



New South Wales

# Local Land Services Amendment (Land Management and Forestry) Bill 2020

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to ensure that, in the event of an inconsistency, certain provisions of the *Local Land Services Act 2013* that regulate the management of native vegetation, forestry operations and private native forestry operations will prevail over—

- (a) environmental planning instruments made under the *Environmental Planning and Assessment Act 1979*, and
- (b) decisions of consent authorities under the *Environmental Planning and Assessment Act 1979*.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Schedule 1** amends the *Local Land Services Act 2013* to give effect to the object set out in the overview above. **Schedule 1[1]** clarifies the designation of land where the clearing of native vegetation is and is not regulated.

**Schedule 2** amends the *Environmental Planning and Assessment Act 1979* to give effect to the object set out in the overview above.



New South Wales

# Local Land Services Amendment (Land Management and Forestry) Bill 2020

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New South Wales

# Local Land Services Amendment (Land Management and Forestry) Bill 2020

No. , 2020

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## **A Bill for**

An Act to amend the *Local Land Services Act 2013* and the *Environmental Planning and Assessment Act 1979* to clarify matters relating to management of native vegetation, forestry operations and private native forestry operations; and for related purposes.

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**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Local Land Services Amendment (Land Management and Forestry) Act 2020*.

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**2 Commencement**

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This Act commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Local Land Services Act 2013</b>	1
	<b>No 51</b>	2
<b>[1]</b>	<b>Section 60I Category 2-regulated land mapping</b>	3
	Insert after section 60I(3)—	4
	(4) For the avoidance of doubt, land described in subsection (1) or (2) must not be designated as a sub-category prescribed by a regulation made under section 60G(3)(c).	5 6 7
<b>[2]</b>	<b>Section 60ZPA</b>	8
	Insert after section 60ZP—	9
<b>60ZPA</b>	<b>Inconsistency with decision of planning consent authority—native vegetation</b>	10
	In the event of an inconsistency between a provision of this Part or Schedule 5A and a decision of a consent authority under the <i>Environmental Planning and Assessment Act 1979</i> , the provision of this Part or Schedule 5A prevails.	11 12 13
<b>[3]</b>	<b>Section 60ZZD</b>	14
	Insert after section 60ZZC—	15
<b>60ZZD</b>	<b>Inconsistency with decision of planning consent authority—private native forestry</b>	16 17
	In the event of an inconsistency between a provision of this Part and a decision of a consent authority under the <i>Environmental Planning and Assessment Act 1979</i> , the provision of this Part prevails.	18 19 20

<b>Schedule 2</b>	<b>Amendment of Environmental Planning and Assessment Act 1979 No 203</b>	1
		2
<b>Section 3.28A</b>		3
Insert after section 3.28—		4
<b>3.28A</b>	<b>Inconsistency between environmental planning instruments and Local Land Services Act 2013</b>	5
		6
(1)	In the event of an inconsistency between a provision of an environmental planning instrument and a provision of Part 5A or Part 5B of, or Schedule 5A to, the <i>Local Land Services Act 2013</i> , the provision of the <i>Local Land Services Act 2013</i> prevails.	7
		8
		9
		10
(2)	For the avoidance of doubt, the operation of a provision of Part 5A or Part 5B of, or Schedule 5A to, the <i>Local Land Services Act 2013</i> is not subject to a consent of a consent authority under Part 4 of this Act.	11
		12
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