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## **SPECIAL SUPPLEMENT**



New South Wales

# **State Environmental Planning Policy (State Significant Development) 2005**

under the

**Environmental Planning and Assessment Act 1979**

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Infrastructure and Planning.

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

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 State Environmental Planning Policy (State Significant Development) 2005
 

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State Environmental Planning Policy (State Significant Development) 2005 Clause 1

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## **State Environmental Planning Policy (State Significant Development) 2005**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (State Significant Development) 2005*.

### **2 Aims of Policy**

The aims of this Policy are as follows:

- (a) to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development,
- (b) 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,
- (c) 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,
- (d) to rationalise and clarify the provisions making the Minister the consent authority for State significant development and State significant sites and to keep those provisions under review so that the consent powers are devolved to councils when the 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

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

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

- (2) For the purposes of this Policy:
  - (a) the **capital investment value** of development includes all costs necessary to establish and operate the development, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment (but excluding land costs), and
  - (b) the **employment** of people by development means the average number of workers (calculated on a full-time equivalent basis) that will be employed to operate the development in any one year (other than construction workers employed to establish the development).
- (3) Notes included in this Policy do not form part of this Policy.

#### 4 Land to which Policy applies

This Policy applies to the State.

#### 5 Relationship to other environmental planning instruments

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

**6 Identification of State significant development**

Development that, in the opinion of the Minister, is development of a kind:

- (a) described in Schedule 1 or 2, or
  - (b) described in Schedule 3 as State significant development,
- is State significant development.

**Notes.**

- 1. Under section 76A (9) of the Act, the Minister is the consent authority for State significant development, where that development requires development consent.
- 2. The declaration of development as State significant development does not affect the development controls applying to the development (including any prohibited development) under environmental planning instruments.
- 3. Section 89 of the Act allows prohibited development to be carried out in certain circumstances with the consent of the Minister. In addition, sections 72I–72L of the Act enable the Minister to consider a joint application for consent to carry out prohibited State significant development and also to amend relevant planning instruments to remove the prohibition.

**7 State significant sites**

- (1) Schedule 3 describes State significant sites, including development on those sites that is State significant development.
- (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 State significant development, 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

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- (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 Public and council consultation in relation to assessment of State significant development**

- (1) All State significant development that is not designated development is advertised development for the purposes of the Act. Section 79 of the Act (Public participation—designated development) applies to a development application for any such advertised development in the same way it applies to designated development.
- (2) Subclause (1) does not apply to State significant development on land to which *State Environmental Planning Policy No 73—Kosciuszko Ski Resorts* applies.  
**Note.** See clause 13 of that Policy for development that is advertised development.
- (3) The Minister must give notice to a council of a development application received by the Minister as the consent authority to carry out State significant development in the council's area.
- (4) The notice is to invite the council to make submissions to the Minister in respect of the development application and is to specify the manner in which and the period during which any such submission may be made. In determining the development application, the Minister as the consent authority must consider any submission received from the council during that designated period.

**10 Exclusion of separate complying development**

If, but for this clause:

- (a) particular development would be State significant development under this Policy, and

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- (b) an environmental planning instrument (whether made before or after this Policy takes effect) provides that the particular development is complying development, and
  - (c) the particular development is not carried out as part of or in conjunction with other State significant development,
- the particular development is not State significant development, despite clause 6.

**Note.** In addition, development that is declared to be exempt development by an environmental planning instrument is not State significant development because it does not require development consent to be carried out.

#### **11 Subdivision certificates for State significant development**

A subdivision certificate may be issued by an accredited certifier for a subdivision that is State significant development in accordance with section 109D (1) (d) (iv) of the Act.

#### **12 Walsh Bay—designated consent authority**

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 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.

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

#### **13 Repeal or amendment of other environmental planning instruments**

- (1) The environmental planning instruments specified in Schedule 4 are repealed or amended as set out in that Schedule.
- (2) On the day after the commencement of this Policy, this clause and Schedule 4 are repealed.

#### **14 Transitional provisions**

- (1) This Policy does not apply to or in respect of the determination of a development application that was made, but not finally determined, before the commencement of this Policy.

Clause 15 State Environmental Planning Policy (State Significant Development) 2005

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- (2) If at any time after the commencement of this Policy, development that is not State significant development becomes State significant development, this Policy does not apply to or in respect of the determination of a development application in respect of that development that was made, but not finally determined, before that time.

### **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 making of this Policy, and
  - (b) at least every 5 years thereafter,
- to ensure that the provisions continue to be appropriate for identifying State significant development consistently with the objectives of this Policy.
- (2) Any such review is to consider whether identified State significant development meets 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.



State Environmental Planning Policy (State Significant Development) 2005

State significant development—classes of development

Schedule 1

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## **Schedule 1 State significant development—classes of development**

(Clause 6)

### **Group 1 Agriculture, timber, food and related industries**

#### **1 Intensive livestock industries**

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

#### **2 Aquaculture**

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

#### **3 Agricultural produce industries and food and beverage processing**

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

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

#### **4 Timber milling, timber processing, paper or pulp processing**

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

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

State Environmental Planning Policy (State Significant Development) 2005

Schedule 1 State significant development—classes of development

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- (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 State significant development, 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 other State significant development, or

State Environmental Planning Policy (State Significant Development) 2005

State significant development—classes of development

Schedule 1

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- (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 other State significant development, 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.

State Environmental Planning Policy (State Significant Development) 2005

Schedule 1 State significant development—classes of development

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### **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

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State significant development—classes of development

Schedule 1

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- (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 Construction projects

### 13 Construction projects

- (1) Development for the purpose of residential, commercial, retail or other construction 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*.

**Note.** For criteria applicable to the identification of such construction projects—see guidelines published from time to time by the Minister.

## 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.

State Environmental Planning Policy (State Significant Development) 2005

Schedule 1 State significant development—classes of development

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**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

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State significant development—classes of development

Schedule 1

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- (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.

State Environmental Planning Policy (State Significant Development) 2005

Schedule 1 State significant development—classes of development

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## **Group 8 Transport, energy and water infrastructure**

### **22 Port and wharf facilities**

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

### **23 Rail and related transport facilities**

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

### **24 Electricity generation**

Development for the purpose of an electricity generation facility that:

- (a) has a capital investment value of more than \$30 million for gas or coal-fired generation, or co-generation, or bioenergy, bio-fuels, waste gas, bio-digestion or waste to energy generation, or hydro or wave power generation, or solar power generation, or
- (b) involves wind energy that:
  - (a) includes more than 30 towers, or
  - (b) has generating capacity of more than 60MW, or
  - (c) has generating capacity of more than 30MW where the towers are in more than one council area, or
- (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.



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State significant development—classes of development

Schedule 1

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- (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**

Development for the purpose of sewage and related waste water treatment plants for the treatment, storage or disposal of sewage effluent or other waste water that:

- (a) handles more than 10,000 ep equivalent, or
- (b) has a capital investment value of more than \$30 million, or
- (c) is located in an environmentally sensitive area of State significance.

**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

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- (b) handles more than 1,000 tonnes per year of other aqueous or non-aqueous liquid industrial waste.

**28 Remediation of contaminated land**

Development for the purpose of remediation of land on:

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

State Environmental Planning Policy (State Significant Development) 2005

State significant development on specified sites

Schedule 2

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## Schedule 2 State significant development on 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,

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## Schedule 2 State significant development on specified sites

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- (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.

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- (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,

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- (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 Kosciuszko Ski Resorts

Development on land to which *State Environmental Planning Policy No 73—Kosciuszko Ski Resorts* applies.

**Note.** Clause 32C of Schedule 6 to the Act makes the Minister the consent authority for all development applications relating to land within a ski resort area.

## 4 Kurnell

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

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- (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, excluding development for the purpose of the following:

- (a) advertising signs or structures,
- (b) any use of existing premises or approved premises or resulting from a change of use,
- (c) fitouts in existing premises or approved premises,
- (d) outdoor eating areas, recreational facilities or other public domain elements in constructed or approved buildings or public domain areas, including land available for public use in streets, lanes, squares, boardwalks, roads, playgrounds, parks, open space, stairs, pedestrian walkways and the like,
- (e) strata subdivisions or subdivision of existing or approved premises or buildings,
- (f) outdoor events or temporary uses,
- (g) works wholly internal to heritage items, including buildings.

**6 Penrith Lakes**

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

**7 Port and Related Employment Lands**

(1) **Botany**

Development within the area identified on Map 5 to this Schedule for the purpose of:

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

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- (c) a waste facility that meets the criteria in *State Environmental Planning Policy No 33—Hazardous and Offensive Development* of being potentially hazardous.

(2) **Sydney Harbour**

Development within the area identified as Glebe Island, White Bay, Rozelle Bay and Blackwattle Bay on Maps 6A and 6B to this Schedule.

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

**8 Rhodes Peninsula**

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

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

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

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

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

**10 Sydney Harbour Foreshore Sites**

- (1) Development 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,



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- (g) Sydney Casino Switching station site—Map 9,
  - (h) Luna Park—Map 10.
- (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 \$5 million.

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**13 Redfern–Waterloo Authority Sites**

Development within the area identified on Map 16 to this Schedule.

**14 Sydney Olympic Park**

Development on land described in Schedule 1 to the *Sydney Olympic Park Authority Act 2001*.

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

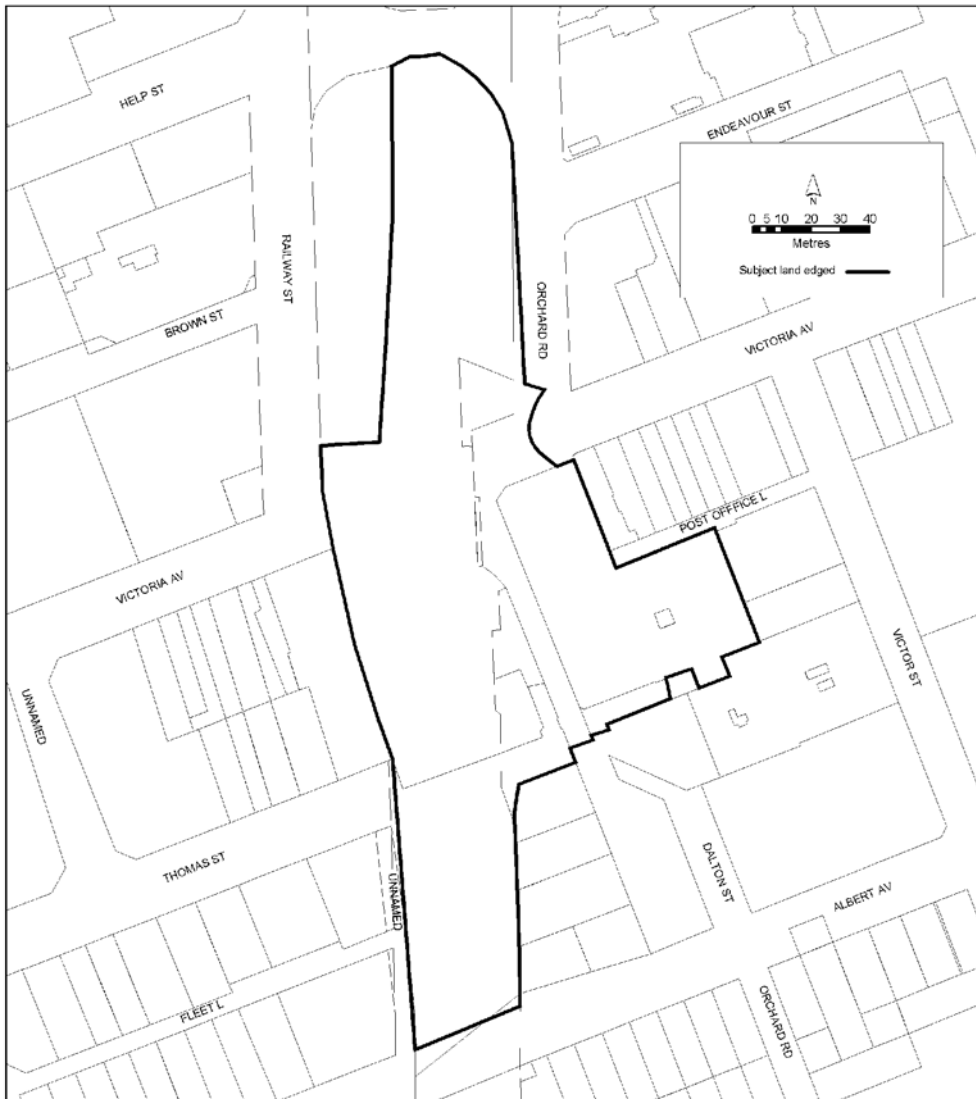
Development for the purpose of multi unit housing (including related subdivision and demolition including demolition of a heritage item) on sites in the area of Ku-ring-gai listed in Schedule 4 to *State Environmental Planning Policy No 53—Metropolitan Residential Development*.

