



New South Wales

Biodiversity Conservation Legislation Amendment (Miscellaneous) 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 amend the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* to increase the time periods within which an application for development consent (or modification of development consent) under Part 4 of the *Environmental Planning and Assessment Act 1979* in respect of certain local government areas located in Western Sydney (Western Sydney interim designated areas) can be made.

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

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1 Name of Regulation

This Regulation is the *Biodiversity Conservation Legislation Amendment (Miscellaneous) Regulation 2018*.

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 paragraph (f) from the definition of *pending or interim planning application* in clause 27 (1).

Insert instead:

- (f) in the case of development (except State significant development) within a Western Sydney interim designated area under subclause (3)—an application for development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (or for the modification of such a development consent) made on or before 24 November 2019 (but only if any species impact statement that is to be submitted in connection with the application is submitted on or before 24 May 2020),
- (f1) in the case of development (except State significant development) within an expired interim designated area under subclause (3)—an application for development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (or for the modification of such a development consent) made on or before 24 November 2018 (but only if any species impact statement that is to be submitted in connection with the application is submitted on or before 24 May 2019),

[2] Clause 27 (3) and (3A)

Omit clause 27 (3). Insert instead:

- (3) For the purposes of paragraph (f) of the definition of *pending or interim planning application* in subclause (1), the local government areas of Camden, City of Campbelltown, City of Fairfield, City of Hawkesbury, City of Liverpool, City of Penrith and Wollondilly are Western Sydney interim designated areas.
- (3A) For the purposes of paragraph (f1) of the definition of *pending or interim planning application* in subclause (1), the following are expired interim designated areas:
 - (a) the local government areas of Central Coast, City of Cessnock, City of Coffs Harbour, City of Lake Macquarie, City of Maitland, City of Newcastle and Port Stephens,
 - (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).