zone.

### **5 Zone 2 (c)**

- (1) **Subdivision** Subdivision of land within Zone 2 (c) is permitted with consent regardless

of the size of each allotment to be created by the subdivision.

- (2) **Dwelling houses** Development for the purposes of a dwelling house is permitted with consent on land within Zone 2 (c) regardless of the size of the allotment on which the house is to be located.

## 6 Zones 7 (a) and 7 (l)

- (1) **Subdivision that is permitted** Subdivision of land within Zone 7 (a) or 7 (l) is permitted with consent if the subdivision is for one or more of the following purposes:
- (a) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
  - (b) a minor realignment of boundaries to reflect the zone boundaries, being a realignment that does not involve the creation of a greater number of lots.
- (2) **Other subdivision** Subdivision of land within Zone 7 (a) or 7 (l) for any other purpose is prohibited.
- (3) **Temporary development** The consent authority must not consent to development on land within Zone 7 (a) or 7 (l) for which consent may be granted under *Tweed Local Environmental Plan 2000* only because the development is carried out for not more than 14 days, whether consecutive or not, in any one year.
- (4) **Dwelling houses** Development for the purposes of a dwelling house is prohibited on land within Zone 7 (l).
- (5) **Earthworks** Development for the purposes of earthworks is permitted with consent on land within Zone 7 (l), but only if the applicant for consent has demonstrated to the consent authority's satisfaction that:
- (a) the development is necessary for any one of the following reasons:
    - (i) it needs to be in the locality in which it is proposed to be carried out due to the nature, function or service catchment of the development,
    - (ii) it meets an identified urgent community need,
    - (iii) it comprises a major employment generator, and
  - (b) there is no other appropriate site on which the development is permitted with consent (other than as advertised development) in reasonable proximity, and
  - (c) the development is generally consistent with the scale and character of existing and future lawful development in the immediate area, and
  - (d) the development is consistent with the aims of *Tweed Local Environmental Plan 2000* (to the extent that those aims are consistent with this Policy) and at least

one of the objectives of Zone 7 (l).

## **7 Ecological buffers**

- (1) Consent must not be granted to development on land within an ecological buffer unless the consent authority is satisfied, after considering a detailed environmental assessment, that:
  - (a) the development complies with the objectives for ecological buffers and other provisions of this clause, and
  - (b) there is no practicable alternative to siting the development within the buffer.
- (2) The objectives for ecological buffers are:
  - (a) to protect wetlands or areas of particular habitat significance, and
  - (b) to restrict development so that, as far as practicable, it does not occur within ecological buffers, and
  - (c) to help ensure that development is designed, sited and managed so as to minimise its impact on the ecological and hydrological functions of ecological buffers, and
  - (d) to encourage the restoration and maintenance of native vegetation and the ecological processes of land within and adjacent to wetlands or areas of particular habitat significance.
- (3) Development on land within an ecological buffer is to:
  - (a) incorporate effective measures to manage wetlands or areas of particular habitat significance, and
  - (b) be designed and sited to maintain connectivity of vegetation and minimise vegetation clearing, soil disturbance and alterations to the rate, volume or quality of surface and ground-water flows, and
  - (c) retain and maintain all existing native vegetation outside the area immediately required for the development, and
  - (d) incorporate measures to regenerate native vegetation for all disturbed areas within the buffer, and
  - (e) incorporate appropriate stormwater and erosion control measures to protect the buffer from surface water run-off or other disturbance.
- (4) When considering whether or not there is a practicable alternative to siting development inside an ecological buffer, the consent authority must consider:

- (a) the design, type and site cover of the proposed development, and
  - (b) the physical characteristics of the land on which the development is proposed to be carried out, and
  - (c) the suitability of the land for the proposed development.
- (5) Before deciding whether or not to grant consent to development on land within an ecological buffer, the consent authority must consult the Department.

## **8 Agricultural buffers**

Consent must not be granted to development on land within an agricultural buffer unless the consent authority:

- (a) has considered the potential impact of the proposed development on agricultural activities on land adjoining the buffer and of those agricultural activities on future occupiers of land within the buffer, and
- (b) has consulted the Department of Primary Industries.

## **9 Complying development**

For the purposes of determining whether development within the Kings Forest site is complying development, the provisions in *Tweed Development Control Plan No 40* (as adopted by Tweed Shire Council on 6 October 2004) relating to single dwelling houses, or to development ancillary to single dwelling houses, are taken not to apply to the Kings Forest site.

## **10 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 Kings Forest 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 otherwise applicable to the land, except *State Environmental Planning Policy No 1—Development Standards*,
- (b) in the case of all other development—all environmental planning instruments otherwise applicable to the land, except *State Environmental Planning Policy No 1—Development Standards*, but only to the extent that those instruments are not inconsistent with this Policy.

## **Part 7 The Dan Land**

### **The Dan Land**

The Dan Land is land at 290 and 302 Minmi Road, Fletcher (Lot 11, DP 1044935 and Lot 2, DP 534168) in the local government area of Newcastle, as shown edged heavy black on



Map 5 to this Schedule.

**Note—**

Development on the Dan Land that is not a project to which Part 3A of the Act applies is subject to the provisions of [Newcastle Local Environmental Plan 2003](#), among other instruments.

## **Part 8 North Head Federal Police Training site**

### **Division 1 Preliminary**

#### **1 Land to which Part applies**

This Part applies to the land shown edged heavy black on Map 6 to this Schedule referred to in this Schedule as the **North Head Federal Police Training site**.

#### **2 Interpretation**

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

#### **3 Relationship with other environmental planning instruments**

- (1) Except as provided by this Policy, all other environmental planning instruments apply, according to their terms, to the North Head Federal Police Training site.
- (2) Division 3 applies to the North Head Federal Police Training site despite any provision of [Manly Local Environmental Plan 1988](#) or any other local environmental plan applying to that site.

### **Division 2 Part 3A projects**

#### **4 Part 3A projects**

Such development within the North Head Federal Police Training site as has a capital investment value of more than \$5 million (other than a public utility undertaking).

### **Division 3 Provisions applying to development within North Head Federal Police Training site**

#### **5 Application of Division**

This Division applies with respect to any development within the North Head Federal Police Training site and so applies whether or not the development is a project to which Part 3A of the Act applies.

#### **6 Development controls in relation to North Head Federal Police Training site**

- (1) Development for the purpose of a police training facility and any ancillary

development may be carried out with consent on land within the North Head Federal Police Training site.

- (2) Development for the purpose of a public utility undertaking may be carried out without consent on land within the North Head Federal Police Training site.

## **7 Exempt development**

The following development is exempt development if it is carried out on land within the North Head Federal Police Training site and is of minimal environmental impact:

- (a) aerials, antennae, satellite dishes and other communications facilities,
- (b) air conditioning,
- (c) awnings, canopies, blinds,
- (d) decks and patios,
- (e) environmental protection works,
- (f) fences and retaining walls,
- (g) landscaping, pergolas, outdoor furniture and flagpoles,
- (h) minor external maintenance and renovation such as re-cladding of roofs and walls,
- (i) minor internal alterations and additions,
- (j) security installations,
- (k) business identification signs,
- (l) stormwater drainage,
- (m) the temporary use of land for special events, but only if the use of land is carried out for no longer than 3 consecutive days for each special event,
- (n) walking bridges, steps and ramps, including access ramps for the physically disadvantaged,
- (o) water tanks and water heaters, including solar water heaters.

