



New South Wales

State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004

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 Infrastructure and Planning.

ROBERT JOHN DEBUS, M.P.,
Acting Minister for Infrastructure and Planning
and Minister for Natural Resources

2004 No 896

State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004

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State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004*.

2 Aims of Policy

- (1) The aims of this Policy are:
 - (a) to facilitate development for water supply infrastructure to enable deep water extraction from dams supplying water to the Sydney metropolitan area, and
 - (b) to facilitate investigation into the availability of groundwater to augment water supply to the Sydney metropolitan area (including the carrying out of exploratory drilling), and
 - (c) to suspend the operation of certain laws for the purposes of enabling the development referred to in paragraph (a) to be carried out promptly having regard to current water supply reserves.
- (2) This Policy provides that any development carried out by or on behalf of the Sydney Catchment Authority for the purposes referred to in subclause (1) may be carried out without development consent. Consequently that development will be assessed under Part 5 of the Act.

3 Definitions

In this Policy:

deep water access infrastructure means infrastructure (including water intakes, pumping stations, pipelines and electricity supply) to enable deep water extraction from Warragamba, Avon and other dams under the control of SCA.

groundwater investigations means investigations into the availability of groundwater (including the carrying out of exploratory drilling).

SCA means the Sydney Catchment Authority.

the Act means the *Environmental Planning and Assessment Act 1979*.

4 Land to which Policy applies

This Policy applies to the State.

5 Relationship to other environmental planning instruments

In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency, subject to section 36 (4) of the Act.

6 Development for deep water access infrastructure

- (1) Development for the purposes of deep water access infrastructure may be carried out by or on behalf of SCA without development consent or any other approval, permit or authorisation required by an environmental planning instrument.
- (2) This clause extends to development that is necessary for or incidental to deep water access infrastructure, including:
 - (a) access, investigations, temporary structures, the clearing of vegetation and other works associated with the construction of the infrastructure, and
 - (b) environmental management works, and
 - (c) the demolition, refurbishment or alteration of existing pumping stations, pipelines and other water supply infrastructure (such as the Megarritys Creek Water Pumping Station and other Warragamba Emergency Scheme works).
- (3) This clause applies even if the development would otherwise be prohibited by another environmental planning instrument.

7 Development for groundwater investigations

- (1) Development for the purposes of groundwater investigations may be carried out by or on behalf of SCA without development consent or any other approval, permit or authorisation required by an environmental planning instrument.
- (2) This clause extends to development that is necessary for or incidental to groundwater investigations, including:
 - (a) access, temporary structures, the clearing of vegetation and other works associated with the investigations, and
 - (b) environmental management works.

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- (3) This clause applies even if the development would otherwise be prohibited by another environmental planning instrument.

8 Suspension of certain laws

- (1) For the purposes of enabling development referred to in clause 6 to be carried out in accordance with this Policy, Part 4 and Divisions 8 and 9 of Part 6 of the *Heritage Act 1977*, to the extent necessary to serve that purpose, do not apply to the development.
- (2) In accordance with section 28 of the Act, before the making of this Policy, the Governor approved the making of this clause on the recommendation of the Minister for Infrastructure and Planning, with the concurrence in writing of the Minister administering the *Heritage Act 1977*.