



New South Wales

# State Environmental Planning Policy No 54—Northside Storage Tunnel

under the

Environmental Planning and Assessment Act 1979

His 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 Urban Affairs and Planning.

CRAIG KNOWLES MP

Minister for Urban Affairs and Planning

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## State Environmental Planning Policy No 54— Northside Storage Tunnel

### 1 Name of Policy

This Policy is *State Environmental Planning Policy No 54—Northside Storage Tunnel*.

### 2 Aims of Policy

- (1) This Policy aims to reduce the pollution of Sydney Harbour and Middle Harbour caused by wet weather sewage overflows by enabling the construction, operation and maintenance of the Northside Storage Tunnel.
- (2) This Policy provides that development for the purpose of the Northside Storage Tunnel may be carried out without development consent. Consequently, that development will be assessed under Part 5 of the *Environmental Planning and Assessment Act 1979*.

### 3 Definitions

- (1) In this Policy:

***development*** includes any act, matter or thing controlled by this Policy.

***extractive material*** means sand, gravel, clay, turf, soil, rock, stone, sediments, mud, silt or similar substances, including such substances obtained by dredging.

***Northside Storage Tunnel*** means:

- (a) a tunnel running from Thorn Street, Hunters Hill, to the North Head Sewage Treatment Plant, Manly, and
- (b) a branch tunnel to Scotts Creek, and
- (c) branch bores to two outlets at Tarban Creek, namely, the Huntley's Point submain and the Woolwich submain, and

(d) a branch shaft to South Willoughby, and

(e) a branch tunnel to Shelly Beach,

including associated works and facilities, wherever located, such as (but not limited to):

- tunnels, bores, shafts and portals for sewage, access, ventilation and services and removal of extractive material,
- structures for overflow transfer, pumping, grit, sludge and solids removal, ventilation and odour control equipment, noise control, construction equipment, materials and personnel, water and waste water treatment, and storage, transport, treatment, reuse and disposal of extractive material,
- conveyor systems and underground railways during construction,
- means of access, improvement of existing roads, and provision of temporary roads during construction,
- temporary wharf, pontoons and barge loading facilities during construction,
- dredging at Long Bay and Grotto Point to remove sediments and allow for barge access,
- demolition and modification of structures,
- concrete batching plants,
- temporary relocation of moorings,
- facilities to provide power and water during construction and to improve existing power and water supplies,
- drainage and siltation control works.

(2) Notes in this Policy and the table of contents do not form part of this Policy.

#### **4 Land to which this Policy applies**

This Policy applies to land within the local government areas of Hunters Hill, Lane Cove, Leichhardt, North Sydney, Willoughby, Mosman and Manly.

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### 5 Development permissible without development consent

- (1) A person may carry out development for the purpose of the Northside Storage Tunnel without development consent.

**Note.** As a consequence of this provision, the effect on the environment of development for the purpose of the Northside Storage Tunnel will be subject to assessment under Part 5 of the *Environmental Planning and Assessment Act 1979*.

- (2) A person may carry out development for the purpose of winning or obtaining extractive material without development consent if the extractive material is won or obtained as part of the construction of the Northside Storage Tunnel.

**Note.** As a consequence of this provision, the effect on the environment of the winning or obtaining of extractive material as part of the construction of the Northside Storage Tunnel will be subject to assessment under Part 5 of the *Environmental Planning and Assessment Act 1979*.

### 6 Relationship to other environmental planning instruments

In the event of an inconsistency between this Policy and another environmental planning instrument whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.

### 7 Suspension of certain laws

- (1) For the purpose of enabling development to be carried out in accordance with this Policy:
- (a) items 1, 2, 4 and 5 of Part A of the Table to section 68 of the *Local Government Act 1993* and that section in its application to those items, and
  - (b) section 38 (2) of the *Water Board (Corporatisation) Act 1994*,

to the extent necessary to serve that purpose, do not apply to the development.

- (2) For the purpose of enabling development to be carried out in accordance with this Policy, but only in so far as the development is carried out within land that lies below the surface of the Sydney Harbour National Park:
- (a) sections 40 and 81 (4) of the *National Parks and Wildlife Act 1974*, and
  - (b) clauses 4, 5, 6, 9 and 14 of the *National Parks and Wildlife (Land Management) Regulation 1995*,
- to the extent necessary to serve that purpose, do not apply to the development.
- (3) In accordance with section 28 of the *Environmental Planning and Assessment Act 1979*, before the making of this Policy, the Governor approved the making of this clause on the recommendation of the Minister for Urban Affairs and Planning:
- (a) in the case of subclause (1) (a), with the concurrence in writing of the Minister administering the *Local Government Act 1993*, and
  - (b) in the case of subclause (1) (b), with the concurrence in writing of the Minister administering the *Water Board (Corporatisation) Act 1994*, and
  - (c) in the case of subclause (2) (a) and (b), with the concurrence in writing of the Minister administering the *National Parks and Wildlife Act 1974*.

## 8 Consultation with relevant councils

- (1) A person who carries out development without consent under this Policy that comprises, wholly or partly:
- (a) the erection of a building, or
  - (b) the demolition of a building, or
  - (c) the installation of a temporary structure on land, or
  - (d) the enclosing of a public place in connection with the erection or demolition of a building,

must not carry out the development unless the person has consulted with the relevant council concerning it.

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- (2) The requirement to consult under this clause only applies if, but for this Policy, a person would have been required to obtain the approval of the relevant council for an activity specified in Items 1, 2, 4 or 5 of Part A of the Table to section 68 of the *Local Government Act 1993*.

### **9 Consultation with the Director-General of National Parks and Wildlife Service**

- (1) This clause applies to development wholly or partly within the Sydney Harbour National Park.
- (2) A person who carries out development without consent under this Policy must not carry out that development unless the person has consulted with the Director-General of National Parks and Wildlife with respect to the impact of the development on the lands of the Sydney Harbour National Park.

### **10 Substantial completion of construction**

- (1) This Policy ceases to apply to the erection of any buildings or the carrying out of any works, or any associated development, on or within the lands of the Sydney Harbour National Park that are not substantially completed by 31 December 2000.
- (2) This clause does not affect the operation or maintenance of any development that is carried out in accordance with this Policy.