



New South Wales

State Environmental Planning Policy (Biodiversity and Conservation) 2021

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*.

ROB STOKES, MP
Minister for Planning and Public Spaces

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State Environmental Planning Policy (Biodiversity and Conservation) 2021

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Chapter 1 Preliminary

1.1 Name of Policy

This Policy is *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

1.2 Commencement

This Policy commences on 1 March 2022 and is required to be published on the NSW legislation website.

1.3 Definitions

In this Policy—

the Act means the *Environmental Planning and Assessment Act 1979*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Policy.

1.4 Transferred provisions

The *Interpretation Act 1987*, section 30A is taken to apply to the provisions transferred to this Policy on the commencement of this Policy in the same way as it applies to provisions transferred from a statutory rule to another statutory rule.

Note— The *Interpretation Act 1987*, section 30A provides—

- (a) the transfer of a provision does not affect the operation or meaning of the provision, and
- (b) a transferred provision is to be construed as if it had not been transferred.

Chapter 2 Vegetation in non-rural areas

Editorial note— Schedule 14 transfers certain provisions of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 3 Koala habitat protection 2020

Editorial note— Schedule 14 transfers certain provisions of *State Environmental Planning Policy (Koala Habitat Protection) 2020* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 4 Koala habitat protection 2021

Editorial note— Schedule 14 transfers certain provisions of *State Environmental Planning Policy (Koala Habitat Protection) 2021* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 5 River Murray lands

Editorial note— Schedule 14 transfers certain provisions of *Murray Regional Environmental Plan No 2—Riverine Land* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 6 Bushland in urban areas

Editorial note— Schedule 14 transfers certain provisions of *State Environmental Planning Policy No 19—Bushland in Urban Areas* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 7 Canal estate development

Editorial note— Schedule 14 transfers certain provisions of *State Environmental Planning Policy No 50—Canal Estate Development* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 8 Sydney drinking water catchment

Editorial note— Schedule 14 transfers certain provisions of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 9 Hawkesbury-Nepean River

Editorial note— Schedule 14 transfers certain provisions of *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 10 Sydney Harbour Catchment

Editorial note— Schedule 14 transfers certain provisions of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 11 Georges Rivers Catchment

Editorial note— Schedule 14 transfers certain provisions of *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Chapter 12 Willandra Lakes Region World Heritage Property

Editorial note— Schedule 14 transfers certain provisions of *Willandra Lakes Regional Environmental Plan No 1—World Heritage Property* to this Chapter. The provisions will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Schedules 1–13

Editorial note— Schedule 14 transfers certain Schedules from the following environmental planning instruments to this Policy—

- (a) *State Environmental Planning Policy (Koala Habitat Protection) 2020*,
- (b) *State Environmental Planning Policy (Koala Habitat Protection) 2021*,
- (c) *Murray Regional Environmental Plan No 2—Riverine Land*,
- (d) *State Environmental Planning Policy No 19—Bushland in Urban Areas*,
- (e) *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)*,
- (f) *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*,
- (g) *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment*.

The Schedules will be incorporated into this Policy on the NSW legislation website when this Policy commences.

Schedule 14 Transfer of provisions

1 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

- (1) Transfer *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, Parts 1–5, other than clauses 1 and 2, to this Policy as Chapter 2, Parts 2.1–2.5.
- (2) Renumber the clauses in Chapter 2 as sections with decimal numbering, commencing with section 2.1.

2 State Environmental Planning Policy (Koala Habitat Protection) 2020

- (1) Transfer *State Environmental Planning Policy (Koala Habitat Protection) 2020*, Parts 1–5, other than clauses 1, 2 and 20, to this Policy as Chapter 3, Parts 3.1–3.5.
- (2) Renumber the clauses in Chapter 3 as sections with decimal numbering, commencing with section 3.1.
- (3) Transfer *State Environmental Planning Policy (Koala Habitat Protection) 2020*, Schedule 2 to this Policy as Schedule 1.

3 State Environmental Planning Policy (Koala Habitat Protection) 2021

- (1) Transfer *State Environmental Planning Policy (Koala Habitat Protection) 2021*, Parts 1–4, other than clauses 1 and 2, to this Policy as Chapter 4, Parts 4.1–4.4.
- (2) Renumber the clauses in Chapter 4 as sections with decimal numbering, commencing with section 4.1.
- (3) Transfer *State Environmental Planning Policy (Koala Habitat Protection) 2021*, Schedules 1 and 2 to this Policy as Schedules 2 and 3.

4 Murray Regional Environmental Plan No 2—Riverine Land

- (1) Transfer *Murray Regional Environmental Plan No 2—Riverine Land*, Parts 1–3, other than clauses 1 and 8(a), to this Policy as Chapter 5, Parts 5.1–5.3.
- (2) Renumber the clauses in Chapter 5 as sections with decimal numbering, commencing with section 5.1.
- (3) Omit the heading to the Dictionary. Insert instead—

Schedule 1 Dictionary for Chapter 5

- (4) Transfer *Murray Regional Environmental Plan No 2—Riverine Land*, Schedule 1, as amended by subsection (3), to this Policy as Schedule 4.

