



New South Wales

# **State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021**

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*.

**ROB STOKES, MP**  
Minister for Planning and Public Spaces

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## State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

under the

Environmental Planning and Assessment Act 1979

### Chapter 1 Preliminary

#### 1.1 Name of Policy

This Policy is *State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021*.

#### 1.2 Commencement

This Policy commences on 1 March 2022 and is required to be published on the NSW legislation website.

#### 1.3 Definitions

In this Policy—

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

**Note—** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Policy.

#### 1.4 Transferred provisions

The *Interpretation Act 1987*, section 30A is taken to apply to the provisions transferred to this Policy on the commencement of this Policy in the same way as it applies to provisions transferred from a statutory rule to another statutory rule.

**Note—** The *Interpretation Act 1987*, section 30A provides—

- (a) the transfer of a provision does not affect the operation or meaning of the provision, and
- (b) a transferred provision is to be construed as if it had not been transferred.

## Chapter 2 State significant precincts

**Editorial note**— Schedule 9 transfers certain provisions of *State Environmental Planning Policy (State Significant Precincts) 2005* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

## Chapter 3 Darling Harbour

**Editorial note**— Schedule 9 transfers certain provisions of *Darling Harbour Development Plan No 1* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

## Chapter 4 City West

**Editorial note**— Schedule 9 transfers certain provisions of *Sydney Regional Environmental Plan No 26—City West* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

## Chapter 5 Walsh Bay

**Editorial note**— Schedule 9 transfers certain provisions of *Sydney Regional Environmental Plan No 16—Walsh Bay* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

## Chapter 6 Cooks Cove

**Editorial note**— Schedule 9 transfers certain provisions of *Sydney Regional Environmental Plan No 33—Cooks Cove* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

## Chapter 7 Moore Park Showground

**Editorial note**— Schedule 9 transfers certain provisions of *State Environmental Planning Policy No 47—Moore Park Showground* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

## Appendices 1–7

**Editorial note—** Schedule 9 transfers certain Appendices from *State Environmental Planning Policy (State Significant Precincts) 2005* to this Policy. The Appendices will be incorporated into this Policy on the NSW legislation website when this Policy commences.

## Schedules 1–8

**Editorial note**— Schedule 9 transfers certain Schedules from the following environmental planning instruments to this Policy—

- (a) *Darling Harbour Development Plan No 1,*
- (b) *Sydney Regional Environmental Plan No 26—City West,*
- (c) *Sydney Regional Environmental Plan No 33—Cooks Cove.*

The Schedules will be incorporated into this Policy on the NSW legislation website when this Policy commences.

## Schedule 9 Transfer of provisions

### 1 Amendment of State Environmental Planning Policy (State Significant Precincts) 2005

Omit clauses 7 and 8. Insert instead—

#### 7 State significant precincts

- (1) Appendices 1–18 describe State significant precincts and contain provisions relating to the carrying out of development in the State significant precincts.
- (2) The Minister may publish guidelines for proposals to amend an Appendix.
- (3) Subclause (2) does not prevent an amendment of an Appendix without compliance with the guidelines.

### 2 State Environmental Planning Policy (State Significant Precincts) 2005

- (1) Replicate the provisions of *State Environmental Planning Policy (State Significant Precincts) 2005* specified in Column 1 of the following table as the provisions of the Policy specified opposite in Column 2—

Column 1	Column 2
Existing provisions of State Environmental Planning Policy (State Significant Precincts) 2005	New provisions
Parts 1 and 2, other than clause 1	<i>State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021</i> , Chapter 2, Parts 2.1 and 2.2
Parts 1 and 2, other than clauses 1 and 9–12A	<i>State Environmental Planning Policy (Precincts—Central River City) 2021</i> , Chapter 2, Parts 2.1 and 2.2
Parts 1 and 2, other than clauses 1 and 9–12A	<i>State Environmental Planning Policy (Precincts—Regional) 2021</i> , Chapter 2, Parts 2.1 and 2.2
Parts 1 and 2, other than clauses 1 and 9–12A	<i>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</i> , Chapter 2, Parts 2.1 and 2.2
Appendices 1, 2, 4, 6, 9, 13 and 18, other than Appendix 9, clause 15(2)	<i>State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021</i> , Appendices 1–7
Appendices 3, 7, 10 and 11	<i>State Environmental Planning Policy (Precincts—Central River City) 2021</i> , Appendices 1–4
Appendices 5, 8, 12, 14, 15 and 17	<i>State Environmental Planning Policy (Precincts—Regional) 2021</i> , Appendices 1–6
Appendix 16	<i>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</i> , Appendix 1

- (2) Renumber the clauses in Chapter 2 of the following Policies as sections with decimal numbering, commencing each Chapter with section 2.1—

- (a) *State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021,*
- (b) *State Environmental Planning Policy (Precincts—Central River City) 2021,*
- (c) *State Environmental Planning Policy (Precincts—Regional) 2021,*
- (d) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021.*

**3 Darling Harbour Development Plan No 1**

- (1) Transfer *Darling Harbour Development Plan No 1*, clauses 2–11 to this Policy as Chapter 3.
- (2) Renumber the clauses in Chapter 3 as sections with decimal numbering, commencing with section 3.1.
- (3) Transfer *Darling Harbour Development Plan No 1*, Schedule 1 to this Policy as Schedule 1.

