

# State Environmental Planning Policy No 39—Spit Island Bird Habitat (1994 EPI 497)

[1994-497]



New South Wales

## Status Information

### Currency of version

Repealed version for 9 September 1994 to 4 August 2016 (accessed 17 July 2024 at 22:23)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

This Policy was repealed by cl 3 (l) of the [State Environmental Planning Policy \(Integration and Repeals\) 2016 \(310\)](#) (LW 10.6.2016) with effect from 5.8.2016.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 5 August 2016

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## 1 Name of Policy

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

## 2 Aim of this Policy

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).

## 3 Land to which this Policy applies

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.

## 4 Relationship to other environmental planning instruments

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.

## 5 Development without consent—creation and protection of bird habitat

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.