

Land Management (Native Vegetation) Code Amendment (Monaro and Werriwa Grassy Woodland Critically Endangered Ecological Communities) 2019

under the

Local Land Services Act 2013

I, Adam Marshall MP, Minister for Agriculture and Western New South Wales, make the following *Land Management (Native Vegetation) Code Amendment (Monaro and Werriwa Grassy Woodland Critically Endangered Ecological Communities) 2019*, under section 60V of the *Local Land Services Act 2013*.

Dated this 8th day of July 2019 at 5.35 pm

ADAM MARSHALL, MP

Minister for Agriculture and Western New South Wales

I, Matthew Kean MP, Minister for Energy and Environment, give concurrence to the following *Land Management (Native Vegetation) Code Amendment (Monaro and Werriwa Grassy Woodland Critically Endangered Ecological Communities) 2019*, under section 60V of the *Local Land Services Act 2013*.

Dated this 8th day of July 2019 at 2.47 pm

MATTHEW KEAN, MP

Minister for the Energy and Environment

Explanatory Note

This instrument amends the *Land Management (Native Vegetation) Code 2018* such that vegetation will not be taken to comprise certain critically endangered ecological communities if Local Land Services is of the opinion that the vegetation does not form a functioning ecological community that is likely to be viable over the long term.

This instrument is made under section 60V of the *Local Land Services Act 2013*.

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1 Name of instrument

This instrument is the *Land Management (Native Vegetation) Code Amendment (Monaro and Werriwa Grassy Woodland Critically Endangered Ecological Communities) 2019*.

2 Commencement

This instrument commences on the date on which it is published on the NSW Legislation website.

3 Amendment of the *Land Management (Native Vegetation) Code 2018*

The *Land Management (Native Vegetation) Code 2018* is amended as set out in Schedule 1.

Schedule 1 Amendment of Land Management (Native Vegetation) Code 2018

[1] Clause 7, clearing of critically endangered ecological communities

Insert the following note below clause 7:

Note: Under clause 19A, vegetation is not taken to be an instance of certain critically endangered ecological communities in the circumstances specified in that clause.

[2] Clause 19A, identification of critically endangered ecological communities

Insert after clause 19:

19A Identification of certain critically endangered ecological communities

- (1) This clause applies to the following critically endangered ecological communities:
 - (a) Monaro Tableland Cool Temperate Grassy Woodland in the South Eastern Highlands Bioregion, and
 - (b) Werriwa Tablelands Cool Temperate Grassy Woodland in the South Eastern Highlands and South East Comer Bioregions.
- (2) For the purposes of this Code, native vegetation is taken not to be an instance of a critically endangered ecological community to which this clause applies if, in the opinion of Local Land Services, the vegetation does not form a functioning ecological community that is likely to be viable in the long term.
- (3) When forming an opinion about whether vegetation does not form a functioning ecological community that is likely to be viable in the long term, Local Land Services is to have regard to:
 - (a) the structure, composition and function of the vegetation including the species present and the proportion of each species in each vegetation strata, and
 - (b) the area over which the vegetation is present, including the shape of the area and the ratio of area to edge, and
 - (c) the location of the vegetation in relation to other native vegetation in the landscape, and
 - (d) impacts on the vegetation arising from activities or conditions on land immediately adjacent to the vegetation, including whether such activities or conditions are likely to have an adverse impact on the vegetation over time.

- (4) This clause does not apply to intended clearing of native vegetation that requires notification to Local Land Services unless the landholder applies to Local Land Services for a voluntary code compliant certificate.
- (5) The Secretary of the Department of Planning, Industry and Environment may approve guidelines to assist Local Land Services in determining whether vegetation does not form a functioning ecological community that is likely to be viable in the long term.