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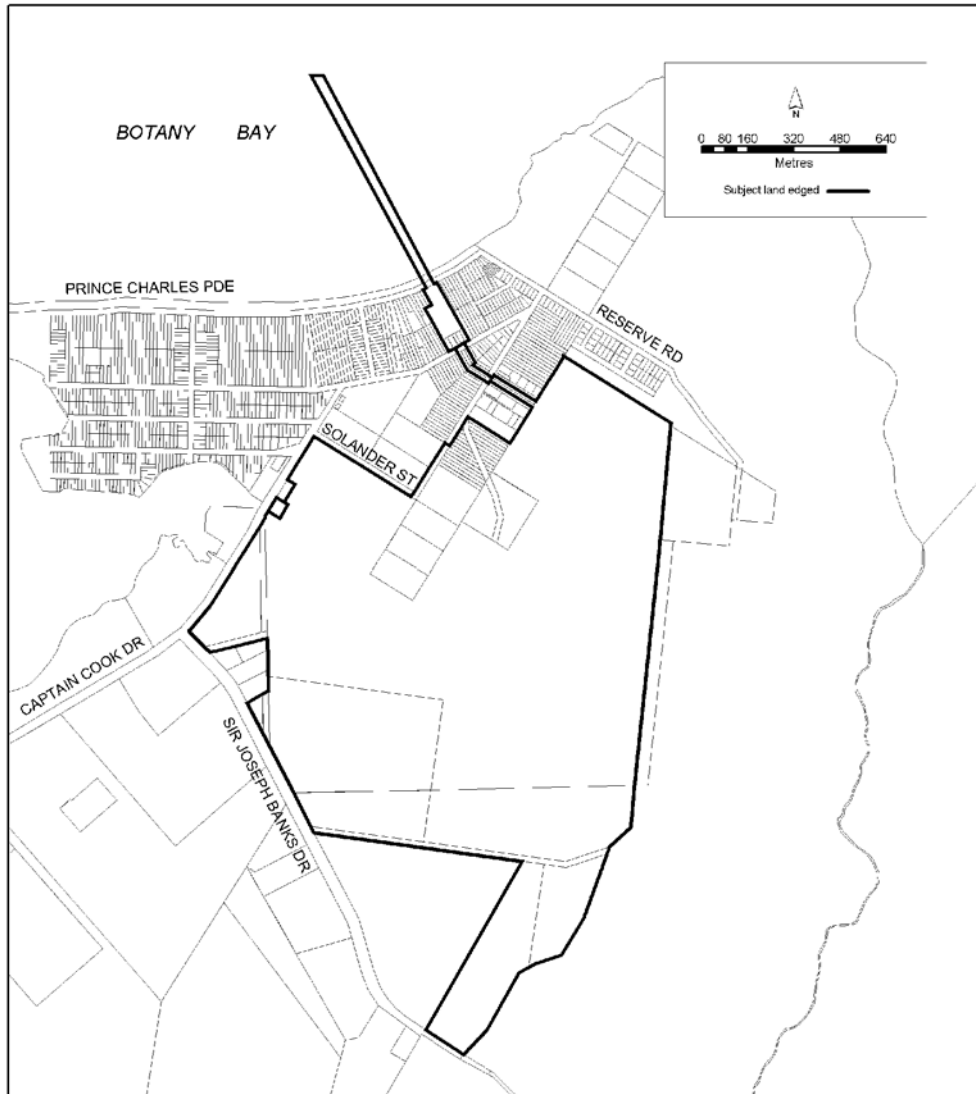
**Map 1—Schedule 2—Chatswood Railway Interchange**



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**Map 2—Schedule 2—Kurnell**

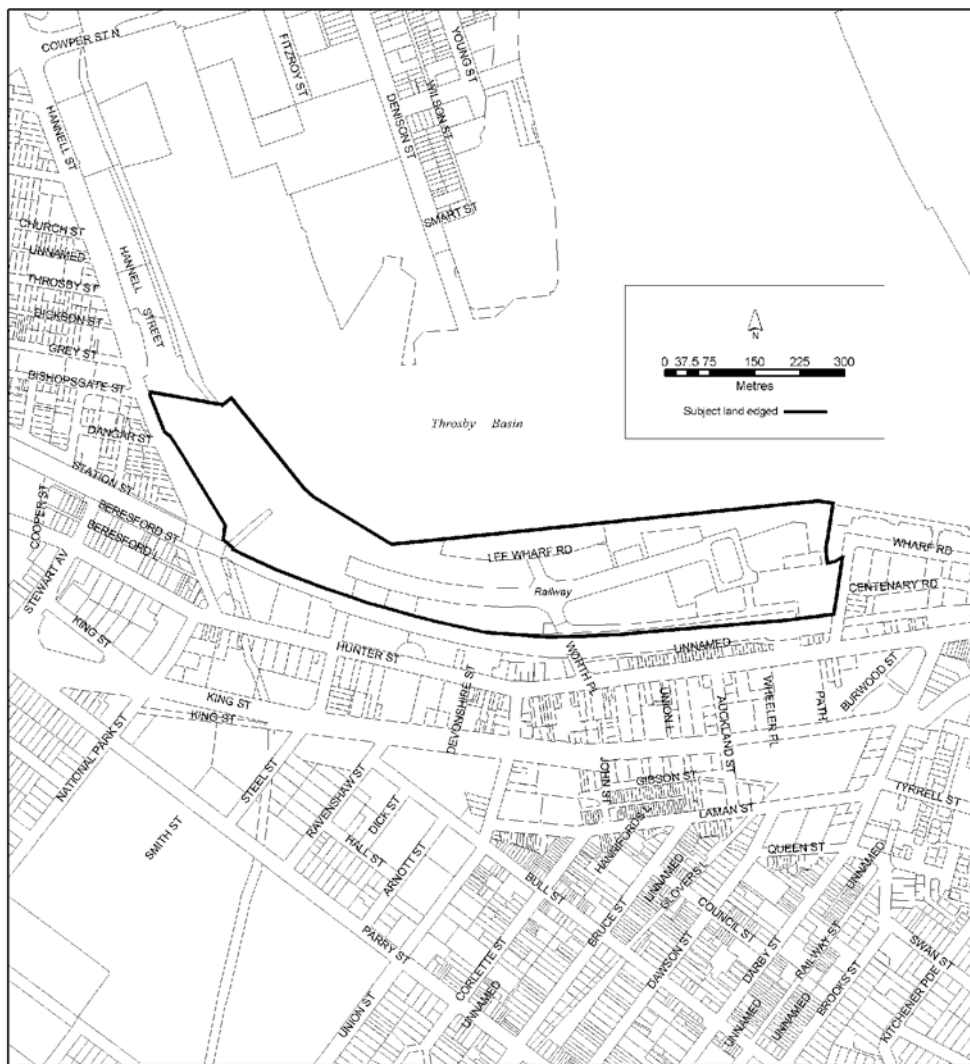


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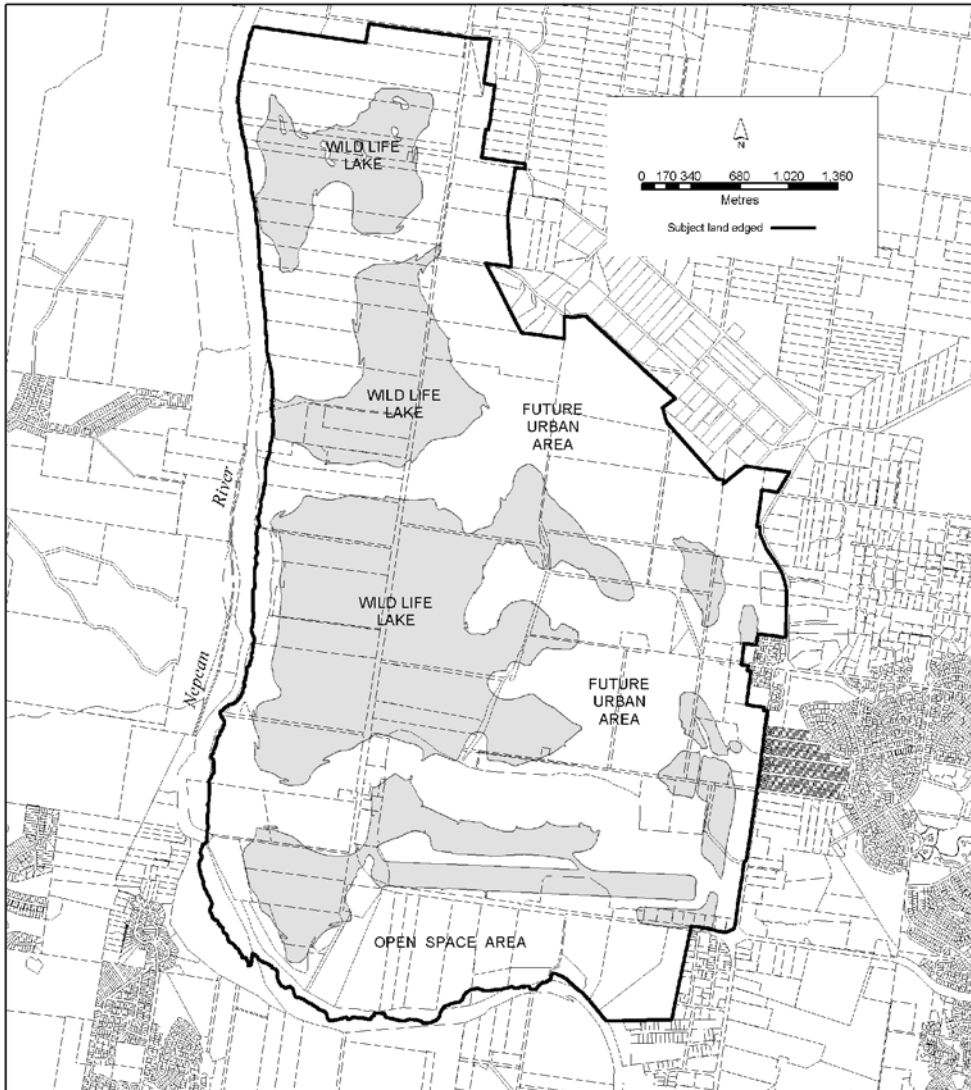
**Map 3—Schedule 2—Newcastle—Honeysuckle**



