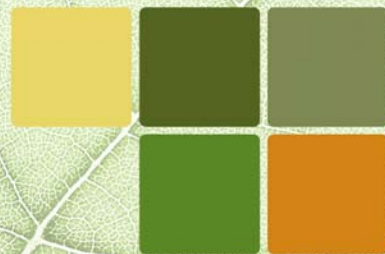


# Review of the Native Vegetation Regulation



## Fact Sheet 2: Proposed new rules for clearing

A review of the *Native Vegetation Regulation 2005* (The Regulation) is under way.

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 Native Vegetation Act 2003 (NV Act). The review of the Regulation will result in practical changes to the way farmers can go about managing their land and the role of government agencies in supporting them.

The NV Act provides the overarching framework for managing native vegetation in NSW. The review does not cover the NV Act.

Drafts of the proposed Regulation and supporting documents have been released for public comment ([www.environment.nsw.gov.au/vegetation/ReviewofNVRegulations.htm](http://www.environment.nsw.gov.au/vegetation/ReviewofNVRegulations.htm)). The draft Regulation is focused on supporting farmers by making practical changes to the Regulation that allow them to get on with the business of farming while protecting the natural resources and environment upon which sustainable agriculture and forestry are based. The draft Regulation meets the existing environmental standard to improve or maintain environmental outcomes.

The Office of Environment and Heritage (OEH) welcomes your comments on any aspect of the native vegetation regulation system. Comments that go beyond the Regulation itself will be collated and presented to the government for its further consideration.

### Clearing that does not need approval

There are some clearing activities that farmers can undertake without needing approval under the current Regulation. These are known as Routine Agricultural Management Activities (RAMAs). The draft Regulation proposes a number of new RAMAs and changes some existing RAMAs to make them easier to understand. These are explained in *Fact Sheet 3*.

The draft Regulation also proposes a new type of RAMA where clearing does not require approval if it is done in line with a code of practice. Examples include using certain treatments to manage Invasive Native Species (INS) and thinning dense vegetation. These code-of-practice RAMAs are explained in *Fact Sheet 4*.

### Clearing that needs approval

Other proposals for broadscale clearing require approval in the form of a property vegetation plan (PVP). PVPs are negotiated with your local Catchment Management Authority (CMA). CMAs use the Environmental Outcomes Assessment Methodology (EOAM) to guide the assessment of clearing proposals. The EOAM has been reviewed and a draft EOAM has been released for public comment along with the draft Regulation.

#### ***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.



The draft EOAM introduces a faster assessment process for types of clearing considered to pose a low risk to the environment. This includes clearing small areas of vegetation, individual trees and small clumps of vegetation in cultivation and pasture cropping. These are the types of clearing proposals most commonly assessed by CMAs. These changes are explained in *Fact Sheet 5*.

Clearing proposals that pose a higher risk to the environment will go through a full assessment. A number of changes have also been proposed to the EOAM, including a better definition of low condition vegetation and more accurate assessment of salinity risks and acidic soils. These changes are also explained in *Fact Sheet 5*.

## **Issues for further discussion**

We have proposed possible solutions for a number of issues raised during initial consultation. We are aware that there are other things that could be done. We are looking for your further input on these issues.

### ***Managing native grasslands***

A better definition of ‘vegetation in low condition’ has been proposed in the draft EOAM. The new definition will help to more accurately identify low-quality native grasslands and allow farmers to get on with managing weed incursion, loss of diversity and palatable species and other pasture management issues in these areas without unnecessary regulation.

A discussion paper on grasslands has also been developed to explore some of the current issues with grasslands management and possible solutions. We are keen to hear your feedback on the proposed definition of low condition and the additional issues presented in the discussion paper.

### ***Landscape planning***

A biodiversity credit system has been proposed in the draft EOAM to make it easier to measure the impacts of clearing and of the environmental improvements that result from the management of land set aside as an offset. The credit system will give landholders greater flexibility in offsetting clearing, and it will also allow them to exchange or trade their credits with other landholders. This will make it easier for landholders to work together at a landscape scale and could be the first step in allowing landholders to buy credits using the BioBanking Scheme to offset their clearing.

OEH continues to work with landholders and the NSW Farmers’ Association to pursue other options that will facilitate a landscape-scale approach to the management of native vegetation. We are keen to hear your feedback on the proposed credit system and on other ways of facilitating landscape planning.

### ***Transparency in the assessment process***

We know that there are concerns that the assessment of clearing proposals seems to be a ‘black-box’ – in other words, that farmers are not able to see how decisions are reached.

The decision criteria, assessment methodology and supporting databases that underpin how clearing proposals are assessed are publicly available on the OEH website:

[www.environment.nsw.gov.au/vegetation/eoam/index.htm](http://www.environment.nsw.gov.au/vegetation/eoam/index.htm).

OEH is exploring ways to develop online tools to help landholders to work through an assessment of their own clearing proposals and consider different scenarios so that they can see exactly how decisions are made.

OEH would like to hear your thoughts on whether you would find these sorts of tools helpful and what sorts of tools you would like to see.





## Extension and compliance

The NSW Government recognises that the vast majority of farmers and private native forestry operators are doing the right thing when it comes to native vegetation management.

In conjunction with the review of the Regulation, the NSW Government is committed to finding ways for OEH, CMAs and other agencies to improve their delivery of services to support an understanding of the rules and the opportunities landholders have to manage vegetation without reference to CMAs. This will include a revitalised approach by CMAs to communicating what clearing is allowed without a PVP and ensuring that landholders have the information they need to comply with the new Regulation.

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.

For more information see *Fact Sheet 6*.

## 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, the draft EOAM 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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