



New South Wales

Biodiversity Conservation (Savings and Transitional) Amendment Regulation 2018

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 prescribe further areas in which the former planning provisions continue to apply to applications for development (other than State significant development) made after the commencement of the *Biodiversity Conservation Act 2016* instead of the new planning provisions of Part 7 of that Act (namely, the local government areas of Central Coast, Cessnock, Coffs Harbour, Lake Macquarie, Maitland, Newcastle and Port Stephens and the West Dapto Urban Release Area). The period during which the former planning provisions continue to apply in relation to the existing and those further areas is extended from the date ending 25 August 2018 to the date ending 25 November 2018.

This Regulation also extends, from 6 months to 18 months from the repeal of the *Native Vegetation Act 2003*, the period within which proposed land clearing may be carried out by a landholder or another authorised person if the landholder notified the Minister before the repeal of that Act under clause 43 of the *Native Vegetation Regulation 2013*.

This Regulation is made under the *Biodiversity Conservation Act 2016*, including clause 1 of Schedule 9 to that Act.

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1 Name of Regulation

This Regulation is the *Biodiversity Conservation (Savings and Transitional) Amendment Regulation 2018*.

2 Commencement

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

3 Amendment of Biodiversity Conservation (Savings and Transitional) Regulation 2017

(1) Clause 27 Definitions: Part 7

Omit “12 months” from paragraph (f) of the definition of *pending or interim planning application* in clause 27 (1).

Insert instead “15 months”.

(2) Clause 27 (3)

Omit the subclause. Insert instead:

(3) For the purposes of paragraph (f) of the definition of *pending or interim planning application* in subclause (1), the following are interim designated areas:

- (a) the local government areas of Camden, City of Campbelltown, Central Coast, City of Cessnock, City of Coffs Harbour, City of Fairfield, City of Hawkesbury, City of Lake Macquarie, City of Liverpool, City of Maitland, City of Newcastle, City of Penrith, Port Stephens and Wollondilly,
- (b) that part of the local government area of the City of Wollongong that comprises the land to which the West Dapto Urban Release Area proposed application for biodiversity certification applies (as described in the *Proposed Applications for Biodiversity Certification Order 2017* published in the Government Gazette No 126 of 24 November 2017 at pages 7246–7255).

(3) Clause 62 Notified clearing under Ministerial orders (“self assessable codes”) under NV Act continues in force

Omit “6 months” from clause 62 (1). Insert instead “18 months”.