

PLANNING SYSTEM

State environmental planning policies

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Amendment to SEPP No. 62— Sustainable Aquaculture

This circular is to provide information about the recent commencement of an amendment to State Environmental Planning Policy No. 62—Sustainable Aquaculture.

Introduction

State Environmental Planning Policy No. 62—Sustainable Aquaculture (SEPP 62) encourages sustainable aquaculture in NSW.

On 18 December 2009, SEPP 62 was amended to ensure that the planning system implements the NSW Government's new comprehensive *NSW land based sustainable aquaculture strategy* (NSW Aquaculture Strategy) across the State. The strategy was gazetted also on 18 December 2009.

The NSW Aquaculture Strategy contains performance requirements for best practice sustainable aquaculture in NSW and was developed by Industry and Investment NSW in consultation with the Department of Planning and Department of Environment, Climate Change and Water as well as other key State agencies and industry. Extensive consultation was also undertaken with local councils.

Prior to this amendment, SEPP 62 only applied to land-based aquaculture in key areas on the North Coast, Hunter and Central Coast, as well as oyster aquaculture in 32 nominated coastal estuaries in the State. In other areas the permissibility of land-based aquaculture depended on the underlying local environmental plan (LEP).

What has changed

As a result of the amendment, SEPP 62 now makes development for pond-based or tank-based aquaculture permissible in nominated zones across the State under the Standard Instrument for LEPs, including identifying zones where:

- pond-based and tank-based aquaculture is permissible with consent
- certain pond-based aquaculture development is permissible without consent, if utilising existing on-farm water storages (dams, ponds) and buildings.

The SEPP amendment provides that land-based aquaculture is prohibited in certain conservation exclusion zones. The SEPP amendment also sets out minimum performance requirements for land-based aquaculture relating to species selection and pond design.

This State-wide approach ensures that consistent planning requirements for land-based aquaculture apply across NSW.

The SEPP amendment does not affect existing provisions in SEPP 62 applying to oyster aquaculture.

Further information

A copy of State Environmental Planning Policy No. 62—Sustainable Aquaculture (as amended), and Amendment No. 4 (as made) are available on the NSW legislation website at <http://www.legislation.nsw.gov.au>.

The *NSW land based sustainable aquaculture strategy* (December 2009) is available online at <http://www.dpi.nsw.gov.au/fisheries/aquaculture/publications/general/nsw-lbsas>.

Note: This and other Department of Planning circulars are published on the web at <http://www.planning.nsw.gov.au/PlanningSystem/Circularsandguidelines/PlanningSystemCirculars/tabid/81/Default.aspx>.

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