## **Part 9 Huntingwood West Precinct**

### **Division 1 Preliminary**

#### **1 Land to which Part applies**

This Part applies to the land identified on Map 7 to this Schedule, referred to in this

Schedule as the ***Huntingwood West Precinct***.

## **2 Interpretation**

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

## **Division 2 Part 3A projects**

### **3 Part 3A projects**

Subdivision of land within the Huntingwood West Precinct, 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 relating to development within Huntingwood West Precinct**

### **4 Application of Division**

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

### **5 Land use zones**

- (1) Land within the Huntingwood West Precinct is within Zone IN1 General Industrial.
- (2) The consent authority must take into consideration each of the objectives for

development in Zone IN1 General Industrial when determining a development application in respect of land within that zone.

## **6 Zone IN1 General Industrial**

- (1) The objectives of Zone IN1 General Industrial are as follows:
  - (a) to facilitate development for a wide range of employment-generating industrial, manufacturing, warehousing, storage or research purposes, including ancillary office space,
  - (b) to ensure development enhances the amenity of the Huntingwood West Precinct by including high quality landscaping, adequate building setbacks, high quality external finishes and the like,
  - (c) to encourage employment opportunities,
  - (d) to minimise any adverse effect of industry on other land uses.
- (2) Development for the purpose of environmental protection works is permitted without development consent on land within Zone IN1 General Industrial.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone IN1 General Industrial:

automotive and motor sport industry related uses; depots; freight transport facilities; light industries; neighbourhood shops; roads; transport depots; truck depots; warehouse or distribution centres.
- (4) Except as otherwise provided by this Policy, development is prohibited on land within Zone IN1 General Industrial unless it is permitted by subclause (2) or (3).

## **7 Public utility undertakings excepted**

Development for the purpose of a public utility undertaking that is carried out on land within the Huntingwood West Precinct does not require development consent.

### **Note—**

As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of the Act or, if it is applicable, Part 3A of the Act.

## **8 Child care centres**

- (1) Despite any other provision of this Policy, a person may, with development consent, carry out development for the purposes of a child care centre on land within the Huntingwood West Precinct.
- (2) The consent authority may grant development consent as referred to in subclause (1) only if it is satisfied that the child care centre is intended to provide services to people

working in the area in which the child care centre is located.

### **9 Additional permitted uses**

Despite any other provision of this Policy, a person may, with development consent, carry out development for the following purposes on the following land:

- (a) a tyre repair station on Lot 100, DP 1030393,
- (b) a service station on Lot 101, DP 1030393.

### **10 Subdivision—consent requirements**

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

### **11 Design**

The consent authority must not grant consent to development on land within the Huntingwood West Precinct unless it is satisfied that:

- (a) the development is of a high quality design, and
- (b) a variety of materials and external finishes for the external facades are incorporated, and
- (c) high quality landscaping is provided, and
- (d) the scale and character of the development is compatible with other employment-

generating development in the Huntingwood West Precinct.

## **12 Height of buildings**

The consent authority must not grant consent to development on land within the Huntingwood West Precinct unless it is satisfied that building heights will not adversely impact on the amenity of adjacent residential areas, taking site topography into consideration.

## **13 Public utility infrastructure**

- (1) The consent authority must not grant consent to development on land within the Huntingwood West Precinct unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, **public utility infrastructure** includes infrastructure for any of the following:
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the supply of natural gas,
  - (d) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

## **Division 4 Miscellaneous**

### **14 Relationship with other environmental planning instruments**

- (1) This Policy and all other State environmental planning policies apply, according to their terms, to land within the Huntingwood West Precinct.
- (2) [Blacktown Local Environmental Plan 1988](#) does not apply to land within the Huntingwood West Precinct.

### **15 Consent authority**

The consent authority for development on land within the Huntingwood West Precinct, other than development that is a project to which Part 3A of the Act applies, is Blacktown City Council.

### **16 Exempt and complying development**

Development within the Huntingwood West Precinct that satisfies the requirements for

exempt development or complying development contained in [Blacktown Local Environmental Plan 1988](#) is exempt development or complying development, as appropriate.

### **17 Suspension of covenants, agreements and instruments**

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

### **18 Savings provision**

- (1) In this clause, **relevant order** means the order made under section 75B (1) of the Act and published in Gazette No 117 of 15 September 2006 at page 8077.
- (2) Anything done under Part 3A of the Act in reliance on the declaration of development as a project to which Part 3A of the Act applies by the relevant order is not affected by the repeal of that order.
- (3) Subclause (2) has effect only to the extent that the development referred to in that subclause is development referred to in clause 3 of Division 2 of this Part.

## **Part 10 Tomago Industrial site**

### **Division 1 Preliminary**

#### **1 Land to which Part applies**

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

#### **2 Interpretation**

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

#### **3 Consent authority**

For the purposes of this Part:

- (a) the consent authority for development on land within that part of the Tomago

Industrial site that is within Newcastle local government area is the Council of the City of Newcastle, and

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

#### **4 Maps**

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

### **Division 2 Part 3A projects**

#### **5 Part 3A projects**

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



- (f) creating a public reserve,
- (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

### **Division 3 Provisions applying to development within Tomago Industrial site**

#### **6 Application of Division**

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

#### **7 Land use zones**

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

#### **8 Zone IN1 General Industrial**

- (1) The objectives of Zone IN1 General Industrial are as follows:
  - (a) to provide for a wide range of industrial, warehouse and related land uses,
  - (b) to provide suitable areas for those industries that need to be separated from other land uses,
  - (c) to encourage employment opportunities,
  - (d) to minimise any adverse effect of industry on other land uses and the environment,
  - (e) to enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- (2) Development for any of the following purposes is permitted without consent within Zone IN1 General Industrial:

environmental protection works.

- (3) Development for any of the following purposes is permitted with consent within Zone IN1 General Industrial:

aquaculture; boat construction facilities; boat repair facilities; boat launching ramps; commercial port facilities; depots; drainage; earthworks; educational establishments; fill; freight transport facilities; hazardous industries; hazardous storage establishments; heavy industries; jetties; light industries; marinas; materials recycling or recovery centres; offensive industries; offensive storage establishments; office premises; signage; truck depots; vehicle body repair workshops; vehicle repair stations; warehouses or distribution centres; waste management facilities.

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

## **9 Zone SP2 Infrastructure**

- (1) The objectives of Zone SP2 Infrastructure are as follows:

- (a) to provide for infrastructure and related land uses,
- (b) to prevent development that is not compatible with or that may detract from the provision of infrastructure,
- (c) to minimise any adverse effect of infrastructure on other land uses and the environment.

