
draft



New South Wales

State Environmental Planning Policy (Major Projects) Amendment (Redfern-Waterloo) Policy 2006

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.

Minister for Planning

State Environmental Planning Policy (Major Projects) Amendment (Redfern-Waterloo) Policy 2006

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) Amendment (Redfern-Waterloo) Policy 2006*.

2 Aims of Policy

The aims of this Policy are:

- (a) to provide for the redevelopment of the Redfern-Waterloo area in a manner consistent with the principles in the Sydney Metropolitan Strategy, and
- (b) to increase building density around Redfern Railway Station and to provide for a diversity of land uses in the area, and
- (c) to encourage the revitalisation of the Redfern-Waterloo area by enhancing employment opportunities in the area, and
- (d) to provide for development controls in relation to the land to which this Policy applies, whether the development is carried out under an approval under Part 3A of the *Environmental Planning and Assessment Act 1979* or a development consent under Part 4 of that Act, and
- (e) to implement the Redfern-Waterloo Plan prepared under the *Redfern-Waterloo Authority Act 2004*.

3 Land to which Policy applies

This Policy applies to land shown edged heavy black on Map 16 to Schedule 2 to *State Environmental Planning Policy (Major Projects) 2005*.

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.

Schedule 1 Amendments

(Clause 4)

[1] **Clause 9A Development for which Minister consent authority under Part 4**

Omit clause 9A (2).

[2] **Clause 16**

Insert after clause 15:

16 Savings and transitional

Despite clause 6 (3), the amendments made to this Policy by *State Environmental Planning Policy (Major Projects) Amendment (Redfern-Waterloo) Policy 2006* 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.

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

Omit clause 13 of Schedule 2.

[4] **Schedule 2**

Omit Map 16 to the Schedule.

[5] **Schedule 3 State significant sites**

Insert after Part 2 of Schedule 3:

Part 3 The Redfern-Waterloo sites

Division 1 Part 3A projects

1 Part 3A projects

Development (with a capital investment value of more than \$5 million) within the area identified on Map 3 to this Schedule.

2 Public utility undertakings excepted

Despite clause 1 of this Schedule, development for the purposes of public utility undertakings that is carried out on land identified on Map 3 to this Schedule is not, by operation of this Schedule, a project to which Part 3A of the Act applies.

Note. Development for the purposes of public utility undertakings may be a major project by operation of Schedule 1.

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Division 2 Provisions relating to development of Redfern-Waterloo sites

3 Land use zones

For the purposes of this Policy, land is within a zone specified below if the land is shown on the map marked “State Environmental Planning Policy (Major Projects) Amendment (Redfern-Waterloo) Policy 2006—Zoning Map” deposited within the Department of Planning, as being within that zone:

Business Zone—Business Park
Business Zone—Commercial Core
Business Zone—Mixed Use
Business Zone—Local Centre
Recreation Zone—Public Recreation
Residential Zone—Medium Density Residential
Special Purpose Zone—Infrastructure
Special Purpose Zone—Community

4 Business Zone—Business Park

- (1) The objectives of the Business Zone—Business Park are as follows:
 - (a) to establish business and technology parks,
 - (b) to support development that is related or ancillary to business, technology or education,
 - (c) to promote the development of buildings, structures and landscape areas with strong visual and aesthetic values.
- (2) The following development may be carried out on land within the Business Zone—Business Park:
 - (a) Development for the purposes of any of the following:
advertisements; advertising structures; car parks; child care centres; commercial premises; information and educational establishments; entertainment facilities; filming; function centres, high technology or education; high technology industries; hotels; light industries; neighbourhood shops; restaurants; telecommunications facilities; temporary structures; tourist and visitor accommodation related to or ancillary to business and education; warehouses; distribution centres,
 - (b) Subdivision,

- (c) Development that is related or ancillary to business, high technology or education.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Business Zone—Business Park unless it may be carried out under subclause (2).

5 Business Zone—Commercial Core

- (1) The objectives of the Business Zone—Commercial Core are as follows:
 - (a) to encourage employment generating activities,
 - (b) to provide a wide range of retail, commercial and entertainment facilities,
 - (c) to support development that is related or ancillary to business, technology or education,
 - (d) to encourage high quality urban design and architecture,
 - (e) to facilitate the development of a town centre,
 - (f) to enable some residential development in the Zone.
- (2) The following development may be carried out on land within the Business Zone—Commercial Core:
 - (a) Development for the purposes of any of the following:
advertisements; advertising structures; car parks; child care centres; commercial premises; community facilities; educational facilities; entertainment facilities; function centres; information and educational establishments; indoor recreation facilities; medical centres; multi-unit housing; neighbourhood shops; passenger transport facilities; recreation areas; retail premises; serviced apartments; registered clubs; restaurants; telecommunications facilities; temporary structures; tourist and visitor accommodation,
 - (b) Subdivision,
 - (c) Development that is related or ancillary to business or education.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Business Zone—Commercial Core unless it may be carried out under subclause (2).

