



New South Wales

# **State Environmental Planning Policy (Sydney Harbour Catchment) Amendment (Subdivision) 2011**

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*.

TONY KELLY, MLC  
Minister for Planning

## **State Environmental Planning Policy (Sydney Harbour Catchment) Amendment (Subdivision) 2011**

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Sydney Harbour Catchment) Amendment (Subdivision) 2011*.

### **2 Commencement**

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

### **3 Repeal of Policy**

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

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## **Schedule 1      Amendment of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

**[1]    Clause 5 Consent authority**

Omit “*Ports Corporatisation and Waterways Management Act 1995*” from clause 5 (4).

Insert instead “*Ports and Maritime Administration Act 1995*”.

**[2]    Clause 5 (5)**

Insert after clause 5 (4):

- (5) Despite any other provision of this clause, the consent authority for a development application for consent to subdivision of land is:
  - (a) the Minister administering the *Ports and Maritime Administration Act 1995*, if the land is owned by the Maritime Authority of NSW, or
  - (b) the consent authority specified by this clause for land-based development and land/water interface development, in any other case.

**[3]    Clause 7 Relationship with other environmental planning instruments**

Insert after clause 7 (4):

- (5) *State Environmental Planning Policy (Infrastructure) 2007* (other than clause 69 (2)) prevails to the extent of any inconsistency with this Policy.

**[4]    Clause 18 Development control in the waterways**

Omit the matter relating to Subdivision from the Table to the clause.

**[5]    Clause 18A**

Insert after clause 18:

**18A    Subdivision in the waterways**

- (1) This clause applies to land in Zone No W1, W2, W3, W4, W5, W6, W7 or W8.
- (2) Subdivision of land to which this clause applies is prohibited, except as provided by this clause.

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State Environmental Planning Policy (Sydney Harbour Catchment)  
Amendment (Subdivision) 2011

Schedule 1

Amendment of Sydney Regional Environmental Plan (Sydney Harbour  
Catchment) 2005

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- (3) Land to which this clause applies may be subdivided, with development consent, if the purpose of the subdivision is to enable the creation of a lot that is, or is to be, used only for the following:
  - (a) development the subject of an existing development consent or a project approval under Part 3A of the Act or that is an existing use,
  - (b) exempt development or development or an activity that may be carried out without development consent,
  - (c) any other development that is authorised under an Act of the Commonwealth.
- (4) Before granting consent to subdivision under this clause the consent authority must consider whether, and to what extent, the subdivision is likely to result in any reduction in public access to the foreshore or waterways.