- (2) Development for any of the following purposes is permitted without consent within Zone SP2 Infrastructure:

environmental protection works.

- (3) Development for any of the following purposes is permitted with consent within Zone SP2 Infrastructure:

infrastructure (including railways, roads, conveyors, electricity transmission and distribution lines, gas pipelines, water pipelines, stormwater systems, flood management facilities, sewerage systems and telecommunications facilities), except if it is for the purposes of a public utility undertaking and is carried out by or on behalf of a public authority.

- (4) Except as otherwise provided by this Policy, development is prohibited within Zone SP2 Infrastructure unless it is permitted by subclause (2) or (3).

## **10 Zone E2 Environmental Conservation**

- (1) The objectives of Zone E2 Environmental Conservation are as follows:

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

#### **11 Public utility undertakings**

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

#### **12 Subdivision—consent requirements**

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

including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

## **Division 4 Miscellaneous**

### **13 Relationship with other environmental planning instruments**

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

### **14 Notice of development applications to be given to councils**

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

- (a) to the Port Stephens Council if the development, or any part of it, is proposed to be carried out in that council's area, or
- (b) to the Newcastle City Council, if the development, or any part of it, is proposed to be carried out in that council's area,

or to both councils, as the case may require.

### **15 Exempt and complying development**

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

### **16 Suspension of covenants, agreements and instruments**

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

## **Part 11 Caritas site**

### **Division 1 Preliminary**

#### **1 Land to which Part applies**

This Part applies to the land identified on Map 9 to this Schedule, referred to in this Schedule as the **Caritas site**.

#### **2 Interpretation**

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

#### **3 Maps**

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
  - (a) approved by the Minister when the map is adopted, and
  - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

### **Division 2 Provisions relating to development within Caritas site**

#### **4 Application of Division**

This Division applies with respect to development on land within the Caritas site.

#### **5 Land use zone**

- (1) Land within the Caritas site is within Zone B4 Mixed Use.
- (2) The consent authority must have regard to the objectives of Zone B4 Mixed Use when determining a development application in respect of land within that zone.

#### **6 Zone B4 Mixed Use**

- (1) The objectives of Zone B4 Mixed Use are as follows:

- (a) to provide a mixture of compatible land uses,
- (b) to maximise public transport patronage and encourage walking and cycling,
- (c) to incorporate contemporary urban design principles in the design of new buildings and the interpretation of their relationship with the public domain and heritage buildings,
- (d) to facilitate the conservation and adaptive reuse of items and areas of heritage significance,
- (e) to promote mixed use planning by locating mutually supportive and compatible uses such as residential uses, places of employment and retail uses in close proximity to each other so as to minimise the need for travel by car.

(2) Except as otherwise provided by this Division, development may be carried out with consent on land within Zone B4 Mixed Use.

#### **7 Exempt and complying development**

Development on land within the Caritas site that satisfies the requirements for exempt development or complying development specified in *South Sydney Development Control Plan 1999—Exempt and Complying Development* (as in force on 1 August 2000) is exempt development or complying development, as appropriate.

#### **8 Public utility undertakings excepted**

Development for the purpose of a public utility undertaking that is carried out on land within the Caritas site does not require consent.

**Note—**

As a consequence of the removal of the requirement for development consent under Part 4 of the Act, development for the purposes of public utility undertakings is subject to the environmental assessment and approval requirements of Part 5 of the Act.

#### **9 Subdivision—consent requirements**

- (1) Land within the Caritas site may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
  - (a) widening a public road,
  - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
  - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,

- (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (e) rectifying an encroachment on a lot,
- (f) creating a public reserve,
- (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public conveniences.

#### **10 Height of buildings**

- (1) Except as provided by subclause (2), the height of a building on any land within the Caritas site 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 17)—Caritas Site Building Height Map*" (the **Caritas Site Building Height Map**).
- (2) If the Caritas Site Building Height Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified RL.

#### **11 Floor space ratio**

The floor space ratio of a building on the Caritas site is not to exceed 2.75:1.

#### **12 Gross floor area restrictions**

- (1) The maximum gross floor area of all buildings on the Caritas site is not to exceed 12,315 square metres.
- (2) Consent must not be granted for:
  - (a) the erection of a new building, or
  - (b) a change of use of an existing building,if it would result in the total gross floor area of business premises and retail premises on the Caritas site being less than 10% of the maximum gross floor area permitted by subclause (1).

#### **13 Calculation of floor space ratio and site area**

- (1) **Objectives** The objectives of this clause are as follows:
  - (a) to define **floor space ratio**,
  - (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:

- (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
- (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
- (iii) require community land and public places to be dealt with separately.

(2) **Definition of “floor space ratio”** The ***floor space ratio*** of buildings on a site is the ratio of the total floor space area of all buildings within the site to the site area.

(3) **Site area** In determining the site area of proposed development for the purpose of applying a floor space ratio, the ***site area*** is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area** The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Policy or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions** The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included** The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered** For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.



- (8) **Existing buildings** The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.
- (9) **Covenants to prevent “double dipping”** When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the **restricted lot**) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.
- (10) **Covenants affect consolidated sites** If:
- (a) a covenant of the kind referred to in subclause (9) applies to any land (**affected land**), and
  - (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,
- the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the Caritas site by this Part is reduced by the quantity of floor space area the covenant prevents being created on the affected land.
- (11) **Definition** In this clause, **public place** has the same meaning as it has in the [Local Government Act 1993](#).

#### 14 Heritage conservation

- (1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item:
- (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or
  - (b) damage or remove the relic, or
  - (c) excavate land for the purpose of discovering, exposing or moving the relic, or
  - (d) damage or despoil the tree or place, or
  - (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or
  - (f) damage any tree or land on which the building, work or relic is situated or that comprises the place, or
  - (g) make structural changes to the interior of the building or work,
- except with the consent of the consent authority.

- (2) However, consent under this clause is not required if the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - (a) is of a minor nature, or is for the maintenance of the heritage item, and
  - (b) would not adversely affect the significance of the heritage item.
- (3) In this clause, **heritage item** means a building, work, relic, tree or place that is indicated as a heritage item on the map marked “*State Environmental Planning Policy (Major Projects) 2005 (Amendment No 17)—Caritas Site Heritage Conservation Map*”.

## **Division 3 Miscellaneous**

### **15 Consent authority**

The consent authority for development on land within the Caritas site is, subject to the Act, the Council of the City of Sydney.