**4 Sydney Regional Environmental Plan No 26—City West**

- (1) Transfer *Sydney Regional Environmental Plan No 26—City West*, Parts 1–3A, other than clauses 1, 6 and 9, to this Policy as Chapter 4, Parts 4.1–4.4.
- (2) Renumber the clauses in Chapter 4 as sections with decimal numbering, commencing with section 4.1.
- (3) Transfer *Sydney Regional Environmental Plan No 26—City West*, Schedules 1, 3 and 4 to this Policy as Schedules 2–4.

**5 Sydney Regional Environmental Plan No 16—Walsh Bay**

- (1) Transfer *Sydney Regional Environmental Plan No 16—Walsh Bay*, Parts 1–3, other than clause 1, to this Policy as Chapter 5, Parts 5.1–5.3.
- (2) Renumber the clauses in Chapter 5 as sections with decimal numbering, commencing with section 5.1.

**6 Sydney Regional Environmental Plan No 33—Cooks Cove**

- (1) Transfer *Sydney Regional Environmental Plan No 33—Cooks Cove*, Parts 1–4, other than clause 1, to this Policy as Chapter 6, Parts 6.1–6.4.
- (2) Renumber the clauses in Chapter 6 as sections with decimal numbering, commencing with section 6.1.
- (3) Omit the heading to the Dictionary. Insert instead—

**Schedule 4 Dictionary for Chapter 6**

- (4) Transfer *Sydney Regional Environmental Plan No 33—Cooks Cove*, Schedules 1–4, as amended by subsection (3), to this Policy as Schedules 5–8.

**7 State Environmental Planning Policy No 47—Moore Park Showground**

- (1) Transfer *State Environmental Planning Policy No 47—Moore Park Showground*, Parts 1–4, other than clauses 1, 4(3) and (4), 5 and 6, to this Policy as Chapter 7, Parts 7.1–7.4.
- (2) Renumber the clauses in Chapter 7 as sections with decimal numbering, commencing with section 7.1.

## 8 Consequential amendments

- (1) Update all cross-references and provision numbering below the section level in this Policy as required by the transfer of provisions to this Policy.
- (2) Omit each expression specified in Column 1 of the following table wherever occurring in this Policy, other than Chapter 1 and in this Schedule, including definitions, headings and notes and regardless of capitalisation.

Insert instead the expression specified opposite in Column 2, with appropriate capitalisation—

Column 1	Column 2
this Policy	this Chapter
the Policy	this Chapter
this plan	this Chapter
Aims of Policy	Aims of Chapter
Aim of Policy	Aim of Chapter
Aims of plan	Aims of Chapter
Land to which Policy applies	Land to which Chapter applies
Land to which plan applies	Land to which Chapter applies
clause	section
clauses	sections
subclause	subsection
subclauses	subsections

**Note—** Omit the expressions “clause”, “clauses”, “subclause” and “subclauses” only for a reference to clauses or subclauses of this Policy.

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- (3) Despite subsection (2), a reference to “this Policy” or “this plan” in an Appendix or a Schedule of this Policy should be omitted and replaced with a reference to the relevant Chapter of this Policy.
- (4) Subsection (2) does not apply to provisions of a savings or transitional nature.

## 9 Repeal of environmental planning instruments

The following environmental planning instruments, as amended by this Schedule, are repealed—

*State Environmental Planning Policy (State Significant Precincts) 2005*  
*Darling Harbour Development Plan No 1*  
*Sydney Regional Environmental Plan No 26—City West*  
*Sydney Regional Environmental Plan No 16—Walsh Bay*  
*Sydney Regional Environmental Plan No 33—Cooks Cove*  
*State Environmental Planning Policy No 47—Moore Park Showground*

**Note—** Savings and transitional provisions in the instruments repealed by this section are not transferred to this Policy. They continue to have effect because of the *Interpretation Act 1987*, sections 5(6) and 30(2)(d).

## 10 Repeal of Schedule

This Schedule is repealed at the beginning of the day after this Policy commences.