

NATIVE VEGETATION CONSERVATION BILL

Schedule of the amendments referred to in the Legislative Council's Message of 6 December 1997 a.m.

- No. 1 Page 10, clause 11 (3), line 3. After "provision", insert ", consistent with the objects of this Act,".
- No. 2 Page 10, clause 11 (4), line 9. After "provision", insert ", consistent with the objects of this Act,".
- No. 3 Page 10, clause 11. Insert after line 12:
- (5) The Minister must, before recommending an order to amend Schedule 1 or 2, consult with the Advisory Council and take into account any recommendations made by the Advisory Council.
 - (6) The Minister must make publicly available the Minister's reasons for recommending an order under this section.
- No. 4 Page 13, clause 15. Insert after line 10:
- (3) The Director-General must keep a register, in the form approved by the Minister, of the following:
 - (a) development consents granted by the Minister under Part 4 of the EPA Act for any clearing that requires development consent because of this Part,
 - (b) decisions on appeal pursuant to Part 4 of the EPA Act from any determination made by the Minister under that Part in relation to any such clearing.
 - (4) The register is to be available for public inspection, without charge and during ordinary business hours, at the head office of the Department of Land and Water Conservation and at the relevant regional office of that Department. Any person is entitled to make copies of any entry in the register
- No. 5 Page 17, clause 24 (2), lines 10-15. Omit all words on those lines. Insert instead:
- (2) The Minister may cause the draft regional vegetation management plan to be prepared by the Regional Vegetation Committee for the region to which the draft plan is intended to apply. Alternatively, the Minister may direct the Director-General to prepare the draft plan.
- No. 6 Page 17, clause 24 (3), line 17. Omit "Division". Insert instead "Part".
- No. 7 Page 18, clause 25. Insert after line 9:

- (4) Despite subsection (3), a regional vegetation management plan cannot include provisions relating to complying development within the meaning of the EPA Act.

No. 8

Page 20, clause 27. Insert after line 7:

- (3) If any part of the land to which a draft regional vegetation management plan is intended to apply is subject to:
- (a) an environmental planning instrument that makes provision for the conservation of native vegetation, or
 - (b) a recovery plan under the *Threatened Species Conservation Act 1995*,

the regional vegetation management plan must make provision, consistent with the objects of this Act, for at least the same level of protection and conservation in relation to native vegetation to that provided by the instrument or recovery plan.

No. 9

Page 21, clause 29 (2) (a), line 12. After "Director-General", insert "after consultation with the initiator (but which must include advertising in a metropolitan daily newspaper and in a regional newspaper circulating in the area to which the draft plan is intended to apply)".

No. 10

Page 21, clause 29 (3), line 24. Omit "relevant". Insert instead "adequate".

No. 11

Page 22, clause 31 (4), line 22. After "may", insert ", after consultation with the initiator,".

No. 12

Page 22, clause 31 (5), line 29. After "may", insert ", after consultation with the initiator,".

No. 13

Page 23, clause 32. Insert after line 16:

- (4) The Minister must, before making a regional vegetation management plan, consult with the Advisory Council and take into account any recommendations made by the Advisory Council.

No. 14

Page 24, clause 36 (1), lines 22 and 23. Omit ", and Division 3 of Part 6 of that Act".

No. 15

Page 24, clause 36 (1), lines 25 and 26. Omit ", or in Division 3 of Part 6 of that Act".

No. 16

Page 25, clause 37. Insert after line 16:

- (2) The Minister must, before approving a draft native vegetation code of practice, consult with the Advisory Council and take into account any recommendations made by the Advisory Council.

