



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.



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New South Wales

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

No. , 2020

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.

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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|-------------------|--|----------------|
| Schedule 1 | Amendment of Local Land Services Act 2013 | 1 |
| | No 51 | 2 |
| [1] | Section 60I Category 2-regulated land mapping | 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 |
| [2] | Section 60ZPA | 8 |
| | Insert after section 60ZP— | 9 |
| 60ZPA | Inconsistency with decision of planning consent authority—native vegetation | 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 |
| [3] | Section 60ZZD | 14 |
| | Insert after section 60ZZC— | 15 |
| 60ZZD | Inconsistency with decision of planning consent authority—private native forestry | 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 |

| | | |
|----------------------------|--|----|
| Schedule 2 | Amendment of Environmental Planning and Assessment Act 1979 No 203 | 1 |
| | | 2 |
| Section 3.28A | | 3 |
| Insert after section 3.28— | | 4 |
| 3.28A | Inconsistency between environmental planning instruments and Local Land Services Act 2013 | 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 |
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| | | 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 |
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