

# State Environmental Planning Policy No 8—Surplus Public Land (1983 EPI 30)

[1983-30]



New South Wales

## Status Information

### Currency of version

Repealed version for 5 February 1988 to 31 December 2007 (accessed 26 December 2024 at 13:51)

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The Policy was repealed by Sch 4 to the [State Environmental Planning Policy \(Infrastructure\) 2007 \(641\)](#) (GG No 185 of 21.12.2007, p 10003) with effect from 1.1.2008.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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# State Environmental Planning Policy No 8—Surplus Public Land (1983 EPI 30)



New South Wales

## 1 Name of Policy

This Policy may be cited as *State Environmental Planning Policy No 8—Surplus Public Land*.

## 2 Aims, objectives etc

The aims, objectives, policies and strategies of this Policy are:

- (a) to promote and co-ordinate the orderly and economic use of land in public ownership which:
  - (i) has ceased to be used for the public purpose (if any) for which it had been used,
  - (ii) is no longer required for the public purpose (if any) for which it has been used,
  - (iii) is no longer required for the public purpose (if any) for which it had been intended to be used, or
  - (iv) is otherwise surplus to public needs,
- (b) to promote the social and economic welfare of the community by ensuring that the land referred to in paragraph (a) is properly managed and developed,
- (c) to promote planning of the distribution of population and economic activity within the State,
- (d) to identify and enable the identification of land which may be developed in accordance with this Policy, recognizing:
  - (i) that many environmental planning instruments have regulated development of land on the basis of the historic use of that land unmindful of changing demands and needs and the uses to which the land could be put,
  - (ii) that particular types of development, including development for public purposes and housing, may be necessary to be carried out as matters of priority, and

- (iii) that the development of certain land for particular types of development, including commercial premises and industry, may be necessary for the economic and social wellbeing of the community and the distribution of population and economic activity within the State,
- (e) to specify and enable the specification of purposes for which the land referred to in paragraph (a) may be used, being purposes which are additional to those for which the land may be used under other environmental planning instruments applying to the land and which are appropriate due to changing needs and circumstances, and to thereby enable the achievement of the matters set out in paragraph (a), (b) and (c), and
- (f) to enable development of the land referred to in paragraph (a) to be considered from a State perspective rather than from a local perspective.

### 3 Application of Policy

- (1) Except as provided by subclause (2), this Policy applies to the State.
- (2) This Policy does not apply to or in respect of the land specified or described in Schedule 1.

### 4 Definitions

- (1) In this Policy, except in so far as the context or subject-matter otherwise indicates or requires:

**commercial premises** means a building or place used as an office or shop or for other business or commercial purpose.

**housing** means any type of residential accommodation including boarding-houses, dwellings, dwelling-houses, residential flat buildings, hostels, housing for aged or disabled persons or housing provided by charitable, co-operative, governmental, public or religious bodies for any purpose.

**industry** means:

- (a) any manufacturing process within the meaning of the *Factories, Shops and Industries Act 1962*, or
- (b) the breaking up or dismantling of any goods or any article for trade, sale or gain or as ancillary to any business.

**land** includes air space above land.

**surplus public land** means land:

- (a) which is in public ownership, and

(b) which:

- (i) has ceased to be used for the public purpose (if any) for which it had been used,
- (ii) is no longer required for the public purpose (if any) for which it has been used,
- (iii) is no longer required for the public purpose (if any) for which it had been intended to be used, or
- (iv) is otherwise surplus to public needs.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

(2) For the purposes of this Policy, land is in public ownership if it is:

- (a) Crown land, land of the Crown or land vested in a Minister on behalf of the Crown, or
- (b) land owned by a public authority, not being a local authority.

## **5 Relationship with other environmental planning instruments**

- (1) Except as provided by subclause (3), in the event of an inconsistency between this Policy and another environmental planning instrument, whether made before, on or after the date on which this Policy is made, this Policy shall prevail to the extent of the inconsistency.
- (2) The purposes for which development may be carried out on surplus public land are in addition to the purposes for which development may be carried out on the land, with development consent, under any other environmental planning instrument applying to the land.
- (3) Nothing in this Policy requires development consent to be obtained to the carrying out of development on surplus public land if that development could, but for this Policy, be lawfully carried out on the land, without development consent, under any other environmental planning instrument applying thereto.

