

<b>Circular</b>	PS 11-013
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<b>Related</b>	PS 10-029

# Changes to Sydney Harbour Catchment Regional Environmental Plan

This circular provides information about recent amendments to Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (the Sydney Harbour Catchment REP), relating to subdivision of the harbour.

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## Introduction

The Sydney Harbour Catchment REP was amended on 3 March 2011. This circular outlines the amendments.

## Amendments to the Sydney Harbour Catchment REP

The amendments permit subdivision in limited circumstances, with consent, within the waterway zones of the Sydney Harbour Catchment REP (i.e. within Sydney Harbour).

Subdivision is only permissible where the land to be subdivided is to be used for;

- development the subject of an existing development consent, Part 3A project approval or that is an existing use
- exempt development or development or an activity that may be carried out without consent, or
- development authorised under any Commonwealth legislation.

The area of any subdivision will be limited to the geographical boundary of the relevant development (for example, any structure and associated berthing arrangements the subject of a development consent).

The new subdivision arrangements provide robust controls overseeing harbour subdivision, compared to previous controls.

The new controls are consistent with the aims of the Sydney Harbour catchment REP which include:

- to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural asset, and as a public asset of national and heritage significance for existing and future generations; and
- to ensure accessibility to and along Sydney Harbour and its foreshores.

## Consent Authority

The amendments also specify the consent authority for subdivision of all land to which the Sydney Harbour Catchment REP applies:

- where the land to be subdivided is owned by the Maritime Authority of NSW, the consent authority is the Minister for Ports and Waterways;
- in any other case, the consent authority is the council (or the Minister for Planning if another environmental planning instrument so provides).

## Maintaining Public Access

In order to ensure the objectives of the Sydney Harbour Catchment REP are upheld, the REP requires the consent authority, in considering any development application for subdivision, to

consider whether the subdivision is likely to result in any reduction in public access to the foreshore or waterways.

### **Sydney Harbour Catchment REP and the ISEPP: Interrelationship**

The amendments to the Sydney Harbour Catchment REP prohibit subdivision in all other circumstances, except by a Ports Corporation where necessary to facilitate operations at a port. Such subdivision is permissible without consent under the *State Environmental Planning Policy (Infrastructure) 2007*.

### **Further Information**

Links to Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and other environmental planning instruments can be found on the NSW Legislation website from:

<http://www.legislation.nsw.gov.au>

For further information, please contact the Department of Planning's Information Centre on 1300 305 695.

Note: Department of Planning circulars are published are available from:

<http://www.planning.nsw.gov.au/circulars>

### **Authorised by:**

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Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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