



New South Wales

State Environmental Planning Policy (Major Projects) Amendment (Sydney Harbour Foreshore) 2009

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* in accordance with the recommendation made by the Minister for Planning. (S09/00070/PC)

KRISTINA KENEALLY, MP
Minister for Planning

State Environmental Planning Policy (Major Projects) Amendment (Sydney Harbour Foreshore) 2009

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) Amendment (Sydney Harbour Foreshore) 2009*.

2 Commencement

This Policy commences on 1 May 2009.

3 Aims of Policy

The aim of this Policy is to amend the provisions of *State Environmental Planning Policy (Major Projects) 2005* relating to the Sydney Harbour Foreshore Sites:

- (a) to make the Council of the City of Sydney the consent authority for development that is not subject to Schedule 2 or 6 to that Policy, and
- (b) to allow certain development in specific areas to be exempt development, and
- (c) to update Map 9 to Schedule 2 to accurately identify the areas where exempt development may be carried out.

4 Land to which Policy applies

This Policy applies to land in the Sydney Harbour Foreshore Sites as shown edged heavy black on Map 9 to Schedule 2 to *State Environmental Planning Policy (Major Projects) 2005*.

Schedule 1 Amendment of State Environmental Planning Policy (Major Projects) 2005

[1] Clause 12A

Insert after clause 12:

12A Sydney Harbour Foreshore Sites—consent authority

- (1) This clause applies to development on land in the areas identified on Map 9 to Schedule 2 (*Sydney Harbour Foreshore Sites*) that is not development to which Schedule 2 or 6 applies.
- (2) Despite clauses 22 (1) and 28 (1) of Schedule 6 to the Act, the consent authority for development to which this clause applies is the Council of the City of Sydney.

Note 1. The Sydney Harbour Foreshore Sites include land that was part of the Darling Harbour Development Area and land that was part of the Sydney Cove Development Area.

Note 2. The Council of the City of Sydney is the consent authority for development on land in the Sydney Harbour Foreshore Sites that is in Walsh Bay (under *Sydney Regional Environmental Plan No 16—Walsh Bay*) and the Bank Street Precinct, Circular Quay and the Sydney Casino (under *Sydney Local Environmental Plan 2005*).

[2] Clause 16 Savings and transitional provisions

Insert at the end of clause 16 (2):

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[3] Schedule 2 Part 3A projects—specified sites

Omit clause 10 (1). Insert instead:

- (1) Development (with a capital investment value of more than \$5 million) in the areas identified on Map 9 to this Schedule.

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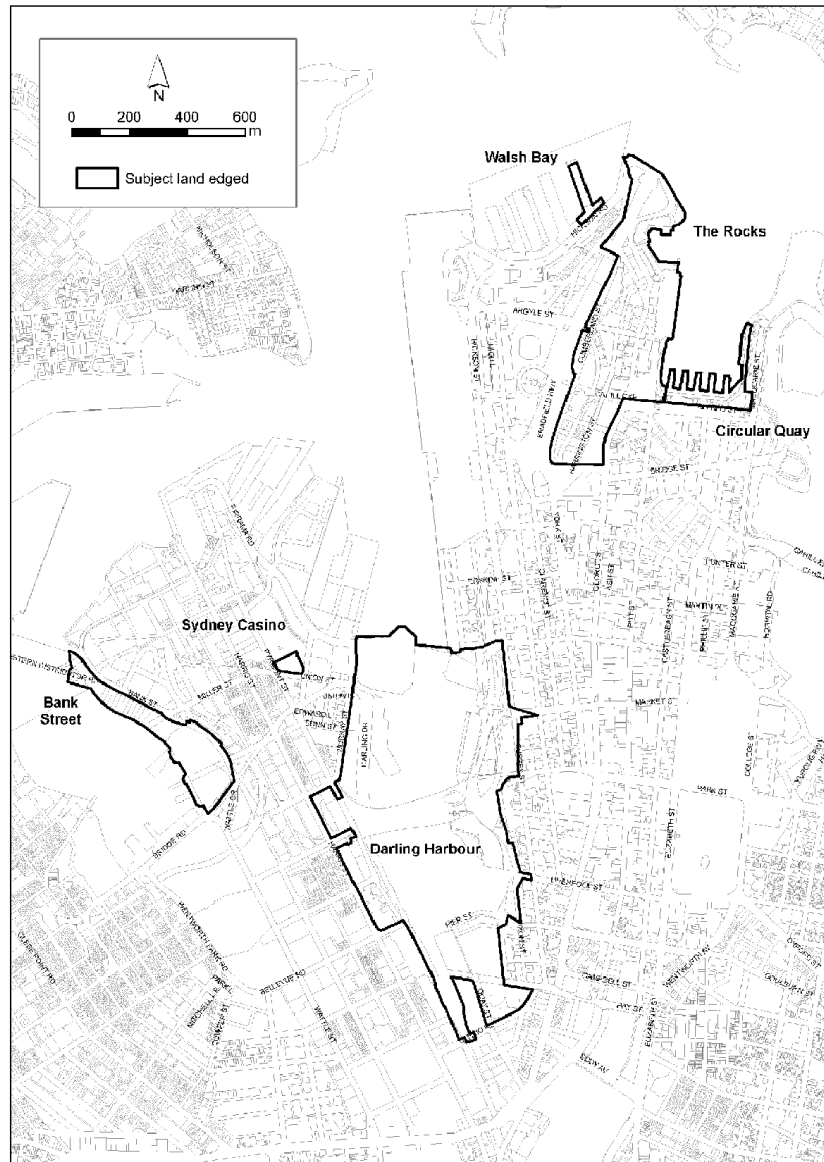
Schedule 1

Amendment of State Environmental Planning Policy (Major Projects) 2005

[4] Schedule 2, Map 9

Omit the map. Insert instead:

Map 9—Schedule 2—Sydney Harbour Foreshore Sites



[5] Schedule 6 Minister consent authority for Part 4 development

Omit clause 1 (1) of Part 1. Insert instead:

- (1) Development (with a capital investment value of not more than \$5 million) in an area identified on Map 9 to Schedule 2, if the development:
 - (a) requires an approval (that has not already been obtained) under section 57 of the *Heritage Act 1977*, or
 - (b) does not comply with the approved scheme within the meaning of clause 27 of Schedule 6 to the Act.

