



New South Wales

Native Vegetation Conservation (Savings and Transitional) Regulation 1998

under the

Native Vegetation Conservation Act 1997

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

RICHARD AMERY, M.P.,

Minister for Agriculture, and
Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to give effect to provisions of a savings or transitional nature consequent on the enactment of the *Native Vegetation Conservation Act 1997* (that Act commenced on 1 January 1998, and this Regulation is taken to have commenced on that date). This Regulation:

- (a) provides that the clearing exemptions under *SEPP 46* (which are continued under the Act) will extend to certain land in the Murray region until such time as that land is subject to a regional vegetation management plan under the Act, and
- (b) continues the operation of existing clearing licences under the *Forestry Act 1916*, and existing cultivation consents under the *Western Lands Act 1902*, on a transitional basis in the same way as other similar existing licences and consents are dealt with under Schedule 4 to the Act.

This Regulation is made under the *Native Vegetation Conservation Act 1997*, including section 67 (3) and clause 1 of Schedule 4.

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Native Vegetation Conservation (Savings and Transitional) Regulation 1998

1 Name of Regulation

This Regulation is the *Native Vegetation Conservation (Savings and Transitional) Regulation 1998*.

2 Commencement

This Regulation is taken to have commenced on 1 January 1998.

3 Definition

In this Regulation:

the Act means the *Native Vegetation Conservation Act 1997*

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

5 Clearing of native vegetation under SEPP 46 exemptions

- (1) Clause 3 (2) of Schedule 4 to the Act extends to the land to which *Murray Regional Environmental Plan No 2—Riverine Land* applies. Accordingly, the clearing of native vegetation on land to which that plan applies for a purpose or extent described in Schedule 3 to SEPP 46 is taken to be clearing that is exempt from any requirement under Part 2 of the Act for development consent.
- (2) This clause ceases to have effect in relation to the exempt clearing if the land on which the clearing relates becomes land to which a regional vegetation management plan applies.
- (3) In this clause:
SEPP 46 means *State Environmental Planning Policy No 46—Protection and Management of Native Vegetation* as in force immediately before its repeal on 1 January 1998 by the Act.

6 Exemption of clearing authorised under existing clearing licences

- (1) Any clearing authorised under an existing clearing licence is taken to be clearing that is exempt from any requirement under Part 2 of the Act for development consent.

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- (2) This clause ceases to have effect in relation to the exempt clearing if:
- (a) the existing clearing licence ceases to be in force, or
 - (b) the land on which the clearing relates becomes land to which a regional vegetation management plan applies,
- whichever first occurs.

- (3) In this clause

existing clearing licence means a clearing licence issued under section 27G of the *Forestry Act 1916* and in force immediately before 1 January 1998.

7 Exemption of clearing authorised under existing cultivation consents

- (1) Any clearing of native vegetation (other than trees) authorised under an existing cultivation consent is taken to be clearing that is exempt from any requirement under Part 2 of the Act for development consent.
- (2) This clause ceases to have effect in relation to the exempt clearing if:
- (a) the existing cultivation consent ceases to be in force, or
 - (b) the land on which the clearing relates becomes land to which a regional vegetation management plan applies.
- whichever first occurs.

- (3) In this clause:

existing cultivation consent means a consent under section 18DA of the *Western Lands Act 1901* and in force immediately before 1 January 1998.