



New South Wales

# **State Environmental Planning Policy (Integration and Repeals) 2016**

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*.

**ROBERT STOKES, MP**  
Minister for Planning

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## State Environmental Planning Policy (Integration and Repeals) 2016

under the

Environmental Planning and Assessment Act 1979

### 1 Name of Policy

This Policy is *State Environmental Planning Policy (Integration and Repeals) 2016*.

### 2 Commencement

This Policy commences 56 days after the day on which it is published on the NSW legislation website.

### 3 Repeal of planning instruments

The following planning instruments are repealed:

- (a) *Hunter Regional Environmental Plan 1989 (Heritage)*,
- (b) *Illawarra Regional Environmental Plan No 1*,
- (c) *Illawarra Regional Environmental Plan No 2—Jamberoo Valley*,
- (d) *Jervis Bay Regional Environmental Plan 1996*,
- (e) *Lower South Coast Regional Environmental Plan (No 2)*,
- (f) *North Coast Regional Environmental Plan*,
- (g) *Orana Regional Environmental Plan No 1—Siding Spring*,
- (h) *Riverina Regional Environmental Plan No 1*,
- (i) *State Environmental Planning Policy No 15—Rural Landsharing Communities*,
- (j) *State Environmental Planning Policy No 29—Western Sydney Recreation Area*,
- (k) *State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)*,
- (l) *State Environmental Planning Policy No 39—Spit Island Bird Habitat*,
- (m) *State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential*,
- (n) *State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011*,
- (o) *Sydney Regional Environmental Plan No 18—Public Transport Corridors*,
- (p) *Sydney Regional Environmental Plan No 19—Rouse Hill Development Area*.

### 4 Maps

The maps adopted by the following environmental planning instruments are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy:

- (a) *Cessnock Local Environmental Plan 2011*,

- (b) *Lockhart Local Environmental Plan 2012,*
- (c) *Muswellbrook Local Environmental Plan 2009,*
- (d) *Narrendera Local Environmental Plan 2013,*
- (e) *Rockdale Local Environmental Plan 2011,*
- (f) *Shoalhaven Local Environmental Plan 1985,*
- (g) *State Environmental Planning Policy (Infrastructure) 2007,*
- (h) *Urana Local Environmental Plan 2011.*

## **5 Existing development applications**

If a development application is made before the commencement of this Policy and the application has not been finally determined before that commencement, the application must be determined as if this Policy had not been made.

## **6 Repeal of Policy**

- (1) Schedules 2, 3 and 4 to this Policy are repealed on the day following the day on which this Policy commences.
- (2) This Policy is repealed 2 years after the day on which this Policy commences.
- (3) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

## **Schedule 1 Rural land sharing communities**

### **1 Application of Schedule**

This Schedule applies as if it formed part of each of the following local environmental plans and has effect despite any other provision of those plans:

- (a) *Bega Valley Local Environmental Plan 2002,*
- (b) *Bega Valley Local Environmental Plan 2013,*
- (c) *Bellingen Local Environmental Plan 2010,*
- (d) *Clarence Valley Local Environmental Plan 2011,*
- (e) *Coffs Harbour City Local Environmental Plan 2000,*
- (f) *Coffs Harbour Local Environmental Plan 2013,*
- (g) *Gloucester Local Environmental Plan 2010,*
- (h) *Great Lakes Local Environmental Plan 2014,*
- (i) *Guyra Local Environmental Plan 2012,*
- (j) *Inverell Local Environmental Plan 2012,*
- (k) *Kempsey Local Environmental Plan 2013,*
- (l) *Kyogle Local Environmental Plan 2012,*
- (m) *Port Stephens Local Environmental Plan 2013,*
- (n) *Richmond Valley Local Environmental Plan 2012,*
- (o) *Tenterfield Local Environmental Plan 2013,*
- (p) *Tweed Local Environmental Plan 2000,*
- (q) *Tweed Local Environmental Plan 2014.*

### **2 Aims of Schedule**

This Schedule aims to encourage and facilitate the development of rural land sharing communities committed to environmentally sensitive and sustainable land use practices by:

- (a) enabling people who collectively own a single lot to erect multiple dwellings on that lot without dividing the lot (such as by subdivision or by contractual arrangements), and
- (b) enabling the sharing of facilities and resources to allow a wide range of communal rural living opportunities at a lower cost, and
- (c) facilitating development on rural land (preferably in a clustered style) without undue harm to the environment and without creating a demand for the unreasonable or uneconomic provision of public amenities or services, and
- (d) creating opportunities for an increase in rural population in areas that are experiencing population loss.

### **3 Land to which Schedule applies**

This Schedule applies to land in any rural zone but not to the following land:

- (a) land in an environmentally sensitive area for exempt or complying development within the meaning of clause 3.3 of the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006,*
- (b) land to which a wilderness protection agreement under the *Wilderness Act 1987* relates,

- (c) land that is a forestry area within the meaning of the *Forestry Act 2012*,
- (d) land that is within a special area or a controlled area under the *Hunter Water Act 1991*, the *Sydney Water Act 1994* or the *Water NSW Act 2014*.

#### **4 Rural land sharing community permitted with consent**

- (1) The consent authority may grant development consent to development on land to which this Schedule applies for the purposes of 3 or more dwellings if satisfied of the following:
  - (a) the land is a single lot with an area of not less than 10 hectares,
  - (b) the height of any building on the land will not be more than 8 metres,
  - (c) no more than 25 per cent of the land is prime crop and pasture land and no building containing a dwelling will be on any such land,
  - (d) no building will be on land that is a wildlife refuge, wildlife corridor or wildlife management area and the development will not adversely affect any such land,
  - (e) the development will not include a camping ground, caravan park, eco-tourist facility or tourist and visitor accommodation, except where otherwise permissible on the land,
  - (f) no building will be on land that has a slope in excess of 18 degrees or that is prone to mass movement,
  - (g) the development is consistent with the aims of this Schedule.
- (2) In this clause:
  - prime crop and pasture land*** means:
    - (a) land identified as prime crop and pasture land under *State Environmental Planning Policy No 15—Rural Landsharing Communities* as in force immediately before the repeal of that Policy, or
    - (b) land identified by the Secretary of the Department of Industry, Skills and Regional Development that has been notified in writing to the Council as prime crop and pasture land for the purposes of this Schedule.

#### **5 Matter to be considered**

The consent authority must not grant development consent under this Schedule unless it has taken into account the following:

- (a) the arrangements for operating and managing the community,
- (b) the design of the proposed development,
- (c) the physical and heritage characteristics of the proposed site and surrounding land,
- (d) the availability of roads, utilities and other services,
- (e) the impact of the development on the environment and any present or future use of the land,
- (f) any other matter that the consent authority considers to be relevant.

#### **6 Future management**

The consent authority must not grant consent to development under this Schedule unless it is satisfied that adequate provision will be made for the following:

- (a) water and waste management,
- (b) prevention, control and management of soil erosion,

- (c) bush fire management,
- (d) flora and fauna management, including the control of noxious weeds and noxious animals,
- (e) provision and maintenance of internal roads, boundary fences, water reticulation, service corridors for telephone and electricity cables and similar matters.

