



New South Wales

# **State Environmental Planning Policy (Sydney Metropolitan Water Supply) (Amendment No 1) 2005**

under the

**Environmental Planning and Assessment Act 1979**

Her 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 Planning. (S05/9039805)

FRANK SARTOR, M.P.,  
Minister for Planning

## **State Environmental Planning Policy (Sydney Metropolitan Water Supply) (Amendment No 1) 2005**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Policy**

This Policy is *State Environmental Planning Policy (Sydney Metropolitan Water Supply) (Amendment No 1) 2005*.

### **2 Aims of Policy**

The aims of this Policy are:

- (a) to facilitate the carrying out of development for the purposes of desalination plants (including pilot plants) to augment water supply in the Sydney metropolitan area, and
- (b) to enable the carrying out of development for the purposes of a desalination plant on the Kurnell Peninsula (excluding a pilot plant) to be declared to be a critical infrastructure project for the purposes of Part 3A of the Act.

### **3 Land to which Policy applies**

This Policy applies to the State.

### **4 Amendment of State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004**

*State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004* is amended as set out in Schedule 1.

### **5 Amendment of State Environmental Planning Policy (Major Projects) 2005**

*State Environmental Planning Policy (Major Projects) 2005* is amended as set out in Schedule 2.

## **Schedule 1      Amendment of State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004**

(Clause 4)

**[1] Clause 2 Aims of Policy**

Insert after clause 2 (1) (b):

- (b1) to facilitate development for the purposes of desalination plants (including pilot plants) to augment water supply to the Sydney metropolitan area, and

**[2] Clause 2 (2)**

Insert “(a) and (b), or by or on behalf of Sydney Water Corporation for the purposes referred to in subclause (1) (b1),” after “subclause (1)”.

**[3] Clause 2 (2)**

Insert “or, if applicable, Part 3A” after “Part 5”.

**[4] Clause 3 Definitions**

Insert in alphabetical order:

*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.

**[5] Clause 7A**

Insert after clause 7:

**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

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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.

### [6] Clause 9

Insert after clause 8:

#### **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.

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- (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).

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**Schedule 2      Amendment of State Environmental  
Planning Policy (Major Projects) 2005**

(Clause 5)

**Schedule 5 Critical infrastructure projects**

Insert:

**1      Kurnell Desalination Plant**

- (1) Development carried out by or on behalf of Sydney Water Corporation for the purposes of a desalination plant on the Kurnell Peninsula for the supply of up to 500 megalitres of drinking water per day.
- (2) This clause does not apply to development for the purposes of a pilot desalination plant on the Kurnell Peninsula.
- (3) In this clause:  
*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 (including tunnelling under Botany Bay National Park), and
  - (b) pipelines from the plant across Botany Bay to the Sydney Water Corporation water supply system for the distribution of drinking water (including tunnelling under Botany Bay), and
  - (c) pipelines from the plant to Miranda water supply system for the distribution of drinking water, and
  - (d) the connection of the plant to the electricity grid, and
  - (e) temporary laydown areas for construction use.

BY AUTHORITY

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