

# State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004

[2004-896]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **See also**  
[Statute Law \(Miscellaneous Provisions\) Bill 2006](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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# State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004



New South Wales

## 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
- (b1) to facilitate development for the purposes of desalination plants (including pilot plants) to augment water supply to the Sydney metropolitan area, 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) (a) and (b), or by or on behalf of Sydney Water Corporation for the purposes referred to in subclause (1) (b1), may be carried out without development consent. Consequently that development will be assessed under Part 5 or, if applicable, Part 3A 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.

**desalination plant** means a plant used to obtain drinking water from seawater, and includes:

- (a) inlet and outlet pipelines to draw seawater into the plant and return seawater concentrate to the ocean, and
- (b) pipelines from the plant to a water supply system for the distribution of drinking water, and
- (c) the connection of the plant to the electricity grid.

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

### **7A Desalination plants**

- (1) Development for the purposes of a desalination plant (including a pilot plant) may be carried out by or on behalf of Sydney Water Corporation without development consent or any other approval, permit or authorisation required by an environmental planning instrument, but that development is subject to the environmental assessment and approval requirements of the Act.

**Note—**

As referred to in clause 2 (2) of the Principal Policy, desalination plants (including pilot plants) will, as a consequence of the removal of the requirement for development consent under Part 4 of the Act, be subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.

- (2) This clause extends to development that is necessary for or incidental to a desalination plant (including a pilot plant), including:
  - (a) access, investigation, temporary structures, the clearing of vegetation, tunnelling and other works associated with the construction of the plant, and
  - (b) temporary laydown areas for construction use, and
  - (c) environment management works, and
  - (d) pipelines (and tunnelling) to discharge seawater concentrate from a pilot plant to a sewer line or directly to the ocean.
- (3) This clause and clause 9 extend to:
  - (a) a desalination plant on the Kurnell Peninsula declared to be a critical infrastructure project under Schedule 5 to the *State Environmental Planning Policy (Major Projects) 2005*, and

- (b) a pilot plant for that desalination plant,  
even if the development would otherwise be prohibited by another 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*.

## **9 Suspension of certain laws—desalination plants**

- (1) For the purposes of enabling development referred to in clause 7A to be carried out in accordance with this Policy, the following, to the extent necessary to serve that purpose, do not apply to the development:
- (a) the *Fisheries Management Act 1994* and the regulations under that Act,
- (b) section 68 of the *Local Government Act 1993*,
- (c) so much of the *National Parks and Wildlife Act 1974* and the regulations under that Act that would prevent or restrict the laying, maintenance or use of seawater inlet and outlet pipelines and tunnelling under the Botany Bay National Park, or to a sewer line, for a desalination plant (including a pilot plant) on the Kurnell Peninsula.
- (2) In subclause (1) (c), a reference to pipelines and tunnelling under the Botany Bay National Park, or to a sewer line, includes a reference to any such pipeline or tunnelling from under any building or structure used for the purposes of the plant to that Park or sewer line.
- (3) In accordance with section 28 of the Act, before the making of the *State Environmental Planning Policy (Sydney Metropolitan Water Supply) (Amendment No 1) 2005*, the Governor approved the making of this clause on the recommendation of the Minister for Planning, with the concurrence of the Ministers administering the Acts referred to subclause (1).