#### **7 Density of development**

- (1) The consent authority must not grant consent to development under this Schedule if the development would result in more than the following number of dwellings on the land:
  - (a) if the land has an area of 10 hectares or more but not more than 210 hectares—4 dwellings plus 1 additional dwelling for every 4 hectares of land greater than 10 hectares,
  - (b) if the land has an area of 210 hectares or more—54 dwellings plus 1 additional dwelling for every 6 hectares of land greater than 210 hectares up to a maximum of 80 dwellings.
- (2) The consent authority must not grant consent to development under this Schedule if the development would result in the number of persons reasonably accommodated in all the dwellings on the land being greater than 4 times the maximum number of dwellings otherwise permitted by this clause.

#### **8 Subdivision prohibited**

Subdivision (other than a subdivision permitted under clause 2.75 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*) of land is prohibited if development has been carried out on the land under this Schedule or under provisions similar to this Schedule.

**Note.** For example under the former *State Environmental Planning Policy No 15—Rural Landsharing Communities*.

There should be no application for a strata certificate under this Schedule as subdivision is prohibited.

#### **9 More than 1 dwelling may be treated as a single dwelling**

The consent authority may, for the purposes of this Schedule, treat 2 or more dwellings as a single dwelling if it is satisfied that, having regard to the sharing of any cooking or other facilities and any other relevant matter, the dwellings comprise a single household.

## **Schedule 2 Transferral of provisions from regional environmental plans to Shoalhaven LEP 1985**

### **2.1 Shoalhaven Local Environmental Plan 1985**

**[1] Clause 3 Land to which plan applies**

Omit “*Jervis Bay Regional Environmental Plan 1996*” from clause 3 (2).

Insert instead “Schedule 16”.

**[2] Clause 3**

Insert at the end of the clause:

**Note.** This plan does not apply to land to which *Shoalhaven Local Environmental Plan 2014* or *Shoalhaven Local Environmental Plan (Jerberra Estate) 2014* applies—see clause 1.8 (2) of each of those plans.

**[3] Schedules 15 and 16, headings**

Insert after Schedule 14:

### **Schedule 15 Provisions transferred from Illawarra Regional Environmental Plan No 1**

### **Schedule 16 Provisions transferred from Jervis Bay Regional Environmental Plan 1996**

### **2.2 Illawarra Regional Environmental Plan No 1**

**[1] Clauses 1 and 2**

Omit the clauses. Insert instead:

**1 Application of Schedule**

- (1) This Schedule applies to the land identified on the Shoalhaven Local Environmental Plan 1985 Schedule 15 Lands—Illawarra REP No 1 Map being the map of that name that is approved by the Minister when the map is adopted by this clause.
- (2) The map is to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (3) For the purposes of this Schedule, the map may be in, and may be kept and made available in, electronic or paper form, or both.

**2 Relationship of Schedule to this and other environmental planning instruments**

- (1) In the event of any inconsistency between this Schedule and this or any other environmental planning instrument, other than a State environmental planning policy, the provisions of this Schedule prevail to the extent of the inconsistency.
- (2) Nothing in this Schedule is to be read or construed as authorising the carrying out of any development that is prohibited in accordance with a provision in this or any other environmental planning instrument applying to the land.

- [2] **Clauses 4, 5, 7, 8, 9, 17, 18, 21, 27, 28, 108 and 117**  
Omit the clauses.
- [3] **Clause 6 Definitions**  
Omit the definitions of *appointed day*, *region*, *subregion*, *Shoalhaven Subregion*, *Tablelands Subregion* and *Wollongong Plains Subregion*.  
Insert in alphabetical order:  
*consent authority* means the Council of the City of Shoalhaven.  
*region* means the land to which this Schedule applies.
- [4] **Clause 6 (2)**  
Insert at the end of clause 6:  
(2) Words in this Schedule have the meanings given by clause 4 (Definitions) of the *Environmental Planning and Assessment Model Provisions 1980* (as in force immediately before its repeal).
- [5] **Parts 2–15**  
Omit all Division headings.
- [6] **Part 4 Provisions relating to coal**  
Omit the Part.
- [7] **Part 12 Provisions relating to the escarpment**  
Omit the Part.
- [8] **Part 15 Provisions relating to environmental heritage**  
Omit the Part.
- [9] **Clause 138 Objectives relating to high rise buildings**  
Omit clause 138 (a).
- [10] **Clause 139 Development applications—high rise buildings**  
Omit clause 139 (1A).
- [11] **Clause 139 (2) and (3)**  
Omit “the Director” wherever occurring.  
Insert instead “the Secretary of the Department of Planning and Environment”.
- [12] **Schedule 1 Items of the environmental heritage**  
Omit the Schedule.
- [13] **Whole instrument**  
Omit “This plan” and “this plan” wherever occurring.  
Insert instead “This Schedule” and “this Schedule” respectively.
- [14] **Whole instrument**  
Transfer all the provisions of the *Illawarra Regional Environmental Plan No 1* to Schedule 15 (Provisions transferred from *Illawarra Regional Environmental Plan No 1*) to

*Shoalhaven Local Environmental Plan 1985* and renumber all the transferred clauses and Parts sequentially from 1 and update references as necessary.

## **2.3 Jervis Bay Regional Environmental Plan 1996**

### **[1] Clauses 1–3**

Omit clauses 1–5. Insert instead:

#### **1 Application of Schedule**

- (1) This Schedule applies to the land identified on the Shoalhaven Local Environmental Plan 1985 Schedule 16 Lands—Jervis Bay REP 1996 Map being the map of that name that is approved by the Minister when the map is adopted by this clause.
- (2) The map is to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (3) For the purposes of this Schedule, the map may be in, and may be kept and made available in, electronic or paper form, or both.

#### **2 Relationship of Schedule to this and other environmental planning instruments**

- (1) Schedule 15 does not apply to land to which this Schedule applies.
- (2) This Plan other than this Schedule does not apply to land shown as Zone 8 (a) National Park or Nature Reserve and Zone 8 (b) Proposed National Park on the zoning map.
- (3) In the event of any inconsistency between this Schedule and this or any other environmental planning instrument, other than a State environmental planning policy, the provisions of this Schedule prevail to the extent of the inconsistency.

#### **3 Objectives of Schedule**

The objectives of this Schedule are:

- (a) to protect the natural and cultural values of Jervis Bay, and
- (b) to allow proposals that contribute to the natural and cultural values of the area.

### **[2] Clauses headed “• Who is the consent authority?” and “• How to achieve the aims”**

Omit the clauses.

### **[3] Clause 8 Definitions**

Omit the definition of *proposal* from clause 8 (1). Insert instead:

*proposal* means any development that requires consent under this plan, except development that is to be or is being dealt with as complying development.

### **[4] Clause 9 How to use this Schedule**

Omit “If you wish to carry out, or are the proponent of, a proposal, you”.

Insert instead “A person who wishes to carry out a proposal”.

**[5] Clause 10**

Omit the clause. Insert instead:

**10 Proposals must be consistent with objectives**

The consent authority must not grant development consent to a proposal unless satisfied that the proposal is consistent with the objectives of this Schedule.

