

Native Vegetation Protection Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

Clause 1 sets out the purpose of the Act.

Clause 2 provides for the Act to come into operation on a day to be proclaimed.

Clause 3 contains definitions.

Clause 4 states the objectives of the Act.

PART 2—CLEARING OF NATIVE VEGETATION

Clause 5 provides that the objectives of the Act are objectives of planning and of each planning scheme.

Clause 6 provides that a permit is required for the clearing of native vegetation. This clause is, however, subject to clauses 7 and 8.

Clause 7 provides that a permit is not required in the cases set out in Schedule 1.

Clause 8 enables the Governor in Council to exempt part or all of a municipal district or a group of districts from the clearing controls established under this Act provided that an alternative planning scheme exists that gives effect to the objectives of the Act.

Clause 9 provides that an applicant for a permit to clear native vegetation may submit a land management plan or works program with the application.

Clause 10 provides that the responsible authority must give the Director-General of Conservation and Environment notice of an application for a permit to clear native vegetation in certain circumstances.

Clause 11 provides for referral of applications in accordance with Schedule 2.

Clause 12 specifies matters to be considered by the responsible authority before deciding whether or not to grant any permit under the **Planning and Environment Act 1987**, or to impose conditions on a permit. This does not apply to landholdings less than 0.4 hectares in area.

Clause 13 requires the responsible authority to consider matters listed in Schedule 3 before deciding whether or not to grant a permit to clear native vegetation.

Clause 14 incorporates the clearing controls into planning schemes.

Clause 15 provides for the application of the Planning and Environment Act to the clearing controls.

Clause 16 specifies that the clearing controls can only be amended by an Act.

Clause 17 deals with the relationship between the clearing controls and other provisions in the planning scheme.

Clause 18 makes it clear that the clearing controls are additional to any other requirements of the Planning and Environment Act or any planning scheme concerning the matters to be considered when making certain decisions.

Clause 19 deals with the relationship between the Flora and Fauna Guarantee Act and the clearing controls.

PART 3—ROLE OF THE LAND PROTECTION COUNCIL

Clause 20 sets out additional information of the Land Protection Council in relation to this Act.

Clause 21 specifies information to be included in the annual report of the Land Protection Council.

Clause 22 provides that each municipal council must give the Land Protection Council information about clearing applications from its planning register each year.

SCHEDULES

Schedule 1 specifies the cases where clearing does not require a permit.

Schedule 2 contains additional referral requirements for certain applications for planning permits.

Schedule 3 lists matters to be considered when deciding permit applications.