



New South Wales

Environmental Planning and Assessment Amendment Regulation 2006

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000*:

- (a) to provide that certain fishing activities and shark meshing are not activities within the meaning of Part 5 of the *Environmental Planning and Assessment Act 1979* if they are carried out before 31 December 2008, and
- (b) to correct, or remove obsolete, references in various provisions.

Division 5 of Part 5 of the *Environmental Planning and Assessment Act 1979* continues to apply to shark meshing.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 96AA, 110 (1) (definition of **activity**), 113 and 157 (general regulation-making power).

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Clause 1 Environmental Planning and Assessment Amendment Regulation 2006

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment Regulation 2006*.

2 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 2)

- [1] **Clause 117 Public participation—applications for modification of development consents involving minimal environmental impact**
Omit “section 96 (1A)” from clause 117 (3). Insert instead “section 96AA”.
- [2] **Clause 118 Public participation—application under sections 96 (2) and 96AA for modification of certain development consents**
Omit “section 96 (2)” from clause 118 (4). Insert instead “section 96AA”.
- [3] **Clause 119 Public participation—application under sections 96 (2) and 96AA for modification of other development consents**
Omit “section 96 (2)” from clause 119 (5). Insert instead “section 96AA”.
- [4] **Clause 235 Where may an environmental impact statement be inspected?**
Omit clause 235 (b).
- [5] **Clause 235 (c)**
Omit “the Environment Centre (New South Wales)”.
Insert instead “The Environment Centre (NSW)”.
- [6] **Clause 244A Definitions**
Omit the definition of *designated fishing activity*.
- [7] **Clause 244A**
Insert in alphabetical order:
shark meshing means the placing of nets by the Fisheries Minister around beaches and other waters to protect the public from sharks.
- [8] **Clause 244B**
Omit clauses 244B and 244C. Insert instead:
- 244B Fishing activities and shark meshing**
- (1) For the purposes of the definition of *activity* in section 110 (1) of the Act:
- (a) a fishing activity carried out at any time before 31 December 2008 pursuant to a fisheries approval issued or renewed for a period of not more than 12 months, and

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Schedule 1 Amendments

(b) shark meshing carried out at any time before that date, are each prescribed not to be such an activity.

Note. This provision is relevant to the application of Divisions 2 and 3 of Part 5 of the Act but not of Division 5 of that Part, which continues to apply to the placing of shark nets.

(2) This clause does not apply to or in respect of aquaculture, within the meaning of the *Fisheries Management Act 1994*.

BY AUTHORITY