6 Business Zone—Mixed Use

- (1) The objectives of the Business Zone—Mixed Use are as follows:
 - (a) to encourage employment generating activities,

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- (b) to support the development of sustainable communities,
 - (c) to provide a range of educational, cultural and community activities in the Zone,
 - (d) to enable some residential development in the Zone,
 - (e) to maximise access to public transport,
 - (f) to encourage high quality urban design and architecture.
- (2) The following development may be carried out on land within the Business Zone—Mixed Uses:
- (a) Development for the purposes of any of the following:
advertisements; advertising structures; car parks; child care centres; community facilities; educational facilities; entertainment facilities; function centres; home employment; information and educational establishments; indoor recreation facilities; markets; multi-unit housing; neighbourhood shops; passenger transport facilities; recreation areas; retail premises; seniors housing; serviced apartments; telecommunications facilities; temporary structures; tourist and visitor accommodation,
 - (b) Subdivision.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Business Zone—Mixed Use unless it may be carried out under subclause (2).

7 Business Zone—Local Centre

- (1) The objectives of the Business Zone—Local Centre are as follows:
- (a) to provide a range of retail, commercial and community facilities in the Zone to serve the local community,
 - (b) to support residential development that is compatible with non-residential use of land in the Zone.
- (2) The following development may be carried out on land within the Business Zone—Local Centre:
- (a) Development for the purposes of any of the following:
advertisements; advertising structures; car parks; child care centres; community facilities; educational facilities; entertainment facilities; function centres; home employment; information and educational establishments; indoor recreation facilities; multi-unit housing; passenger transport facilities; registered clubs; restaurants; retail premises; serviced apartments; service stations; shop top

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housing; telecommunications facilities; temporary structures; tourist and visitor accommodation,

- (b) Subdivision,
 - (c) Development that is related or ancillary to business activities.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Business Zone—Local Centre unless it may be carried out under subclause (2).

8 Recreation Zone—Public Recreation

- (1) The objectives of the Recreation Zone—Public Recreation are as follows:
- (a) to enable land to be used for open space or recreational purposes,
 - (b) to enable development to be carried out for the recreational needs of the community,
 - (c) to enable development of the land that will encourage the enjoyment of the land for recreational purposes,
 - (d) to enhance, restore and protect the natural environment for recreational purposes.
- (2) The following development may be carried out on land within the Recreation Zone—Public Recreation:
- (a) Development for the purposes of any of the following:
environment facilities; environment protection works;
kiosks; public amenities and facilities; recreational areas,
 - (b) Subdivision.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Recreation Zone—Public Recreation unless it may be carried out under subclause (2).

9 Residential Zone—Medium Density Residential

- (1) The objectives of the Residential Zone—Medium Density Residential are as follows:
- (a) to provide for a range and variety of housing types in the Zone,
 - (b) to allow for other types of development to provide facilities or services to meet the day to day needs of residents in the local area,

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- (c) to enable other development which is compatible with housing.
- (2) The following development may be carried out on land within the Residential Zone—Medium Density Residential:
 - (a) Development for the purposes of any of the following:
boarding houses; child care centres; community facilities; dwelling houses; group homes; multi-unit housing; places of public worship; seniors housing; shop top housing; telecommunications facilities; temporary structures,
 - (b) Subdivision.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Residential Zone—Medium Density Residential unless it may be carried out under subclause (2).

10 Special Purpose Zone—Infrastructure

- (1) The objectives of the Special Purpose Zone—Infrastructure are as follows:
 - (a) to provide for railway infrastructure and related facilities,
 - (b) to prevent development in the Zone that is not compatible with or may detract from the provision railway infrastructure and related facilities.
- (2) The following development may be carried out on land within the Special Purpose Zone—Infrastructure:
 - (a) Development for the purposes of any of the following:
railways; telecommunications facilities,
 - (b) Subdivision,
 - (c) Development that is related or ancillary to railway operations.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Special Purpose Zone—Infrastructure unless it may be carried out under subclause (2).

11 Special Purpose Zone—Community

- (1) The objectives of the Special Purpose Zone—Community are as follows:
 - (a) to enable land to be used for community purposes,
 - (b) to enable development to be carried out for the social, educational and recreational needs of the community,

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- (c) to support development that is related or ancillary to community, recreational or educational use of the land in the Zone.
- (2) The following development may be carried out on land within the Special Purpose Zone—Community:
 - (a) Development for the purposes of any of the following:
advertisements; advertising structures; car parks; child care centres; community facilities; educational facilities; entertainment facilities; function centres; information and educational establishments; indoor recreation facilities; medical centres; office premises; recreation areas; registered clubs; restaurants; telecommunications facilities; temporary structures; tourist and visitor accommodation related or ancillary to community, educational or recreational use of the land in the Zone,
 - (b) Subdivision.
- (3) Except as otherwise provided by this Policy, development is prohibited on land within the Special Purpose Zone—Community unless it may be carried out under subclause (2).

