



# Environmental Planning and Assessment Amendment (Aquaculture) Regulation 2000

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*.

ANDREW REFSHAUGE, M.P.,  
Minister for Urban Affairs and Planning

## Explanatory note

The principal object of this Regulation is to assist in the assessment of development applications for a limited class of aquaculture that is allowed to be carried out with development consent as Class 1 aquaculture development (namely, low risk non-designated development) under *State Environmental Planning Policy No 62—Sustainable Aquaculture*. This Regulation is also aimed at preventing duplication of the designation of aquaculture for the purposes of the *Environmental Planning and Assessment Act 1979*.

This Regulation amends the *Environmental Planning and Assessment Regulation 1994*:

- (a) so that a 14-day, instead of a 30-day, advertisement period applies to Class 1 aquaculture development,
- (b) to reduce the period after the expiration of which development applications for Class 1 aquaculture development that requires approval under other Acts will be taken to have been refused if they have not been dealt with, and

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- (c) to avoid overlapping classifications of designated development by preventing aquaculture development under that Policy from falling within any of the classes of designated development created by Schedule 3 to that Regulation, although Class 3 aquaculture development under *State Environmental Planning Policy No 62—Sustainable Aquaculture* will be designated development identified by that Policy.

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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## Environmental Planning and Assessment Amendment (Aquaculture) Regulation 2000

### 1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Aquaculture) Regulation 2000*.

### 2 Commencement

This Regulation commences on 1 October 2000.

### 3 Amendment of Environmental Planning and Assessment Regulation 1994

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

### 4 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1      Amendments

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### Schedule 1    Amendments

(Clause 3)

#### [1]    **Clause 63 What are the types of advertised development?**

Insert after clause 63 (3):

- (3A) However, the following development is not State significant advertised development or nominated integrated development for the purposes of this Division and, accordingly, is other advertised development for the purposes of this Division:

Class 1 aquaculture development under *State Environmental Planning Policy No 62—Sustainable Aquaculture*

#### [2]    **Clause 70B (1) (b) (ii)**

Insert “(other than integrated development that is Class 1 aquaculture development under *State Environmental Planning Policy No 62—Sustainable Aquaculture*)” after “integrated development”.

#### [3]    **Schedule 3, Part 2A What is excepted from designated development?**

Insert at the end of the Part:

**State Environmental Planning Policy No 62—Sustainable Aquaculture**

Aquaculture development to which *State Environmental Planning Policy No 62—Sustainable Aquaculture* applies.

**Note.** The above Policy declares aquaculture development to be designated development if it is Class 3 aquaculture development under that Policy.

BY AUTHORITY