

NELR recent developments

agenda, was released 23 November 2010 and identifies the national priorities for preparing our coasts for climate change that were discussed at the National Climate Change Forum in February 2010.

See: www.climatechange.gov.au/~media/publications/adaptation/developing-national-coastal-adaptation-agenda.ashx

Government response to coastal zone climate change impacts report

The report of the inquiry *Managing our Coastal Zone in a Changing Climate: the time to act is now* was tabled in the Parliament on 26 October 2009. The House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts held the inquiry.

The Australian Government's response to the inquiry recommendations was released in November 2010, accepting 9 of 47 recommendations. The Government supports the major theme of the report – the need for national leadership – and intends to work with state and territory governments, and local governments through the Australian Local Government Association, to develop a national coastal adaptation agenda, including:

- investigating the barriers to the effective

operation of insurance markets in the coastal zone under a changing climate and related issues (rec 19)

- considering the adoption of a nationally consistent sea-level rise planning benchmark including agreement across jurisdictions of a common methodology for developing a sea-level rise planning benchmark (rec 21)
- updating building regulations and to increase the resilience of the Building Code of Australia to climate change (rec 22)

The Government also recognises the importance of addressing knowledge gaps in relation to legal issues and climate change impacts on the coastal zone, including the clarification of legal liability issues. The Government has stated that it will engage with the legal profession and research bodies as appropriate on legal issues associated with climate change impacts in the coastal zone. Where there are national implications cutting across jurisdictional boundaries, the Australian Government will seek the agreement of the states and territories and ALGA to pursue these issues under a COAG work agenda.

See: www.climatechange.gov.au/~media/publications/adaptation/HoR-managing-coastal-zone.ashx

AUSTRALIAN CAPITAL TERRITORY

Kirsten Miller

Review of Nature Conservation Act

The ACT Government has recently released a discussion paper on the review of the ACT's *Nature Conservation Act 1980*. The Nature Conservation Act is the ACT's primary legislation aimed at protecting biodiversity in the ACT.

The Nature Conservation Act provides a framework for protecting native fauna and flora through a process of identifying and listing vulnerable or endangered species or communities or threatening processes. The Act creates a number of offences which relate to the impact on animals and plants.

In addition the Act seeks to protect biodiversity through restricting activities in wilderness areas, national parks or nature reserves, known as

'reserved areas'. Reserved areas are established under the Territory Plan and the Nature Conservation Act restricts the activities, for example building, camping, clearing native vegetation, which can be undertaken in these areas. The Act also provides a licensing system for the Conservator to allow certain licensed activities.

The Act also provides for management agreements to be set up where an agency, such as a water or electricity utility, is conducting activities on public land or unleased land, with the aim of setting out standards or conditions for avoiding or minimizing conflict with land management objectives for the land.

The Government has indicated that it is timely to review the Act so that 'it reflects more recent

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conservation initiatives, which focus on ecosystem resilience and connectivity’.

The discussion paper can be downloaded from the Department of the Environment, Climate Change, Energy and Water website <http://www.environment.act.gov.au/>

Submission are due by 18 February 2011.

ACT Bans Plastic Bags

The ACT Government has recently passed legislation to ban retailers from supplying customers with plastic bags made from polyethylene. The Plastic Shopping Bags Ban Act is designed to restrict the supply of plastic shopping bags. The prohibition does not apply to biodegradable bags, barrier bags of the type dispensed from a roll to hold perishable items such as fruit or the heavier retail bags used in clothing stores.

The legislation will take effect from 1 July 2011 with a four month transitional period. During this time, any retailer who provides the regulated plastic bags must also supply alternatives and display signs informing customers of the new ban. No light-weight plastic bags will be able to be supplied after 1 November 2011.

The bill is available at:

http://www.legislation.act.gov.au/b/db_39968/default.asp

Public Consultation on the Future of Canberra

The ACT Government has recently concluded public consultation on how Canberra should look in 2030. The consultation has focused on a range of environmental and other themes including population, environmental sustainability, water,

transport, and land use and planning.

The aim of the consultation, Time to Talk – Canberra 2030, is to inform future policy development and to help plan Canberra’s future.

More information is available at www.canberra2030.org.au.

Namadgi National Park Management Plan Released

A management plan for Namadgi National Park has been released. Namadgi National Park is the largest conservation reserve in the ACT covering 46% of the Territory.

An interim arrangement for the cooperative management of Namadgi National Park with the Ngunnawal Aboriginal community provides for the participation of the Ngunawal people in the management of Namadgi.

The Plan sets out ways to protect the reserve, and sets out activities which are permitted and restricted in certain areas of the park.

The plan allows for certain recreational activities, such as horse riding, mountain biking and orienteering to be undertaken in the Park subject to certain restrictions. It allows areas of the Park to be used for orienteering, rogaining and mountain running events with certain restrictions but it has removed the restriction on the number of participants allowed for events in the park.

The Plan came into effect on 24 September 2010. A copy of the plan is available at http://www.tams.act.gov.au/play/pcl/parks_reserves_and_open_places/national_parks/namadgi_national_park/namadgi_national_park_plan_of_management_2010

NEW SOUTH WALES

Dr Nicholas Brunton

Planning Appeals Legislation Amendment Bill 2010

by **Martin Watts, solicitor**

The *Planning Appeals Legislation Amendment Bill 2010* (NSW) (the Bill) was introduced to the Legislative Council on 11 November 2010 and was passed with Opposition support on 23 November

2010. It received assent on 29 November 2010.

The Act makes several substantive amendments to the *Land and Environment Court Act 1979* (NSW) (the LEC Act) and the *Environmental Planning and Assessment Act 1979* (NSW) (the EP&A Act), as well as several other consequential amendments. The major amendments can be summarised as follows.