



New South Wales

State Environmental Planning Policy No 62—Sustainable Aquaculture (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Infrastructure and Planning. (S04/01140/PC)

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

State Environmental Planning Policy No 62— Sustainable Aquaculture (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy No 62—Sustainable Aquaculture (Amendment No 2)*.

2 Aims of Policy

The aims of this Policy are:

- (a) to make aquaculture a permissible use in certain areas in the Hunter and Central Coast Region, and
- (b) to set out the minimum site location requirements for permissible aquaculture development in those areas, and
- (c) to make certain consequential amendments.

3 Land to which Policy applies

This Policy applies to the area of the State comprising the local government areas of Cessnock City, Dungog, Gloucester, Gosford City, Great Lakes, Lake Macquarie, Maitland City, Muswellbrook, Newcastle City, Port Stephens, Singleton, Upper Hunter and Wyong.

4 Amendment of State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 62—Sustainable Aquaculture is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Definitions

Omit the definition of *Director-General* from clause 4 (1). Insert instead:

Department means the Department of Infrastructure, Planning and Natural Resources.

Director-General means the Director-General of the Department.

[2] Clause 5 Where the Policy applies

Insert “clause 1 of” after “described in” in clause 5 (a).

[3] Schedule 1 Pond-based and tank-based aquaculture

Omit clause 1. Insert instead:

1 Regions to which Policy applies

(1) North Coast Region

The area of the State comprising the local government areas of Ballina, Bellingen, Byron, Clarence Valley, Coffs Harbour City, Greater Taree City, Hastings, Kempsey, Kyogle, Lismore City, Nambucca, Richmond Valley and Tweed.

(2) Hunter and Central Coast Region

The area of the State comprising the local government areas of Cessnock City, Dungog, Gloucester, Gosford City, Great Lakes, Lake Macquarie, Maitland City, Muswellbrook, Newcastle City, Port Stephens, Singleton, Upper Hunter and Wyong.

[4] Schedule 1, Part 2

Omit the heading to Division 1. Insert instead:

Division 1 Site location requirements—North Coast Region

1A Application of Division

Despite clause 5 (a) of this Policy, this Division applies only to those areas of the State described in clause 1 (1) of this Schedule.

[5] Schedule 1, clause 3

Omit “of Planning”.

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Schedule 1 Amendments

[6] Schedule 1, Part 2

Insert after Division 1:

Division 1A Site location requirements—Hunter and Central Coast Region**7A Application of Division**

Despite clause 5 (a) of this Policy, this Division applies only to those areas of the State described in clause 1 (2) of this Schedule.

7B Acceptable areas for estuarine pond-based aquaculture

Within an area coloured green on either of the following maps, deposited in the head office of the Department:

- (a) Estuarine Aquaculture Map 11, Port Stephens Estuary (dated 25 May 2003), or
- (b) Estuarine Aquaculture Map 12, Hunter River Estuary (dated 25 May 2003).

7C Zoning under environmental planning instrument in the Hunter and Central Coast Region

- (1) Pond-based aquaculture—for land to which an environmental planning instrument listed in Column 1 of the table to this clause applies, in the zones listed in Column 2 opposite the name of that instrument.
- (2) Tank-based aquaculture—for land to which an environmental planning instrument listed in Column 1 of the table to this clause applies, in the zones listed in Column 3 opposite the name of that instrument.

Table

Column 1	Column 2	Column 3
Environmental planning instrument	Pond-based aquaculture	Tank-based aquaculture
<i>Cessnock Local Environmental Plan 1989</i>	1 (a) Rural “A”	1 (a) Rural “A” 1 (a1) Rural “A1” 4 (a) Industrial 4 (b) Light Industrial

