



New South Wales

Environmental Planning and Assessment Amendment (Designated Development) Regulation 2007

under the

Environmental Planning and Assessment Act 1979

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

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000*:

- (a) to remove storage facilities for sewage or effluent and some small-scale sewerage systems or works (including those that reuse sewage or effluent) from the categories of development that are prescribed as designated development, and
- (b) to make it clear that (apart from some sewerage systems or works) ancillary development (which would otherwise be considered to be designated development) is not designated development if it is ancillary to other development and is not proposed to be carried out independently of that other development.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 77A and 157 (the general regulation-making power).

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Clause 1

Environmental Planning and Assessment Amendment (Designated Development) Regulation 2007

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(Designated Development) Regulation 2007**

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Designated Development) Regulation 2007*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Schedule 3 Designated development

Omit clause 29. Insert instead:

29 Sewerage systems and sewer mining systems

- (1) Sewerage systems or works (not being development for the purpose of sewer mining systems or works):
 - (a) that have an intended processing capacity of more than 2,500 persons equivalent capacity or 750 kilolitres per day, or
 - (b) that have an intended processing capacity of more than 20 persons equivalent capacity or 6 kilolitres per day and are located:
 - (i) on a flood plain, or
 - (ii) within a coastal dune field, or
 - (iii) within a drinking water catchment, or
 - (iv) within 100 metres of a natural waterbody or wetland, or
 - (v) within 250 metres of a dwelling not associated with the development.
- (2) Sewerage systems or works that incinerate sewage or sewage products.
- (3) Sewer mining systems or works that extract and treat more than 1,500 kilolitres of sewage per day.
- (4) This clause does not apply to:
 - (a) the pumping out of sewage from recreational vessels, or
 - (b) sewer mining systems or works that distribute treated water that is intended to be used solely for industrial purposes.

[2] Schedule 3

Insert after clause 37:

37A Ancillary development

- (1) Development of a kind specified in Part 1 is not designated development if:
 - (a) it is ancillary to other development, and

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Schedule 1 Amendments

- (b) it is not proposed to be carried out independently of that other development.
- (2) Subclause (1) does not apply to development of a kind specified in clause 29 (1) (a).

[3] Schedule 3

Insert in alphabetical order in clause 38:

sewer mining systems or works means systems or works for:

- (a) the extraction of sewage from a sewerage system (whether before or after the sewage has been through the system's sewage treatment plant), and
- (b) the treatment of the sewage (using physical, chemical or biological processes) to produce treated water that is suitable for its intended end use, and
- (c) the distribution of the treated water for that use, and
- (d) the return of any waste to a sewerage system that is the subject of a licence under the *Protection of the Environment Operations Act 1997*.

BY AUTHORITY