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**Map 4—Schedule 2—Penrith Lakes**

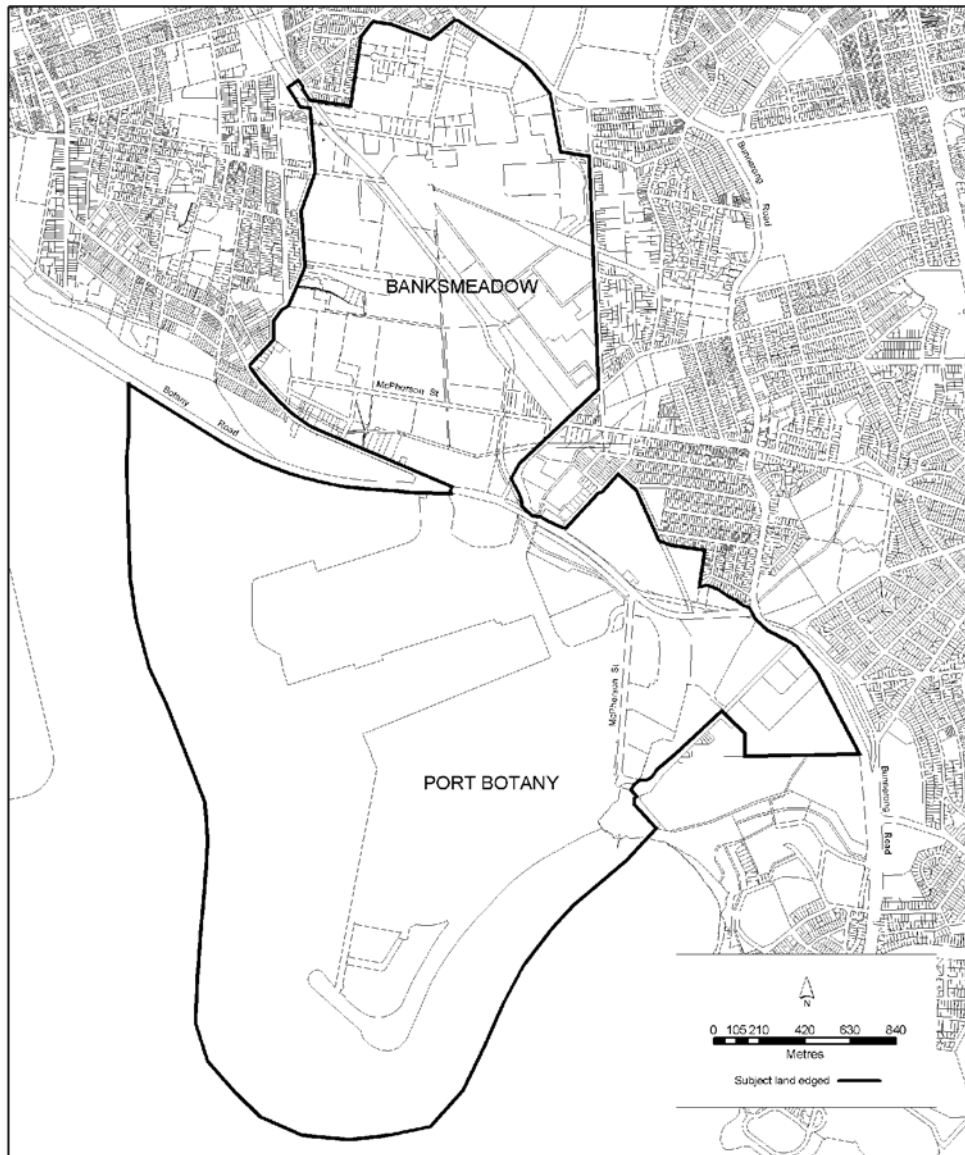


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**Map 5—Schedule 2—Port and Related Employment Lands**

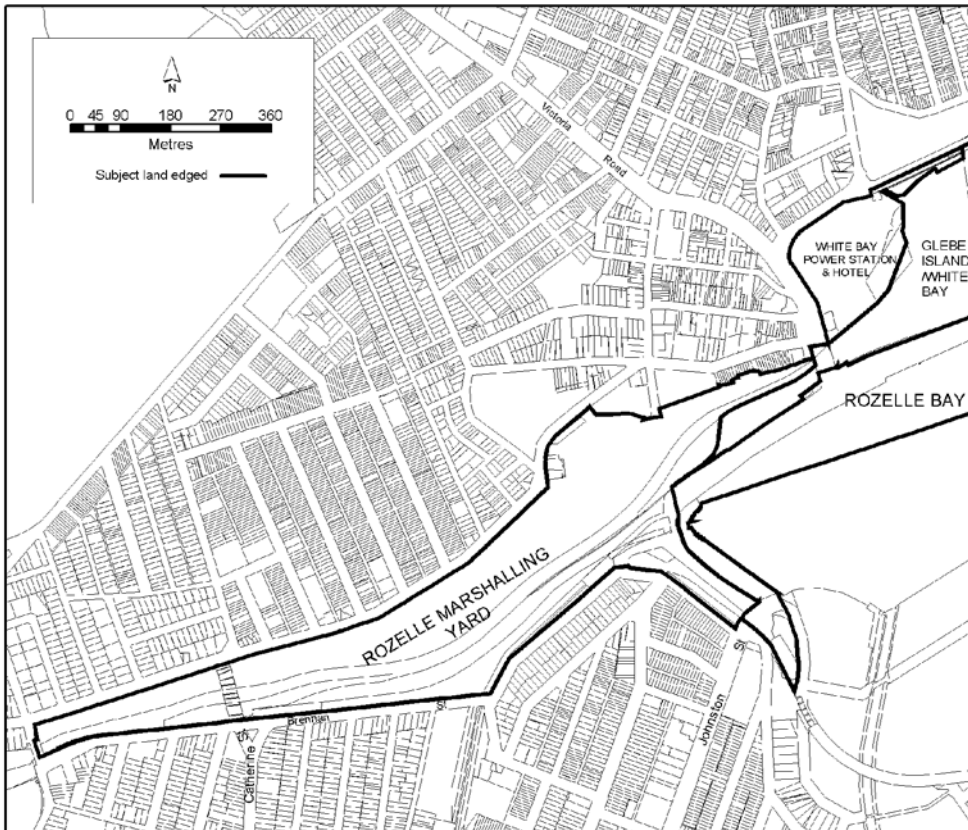




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**Map 6A—Schedule 2—Port and Related Employment Lands**