Column 1	Column 2	Column 3
Environmental planning instrument	Pond-based aquaculture	Tank-based aquaculture
<i>Dungog Local Environmental Plan 1990</i>	1 (b) General Rural 1 (d) Rural Farmlets	1 (b) General Rural 1 (d) Rural Farmlets 4 (a) General Industrial 4 (b) Light Industrial
<i>Gloucester Local Environmental Plan 2000</i>	1 (a) Rural 7 (d) Environment Protection (Scenic)	1 (a) Rural 4 (a) Industrial 7 (d) Environment Protection (Scenic)
<i>Interim Development Order No 122—Gosford</i>	1 (a) Rural (Agriculture) 1 (b) Rural (Highway Protection) 7 (b) Conservation and Scenic Protection (Scenic Protection)	1 (a) Rural (Agriculture) 1 (b) Rural (Highway Protection) 4 Industrial (Extractive)
<i>Gosford Planning Scheme Ordinance</i>		4 (a) Industrial (General) 4 (b) Industrial (Light)
<i>Great Lakes Local Environmental Plan 1996</i>	1 (a) Rural	1 (a) Rural 3 (d) Special Business Waterfront 4 (a) General Industrial
<i>Lake Macquarie Local Environmental Plan 2004</i>	1 (1) Rural (Production) 9 Natural Resources	1 (1) Rural (Production) 1 (2) Rural (Living) 4 (1) Industrial (Core) 4 (2) Industrial (General) 9 Natural Resources

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Schedule 1 Amendments

Column 1	Column 2	Column 3
Environmental planning instrument	Pond-based aquaculture	Tank-based aquaculture
<i>Maitland Local Environmental Plan 1993</i>	1 (a) Prime Rural Land 1 (b) Secondary Rural Land	1 (a) Prime Rural Land 1 (b) Secondary Rural Land 4 (a) General Industrial 4 (b) Light Industrial
<i>Merriwa Local Environment Plan 1992</i>	1 (a) General Rural	1 (a) General Rural 4 (a) Industrial
<i>Murrurundi Local Environmental Plan 1993</i>	1 (a) Rural “A”	1 (a) Rural “A”
<i>Muswellbrook Local Environmental Plan 1985</i>	1 (a) Rural “A” 5 (a) Special Use (Power Station)	1 (a) Rural “A” 4 (a) General Industrial 4 (b) Light Industrial 5 (a) Special Use (Power Station) 7 (L1) Environment Protection General (L1) (Alluvial Areas)
<i>Newcastle Local Environmental Plan 1987</i>		1 (a) Rural 4 (a) Light Industrial 4 (b) General Industrial 4 (c) Eco-industrial
<i>Newcastle Local Environmental Plan 2003</i>	7 (a) Conservation	4 (a) Urban Services 4 (b) Port and Industry 4 (c) Steel River

Column 1	Column 2	Column 3
Environmental planning instrument	Pond-based aquaculture	Tank-based aquaculture
<i>Port Stephens Local Environmental Plan 2000</i>	1 (a) Rural Agriculture "A" 1 (c1) Rural Small Holdings "C1" 6 (a) General Recreation "A" 6 (c) Special Recreation "C" 7 (a) Environment Protection "A" 7 (f1) Environment Protection "F1" (Coastal Lands)	1 (a) Rural Agriculture "A" 1 (c1) Rural Small Holdings "C1" 1 (c2) Rural Small Holdings Zone "C2" 4 (a) Industrial General "A" 6 (a) General Recreation "A" 6 (c) Special Recreation "C" 7 (f1) Environment Protection "F1" (Coastal Lands)
<i>Scone Local Environmental Plan 1986</i>	1 (d) Rural Holdings 1 (e) General Agricultural 1 (i) Intensive Agricultural 1 (s) Small Farm	1 (d) Rural Holdings 1 (e) General Agricultural 1 (i) Intensive Agricultural 1 (s) Small Farm 4 (a) General Industrial
<i>Singleton Local Environmental Plan 1996</i>	1 (a) Rural	1 (a) Rural 4 Industrial
<i>Wyong Local Environmental Plan 1991</i>	1 (a) Rural 7 (b) Scenic Protection	1 (a) Rural 4 (a) General Industrial 4 (b) Light Industrial 4 (e) Regional Industrial and Employment Development 7 (b) Scenic Protection

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Schedule 1 Amendments

7D Conservation exclusion zones

Not within:

- (a) areas dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
- (b) marine parks or aquatic reserves (other than areas designated as general use zones), or
- (c) vacant Crown land (other than areas used only for access to water provided under a licence).

[7] Schedule 1, Part 2, Division 2

Omit the heading. Insert instead:

Division 2 Operational requirements—all regions

[8] Schedule 1, clause 11

Insert “(except tanks and raceways)” after “farm”.

BY AUTHORITY
