



New South Wales

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development (Amendment No 14)

under the

Environmental Planning and Assessment Act 1979

Her 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 Planning.

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 499

Clause 1 State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development (Amendment No 14)

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1 Name of Policy

This Policy is *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development (Amendment No 14)*.

2 Principal Policy

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

3 Aims, objectives etc

This Policy aims to amend the Principal Policy to reapply a provision of the Principal Policy that ceased to have effect on 1 July 2002 and that enabled aerial subscriber connections to be made to telecommunications distributions 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. The provision is reapplied with an amendment concerning the standards that are to apply to the erection of the connections.

4 Land to which this Policy applies

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

5 Amendment of Principal Policy

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

Schedule 1 Amendment

(Clause 5)

Clause 5B

Omit the clause. Insert instead:

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

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Schedule 1

Amendment

- (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:
 - (a) be consistent with the Austroads publication *Telecommunications in Road Reserves—Operational Guidelines for Installations*, as amended from time to time, and
 - (b) comply with the standards of the appropriate road authority.
- (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 extends to:
 - (a) a development application made but not finally determined before the date on which this clause (as inserted by *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Complying Development (Amendment No 14)*) commenced, and
 - (b) development that was commenced to be carried out but not completed before that date.

BY AUTHORITY