



New South Wales

# State Environmental Planning Policy (Urban Renewal) 2010

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*. (S09/01631-1)

TONY KELLY, MLC  
Minister for Planning

## 2010 No 691

State Environmental Planning Policy (Urban Renewal) 2010

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# Contents

	Page
<b>Part 1 Preliminary</b>	
1 Name of Policy	3
2 Commencement	3
3 Aims of Policy	3
4 Definitions	3
5 Land to which Policy applies	4
6 Maps	4
7 Relationship with other environmental planning instruments	4
8 Review of Policy	5
<b>Part 2 Potential urban renewal precincts</b>	
9 Proposals for potential precincts	6
10 Development in potential precincts	6

## State Environmental Planning Policy (Urban Renewal) 2010

under the

Environmental Planning and Assessment Act 1979

### Part 1 Preliminary

#### 1 Name of Policy

This Policy is *State Environmental Planning Policy (Urban Renewal) 2010*.

#### 2 Commencement

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

#### 3 Aims of Policy

The aims of this Policy are as follows:

- (a) to establish the process for assessing and identifying sites as urban renewal precincts,
- (b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
- (c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

#### 4 Definitions

- (1) In this Policy:

**capital investment value** of a development has the same meaning as it has in the *Environmental Planning and Assessment Regulation 2000*.

**potential precinct** means land identified as a potential urban renewal precinct on any of the following maps:

- (a) State Environmental Planning Policy (Urban Renewal) 2010 Redfern-Waterloo Potential Precinct Map,
- (b) State Environmental Planning Policy (Urban Renewal) 2010 Granville Potential Precinct Map,

## 2010 No 691

Clause 5 State Environmental Planning Policy (Urban Renewal) 2010

Part 1 Preliminary

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(c) State Environmental Planning Policy (Urban Renewal) 2010  
Newcastle Potential Precinct Map.

*the Act* means the *Environmental Planning and Assessment Act 1979*.

- (2) Words and expressions used in this Policy have the same meaning as they have in the standard instrument prescribed under the *Standard Instrument (Local Environmental Plans) Order 2006*.
- (3) Notes included in this Policy do not form part of this Policy.

### 5 Land to which Policy applies

This Policy applies to land within a potential precinct.

### 6 Maps

- (1) A reference in this Policy to a named map adopted by this Policy 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 Policy 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 Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both.

**Note.** The maps adopted by this Policy are to be made available on the official NSW legislation website in connection with this Policy.

### 7 Relationship with other environmental planning instruments

If there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

**8 Review of Policy**

The Minister must ensure that the provisions of this Policy are reviewed:

- (a) as soon as practicable after the first anniversary of the commencement of this Policy, and
- (b) at least every 5 years after that commencement.

## **2010 No 691**

Clause 9 State Environmental Planning Policy (Urban Renewal) 2010

Part 2 Potential urban renewal precincts

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### **Part 2 Potential urban renewal precincts**

#### **9 Proposals for potential precincts**

- (1) The Director-General must undertake a study or arrange for a study to be undertaken for the purpose of determining:
  - (a) whether a potential precinct should be developed as an urban renewal precinct, and
  - (b) the appropriate land use and development controls for the precinct.
- (2) The study must assess the suitability of a potential precinct as an urban renewal precinct having regard to the following:
  - (a) the planning significance of the site,
  - (b) the suitability of the site for any proposed land use taking into consideration environmental, social and economic factors, the principles of ecologically sustainable development and any applicable government State, regional or metropolitan planning strategy,
  - (c) the implications of any proposed land use for local and regional land use, infrastructure and service delivery,
  - (d) any other matters required by the Director-General.
- (3) The Director-General is to arrange for any such study to be publicly exhibited with an invitation to the public to make written submissions.
- (4) The Minister may direct that an inquiry be held as part of the investigation of a potential precinct.
- (5) The Director-General is to provide the Minister with a copy of any such study and any recommendations relating to it.

#### **10 Development in potential precincts**

- (1) This clause applies to a development application to carry out development on land that comprises all or part of a potential precinct if the proposed development is or involves subdivision, or has a capital investment value of more than \$5 million, and is not exempt or complying development.
- (2) The consent authority must not grant development consent unless it is satisfied that the proposed development is consistent with the objective of developing the potential precinct for the purposes of urban renewal.

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- (3) For the purposes of subclause (2), the consent authority is to take into account whether or not the proposed development is likely to restrict or prevent the following:
- (a) development of the potential precinct for higher density housing or commercial or mixed development,
  - (b) the future amalgamation of sites for the purpose of any such development within the potential precinct,
  - (c) access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.
- (4) This clause does not apply to a development application to the extent that it involves subdivision for the purpose only of any one or more of the following:
- (a) widening a public road,
  - (b) a minor realignment of boundaries that does not create:
    - (i) additional lots or the opportunity for additional dwellings, or
    - (ii) lots that are smaller than the minimum size permitted under an environmental planning instrument applicable to the land concerned,
  - (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
  - (d) rectifying an encroachment on a lot,
  - (e) creating a public reserve,
  - (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.