



New South Wales

# **Native Vegetation Conservation (Savings and Transitional) Amendment (Minimal Clearing Exemption) Regulation 2004**

under the

Native Vegetation Conservation Act 1997

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Native Vegetation Conservation Act 1997*.

CRAIG KNOWLES, M.P.,  
Minister for Natural Resources

## **Explanatory note**

Clause 3 (2) of Schedule 4 to the *Native Vegetation Conservation Act 1997* (*the Act*) provides that the clearing of native vegetation for a purpose or extent described in Schedule 3 to SEPP 46 continues, even though SEPP 46 has been repealed, to be clearing that is exempt from any requirement under Part 2 of the Act for development consent. One such clearing exemption provides for the minimal clearing of up to 2 hectares per year for any contiguous holding in the same ownership.

The continuation of the SEPP clearing exemptions is, however, subject to the regulations. The object of this Regulation is to provide that the minimal clearing exemption will not apply in relation to the clearing of native vegetation in the coastal zone (which is defined in the *Coastal Protection Act 1979*).

This Regulation is made under the *Native Vegetation Conservation Act 1997*, including clauses 1 and 3 of Schedule 4.

**2004 No 142**

Clause 1

Native Vegetation Conservation (Savings and Transitional) Amendment  
(Minimal Clearing Exemption) Regulation 2004

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under the

Native Vegetation Conservation Act 1997

### **1 Name of Regulation**

This Regulation is the *Native Vegetation Conservation (Savings and Transitional) Amendment (Minimal Clearing Exemption) Regulation 2004*.

### **2 Amendment of Native Vegetation Conservation (Savings and Transitional) Regulation 1998**

The *Native Vegetation Conservation (Savings and Transitional) Regulation 1998* is amended as set out in Schedule 1.

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## **Schedule 1 Amendments**

(Clause 2)

### **[1] Clause 3 Definitions**

Insert before the definition of *the Act*:

*SEPP 46* means *State Environmental Planning Policy No 46—Protection and Management of Native Vegetation* as in force immediately before its repeal by the Act.

### **[2] Clause 5 Application of SEPP 46 exemptions to land to which Murray Regional Environmental Plan No 2—Riverine Land applies**

Omit clause 5 (3).

### **[3] Clause 9**

Insert after clause 8:

#### **9 Minimal clearing exemption under SEPP 46 not to apply in relation to coastal zone**

- (1) The clearing of native vegetation in the coastal zone to the extent described in paragraph (a) of Schedule 3 to SEPP 46 is taken not to be clearing that is exempt from any requirement under Part 2 of the Act for development consent.
- (2) In this clause, *coastal zone* has the same meaning as in the *Coastal Protection Act 1979*.