



New South Wales

State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Urban Affairs and Planning.

CRAIG KNOWLES MP

Minister for Urban Affairs and Planning

Part 1 Preliminary

1 Name of Policy

This Policy is *State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries*.

2 Aims of Policy

This Policy aims to co-ordinate the planning and development of land comprising the foreshores of Sydney Harbour and its tributaries:

- (a) by establishing a clear set of guiding principles for the development of all land on those parts of the foreshores to which this Policy applies, and

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- (b) by requiring the preparation of master plans for strategic foreshore sites to ensure that the guiding principles for the foreshores are met, and
 - (c) by establishing clear consultation procedures for the planning and development of all strategic foreshore sites, and
 - (d) by declaring development on certain strategic foreshore sites to be State significant development and so providing that the Minister is to be the sole consent authority under the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* for that development, and
 - (e) through possible future amendment of this Policy:
 - (i) by enabling additional foreshore land to be brought within the provisions of this Policy, and
 - (ii) by enabling additional sites to be identified as strategic foreshore sites and brought within the provisions of this Policy, or
 - (iii) by enabling the permissible land uses for that land and those sites to be changed, or
 - (iv) by enabling the Minister to be made the consent authority in relation to the development of that land or those sites.
- or by any combination of them.

3 Definitions

- (1) In this Policy:

Director-General means the Director-General of the Department of Urban Affairs and Planning.

foreshore includes land with a water frontage and land that is separated from the waterfront by a public reserve, road or open space.

master plan means a master plan, as in force for the time being, adopted under Part 5.

Minister means the Minister for Urban Affairs and Planning.

related structure means a structure, such as a wharf, part of which is located above mean high water mark on land edged heavy black on the map and part of which is not.

site of strategic significance means a site to which Schedule 2 applies.

State significant development has the meaning given by section 76A (7) of the Act.

strategic foreshore site means a site described in Schedule 1 or 2.

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

the map means the map marked "State Environmental Planning Policy No 56 Sydney Harbour Foreshores & Tributaries" deposited in the Head Office of the Department of Urban Affairs and Planning comprising a sheet for foreshore land marked "Guiding Principles—Foreshore Land" and the sheets specified in Schedules 1 and 2.

- (2) Notes in this Policy do not form part of this Policy.

4 Land to which this Policy applies

- (1) This Policy applies to the land shown edged heavy black on the map, except as provided by this clause.
- (2) This Policy applies to related structures.
- (3) This Policy does not apply to land that is reserved under the *National Parks and Wildlife Act 1974*.

5 Relationship to other environmental planning instruments

- (1) in the event of an inconsistency between this Policy and another environmental planning instrument applying to land to which this Policy applies, whether made before or after this Policy, this Policy applies to the extent of the inconsistency.
- (2) Nothing in another environmental planning instrument is to be construed as restricting or prohibiting or enabling a consent authority to restrict or prohibit:

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- (a) the carrying out of development of any description specified in Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980*, or
- (b) the use of existing buildings of the Crown by the Crown, or
- (c) development for the purpose of home occupations (within the meaning of the *Environmental Planning and Assessment Model Provisions 1980*) in dwelling-houses (within the meaning of those Provisions).

Part 2 Guiding principles (for all land to which this Policy applies)

6 Objective

- (1) The objective of this Part is to provide a set of clear principles for the development of all land to which this Policy applies.
- (2) These principles are to be taken into consideration and, where possible, achieved in the preparation of environmental studies, environmental planning instruments, development control plans, master plans and any other environmental planning codes or guidelines, and in the assessment and determination of development applications.

7 Guiding principles

All decisions made in the administration of the Act or an instrument under the Act relating to the planning and development of land to which this Policy applies are to take the following matters into consideration:

- (a) increasing public access to, and use of, land on the foreshore.
- (b) the retention, management and use of land made available for public access or the use of other appropriate tenure mechanisms where public ownership is not possible.
- (c) the retention and enhancement of public access links between existing foreshore open space areas.
- (d) the conservation of significant bushland and other natural features along the foreshore, where consistent with conservation principles, and their availability for public use and enjoyment.
- (e) the suitability of the site or part of the site for significant open space that will enhance the open space network existing along the harbour foreshores.
- (f) the protection of significant natural and cultural heritage values, including marine ecological values.
- (g) the protection and improvement of unique visual qualities of the Harbour, its foreshores and tributaries.

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Part 2 Guiding principles (for all land to which this Policy applies)

- (h) the relationship between use of the water and foreshore activities,
- (i) the conservation of items of heritage significance identified in an environmental planning instrument or subject to an order under the *Heritage Act 1977*,
- (j) the scale and character of any development, derived from an analysis of the context of the site,
- (k) the character of any development as viewed from the water and its compatibility and sympathy with the character of the surrounding foreshores.
- (l) the application of ecologically sustainable development principles.
- (m) the maintenance of a working-harbour character and functions by the retention of key waterfront industrial sites or, at a minimum, the integration of facilities for maritime activities into development and, wherever possible, the provision of public access through these sites to the foreshore.
- (n) the feasibility and compatibility of uses and, if necessary, appropriate measures to ensure coexistence of different land uses.
- (o) increasing opportunities for water-based public transport.

