



New South Wales

Biodiversity Conservation Amendment Regulation 2022

under the

Biodiversity Conservation Act 2016

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

JAMES GRIFFIN, MP
Minister for Environment and Heritage

Explanatory note

The object of this Regulation is to provide for the content of certain biodiversity development assessment reports prepared in relation to State significant development.

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1 Name of Regulation

This Regulation is the *Biodiversity Conservation Amendment Regulation 2022*.

2 Commencement

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

3 Amendment of Biodiversity Conservation Regulation 2017

Clause 6.8A

Insert after clause 6.8—

6.8A Content of biodiversity development assessment reports for certain State significant development (section 6.16)

- (1) Despite clause 6.8, a biodiversity development assessment report is not required to include content relating to continued development if—
 - (a) the report is prepared in relation to State significant development that includes continued development, and
 - (b) the existing development consent for the continued development is proposed to be surrendered under the *Environmental Planning and Assessment Act 1979*, section 4.63.

- (2) In this clause—

continued development means development authorised by an existing development consent.

existing development consent means—

- (a) development consent granted under the *Environmental Planning and Assessment Act 1979*, Part 4, or
- (b) an approval given under the *Environmental Planning and Assessment Act 1979*, Part 3A when the Part was in force or continued in operation.

State significant development has the same meaning as in the *Environmental Planning and Assessment Act 1979*.