

# Discussion Paper

Statutory Review of Part 5A Local  
Land Services Act

November 2022



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# Why are we undertaking a statutory review?



The legislation requires the Minister for Agriculture to carry out a five-year statutory review of Part 5A and Schedules 5A and 5B (**the native vegetation provisions**) of the Local Land Services Act 2013, which commenced in 2017.

The review is being supported by an independent expert advisory panel.

This panel is made up of four experts in the fields of agricultural/environmental policy, social impact assessment, ecology and agricultural economics.



# Why are we undertaking a statutory review?



The statutory review is a requirement of the legislation.

The statutory review is also an important opportunity to identify aspects of the native vegetation provisions in the Local Land Services Act that are working well, any issues, and whether any changes are needed to improve land management outcomes for landholders, the community and the environment.

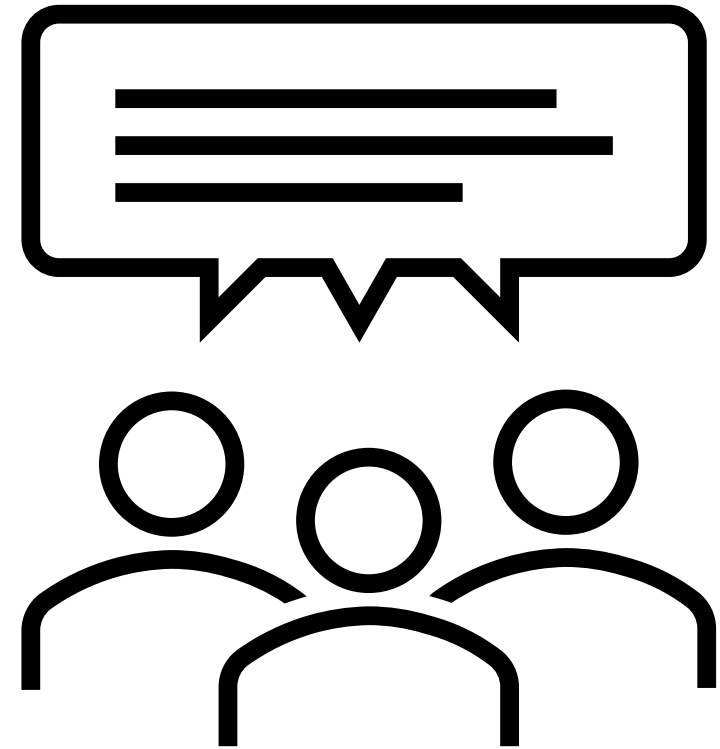
The statutory review supports the principles of continuous regulatory improvement.

# What's the purpose of the Discussion Paper?

A Discussion Paper has been prepared to help community and stakeholders provide feedback on the Statutory Review.

## **The Discussion Paper aims to:**

- provide context for the five-year statutory review
- pose key questions relating to each of the relevant Divisions in the Local Land Services Act
- outline how stakeholders can be involved in the statutory review process and have their say
- set out the timing of the main steps in the statutory review process.



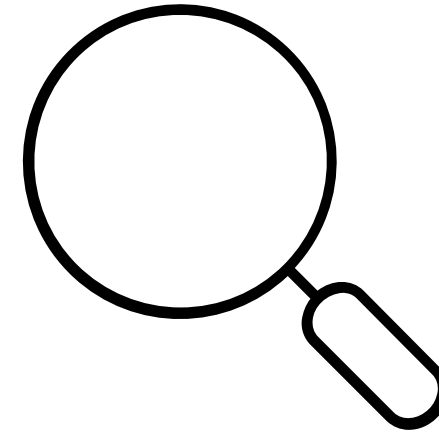
# What will the statutory review consider?

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Under Section 212 of the Local Land Services Act the Minister is to review the native vegetation provisions and determine:

- if the policy objectives of these provisions remain valid, and
- whether the provisions themselves remain appropriate for securing the objectives of this part of the Act.

The five-year statutory review will also consider how well Part 5A and Schedule 5A and Schedule 5B of the Local Land Services Act are working and if any areas need to be improved.



