



New South Wales

State Environmental Planning Policy (Infrastructure) Amendment (Sydney Harbour Subdivision and Shooting Ranges) 2017

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*.

ANTHONY ROBERTS, MP
Minister for Planning

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Sydney Harbour Subdivision and Shooting Ranges) 2017*.

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- (1) This Policy is repealed on the day following the day on which this Policy commences.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.

Schedule 1 Amendment of State Environmental Planning Policy (Infrastructure) 2007

[1] Clause 46A

Insert after clause 46:

46A Division does not apply to shooting ranges

This Division does not apply to an emergency services facility that is a shooting range within the meaning of Division 18A.

Note. Development for the purposes of a shooting range is addressed in Division 18A.

[2] Part 3, Division 18A

Insert after Division 18:

Division 18A Shooting ranges

107A Definitions

In this Division:

lawful shooting range means a shooting range that:

- (a) is approved under the *Firearms Act 1996* and the regulations under that Act, and
- (b) was not established at a time when the carrying out of development on the land concerned for the purposes of a shooting range was prohibited.

range danger area means an area adjoining that part of a shooting range where firearm shooting takes place (together with relevant air space) within which there may be a danger to persons or property arising from firearm shooting.

shooting range means a recreation facility (outdoor) or an emergency services facility (within the meaning of Division 6) used for the purposes of any firearm shooting competition, training or practice, and includes the range danger area.

107B Shooting ranges permissible with consent

- (1) Development may be carried out by any person with consent:
 - (a) for the purposes of a shooting range on land on which there is a lawful shooting range, or
 - (b) for the purposes of a range danger area on land adjoining any such lawful shooting range.
- (2) This clause does not require consent to carry out development on land if that development could, but for this clause, be carried out on that land without consent (including under clause 107C or 107D).

107C Development carried out by NSW Police Force

Development may be carried out by or on behalf of the NSW Police Force without consent for the purposes of a shooting range on land on which there is a lawful shooting range.

107D Exempt development

- (1) This clause applies to land that is part of or adjoining a lawful shooting range if the land is in any of the following land use zones or a land use zone that is equivalent to any of those zones:
 - (a) RU1 Primary Production,

- (b) RU2 Rural Landscape,
 - (c) RU3 Forestry,
 - (d) RU4 Primary Production Small Lots,
 - (e) SP1 Special Activities,
 - (f) SP2 Infrastructure,
 - (g) RE1 Public Recreation,
 - (h) RE2 Private Recreation,
 - (i) E2 Environmental Conservation,
 - (j) E3 Environmental Management.
- (2) The use of land to which this clause applies for the purposes of a range danger area (including the erection of the fencing and signs required by this subclause) is exempt development if:
- (a) secure fencing is erected to prevent access to the range danger area and that fencing:
 - (i) is constructed using post and wire or post and rail (and not of masonry), and
 - (ii) if on bush fire prone land—is constructed of non-combustible material or hardwood, and
 - (iii) if it is electrical fencing—is constructed in accordance with AS/NZS 3014:2003 *Electrical installations—Electric fences*, and
 - (iv) if it is on a flood control lot (within the meaning of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*)—does not redirect or interrupt the flow of surface or ground water on the lot, and
 - (b) signage is affixed to that fencing:
 - (i) so that it is located regularly along the fencing and each sign can be clearly seen from each adjacent sign with a sign also being at each entrance in the fencing, and
 - (ii) each sign contains the words “Firearms range—Danger keep out” (or similar) in font that is clearly legible to a person approaching the fence from outside the range danger area.
- Note 1.** Development cannot be carried out on land without the consent of the owner of the land.
- Note 2.** The approval under the *Firearms Act 1996* for the shooting range may specify additional requirements that must be complied with in relation to a range danger area.

[3] Part 3, Division 25A

Insert after Division 25:

Division 25A Subdivision of Sydney Harbour and adjacent land

129B Consent authority

The Minister administering the *Ports and Maritime Administration Act 1995* is the consent authority for the purposes of this Division.

129C Subdivision of land permitted with consent

- (1) Despite any other environmental planning instrument, land owned by Roads and Maritime Services that is in or adjacent to Sydney Harbour and that is

subject to a lease that was entered before the commencement of this Division may be subdivided with development consent.

- (2) The consent authority must not give development consent to subdivision under this clause unless the consent authority is satisfied that the subdivision is necessary for the purposes of:
 - (a) renewing, for a period of 5 years or more, the lease to which the land is subject, or
 - (b) entering, for a period of 5 years or more, a new lease over the land subject to the lease with the same lessee.
- (3) 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.
- (4) Land is subject to a lease for the purposes of this clause even if any written lease has expired if the lessee has, with the consent of the lessor, continued to occupy the land.
- (5) In this clause:

Sydney Harbour includes all tidal bays, rivers and their tributaries connected with or leading to Sydney Harbour, and all waters bounded by mean high water mark and lying to the west of a line running between the southernmost point of North Head and the northernmost point of South Head.