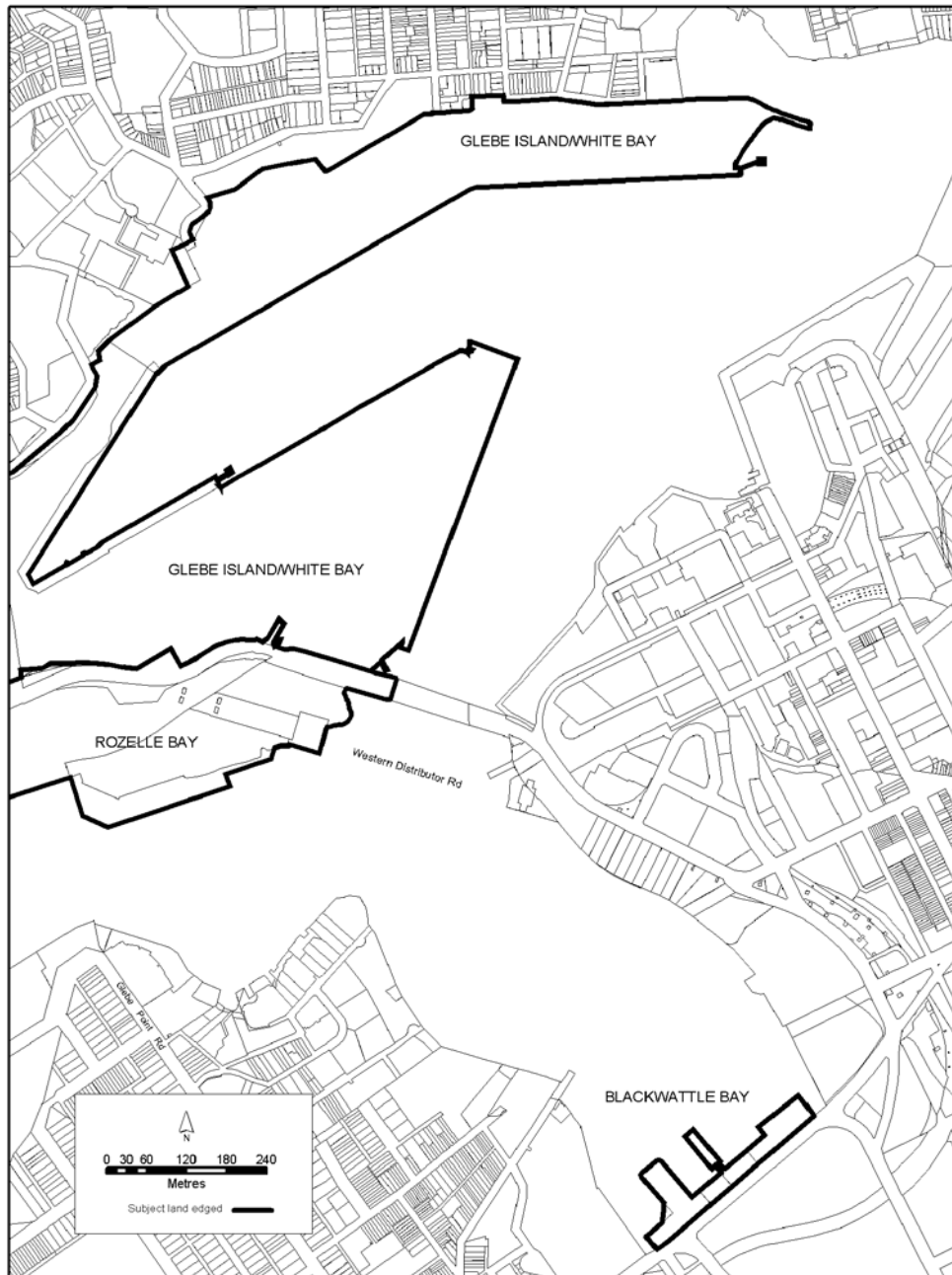


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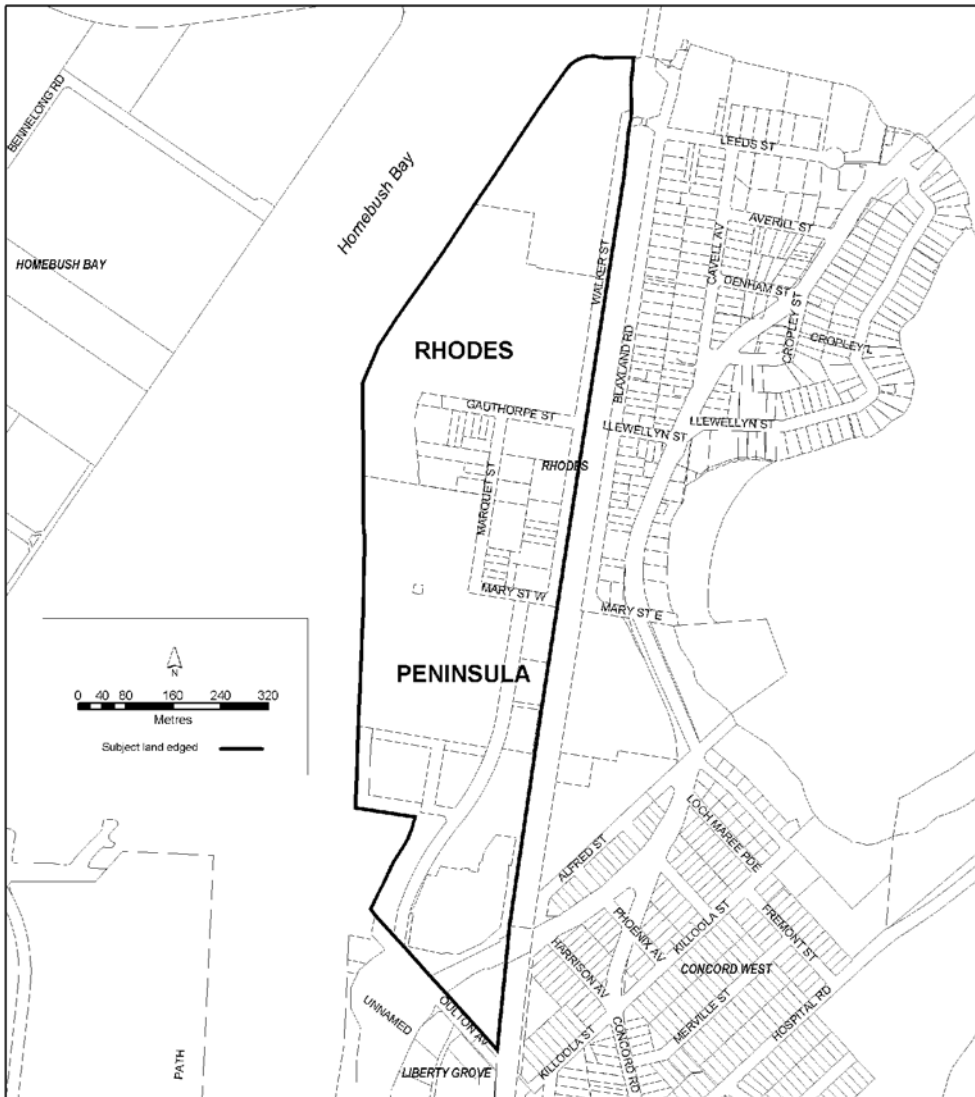
**Map 6B—Schedule 2—Port and Related Employment Lands**



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Map 7—Schedule 2—Rhodes Peninsula

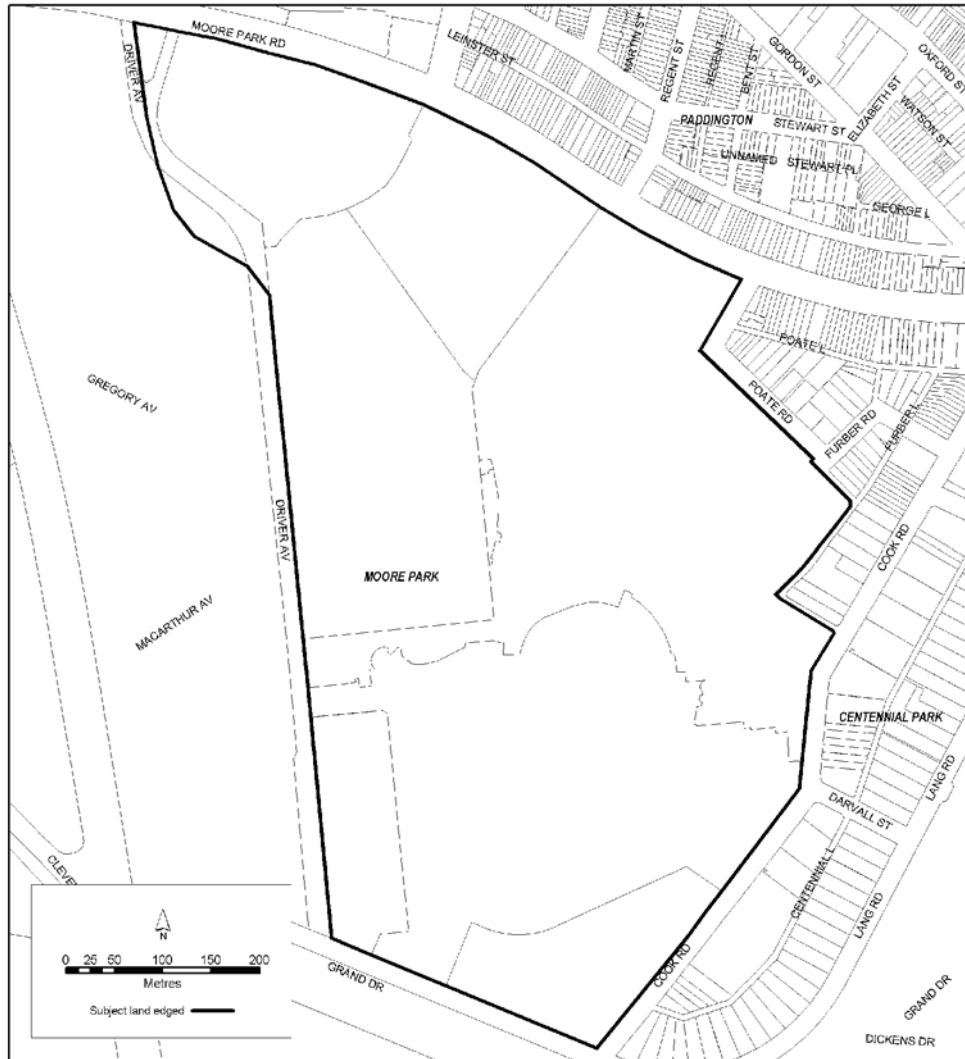


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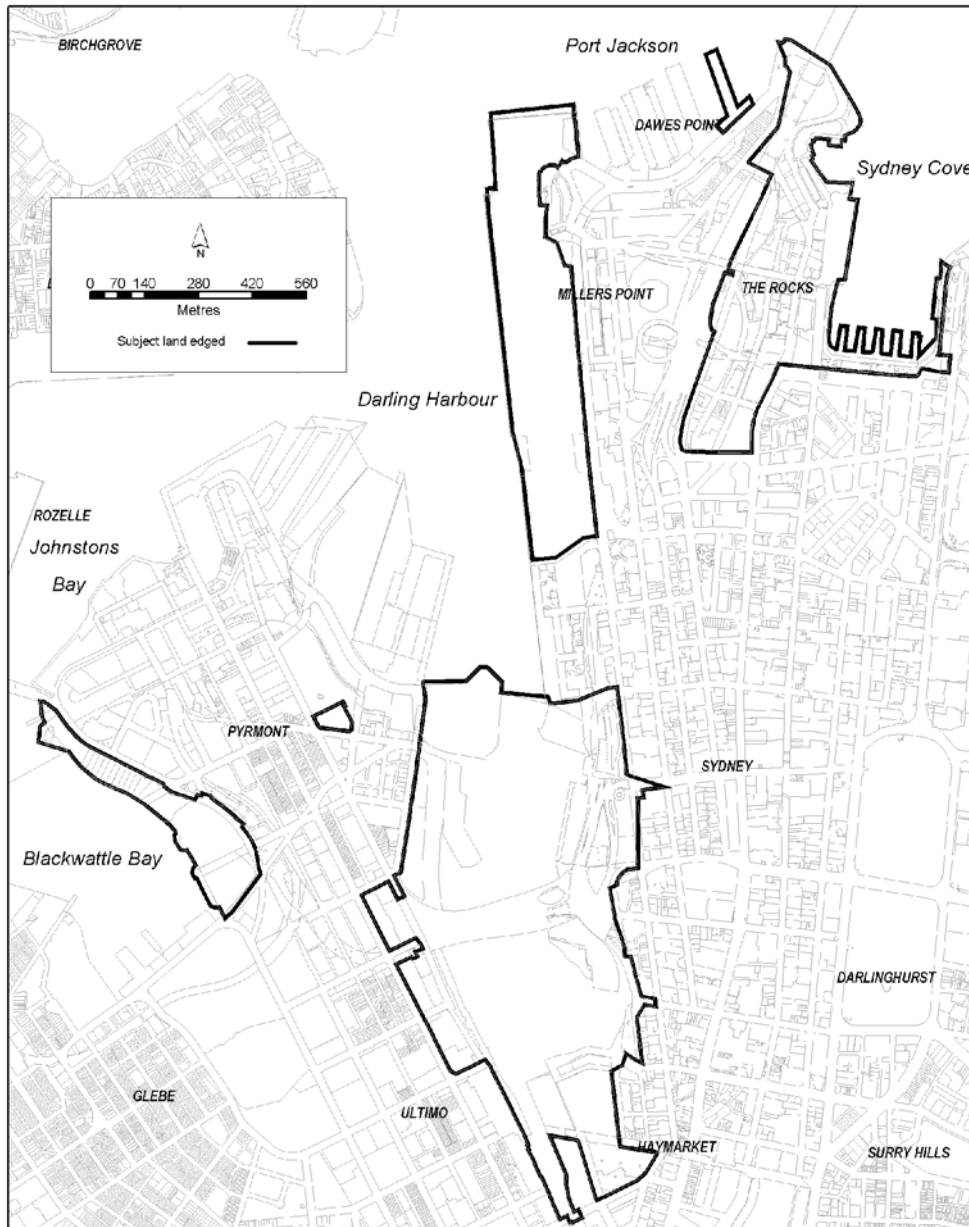
**Map 8—Schedule 2—Fox Studios, Moore Park Showground and Sydney Cricket Grounds**