**[6] Clauses 13 (3) and (4) and 14 (2)**

Omit “your proposal” wherever occurring. Insert instead “a proposal”.

**[7] Clause 14 (2)**

Omit “you must show”.

Insert instead “the person proposing to carry out the proposal must show”.

**[8] Whole instrument**

Omit “The plan” and “This plan” wherever occurring. Insert instead “This Schedule”.

**[9] Whole instrument**

Omit “the plan” and “this plan” wherever occurring. Insert instead “this Schedule”.

**[10] Whole instrument**

Transfer all the provisions of the *Jervis Bay Regional Environmental Plan 1996* to Schedule 16 (Provisions transferred from *Jervis Bay Regional Environmental Plan 1996*) to *Shoalhaven Local Environmental Plan 1985* and renumber all the transferred clauses sequentially from 1 and update references as necessary.

## Schedule 3 Adoption of standard optional provisions

**Note.** This Schedule adopts optional provisions of the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

### 3.1 Coonamble Local Environmental Plan 2011

#### Clause 5.14

Insert after clause 5.13:

#### 5.14 Siding Spring Observatory—maintaining dark sky

- (1) The objective of this clause is to protect observing conditions at the Siding Spring Observatory by promoting lighting practices that minimise light pollution.

(2) **Light emissions—general considerations for all development**

Before granting development consent for development on land to which this Plan applies, the consent authority must consider whether the development is likely to adversely affect observing conditions at the Siding Spring Observatory, taking into account the following matters:

- (a) the amount and type of light to be emitted as a result of the development and the measures to be taken to minimise light pollution,
- (b) the impact of those light emissions cumulatively with other light emissions and whether the light emissions are likely to cause a critical level to be reached,
- (c) whether outside light fittings associated with the development are shielded light fittings,
- (d) the measures to be taken to minimise dust associated with the development,

**Note.** Dust tends to scatter light and increase light pollution.

- (e) the *Dark Sky Planning Guideline* published in the Gazette by the Secretary.

(3) **Development on land within 18 kilometres of observatory**

Development consent is required for all lit development on land less than 18 kilometres from the Siding Spring Observatory.

- (4) The consent authority must consult with the observatory director before granting development consent to lit development on land less than 18 kilometres from the Siding Spring Observatory.

- (5) The consent authority must not (except with the concurrence of the Secretary) grant development consent to development on land less than 18 kilometres from the Siding Spring Observatory if the consent authority considers that the development is likely to result in any one or more of the following:

- (a) an outside light fitting other than a shielded light fitting,
- (b) an outside light fitting emitting light of more than:
  - (i) if the development is on land less than 12 kilometres from the Siding Spring Observatory—900 lumens, or
  - (ii) in any other case—1,800 lumens,
- (c) more than 4 shielded outside light fittings,
- (d) light of more than 7,200 lumens being emitted.

- (6) The consent authority must not grant development consent to lit development on land less than 18 kilometres from the Siding Spring Observatory unless the consent authority is satisfied that the development will incorporate designs that minimise light pollution and measures that will prevent the escape of light at night through skylights, windows or other openings.
- (7) **Development on land 18 kilometres or more from observatory**  
The consent authority must not (except with the concurrence of the Secretary) grant development consent to development on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in the emission of light of 1,000,000 lumens or more.
- (8) The consent authority must consult with the observatory director before granting development consent to development for the purposes of a dwelling house, secondary dwelling or dual occupancy on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in a dwelling having:
- (a) an outside light fitting other than a shielded light fitting, or
  - (b) more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.
- (9) The consent authority must consult with the observatory director before granting development consent to development (other than development for the purposes of a dwelling house, secondary dwelling or dual occupancy) on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in the emission of light of 50,000 lumens or more.
- (10) **Granting concurrence**  
The Secretary must take the following into account in deciding whether to grant concurrence under this clause:
- (a) any comments made by the observatory director in relation to the development,
  - (b) the effect the development would have on observing conditions at the Siding Spring Observatory,
  - (c) the quantity of artificial light in the night sky measured through a telescope at the Siding Spring Observatory on or about the date the development application is made and the relationship of that level to the critical level,
  - (d) whether any public interest in permitting the development outweighs the public interest in preserving the observing conditions at the Siding Spring Observatory.
- (11) A reference in this clause to light emitted as a result of development for the purposes of a building or work includes light emitted from any other building or work that is to be used as part of or in connection with that building or work.
- (12) A requirement in this clause to consult with the observatory director in respect of development is a requirement to give written notice of the development to the observatory director and to take into account any comments received from the observatory director within 21 days after the notice is given.
- (13) Clause 4.6 does not allow development consent to be granted for development that would contravene this clause.

(14) In this clause:

**automatic light fitting** means a light fitting that is activated by a sensor and switches off automatically after a period of time.

**critical level** means the level at which the quantity of artificial light in the night sky measured through a telescope at the Siding Spring Observatory is greater than:

- (a) if the telescope is inclined at 30 degrees from the horizon—10% of the surface brightness of the night sky attributable to natural light sources, at the time of the solar cycle when the sky is at its darkest, or
- (b) if the telescope is inclined at 90 degrees from the horizon—3% of the surface brightness of the night sky attributable to natural light sources, at the time of the solar cycle when the sky is at its darkest.

**horizontal plane**, in relation to a light fitting, means the horizontal plane passing through the centre of the light source (for example, the bulb) of the light fitting.

**light pollution** means brightening of the night sky caused by artificial light.

**lit development** means development that is likely to result in the emission of light.

**observatory director** means the Director of the Research School of Astronomy and Astrophysics at the Australian National University.

**outside light fitting** means a light fitting that is attached or fixed outside, including on the exterior, of a building.

**shielded light fitting** means a light fitting that does not permit light to shine above the horizontal plane.

**Siding Spring Observatory** means the land owned by the Australian National University at Siding Spring and the buildings and equipment situated on that land.

(15) This clause is a compulsory provision for the purposes of clause 4A of the *Standard Instrument (Local Environmental Plans) Order 2006*.

## 3.2 Dubbo Local Environmental Plan 2011

### Clause 5.14

Insert after clause 5.13:

#### 5.14 Siding Spring Observatory—maintaining dark sky

(1) The objective of this clause is to protect observing conditions at the Siding Spring Observatory by promoting lighting practices that minimise light pollution.

