



New South Wales

Environmental Planning and Assessment Amendment (Artificial Waterbodies) Regulation 2019

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*.

ROBERT STOKES, MP
Minister for Planning and Public Spaces

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000* as follows—

- (a) to replace a term used in a description of designated development declared under that Regulation, for consistency in expression,
- (b) to restate, and incorporate as designated development, certain development for the purpose of artificial waterbodies that was designated development under the superseded *State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas*,
- (c) to restate and reinstate exceptions to designated development declared under that Regulation, relating to artificial waterbodies on certain land in the area of operations of, or managed by, irrigation corporations. The exceptions were previously framed by reference to the superseded Policy and were omitted on the repeal of that Policy.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.10 and 10.13 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Artificial Waterbodies) Regulation 2019*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

[1] Schedule 3 Designated development

Insert at the end of clause 3(2)(b)—

, or

- (c) artificial waterbodies located on relevant irrigation land.

Note. The term *relevant irrigation land* is defined in clause 38.

[2] Schedule 3, clause 4(1)(b)

Omit “maximum total water volume” from the paragraph. Insert instead “storage capacity”.

[3] Schedule 3, clause 4(1A)

Omit clause 4(1A). Insert instead—

(1A) Artificial waterbodies located on relevant irrigation land—

- (a) that have a storage capacity of 100 megalitres or more and are in an environmentally sensitive area, or
- (b) that have a storage capacity of 800 megalitres or more.

[4] Schedule 3, clause 4(3)

Insert after clause 4(2)—

- (3) Subclause (1) does not apply to artificial waterbodies located on relevant irrigation land.

Note. The term *relevant irrigation land* is defined in clause 38.

[5] Schedule 3, clause 19(2)(e1)

Insert after clause 19(2)(e)—

- (e1) artificial waterbodies located on relevant irrigation land, or

Note. The term *relevant irrigation land* is defined in clause 38.

[6] Schedule 3, clause 32(2)(a1)

Insert after clause 32(2)(a)—

- (a1) artificial waterbodies located on relevant irrigation land, or

Note. The term *relevant irrigation land* is defined in clause 38.

[7] Schedule 3, clause 38

Insert in alphabetical order—

relevant irrigation land means—

- (a) land in the area of operations of any irrigation corporation (within the meaning of Part 1 of Chapter 4 of the *Water Management Act 2000*), or
- (b) land shown edged heavy black on the East Cadell Map under *State Environmental Planning Policy (Primary Production and Rural Development) 2019*.