No. 17

Page 35, clause 51 (4), lines 10-18. Omit all words on those lines. Insert instead:

- (4) The members are as follows:
- (a) 4 representatives of rural interests, at least 2 of whom are nominated by the NSW Farmers Association,
 - (b) 2 representatives of conservation interests nominated by the Nature Conservation Council of New South Wales,
 - (c) a person who is a non-government member of a Catchment Management Committee, or who is a trustee of a Catchment Management Trust, appointed under section 14 (2) (a) or (b) of the *Catchment Management Act 1989*, being a Catchment Management Committee or Trust whose area of operations applies to the region for which the Committee is established,
 - (d) a person who is a member of a LandCare Group whose area of operations applies to the region for which the Committee is established,
 - (e) a person who is nominated by the local government councils whose areas apply to the region for which the Committee is established,
 - (f) 2 representatives of Aboriginal interests nominated by the New South Wales Aboriginal Land Council,
 - (g) a representative of the Department of Land and Water Conservation,
 - (h) a representative of the Department of Agriculture,
 - (i) a representative of the National Parks and Wildlife Service,
 - (j) a person (nominated by the Australian Ecological Society or the National Herbarium) who has recognised scientific expertise in an area relating to native vegetation conservation and management.

No. 18

Page 36, clause 54, lines 18-26. Omit all words on those lines. Insert instead:

- (3) The members referred to in subsection (2) (b) are as follows:
- (a) 4 representatives of rural interests, at least 2 of whom are nominated by the NSW Farmers Association,

- (b) 2 representatives of conservation interests nominated by the Nature Conservation Council of New South Wales,
- (c) a person who is a non-government member of the State Catchment Management Co-ordinating Committee established under the *Catchment Management Act 1989*,
- (d) a representative of local government interests nominated by the Local Government and Shires Associations of New South Wales,
- (e) 2 representatives of Aboriginal interests nominated by the New South Wales Aboriginal Land Council,
- (f) a representative of the Department of Land and Water Conservation,
- (g) a representative of the Department of Agriculture,
- (h) a representative of the National Parks and Wildlife Service,
- (i) a representative of the Department of Urban Affairs and Planning,
- (j) a person (nominated by the Australian Ecological Society or the National Herbarium) who has recognised scientific expertise in an area relating to native vegetation conservation and management.

No. 19 Page 37, clause 55 (1), line 4. After "on", insert "any matter, including".

No. 20 Page 37, clause 56 (1) (c), line 23. Omit "required to be".

No. 21 Page 41. Insert after line 11:

63 Restraint of breaches of this Act

(1) In this section:

- (a) a reference to a breach of this Act is a reference to:
 - (i) a contravention of or failure to comply with this Act, or
 - (ii) a threatened or an apprehended contravention of or a threatened or apprehended failure to comply with this Act, and
- (b) a reference to this Act includes a reference to any of the following:

- (i) a regional vegetation management plan,
 - (ii) a native vegetation code of practice,
 - (iii) a development consent granted under the EPA Act (being a consent that is required because of Part 2 of this Act),
 - (iv) a condition subject to which such a development consent was granted,
 - (v) an order or direction under Part 6.
- (2) Any person may bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of this Act, whether or not any right of that person has been or may be infringed by or as a consequence of that breach.
- (3) Proceedings under this section may be brought by a person on the person's own behalf or on behalf of that person and on behalf of other persons (with their consent), or a body corporate or unincorporated (with the consent of its committee or other controlling or governing body), having like or common interests in those proceedings.
- (4) Any person on whose behalf proceedings are brought is entitled to contribute to or provide for the payment of the legal costs and expenses incurred by the person bringing the proceedings.

No. 22

Page 50, Schedule 3, clause 12, lines 12-16. Omit all words on those lines. Insert instead:

12 Consensus decision making

- (1) Any decision at a meeting of a Regional Vegetation Committee or the Advisory Council at which a quorum is present is to be made by consensus.
- (2) If a consensus cannot be reached at the meeting, a decision supported by a majority of the votes cast at the meeting is the decision of the Committee or the Advisory Council.
- (3) Any member is entitled to make a report indicating a minority view in relation to a decision of the Committee or the Advisory Council. Such a report may be given to the Minister.

No. 23

Page 51, Schedule 3, clause 14 (2), line 16. After "matter", insert "that is".