*The policy objective of the native vegetation provisions in the Local Land Services Act is 'to ensure the proper management of natural resources in the social, economic and environmental interests of the State, consistently with the principles of ecologically sustainable development.'*

# What will the statutory review consider?



For more information on the scope of the statutory review of Part 5A and Schedule 5A and Schedule 5B of the Local Land Services Act, go to the [Terms of Reference](#), which are also set out in Appendix 1 of the discussion paper.

The statutory review of the Local Land Services Act is being carried out in conjunction with the statutory review of the *Biodiversity Conservation Act 2016* by the Minister for Environment and Heritage.

For more information on the Biodiversity Conservation Act Statutory Review visit the Environment and Heritage [website](#).

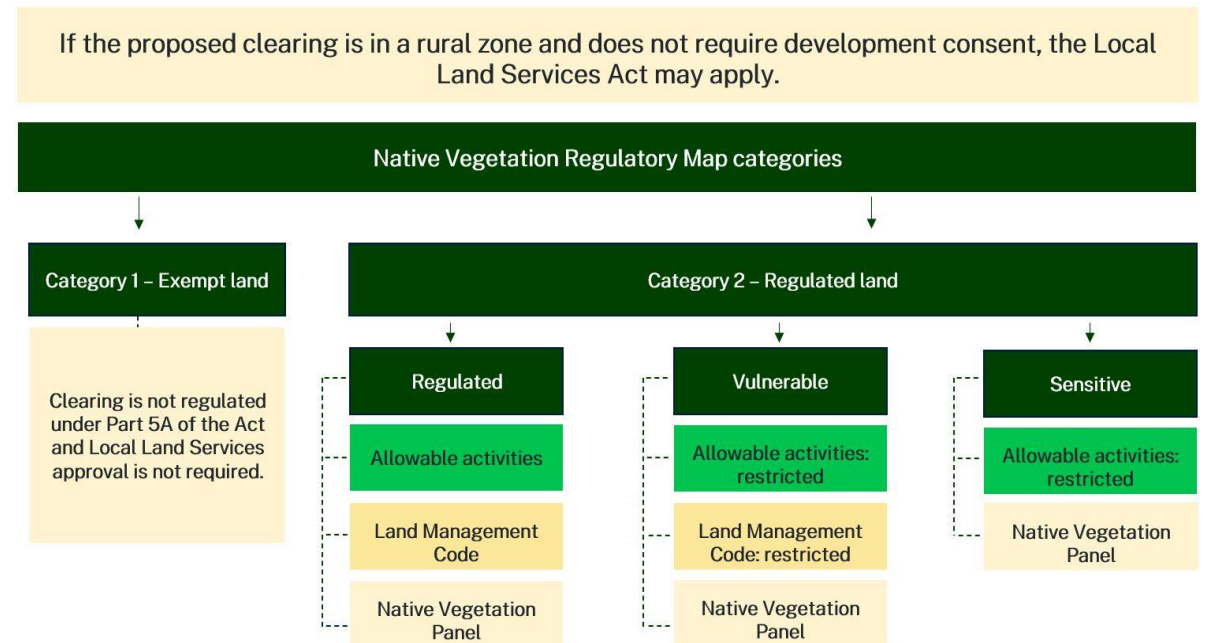


# What are the native vegetation provisions?

## The key elements of the native vegetation provisions within the Local Land Services Act are:

- The requirement to prepare and publish a **Native Vegetation Regulatory Map** which categorises rural land.
- Three pathways for a landholder to manage native vegetation on their land in regulated rural areas:
  - **Allowable activities**
  - **The Land Management (Native Vegetation) Code,**
  - **Native Vegetation Panel.**
- **Offences and penalties** for carrying out illegal native vegetation clearing.
- The requirement to maintain a **public register** of authorisations under the Code.

