



New South Wales

National Parks and Wildlife Amendment (Assets of Intergenerational Significance) Regulation 2021

under the

National Parks and Wildlife Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *National Parks and Wildlife Act 1974*.

MATTHEW KEAN, MP
Minister for Energy and Environment

Explanatory note

The object of this Regulation is to prescribe the following as actions that may be taken for the management of environmental and cultural assets of intergenerational significance—

- (a) the management of known or foreseeable risks, including protection from bush fire risks,
- (b) the preparation and approval of conservation action plans,
- (c) the carrying out of conservation activities under approved conservation action plans.

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1 Name of Regulation

This Regulation is the *National Parks and Wildlife Amendment (Assets of Intergenerational Significance) Regulation 2021*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 **Amendment of National Parks and Wildlife Regulation 2019**

Part 7A

Insert after Part 7—

Part 7A Assets of intergenerational significance

Division 1 Preliminary

78A Definitions

In this Part—

approved conservation action plan, for declared land, means a conservation action plan prepared in accordance with this Part for the land and approved by the Secretary under clause 78E.

conservation activity, for declared land, means an activity that may be, or must be, carried out for the purposes of managing the land in accordance with an approved conservation action plan for the land.

Department means the Department of Planning, Industry and Environment.

environmental and cultural values, of declared land, are the environmental and cultural values on the basis of which the land was declared to be land to which the Act, section 188H applies.

78B Management of declared land

For the purposes of the Act, section 188H(2), the following actions may be taken for the management of declared land—

- (a) the management of known or foreseeable risks to the land, including the protection of the land from bush fire risks,
- (b) the preparation of a conservation action plan for the land in accordance with this Part,
- (c) the approval of the conservation action plan for the land in accordance with this Part,
- (d) the carrying out of conservation activities under the approved conservation action plan for the land.

Division 2 Conservation action plans

78C Preparation of conservation action plans

- (1) The Secretary must prepare a conservation action plan for declared land.
- (2) A conservation action plan may apply to—
 - (a) 1 or more areas of declared land, or
 - (b) part of an area of declared land.
- (3) A conservation action plan must identify the following for the purposes of managing the land—
 - (a) the environmental and cultural values of the land,
 - (b) the key risks to the environmental and cultural values of the land,
 - (c) the conservation activities required to—

- (i) control, abate or mitigate the key risks to the environmental or cultural values of the land, and
- (ii) maintain, remediate or restore the environmental or cultural values of the land,
- (d) the requirements for measuring and reporting on the health and condition of the land.

78D Public exhibition of draft conservation action plans

- (1) Before approving a draft conservation action plan, the Secretary must—
 - (a) publicly exhibit the draft plan for a period (the *public exhibition period*) of not less than 14 days by publishing the draft plan on a website maintained by the Department, and
 - (b) consider the submissions received during the public exhibition period.
- (2) However, if, in the Secretary's opinion, the draft plan contains information the disclosure of which may diminish the protection of the environmental and cultural values of the declared land, the Secretary may prepare an amended or redacted version of the draft plan for the purposes of public exhibition under subclause (1)(a).
- (3) Despite subclause (1)(a), if the Secretary is satisfied the urgent finalisation and approval of the plan is necessary to address an imminent threat to declared land, the Secretary is not required to publicly exhibit the draft plan.

78E Approval of conservation action plans

- (1) The Secretary must approve a conservation action plan for declared land within 90 days after an order made under the Act, section 188H relating to the land is published in the Gazette.
- (2) Despite subclause (1), a conservation action plan not approved within that time is valid if the plan is approved after that time.

78F Publication of approved conservation action plans

- (1) The Secretary must publish the approved conservation action plan on a website maintained by the Department within 28 days after the plan is approved by the Secretary.
- (2) However, if, in the Secretary's opinion, the approved plan contains information the disclosure of which may diminish the protection of the environmental and cultural values of the declared land, the Secretary may prepare an amended or redacted version of the approved plan for the purposes of publication under subclause (1).
- (3) The failure to publish an approved conservation action plan does not invalidate the plan.

78G Effect of conservation action plans

The Secretary must ensure the conservation activities for declared land are carried out in accordance with the approved conservation action plan for the land.

78H Amendment of conservation action plans

- (1) An approved conservation action plan may be amended or replaced by a subsequent conservation action plan prepared and approved in accordance with this Part.

- (2) A subsequent conservation action plan must be exhibited in accordance with this Part.
- (3) Despite subclause (2), the Secretary may elect not to publicly exhibit a draft subsequent conservation action plan if the Secretary is satisfied the proposed amendments are minor.

Division 3 Miscellaneous

78I Information relating to health and condition of declared land

- (1) The Secretary must publish information relating to the health and condition of declared land on a website maintained by the Department.
- (2) However, if, in the Secretary's opinion, the information contains matters the disclosure of which may diminish the protection of the environmental and cultural values of the declared land, the Secretary may prepare an amended or redacted version of the information for the purposes of publication under subclause (1).

78J Review of implementation of conservation action plans

- (1) The Secretary must appoint a scientist, or a panel of scientists, to conduct a review, as soon as possible after the period of 5 years from the first approval of a conservation action plan, to examine whether conservation action plans have been effectively implemented.
- (2) The Secretary must consult the Chief Scientist and Engineer before making an appointment under subclause (1).
- (3) The review must evaluate the effectiveness of conservation action plans, including the following matters—
 - (a) the implementation of conservation activities to—
 - (i) control, abate or mitigate the key risks to the environmental and cultural values of declared land, and
 - (ii) maintain, remediate or restore the environmental or cultural values of declared land,
 - (b) the measurement of, and reporting on, the health and condition of declared land.
- (4) The Secretary must—
 - (a) prepare a report on the findings of the review, and
 - (b) publish the report on a website maintained by the Department within 28 days after the findings of the review are provided to the Secretary.
- (5) However, if, in the Secretary's opinion, the report contains information the disclosure of which may diminish the protection of the environmental and cultural values of the declared land, the Secretary may prepare an amended or redacted version of the report for the purposes of publication under subclause (4)(b).