



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Vegetation) Order 2017

under the

Environmental Planning and Assessment Act 1979

DAVID HURLEY, Governor

I, General The Honourable David Hurley AC DSC (Ret'd), Governor of New South Wales, with the advice of the Executive Council, and in pursuance of section 33A of the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 23rd day of August 2017.

By His Excellency's Command,

ANTHONY ROBERTS, MP
Minister for Planning

Explanatory note

The object of this Order is to make amendments consequent on the making of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and the enactment of the *Biodiversity Conservation Act 2016*.

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1 Name of Order

This Order is the *Standard Instrument (Local Environmental Plans) Amendment (Vegetation) Order 2017*.

2 Commencement

This Order commences on 25 August 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of standard instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 3.1 Exempt development [compulsory]

Omit paragraph (b) from the note to the clause. Insert instead:

- (b) cannot be carried out in a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*, and

[2] Clause 3.1 (5)

Omit clause 3.1 (5) (b) and the note to clause 3.1 (5). Insert instead:

- (b) not involve the removal, pruning or other clearing of vegetation that requires a permit, development consent or other approval unless it is undertaken in accordance with a permit, development consent or other approval.

Note. See *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Part 5A of the *Local Land Services Act 2013*.

[3] Clause 3.3 Environmentally sensitive areas excluded [compulsory]

Omit clause 3.3 (2) (j). Insert instead:

- (j) land that is a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* or declared critical habitat under Part 7A of the *Fisheries Management Act 1994*.

[4] Clause 5.9 Preservation of trees or vegetation [compulsory, except subclause (9) optional]

Omit the clause.

[5] Clause 5.9AA Trees or vegetation not prescribed by development control plan [compulsory]

Omit the clause.

[6] Dictionary, definitions of “biodiversity” and “biological diversity”

Omit the definitions (including the note to the definition of “biological diversity”). Insert instead:

biodiversity or *biological diversity* means the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.

[7] Dictionary, definition of “clearing native vegetation”

Omit the definition and the note to the definition. Insert instead:

clearing native vegetation has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

clearing vegetation has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

[8] Dictionary, definition of “native vegetation”

Omit the definition and the note to the definition. Insert instead:

native vegetation has the same meaning as in Part 5A of the *Local Land Services Act 2013*.

[9] Dictionary, definition of “property vegetation plan”

Omit the definition and the note to the definition. Insert instead:

property vegetation plan mean a property vegetation plan approved under Part 4 of the *Native Vegetation Act 2003* before the repeal of that Act (as continued in force by the regulations under the *Biodiversity Conservation Act 2016*).