



New South Wales

# Environmental Planning and Assessment Amendment (Private Native Forestry) Bill 2022

## Explanatory note

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

## Overview of Bill

The objects of this Bill are—

- (a) to provide that forestry operations authorised by the *Local Land Services Act 2013*, Part 5B are taken to be exempt development except in certain circumstances, and
- (b) to extend the maximum duration of private native forestry plans to 30 years.

## 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.

## Schedule 1      **Amendment of Environmental Planning and Assessment Act 1979 No 203**

**Schedule 1** provides that forestry operations authorised by the *Local Land Services Act 2013*, Part 5B are taken to be exempt development unless development consent is required by a State Environmental Planning Policy (*SEPP*) or the forestry operations are prohibited by a SEPP or a Local Environmental Plan (*LEP*).

In future, a new requirement for development consent to clear native vegetation will not be able to be included in a SEPP without the concurrence of the Minister administering the *Local Land Services Act 2013*, Part 5B. No new prohibitions on carrying out forestry operations will be able to be included in a SEPP or a LEP.

## **Schedule 2      Amendment of Local Land Services Act 2013 No 51**

**Schedule 2[1]** inserts a note about the amendment made by Schedule 1.

**Schedule 2[2]** extends the maximum duration of private native forestry plans from 15 years to 30 years.



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New South Wales

# Environmental Planning and Assessment Amendment (Private Native Forestry) Bill 2022

No. \_\_\_\_\_, 2022

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## **A Bill for**

An Act to amend the *Environmental Planning and Assessment Act 1979* and the *Local Land Services Act 2013* in relation to private native forestry.

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

1

**1 Name of Act**

2

This Act is the *Environmental Planning and Assessment Amendment (Private Native Forestry) Act 2022*.

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4

**2 Commencement**

5

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

6

<b>Schedule 1</b>	<b>Amendment of Environmental Planning and Assessment Act 1979 No 203</b>	1
		2
<b>Section 3.25A</b>		3
Insert after section 3.25—		4
<b>3.25A Special provision for private native forestry</b>		5
(1)	Forestry operations authorised by the <i>Local Land Services Act 2013</i> , Part 5B are taken to be exempt development unless—	6
		7
(a)	a State Environmental Planning Policy requires development consent to clear native vegetation to which the forestry operations relate, or	8
		9
(b)	an environmental planning instrument prohibits the carrying out of the forestry operations.	10
		11
(2)	The Minister must not recommend to the Governor the making of a State Environmental Planning Policy that contains a requirement for development consent to clear native vegetation on land to which a private native forestry plan applies without the concurrence of the Minister administering the <i>Local Land Services Act 2013</i> , Part 5B.	12
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		15
		16
(3)	Subsection (1)(b) does not apply to a prohibition in an environmental planning instrument unless the prohibition was in force immediately before the commencement of this section.	17
		18
		19
(4)	In this section—	20
	<i>private native forestry plan</i> has the same meaning as in the <i>Local Land Services Act 2013</i> , Part 5B.	21
		22

<b>Schedule 2</b>	<b>Amendment of Local Land Services Act 2013 No 51</b>	1
		2
<b>[1]</b>	<b>Section 60ZW Authorised private native forestry operations</b>	3
	Insert after section 60ZW(1)—	4
	<b>Note—</b> See the <i>Environmental Planning and Assessment Act 1979</i> , section 3.25A for the circumstances in which forestry operations authorised by this Part are taken to be exempt development.	5 6 7
<b>[2]</b>	<b>Section 60ZZ Duration, variation and termination of private native forestry plans</b>	8
	Omit “(not exceeding 15 years)” from section 60ZZ(1).	9
	Insert instead “, not exceeding 30 years,”.	10