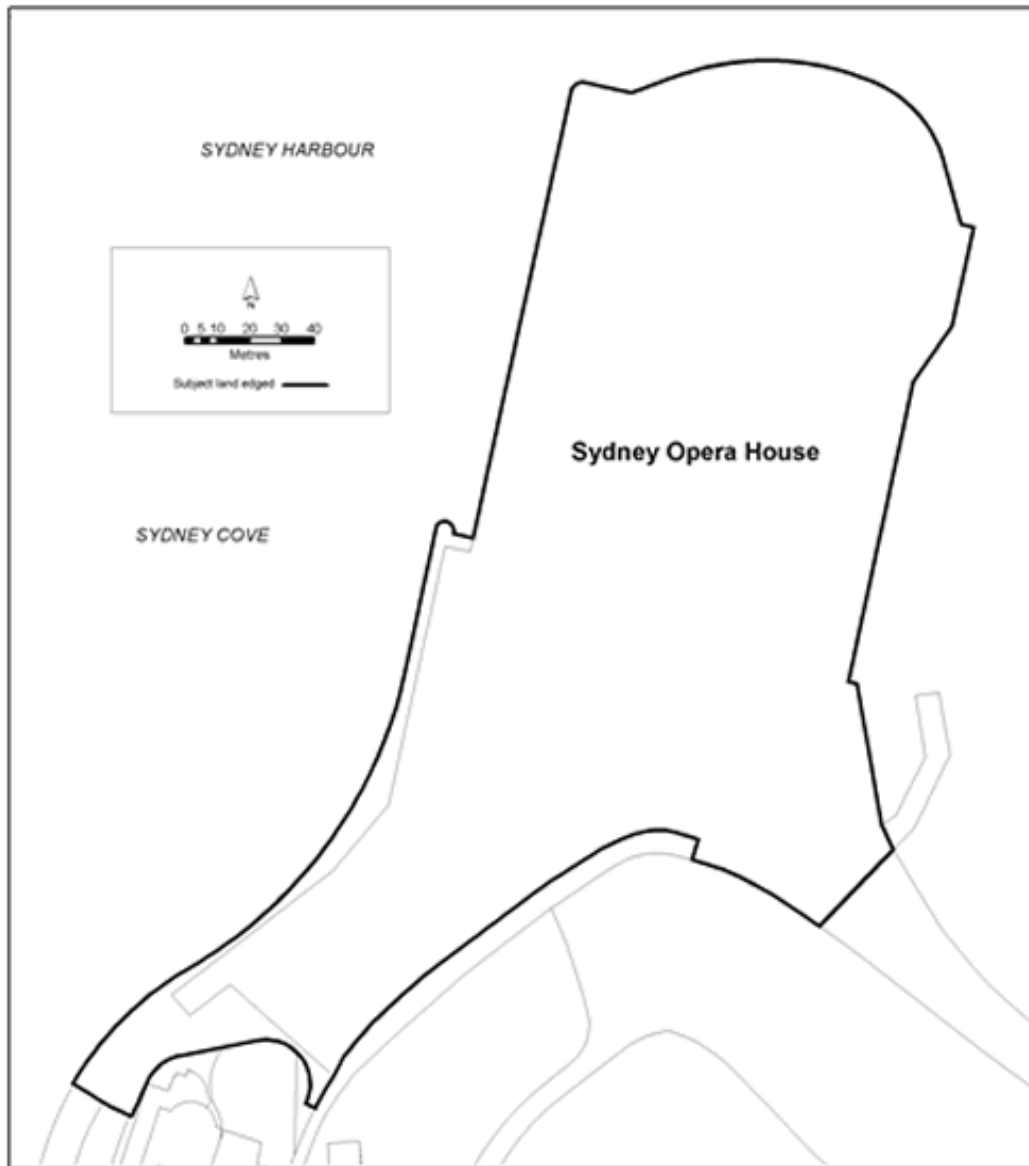
### **16 Relationship with other environmental planning instruments**

- (1) This Policy and all other State environmental planning policies (except [State Environmental Planning Policy No 1—Development Standards](#)) apply, according to their terms, to the Caritas site.
- (2) [South Sydney Local Environmental Plan 1998](#) does not apply to the Caritas site.

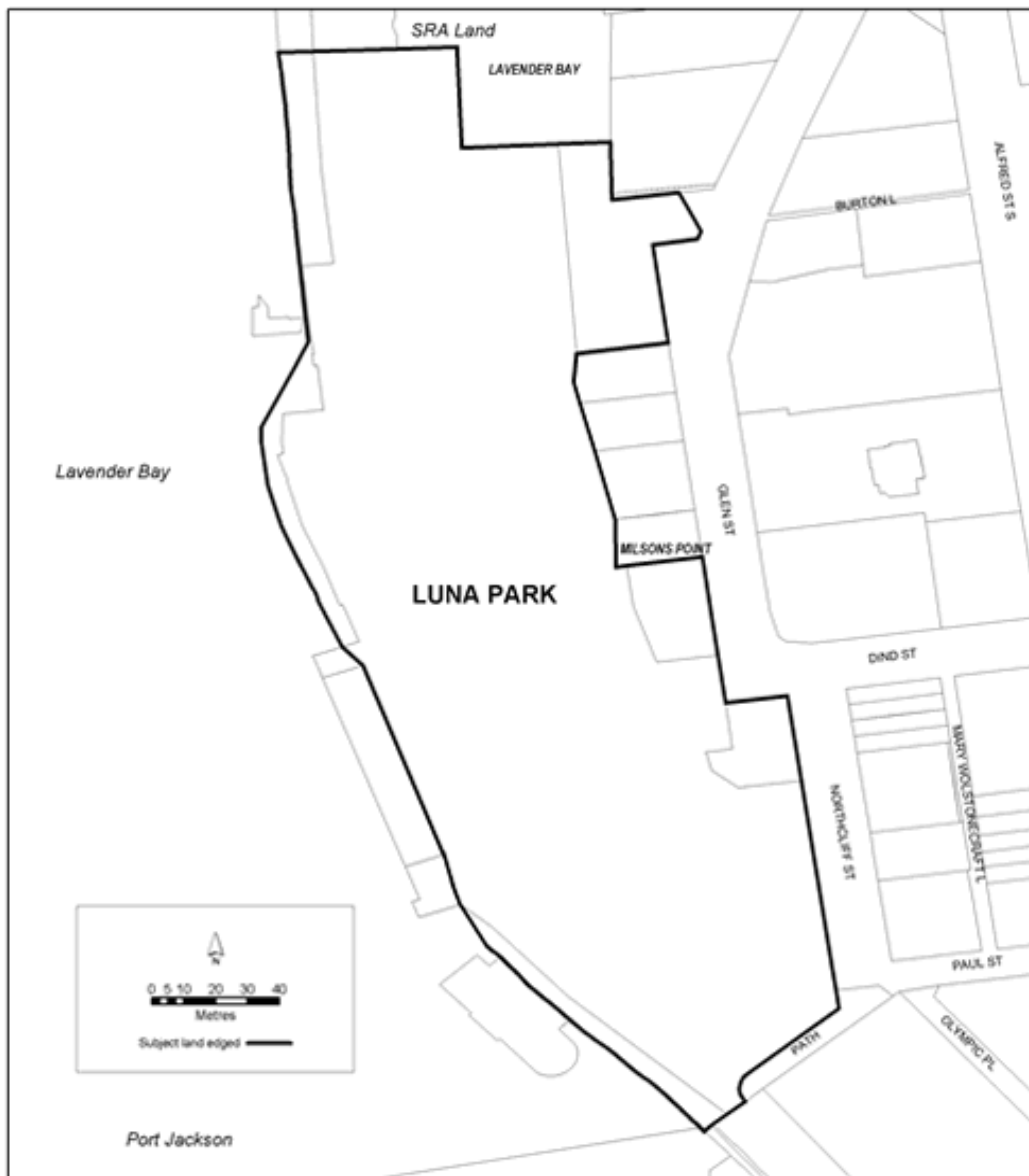
### **17 Suspension of covenants, agreements and instruments**

