State Environmental Planning Policy No 50—Canal Estate Development

under the

Environmental Planning and Assessment Act 1979

Status information

Currency of version
Current version for 24 February 2012 to date (generated 31 July 2014 at 11:03).
Legislation on the NSW legislation website is usually updated within 3 working days.

Provisions in force
All the provisions displayed in this version of the legislation have commenced. For commencement and other details see the Historical notes.
State Environmental Planning Policy No 50—Canal Estate Development

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State Environmental Planning Policy No 50—Canal Estate Development [NSW]
under the
Environmental Planning and Assessment Act 1979

1 Name of Policy
This Policy is State Environmental Planning Policy No 50—Canal Estate Development.

2 Aims, objectives etc
This Policy aims to prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.

3 Definition
In this Policy, canal estate development means development that:
(a) incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and
(b) includes the construction of dwellings (which may include tourist accommodation) of a kind other than, or in addition to:
   (i) dwellings that are permitted on rural land, and
   (ii) dwellings that are used for caretaker or staff purposes, and
(c) requires or includes:
   (i) the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land, or
   (ii) excavation to create waterways primarily for the purposes of providing water access to dwellings, or both.

4 Land to which this Policy applies
This Policy applies to the whole of the State, except the land to which Penrith Local Environmental Plan 1998 (Lakes Environments) applies and the land to which State Environmental Planning Policy (Penrith Lakes Scheme) 1989 applies.

5 Canal estate development prohibited
A person must not carry out canal estate development.
6 Development to which this Policy does not apply

This Policy does not apply to:

(a) development of any kind, whether or not development consent is necessary in order to enable it to be carried out:
   (i) that is required to complete a canal estate development in accordance with a development consent that was granted before the date of commencement of this Policy and that has not lapsed, and
   (ii) that does not change the size or shape of the canals, or

(b) canal estate development:
   (i) that could be carried out with development consent under an environmental planning instrument in force immediately before the date of commencement of this Policy, and
   (ii) that is the subject of a development application made, but not finally determined, before that date, and
   (iii) for which development consent is granted after that date.

7 Relationship to other environmental planning instruments

In the event of an inconsistency between this Policy and another environmental planning instrument made before or after this Policy, this Policy prevails to the extent of the inconsistency unless, in the case of an environmental planning instrument made after this Policy, a contrary intention is stated in the instrument.
State Environmental Planning Policy No 50—Canal Estate Development [NSW]

Historical notes

The following abbreviations are used in the Historical notes:

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Table of amending instruments

State Environmental Planning Policy No 50—Canal Estate Development published in Gazette No 121 of 10.11.1997, p 9139 and amended in Gazette No 52 of 13.3.1998, p 1495 and as follows:

**2008** (99)  
State Environmental Planning Policy No 50—Canal Estate Development (Amendment No 1). GG No 42 of 11.4.2008, p 2675.  
Date of commencement, on gazettal.

**2012** (57)  
Date of commencement, on publication on LW, cl 2.

Table of amendments

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