

1994—No. 497

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
STATE ENVIRONMENTAL PLANNING POLICY No. 39—SPIT  
ISLAND BIRD HABITAT**

NEW SOUTH WALES



*[Published in Gazette No. 115 of 9 September 1994]*

His Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State Environmental Planning Policy set forth hereunder in accordance with the recommendation made by the Minister for Planning.

**ROBERT WEBSTER MLC**  
Minister for Planning.

Sydney, 5 September 1994.

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**Citation**

1. This Policy may be cited as State Environmental Planning Policy No. 39—Spit Island Bird Habitat.

**Aim of this Policy**

2. The aim of this Policy is to encourage the protection of the environment:

- (a) by enabling development to be carried out without consent for the purpose of creating and protecting a bird habitat at Spit Island; and
- (b) by recognising that environmental assessment of the development will need to be carried out in accordance with Part 5 of the Environmental Planning and Assessment Act 1979 (if the development is carried out for or on behalf of a public authority or if a public authority's approval is required in order to enable the development to be carried out).

**Land to which this Policy applies**

3. This Policy applies to the land shown edged heavy black on the map marked “State Environmental Planning Policy No. 39—Spit Island Bird Habitat” deposited in the head office of the Department, being land that comprises Spit Island at Towra Point, Kurnell and its immediate surrounds.

**Relationship to other environmental planning instruments**

4. In the event of any inconsistency between this Policy and any other environmental planning instrument (whether made before, on or after the date on which this Policy takes effect) this Policy prevails to the extent of the inconsistency.

**Development without consent—creation and protection of bird habitat**

5. Development for the purposes of creating and protecting a habitat for the Little Tern and for migratory wading birds may be carried out on the land to which this Policy applies without the necessity for obtaining development consent.

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**NOTE**

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