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

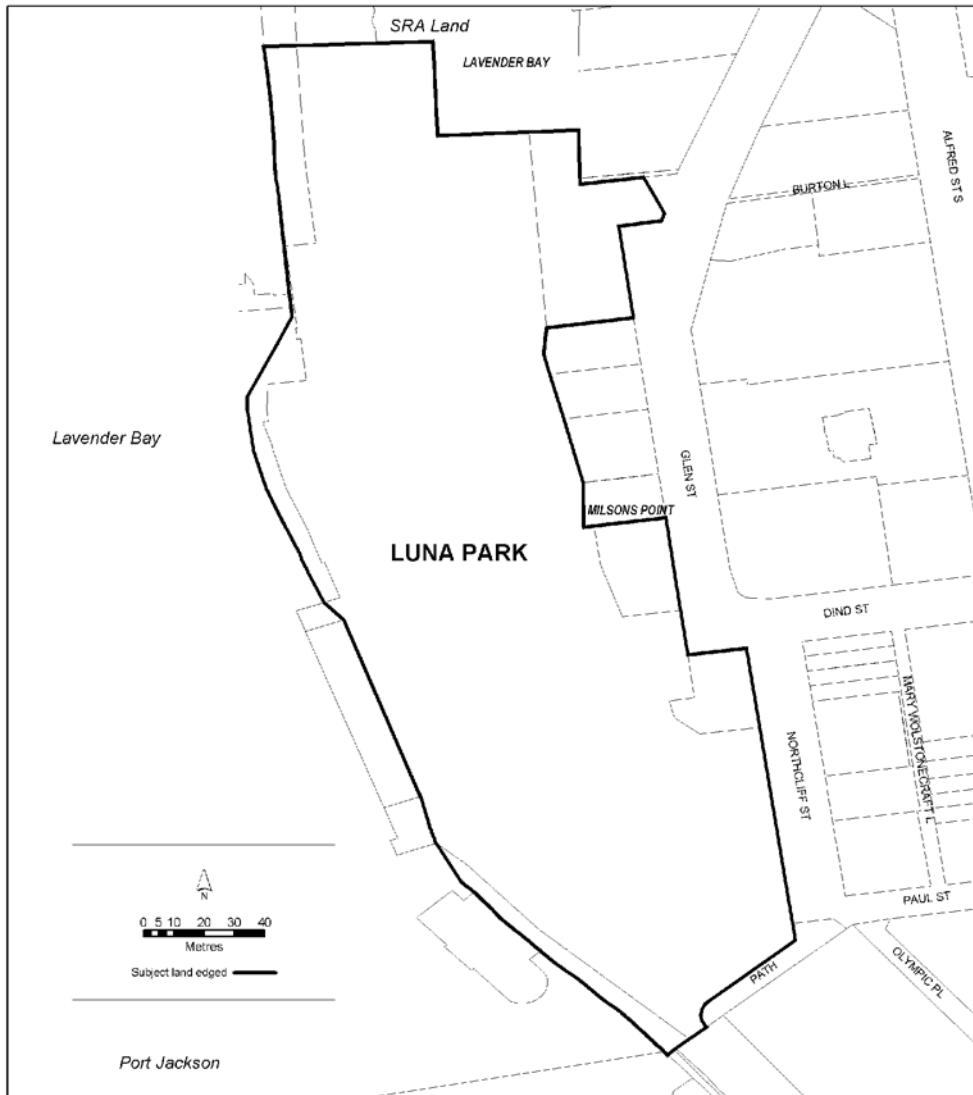


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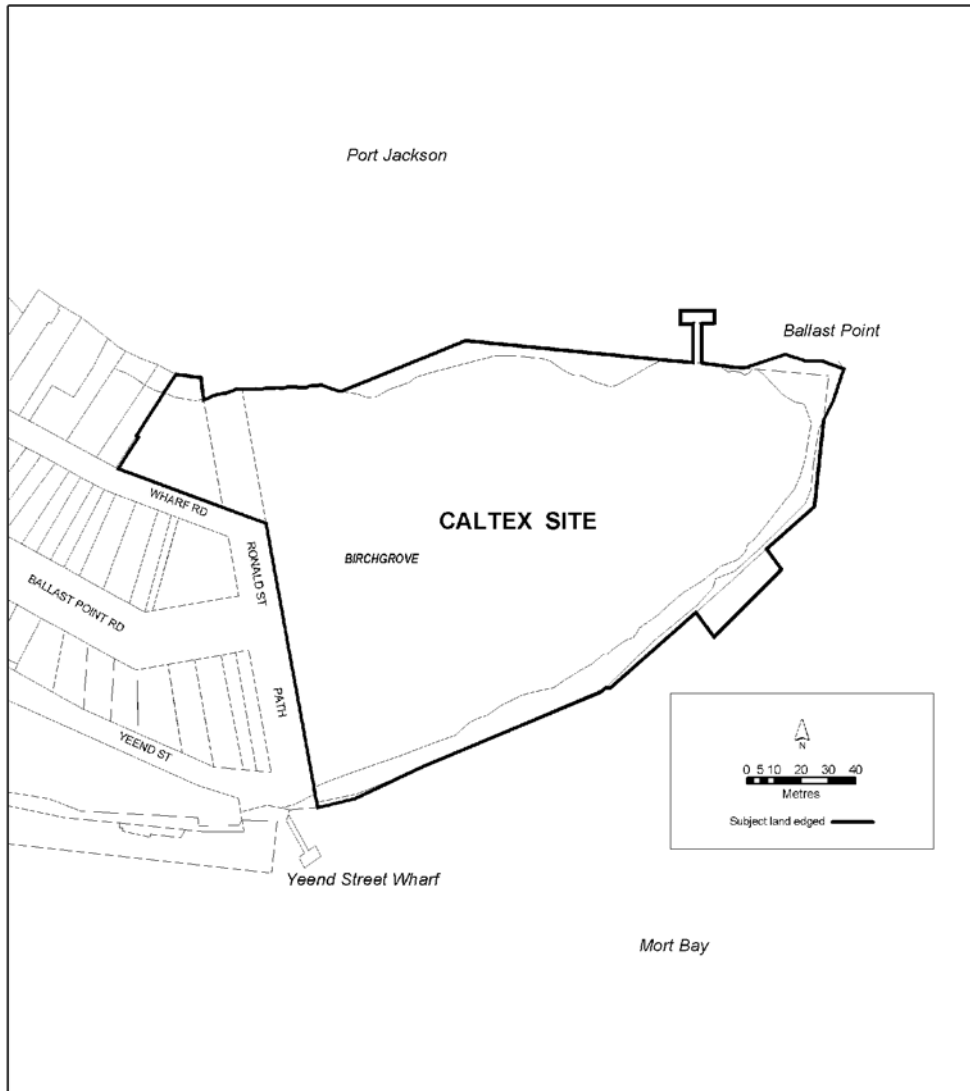
**Map 10—Schedule 2—Luna Park**



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

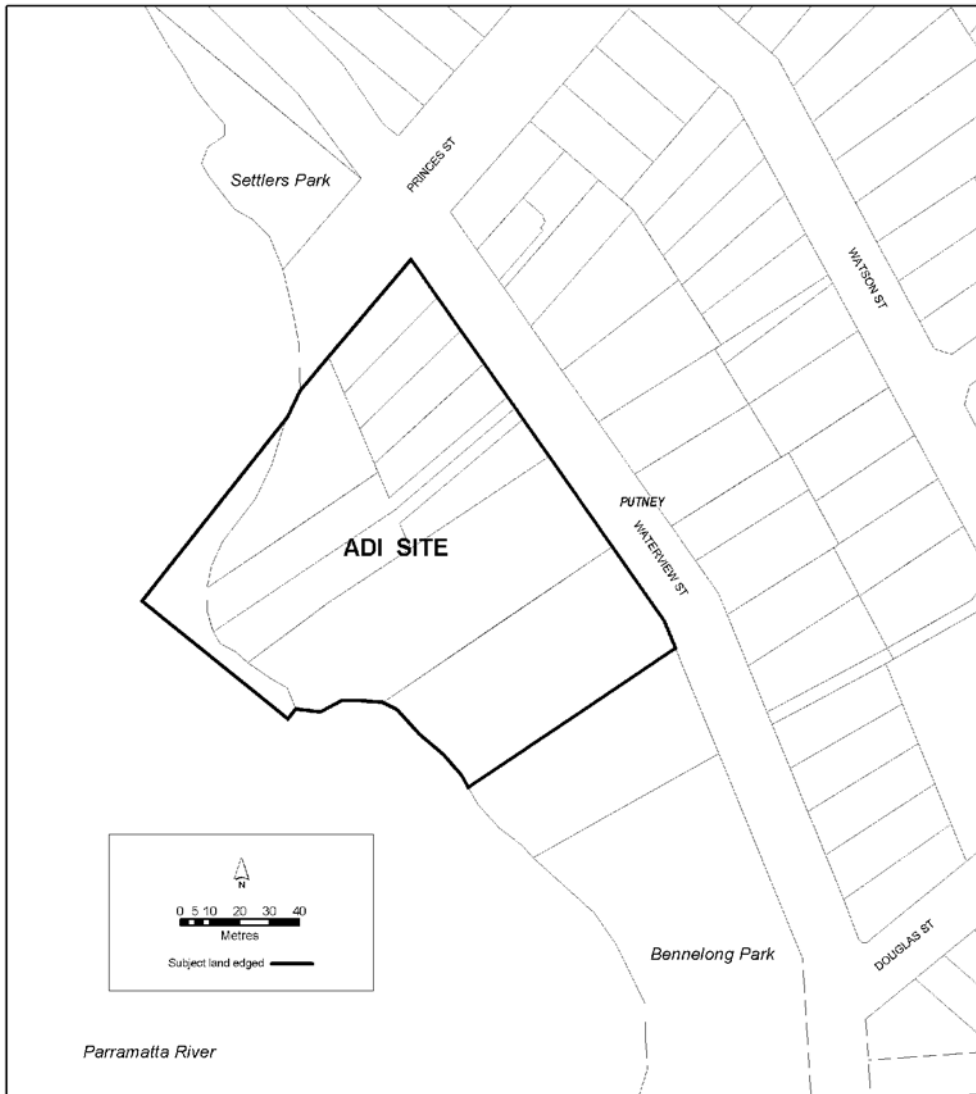


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**Map 12—Schedule 2—ADI Site, Ryde**

