



New South Wales

State Environmental Planning Policy No 62—Sustainable Aquaculture (Amendment No 1)

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.

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 1021

Clause 1 State Environmental Planning Policy No 62—Sustainable Aquaculture
(Amendment No 1)

State Environmental Planning Policy No 62— Sustainable Aquaculture (Amendment No 1)

1 Name of this Policy

This Policy is *State Environmental Planning Policy No 62—Sustainable Aquaculture (Amendment No 1)*.

2 Principal Policy

In this Policy, *State Environmental Planning Policy No 62—Sustainable Aquaculture* is referred to as the Principal Policy.

3 Aims, objectives etc

This Policy aims:

- (a) to clarify the minimum performance criteria for pond-based and tank-based aquaculture, and
- (b) to clarify that it is for the opinion of the consent authority:
 - (i) as to whether proposed aquaculture development complies with the site location and operational requirements specified in the minimum performance criteria, and
 - (ii) how proposed aquaculture development is to be categorised for the purposes of determining the level of assessment of a development application for consent to carry out the proposed aquaculture development.

4 Land to which this Policy applies

This Policy applies to the land to which the Principal Policy applies.

5 Amendment of Principal Policy

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

Schedule 1 Amendments

(Clause 5)

[1] Clause 7 Pond-based and tank-based aquaculture permissible with consent

Insert “, in the opinion of the consent authority,” after “if” in clause 7 (2).

[2] Clause 8 Natural water-based aquaculture permissible with consent

Insert “, in the opinion of the consent authority,” after “if” in clause 8 (2).

[3] Clause 13 Categorisation of development having regard to project profile analysis

Omit “, by the consent authority in accordance with” from clause 13 (1).
Insert instead “ in accordance with the opinion of the consent authority formed having regard to”.

[4] Clause 18

Insert after clause 17:

18 Application of amendments made by SEPP 62 (Amdt No 1)

The amendments made to this Policy by *State Environmental Planning Policy No 62—Sustainable Aquaculture (Amendment No 1)* extend to a development application made but not finally determined before the amendments commence.

[5] Schedule 1 Pond-based and tank-based aquaculture

Omit clause 3. Insert instead:

3 Acceptable areas for estuarine pond-based aquaculture

Within an area coloured green on the Estuarine Aquaculture maps deposited in the head office of the Department of Planning and marked as follows:

1 Tweed River Estuary Edition 2, January 2000

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Schedule 1 Amendments

2	Brunswick River Estuary	Edition 2, January 2000
3	Richmond River Estuary	Edition 2, January 2000
4	Clarence River Estuary	Edition 2, January 2000
5	Bellinger and Kalang River Estuaries	Edition 2, January 2000
6	Nambucca River Estuary	Edition 2, January 2000
7	Macleay River Estuary	Edition 2, January 2000
8	Hastings River Estuary	Edition 2, January 2000
9	Camden Haven River Estuary	Edition 2, January 2000
10	Manning River Estuary	Edition 2, January 2000

[6] Schedule 1, clause 4

Omit the clause and the note to the clause. Insert instead:

4 Elevation Australian Height Datum (AHD) for tank-based aquaculture and freshwater pond-based aquaculture

Within an area the mean elevation of which is above 1 metre
AHD.

BY AUTHORITY