



# Information Sheet No.1

## Introduction to the Planning Process

All Sydney Harbour Federation Trust sites are unique and have World, National and / or Commonwealth heritage significance. Because of their significance, prior written planning approval is required for all works including building fitouts and repairs, landscaping, signage, changes of use and major events prior to any works commencing.

### What is an 'Action'?

An *action* is similar to the concept of 'development' under NSW planning legislation. *Action* is defined in the *Environmental Protection and Biodiversity Act 1999* (EPBC Act) and includes a project, a development, an undertaking, an activity, or a series of activities. Examples of actions include demolition, construction, the use of buildings, office fit-outs, repairs, erection of signage and temporary uses including public events.

### Who is the Consent Authority?

The Trust will be the Consent Authority for most of the actions proposed on its lands, although in some exceptional circumstances the Commonwealth Minister for the Environment and Heritage may assume this role.

Local councils and the NSW Government do not have a consent role for development on Trust land. However, there may be instances where applicants will also need to seek a separate approval under NSW legislation. An example of this is where the approval of the NSW Waterways would be required for the construction of boating facilities located adjacent to but outside the Trust's property boundaries.

### Planning Framework

The Trust was established under the *Sydney Harbour Federation Trust Act 2001* (the SHFT Act) to manage seven sites in the Sydney Harbour region.

Key objectives of the Trust include maximising public access to Trust land and ensuring that the adaptive re-use of these sites is sensitive to their environmental and heritage values.

The Trust's Comprehensive Plan was approved in September 2003 and provides the planning framework for managing the Trust's lands. The Plan provides a range of overarching objectives and policies (Section 3 of the Plan), identifies outcomes for specific precincts and establishes procedures for assessing actions (Section 11 of the Plan).

Management Plans describe in greater detail the outcomes for each site. They guide the way particular sites are developed, adaptively re-used or conserved. In this sense, Management Plans are similar to development control plans or plans of management under NSW legislation.

Under Section 71 of the SHFT Act, the Trust and its lands are exempt from certain State laws including town planning and environmental laws.

### How will Actions be Assessed?

Actions will be assessed having regard to:

- Their consistency with the objectives contained in the Sydney Harbour Federation Trust Act 2001, the Trust's Comprehensive Plan, the relevant Management Plan and supporting policies or best practice guidelines (See the 'Planning Framework' box ►).



Vision planning and management of Sydney Harbour sites.

- The Commonwealth EPBC Act. This requires that a proposed action on Commonwealth land is assessed to determine whether it is likely to have a significant impact on the environment or on a Commonwealth Heritage Place.
- Other relevant matters such as the Building Code of Australia (BCA) and any Conservation Management Plan prepared for the site.

### What Matters will the Trust Consider?

The matters that will be considered in the Assessment will vary depending on the nature of the proposal but will include issues such as the principles of Ecologically Sustainable Development (ESD), public access, traffic generation, parking management, signage, lighting, colour schemes, hours of operation, and compliance with any relevant Conservation Management Plan. See Information Sheet No.2 for more information.

### How Long Does an Assessment Take?

The Trust aims to determine most applications within 30 days. More complex proposals, such as those that need to be referred, placed on public exhibition, or where inadequate information was submitted, will take longer.

### Pre-Lodgment Meeting

Prior to lodging an application, applicants should arrange to meet with the Trust's planners to discuss their proposal.

This will expedite the Assessment process by providing an opportunity to identify the planning issues relevant to the proposal and allowing applicants to more fully understand the assessment process.

### Public Exhibition and Consultation

Not all applications will need to be exhibited. The Trust may decide to exhibit particular proposals that are considered to be of significant public interest.

The exhibition period is for a minimum of 14 days for minor matters and 28 days for more complex matters.

The Trust may also seek the views of the local council and government agencies that have a legitimate interest in a proposal. The Trust will take into consideration any advice received from a Government body, a council, or the public in its consideration of the proposal.

In cases where a proposal is referred to the Minister in accordance with the *EPBC Act*, the proposed action will be exhibited by the Commonwealth Department of Environment and Heritage in accordance with that Act.

### Application Requirements

Applications must fully address the Trust's objectives, the EPBC Act and other relevant considerations.

Applications must include a completed Proposed Action Application Form and Planning Statement (see Information Sheet No.5) – for example:

- A description of the proposed action
  - the site / building/s affected
  - the type of activity / use
  - hours of operations
  - number of employees
- How the proposal implements the Trust's objectives (as contained in the SHFT Act, the Comprehensive Plan and the relevant Management Plan)
- Compliance with relevant studies such as Conservation Management Plans
- Identify the range of possible impacts: examples include heritage, traffic, noise and endangered species



- Proposed mitigation / management measures dealing with issues such as:
  - ESD
  - traffic & parking
  - noise impacts and light spill
  - hazardous materials
  - stormwater / water quality
  - bushfire safety
- 3 copies of standard plans at A3 and A1 size
- BCA Compliance (a private certifier may be required to assess this at the applicant's expense)
- Any other matter considered relevant.

Information should be related to both the construction and subsequent operational stages of the proposal.

The above list is not exhaustive. Following lodgment of the application, the Trust may request the applicant to submit additional information.

### Licensing

It is the proponent's responsibility to determine whether they require a licence to operate or conduct a particular activity, and if applicable, to obtain the necessary licence from the relevant Commonwealth, State or local authority.

The Trust's plans and policies and the Proposed Action Application Form are available at [www.harbourtrust.gov.au](http://www.harbourtrust.gov.au)

EPBC Act and assessment procedures is available from the Department of Environment and Heritage website at [www.environment.gov.au/](http://www.environment.gov.au/)

If you have any questions in relation to the assessment process, you may call the Trust's planners on 8969 2100.

### Referral to the Commonwealth Minister

Where the Trust's assessment concludes that a proposed action is likely to have a significant impact on the environment or on the heritage values of a place, then the matter must be **referred** to the Commonwealth Minister for the Environment and Heritage for further assessment. If relevant, the Minister may then consult with the Australian Heritage Council.

In some exceptional instances the Minister may become the consent authority. (See EPBC Act Fact Sheet 2: Referral of Proposed Action)