



New South Wales

Environmental Planning and Assessment Amendment (Water Catchments) Regulation 2022

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*.

ANTHONY ROBERTS, MP
Minister for Planning

Explanatory note

The object of this Regulation is to set out certain factors that a determining authority must take into account when considering the environmental impact of an activity in a water catchment area.

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Water Catchments) Regulation 2022*.

2 Commencement

This Regulation commences on 21 November 2022.

Schedule 1 **Amendment of Environmental Planning and Assessment Regulation 2021**

Section 171A

Insert after section 171—

171A Activities in catchments—the Act, s 5.10(a)

- (1) When considering the likely impact on the environment of an activity proposed to be carried out in a regulated catchment, a determining authority must take into account—
 - (a) the matters a consent authority must consider under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, sections 6.6(1), 6.7(1), 6.8(1) and 6.9(1), and
 - (b) the matters of which a consent authority must be satisfied under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, sections 6.6(2), 6.7(2), 6.8(2) and 6.9(2).
- (2) However, the determining authority is not required to take into account the matters specified in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, section 6.9(1) or (2) if the activity is proposed to be carried out in a special area under the *Water NSW Act 2014*.
- (3) When considering the likely impact on the environment of an activity proposed to be carried out in the Sydney Drinking Water Catchment, the determining authority—
 - (a) must, in addition to the matters referred to in subsection (1), take into account whether the activity—
 - (i) will have a neutral or beneficial effect on water quality, and
 - (ii) is consistent with the NorBE Guideline within the meaning of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Part 6.5, and
 - (b) is not required to take into account the matters specified in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, section 6.6(1)(a) or (2)(a).
- (4) When considering the likely impact on the environment of an activity proposed to be carried out in the Sydney Harbour Catchment, the determining authority must, in addition to the matters referred to in subsection (1), take into account the matters a consent authority must consider under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, section 6.28(1).
- (5) The requirements of this section are in addition to the requirements specified in section 171.
- (6) In this section—

regulated catchment has the same meaning as in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6.

Sydney Drinking Water Catchment has the same meaning as in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6.

Sydney Harbour Catchment has the same meaning as in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6.