



New South Wales

State Environmental Planning Policy No 4—Development Without Consent (Amendment No 12)

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.

ANDREW REFSHAUGE MP

Minister for Urban Affairs and Planning

Sydney, 28 June 2000

2000 No 334

Clause 1 State Environmental Planning Policy No 4—Development Without Consent (Amendment No 12)

State Environmental Planning Policy No 4— Development Without Consent (Amendment No 12)

1 Name of Policy

This Policy is *State Environmental Planning Policy No 4—Development Without Consent (Amendment No 12)*.

2 Commencement

This Policy commences on 1 July 2000.

3 Principal Policy

In this Policy, *State Environmental Planning Policy No 4—Development Without Consent* is referred to as the Principal Policy.

4 Aims, objectives etc

This Policy aims to amend the Principal Policy and *Randwick Local Environmental Plan 1998*, with effect until 1 July 2001, to enable aerial subscriber connections to be made to telecommunications distribution lines:

- (a) in circumstances in which the making of the connection would otherwise be prohibited by an environmental planning instrument, or
- (b) in circumstances in which the making of the connection would otherwise require development consent under an environmental planning instrument, without the necessity for development consent,

subject to certain qualifications and controls.

5 Land to which this Policy applies

This Policy applies:

- (a) in relation to the amendment made to the Principal Policy, to the whole of the land to which the Principal Policy applies, and

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- (b) in relation to the amendment made to *Randwick Local Environmental Plan 1998*, to the whole of the land to which *Randwick Local Environmental Plan 1998* applies.

6 Relationship with other environmental planning instruments

This Policy amends:

- (a) the Principal Policy in the manner set out in clause 6 and Schedule 1, and
- (b) *Randwick Local Environmental Plan 1998* in the manner set out in clause 7 and Schedule 2.

7 Amendment of Principal Policy

The Principal Policy is amended as set out in Schedule 1.

8 Amendment of Randwick LEP 1998

Randwick Local Environmental Plan 1998 is amended as set out in Schedule 2.

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Schedule 1 Amendment of Principal Policy

Schedule 1 Amendment of Principal Policy

(Clause 7)

[1] Clause 2 Definitions

Insert “5B,” before “11A” in clause 2 (6).

[2] Clause 5B

Insert after clause 5A:

5B Aerial subscriber connections to telecommunications distribution lines

- (1) This clause applies to development being:
 - (a) the connection from a subscriber’s premises to a telecommunications distribution line by means of a cable that is wholly or partly an aerial cable, or
 - (b) the erection of any structure necessary to enable the connection to be made or ancillary to the making of the connection, being a structure that is located between the point of connection of the cable to the subscriber’s premises and the point of connection of the cable to the telecommunications distribution line.
- (2) If, but for this clause, development to which this clause applies is prohibited or could not be carried out without development consent being obtained therefor, and:
 - (a) the subscriber’s premises and any land or other thing traversed by the connection do not comprise an item of the environmental heritage, and
 - (b) electricity is not supplied to the subscriber’s premises by means of an underground connection,

the development may be carried out and may be carried out without the necessity for development consent.

- (3) If, but for this clause, development to which this clause applies is prohibited, and:
- (a) the subscriber's premises or any land or other thing traversed by the connection comprise an item of the environmental heritage, or
 - (b) electricity is supplied to the subscriber's premises by means of an underground connection,
- or both, the development may be carried out but only with development consent.
- (4) A cable erected in accordance with this clause, to the extent to which it is an aerial cable, must be suspended:
- (a) at a height of not less than 4.9 metres above a public road or other place, including a driveway, used by vehicles, and
 - (b) at a height of not less than 2.7 metres in any other case.
- (5) In this clause, *item of the environmental heritage* means:
- (a) any place, building, work, relic or precinct to which an interim heritage order or listing on the State Heritage Register under the *Heritage Act 1977* applies, or
 - (b) any place, building, work, relic, tree or precinct that is identified as a heritage item, or an item of the environmental heritage, or by a similar description, in an environmental planning instrument, or
 - (c) any place that comprises, or any thing that is within, a heritage conservation area identified in an environmental planning instrument.
- (6) This clause ceases to have effect on and from 1 July 2001.
- (7) If a development application authorised to be made by this clause has been made but not finally determined before 1 July 2001, the development application may be determined as if this clause had not ceased to have effect.

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Schedule 2 Amendment of Randwick Local Environmental Plan 1998

**Schedule 2 Amendment of Randwick Local
Environmental Plan 1998**

(Clause 8)

Clause 25A

Insert after clause 25:

**25A Aerial subscriber connections to telecommunications
distribution lines**

Clause 5B of *State Environmental Planning Policy No 4—Development Without Consent* applies to development on land to which this plan applies in the same way as it applies to development on land to which that Policy applies and, in the application of that clause, a reference to an item of the environmental heritage is taken to be a reference to a heritage item or heritage conservation area.

BY AUTHORITY