Part 3 State significant development (land in Schedule 1)

8 Application of this Part

This Part applies to the land described in Schedule 1.

Note. The provisions of Part 2 of this Policy relating to guiding principles and of Part 5 of this Policy relating to master plans apply to the land to which Schedule 1 applies.

9 State significant development

Pursuant to section 76A (7) of the Act, development on the land described in Schedule 1 is declared to be State significant development.

10 Consent authority

Pursuant to section 76A (9) of the Act, the Minister is the consent authority for development on land to which Schedule 1 applies.

11 Requirement for master plans

(1) Development consent must not be granted for development that relates to development on land to which Schedule 1 applies unless:

- (a) there is a master plan for the land, and
- (b) the consent authority has taken the master plan into consideration, and
- (c) the development is consistent with the master plan.

except as provided by this clause.

(2) The Minister may waive compliance with the requirements of subclause (1) because of the nature of the development concerned, the adequacy of other planning controls that apply to the proposed development or for other such reason as the Minister considers sufficient.

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Part 3 State significant development (land in Schedule 1)

- (3) A master plan does not have to be prepared for the land shown on the sheet of the map marked "Schedule 1—Map 1—Inner Harbour" unless the Minister directs that a master plan be prepared for that land or for such part of that land as is specified in the direction.

12 Views of local council

- (1) Before granting consent to a development application relating to land to which Schedule 1 applies, the consent authority must seek the views of the relevant council.
- (2) A copy of the development application must be forwarded to the relevant council by the consent authority within 2 days after the date of lodgment of the application.
- (3) The consent authority must consider any views of the relevant council that are received within 30 days after giving notice of the application to the council.

Part 4 Sites of strategic significance (land in Schedule 2)

13 Application of this Part

This Part applies to the land described in Schedule 2.

Note. The provisions of Part 2 of this Policy relating to guiding principles and of Part 5 of this Policy relating to master plans apply to land to which Schedule 2 applies.

14 Requirement for master plans

- (1) Development consent must not be granted for development that relates to development on land to which Schedule 2 applies unless:
 - (a) there is a master plan for the land, and
 - (b) the consent authority has taken the master plan into consideration, and
 - (c) the development is consistent with the master plan.
- (2) The Minister may waive compliance with the requirements of subclause (1) because of the nature of the development concerned, the adequacy of other planning controls that apply to the proposed development or for other such reason as the Minister considers sufficient.

15 Views of the Director-General

- (1) Before granting consent to a development application relating to land to which Schedule 2 applies, the consent authority must seek the views of the Director-General.
- (2) A copy of the development application must be forwarded to the Director-General by the consent authority within 2 days after the date of lodgment of the application.
- (3) The consent authority must consider any views of the Director-General that are received within 30 days after giving notice of the development application to the Director-General.

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Clause 16 State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries

Part 5 Master plans (land in Schedule 1 or Schedule 2)

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16 Land to which this Part applies

This Part applies to:

- (a) the land to which Schedule 1 applies, and
- (b) the land to which Schedule 2 applies.

17 Nature of master plans

A master plan is a document (consisting of written information, maps and diagrams):

- (a) that outlines provisions relating to development of land to which the master plan applies, and
- (b) that explains how the guiding principles in Part 2 and any other relevant environmental planning instrument are addressed.

18 Requirement to prepare master plan

A master plan must be prepared for each site described in Schedule 1 or 2.

19 Preparation of master plans

- (1) A draft master plan may be prepared by or on behalf of the owner or lessee of the land concerned.
- (2) A draft master plan should be prepared following consultation with the consent authority and is to illustrate and explain, where appropriate, proposals for the following:
 - (a) design principles drawn from an analysis of the site and its context.
 - (b) phasing of development.
 - (c) distribution of land uses including foreshore public access and open space.
 - (d) pedestrian, cycle and road access and circulation networks.
 - (e) parking provision.

- (f) subdivision pattern,
- (g) infrastructure provision.
- (h) building envelopes and built form controls,
- (i) heritage conservation, implementing the guidelines set out in any applicable conservation policy, and protection of archaeological relics,
- (j) remediation of the site.
- (k) provision of public facilities,
- (l) provision of open space, its function and landscaping.
- (m) the impact on any adjoining land that is reserved under the *National Parks and Wildlife Act 1974*.

