



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

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.

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Environmental Planning and Assessment Amendment (Private Native Forestry) Act 2022</i> .	3
	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

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

Section 3.25A

Insert after section 3.25—

3.25A Special provision for private native forestry

- (1) Forestry operations authorised by the *Local Land Services Act 2013*, Part 5B are taken to be exempt development unless—
 - (a) a State Environmental Planning Policy requires development consent to clear native vegetation to which the forestry operations relate, or
 - (b) an environmental planning instrument prohibits the carrying out of the forestry operations.
- (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 *Local Land Services Act 2013*, Part 5B.
- (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.
- (4) In this section—
private native forestry plan has the same meaning as in the *Local Land Services Act 2013*, Part 5B.

Schedule 2	Amendment of Local Land Services Act 2013 No 51	1
		2
[1] Section 60ZW Authorised private native forestry operations		3
Insert after section 60ZW(1)—		4
Note— 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
[2] Section 60ZZ Duration, variation and termination of private native forestry plans		8
Omit “(not exceeding 15 years)” from section 60ZZ(1).		9
Insert instead “, not exceeding 30 years,”.		10