[6] Schedule 8 Exempt development

Insert at the end of the Schedule with appropriate Part numbering:

Part Sydney Harbour Foreshore Sites**1 Certain development at Circular Quay, Darling Harbour and The Rocks**

- (1) Development specified in this Part that is of minimal environmental impact and carried out in the areas marked “Circular Quay”, “Darling Harbour” and “The Rocks” on Map 9 to Schedule 2.
- (2) In this Part:

the public domain has the same meaning as in section 9 of the *Sydney Harbour Foreshore Authority Act 1998*.

Note. Provisions about temporary structures are contained in *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*.

2 Temporary uses in the public domain

Temporary uses in the public domain, including a community event (such as a gathering, ceremony, cultural celebration, sporting event or exhibition) open to the general public, a commercial event (such as a product launch and sampling) and trading for retail or other commercial purposes (such as providing a temporary dining and drinking area), subject to the following requirements:

- (a) the use must have the written approval of the owner and, if occupied, the occupier of the land on which the use will be conducted and the approval must state that the use will not exceed the relevant limit specified in paragraph (b) or (c),

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- (b) if the use is a community or commercial event:
 - (i) the use must be for not more than 4 consecutive days, and
 - (ii) the period from the start of set-up to the completion of clean-up for the use must not be more than 7 consecutive days, and
 - (iii) a location must not be used for more than 90 days, inclusive of set-up and clean-up time, in any calendar year,
- (c) if the use is trading for retail or other commercial purposes, the use must be for not more than 2 consecutive days and a location must not be used for not more than 6 days in any calendar year,
- (d) there must be no permanent physical change to the fabric of the location where the use occurs,
- (e) emergency vehicle access must be maintained to and around the location at all times,
- (f) pedestrian access at the location must be maintained along existing footpaths, or barriers must be erected between alternative pedestrian pathways and traffic on any adjoining road,
- (g) the use must not occur before 7.00 am or after 10.00 pm on any day, except Australia Day (when the use may occur until midnight) and New Year's Eve (when the use may occur until 2.00 am the following day),
- (h) set-up time for the use must not start earlier than 6.00 am,
- (i) clean up time for the use must end no later than 2 hours after the use was to stop occurring under paragraph (g),
- (j) temporary flags relating to the use:
 - (i) must be attached to existing flagpoles, and
 - (ii) must not be displayed for more than 14 days before the use starts, and
 - (iii) must be removed within 7 days after the use ends,
- (k) other temporary signs (including freestanding banners):
 - (i) must not be more than 2.5m in height, and
 - (ii) must not be larger than 1.2m by 2.4m, and
 - (iii) must not be displayed for more than 7 days before the use starts, and
 - (iv) must be removed within 2 days after the use ends,

- (l) the noise level from the use, when measured at the boundary of the nearest residential property, must not exceed:
 - (i) L_{Amax} 70 dB(A) and L_{Cmax} 90 dB(C) on Friday and Saturday, and
 - (ii) L_{Amax} 65 dB(A) and L_{Cmax} 85 dB(C) on any other day.

3 Temporary use of land or existing buildings to project fireworks or lighting displays or to make a broadcast

The projection of fireworks or a lighting display or the making of a broadcast, subject to the following requirements:

- (a) the use must have the written approval of the owner and, if occupied, the occupier of the building or land from or on which the use will be conducted,
- (b) if the use is the projection of a lighting display onto a building, must have the written approval of the owner and, if occupied, the occupier of the building onto which the lighting will be projected,
- (c) the use must not involve any new attachments to any item listed on the State Heritage Register kept under the *Heritage Act 1977*,
- (d) the use must be for an exceptional non-commercial occasion of no longer than 4 hours,
- (e) the use must not be on more than 6 occasions in any calendar year,
- (f) before the use starts, the person conducting the use must advise the Council in writing of the dates, duration and location of the use,
- (g) if the use is the projection of fireworks, it must be carried out in accordance with a licence granted under the *Explosives Act 2003*.

4 Christmas decorations in the public domain

The erection, installation or display of Christmas decorations, including lights, in the public domain, subject to the following requirements:

- (a) must be erected, installed or displayed by or on behalf of a public authority,
- (b) must be structurally stable with adequate footings or attachments,

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- (c) must not require any new attachments to any item listed on the State Heritage Register kept under the *Heritage Act 1977*,
- (d) if above a footpath, road or laneway, must be at least 3.5m above ground level,
- (e) must not be more than 4.5m high,
- (f) despite paragraph (e), 1 Christmas tree in each of the areas marked "Darling Harbour" and "The Rocks" on Map 9 to Schedule 2 may be up to 20m high,
- (g) must not be displayed before 15 November in any year and must not be displayed for more than 8 continuous weeks,
- (h) the erection or installation of a Christmas tree may start 1 week before the display starts and must be removed during the week following the 8 week display period.