

1991—No. 598

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT
1979—REGULATION**

(Relating to the protection of fauna and flora)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the Regulation set forth hereunder.

ROBERT WEBSTER
Minister for Planning.

The Environmental Planning and Assessment Regulation 1980 is amended:

- (a) by omitting from clause 41A (a) the word “and”;
- (b) by inserting after clause 41A (b) the following paragraphs:
 - (c) the effect of the development on any protected fauna within the meaning of section 98 of the National Parks and Wildlife Act 1974 or endangered fauna within the meaning of that Act and the habitat of any such protected or endangered fauna;
 - (a) the means to be employed to protect fauna or habitat referred to in paragraph (c) from harm or to mitigate the harm, if harm is likely to be caused to the fauna or a population of the fauna or their habitat by the development;
 - (b) whether the development will endanger any species of flora.

(c) by inserting after clause 56 (e) the following paragraph:

- (e1) any impact on the habitat of any protected fauna within the meaning of section 98 of the National Parks and Wildlife Act 1974 or endangered fauna within the meaning of that Act;

EXPLANATORY NOTE

This Regulation extends the list of matters that a consent authority must consider when determining a development application under Part 4 of the Environmental Planning and Assessment Act 1979 to include the effect of the development on protected or endangered fauna or their habitat, the means to be used to protect that fauna and their habitat from any harm and the effect of the development on species of flora.

The Regulation also extends the list of matters that a determining authority must consider when dealing with an activity under Part 5 of that Act to include the impact of the activity on the habitat of protected or endangered fauna.