(2) **Light emissions—general considerations for all development**

Before granting development consent for development on land to which this Plan applies, the consent authority must consider whether the development is likely to adversely affect observing conditions at the Siding Spring Observatory, taking into account the following matters:

- (a) the amount and type of light to be emitted as a result of the development and the measures to be taken to minimise light pollution,
- (b) the impact of those light emissions cumulatively with other light emissions and whether the light emissions are likely to cause a critical level to be reached,

- (c) whether outside light fittings associated with the development are shielded light fittings,
  - (d) the measures to be taken to minimise dust associated with the development,  
**Note.** Dust tends to scatter light and increase light pollution.
  - (e) the *Dark Sky Planning Guideline* published in the Gazette by the Secretary.
- (3) **Development on land within 18 kilometres of observatory**  
Development consent is required for all lit development on land less than 18 kilometres from the Siding Spring Observatory.
- (4) The consent authority must consult with the observatory director before granting development consent to lit development on land less than 18 kilometres from the Siding Spring Observatory.
- (5) The consent authority must not (except with the concurrence of the Secretary) grant development consent to development on land less than 18 kilometres from the Siding Spring Observatory if the consent authority considers that the development is likely to result in any one or more of the following:
- (a) an outside light fitting other than a shielded light fitting,
  - (b) an outside light fitting emitting light of more than:
    - (i) if the development is on land less than 12 kilometres from the Siding Spring Observatory—900 lumens, or
    - (ii) in any other case—1,800 lumens,
  - (c) more than 4 shielded outside light fittings,
  - (d) light of more than 7,200 lumens being emitted.
- (6) The consent authority must not grant development consent to lit development on land less than 18 kilometres from the Siding Spring Observatory unless the consent authority is satisfied that the development will incorporate designs that minimise light pollution and measures that will prevent the escape of light at night through skylights, windows or other openings.
- (7) **Development on land 18 kilometres or more from observatory**  
The consent authority must not (except with the concurrence of the Secretary) grant development consent to development on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in the emission of light of 1,000,000 lumens or more.
- (8) The consent authority must consult with the observatory director before granting development consent to development for the purposes of a dwelling house, secondary dwelling or dual occupancy on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in a dwelling having:
- (a) an outside light fitting other than a shielded light fitting, or
  - (b) more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.
- (9) [Not adopted]

(10) **Granting concurrence**

The Secretary must take the following into account in deciding whether to grant concurrence under this clause:

- (a) any comments made by the observatory director in relation to the development,
- (b) the effect the development would have on observing conditions at the Siding Spring Observatory,
- (c) the quantity of artificial light in the night sky measured through a telescope at the Siding Spring Observatory on or about the date the development application is made and the relationship of that level to the critical level,
- (d) whether any public interest in permitting the development outweighs the public interest in preserving the observing conditions at the Siding Spring Observatory.

(11) A reference in this clause to light emitted as a result of development for the purposes of a building or work includes light emitted from any other building or work that is to be used as part of or in connection with that building or work.

(12) A requirement in this clause to consult with the observatory director in respect of development is a requirement to give written notice of the development to the observatory director and to take into account any comments received from the observatory director within 21 days after the notice is given.

(13) Clause 4.6 does not allow development consent to be granted for development that would contravene this clause.

(14) In this clause:

**automatic light fitting** means a light fitting that is activated by a sensor and switches off automatically after a period of time.

**critical level** means the level at which the quantity of artificial light in the night sky measured through a telescope at the Siding Spring Observatory is greater than:

- (a) if the telescope is inclined at 30 degrees from the horizon—10% of the surface brightness of the night sky attributable to natural light sources, at the time of the solar cycle when the sky is at its darkest, or
- (b) if the telescope is inclined at 90 degrees from the horizon—3% of the surface brightness of the night sky attributable to natural light sources, at the time of the solar cycle when the sky is at its darkest.

**horizontal plane**, in relation to a light fitting, means the horizontal plane passing through the centre of the light source (for example, the bulb) of the light fitting.

**light pollution** means brightening of the night sky caused by artificial light.

**lit development** means development that is likely to result in the emission of light.

**observatory director** means the Director of the Research School of Astronomy and Astrophysics at the Australian National University.

**outside light fitting** means a light fitting that is attached or fixed outside, including on the exterior, of a building.

**shielded light fitting** means a light fitting that does not permit light to shine above the horizontal plane.

**Siding Spring Observatory** means the land owned by the Australian National University at Siding Spring and the buildings and equipment situated on that land.

- (15) This clause (other than subclause (9)) is a compulsory provision for the purposes of clause 4A of the *Standard Instrument (Local Environmental Plans) Order 2006*.

### 3.3 Gilgandra Local Environmental Plan 2011

#### Clause 5.14

Insert after clause 5.13:

#### 5.14 Siding Spring Observatory—maintaining dark sky

- (1) The objective of this clause is to protect observing conditions at the Siding Spring Observatory by promoting lighting practices that minimise light pollution.

(2) **Light emissions—general considerations for all development**

Before granting development consent for development on land to which this Plan applies, the consent authority must consider whether the development is likely to adversely affect observing conditions at the Siding Spring Observatory, taking into account the following matters:

- (a) the amount and type of light to be emitted as a result of the development and the measures to be taken to minimise light pollution,
- (b) the impact of those light emissions cumulatively with other light emissions and whether the light emissions are likely to cause a critical level to be reached,
- (c) whether outside light fittings associated with the development are shielded light fittings,
- (d) the measures to be taken to minimise dust associated with the development,  
**Note.** Dust tends to scatter light and increase light pollution.
- (e) the *Dark Sky Planning Guideline* published in the Gazette by the Secretary.

(3) **Development on land within 18 kilometres of observatory**

Development consent is required for all lit development on land less than 18 kilometres from the Siding Spring Observatory.

- (4) The consent authority must consult with the observatory director before granting development consent to lit development on land less than 18 kilometres from the Siding Spring Observatory.
- (5) The consent authority must not (except with the concurrence of the Secretary) grant development consent to development on land less than 18 kilometres from the Siding Spring Observatory if the consent authority considers that the development is likely to result in any one or more of the following:
- (a) an outside light fitting other than a shielded light fitting,
  - (b) an outside light fitting emitting light of more than:
    - (i) if the development is on land less than 12 kilometres from the Siding Spring Observatory—900 lumens, or
    - (ii) in any other case—1,800 lumens,

- (c) more than 4 shielded outside light fittings,
  - (d) light of more than 7,200 lumens being emitted.
- (6) The consent authority must not grant development consent to lit development on land less than 18 kilometres from the Siding Spring Observatory unless the consent authority is satisfied that the development will incorporate designs that minimise light pollution and measures that will prevent the escape of light at night through skylights, windows or other openings.
- (7) **Development on land 18 kilometres or more from observatory**  
The consent authority must not (except with the concurrence of the Secretary) grant development consent to development on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in the emission of light of 1,000,000 lumens or more.
- (8) The consent authority must consult with the observatory director before granting development consent to development for the purposes of a dwelling house, secondary dwelling or dual occupancy on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in a dwelling having:
- (a) an outside light fitting other than a shielded light fitting, or
  - (b) more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.
- (9) The consent authority must consult with the observatory director before granting development consent to development (other than development for the purposes of a dwelling house, secondary dwelling or dual occupancy) on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in the emission of light of 50,000 lumens or more.
- (10) **Granting concurrence**  
The Secretary must take the following into account in deciding whether to grant concurrence under this clause:
- (a) any comments made by the observatory director in relation to the development,
  - (b) the effect the development would have on observing conditions at the Siding Spring Observatory,
  - (c) the quantity of artificial light in the night sky measured through a telescope at the Siding Spring Observatory on or about the date the development application is made and the relationship of that level to the critical level,
  - (d) whether any public interest in permitting the development outweighs the public interest in preserving the observing conditions at the Siding Spring Observatory.
- (11) A reference in this clause to light emitted as a result of development for the purposes of a building or work includes light emitted from any other building or work that is to be used as part of or in connection with that building or work.
- (12) A requirement in this clause to consult with the observatory director in respect of development is a requirement to give written notice of the development to the observatory director and to take into account any comments received from the observatory director within 21 days after the notice is given.

