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SPECIAL SUPPLEMENT



New South Wales

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

under the

Environmental Planning and Assessment Act 1979

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

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Major Projects) 2005 (Amendment No 4)

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

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

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

2 Aims of Policy

The aim of this Policy is to make the following miscellaneous amendments to *State Environmental Planning Policy (Major Projects) 2005 (the Major Projects SEPP)*:

- (a) to exclude goods and services tax from the determination of the capital investment value of development for the purposes of the Major Projects SEPP (Schedule 1 [1]),
- (b) to provide that certain development carried out in particular port areas by a public authority does not require development consent under Part 4 of the *Environmental Planning and Assessment Act 1979 (the Act)* (Schedule 1 [5] and [14]),
- (c) to make certain development at the Sydney Cricket Ground or associated parking areas and facilities exempt development under the Act and to make associated consequential amendments (Schedule 1 [2]–[5] and [14]),
- (d) to declare some development for the purpose of submarine telecommunication cables to be a Part 3A project (Schedule 1 [7] and [8]),
- (e) to limit the extent to which development for the purpose of remediation of contaminated land is declared by the Major Projects SEPP to be a Part 3A project to development that would otherwise require development consent (Schedule 1 [9]),
- (f) to exclude development that has a capital investment value of \$5 million or less from development on particular port and port-related lands at Botany and Sydney Harbour that is declared to be a Part 3A project (Schedule 1 [10] and [11]),

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Clause 3

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- (g) to exclude development of the Sydney Cricket Ground and associated parking areas and facilities for the purposes of non-sporting events from development that is declared to be a Part 3A project (Schedule 1 [12]),
 - (h) to make the Minister the consent authority for development of certain port and related employment lands with a capital investment value of \$5 million or less (Schedule 1 [13]),
 - (i) to amend savings and transitional provisions in the Major Projects SEPP in light of some of the amendments to that Policy that are listed above (Schedule 1 [6]).

3 Land to which Policy applies

This Policy applies to the State.

4 Amendment of State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 is amended as set out in Schedule 1.

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Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

(Clause 4)

[1] Clause 3 Definitions and key concepts

Insert “GST, as defined by *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth, and” after “excluding” in clause 3 (2) (a).

[2] Clause 10 Exclusion of certain exempt or complying development

Insert “a provision of” after “because of” in clause 10 (1) (a).

[3] Clause 10 (1) (b)

Omit “an environmental planning instrument”.

Insert instead “another provision of this Policy or a provision of another environmental planning instrument”.

[4] Clause 10 (2) (b)

Omit “an environmental planning instrument”.

Insert instead “another provision of this Policy or a provision of another environmental planning instrument”.

[5] Clauses 10A and 10B

Insert after clause 10:

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.

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Amendment of State Environmental Planning Policy (Major Projects) 2005 Schedule 1

[6] Clause 16 Savings and transitional provisions

Insert at the end of the clause:

- (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:

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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).

[7] Schedule 1 Part 3A projects—classes of development

Insert “**communications**,” after “**Transport**,” in the heading to Group 8.

[8] Schedule 1, clause 26B

Insert after clause 26A:

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.

[9] Schedule 1, clause 28

Omit the clause. Insert instead:

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*.

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[10] Schedule 2 Part 3A projects—specified sites

Insert “, being development with a capital investment value of more than \$5 million” after “work” in clause 7 (1) (a).

[11] Schedule 2, clause 7 (2)

Insert “, being development with a capital investment value of more than \$5 million” after “Schedule”.

[12] Schedule 2, clause 9 (2)

Insert at the end of clause 9:

- (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*.

[13] Schedule 6 Minister consent authority for Part 4 development

Insert after clause 3 of Part 1:

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*.

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[14] Schedules 7 and 8

Insert after Schedule 6:

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,

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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).