

1995—No. 780

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
STATE ENVIRONMENTAL PLANNING POLICY No. 48—  
MAJOR PUTRESCIBLE LANDFILL SITES**

NEW SOUTH WALES



*[Published in Gazette No. 160 of 29 December 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State environmental planning policy set forth hereunder in accordance with the recommendation made by the Minister for Urban Affairs and Planning.

PAUL WHELAN

Acting Minister for Urban Affairs and Planning.

Sydney, 22 December 1995.

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**Citation**

1. This Policy may be cited as State Environmental Planning Policy No. 48—Major Putrescible Landfill Sites.

**Commencement**

2. This Policy commences on the day on which Part 1 of the Waste Minimisation and Management Act 1995 commences.

**Aims, objectives**

3. The aims of this Policy are:

- (a) to provide for the assessment and determination of proposals for major putrescible landfill sites:
  - (i) in a way that will ensure a consistency of approach; and
  - (ii) so as to ensure that the significance of the proposals to the State is taken into account; and

- (b) to ensure that the use of landfill sites as a means of waste disposal is weighed against other waste management and waste disposal alternatives.

### **Definitions**

4. In this Policy, “**landfill site**”, “**putrescible landfill site**”, “**putrescible waste**”, “**regional waste plan**” and “**waste**” have the same meanings as in the Waste Minimisation and Management Act 1995.

### **Land to which this Policy applies**

5. This Policy applies to the whole of the State.

Development to which this Policy applies

6. This Policy applies to development comprising:

- (a) a landfill site that is to be used for the purposes of disposing of putrescible waste, or waste including putrescible waste, brought to the site from more than one local government area and that has a capacity to receive:
- (i) more than 75,000 tonnes per annum of waste; or
  - (ii) more than 650,000 tonnes of waste over the life of the site;
- or
- (b) the extension of, or addition of land to, a landfill site that is or is to be used for the purposes of disposing of putrescible waste, or waste including putrescible waste, brought to the site from more than one local government area and that will enable the site, as extended or added to, to have a capacity to receive:
- (i) more than 75,000 tonnes per annum of waste; or
  - (ii) more than 650,000 tonnes of waste over the life of the site.

### **Consent authority**

7. The consent authority for development to which this Policy applies is the Minister for Urban Affairs and Planning.

### **Development consent required**

8. (1) A person must not carry out development to which this Policy applies except with the consent of the consent authority.

(2) Nothing in this Policy authorises the carrying out of development if the carrying out of the development is not otherwise permissible, whether with or without development consent.

**Advertising of development that is not designated development**

9. The provisions of sections 84, 85, 86, 87 (1) and 90 of the Environmental Planning and Assessment Act 1979 apply to and in respect of development (not being designated development) to which this Policy applies in the same way as those provisions apply to and in respect of designated development.

**Consultation with local councils**

10. (1) The consent authority must give notice to a council of any application for consent to carry out any development to which this Policy applies that is proposed to be carried out in the council's area.

(2) The notice is to invite the council to make a submission to the consent authority in respect of the application and is to specify the manner in which and the period, being not less than 30 days, during which the submission may be made.

**Consideration of submissions**

11. In determining an application for consent to carry out development to which this Policy applies, the consent authority must consider any submissions made under clause 9 or 10.

**Matters to be considered**

12. In determining a development application for consent to carry out development to which this Policy applies, the consent authority is to take the following matters into consideration:

- (a) whether a justifiable demand exists for landfill sites, having regard to waste disposal capacity requirements identified from time to time by the Environment Protection Authority;
- (b) whether the landfill site as proposed in the development application is included in a waste management or waste disposal strategy identified in a regional waste plan applying to the site;
- (c) the views of such other public authorities as the consent authority considers relevant;
- (d) whether or not the proposed location of the landfill site is consistent with the locational principles included in the version of the publication of the Department of Urban Affairs and Planning entitled "EIS Practice Guideline—Landfilling" that is current at the time the development application is determined.

**Transitional provision—applications made before the commencement of this Policy**

13. This Policy does not apply to or in respect of:
- (a) the determination of a development application that was made, but not determined, before the commencement of this Policy; or
  - (b) the carrying out of an activity (within the meaning of Part 5 of the Environmental Planning and Assessment Act 1979) for which approval was granted by a determining authority (within the meaning of that Part) before the commencement of this Policy, if the activity commences pursuant to that approval not later than 1 year after that commencement; or
  - (c) an application for the approval of an activity (within the meaning of that Part), if the application was made at any time within 1 year before the commencement of this Policy to a determining authority (within the meaning of that Part) but had not been determined before the commencement of this Policy; or
  - (d) the carrying out of an activity pursuant to such an approval, if the approval is granted and the activity commences pursuant to that approval not later than 1 year after the approval is granted.

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**NOTES**

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