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

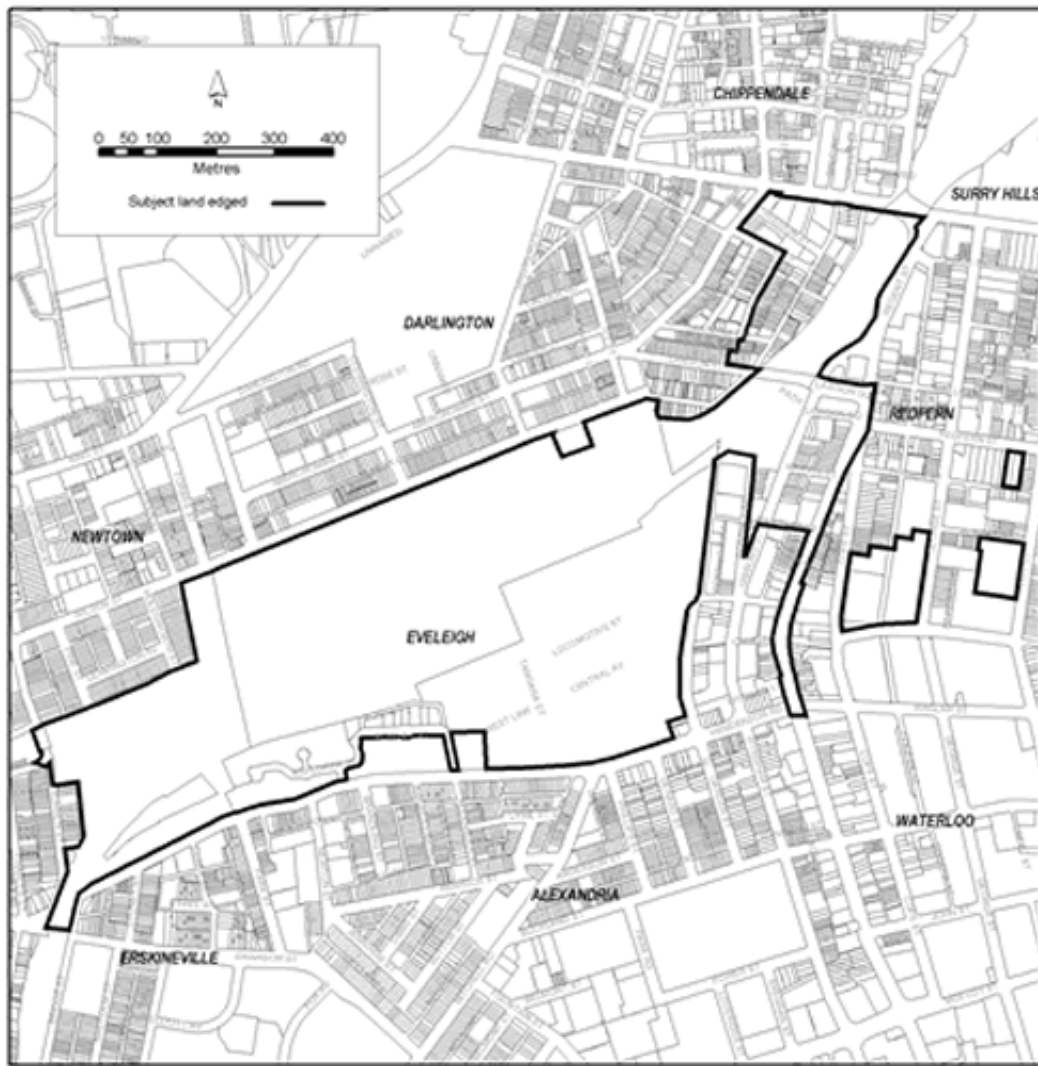
### **Map 1—Schedule 3—Sydney Opera House**