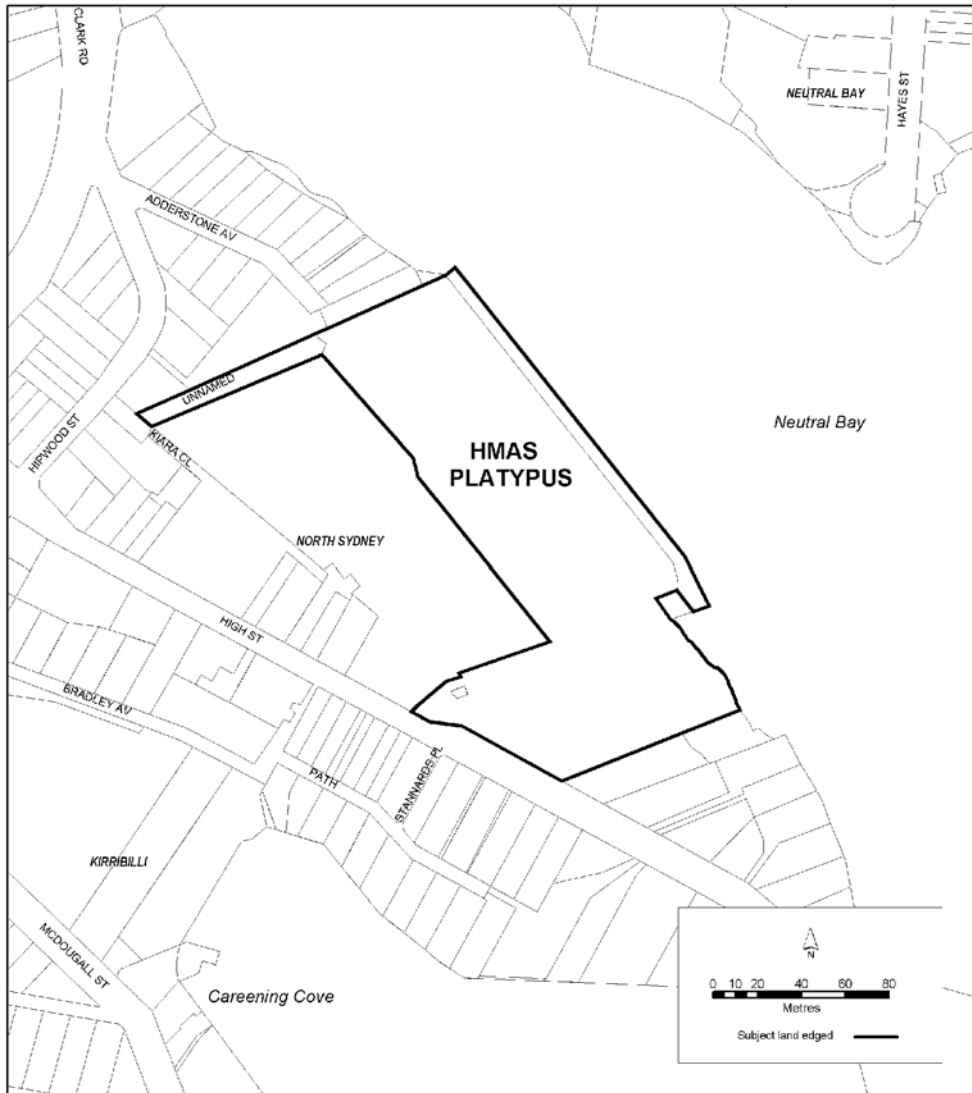




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**Map 13—Schedule 2—HMAS Platypus**



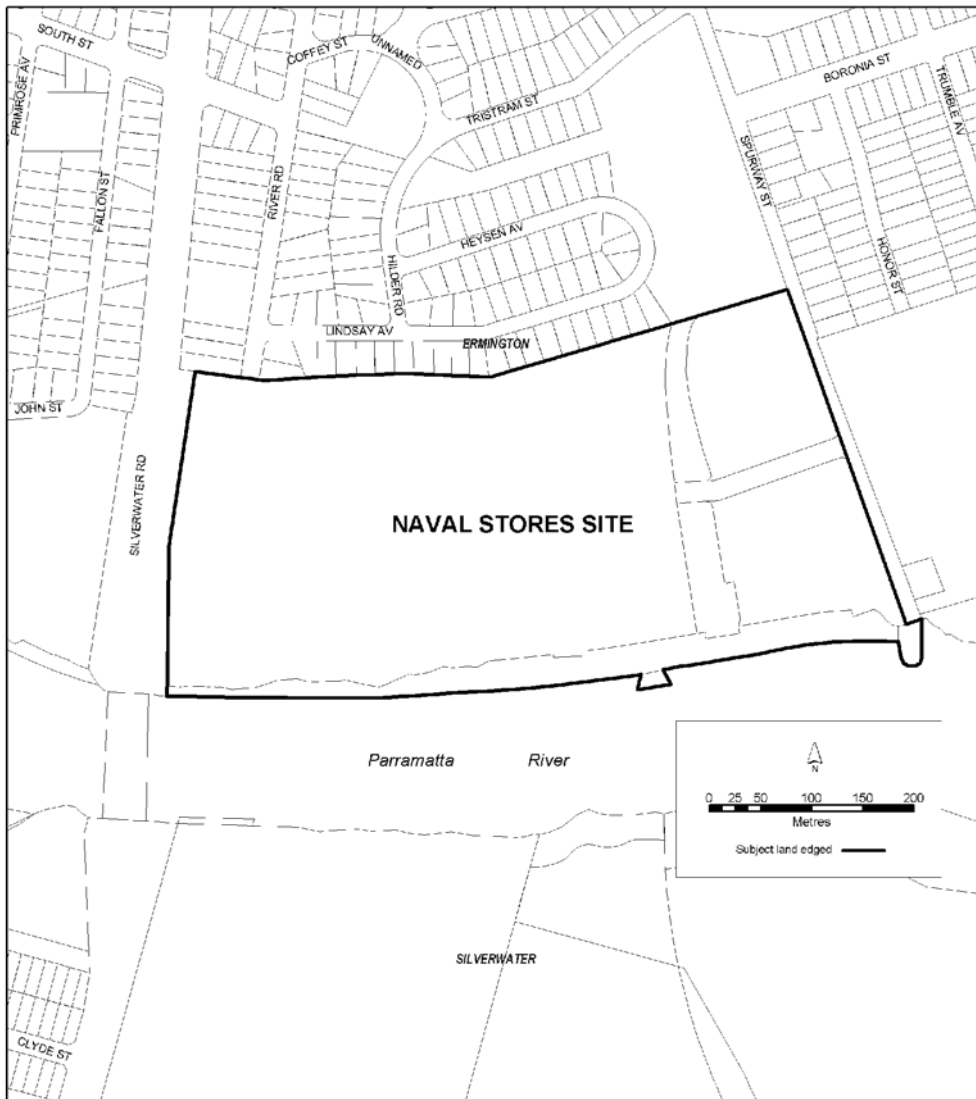


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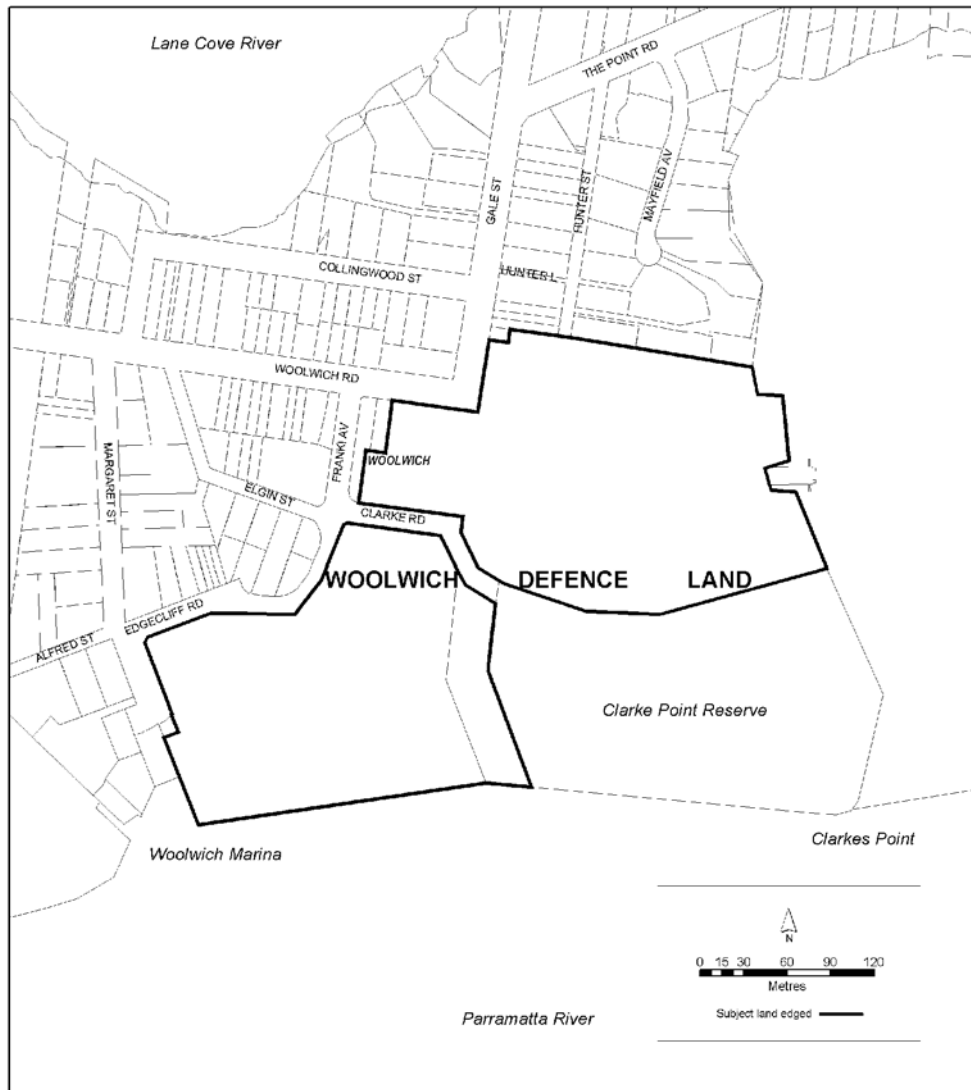
**Map 14—Schedule 2—Naval Stores Site, Ermington**



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

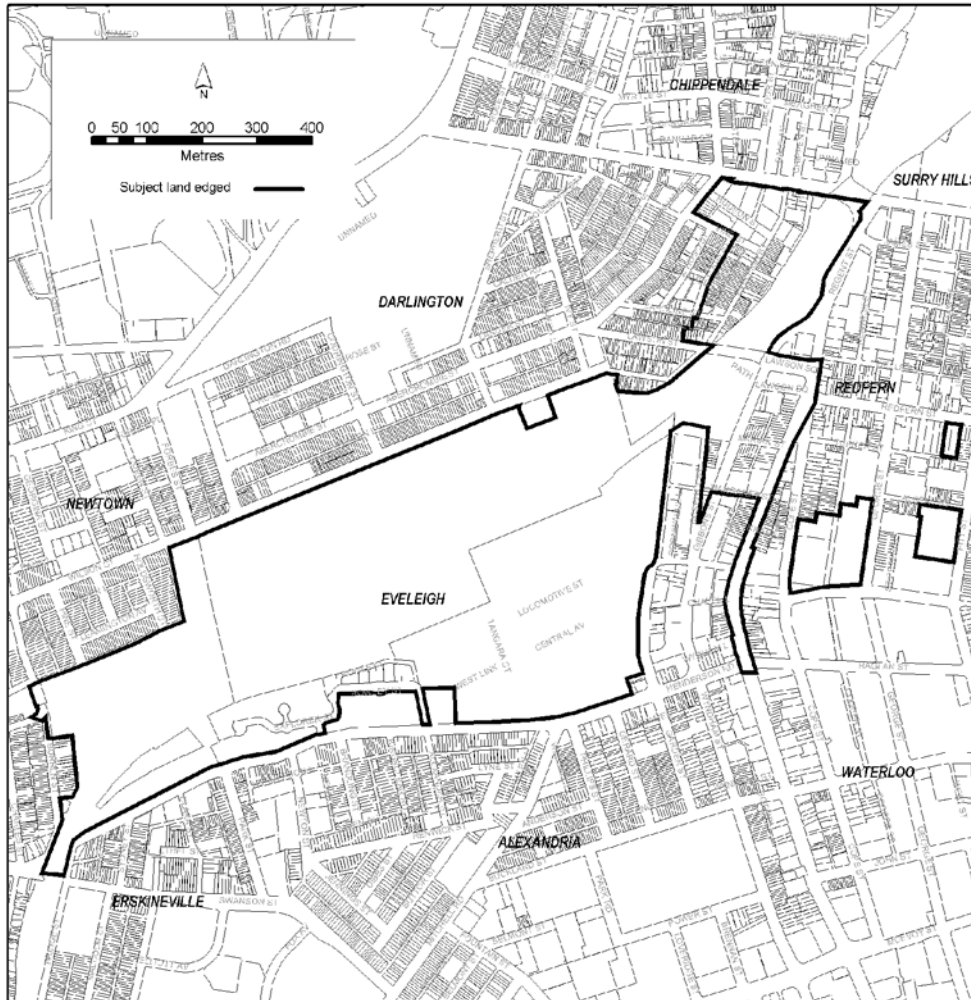


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**Map 16—Schedule 2—Redfern—Waterloo Authority Sites**



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## Schedule 3 State significant sites

(Clauses 6 and 7)

### Part 1 Sydney Opera House

#### Division 1 State significant development

##### 1 State significant development

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.

