



New South Wales

Environmental Planning and Assessment (Savings and Transitional) Amendment (Fisheries) 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 object of this Regulation is to make provision, during an interim period, with respect to the environmental assessment, under Part 5 of the *Environmental Planning and Assessment Act 1979*, of fishing activities regulated under the *Fisheries Management Act 1994* and fish stocking.

The minimum interim period is from 19 July 2000 until 31 March 2001. The maximum interim period is almost 3 years from 19 July 2000 until 1 July 2003. The maximum interim period will not apply unless the Government introduces legislation into Parliament that provides for the making of management plans concerning fishing activities and fish stocking that will be subject to environmental assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* before they are made, and those amendments have commenced. If the requisite legislation has not commenced by 31 March 2001, the provisions made by this regulation will expire.

2000 No 374

Environmental Planning and Assessment (Savings and Transitional) Amendment
(Fisheries) Regulation 2000

Explanatory note

During the interim period, if a management plan has not been made for a fishing activity or fish stocking, a person may carry out the fishing activity or fish stocking without being subject to environmental assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* if the person does so pursuant to a licence, endorsement or permit (or its renewal) under the *Fisheries Management Act 1994* issued for a period of not more than 12 months.

However, if a management plan is made that has been environmentally assessed under Part 5 of the *Environmental Planning and Assessment Act 1979*, no further environmental assessment is required for the issue of a licence, endorsement or permit (or its renewal) under the *Fisheries Management Act 1994* to carry out a fishing activity, or the carrying out of the fishing activity, in accordance with the management plan.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 110 and 157 (the general regulation-making power).

Environmental Planning and Assessment (Savings and Transitional) Amendment (Fisheries) Regulation 2000

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment (Savings and Transitional) Amendment (Fisheries) Regulation 2000*.

2 Commencement

This Regulation commences on 19 July 2000.

3 Amendment of Environmental Planning and Assessment (Savings and Transitional) Regulation 1998

The *Environmental Planning and Assessment (Savings and Transitional) Regulation 1998* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

2000 No 374

Environmental Planning and Assessment (Savings and Transitional)
Amendment (Fisheries) Regulation 2000

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 3)

Part 9

Insert after Part 8:

Part 9 Fisheries management

79 Definitions

In this Part:

fisheries approval means a licence, endorsement or permit, of any kind, issued under the *Fisheries Management Act 1994*.

fisheries management plan means a management plan made under the *Fisheries Management Act 1994*.

fishing activity has the same meaning as in the *Fisheries Management Act 1994* and includes fish stocking.

issued, in relation to a fisheries approval, includes renewed.

80 Transitional provision pending making of fisheries management plans

For the purposes of the definition of *activity* in section 110 (1) of the *Environmental Planning and Assessment Act 1979*, the carrying out of a fishing activity pursuant to a fisheries approval issued for a period of not more than 12 months, being a fishing activity that is carried out at any time before:

- (a) a fisheries management plan that has been the subject of environmental impact assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* is made with respect to the carrying out of the fishing activity, or
- (b) 1 July 2003,

whichever first occurs, is prescribed not to be such an activity.

81 Environmental assessment of fisheries approvals issued in accordance with fisheries management plans that have been subject to environmental impact assessment

For the purposes of the definition of *activity* in section 110 (1) of the *Environmental Planning and Assessment Act 1979*:

- (a) the issue, in accordance with a fisheries management plan that has been the subject of environmental impact assessment under Part 5 of the *Environmental Planning and Assessment Act 1979*, of a fisheries approval to carry out a fishing activity, and
- (b) any fishing activity carried out under a fisheries approval so issued,

are prescribed not to be such an activity.

82 Aquaculture

Nothing in this Part applies to or in respect of aquaculture within the meaning of the *Fisheries Management Act 1994*.

83 Expiry of Part

This Part expires on 31 March 2001 unless, before that date:

- (a) the *Fisheries Management Act 1994* is amended to provide for the making of management plans concerning fishing activities and fish stocking that will be subject to environmental assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* before the managements plans are made, and
- (b) those amendments have commenced.