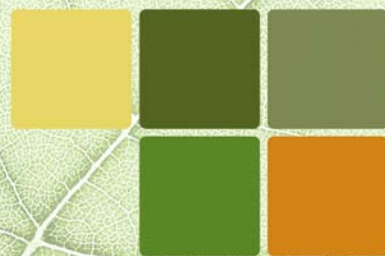


# Review of the Native Vegetation Regulation



## Fact Sheet 1: New approach to native vegetation management

The widespread decline in native vegetation has been identified as one of the major environmental issues facing Australia. Impacts include dryland salinity, weed invasion, soil erosion, poor water quality and the direct loss of plants animals and their habitat.

Native vegetation benefits farming. Farms with good native vegetation can increase productivity, reduce costs and improve land value.

The NSW Government recognises the value of well managed native vegetation and supports landholders in getting on with the business of producing food and fibre for NSW, Australia and overseas.

Native vegetation management in NSW is guided by the *Native Vegetation Act 2003* (NV Act) and its associated Regulation. The Native Vegetation Regulation 2005 (the Regulation) sets down the rules and guidelines that determine *what* clearing can be done, and *how* it should be done to meet the requirements of the NV Act.

The NSW Government is reviewing the Regulation to ensure that it allows farmers to manage their land, while protecting the natural resources and environment upon which sustainable agriculture and forestry are based.

In late 2011, the Office of Environment and Heritage (OEH) held initial consultations with rural communities and key stakeholders to find out what they wanted from the review. The community made it clear that they want less red tape, better service delivery, less ambiguity, and a commitment to the environmental standard of the NV Act<sup>1</sup>.

A revised draft Regulation and supporting documents are now available for public comment. The draft regulation offers new exemptions and a streamlined approach that places greater trust in landholders to manage the land sustainably. It also offers increased flexibility and transparency without compromising environmental outcomes.

### Reducing red tape

Landholders currently require approval under a Property Vegetation Plan (PVP) for a range of clearing activities. Under the proposed changes, landholders will be able to clear for a range of activities without needing approval from their local Catchment Management Authority (CMA). These include:

#### *Would you like to have your say on the proposed changes?*

To have your say on the proposed changes, send your comments to OEH by:

email: [native.vegetation@environment.nsw.gov.au](mailto:native.vegetation@environment.nsw.gov.au)

post:  
Native Vegetation Regulation Review  
Level 12, PO Box A290 Sydney South NSW 1232.

fax: (02) 9995 6791 (attn: Native Vegetation Regulation Review).

Please send your comments by **midnight Friday 24 August 2012** so that they can be considered in the development of the final Regulation and supporting documents.

<sup>1</sup> Notes from each public meeting are available on the OEH website; [www.environment.nsw.gov.au/vegetation/ReviewofNVRegulations.htm](http://www.environment.nsw.gov.au/vegetation/ReviewofNVRegulations.htm)

- clearing of invasive native plant species through burning, chemical spot treatment or grubbing<sup>2</sup>, if these things are done in accordance with a code of practice
- thinning of native vegetation, if done in accordance with a code of practice
- clearing of planted native vegetation, unless it was planted using funds provided for biodiversity conservation, improving water quality, reducing soil salinity, preventing land degradation, or carbon sequestration
- clearing for environmental works (for example, ecological fire management or revegetation and rehabilitation activities) if done in accordance with a code of practice
- clearing done under 'conservation-related agreements' such as conservation agreements under the *National Parks and Wildlife Act 1974* or biobanking agreements under the *Threatened Species Conservation Act 1995*
- clearing for construction, operation and maintenance of sheds, permanent boundary fences, dwellings, or telecommunications infrastructure on private land.

Red tape is further reduced through the creation of a new streamlined assessment process in the EOAM (Environmental Outcomes Assessment Methodology). Under existing arrangements, landholders can experience delays in getting approval for certain types of clearing. New streamlined assessments for PVPs mean certain types of clearing can be assessed more quickly. These are:

- clearing paddock trees or small clumps in cultivation
- pasture cropping
- clearing very small areas.

These changes will allow farmers to clear without delay, giving them the opportunity to take advantage of seasonal conditions to act and thus saving them time and money.

Red-tape reduction measures are also proposed for private native forestry operations by replacing the current requirement for annual reports with more flexible arrangements for notifying the Environment Protection Authority of forestry operations.

## Improved service delivery for landholders

The feedback from the initial consultation is that service delivery needs to improve. The new rules and streamlined assessment processes for PVPs raise service standards and improve processing times.

These regulatory changes will be supported by a revitalised service delivery program by CMAs, the OEH and the Environment Protection Authority. It is proposed that a guarantee of service be put in place to ensure that decisions on PVPs assessed through the new streamlined pathway will be made in within 40 days.

Targeted communication and extension programs will be delivered to ensure that landholders are aware of the new clearing rules. New online tools will be developed to deliver up-to-date information to farmers to help them better understand the clearing rules and to provide guidance on native vegetation management. These tools will improve the transparency about the rules and empower rural landholders to make local decisions.

<sup>2</sup> Grubbing is the use of a tractor-mounted implement to uproot individual shrubs. It results in minimal disturbance to groundcover.





## Greater flexibility and more practical rules

Greater flexibility and more practical rules for regulating clearing for agriculture and for private native forestry (PNF) operations are also proposed.

To improve the management of native grasslands, new options for assessing proposals to manage native grasslands, along with a better definition of ‘vegetation in low condition’, have been proposed. The new definition will help to more accurately identify low-quality native grasslands and allow farmers to get on with effectively managing these areas.

In addition to the new codes being developed for clearing of invasive native plant species and thinning of native vegetation, we have proposed options to facilitate a landscape-scale approach to the management of native vegetation.

Minor amendments to the private native forestry provisions of the Regulation, and to the PNF Code of Practice, are proposed to improve flexibility and operation. These include:

- regulating managers of certain Crown leases under private native forestry provisions rather than broadscale clearing provisions
- providing greater management flexibility by allowing accredited experts to approve minor variations for a specific PNF PVP if the variation improves or maintains environmental outcomes.

In addition to these proposed changes, the government is inviting community feedback on how best to identify and protect core koala habitat under the PNF Code, and on wet weather conditions in the PNF Code of Practice for Northern NSW.

To ensure that our rules are practical we are inviting landholders to be directly involved in their development. In the public exhibition period, we are inviting community feedback on the draft Regulation, including the new codes being developed for clearing of invasive native plant species and thinning of native vegetation, and the PNF Code of Practice.

## Supporting voluntary compliance

The regulatory changes proposed in the draft Regulation will be backed up by a more balanced approach to compliance. OEH has reviewed its compliance strategy to provide greater flexibility and transparency in how it handles reports of clearing.

The focus is on equipping farmers to work within the rules. Occasionally, farmers make honest mistakes. In such cases, the emphasis is placed on working with the farmer to ensure that their legislative responsibilities are understood and any environmental harm mitigated. For those few who deliberately and or repeatedly act outside the law and cause significant harm, we will use the law in a sensible way to protect and restore the environment and the natural resources that underpin agricultural production.

## More information

For more information, visit the OEH website at [www.environment.nsw.gov.au/vegetation/ReviewofNVRegulations.htm](http://www.environment.nsw.gov.au/vegetation/ReviewofNVRegulations.htm).

On this website, you can download the consultation documents, including the draft Regulation and a regulatory impact statement examining the costs and benefits of the proposed changes.

A range of fact sheets explaining the proposed changes, along with a ‘frequently asked questions’ page, is also available on the OEH website.



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