12 Height and floor space ratio restrictions

- (1) Development for the purpose of a building on any land that is the subject of the map marked “State Environmental Planning Policy (Major Projects) Amendment (Redfern-Waterloo) Policy 2006—Building Height Map”, deposited within the Department of Planning, must not be carried out if the building is to exceed the height shown for the land indicated on that map.
- (2) Development for the purpose of a building on any land that is the subject of the map marked “State Environmental Planning Policy (Major Projects) Amendment (Redfern-Waterloo) Policy 2006—Floor Space Ratio Map”, deposited within the Department of Planning, must not be carried out if the floor space ratio of the building is to exceed the floor space ratio shown for the land indicated on that map.
- (3) This clause applies only in relation to a project where the Minister has not, in an approval for a concept plan for the project, provided for the construction of a building that exceeds the height or floor space ratio restrictions, or both, set out in subclauses (1) and (2).

[6] Schedule 3, map

Insert the following at the end of the Schedule:

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[Old Map 16 to be inserted here.]

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

Omit “Map 16 to Schedule 2” from clause 2 of Part 1 of the Schedule.

Insert instead “Map 3 of Schedule 3”.

[8] Schedule 6, Part 3

Insert after Part 2 of the Schedule:

Part 3 Additional provisions for the Redfern-Waterloo sites

1 Development provisions of Schedule 3 apply

- (1) Division 2 of Part 3 of Schedule 3 applies, with all necessary modifications, to development described in clause 2 of Part 1 of this Schedule.
- (2) For the avoidance of doubt, clause 12 (1) and (2) of Part 3 of Schedule 3 apply only in relation to development where the Minister has not, in an approval for a concept plan for the project, provided for the construction of a building that exceeds the height or floor space ratio restrictions, or both, set out in those subclauses.

2 Exempt development

The following development is exempt development if it is carried out on land identified on Map 3 to Schedule 3, is of minimal environmental impact and complies with the criteria set out in the guidelines prepared by the Redfern–Waterloo Authority (and approved by the Minister for Redfern Waterloo and made publicly available) for the purposes of this subclause:

- (a) the temporary use of the land for community events that are open to the general public, including public gatherings, ceremonies, sporting events or outdoor exhibitions,
- (b) the erection and use of temporary structures, having minimal visual impact, for the purposes of, or in connection with, any such community event.

3 Public utility undertakings excepted

Development for the purposes of public utility undertakings that is carried out on land identified on Map 3 to Schedule 3 does not require consent.

Note. Development for the purposes of public utility undertakings may be a major project by operation of Schedule 1.

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

4 Relationship with other environmental planning instruments

All other environmental planning instruments do not apply to land identified on Map 3 to Schedule 3, except for other State environmental planning policies.

5 Protection of heritage items

- (1) A person must not, in respect of a building, work, relic, tree or place that is a heritage item (within the meaning of *South Sydney Local Environmental Plan 1998* as at 9 February 2006) on land identified on Map 3 to Schedule 3:
 - (a) demolish, dismantle, move or alter the building, work, relic, tree or place, or
 - (b) damage or remove the relic, or
 - (c) excavate land for the purpose of discovering, exposing or moving the relic, or
 - (d) damage or despoil the tree or place, or
 - (e) erect a building on, or subdivide, land on which the building, work or relic is situated or that comprises the place, or
 - (f) damage any tree or land on which the building, work or relic is situated on or on the land which comprises the place, or
 - (g) make structural changes to the interior of the building or work,except with the consent of the consent authority.
- (2) Consent must not be granted to a development application required by subclause (1) unless the consent authority has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item.
- (3) The consent authority may decline to grant a development application required by this clause until it has considered a statement of heritage impact or a conservation management plan, so as to enable it to fully consider the heritage significance of the

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item and the impact of the proposed development on the significance of the item and its setting.

6 Subdivision of land

- (1) A person must not subdivide land identified on Map 3 to Schedule 3 without the consent of the consent authority.
- (2) Despite subclause (1), subdivision under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986* does not require development consent, except:
 - (a) in the case of a building to which *State Environmental Planning Policy No 10—Retention of Low-Cost Rental Accommodation* applies, or
 - (b) where the building has been designed or approved for occupation as a single unit.

7 Preservation of trees

A person must not carry out development that comprises the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree on the land identified on Map 3 to Schedule 3 that is specified by the Redfern Waterloo Authority constituted under the *Redfern–Waterloo Authority Act 2004* as a significant tree, except with the consent of the consent authority and any such consent may be given subject to such conditions as the consent authority thinks fit.

8 Community use of educational establishments

The consent authority may grant development consent to community use of the land identified on Map 3 to Schedule 3 and facilities of educational establishments and to the commercial operation of those facilities and their sites.

9 Temporary use of land

The consent authority may grant consent to the carrying out, on the land identified on Map 3 to Schedule 3, of development (other than designated development) for any purpose for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.