## Want more information about the native vegetation provisions of the Act? Head to the discussion paper!





# Where do the native vegetation provisions apply?

The native vegetation provisions in Part 5A of the Local Land Services Act apply to rural land (land zoned as: RU1, RU2, RU3, RU4, RU6 but not RU5), with some exceptions:

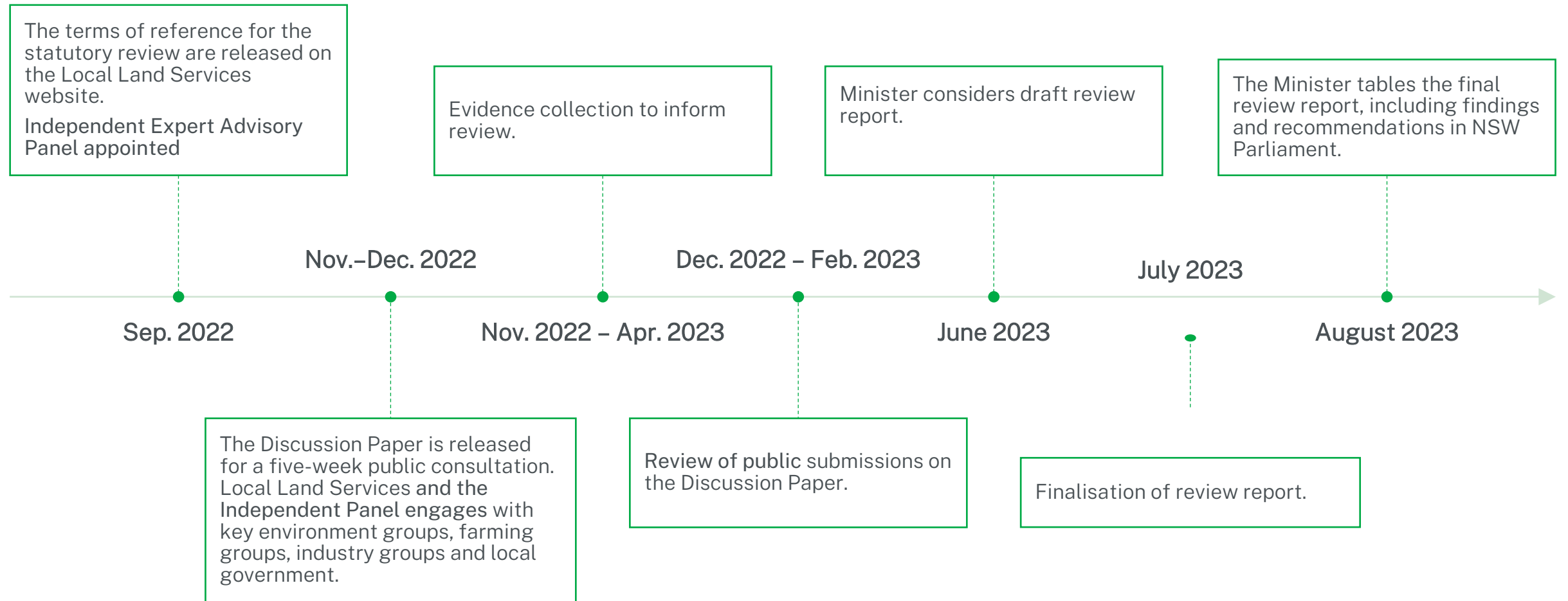
Land that is not regulated by Part 5A includes:

- non-rural areas in the State, defined by the State Environmental Planning Policy (Biodiversity and Conservation) 2021
- National Parks and other conservation areas
- State Forests
- land in the Sydney or Newcastle metropolitan areas

About 43 million hectares of land in NSW is categorised as rural regulated land, which represents about 53% of the land area of NSW.



# Process for the statutory review – stages and timing



# Have your say! How to make a submission

You are invited to make a submission based on the questions in the Discussion Paper.

Submissions will inform the five-year statutory review of Part 5A and Schedule 5A and Schedule 5B in the Local Land Services Act.

All submissions will be published on the Local Land Services web-site unless clearly marked "confidential".

Please refer to the Discussion Paper for more information on how your submission will be used and confidential information treated.

The deadline for public submissions is **19 December 2022**.

There are multiple ways to have your say.



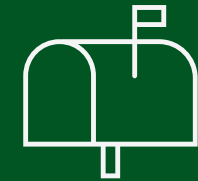
## Online

- Visit the Have Your Say platform.



## Email

- your submission to [policy@lls.nsw.gov.au](mailto:policy@lls.nsw.gov.au)



## Mail

Post your submission to:

Part 5A LLS Act Statutory Review  
Policy Division  
Local Land Services, 117 Bull Street, Newcastle West 2302