



New South Wales

# **Biodiversity Conservation (Savings and Transitional) Amendment Regulation 2017**

under the

**Biodiversity Conservation Act 2016**

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Biodiversity Conservation Act 2016*.

GABRIELLE UPTON, MP  
Minister for the Environment

## **Explanatory note**

The object of this Regulation is to extend, from 3 months to 6 months, the period after the commencement of the *Biodiversity Conservation Act 2016* on 25 August 2017 during which the new biodiversity offsets scheme under that Act does not apply (and the former planning provisions under the *Environmental Planning and Assessment Act 1979* continue to apply) to the determination of an application for development consent (except for SSD) made before or during that period (that is not otherwise a pending or interim application to which the new biodiversity offsets scheme does not apply). The Regulation also extends, from 3 months to 6 months after that commencement, the period during which the Minister may by order extend to other local government areas (apart from Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly) the extension to 12 months after that commencement of the deferral of the biodiversity offsets scheme for non-SSD development applications.

This Regulation is made under the *Biodiversity Conservation Act 2016*, including clause 1 of Schedule 9 and section 14.10.

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### **1 Name of Regulation**

This Regulation is the *Biodiversity Conservation (Savings and Transitional) Amendment Regulation 2017*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Biodiversity Conservation (Savings and Transitional) Regulation 2017**

**[1]    Clause 27 Definitions: Part 7**

Omit “3 months” from paragraph (e) of the definition of *pending or interim planning application* in clause 27 (1). Insert instead “6 months”.

**[2]    Clause 27 (3) (b)**

Omit “3 months”. Insert instead “6 months”.