- (13) Clause 4.6 does not allow development consent to be granted for development that would contravene this clause.
- (14) In this clause:  
**automatic light fitting** means a light fitting that is activated by a sensor and switches off automatically after a period of time.  
**critical level** means the level at which the quantity of artificial light in the night sky measured through a telescope at the Siding Spring Observatory is greater than:  
(a) if the telescope is inclined at 30 degrees from the horizon—10% of the surface brightness of the night sky attributable to natural light sources, at the time of the solar cycle when the sky is at its darkest, or  
(b) if the telescope is inclined at 90 degrees from the horizon—3% of the surface brightness of the night sky attributable to natural light sources, at the time of the solar cycle when the sky is at its darkest.  
**horizontal plane**, in relation to a light fitting, means the horizontal plane passing through the centre of the light source (for example, the bulb) of the light fitting.  
**light pollution** means brightening of the night sky caused by artificial light.  
**lit development** means development that is likely to result in the emission of light.  
**observatory director** means the Director of the Research School of Astronomy and Astrophysics at the Australian National University.  
**outside light fitting** means a light fitting that is attached or fixed outside, including on the exterior, of a building.  
**shielded light fitting** means a light fitting that does not permit light to shine above the horizontal plane.  
**Siding Spring Observatory** means the land owned by the Australian National University at Siding Spring and the buildings and equipment situated on that land.
- (15) This clause is a compulsory provision for the purposes of clause 4A of the *Standard Instrument (Local Environmental Plans) Order 2006*.

### 3.4 Lockhart Local Environmental Plan 2012

#### Clause 5.15

Insert in appropriate order:

#### 5.15 Defence communications facility

- (1) The objective of this clause is to preserve the optimum operational capability of the defence receiver station established by the Commonwealth Department of Defence on land near Morundah.
- (2) Before determining a development application for development on defence communications facility buffer land, the consent authority must consider Australian and New Zealand Standard AS/NZS 5070.1:2008, *Siting and operation of radiocommunications facilities - General guidelines for fixed, mobile and broadcasting facilities including fixed location satellite earth stations independent of the operating frequency*.
- (3) Development consent must not be granted for any of the following purposes on defence communications facility buffer land unless the consent authority is satisfied that the Secretary of the Commonwealth Department of Defence has

been consulted about the proposed development and has indicated that he or she is of the opinion that the development will not adversely affect the optimum operational capability of the defence receiver station:

- (a) any purpose which involves equipment causing an electromagnetic emission to which Australian and New Zealand Standard AS/NZS CISPR 11:2011, *Industrial, scientific and medical equipment—Radio-frequency disturbance characteristics—Limits and methods of measurement* applies,
  - (b) any industry which causes or results in any electromagnetic emission which is likely to cause degradation to radio reception at the defence communications facility,
  - (c) permanent radio transmitters,
  - (d) power transmission lines of 66 kilovolts or greater,
  - (e) electric powered railways (but not diesel-electric powered railways),
  - (f) health services facilities,
  - (g) motor body repair workshops,
  - (h) veterinary hospitals.
- (4) Clause 4.6 does not allow development consent to be granted for development that would contravene this clause.
- (5) In this clause:  
***defence communications facility buffer land*** means land shown as defence communications facility buffer land on the Defence Communications Facility Buffer Map.  
***Defence Communications Facility Buffer Map*** means the Lockhart Local Environmental Plan 2012 Defence Communications Facility Buffer Map.
- (6) This clause is a compulsory provision for the purposes of clause 4A of the *Standard Instrument (Local Environmental Plans) Order 2006*.

### 3.5 Narrandera Local Environmental Plan 2013

#### Clause 5.15

Insert in appropriate order:

#### 5.15 Defence communications facility

- (1) The objective of this clause is to preserve the optimum operational capability of the defence receiver station established by the Commonwealth Department of Defence on land near Morundah.
- (2) Before determining a development application for development on defence communications facility buffer land, the consent authority must consider Australian and New Zealand Standard AS/NZS 5070.1:2008, *Siting and operation of radiocommunications facilities - General guidelines for fixed, mobile and broadcasting facilities including fixed location satellite earth stations independent of the operating frequency*.
- (3) Development consent must not be granted for any of the following purposes on defence communications facility buffer land unless the consent authority is satisfied that the Secretary of the Commonwealth Department of Defence has been consulted about the proposed development and has indicated that he or

she is of the opinion that the development will not adversely affect the optimum operational capability of the defence receiver station:

- (a) any purpose which involves equipment causing an electromagnetic emission to which Australian and New Zealand Standard AS/NZS CISPR 11:2011, *Industrial, scientific and medical equipment—Radio-frequency disturbance characteristics—Limits and methods of measurement* applies,
  - (b) any industry which causes or results in any electromagnetic emission which is likely to cause degradation to radio reception at the defence communications facility,
  - (c) permanent radio transmitters,
  - (d) power transmission lines of 66 kilovolts or greater,
  - (e) electric powered railways (but not diesel-electric powered railways),
  - (f) health services facilities,
  - (g) motor body repair workshops,
  - (h) veterinary hospitals.
- (4) Clause 4.6 does not allow development consent to be granted for development that would contravene this clause.
- (5) In this clause:  
***defence communications facility buffer land*** means land shown as defence communications facility buffer land on the Defence Communications Facility Buffer Map.  
***Defence Communications Facility Buffer Map*** means the Narrandera Local Environmental Plan 2013 Defence Communications Facility Buffer Map.
- (6) This clause is a compulsory provision for the purposes of clause 4A of the *Standard Instrument (Local Environmental Plans) Order 2006*.

### 3.6 Urana Local Environmental Plan 2011

#### Clause 5.15

Insert in appropriate order:

#### 5.15 Defence communications facility

- (1) The objective of this clause is to preserve the optimum operational capability of the defence receiver station established by the Commonwealth Department of Defence on land near Morundah.
- (2) Before determining a development application for development on defence communications facility buffer land, the consent authority must consider Australian and New Zealand Standard AS/NZS 5070.1:2008, *Siting and operation of radiocommunications facilities - General guidelines for fixed, mobile and broadcasting facilities including fixed location satellite earth stations independent of the operating frequency*.
- (3) Development consent must not be granted for any of the following purposes on defence communications facility buffer land unless the consent authority is satisfied that the Secretary of the Commonwealth Department of Defence has been consulted about the proposed development and has indicated that he or

she is of the opinion that the development will not adversely affect the optimum operational capability of the defence receiver station:

- (a) any purpose which involves equipment causing an electromagnetic emission to which Australian and New Zealand Standard AS/NZS CISPR 11:2011, *Industrial, scientific and medical equipment—Radio-frequency disturbance characteristics—Limits and methods of measurement* applies,
  - (b) any industry which causes or results in any electromagnetic emission which is likely to cause degradation to radio reception at the defence communications facility,
  - (c) permanent radio transmitters,
  - (d) power transmission lines of 66 kilovolts or greater,
  - (e) electric powered railways (but not diesel-electric powered railways),
  - (f) health services facilities,
  - (g) motor body repair workshops,
  - (h) veterinary hospitals.
- (4) Clause 4.6 does not allow development consent to be granted for development that would contravene this clause.
- (5) In this clause:  
***defence communications facility buffer land*** means land shown as defence communications facility buffer land on the Defence Communications Facility Buffer Map.  
***Defence Communications Facility Buffer Map*** means the Urana Local Environmental Plan 2011 Defence Communications Facility Buffer Map.
- (6) This clause is a compulsory provision for the purposes of clause 4A of the *Standard Instrument (Local Environmental Plans) Order 2006*.

