



New South Wales

# State Environmental Planning Policy No 50—Canal Estate Development

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Urban Affairs and Planning. (S95/00394PC)

CRAIG KNOWLES MP

Minister for Urban Affairs and Planning

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## State Environmental Planning Policy No 50— Canal Estate Development

### 1 Citation

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 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.

**4 Land to which this Policy applies**

This Policy applies to the whole of the State, except the land to which *Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme* 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.