

1995—No. 305

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 4—
DEVELOPMENT WITHOUT CONSENT (AMENDMENT No. 8)**

NEW SOUTH WALES



[Published in Gazette No. 88 of 21 July 1995]

HIS Excellency the Governor, with the advice of the Executive Council, in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State Environmental Planning Policy set forth hereunder in accordance with the recommendation made by the Minister for Urban Affairs and Planning.

**CRAIG KNOWLES, M.P.,
Minister for Urban Affairs and Planning.**

Sydney, 5 July 1995.

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 4—Development Without Consent (Amendment No. 8).

Principal Policy

2. State Environmental Planning Policy No. 4—Development Without Consent is referred to in this Policy as the Principal Policy.

Aims, objectives etc.

3. This Policy aims to amend the Principal Policy to permit Sydney Water Corporation Limited to carry out emergency work and routine maintenance work without the need to obtain development consent.

Application of Policy

4. This Policy applies to the land to which the Principal Policy applies.

Amendment of Principal Policy

5. The Principal Policy is amended:

- (a) by omitting from clause 2 (6) the matter “clause 11A” and by inserting instead the matter “clauses 11A and 11E”;
- (b) by omitting from clause 4 (2) the matter “clause 11A” and by inserting instead the word “clauses 11A and 11E”;
- (c) by inserting after clause 11D the following clause:

Emergency and routine maintenance work by Sydney Water

11E. (1) This clause applies to the following development in relation to Sydney Water Corporation Limited’s works:

- (a) development consisting of emergency work;
- (b) development consisting of routine maintenance.

(2) If, in the absence of this clause, development to which this clause applies may be carried out only with development consent, Sydney Water Corporation Limited may carry out the development (and development ancillary to that development, such as the carrying out of excavation work, the construction of accessways and the provision of power supplies) without that consent.

(3) Despite subclause (2), Sydney Water Corporation Limited may carry out development only with development consent if the development consists of routine maintenance involving the demolition of a building or work described in an environmental planning instrument as a heritage item or an item of the environmental heritage.

(4) In this clause:

“demolition” of a heritage item or an item of the environmental heritage means the total or partial destruction or dismantling of the item;

“emergency work” means the repair or replacement of any part of Sydney Water Corporation Limited’s works:

- (a) because it has been (or is being) damaged by a natural disaster, an accident, an act of vandalism or a similar occurrence; or
- (b) because it has suddenly ceased to function or suddenly ceased to function adequately,

and includes work reasonably necessary to prevent or limit any further damage or malfunction;

“routine maintenance” includes the periodic inspection, cleaning, repair and replacement of Sydney Water Corporation Limited’s works, but does not include development that would result in an increase in the designed capacity of any part of those works;

“Sydney Water Corporation Limited’s works” means such works (within the meaning of the Water Board (Corporatisation) Act 1994) as are owned or controlled by Sydney Water Corporation Limited.

NOTES

TABLE OF PROVISIONS

1. Citation
2. Principal Policy
3. Aims, objectives etc.
4. Application of Policy
5. Amendment of Principal Policy