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## 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,

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- (d) the minor building works must be appropriate having regard to current and future risk/threat assessments provided by State and/or Commonwealth security agencies or by recognised security consultants commissioned by the Sydney Opera House and NSW Police.

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

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

**8 Minor public domain works**

- (1) Exempt development includes minor public domain works including:
  - (a) footpath improvements, tree planting, re-paving, street surfacing, kerb reconstruction, footpaths, gutters, street furniture (benches, bollards, public artwork, installations and street lighting), and
  - (b) installation of permanent directional/wayfinding signage.
- (2) Any such exempt development must comply with the following requirements:
  - (a) the works must not adversely affect the heritage significance of the Sydney Opera House,
  - (b) the works must have no adverse effect on fabric and spaces rated “some”, “considerable” or “exceptional” significance in the CMP,
  - (c) the works must not prevent public access to, and use of, the adjoining public domain.

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

- (1) Exempt development includes the installation of minor structures ancillary to the use of the Sydney Opera House, including small structures to house on-line information, refreshment vending carts (up to a maximum number of 12), ticketing and banking services and

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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.

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**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,



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- (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,

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- (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.

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**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:

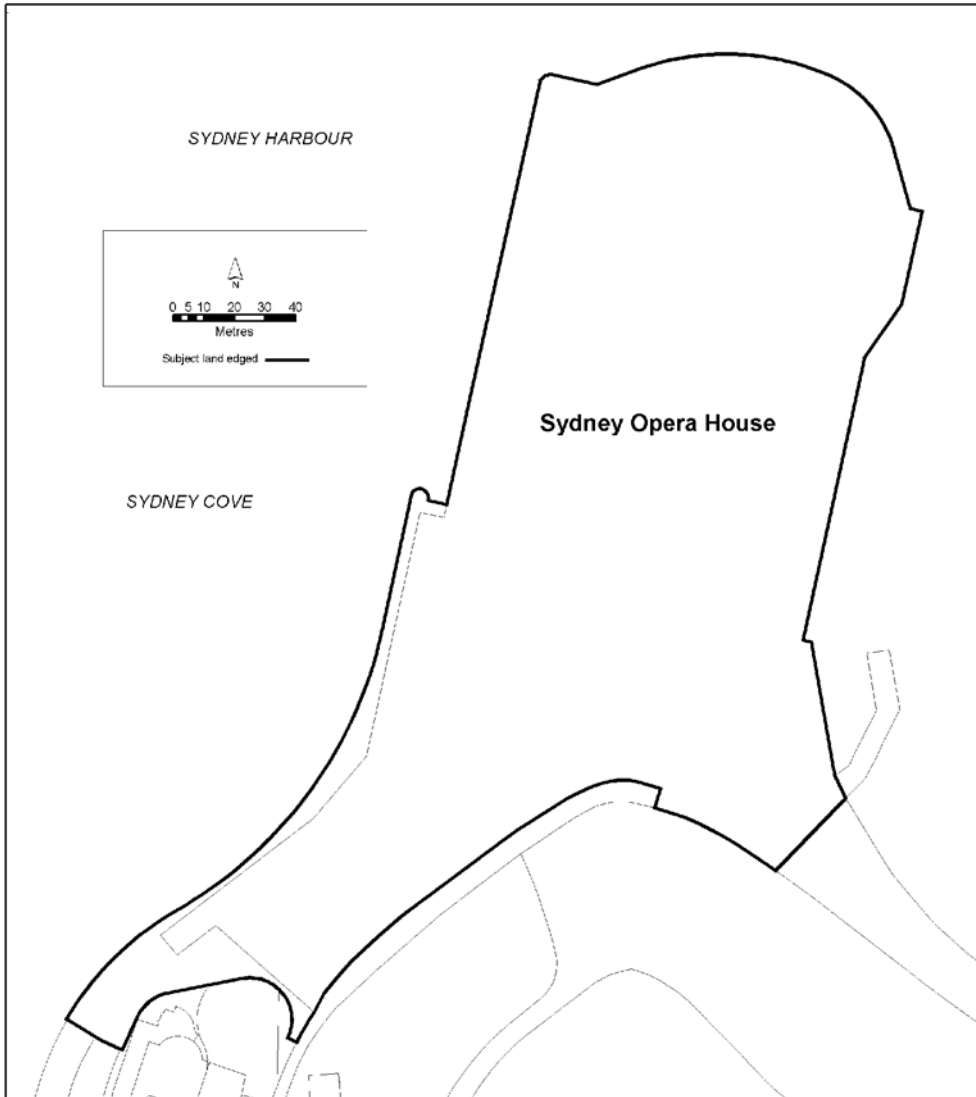
*community events* include public gatherings, ceremonies, celebrations, sporting events, events for community and outdoor exhibitions that may involve the installation of temporary structures having minimal visual impact (such as barricading) that are otherwise ancillary to the event.

*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.

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Schedule 3 State significant sites

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



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## **Schedule 4 Repeal or amendment of other environmental planning instruments**

(Clause 13)

### **4.1 Central Sydney Local Environmental Plan 1996**

#### **Clause 3 Consent authority**

Omit clause 3 (b).

### **4.2 Hunter Regional Environmental Plan 1989**

#### **Clause 58 Policies for control of development**

Insert at the end of the clause:

- (4) This clause does not apply to the area identified in Map 3 (Newcastle—Honeysuckle) to Schedule 2 to the *State Environmental Planning Policy (State Significant Development) 2005*.

### **4.3 Mosman Local Environmental Plan 1998**

#### **Clause 8A**

Insert after clause 8:

#### **8A Application of plan to Markham Close, Middle Head**

- (1) This plan applies to development within a Sydney Harbour Foreshore Site listed as Markham Close, Middle Head in *Sydney Harbour Federation Trust Management Plan—Mosman No 3 (Markham Close)* (9 December 2003, and amended 28 February 2005).
- (2) The development controls in that management plan apply to development on land identified as Markham Close where there is an inconsistency with other controls in this plan or any Mosman development control plan.

### **4.4 Newcastle Local Environmental Plan 2003**

#### **[1] Clause 7 Consent authority**

Omit “as provided by subclause (2) and” from clause 7 (1).

#### **[2] Clause 7 (2)**

Omit the subclause.

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#### **4.5 State Environmental Planning Policy No 14—Coastal Wetlands**

##### **Clause 6 Consent authority**

Insert at the end of the clause:

- (2) If development that requires consent under this Policy is State significant development, the consent authority is the Minister (as provided by the Act), and the concurrence of the Director is not required, despite anything to the contrary in this Policy.

#### **4.6 State Environmental Planning Policy No 26—Littoral Rainforests**

##### **Clause 6A**

Insert after clause 6:

##### **6A State significant development**

If development that requires the consent of the council by virtue of clause 7 (1) is State significant development, the consent authority is the Minister (as provided by the Act) and the concurrence of the Director or Minister is not required, despite anything to the contrary in this Policy.

#### **4.7 State Environmental Planning Policy No 27—Prison Sites**

##### **[1] Clause 6**

Omit the clause. Insert instead:

##### **6 Consent authority**

The relevant council is the consent authority for the purposes of this Policy, except as provided by the Act.

##### **[2] Clause 7 Development for the purposes of prisons**

Omit “Minister for Planning” from clause 7 (2).

Insert instead “consent authority”.

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#### **4.8 State Environmental Planning Policy No 29—Western Sydney Recreation Area**

**[1] Clause 7**

Omit the clause. Insert instead:

**7 Consent authority**

The Council is the consent authority for the purposes of this Policy, except as provided by the Act.

**[2] Clauses 8 (1) and (2), 9 (1), 11 (1) and (2)**

Omit “Minister” wherever occurring. Insert instead “consent authority”.

**[3] Clause 13 Restrictions on development**

Omit “, whether it is the Minister or the Council,”.

#### **4.9 State Environmental Planning Policy No 34—Major Employment-Generating Industrial Development**

The Policy is repealed.

#### **4.10 State Environmental Planning Policy No 38—Olympic Games and Related Projects**

The Policy is repealed.

#### **4.11 State Environmental Planning Policy No 41—Casino Entertainment Complex**

**[1] Clause 2 Aims, objectives etc**

Omit “Minister for Urban Affairs and Planning”.

Insert instead “consent authority.”

**[2] Clause 5**

Omit the clause. Insert instead:

**5 Consent authority**

The consent authority for the purposes of this Policy is the relevant council, except as provided by the Act.

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#### **4.12 State Environmental Planning Policy No 47—Moore Park Showground**

**[1] Clause 8**

Omit the clause. Insert instead:

**8 Consent authority**

The consent authority for development to which this Policy applies is the relevant council, except as provided by the Act.

**[2] Clauses 9, 9A (1) and (2), 10–12, 14 (1), (3) and (4), 15 and 16**

Omit “Minister” wherever occurring. Insert instead “consent authority”.

**[3] Clause 15**

Omit “Minister’s”. Insert instead “consent authority’s”.

#### **4.13 State Environmental Planning Policy No 48—Major Putrescible Landfill Sites**

**Clause 7**

Omit the clause. Insert instead:

**7 Consent authority**

The consent authority for development to which this Policy applies is the relevant council, except as provided by the Act.

#### **4.14 State Environmental Planning Policy No 53—Metropolitan Residential Development**

**[1] Clause 25 Development consent**

Omit clause 25 (2).

**[2] Schedule 4 Amendments allowing multi unit housing**

Omit clause 1 (3).

**[3] Schedule 4**

Omit “Minister” wherever occurring (except where firstly occurring).

Insert instead “consent authority”.



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#### **4.15 State Environmental Planning Policy No 55—Remediation of Land**

**[1] Clause 4 Definitions**

Omit the definition of *Minister* from clause 4 (1).

**[2] Clause 10 Consent authority in relation to remediation works**

Omit “on any land that is not a remediation site” from clause 10 (1).

**[3] Clause 10 (2)**

Omit the subclause.

**[4] Clause 11 State significant development**

Omit the clause.

