



New South Wales

Environmental Planning and Assessment Amendment (Cornposting and other matters) Regulation 1996

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

CRAIG KNOWLES MP

Minister for Urban Affairs and Planning

Explanatory note

The object of this Regulation is:

- (a) to prescribe composting facilities or works as designated development for the purposes of the *Environmental Planning and Assessment Act 1979* (Schedule 1 [2]), and
- (b) to make it clear that organic waste activities carried on within waste management facilities or works constitute designated development (Schedule 1 [3]), and
- (c) to redefine the term **sludge** and to add to the definition of the term **waste** for the purposes of provisions dealing with designated development (Schedule 1[5] and [6]), and

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Explanatory note

- (d) to delete references to an application by, and the agreement of, owners from the form of application under section 102 of the *Environmental Planning and Assessment Act 1979* for modification of development consent (no such application or agreement being required by the section) (Schedule 1 [8] and [9]), and
- (e) to make amendments by way of law revision (Schedule 1[1], [4] and [7]).

The Regulation is made under the *Environmental Planning and Assessment Act 1979* including section 157 (the general regulation-making power) and 158 (Designated development: declaration by regulation).

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Composting and other matters) Regulation 1996*.

2 Commencement

This Regulation commences on 25 October 1996.

3 Amendment of Environmental Planning and Assessment Regulation 1994

The *Environmental Planning and Assessment Regulation 1994* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Schedule 3 Designated development

Omit “the *Fisheries and Oysters Farms Act 1935* or” from paragraph (3) of the matter relating to Aquaculture or mariculture in Part 1 of Schedule 3.

[2] Schedule 3, Part 1

Insert after the matter relating to coal works:

Composting facilities or works that:

- (1) process more than 5,000 tonnes per annum of organic materials, or
- (2) are located:
 - (a) in or within 100 metres of a natural waterbody, wetlands, coastal dune fields or an environmentally sensitive area, or

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Schedule 1 Amendments

- (b) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or
- (c) within a drinking water catchment, or
- (d) within a catchment of an estuary where the entrance to the sea is intermittently open, or
- (e) on a floodplain, or
- (f) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.

[3] Schedule 3, Part 1

Omit paragraph (3) of the matter relating to Waste management facilities or works.

Insert instead:

- (3) purify, recover, reprocess of Fprocess more than 5,000 tonnes per annum of solid or liquid organic materials, or

[4] Schedule 3, Part 3

Omit paragraph (c) of the definition of environmentally sensitive area.

Insert instead:

- (c) an area declared to be an aquatic reserve under Division 2 of Part 7 of the *Fisheries Management Act 1994*, or

[5] Schedule 3, Part 3

Omit the definition of sludge. Insert instead:

sludge means semi-liquid particulate matter produced as a by-product of agricultural produce industries, aquaculture or mariculture, breweries or distilleries, livestock intensive industries, livestock processing industries, paper pulp or pulp product industries or sewerage systems or works.

[6] Schedule 3, Part 3

Insert at the end of the definition of waste:

A substance is not precluded from being waste for the purposes of this Schedule merely because it can be reprocessed, re-used or recycled or because it is sold or intended for sale.

[7] Schedule 5 Forms

Omit “*Environmental Planning and Assessment Act 1989*” from Form 3 in Schedule 5.

Insert instead “*Environmental Planning and Assessment Act 1979*”.

[8] Schedule 5, Form 6

Omit “agreement of all owner(s)”.

Insert instead “signature of applicant(s)”.

[9] Schedule 5, Form 6

Omit “Being the owner of the land described above, I apply to modify the consent as described above”.