



New South Wales

# Environmental Planning and Assessment Amendment (Primary Production and Rural Development) Regulation 2019

under the

Environmental Planning and Assessment Act 1979

His 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 amend the *Environmental Planning and Assessment Regulation 2000* as follows:

- (a) to restate, and incorporate as designated development, certain development for the purpose of artificial waterbodies that was designated development under a superseded State environmental planning policy,
- (b) to update references to certain land use terms so that they are consistent with those in the Standard Instrument and to clarify the meaning of a term,
- (c) to separate out a provision for designated development in relation to horses so that it is not expressed in the context of a threshold relating to feedlots,
- (d) to clarify that a reference to layers in a description of designated development relating to poultry farms is to layers for egg production,
- (e) to update references to environmental planning instruments and omit redundant provisions.

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

## **Environmental Planning and Assessment Amendment (Primary Production and Rural Development) Regulation 2019**

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### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Primary Production and Rural Development) 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]      Clauses 3 (1) (definition of “Class 1 aquaculture development”) and 113 (1) (b) (ii) and Schedule 3, clause 3 (2) (b) and note**

Omit “*State Environmental Planning Policy No 62—Sustainable Aquaculture*” wherever occurring.

Insert instead “Part 5 of *State Environmental Planning Policy (Primary Production and Rural Development) 2019*”.

**[2]      Schedule 3 Designated development**

Omit clauses 3 (2) (a), 19 (2) (f) and 32 (2) (c).

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

Insert after clause 4 (1):

(1A) Artificial waterbodies:

(a) that have a storage capacity of 100 megalitres or more, and

(b) that are located in an area:

(i) that is 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 on land shown edged heavy black on the East Cadell Map under *State Environmental Planning Policy (Primary Production and Rural Development) 2019*, and

(ii) that is an environmentally sensitive area.

**[4]      Schedule 3, clause 4 (2)**

Omit the subclause. Insert instead:

(2) This clause does not apply to artificial waterbodies located on land to which *State Environmental Planning Policy (Penrith Lakes Scheme) 1989* applies.

**[5]      Schedule 3, clause 21 Intensive livestock agriculture**

Omit “, 4,000 sheep or 400 horses” from clause 21 (1). Insert instead “or 4,000 sheep”.

**[6]      Schedule 3, clause 21 (1A)**

Insert after clause 21 (1):

(1A) A facility or confined area operated on a commercial basis for the keeping or breeding of horses that accommodates more than 400 horses (excluding facilities for drought or similar emergency relief).

**[7]      Schedule 3, clause 21 (3)**

Omit “Piggeries”. Insert instead “Pig farms”.

**[8]      Schedule 3, clause 21 (4)**

Insert “for egg production” after “layers”.

**[9]      Schedule 3, clause 38**

Omit “livestock intensive industries” from the definition of *sludge*.

Insert instead “intensive livestock agriculture”.