### 3.7 Warrumbungle Local Environmental Plan 2013

#### Clause 5.14

Insert after clause 5.13:

#### 5.14 Siding Spring Observatory—maintaining dark sky

- (1) The objective of this clause is to protect observing conditions at the Siding Spring Observatory by promoting lighting practices that minimise light pollution.
- (2) **Light emissions—general considerations for all development**  
Before granting development consent for development on land to which this Plan applies, the consent authority must consider whether the development is likely to adversely affect observing conditions at the Siding Spring Observatory, taking into account the following matters:
  - (a) the amount and type of light to be emitted as a result of the development and the measures to be taken to minimise light pollution,
  - (b) the impact of those light emissions cumulatively with other light emissions and whether the light emissions are likely to cause a critical level to be reached,
  - (c) whether outside light fittings associated with the development are shielded light fittings,

- (d) the measures to be taken to minimise dust associated with the development,  
**Note.** Dust tends to scatter light and increase light pollution.
  - (e) the *Dark Sky Planning Guideline* published in the Gazette by the Secretary.
- (3) **Development on land within 18 kilometres of observatory**  
Development consent is required for all lit development on land less than 18 kilometres from the Siding Spring Observatory.
- (4) The consent authority must consult with the observatory director before granting development consent to lit development on land less than 18 kilometres from the Siding Spring Observatory.
- (5) The consent authority must not (except with the concurrence of the Secretary) grant development consent to development on land less than 18 kilometres from the Siding Spring Observatory if the consent authority considers that the development is likely to result in any one or more of the following:
- (a) an outside light fitting other than a shielded light fitting,
  - (b) an outside light fitting emitting light of more than:
    - (i) if the development is on land less than 12 kilometres from the Siding Spring Observatory—900 lumens, or
    - (ii) in any other case—1,800 lumens,
  - (c) more than 4 shielded outside light fittings,
  - (d) light of more than 7,200 lumens being emitted.
- (6) The consent authority must not grant development consent to lit development on land less than 18 kilometres from the Siding Spring Observatory unless the consent authority is satisfied that the development will incorporate designs that minimise light pollution and measures that will prevent the escape of light at night through skylights, windows or other openings.
- (7) **Development on land 18 kilometres or more from observatory**  
The consent authority must not (except with the concurrence of the Secretary) grant development consent to development on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in the emission of light of 1,000,000 lumens or more.
- (8) The consent authority must consult with the observatory director before granting development consent to development for the purposes of a dwelling house, secondary dwelling or dual occupancy on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in a dwelling having:
- (a) an outside light fitting other than a shielded light fitting, or
  - (b) more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.
- (9) The consent authority must consult with the observatory director before granting development consent to development (other than development for the purposes of a dwelling house, secondary dwelling or dual occupancy) on land that is 18 kilometres or more from the Siding Spring Observatory if the consent authority considers that the development is likely to result in the emission of light of 50,000 lumens or more.

(10) **Granting concurrence**

The Secretary must take the following into account in deciding whether to grant concurrence under this clause:

- (a) any comments made by the observatory director in relation to the development,
  - (b) the effect the development would have on observing conditions at the Siding Spring Observatory,
  - (c) the quantity of artificial light in the night sky measured through a telescope at the Siding Spring Observatory on or about the date the development application is made and the relationship of that level to the critical level,
  - (d) whether any public interest in permitting the development outweighs the public interest in preserving the observing conditions at the Siding Spring Observatory.
- (11) A reference in this clause to light emitted as a result of development for the purposes of a building or work includes light emitted from any other building or work that is to be used as part of or in connection with that building or work.
- (12) A requirement in this clause to consult with the observatory director in respect of development is a requirement to give written notice of the development to the observatory director and to take into account any comments received from the observatory director within 21 days after the notice is given.
- (13) Clause 4.6 does not allow development consent to be granted for development that would contravene this clause.
- (14) In this clause:

**automatic light fitting** means a light fitting that is activated by a sensor and switches off automatically after a period of time.

**critical level** means the level at which the quantity of artificial light in the night sky measured through a telescope at the Siding Spring Observatory is greater than:

- (a) if the telescope is inclined at 30 degrees from the horizon—10% of the surface brightness of the night sky attributable to natural light sources, at the time of the solar cycle when the sky is at its darkest, or
- (b) if the telescope is inclined at 90 degrees from the horizon—3% of the surface brightness of the night sky attributable to natural light sources, at the time of the solar cycle when the sky is at its darkest.

**horizontal plane**, in relation to a light fitting, means the horizontal plane passing through the centre of the light source (for example, the bulb) of the light fitting.

**light pollution** means brightening of the night sky caused by artificial light.

**lit development** means development that is likely to result in the emission of light.

**observatory director** means the Director of the Research School of Astronomy and Astrophysics at the Australian National University.

**outside light fitting** means a light fitting that is attached or fixed outside, including on the exterior, of a building.

**shielded light fitting** means a light fitting that does not permit light to shine above the horizontal plane.

***Siding Spring Observatory*** means the land owned by the Australian National University at Siding Spring and the buildings and equipment situated on that land.

- (15) This clause is a compulsory provision for the purposes of clause 4A of the *Standard Instrument (Local Environmental Plans) Order 2006*.

## **Schedule 4 Miscellaneous amendments**

### **4.1 Ballina Local Environmental Plan 2012**

#### **Clause 1.9 Application of SEPPs**

Omit “*North Coast Regional Environmental Plan*” from clause 1.9 (2).

### **4.2 Bega Valley Local Environmental Plan 2013**

#### **Clause 1.9 Application of SEPPs**

Omit “*Lower South Coast Regional Environmental Plan (No 2)*” from clause 1.9 (2).

### **4.3 Bellingen Local Environmental Plan 2010**

#### **Clause 1.9 Application of SEPPs**

Omit “*North Coast Regional Environmental Plan*” from clause 1.9 (2).

### **4.4 Byron Local Environmental Plan 2014**

#### **Clause 1.8B Amendment of SEPP applying to land**

Omit the clause.

### **4.5 Cessnock Local Environmental Plan 2011**

#### **Schedule 5 Environmental heritage**

Insert in appropriate order in Part 1:

Lovedale	Peacock Hill/Glenmore Burial Ground	700 Wine Country Drive	Lot 150, DP 1139988	Local	I222
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### **4.6 Clarence Valley Local Environmental Plan 2011**

#### **Clause 1.9 Application of SEPPs**

Omit “*North Coast Regional Environmental Plan*” from clause 1.9 (2).

