

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the Threatened Species Conservation Act 1995 to confirm that the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 has biodiversity certification under that Act.

The Bill also amends the Local Government Act 1993 to make it clear that, for local government rating purposes, where part of a parcel of land is the subject of a conservation agreement under the National Parks and Wildlife Act 1974, the rate payable on the whole parcel is to be proportionately reduced.

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.

Clause 3 is a formal provision that gives effect to the amendments to the Threatened Species Conservation Act 1995 set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the Local Government Act 1993 set out in Schedule 2.

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Clause 5 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the Interpretation Act 1987 provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendment of Threatened Species

Conservation Act 1995

On 14 December 2007, an order made by the Minister Assisting the Minister for Climate Change, Environment and Water (Environment) (the original order) was published in the Gazette conferring biodiversity certification on State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP). Biodiversity certification removes the need for each separate development under the Growth Centres SEPP to comply with the threatened species, assessment and concurrence provisions under the Environmental Planning and Assessment Act 1979, on the basis that the Growth Centres SEPP, in addition to other relevant measures specified in the original order, will lead to overall improvement or maintenance of biodiversity values.

Schedule 1 [2] inserts proposed Part 7 into Schedule 7 to the Threatened Species Conservation Act 1995. The purpose of the proposed Part is to confirm that the Growth Centres SEPP has biodiversity certification.

The proposed Part confers biodiversity certification on the Growth Centres SEPP.

The biodiversity certification only applies to certain land within the Growth Centres SEPP, that is the land to which the original order applied. The Minister may vary the land within the Growth Centres SEPP to which the biodiversity certification applies.

The biodiversity certification remains in force until 30 June 2025, as provided by the original order.

The Minister may, by order published in the Gazette, suspend or revoke the biodiversity certification of the Growth Centres SEPP if any relevant biodiversity measure has not been complied with. The relevant biodiversity measures are the conditions of biodiversity certification that were set out in the original order (subject to any future variation by the Minister following a review of the biodiversity certification).

The suspension or revocation of the biodiversity certification of the Growth Centres SEPP does not affect the validity of development consent granted under Part 4 of the

Environmental Planning and Assessment Act 1979, or any approval of an activity granted in accordance with Part 5 of that Act, before the suspension or revocation. The biodiversity certification is taken to have had effect on and from 14 December 2007, the date of the original order, and anything done or omitted to be done on or after 14 December 2007 under the Environmental Planning and Assessment Act 1979 in connection with the biodiversity certification is duly validated.

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Schedule 1 [1] provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.

Schedule 2 Amendment of the Local Government

Act 1993

Schedule 2 [1] amends section 555 of the Local Government Act 1993 in relation to the calculation of local government rates where part of a parcel of land is the subject of a conservation agreement under the National Parks and Wildlife Act 1974. The amendment makes it clear that, instead of the land being rated as 2 separate parcels as is currently the case, any rate levied on the whole parcel (for any period on or after 1 July 2008) is to be reduced by the proportion that the area of the parcel, which is the subject of the conservation agreement, bears to the area of the whole parcel of land. For example, if a parcel of land would normally be subject to a rate of \$1,000, but 40% of the area of the land is subject to a conservation agreement, that rate is to be reduced by 40% to \$600.

Schedule 2 [2] provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.