

c2016-117B
GRNS--The Greens

LEGISLATIVE COUNCIL

Local Land Services Amendment Bill 2016

First print

Proposed amendments

No. 1 **Commencement**

Page 2, clause 2. Insert after line 5:

- (2) Clause 3 (Repeal of *Native Vegetation Act 2003* No 103 and regulation) and Schedule 1 [3], to the extent that it inserts proposed section 60N into the *Local Land Services Act 2013*, cannot be commenced until the Environment Agency Head has published native vegetation regulatory maps under Part 5A of the *Local Land Services Act 2013* for all areas of the State to which that Part applies.

No. 2 **Objects of Act**

Page 3, Schedule 1 [1]. Insert after line 9:

- (e1) to protect native vegetation of high conservation value having regard to its contribution to water quality, biodiversity, the prevention of salinity or land degradation or other relevant matter,
- (e2) to improve the condition of existing native vegetation, particularly where it has high conservation value,
- (e3) to ensure that decisions under the Act have regard to the cumulative contribution of broad-scale clearing to greenhouse gas emissions in NSW as well as the important role played by native vegetation as carbon sinks.

No. 3 **Category 3-protected land**

Page 4, Schedule 1 [3]. Insert after line 43:

category 3-protected land means an area of the State to which this Part applies designated as category 3-protected land on the native vegetation regulatory map.

No. 4 **Category 3-protected land**

Page 5, Schedule 1 [3], line 22. Insert "or is category 3-protected land" after "category 2-regulated land".

No. 5 **Category 3-protected land**

Page 5, Schedule 1 [3]. Insert after line 34:

, and

- (d) where the clearing of native vegetation is prohibited under this Part (*category 3-protected land*).

No. 6 **Transitional arrangement until preparation of maps**

Pages 5 and 6, Schedule 1 [3], line 35 on page 5 to line 28 on page 6. Omit all words on those lines.

No. 7 **Category 2-regulated land mapping**

Page 7, Schedule 1 [3], line 36. Insert “, including by any works carried out by Landcare,” after “public funds”.

No. 8 **Category 3-protected land**

Page 6, Schedule 1 [3]. Insert after line 37:

, and

- (c) category 3-protected land, and

No. 9 **Category 3-protected land**

Page 7, Schedule 1 [3], lines 39–45. Omit all words on those lines.

No. 10 **Category 3-protected land**

Page 8, Schedule 1 [3], lines 3–9 and 12–23. Omit all words on those lines.

No. 11 **Category 2-regulated land mapping**

Page 8, Schedule 1 [3], line 11. Insert “or is land to which *State Environmental Planning Policy No 26—Littoral Rainforests* or *State Environmental Planning Policy No 14—Coastal Wetlands* applies” after “*Coastal Management Act 2016*”.

No. 12 **Category 2-regulated land mapping**

Page 8, Schedule 1 [3]. Insert after line 23:

- (n) the land is a travelling stock reserve,

No. 13 **Category 3-protected land**

Page 8, Schedule 1 [3]. Insert after line 28:

60J Category 3-protected land mapping

Land is to be designated as category 3-protected land if the Environment Agency Head reasonably believes that:

- (a) the land is subject to a private land conservation agreement under the *Biodiversity Conservation Act 2016*, or
- (b) the land is subject to be set aside under a requirement made in accordance with a land management (native vegetation) code under this Part, or
- (c) the land contains grasslands that are not low conservation value grasslands, or
- (d) the land is subject to an approved conservation measure that was the basis for other land being biodiversity certified under Part 8 of the *Biodiversity Conservation Act 2016* or under any Act repealed by that Act, or
- (e) the land is an offset under a property vegetation plan under the *Native Vegetation Act 2003* or is a set aside under a Ministerial order under Division 3 of Part 6 of the *Native Vegetation Regulation 2013*, or
- (f) the land is identified as koala habitat (of a kind prescribed by the regulations) in a plan of management made under *State Environmental Planning Policy No 44—Koala Habitat Protection*, or

-
- (g) the land is a declared Ramsar wetland within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, or
 - (h) the land has (subject to the regulations) been mapped by the Environment Agency Head as land containing critically endangered species of plants under the *Biodiversity Conservation Act 2016*, or
 - (i) the land has been mapped by the Environment Agency Head as land containing a critically endangered ecological community under the *Biodiversity Conservation Act 2016*, or
 - (j) the land has been declared as an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*.

