

# Terms of Reference:

## Strengthening the management and protection of widespread Critically Endangered Ecological Communities

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The Premier, at the request of the Minister for Agriculture, requires the Natural Resources Commission (the Commission) to provide advice on policy options to strengthen the management and protection of widespread Critically Endangered Ecological Communities (CEECs) under the Land Management (Native Vegetation) Code 2018, including considering mechanisms that support and incentivise landholders to protect, restore and improve CEECs.

This request is in accordance with 13(1)(d) and (f) of the *Natural Resources Commission Act 2003*.

### Background

In August 2023, the Minister for Agriculture tabled in NSW Parliament the final report of the statutory review of the native vegetation provisions of the *Local Land Services Act 2013* (LLS Act).

On 17 July 2024, the NSW Government released the *NSW plan for nature – NSW Government response to the reviews of the Biodiversity Conservation Act 2016 and the native vegetation provisions of the Local Land Services Act 2013*.

The NSW Government's response to the statutory review of the native vegetation provisions of the LLS Act supported (with variation) the recommendation to strengthen the CEECs in the Land Management Framework by:

- improving identification and mapping of CEECs, with further support provided by LLS for landholders to strengthen on-ground management of CEECs
- appointing the Commission to provide advice on policy options to strengthen the management and protection of widespread CEECs under the Code including considering mechanisms that support and incentivise landholders to protect, restore and improve CEECs.

### Purpose and Scope

The Commission is requested to provide advice on policy options to strengthen the management and protection of widespread CEECs. This includes considering options to support and incentivise landholders to protect, restore and improve CEECs.

The findings will help inform future decisions of the Government concerning how CEECs can be better managed and protected. This may include utilising native vegetation management options under the Land Management Framework and landholder incentives.

The Commission in undertaking this review should also have regard to, but is not limited to, the following:

- NSW Government (2024) *NSW plan for nature – NSW Government response to the reviews of the Biodiversity Conservation Act 2016 and the native vegetation provisions of the Local Land Services Act 2013*, July 2024
- NSW Government (2023) *Statutory Review of the native vegetation provisions (Part 5A and Schedule 5A and Schedule 5B) of the Local Land Services Act 2013*, 24 August
- NSW Government (2023) *Independent Review of the Biodiversity Conservation Act 2016*, August 2023
- the objective of the LLS Act in respect of Part 5A and Schedule 5A and Schedule 5B in the LLS Act: ‘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 (described in section 6 (2) of the Protection of the Environment Administration Act 1991)’
- whether any changes to the Code are required to improve outcomes on widespread CEECs
- options to address existing barriers to identifying and mapping widespread CEECs
- current and possible mechanisms to support and incentivise landholders to protect and restore CEECs
- options for managing invasive native species and regrowth on non-viable CEECs and restricting use of allowable activities on viable CEECs.

## Matters not within scope

The Commission will not consider broader Threatened Ecological Community listings and conservation levels assignment regulatory framework under the *Biodiversity Conservation Act 2016*.

## Consultation

The Commission is required to consult with Local Land Services and the Department of Climate Change, Energy, the Environment and Water to inform the review.

Targeted consultation will occur with key stakeholder groups and experts, as required.

## Process

The Commission is to deliver the review to the following schedule:

- commence review in December 2024
- provide a final report to the Premier, Minister for Agriculture and Minister for the Environment by June 2025.

The Premier and Minister for Agriculture may request updates on the review at any time.

On request, NSW agencies will provide all necessary and relevant data they hold to support the Commission's review in a timely and efficient manner.

## Final advice

The final advice must document the review's findings and policy options. In the absence of conclusive evidence, the Commission may make findings and provide policy options based on its judgement.

The Commission will publish the report at a reasonable time after being sent to the Premier, Minister for Agriculture and Minister for the Environment.

## Confidentiality

All information presented to the Commission by agencies, as well as its findings and options, should be treated as confidential until the final report is published.