20 Consultation

- (1) A draft master plan submitted to the consent authority by or on behalf of the owner or lessee of the land concerned must be advertised in a newspaper circulating in the locality and exhibited for not less than 21 days for public comment.
- (2) A draft master plan must be submitted to the Director-General for comment and the views of relevant public authorities and community organisations sought. If the consent authority is the Minister, a draft master plan must be submitted to the council for comment. Any comments made by the Director-General or the council must be taken into consideration prior to finalising the draft master plan.
- (3) The consent authority must take into account any written submissions made about the content of the draft master plan during the exhibition period.

21 Adoption of master plans

- (1) A draft master plan must be forwarded to the appropriate authority for adoption.
- (2) For the purposes of this clause, the *appropriate authority* is:
 - (a) the Minister in relation to land described in Schedule 1.
and
 - (b) the relevant council in relation to land described in Schedule 2.

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Clause 21 State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries

Part 5 Master plans (land in Schedule 1 or Schedule 2)

- (3) The Director-General may recommend that a draft master plan be adopted without any variations or that it be adopted with such variations as the Director-General considers appropriate.
- (4) A draft master plan becomes a master plan if it is adopted by the appropriate authority.
- (5) When a master plan is adopted, the consent authority must advertise the adoption of the master plan in a newspaper circulating in the locality.

22 Amendment of master plans

- (1) A master plan may be amended by a master plan.
- (2) An amendment to a master plan may be dealt with concurrently with a development application.

23 Availability of master plans

A copy of each master plan must be available for inspection at the office of the Department and the council.

Part 6 Transitional arrangements

24 Determination of certain development applications

- (1) A development application lodged before the date on which this Policy commenced and that had not been finally determined by the consent authority before that date is to be determined by the Minister if it relates to land described in Schedule 1.
- (2) The Minister is to determine the development application in accordance with the provisions of this Policy.
- (3) This clause does not apply to a development application lodged before the date on which this Policy commenced:
 - (a) that relates to land to which *Sydney Regional Environmental Plan No 16—Walsh Bay* applies, or
 - (b) in respect of which an appeal has been made to the Land and Environment Court before that date.
- (4) A development application to which subclause (3) applies is to be determined as if this Policy had not been made.

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Schedule 1 State significant development

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(Clauses 8–12)

The land edged heavy black on the sheets of the map marked as follows:

Schedule 1—Map 1—Inner Harbour

Schedule 1—Map 2—North Head

Schedule 1—Map 3—Middle Head

Schedule 1—Map 4—HMAS Platypus

Schedule 1—Map 5—Woolwich Defence Land

Schedule 1—Map 6—ADI Site, Ryde

Schedule 1—Map 7—Naval Stores Site, Ermington

Schedule 1—Map 8—Cockatoo Island

Schedule 1—Map 9—Spectacle Island

Schedule 1—Map 10—Snapper Island

Schedule 1—Map 11—HMAS Watson, South Head

Schedule 1—Map 12—HMAS Waterhen

Schedule 1—Map 13—Taronga Zoological Gardens

Schedule 1—Map 14—Homebush Bay West Site

together with any related structures located on, or partly on, the land.

Schedule 2 Sites of strategic significance

(Clauses 13–15)

Note. If circumstances arise that render it necessary or expedient to do so, this Policy could be amended to transfer land identified in this Schedule to Schedule 1 with the result that development on the land would become State significant development for which the Minister would be the consent authority.

The land edged heavy black on the sheets of the map marked as follows:

Schedule 2—Map 1—Manly Wharf

Schedule 2—Map 2—St. Patrick's Estate, North Head Peninsula

Schedule 2—Map 3—Luna Park

Schedule 2—Map 4—SRA Land, Lavender Bay

Schedule 2—Map 5—Gladesville Hospital Site

Schedule 2—Map 6—Concord General Repatriation Hospital

Schedule 2—Map 7—Rivendell Adolescent Unit

Schedule 2—Map 8—The Dame Eadith Walker Hospital

Schedule 2—Map 9—Strickland House, Vaucluse

Schedule 2—Map 10—Coal Loader Site, Balls Head

Schedule 2—Map 11—BP Site, Berrys Bay

Schedule 2—Map 12—Camerons Cove

Schedule 2—Map 13—University of Western Sydney, Rydalmere

Schedule 2—Map 14—Sydney Water Site, Camellia

Schedule 2—Map 15—Goodyear Pty Ltd Site, Camellia

Schedule 2—Map 14—Rhodes Peninsula, Homebush Bay East

Schedule 2—Map 17—Leeds Street, Rhodes

Schedule 3—Map 18—Shepherds Bay, Meadowbank

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Schedule 2 Sites of strategic significance

Schedule 2—Map 19—AGL Site, Mortlake

Schedule 2—Map 20—Wiremill Site, Chiswick

Schedule 2—Map 21—Rozelle Hospital

Schedule 2—Map 22—Balmain Power Station

Schedule 2—Map 23—Caltex Site, Ballast Point

Schedule 2—Map 24—Fletcher Site, Blackwattle Bay

together with any related structures located on, or partly on, the land.