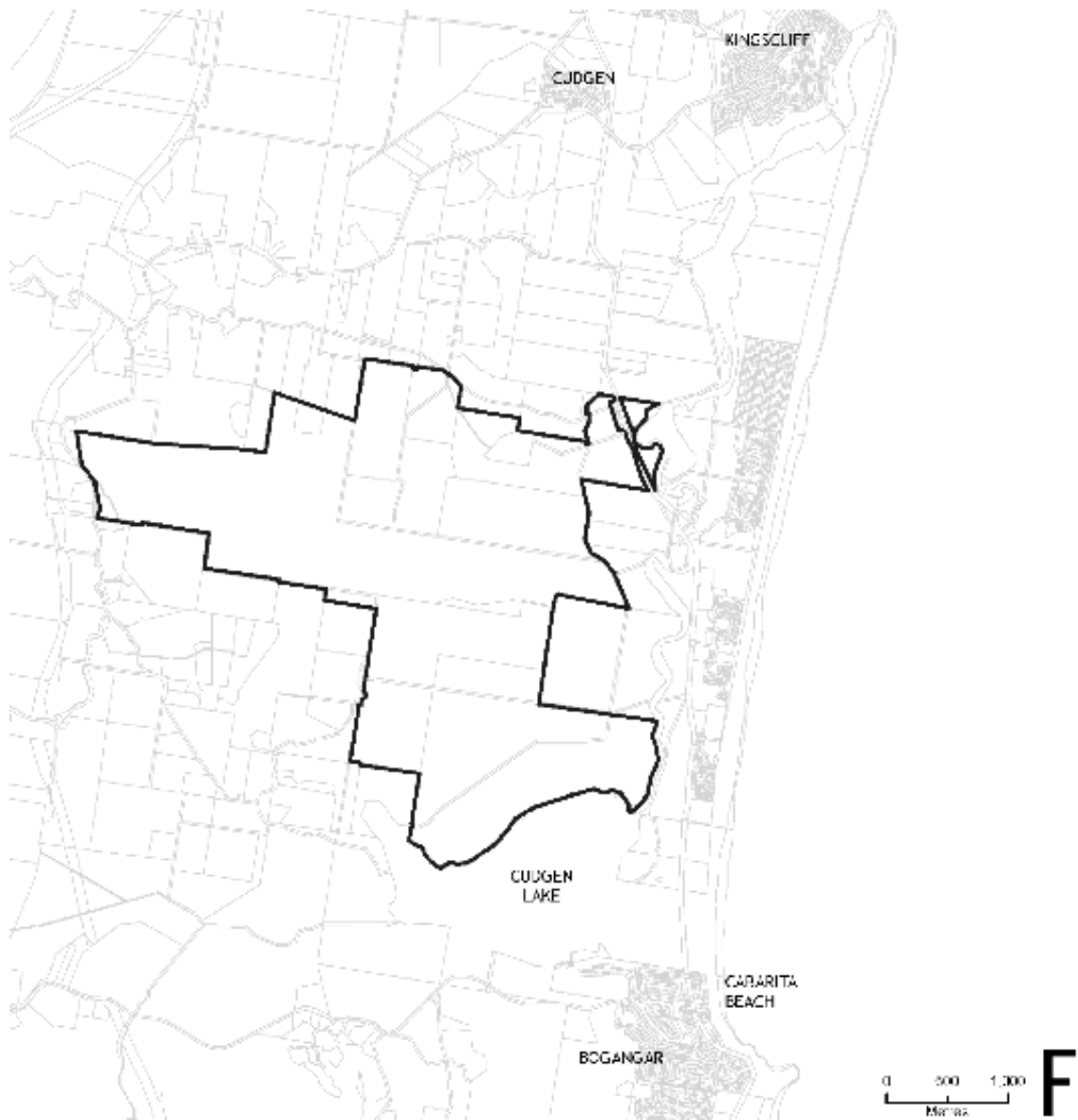
**Map 2—Schedule 3—Luna Park**



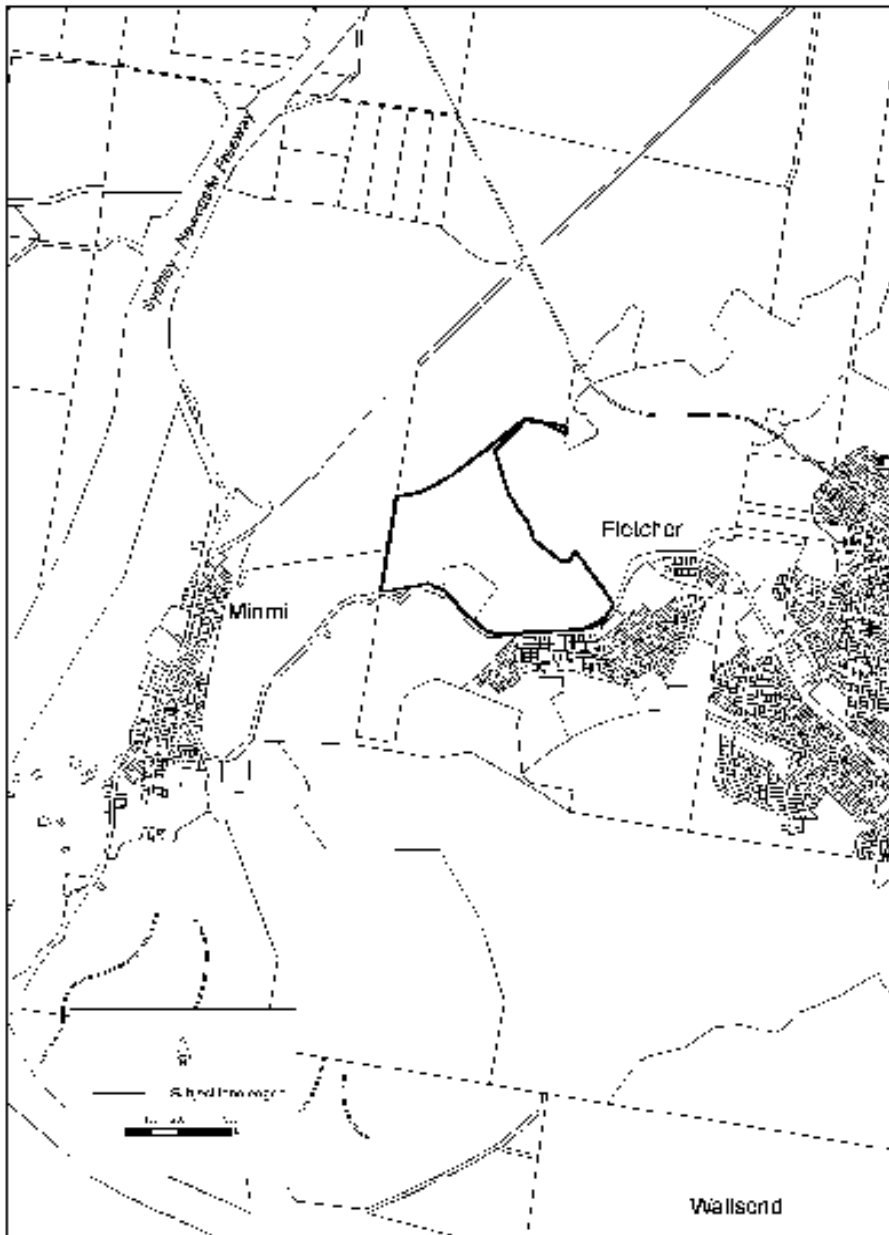
**Map 3—Schedule 3—Redfern-Waterloo Authority Sites**



