



New South Wales

State Environmental Planning Policy No 58—Protecting Sydney’s Water Supply (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

His 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 Urban Affairs and Planning.

ANDREW REFSHAUGE MP

Minister for Urban Affairs and Planning

Sydney, 29 March 2000

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Clause 1 State Environmental Planning Policy No 58—Protecting Sydney's Water Supply (Amendment No 1)

1 Name of Policy

This Policy is *State Environmental Planning Policy No 58—Protecting Sydney's Water Supply (Amendment No 1)*.

2 Principal Policy

In this Policy, *State Environmental Planning Policy No 58—Protecting Sydney's Water Supply* is referred to as the Principal Policy.

3 Aims of Policy

This Policy aims to amend the Principal Policy:

- (a) to transfer the functions of the Director-General of the Department of Urban Affairs and Planning in relation to:
 - (i) the granting of concurrence to certain development, and
 - (ii) being notified of certain development for the purpose of making comments about it,to the Chief Executive of the Sydney Catchment Authority, and
- (b) to enable development consisting of emergency work or routine maintenance in relation to Sydney Water Corporation Limiteds works to be carried out under *State Environmental Planning Policy No 4—Development Without Consent* without the necessity for development consent, and
- (c) to make it clear that a purpose of the requirement for the notification of certain development applications is to enable an adequate assessment to be made of the probable effects of the developments on water quality, and
- (d) to make minor amendments as to the application of the Principal Policy, and
- (e) by way of law revision.

4 Land to which Policy applies

This Policy applies to land to which the Principal Policy, as amended by this Policy, applies.

5 Amendment of Principal Policy

The Principal Policy is amended as set out in Schedule 1.

6 Amendment of SEPP 60—Exempt and Complying Development

State Environmental Planning Policy No 60—Exempt and Complying Development is amended as set out in Schedule 2.

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Schedule 1 Amendment of Principal Policy

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(Clause 5)

[1] Clause 3 Aims of Policy

Omit “, pending the commencement of the *Sydney Water Catchment Management Act 1998*, a concurrence or notification role for the Director-General of the Department of Urban Affairs and Planning” from clause 3 (b).

Insert instead “a concurrence or notification role for the Chief Executive of the Sydney Catchment Authority”.

[2] Clause 4 Definitions

Omit the definition of *Director-General* from clause 4 (1).

Insert instead:

Chief Executive means the Chief Executive of the Sydney Catchment Authority.

[3] Clause 4 (1), definition of “special area”

Omit the definition. Insert instead:

special area means an area of land declared for the time being under the *Sydney Water Catchment Management Act 1998* to be a special area.

[4] Clause 4 (1), definition of “the maps”

Insert “in the office of the Sydney Catchment Authority and” after “deposited” where secondly occurring.

[5] Clause 4 (1), definition of “the maps”

Insert after “applies”:

, as amended by the maps marked as follows and so deposited:

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[6] Clause 6 Relationship to other environmental planning instruments

Insert after clause 6 (1):

(1A) Nothing in this Policy affects clause 11E of *State Environmental Planning Policy No 4—Development Without Consent* and, for the purposes of this Policy, the reference in that clause to Sydney Water Corporation Limited is taken to include a reference to the Sydney Catchment Authority.

(1B) Part 3 (Complying development) of *State Environmental Planning Policy No 60—Exempt and Complying Development* does not apply to unsewered land to which this Policy applies.

[7] Clauses 6 (2) and 10, the headings to clauses 11 and 12, clauses 11 (2), (3) and (4) and 12 (3) (except clause 12 (3) (a))

Omit “Director-General” wherever occurring.

Insert instead “Chief Executive”.

[8] Clause 6 (2)

Omit from the matter relating to *Mulwara Local Environmental Plan 1995* the matter “clauses 36 and 39”.

Insert instead “clauses 12 (7), 13 (4), 36 and 39”.

[9] Clause 6 (2)

Omit from the matter relating to *Tallaganda Local Environmental Plan 1991* the matter “clause 43 (1)”.