5 State Environmental Planning Policy No 19—Bushland in Urban Areas

- (1) Transfer *State Environmental Planning Policy No 19—Bushland in Urban Areas*, other than clause 1, to this Policy as Chapter 6.
- (2) Renumber the clauses in Chapter 6 as sections with decimal numbering, commencing with section 6.1.
- (3) Transfer *State Environmental Planning Policy No 19—Bushland in Urban Areas*, Schedule 1 to this Policy as Schedule 5.

6 State Environmental Planning Policy No 50—Canal Estate Development

- (1) Transfer *State Environmental Planning Policy No 50—Canal Estate Development*, other than clause 1, to this Policy as Chapter 7.

- (2) Renumber the clauses in Chapter 7 as sections with decimal numbering, commencing with section 7.1.

7 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

- (1) Transfer *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, Parts 1–3, other than clauses 1, 2, 8(2) and 13, to this Policy as Chapter 8, Parts 8.1–8.3.
- (2) Renumber the clauses in Chapter 8 as sections with decimal numbering, commencing with section 8.1.

8 Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

- (1) Transfer *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)*, Parts 1–4, other than clauses 1 and 14, to this Policy as Chapter 9, Parts 9.1–9.4.
- (2) Renumber the clauses in Chapter 9 as sections with decimal numbering, commencing with section 9.1.
- (3) Omit the heading to the Dictionary. Insert instead—

Schedule 3 Dictionary for Chapter 9

- (4) Transfer *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)*, Schedules 1–3, as amended by subsection (3), to this Policy as Schedules 6–8.

9 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

- (1) Transfer *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*, Parts 1–7, other than clauses 1, 8 and 11(1)–(4), to this Policy as Chapter 10, Parts 10.1–10.7.
- (2) Renumber the clauses in Chapter 10 as sections with decimal numbering, commencing with section 10.1.
- (3) Omit the heading to the Dictionary. Insert instead—

Schedule 5 Dictionary for Chapter 10

- (4) Transfer *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*, Schedules 1 and 3–5, as amended by subsection (3), to this Policy as Schedules 9–12.

10 Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

- (1) Transfer *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment*, Parts 1–3, other than clauses 1, 6 and 7(a), to this Policy as Chapter 11, Parts 11.1–11.3.
- (2) Renumber the clauses in Chapter 11 as sections with decimal numbering, commencing with section 11.1.
- (3) Omit the heading to the Dictionary. Insert instead—

Schedule 1 Dictionary for Chapter 11

- (4) Transfer *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment*, Schedule 1, as amended by subsection (3), to this Policy as Schedule 13.

11 Willandra Lakes Regional Environmental Plan No 1—World Heritage Property

- (1) Transfer *Willandra Lakes Regional Environmental Plan No 1—World Heritage Property*, Parts 1 and 2, other than clauses 1 and 9(1)(a) and (2), to this Policy as Chapter 12, Parts 12.1 and 12.2.
- (2) Renumber the clauses in Chapter 12 as sections with decimal numbering, commencing with section 12.1.

12 Consequential amendments

- (1) Update all cross-references and provision numbering below the section level in this Policy as required by the transfer of provisions to this Policy.
- (2) Omit each expression specified in Column 1 of the following table wherever occurring in this Policy, other than in Chapter 1 and this Schedule, including definitions, headings and notes and regardless of capitalisation.

Insert instead the expression specified opposite in Column 2, with appropriate capitalisation—

Column 1	Column 2
this Policy	this Chapter
the Policy	this Chapter
this plan	this Chapter
Aims of Policy	Aims of Chapter
Aim of Policy	Aim of Chapter
Aims of plan	Aims of Chapter
Land to which Policy applies	Land to which Chapter applies
Land to which plan applies	Land to which Chapter applies
clause	section
clauses	sections
subclause	subsection
subclauses	subsections
Note— Omit the expressions “clause”, “clauses”, “subclause” and “subclauses” only for a reference to clauses or subclauses of this Policy.	

- (3) Despite subsection (2), a reference to “this Policy” or “this plan” in a Schedule of this Policy should be omitted and replaced with a reference to the relevant Chapter of this Policy.
- (4) Subsection (2) does not apply to provisions of a savings or transitional nature.

13 Repeal of environmental planning instruments

The following environmental planning instruments, as amended by this Schedule, are repealed—

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- State Environmental Planning Policy (Koala Habitat Protection) 2020*
- State Environmental Planning Policy (Koala Habitat Protection) 2021*
- Murray Regional Environmental Plan No 2—Riverine Land*
- State Environmental Planning Policy No 19—Bushland in Urban Areas*

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

Willandra Lakes Regional Environmental Plan No 1—World Heritage Property

Note— Savings and transitional provisions in the instruments repealed by this section are not transferred to this Policy. They continue to have effect because of the *Interpretation Act 1987*, sections 5(6) and 30(2)(d).

14 Repeal of Schedule

This Schedule is repealed at the beginning of the day after this Policy commences.