### **4.7 Coffs Harbour City Local Environmental Plan 2000**

#### **Clause 4 How does this Plan affect other Plans?**

Omit the clause.

### **4.8 Coffs Harbour Local Environmental Plan 2013**

#### **[1] Clause 1.8B Amendment of SEPP applying to land**

Omit the clause.

#### **[2] Clause 1.9 Application of SEPPs**

Omit “*North Coast Regional Environmental Plan*” from clause 1.9 (2).

#### **4.9 Eurobodalla Local Environmental Plan 2012**

**[1] Clause 1.9 Application of SEPPs**

Omit “*Lower South Coast Regional Environmental Plan No 1*” from clause 1.9 (2).

**[2] Clause 1.9 (2)**

Omit “*Lower South Coast Regional Environmental Plan (No 2)*”.

#### **4.10 Holroyd Local Environmental Plan 2013**

**Clause 1.8 Repeal of planning instruments applying to land**

Omit clause 1.8 (2A) and (2B).

#### **4.11 Kempsey Local Environmental Plan 2013**

**Clause 1.8B Amendment of SEPP applying to land**

Omit the clause.

#### **4.12 Kiama Local Environmental Plan 1996**

**Clause 3 Relationship to other environmental planning instruments**

Omit the clause.

#### **4.13 Kyogle Local Environmental Plan 2012**

**Clause 1.9 Application of SEPPs**

Omit “*North Coast Regional Environmental Plan*” from clause 1.9 (2).

#### **4.14 Lismore Local Environmental Plan 2012**

**Clause 1.9 Application of SEPPs**

Omit “*North Coast Regional Environmental Plan*” from clause 1.9 (2).

#### **4.15 Muswellbrook Local Environmental Plan 2009**

**[1] Schedule 5 Environmental heritage**

Insert in appropriate order in Part 1:

Baerami	Baramul Station (known as Baramul Stud) including Oakleigh cottage, neighbouring barn, remnant cattle race and manager’s cottage	Widden Valley Road	Lots 11 and 12, DP 753773; Lot 721, DP 1031885	Local	I129
Kayuga	Rosedale (or Rosevale) Cottage	687 Kayuga Road	Lot 10, DP 758554	Local	I132
Kayuga	Kayuga Homestead	731 Kayuga Road	Lot 111, DP 873834	Local	I130
Kayuga	Riverview	30 Stair Street	Lot 1, DP 835733	Local	I131

**[2] Schedule 5, Part 2**

Omit “Residential Heritage”. Insert instead “Muswellbrook Residential Heritage”.

**[3] Schedule 5, Part 2**

Omit “Business Heritage”. Insert instead “Muswellbrook Business Heritage”.

**4.16 Nambucca Local Environmental Plan 2010**

**Clause 1.9 Application of SEPPs**

Omit “*North Coast Regional Environmental Plan*” from clause 1.9 (2).

**4.17 Parramatta Local Environmental Plan 2011**

**Clause 1.9 Application of SEPPs**

Omit the following from clause 1.9 (2):

*Sydney Regional Environmental Plan No 18—Public Transport Corridors*

**4.18 Penrith Local Environmental Plan No 255—Exempt and Complying Development**

**[1] Clause 3 Relationship to other environmental planning instruments**

Omit clause 3 (2).

**[2] Clause 3 (4) (c)**

Insert “(No 2—1995)” after “*Industry*”.

**4.19 Penrith Local Environmental Plan No 258—Consent for Dwelling Houses and Other Development**

**[1] Clause 4 Relationship to other environmental planning instruments**

Omit clause 4 (2).

**[2] Clause 4 (3) (c)**

Insert “(No 2—1995)” after “*Industry*”.

**[3] Schedules 1–3**

Omit the Schedules.

**4.20 Port Macquarie-Hastings Local Environmental Plan 2011**

**Clause 1.9 Application of SEPPs**

Omit “*North Coast Regional Environmental Plan*” from clause 1.9 (2).

**4.21 Richmond Valley Local Environmental Plan 2012**

**Clause 1.9 Application of SEPPs**

Omit “*North Coast Regional Environmental Plan*” from clause 1.9 (2).

## 4.22 Rockdale Local Environmental Plan 2011

### [1] Clause 2.1 Land use zones

Insert at the end of the clause:

#### **Environment Protection Zones**

E1 National Parks and Nature Reserves

### [2] Land Use Table

Insert at the end of the Table

#### **Zone E1 National Parks and Nature Reserves**

##### **1 Objectives of zone**

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

##### **2 Permitted without consent**

Uses authorised under the *National Parks and Wildlife Act 1974*

##### **3 Permitted with consent**

Nil

##### **4 Prohibited**

Any development not specified in item 2 or 3

### [3] Schedule 5 Environmental heritage

Insert in appropriate order:

Kurnell	Towra Point Nature Reserve and Quibray Bay	Towra Point	Lot 2, DP 856868	State	I238
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## 4.23 Shellharbour Local Environmental Plan 2013

### **Clause 1.8B Amendment of SEPP applying to land**

Omit the clause.

## 4.24 Shoalhaven Local Environmental Plan 2014

### [1] Clause 1.8B Amendment of SEPP applying to land

Omit the clause.

### [2] Clause 1.9 Application of SEPPs

Omit the Note.

#### **4.25 State Environmental Planning Policy No 21—Caravan Parks**

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

Omit clause 4 (2). Insert instead:

- (2) This Policy does not apply to:
  - (a) land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies, or
  - (b) land less than 18 kilometres from the Siding Spring Observatory within the meaning of clause 5.14 of the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

#### **4.26 State Environmental Planning Policy No 36—Manufactured Home Estates**

##### **[1] Clause 3 Land to which this Policy applies**

Omit clause 3 (2). Insert instead:

- (2) This Policy does not apply to:
  - (a) land described in Schedule 1, being land subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Policy and made under section 117 of the Act, or
  - (b) land less than 18 kilometres from the Siding Spring Observatory within the meaning of clause 5.14 of the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

##### **[2] Clause 4 Relationship to other environmental planning instruments**

Omit clause 4 (3).

#### **4.27 State Environmental Planning Policy No 44—Koala Habitat Protection**

##### **Schedule 1 Local government areas**

Insert “Coffs Harbour” in alphabetical order.

#### **4.28 State Environmental Planning Policy (Affordable Rental Housing) 2009**

##### **[1] Clause 23 Complying development**

Insert after clause 23 (1) (a):

- (a1) meets the requirements set out in clauses 3.36B, 3.36C and 3.36D of that Policy that would be applicable if the development were development specified for the General Housing Code set out in Part 3 of that Policy, and

##### **[2] Clause 23 (2) (a1)**

Insert after clause 23 (2) (a):

- (a1) meets the requirements set out in clauses 3.36B and 3.36C of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* that would be applicable if the development were

development specified for the General Housing Code set out in Part 3 of that Policy, and

**[3] Clause 23 (2A)**

Omit the subclause.

