



New South Wales

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 33)

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-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. (S08/00586)

KRISTINA KENEALLY, M.P.,
Minister for Planning

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 33)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 33)*.

2 Aims of Policy

The aims of this Policy are:

- (a) to identify the land to which this Policy applies (being the Southern Highlands Regional Shooting Complex) as a State significant site under *State Environmental Planning Policy (Major Projects) 2005*, and
- (b) to establish appropriate zoning and other development controls for the site, and
- (c) to provide for appropriate development on the site that satisfies the principles of ecologically sustainable development, and
- (d) to encourage the establishment of the Southern Highlands Regional Shooting Complex.

3 Land to which Policy applies

This Policy applies to the land at Hill Top in the local government area of Wingecarribee Shire identified on the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 33) Southern Highlands Regional Shooting Complex—Land Application Map held 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.

Schedule 1 Amendment

(Clause 4)

Schedule 3 State significant sites

Insert in appropriate order in the Schedule:

Part 33 Southern Highlands Regional Shooting Complex site

Division 1 Preliminary

1 Land to which Part applies

This Part applies to the land shown edged heavy red on the Land Application Map, referred to in this Schedule as the *Southern Highlands Regional Shooting Complex site*.

2 Interpretation

(1) In this Part:

Council means the Wingecarribee Shire Council.

Land Application Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 33) Southern Highlands Regional Shooting Complex—Land Application Map.

Land Zoning Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 33) Southern Highlands Regional Shooting Complex—Land Zoning Map.

shooting range means an area for firearm shooting competition, training or practice.

support infrastructure means a building, work or associated infrastructure used for the purpose of a club house, administration, grounds maintenance, car parking, site utility or environmental protection.

(2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Part.

3 Consent authority

The consent authority for development on land in the Southern Highlands Regional Shooting Complex site, other than development that is a project to which Part 3A of the Act applies, is the Council.

4 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 or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (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.
- (4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.

5 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to land within the Southern Highlands Regional Shooting Complex site are this Policy and all other State environmental planning policies except *State Environmental Planning Policy No 1—Development Standards*.

**Division 2 Provisions relating to development within
Southern Highlands Regional Shooting
Complex site**

6 Application of Division

- (1) This Division applies to development on land in the Southern Highlands Regional Shooting Complex site, except as provided by subclause (2).
- (2) Clauses 8, 9, 10, 15, 16 and 17 do not apply to development within the Southern Highlands Regional Shooting Complex site to the extent that it is a project to which Part 3A of the Act applies.

7 Land use zones

For the purposes of this Policy, land in the Southern Highlands Regional Shooting Complex site is in a zone as follows if the land is shown on the Land Zoning Map as being within that zone:

- (a) Zone SP1 Special Activities,
- (b) Zone E2 Environmental Conservation.

8 Objectives of land use zones to be taken into account

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.

9 Zone SP1 Special Activities

- (1) The objectives of Zone SP1 Special Activities are as follows:
 - (a) to provide for special land uses that are not provided for in other zones,
 - (b) to provide for sites with special natural characteristics that are not provided for in other zones,
 - (c) to facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land,
 - (d) to facilitate development for the purpose of a shooting complex, including the shooting ranges and support infrastructure,
 - (e) to prevent development that could have an adverse effect on a shooting complex, including the shooting ranges and support infrastructure.
 - (2) Development for the following purpose is permitted without development consent on land within Zone SP1 Special Activities: environmental protection works.
 - (3) Development for any of the following purposes is permitted only with development consent on land within Zone SP1 Special Activities:
the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; drainage.
 - (4) Except as otherwise provided by this Division, development is prohibited on land within Zone SP1 Special Activities unless it is permitted by subclause (2) or (3).
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10 Zone E2 Environmental Conservation

- (1) The objectives of Zone E2 Environmental Conservation are as follows:
 - (a) to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values,
 - (b) to prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- (2) Development for the following purpose is permitted without development consent on land within Zone E2 Environmental Conservation:
environmental protection works.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone E2 Environmental Conservation:
drainage; environmental facilities; roads.
- (4) Except as otherwise provided by this Division, development for the following purposes is prohibited on land within Zone E2 Environmental Conservation:
business premises; hotel or motel accommodation; industries; multi dwelling housing; recreation facilities (major); residential flat buildings; retail premises; seniors housing; service stations; warehouse or distribution centres; any other development not specified in subclause (2) or (3).

11 Prohibited development

Development, other than development that is permitted with or without consent on land within a zone, is prohibited on land within that zone.

12 Infrastructure development and use of existing buildings of the Crown

- (1) This Division does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Division does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

13 Height of buildings

The height of a building on land in the Southern Highlands Regional Shooting Complex site is not to exceed 9 metres.

14 Exceptions to development standards—Part 3A projects

- (1) A development standard imposed by this or any other environmental planning instrument on development that is part of a project to which Part 3A of the Act applies, and is within the Southern Highlands Regional Shooting Complex site, does not apply to that development if the Director-General is satisfied, and issues a certificate to the effect, that:
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard.
- (2) In deciding whether to issue a certificate, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General.

15 Exceptions to development standards—other development

- (1) This clause applies to development, other than development that is part of a project to which Part 3A of the Act applies.
- (2) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (3) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning

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Schedule 1 Amendment

instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (4) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (5) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (4), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (6) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (4).

- (8) This clause does not allow consent to be granted for development that would contravene a development standard for complying development.

16 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

17 Exempt and complying development

Development on land in the Southern Highlands Regional Shooting Complex site that satisfies the requirements for exempt development or complying development specified in *Wingecarribee Local Environmental Plan 1989*, is exempt development or complying development.