



Environmental Planning and Assessment Amendment (Fisheries Management) Regulation 2003

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*.

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to extend the period during which the general provisions of Part 5 of the *Environmental Planning and Assessment Act 1979* do not apply in respect of designated fishing activities, so as to allow additional time for the preparation and consideration of environmental impact statements in respect of those activities under Division 5 of that Part. The relevant deadline is extended from 1 July 2003 to 31 December 2003.

The Regulation provides that those provisions also do not apply in respect of certain non-designated fishing activities carried out before 31 December 2003.

The Regulation also makes minor amendments for law revision purposes.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 110 (1) (definition of *activity*), 115R (2) (b) and 157 (the general regulation-making power).

2003 No 98

Clause 1 Environmental Planning and Assessment Amendment (Fisheries Management) Regulation 2003

Environmental Planning and Assessment Amendment (Fisheries Management) Regulation 2003

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Fisheries Management) Regulation 2003*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

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

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

The *Environmental Planning and Assessment (Savings and Transitional) Regulation 1998* is amended by omitting Part 9.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

(Clause 2)

[1] Part 14, Division 7

Insert after Division 6:

Division 7 Fisheries management

244A Definitions

In this Division:

designated fishing activity has the same meaning as in Division 5 of Part 5 of the Act.

fisheries approval has the same meaning as in Division 5 of Part 5 of the Act.

Fisheries Minister has the same meaning as in Division 5 of Part 5 of the Act.

fishing activity has the same meaning as in the *Fisheries Management Act 1994*.

244B Non-designated fishing activities

- (1) For the purposes of the definition of *activity* in section 110 (1) of the Act, the carrying out of a fishing activity (not being a designated fishing activity) pursuant to a fisheries approval issued or renewed for a period of not more than 12 months, being a fishing activity that is carried out at any time before 31 December 2003, is prescribed not to be such an activity.
- (2) This clause does not apply to or in respect of aquaculture within the meaning of the *Fisheries Management Act 1994*.

244C Designated fishing activities

For the purposes of section 115R (2) (b) of the Act, 31 December 2003 is the prescribed date for all designated fishing activities.

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Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

[2] Schedule 3 Designated development

Omit “home improvement centres that saw, machine, mill, chip, pulp or compress timber or wood)” from clause 33.

Insert instead “home improvement centres) that saw, machine, mill, chip, pulp or compress timber or wood”.

[3] Schedule 5 Penalty notice offences

Insert in Column 2, at the beginning of the matter relating to a contravention of clause 177 (1):

\$500, for the offence of failing to give an annual fire safety statement that occurs during the first week after the time for giving the statement expires.

[4] Schedule 5

Omit “certificate” wherever occurring in Column 2 in the matter relating to a contravention of clause 177 (1) and in the matter relating to a contravention of clause 180 (1).

Insert instead “statement”.

BY AUTHORITY