



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 97
Wednesday, 2 August 2006

Published under authority by Government Advertising

SPECIAL SUPPLEMENT



New South Wales

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)

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. (9041308)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)*.

2 Aims of Policy

The aims of this Policy are:

- (a) to provide for the redevelopment of the site of the Royal Rehabilitation Centre Sydney in a manner consistent with the principles in the Sydney Metropolitan Strategy, and
- (b) to encourage the redevelopment of the site for the purpose of promoting community welfare by the service delivery of a State significant rehabilitation and research centre and delivery of an improved health service to northern Sydney and the State, and
- (c) to identify development on the site that is development to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies, and
- (d) to establish appropriate zoning and other development controls for the site, 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.

3 Land to which Policy applies

This Policy applies to certain land in Ryde, as shown edged heavy black on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)—Royal Rehabilitation Centre Sydney Site” that is deposited in the head office of the Department.

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.

State Environmental Planning Policy (Major Projects) 2005 (Amendment
No 5)

Clause 5

5 Amendment of Ryde Planning Scheme Ordinance

Ryde Planning Scheme Ordinance is amended as set out in Schedule 2.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)

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

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

(Clause 4)

Schedule 3 State significant sites

Insert (with appropriate numbering) at the end of the Schedule:

Part Royal Rehabilitation Centre Sydney site

Division 1 Preliminary

1 Definition of particular terms

In this Part:

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

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

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

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

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

2 Maps

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)

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

- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

3 Meaning of development purposes

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

4 Application of this Part

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

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

Division 2 Part 3A projects

5 Part 3A projects

- (1) Such development within the RRCS site as has a capital investment value of more than \$5 million.
- (2) Subdivision of land within the RRCS site, other than a strata title subdivision, a community title subdivision, or a subdivision for any one or more of the following purposes:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)

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

brigade or other emergency service purposes or public conveniences.

Division 3 Provisions applying to development within Royal Rehabilitation Centre Sydney site

6 Application of Division

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

7 Land use zones

- (1) For the purposes of this Policy, land within the RRCS site is in a zone as follows if the land is shown on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)—Zoning Map” as being within that zone:
 - (a) General Residential Zone,
 - (b) Public Recreation Zone,
 - (c) Special Activities (Royal Rehabilitation Centre Sydney) Zone.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

8 General Residential Zone

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

boarding houses; car parks; child care centres; community facilities; dwelling houses; educational establishments; group homes; home-based child care or family day care homes; home businesses; home industries; home occupations; hostels; multi dwelling housing; neighbourhood shops; office premises; places of public worship; recreation areas; residential care facilities; residential flat buildings; roads that are not classified roads; seniors housing; shop top housing; telecommunications facilities.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)

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

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

9 Public Recreation Zone

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

10 Special Activities (Royal Rehabilitation Centre Sydney) Zone

- (1) The objectives of the Special Activities (Royal Rehabilitation Centre Sydney) Zone are as follows:
 - (a) to encourage the development of land for the purpose of promoting community welfare by the service delivery of a State significant rehabilitation and research centre and delivery of an improved health service to northern Sydney and the State,
 - (b) to provide for special land uses that are not provided for in other zones under this Policy,
 - (c) to provide for sites with special natural characteristics that are not provided for in other zones under this Policy,
 - (d) to facilitate development that is in keeping with the special characteristics of the RRCS site or its existing or intended special use.

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)

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

- (2) Development for any of the following purposes is permitted with consent within the Special Activities (Royal Rehabilitation Centre Sydney) Zone:
 - (a) a hospital,
 - (b) the following purposes, but only if the development is ancillary to development for the purposes of a hospital: car parks; recreation areas; recreation facilities (indoor); recreational facilities (outdoor); roads that are not classified roads; telecommunication facilities.
- (3) Except as otherwise provided by this Policy, development is prohibited within the Special Activities (Royal Rehabilitation Centre Sydney) Zone unless it is permitted by subclause (2).

11 Development controls

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

Division 4 Miscellaneous

12 Relationship with other environmental planning instruments

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

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

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 5)

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

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

13 Exempt and complying development

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

14 Acquisition of land within RRCS site

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

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

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

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

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

State Environmental Planning Policy (Major Projects) 2005 (Amendment
No 5)

Schedule 2 Amendment of Ryde Planning Scheme Ordinance

Schedule 2 Amendment of Ryde Planning Scheme Ordinance

(Clause 5)

Clause 72P Certain development on land in Victoria Road, Ryde

Omit the clause.