



New South Wales

# **State Environmental Planning Policy (Infrastructure) Amendment (Electricity Generating Works) 2013**

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

BRAD HAZZARD, MP  
Minister for Planning and Infrastructure

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Infrastructure) Amendment (Electricity Generating Works) 2013*.

### **2 Commencement**

This Policy commences on the day on which it is published on the NSW legislation website.

### **3 Repeal of Policy**

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

## **Schedule 1      Amendment of State Environmental Planning Policy (Infrastructure) 2007**

### **[1]    Clause 34 Development permitted with consent**

Insert after clause 34 (2):

- (2A) Development for the purpose of the expansion of existing electricity generating works may be carried out by or on behalf of a public authority with consent on any land that is adjacent to the existing works.
- (2B) Consent is not required to carry out any such development on land if the development could, but for subclause (2A), be carried out on that land without consent.

### **[2]    Clause 36 Development permitted without consent**

Omit clause 36 (1). Insert instead:

- (1) Development for any of the following purposes may be carried out by or on behalf of a public authority without consent on any land:
  - (a) the generation or distribution of hydro-electric power using existing dam infrastructure,
  - (b) routine maintenance of, or emergency works relating to, electricity generating works,
  - (c) the installation of plant that:
    - (i) is on the site of, and required in connection with, existing electricity generating works, and
    - (ii) does not increase the existing electricity generating capacity of the works by more than 2 percent.
- (1A) In subclause (1) (c), *existing electricity generating capacity* of works includes the electricity generating capacity of the works, as changed from time to time as a result of the alteration of the works (other than solely as a result of alterations that have been carried out in reliance on that paragraph).