#### **4.16 State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries**

**[1] Clause 2 Aims of Policy**

Omit clause 2 (d).

**[2] Clause 3 Definitions**

Omit the definition of *State significant development*.

**[3] Part 3, heading**

Omit the heading. Insert instead:

### **Part 3 Sites of State or Regional Significance (land in Schedule 1)**

**[4] Clause 9 State significant development**

Omit the clause.

**[5] Clause 10**

Omit the clause. Insert instead:

**10 Consent authority**

The relevant council is the consent authority for the purposes of this Policy, except as provided by the Act.

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**[6] Schedule 1, heading**

Omit the heading. Insert instead:

**Schedule 1 Sites of State or Regional Significance**

**[7] Schedule 1**

Omit “Schedule 1—Map 14—Homebush Bay West Site” and “Schedule 1—Map 17—Rozelle Hospital”.

**Note.** The *Callan Park (Special Provisions) Act 2002* makes the Council the consent authority in relation to Rozelle Hospital.

**4.17 State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area**

**[1] Clause 6 State significant development**

Omit the clause.

**[2] Clause 7**

Omit the clause. Insert instead:

**7 Consent authority**

The relevant council is the consent authority for the purposes of this Policy, except as provided by the Act.

**4.18 State Environmental Planning Policy No 67—Macquarie Generation Industrial Development Strategy**

**[1] Clause 7 State significant development**

Omit the clause.

**[2] Schedule 1 Development with consent**

Omit “Clauses 6, 7 and 8”. Insert instead “Clauses 6 and 8”.

**4.19 State Environmental Planning Policy No 71—Coastal Protection**

**[1] Clause 9 Application of Part**

Omit clause 9 (1) (a).

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**[2] Clause 9**

Omit “(other than development specified in Schedule 2)” wherever occurring.

**[3] Clause 10 State significant development**

Omit the clause.

**[4] Schedule 2 Significant coastal development—specified development**

Omit the Schedule.

**4.20 State Environmental Planning Policy No 73—Kosciuszko Ski Resorts**

**Schedule 2 Exempt Development**

Omit the Schedule. Insert instead:

**Schedule 2 Exempt development**

(Clause 14)

**Note.** See clause 14 for restrictions relating to exempt development.

**1 Advertisements**

The display of an advertisement (other than an illuminated advertisement), including the erection of any advertising structure on which the advertisement is displayed, but only if:

- (a) the advertisement:
  - (i) relates to the premises on which it is displayed or to goods or services that are available at those premises, and
  - (ii) together with any advertising structure on which it is displayed, has an area of no more than 0.75 square metres, and
  - (iii) together with any advertising structure on which it is displayed, is at least 2.6 metres above any public road above which it is displayed, or
- (b) the advertisement is displayed behind a window, or
- (c) the advertisement:
  - (i) advertises a social, cultural, political or recreational event, and

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- (ii) is displayed for no more than 28 days before the event, no more than 14 days after the event and no more than a total of 22 weeks, and
  - (iii) has an area of no more than 7 square metres, or
  - (d) the advertisement:
    - (i) is a real estate sign advertising that the premises on which it is displayed are for sale or are for lease under Part 12 of the *National Parks and Wildlife Act 1974*, and
    - (ii) together with any advertising structure on which it is displayed, has an area of no more than 2.4 square metres.

**2 Public notices of public authorities**

The erection of a sign, by a public authority, in the nature of a public notice that provides only information or directions (or both) in relation to a service provided by the public authority.

**3 Signs relating to safety**

The erection of a sign whose purpose is to ensure the safety of workers on the site at which it is located or of the general public.

**4 Business or building identification signs**

The erection and use of a business or building identification sign, displayed on the premises to which it relates, but only if:

- (a) the sign is displayed behind a window on the premises, or
- (b) the sign has an area of no more than 0.75 square metres and, if the sign is erected above a public road, it is erected at least 2.6 metres above the road.

**5 Internal building alterations**

Internal building alterations that do not involve the following:

- (a) any increase in the gross floor area of the building,
- (b) any alteration to a load-bearing member of a building or any alteration that results in the load-bearing capacity of the building being exceeded,
- (c) any modification of any passive fire safety measure,
- (d) any modification of any of the following:
  - (i) any kitchen used for commercial purposes,

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- (ii) any area, within premises, that is used for skin penetration procedures within the meaning of the *Public Health Act 1991*,
  - (iii) any hairdressing premises,
  - (iv) any swimming or spa pool within the building,
  - (e) any alteration to a building comprising tourist accommodation that results in an increase in the size of a bedroom or an increase in the number of bedrooms in the tourist accommodation.

#### **6 Change of use of a building**

New use of a building as an office, resulting from a change of use of the building as a shop, or new use of a building as a shop, resulting from a change of use of the building as an office, but only if:

- (a) the use of the building, before the change, as a shop or as an office (as the case may be) was lawful, and
- (b) the new use would otherwise be permitted with consent under this plan, and
- (c) the new use occurs over no more than 200 square metres of floor space, and
- (d) in the case of the new use of a building as a shop—the use of the shop does not involve the handling, preparation or storage of food for sale or consumption.

#### **7 Installation and use of street furniture**

The installation and use of street furniture (including a bench, a bollard and a garbage enclosure) on a public footpath or in a plaza, but only if:

- (a) the street furniture does not prevent or extensively restrict use of the footpath or plaza for access, and
- (b) the street furniture is firmly anchored, and
- (c) in the case of a garbage enclosure—the enclosure is animal-proof.

#### **8 Maintenance**

The carrying out of any development comprised in the repair of deteriorated or damaged material (whether or not in a building) or the replacement of any such material, but only if:

- (a) no wall of a building is wholly replaced,

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- (b) in the case of repairs to, or the partial replacement of, the wall of a building, involving the use of material that differs in nature from the material being repaired or replaced—the repairs extend over no more than 5% of the surface, or the replacement is of no more than 5%, of the wall, over any 3 year period,
  - (c) the maintenance does not affect the load-bearing capacity of any load-bearing member of a building.

**9 Development carried out on ski slopes**

The carrying out on ski slopes of any of the following:

- (a) the maintenance of ski slopes on an annual basis or of a routine nature, including slashing and trimming of regrowth,
- (b) the erection of any of the following structures for the purposes of recreational activities, including skiing:
  - (i) signs not exceeding 2.5 square metres in area,
  - (ii) fences not exceeding 1.8 metres in height,
  - (iii) other structures not exceeding more than 2.4 metres in height,
 but only if the structures stand for no more than 22 weeks in any one year.

**10 Antennae, satellite dishes and aerials**

The installation of an antenna, satellite dish or aerial, for use within tourist accommodation, but only if:

- (a) following the installation, there is no more than one antenna, one satellite dish and one aerial per building, and
- (b) the height of the antenna, satellite dish or aerial to be installed is no more than 1 metre above the ridgeline of the building that the device services, and
- (c) in the case of the installation of a satellite dish—the dish is no more than 500mm in diameter, and
- (d) there are no structural alterations involved and the antenna, satellite dish or antenna is firmly anchored.

**11 Erection of minor structures**

- (1) The erection of a structure ancillary to a permissible use, but only if:
  - (a) the structure is erected at least 1 metre from each boundary of the sublease or lease applying to the site, and

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- 
- (b) the structure does not cover an area of more than 10 square metres, and
  - (c) the structure does not stand higher than 1 metre above the natural ground level of the site, and
  - (d) the erection of the structure does not require any excavation deeper than 500 millimetres below natural ground level and does not compromise any support for adjoining land, and
  - (e) the erection or use of the structure does not involve handling, using or storing of hazardous chemicals or materials, and the materials used in the structure do not release any hazardous chemicals or materials into the environment, and
  - (f) the structure must be made of non-combustible materials if erected on land that is bush fire prone land.

(2) In this clause:

*natural ground level*, in relation to a site, means the natural level of the site at any point on the site.

## 12 Laying of paving

(1) The laying of paving, but only if:

- (a) the paving does not cover an area of more than 10 square metres, and
- (b) the laying of the paving does not require any excavation deeper than 500 millimetres below the natural ground level of the site and does not compromise any support for adjoining land.

(2) In this clause:

*natural ground level* has the same meaning as it has in clause 11.

## 13 Demolition

Demolition of any structure, the erection of which is exempt development under this plan, but only if:

- (a) the structure stands on an area of not more than twenty-five square metres, and
- (b) is carried out in accordance with AS 2601—2001, *Demolition of structures*.

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#### **4.21 Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)**

**[1] Clause 3 Aims, objectives etc**

Omit “encourage the development of car parking facilities on railway land” from clause 3 (2) (g).

Insert instead “development to increase the use of railway facilities”.

**[2] Clause 6**

Omit the clause. Insert instead:

**6 Consent authority**

The Council is the consent authority for the purposes of this plan, except as provided by the Act.

**[3] Clause 7N Zone 5 (b)—Special Uses “B” (Railways) Zone**

Omit “Railways” from clause 7N (2) (b). Insert instead “(Railways)”.

**[4] Clause 7N (2) (b)**

Insert in alphabetical order of development:  
residential flat buildings

**[5] Clause 11 Floor space ratio**

Omit clause 11 (2) (i).

**[6] Clause 15 Height**

Omit clause 15 (1) (g).

#### **4.22 Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme**

**Clause 6**

Omit the clause. Insert instead:

**6 Consent authority**

The consent authority for the purposes of this Plan is the council of the area in which the development is carried out, except as provided by the Act.



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#### **4.23 Sydney Regional Environmental Plan No 16—Walsh Bay**

##### **Clause 10**

Omit the clause. Insert instead:

##### **10 Consent authority**

The Council of the City of Sydney is the consent authority for the purposes of this plan, except as provided by the Act or the *City of Sydney Act 1988*.

#### **4.24 Sydney Regional Environmental Plan No 24—Homebush Bay Area**

##### **Clause 10 Consent authorities**

Omit clause 10 (1) and (2). Insert instead:

- (1) The relevant council is the consent authority for land in the Homebush Bay Area (including land/water interface development), except as provided by subclause (3), the Act and the *Sydney Olympic Park Authority Act 2001*.

#### **4.25 Sydney Regional Environmental Plan No 26—City West**

##### **Clause 14**

Omit the clause. Insert instead:

##### **14 Consent authority**

The Council of the City of Sydney is the consent authority for the purposes of this Part, except as provided by the Act.

#### **4.26 Sydney Regional Environmental Plan No 29—Rhodes Peninsula**

##### **Clause 5**

Omit the clause. Insert instead:

##### **5 Consent authority**

The consent authority for development applications to which this plan applies is the council of the area to which the application relates, except as provided by the Act.

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#### **4.27 Sydney Regional Environmental Plan No 31—Regional Parklands**

**[1] Clause 5 Consent authority**

Omit “and subclause (2)” from clause 5 (1).

**[2] Clause 5 (2)**

Omit the subclause.

#### **4.28 Warringah Local Environmental Plan 2000**

**[1] Clause 11 Who is the consent authority?**

Omit “except in relation to a development application to carry out a category A remediation work on land that is a remediation site, where the Minister for Urban Affairs and Planning is the consent authority”.

**[2] Clause 11, note**

Omit the note to the clause.

**[3] Clause 24 What development is State significant development?**

Omit the clause.