



New South Wales

Environmental Planning and Assessment (Farm Dams and Other Works in Land and Water Management Plan Areas) Amendment Regulation 1998

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. M.P..

Minister for Urban Affairs and Planning

Explanatory note

The objects of this Regulation are

- (a) to prescribe class 2 irrigation corporations established under the *Irrigation Corporations Act 1994* as public authorities for the purposes of the *Environmental Planning and Assessment Act 1979* so that they will be determining authorities for the purposes of the assessment regime of Part S of that Act when carrying out emergency work or routine maintenance or other activities without development consent pursuant to *State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas*, and
- (b) to provide that development for the purpose of artificial waterbodies (including ancillary or incidental development) that would otherwise be declared by the *Environmental Planning and Assessment*

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Explanatory note

Regulation 1994 to be designated development for the purposes of that Act is not designated by that Regulation if consent is required by that Policy for carrying it out. (That Policy creates a different class of designated development to replace the designation by that Regulation.)

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4 (1) (the definition of **public authority**), 157 and 158.

Environmental Planning and Assessment (Farm Dams and Other Works in Land and Water Management Plan Areas) Amendment Regulation 1998

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment (Farm Dams and Other Works in Land and Water Management Plan Areas) Amendment Regulation 1998*.

2 Amendment of Environmental Planning and Assessment Regulation 1994

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

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 109A

Insert before clause 110:

109A Public authorities

For the purposes of the definition of *public authority* in section 4 (1) of the Act, a class 2 irrigation corporation established under the *Irrigation Corporations Act 1994* is prescribed, but only so as to allow such a corporation to be a determining authority within the meaning of Part 5 of the Act.

[2] Schedule 3 Designated development

Insert at the end of the matter relating to *Aquaculture or mariculture*:

This designation of aquaculture or mariculture does not include development for which *State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas* requires consent.

[3] Schedule 3

Insert at the end of the matter relating to *Artificial waterbodies*:

This designation of artificial waterbodies does not include development for which *State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas* requires consent.

[4] Schedule 3

Insert at the end of paragraph (f) following the words "This designation of extractive industries does not include:" in the matter relating to *Extractive industries*:

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- (g) development for which *State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas* requires consent.

[5] Schedule 3

Insert at the end of paragraph (b) following the words “This designation of waste management facilities or works does not include:” in the matter relating to ***Waste management facilities:***

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- (c) development for which *State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas* requires consent.