

State Environmental Planning Policy No 16—Tertiary Institutions (1985 EPI 13)

[1985-13]



New South Wales

Status Information

Currency of version

Repealed version for 20 December 1985 to 31 December 2007 (accessed 26 November 2024 at 21:38)

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**

The Policy was repealed by Sch 4 to the [State Environmental Planning Policy \(Infrastructure\) 2007 \(641\)](#) (GG No 185 of 21.12.2007, p 10003) with effect from 1.1.2008.

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](#).

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1 Name of Policy

This policy may be cited as *State Environmental Planning Policy No 16—Tertiary Institutions*.

2 Aims, objectives etc

The aim of this policy is:

- (a) to ensure that where development for the purposes of a particular class of tertiary institution is allowed (either with or without development consent), development for the purposes of any other class of tertiary institution is allowed but only with the development consent of the consent authority,
- (b) to allow a tertiary institution of a particular class which was established before the date on which this policy came into effect to continue to be used on and from that date notwithstanding that the land on which it is established could, at the time it was established, only be used for the purposes of a tertiary institution of a different class,
- (c) to allow the continued use of a college of advanced education unlawfully established before the date on which this policy came into effect and to allow further development on the same land on which that college is erected for the purposes of a tertiary institution but only with the development consent of the consent authority, and
- (d) to enable the Director to consent to certain development at Ku-ring-gai which has been the subject of proceedings in *Ku-ring-gai College of Advanced Education v Ku-ring-gai Municipal Council*, No 10400 of 1985, in the Land and Environment Court.

3 Definitions

In this policy, except in so far as the context or subject matter otherwise indicates or requires:

college of advanced education means:

- (a) an institution declared under section 4 of the *Colleges of Advanced Education Act*

1975 to be a college of advanced education, or

(b) a college of advanced education constituted under section 5 of that Act.

tertiary institution means a university, college of advanced education, teachers college, technical college or other specialist college providing formal education beyond secondary education and which is constituted by or under an Act.

4 Application of policy

This policy applies to:

- (a) land in the State on which development for the purposes of a particular class of tertiary institution may be carried out, either with or without development consent, but on which development for the purposes of other classes of tertiary institution is prohibited, or
- (b) land in the State used for the purpose of a college of advanced education before the date on which this policy came into effect.

5 Relationship with other planning instruments

In the event of an inconsistency between this policy and any other environmental planning instrument, whether made before, on or after the date on which this policy came into effect, this policy shall prevail to the extent of the inconsistency.

6 Tertiary institutions

- (1) Development for the purposes of any form of tertiary institution may be carried out on land referred to in clause 4 (a) but only with the development consent of the consent authority.
- (2) Nothing in subclause (1) requires consent to be obtained for the carrying out of development which, but for subclause (1), could be carried out without development consent.
- (3) Where development was unlawfully carried out on land for the purposes of a tertiary institution before the date on which this policy came into effect, and the development could have been carried out in accordance with this clause had the policy been in operation at the time the development was carried out, nothing shall prevent the land from continuing to be used on and after that date for that purpose.

7 Colleges of advanced education

- (1) Development for the purposes of a college of advanced education may be carried out on land which was used for that purpose before the date on which this policy came into effect but only with the development consent of the consent authority.
- (2) Nothing in subclause (1) requires consent to be obtained for the carrying out of

development which, but for subclause (1), could be carried out without development consent.

- (3) Where development was unlawfully carried out on land for the purposes of a college of advanced education before the date on which this policy came into effect, nothing shall prevent the land from continuing to be used on and after that date for that purpose.

8 Certain development at Ku-ring-gai

Notwithstanding the provisions of the *Ku-ring-gai Planning Scheme Ordinance* or any local environmental plan or deemed environmental planning instrument applying to or in respect of land within the Municipality of Ku-ring-gai, the Director may, either unconditionally or subject to conditions, grant consent to a development application to carry out development generally in accordance with the development application dated 1 June 1984 lodged with Ku-ring-gai Municipal Council, being the application referred to in the proceedings in *Ku-ring-gai College of Advanced Education v Ku-ring-gai Municipal Council*, No 10400 of 1985, in the Land and Environment Court.