No. 14 **Review and appeal of categorisation decisions**

Page 10, Schedule 1 [3], line 38. Omit “The relevant landholder”. Insert instead “Any person”.

No. 15 **Review and appeal of categorisation decisions**

Page 11, Schedule 1 [3], line 10. Omit “The relevant landholder”. Insert instead “Any person”.

No. 16 **Category 3-protected land**

Page 15, Schedule 1 [3], lines 1-3. Omit all words on those lines. Insert instead:

- (2) The clearing of native vegetation is not authorised by a land management (native vegetation) code in any part of the regulated rural area that is category 3-protected land or that is excluded by the regulations or by the code concerned.

No. 17 **Land management (native vegetation) codes**

Page 15, Schedule 1 [3]. Insert after line 17:

- (2) The Minister may not make a land management (native vegetation) code unless satisfied that the clearing authorised by the code will be a low risk or a low impact on to the environment.

No. 18 **Land management (native vegetation) codes**

Page 15, Schedule 1 [3]. Insert after line 29:

- (5) Sections 40 and 41 of the *Interpretation Act 1987* apply to land management (native vegetation) codes in the same way as they apply to statutory rules within the meaning of that Act.

No. 19 **Land management (native vegetation) codes**

Page 15, Schedule 1 [3], line 32. Omit “4 weeks”. Insert instead “8 weeks”.

No. 20 **Land management (native vegetation) codes**

Page 15, Schedule 1 [3], lines 34 and 35. Omit the words “may (but need not)”. Insert instead “must”.

No. 21 **Land management (native vegetation) codes**

Page 15, Schedule 1 [3], lines 42–44. Omit all words on those lines.

No. 22 **Land management (native vegetation) codes**

Page 17, Schedule 1 [3], lines 5 and 6. Omit “unless the code exempts the landholder from giving notice of clearing of that kind”.

No. 23 **Notice to Local Land Services of clearing**

Page 17, Schedule 1 [3], line 8. Omit “\$110,000”. Insert instead “\$220,000”.

-
- No. 24 **Notice to Local Land Services of clearing**
Page 17, Schedule 1 [3], line 9. Omit "\$22,000". Insert instead "\$44,000".
- No. 25 **Certification by Local Land Services after clearing**
Page 18, Schedule 1 [3]. Insert after line 20:
 (13) Local Land Services is to certify whether or not clearing was carried out in accordance with the conditions of a certificate under this section within 4 weeks of Local Land Services becoming aware that clearing was undertaken,
- No. 26 **Serious or irreversible impacts on biodiversity values**
Page 22, Schedule 1 [3], lines 24 and 25. Omit "the Panel is of the opinion that".
- No. 27 **Serious or irreversible impacts on biodiversity values**
Page 22, Schedule 1 [3], lines 26 and 27. Omit "serious and irreversible" wherever occurring. Insert instead "serious or irreversible".
- No. 28 **Reduction in biodiversity credits to be retired**
Page 23, Schedule 1 [3]. Insert after line 27:
 (5) The Panel cannot reduce the number of biodiversity credits that would otherwise be required to be retired without the concurrence of the Environment Agency Head.
- No. 29 **Local Land Services report on allowable clearing**
Page 25, Schedule 1 [3], line 25. Omit "its estimate of".
- No. 30 **Environment Agency Head report on clearing in unregulated areas**
Page 25, Schedule 1 [3]. Insert after line 32:
 60ZO Environment Agency Head to report on rates of clearing in unregulated areas
 (1) The Environment Agency Head is to publicly report on an annual basis on the Agency Head's estimate of the overall rate of clearing of native vegetation in rural areas that are not regulated rural areas.
 (2) The Environment Agency Head may include that report in the annual report of the Office of Environment and Heritage.
- No. 31 **Review of native vegetation provisions of this Act**
Page 27, Schedule 1 [7], lines 1 and 4. Omit "5 years" wherever occurring. Insert instead "2 years".
- No. 32 **Review of native vegetation provisions of this Act**
Page 27, Schedule 1 [7], line 4. Omit "12 months". Insert instead "6 months".