## **6 Consent authority**

The Minister shall be the consent authority for the purposes of this Policy.

## **7 Carrying out of development**

- (1) A person may, with the consent of the Minister, carry out development on surplus public land:
  - (a) for a purpose which could be carried out, with development consent, on the land in accordance with any other environmental planning instrument applying to the land,

- (b) for a purpose which could be carried out, with or without development consent, on land adjacent to or in the vicinity of that land in accordance with any other environmental planning instrument applying to the land so adjacent or in the vicinity, or
  - (c) without limiting the generality of paragraph (a) or (b), for a public purpose or for the purpose of housing, commercial premises or industry, or any combination of those purposes.
- (2) Except as provided by subclause (3), the Minister shall not consent to the carrying out of development in accordance with this Policy unless the development complies with such development standards, if any, as are applicable to development, which in the opinion of the Minister is similar to the proposed development, and which has been or may be carried out on land adjacent to or in the vicinity of the land on which it is proposed to carry out the development.
- (3) The Minister may consent to the carrying out of development in accordance with this Policy otherwise than in accordance with the development standards referred to in subclause (2) where:
- (a) he is of the opinion that those standards are unreasonable or unnecessary or will tend to hinder the attainment of the aims, objectives, policies or strategies of this Policy, and
  - (b) he has taken into account:
    - (i) whether non-compliance with those standards raises any matter of significance for State environmental planning or regional environmental planning, and
    - (ii) the public benefit of maintaining those standards.

## **8 Advertising etc development**

- (1) Where, in relation to development, not being designated development, proposed to be carried out on land to which this Policy applies, the Minister is satisfied:
- (a) that the proposed development is for a purpose which may not be compatible with development adjacent to or in the vicinity of the proposed development, or
  - (b) that the proposed development is of such a scale or nature as to warrant it,
- he may determine that the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act shall apply to and in respect of the proposed development in the same way as those provisions apply to and in respect of designated development and, on the making of such a determination, those provisions shall apply accordingly.
- (2) The Minister shall give notice, in writing, to an applicant for development consent of a determination made under subclause (1) in relation to development the subject of his

application.

## **9 Provision or improvement of amenities or services**

Subject to the Act, and as a consequence of the carrying out of development in accordance with this Policy (as in force at the time the development is carried out), this Policy identifies a likely increased demand for public amenities and public services as specified in Schedule 2 and stipulates that dedication or a contribution under section 94 (1) of the Act, or both, may be required as a condition of any consent to that development.

## **10 Effect on consent of land ceasing to be in public ownership**

Where, after the date on which a consent is granted by the Minister under this Policy in relation to surplus public land, the land ceases to be in public ownership, a person may, in accordance with the consent, carry out, on the land, the development the subject of the consent.

## **Schedule 1 Land to or in respect of which this Policy does not apply**

(Clause 3 (2))

- 1** Land which is a national park, historic site, nature reserve, Aboriginal area, protected archaeological area, wildlife refuge or game reserve, within the meaning of the *National Park and Wildlife Act 1974*.
- 2** Land which, under an environmental planning instrument, is within a reservation or zone (within the meaning of that instrument) identified in that instrument as being:
  - (a) Open Space,
  - (b) Recreation,
  - (c) National Park, or
  - (d) Coastal Lands Acquisition.
- 3** Land which is a reserve within the meaning of Part 3B of the *Crown Lands Consolidation Act 1913*.
- 4** Land which is a state recreation area within the meaning of Part 3A of the *Crown Lands Consolidation Act 1913*.
- 5** Land which is a State forest, flora reserve or timber reserve within the meaning of the *Forestry Act 1916*.
- 6** Land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies.

## **Schedule 2 Public amenities and public services**

(Clause 9)

- 1** Community facilities.
- 2** Public open space.
- 3** Roads, cycleways and walkways.
- 4** Public car parks.
- 5** Water, sewerage and drainage purposes.
- 6** Embellishment and landscaping of the public amenities and public services specified in this Schedule.