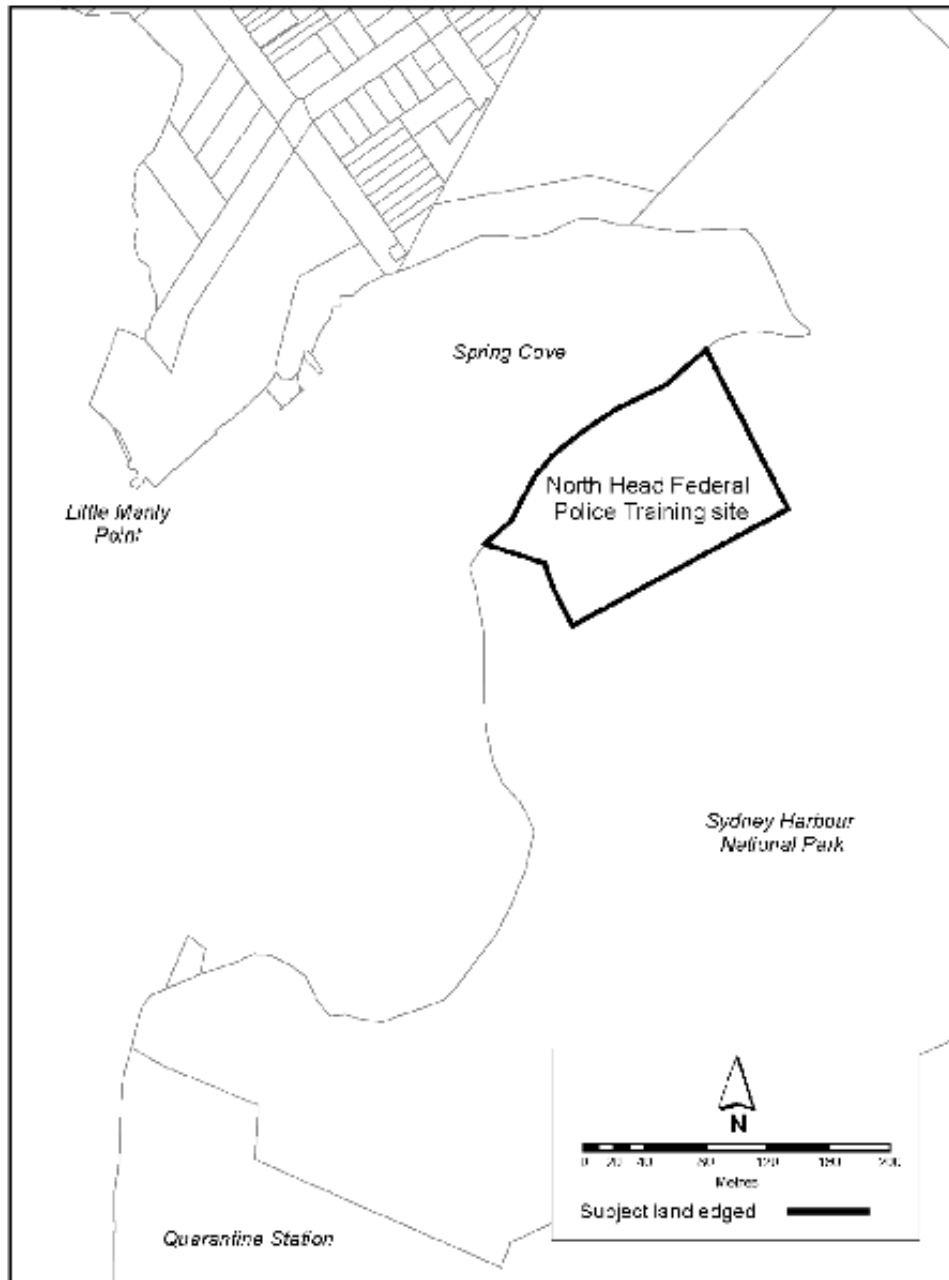
**Map 4—Schedule 3—Kings Forest**



**Map 5—Schedule 3—The Dan Land**



**Map 6—Schedule 3—North Head Federal Police Training site**

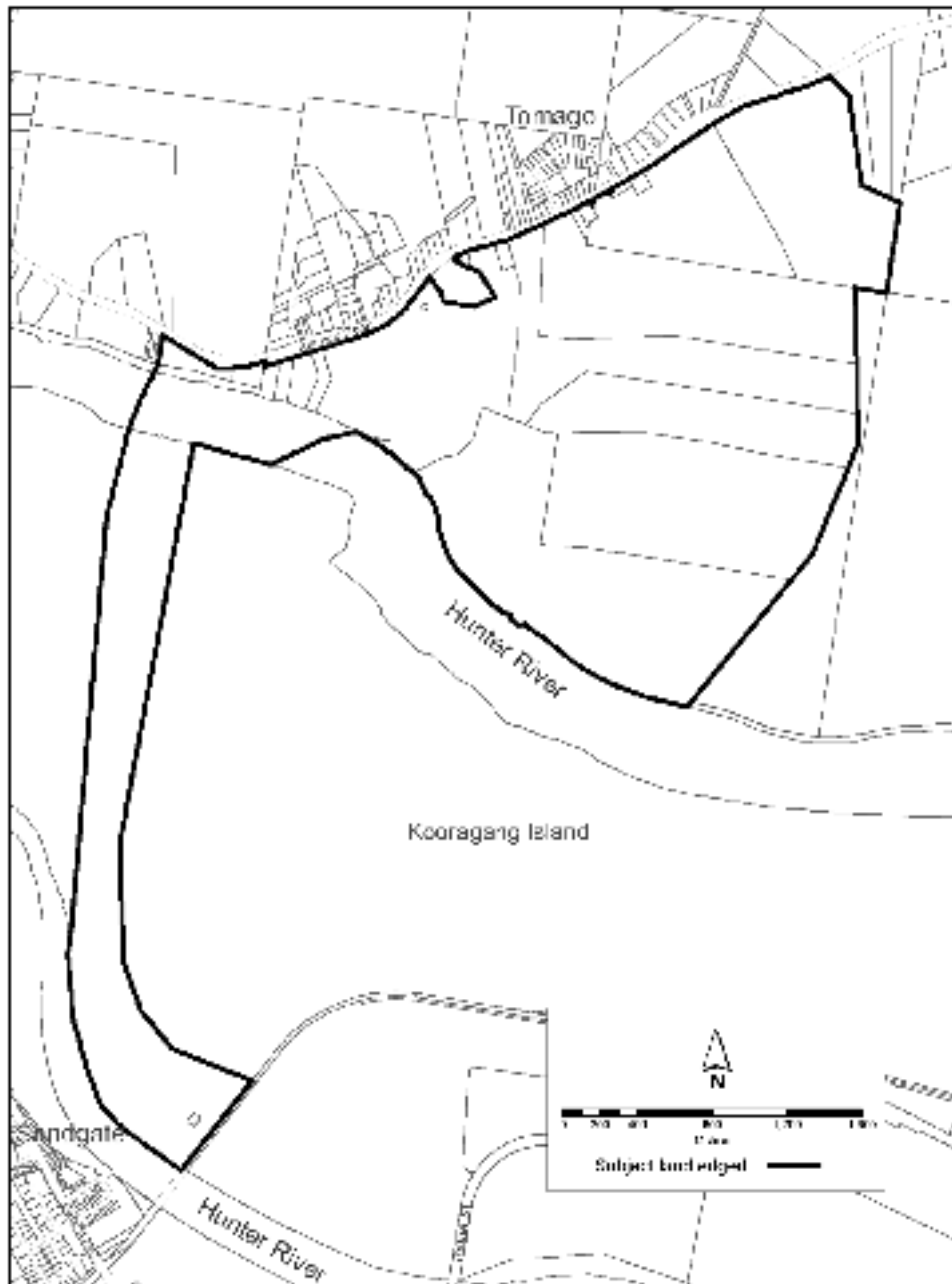


**Map 7—Schedule 3—Huntingwood West Precinct**

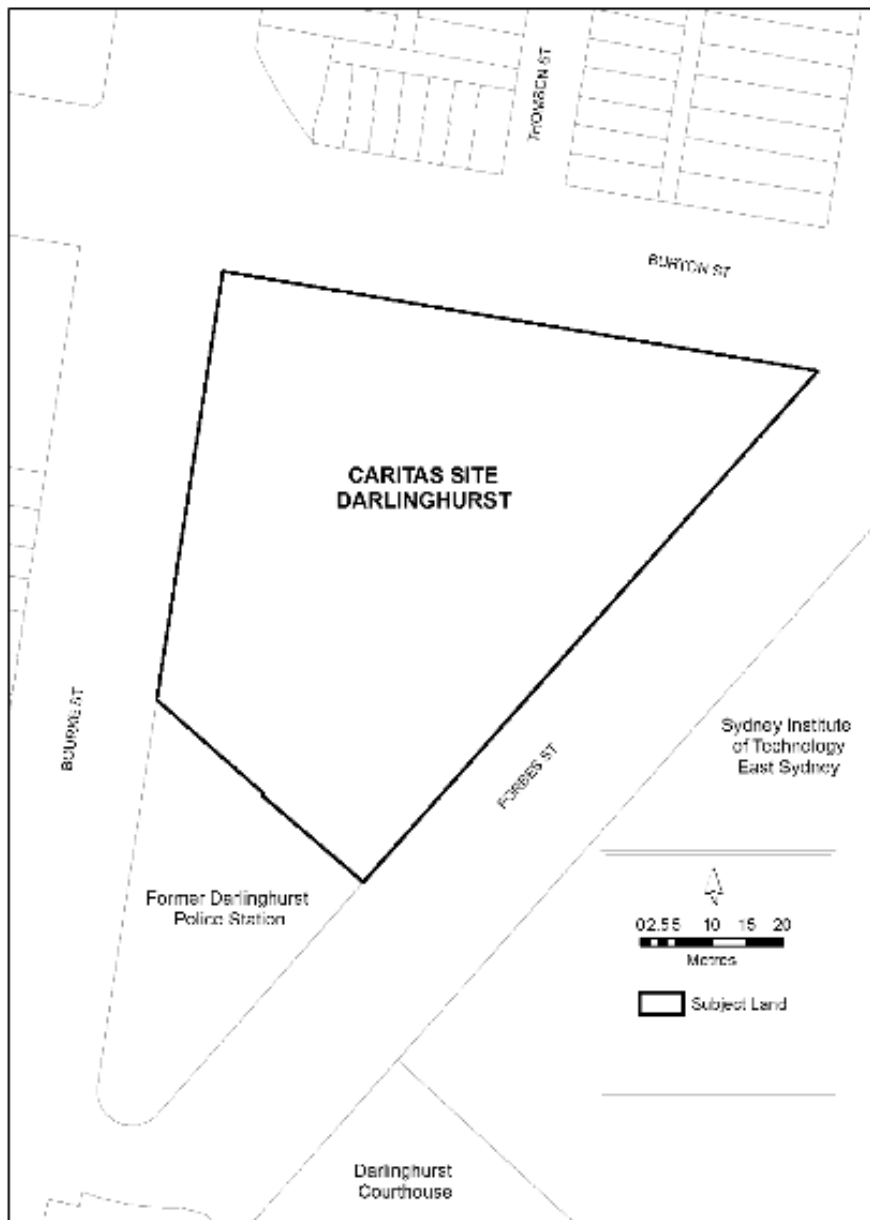




**Map 8—Schedule 3—Tomago Industrial site**



**Map 9—Schedule 3—Caritas site**



## 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.

## **2 Royal North Shore Hospital redevelopment site**

(1) In this clause:

**RNSH redevelopment site** means the land comprising the following:

- (a) lots 21 and 22, DP 863329,
  - (b) lot 102, DP 1075748.
- (2) Development for the purposes of redeveloping the RNSH redevelopment site, including development for any of the following purposes:
- (a) refurbishing or replacing the main hospital buildings and emergency service facilities,
  - (b) commercial premises along Herbert Street providing community health and primary care services and research and education facilities,
  - (c) other commercial uses (including for research and technology purposes),
  - (d) vehicular and pedestrian access to and from, and within, the site (including direct pedestrian access to St Leonards Station),
  - (e) accommodation for people receiving acute medical or other health-related services,
  - (f) retail and residential uses.

### 3 Liverpool Hospital redevelopment site

(1) In this clause:

**Liverpool Hospital redevelopment site** means the land comprising the following:

- (a) lots 1, 2 and 3, DP 827031,
- (b) lots 1, 3 and 101, and part lot 2, DP 596770,
- (c) lot 2, DP 805696,
- (d) lot 1, DP 863491,
- (e) lot 1, DP 581947,
- (f) lot A, DP 432628,
- (g) lots A and B, DP 404723,
- (h) lot 1, DP 724028,
- (i) lots 2 to 13 (inclusive), DP 758620,
- (j) part of the main southern railway line,
- (k) Hart Street, and part of Lachlan Street, Liverpool.

(2) Development for the purposes of redeveloping the Liverpool Hospital redevelopment site, including development for any of the following purposes:

- (a) hospital services, including refurbishing and expanding the hospital buildings and facilities,
- (b) research and educational facilities,
- (c) accommodation for students, nursing and medical staff and patients' relatives,
- (d) pedestrian access to and from, and within, the site,
- (e) internal and access roads,
- (f) landscaping.

## 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 3 to Schedule 3.

**Note—**

Development controls in relation to the Redfern-Waterloo Authority Sites for development under Part 4 of the Act are contained in Part 5 of Schedule 3.

#### 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](#).

#### 4 Port and related employment lands

- (1) **Botany** Development within the area identified on Map 5 to Schedule 2, being development with a capital investment value of not more than \$5 million that is carried out by a person other than a public authority.
