



New South Wales

Environmental Planning and Assessment Amendment (Fishing Activities and Dredging) Regulation 2004

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*.

CRAIG KNOWLES, M.P.,
Minister for Infrastructure and Planning

Explanatory note

Currently, designated fishing activities that are listed in Schedule 1A to the *Fisheries Management Act 1994* are not subject to the general provisions of Part 5 of the *Environmental Planning and Assessment Act 1979* (*the Act*). Designated fishing activities were to be brought within the scope of Division 5 of that Part on 31 December 2004.

The object of this Regulation is to extend the period during which the provisions of Part 5 of the Act do not apply, so as to allow additional time for fisheries management strategies to be developed for each designated fishing activity. This is necessary because a fisheries management strategy is the basis for environmental assessment under Division 5 of that Part. This Regulation extends the deadline to 31 December 2005.

Non-designated fishing activities are also exempt from the requirements of Part 5 of the Act. However, those activities were to be brought within the scope of the general provisions of Part 5 (other than Division 5) on 31 December 2004. This Regulation also extends that deadline to 31 December 2005.

The object of this Regulation is also to specify that certain dredging activity in Wallis Lake is not designated development.

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).

2004 No 886

Clause 1 Environmental Planning and Assessment Amendment (Fishing Activities and Dredging) Regulation 2004

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(Fishing Activities and Dredging) Regulation 2004**

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Fishing Activities and Dredging) Regulation 2004*.

2 Commencement

This Regulation commences on 31 December 2004.

3 Amendment of Environmental Planning and Assessment Regulation 2000

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

Schedule 1 Amendments

(Clause 3)

[1] Clauses 244B (1) and 244C

Omit “31 December 2004” wherever occurring.

Insert instead “31 December 2005”.

[2] Schedule 3 Designated development

Insert at the end of clause 19 (2) (f):

, or

- (g) maintenance dredging of alluvial material from oyster leases and adjacent areas in Wallis Lake, but only if the dredging is undertaken in accordance with the document entitled *Protocol for Wallis Lake Oyster Lease Maintenance Dredging* approved by the Director-General and published in the Gazette, as amended by the Director-General from time to time by publication of an amended Protocol in the Gazette.