**4.29 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

**[1] Clause 1.4 Land to which Policy applies**

Omit clause 1.4 (2) (c). Insert instead:

- (c) that is less than 18 kilometres from the Siding Spring Observatory, except as provided by clause 1.16A.

**[2] Clause 1.5 Interpretation—general**

Insert in alphabetical order in clause 1.5 (1):

*automatic light fitting* means a light fitting that is activated by a sensor and switches off automatically after a period of time.

*horizontal plane*, in relation to a light fitting, means the horizontal plane passing through the centre of the light source (for example the bulb) of the light fitting.

*outside light fitting* means a light fitting that is attached or fixed outside, including on the exterior of, a building.

*shielded light fitting* means a light fitting that does not permit light to shine above the horizontal plane.

*Siding Spring Observatory* has the same meaning as in clause 5.14 of the Standard Instrument.

**[3] Clause 1.16A**

Insert after clause 1.16:

**1.16A Exempt development on land within 18 kilometres of Siding Spring Observatory**

Clauses 1.15 and 1.16 and Part 2 apply to development on land that is less than 18 kilometres from the Siding Spring Observatory, but only if:

- (a) the development does not have, and will not require, any form of lighting, and
- (b) the development is not development that is specified in any of the following provisions of Division 1 of Part 2:
- (i) Subdivision 6 Balconies, decks, patios, pergolas, terraces and verandahs,
  - (ii) Subdivision 10 Carports,
  - (iii) Subdivision 10A Change of use of premises,
  - (iv) Subdivision 10B Change of use of places of public worship,
  - (v) Subdivision 16 Farm buildings,
  - (vi) Subdivision 24 Landscaping structures,
  - (vii) Subdivision 27 Minor building alterations (external),
  - (viii) Subdivision 27A Mobile food and drink outlets,
  - (ix) Subdivision 37 Skylights, roof windows and ventilators.

**[4] Clause 1.18 General requirements for complying development for this Policy**

Omit clause 1.18 (1) (g). Insert instead:

- (g) not be the construction or installation of a skylight or roof window on land in the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire, and

**[5] Clause 2.73 Specified development**

Omit clause 2.73 (2). Insert instead:

- (2) Development referred to in subclause (1) is not exempt development if it is constructed or installed on land in the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire.

**[6] Clause 3.36D**

Insert after clause 3.36C:

**3.36D Development standards for land near Siding Spring Observatory**

- (1) This clause applies:
  - (a) to all development specified for this code that is to be carried out on land in the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire, and
  - (b) in addition to all other development standards specified for this code.
- (2) The development may be carried out only if it does not result in a dwelling house on land in the local government area of:
  - (a) Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire with an outside light fitting other than a shielded light fitting,
  - (b) Coonamble, Gilgandra or Warrumbungle Shire with more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.

**[7] Clause 3A.38A**

Insert after clause 3A.38:

**3A.38A Development standards for land near Siding Spring Observatory**

- (1) This clause applies:
  - (a) to all development specified for this code that is to be carried out on land in the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire, and
  - (b) in addition to all other development standards specified for this code.
- (2) The development may be carried out only if it does not result in a dwelling house on land in the local government area of:
  - (a) Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire with an outside light fitting other than a shielded light fitting,
  - (b) Coonamble, Gilgandra or Warrumbungle Shire with more than 7 shielded outside light fittings or more than 5 such light fittings that are not automatic light fittings.

**[8] Clause 4A.6 Development standards**

Omit “*actions.*” from clause 4A.6 (1) (iii). Insert instead “*actions, and*”.

**[9] Clause 4A.6 (m)**

Insert after clause 4A.6 (l):

- (m) if on land in the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire, any tent, marquee or booth must not have an outside light fitting other than a shielded light fitting and any such shielded light fitting must be downward facing.

**[10] Clause 4A.8 Development standards**

Omit “*actions.*” from clause 4A.8 (d) (iii). Insert instead “*actions, and*”.

**[11] Clause 4A.8 (e)**

Insert after clause 4A.8 (d):

- (e) if on land in the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire, any stage or platform must not have an outside light fitting other than a shielded light fitting and any such shielded light fitting must be downward facing.

### **4.30 State Environmental Planning Policy (Infrastructure) 2007**

**[1] Clause 16 Consultation with public authorities other than councils**

Insert after clause 16 (2) (f):

- (g) development that may increase the amount of artificial light in the night sky and that is on land within the dark sky region as identified on the dark sky region map—the Director of the Observatory,

**Note.** The dark sky region is land within 200 kilometres of the Siding Spring Observatory.

- (h) development on defence communications facility buffer land within the meaning of clause 5.15 of the Standard Instrument—the Secretary of the Commonwealth Department of Defence.

**Note.** Defence communications facility buffer land is located around the defence communications facility near Morundah. See the Defence Communications Facility Buffer Map referred to in clause 5.15 of *Lockhart Local Environmental Plan 2012*, *Narrandera Local Environmental Plan 2013* and *Urana Local Environmental Plan 2011*.

**[2] Clause 16 (3)**

Insert after clause 16 (2):

- (3) In this clause:

***dark sky region map*** means the map marked “Dark Sky Region Map” held in the head office of the Department of Planning and Environment.

### **4.31 State Environmental Planning Policy (Major Development) 2005**

**Schedule 3 State significant sites**

Omit “and *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area*” from clause 3 of Part 22.

#### **4.32 State Environmental Planning Policy (Western Sydney Employment Area) 2009**

**[1] Clause 19 Existing precinct plans under SEPP 59**

Omit “applies to that land” from clause 19 (1).

Insert instead “applied to the land immediately before the repeal of *State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential*.”

**[2] Clause 19**

Insert at the end of the clause:

**Note.** *State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area* was renamed as *State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential*.

#### **4.33 State Environmental Planning Policy (Western Sydney Parklands) 2009**

**Clause 6 Relationship to other planning instruments**

Omit “*State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)*,” from clause 6 (1).

#### **4.34 The Hills Local Environmental Plan 2012**

**[1] Clause 1.8B Amendment and repeal of SEPPs applying to land**

Omit the clause.

**[2] Clause 1.9 Application of SEPPs**

Omit “*Sydney Regional Environmental Plan No 19—Rouse Hill Development Area*” from clause 1.9 (2).

#### **4.35 Tweed City Centre Local Environmental Plan 2012**

**Clause 1.9 Application of SEPPs**

Omit “*North Coast Regional Environmental Plan*” from clause 1.9 (2).

#### **4.36 Tweed Local Environmental Plan 2014**

**Clause 1.9 Application of SEPPs**

Omit “*North Coast Regional Environmental Plan*” from clause 1.9 (2).

#### **4.37 Wingecarribee Local Environmental Plan 2010**

**Clause 1.8 Repeal of planning instruments applying to land**

Omit clause 1.8 (3).

#### **4.38 Wollongong Local Environmental Plan 1990**

**Clause 3 Relationship to other environmental planning instruments**

Omit the clause.

### **4.39 Wollongong Local Environmental Plan 2009**

#### **Clause 1.9 Application of SEPPs**

Omit "*Illawarra Regional Environmental Plan No 1*" from clause 1.9 (2).