- (2) **Sydney Harbour** Development within the area identified as Glebe Island, White Bay,

Rozelle Bay and Blackwattle Bay on Maps 6A and 6B to Schedule 2, being development with a capital investment value of not more than \$5 million that is carried out by a person other than a public authority.

**Note—**

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

## **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*.

## **Schedule 7 Development that does not require consent under Part 4**

(Clause 10A)

### **1 Port and related employment lands development by public authority**

The following development carried out in the following areas by a public authority:

- (a) development within the area identified on Map 5 to Schedule 2, being development with a capital investment value of not more than \$5 million,
- (b) development within the area identified as Glebe Island, White Bay, Rozelle Bay and Blackwattle Bay on Maps 6A and 6B to Schedule 2, being development with a capital investment value of not more than \$5 million.

## **Schedule 8 Exempt development**

(Clause 10B)

### **1 Certain development at Sydney Cricket Ground**

Development for any of the following purposes that is of minimal environmental impact and carried out within that part of the area identified on Map 8 to Schedule 2 that is land described in Part 1 of Schedule 2 to the *Sydney Cricket and Sports Ground Act 1978*:



- (a) landscaping (including the installation, maintenance and upgrading of playground or recreational equipment, park furniture, gardens, paving and the like),
- (b) installation, maintenance and upgrading of bus shelters, pedestrian pathways, cycleways, cycle storage racks, visitor information booths, kiosks, street furniture, access ramps for people, shade shelters, awnings, fences, gates, flag poles, public art, catering outlets, bars and restaurants,
- (c) signage to promote events, identify buildings or give directions,
- (d) installation, maintenance and upgrading of security or emergency services equipment (including fire detection systems, pump houses, fire water tanks, security cameras, lighting, emergency security fencing, and barriers to prevent unauthorised access or to ensure public safety) and the internal or external modification of buildings for building security and fire safety reasons,
- (e) installation, maintenance and upgrading of mobile communication facilities, road and traffic management works, solar panels and associated structures, and lighting,
- (f) minor alterations and additions to existing facilities (including grandstand seating, lights, light towers, lifts, air conditioning systems, toilets, plant and equipment),
- (g) temporary outdoor non-sporting events (such as concerts) that are subject to noise controls in a prevention notice issued under the *Protection of the Environment Operations Act 1997*, and associated equipment, structures and facilities (such as stages, public address systems, food or beverage outlets, video screens, and information or ticket booths).