Insert instead “clauses 13 (4), 14 (4), 15 (4) and 43 (1)”.

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Schedule 1 Amendment of Principal Policy

[10] Clause 7 Suspension of laws

Omit the clause.

[11] Clause 12 Notification of Chief Executive

Omit “notify the Director-General of the receipt of the application” from clause 12 (2).

Insert instead “provide the Chief Executive with a copy of the application and information as to the probable effect of the development on water quality”.

[12] Clause 12 (2A)

Insert after clause 12 (2):

(2A) The Chief Executive may require the consent authority to provide additional information if the information provided under subclause (2) is not sufficient to enable an adequate assessment to be made of the probable effect of the development on water quality.

[13] Clause 12 (3) (a)

Omit “notified the Director-General of the receipt of the application”.

Insert instead “provided the Chief Executive with information that is sufficient to enable an adequate assessment to be made of the probable effect of the development on water quality”.

[14] Clause 12A

Insert after clause 12:

12A Copies of development consents to Chief Executive

A consent authority is to forward a copy of a development consent granted for development to which clause 11 or 12 applies to the Chief Executive within 10 days after the consent is granted.

[15] Part 3, heading

Omit “provision”. Insert instead “provisions”.

[16] Clauses 15 and 16

Insert after clause 14:

15 Granting of concurrence to certain development applications

If, before the commencement of this clause, the concurrence of the Director-General of the Department of Urban Affairs and Planning has been sought or is required under clause 11 in relation to development the subject of a development application and the Director-General has not decided whether concurrence should be granted, the decision as to whether concurrence should be granted is to be made by the Chief Executive.

16 Notification of certain development applications

If, before the commencement of this clause, a consent authority has notified, or is required to notify, the Director-General of the Department of Urban Affairs and Planning under clause 12 in relation to development the subject of a development application and the Director-General has not made any comments concerning the development, the consent authority, in determining whether or not to grant consent to the development application (and, if consent is granted, in determining any conditions to which the consent is to be subject), must take into account any comments made by the Chief Executive that are received by the consent authority:

- (a) within 21 days after the consent authority notified the Director-General of the receipt of the application, or
- (b) within such longer period as is advised within the 21-day period referred to in paragraph (a) by the Director-General or the Chief Executive to the consent authority.

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Schedule 1 Amendment of Principal Policy

[17] Schedule 1

Omit “Biosolids application and effluent re-use schemes”.

Insert instead:

Biosolids application excluding unrestricted biosolids (where “biosolids” and “unrestricted biosolids” have the same meanings as in *Environmental Guidelines—Use and Disposal of Biosolids Products* published by the Environment Protection Authority in October 1997)

Effluent re-use schemes

[18] Schedules 1 and 2

Omit “Unsewered rural residential development” wherever occurring.

Insert instead “Unsewered development for any residential purpose in a rural zone”.

[19] Schedule 1

Omit “Unsewered urban development”. Insert instead:

Unsewered development in urban zones that will create or increase the need for on-site effluent management, not including ancillary development such as garages, awnings or alterations to buildings that do not require any alteration to an on-site effluent system

[20] Schedule 2

Omit “Agricultural facilities, including stock and saleyards”.

Insert “Stock and saleyards used for commercial purposes” after “Service stations”.

[21] Schedule 2

Omit “Transport facilities”. Insert instead:

Transport facilities, being the construction of facilities such as truck stops, bus terminals, rail marshalling yards, container shipping terminals, major rail works and major road works, but not including the repair or maintenance of those facilities

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Schedule 2 Amendment of SEPP 60—Exempt and Complying Development

Schedule 2 Amendment of SEPP 60—Exempt and Complying Development

(Clause 6)

[1] Clause 4 Where does this Policy apply?

Insert “, except as provided by this Policy” after “regional NSW”.

[2] Clause 9 What development is complying development?

Insert after clause 9 (3) (d) (vii):

(viii) that is unsewered land to which *State Environmental Planning Policy No 58—Protecting Sydney’s Water Supply* applies, or

BY AUTHORITY