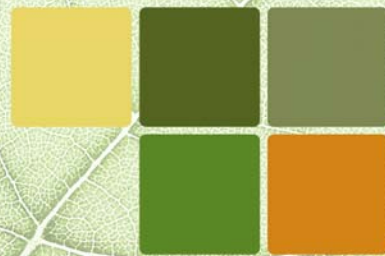


Review of the Native Vegetation Regulation



Fact Sheet 5: Clearing that needs approval

The review of the Native Vegetation Regulation 2005 has resulted in proposed changes to the assessment of some types of clearing proposals. These changes will speed up assessment times by catchment management authorities (CMAs) and cut red tape for farmers.

Under the current Regulation, clearing permitted under Routine Agricultural Management Activities (RAMAs), clearing of regrowth as defined under the *Native Vegetation Act 2003* and clearing excluded from the *Native Vegetation Act 2003* do not require approval. The draft Regulation proposes a number of new RAMAs and removes ambiguity from existing RAMA definitions (see *Fact Sheets 3* and *4*).

All other clearing proposals will require approval in the form of a property vegetation plan (PVP) from your local CMA. CMAs use the Environmental Outcomes Assessment Methodology (EOAM) to assess these clearing proposals. The EOAM is a science-based, repeatable set of steps for assessing the environmental impact of clearing proposals. The EOAM has been reviewed, and a draft revised EOAM has been released for public comment. The changes proposed in the draft EOAM are explained below.

Red-tape reduction and faster assessments

The proposed changes mean that the assessment of certain types of clearing will be streamlined. Since 2005, CMAs have used the EOAM to prepare PVPs involving clearing and offsetting. These assessments have shown that certain types of clearing have predictable offset requirements, and that some steps in the assessment process do not significantly affect these offset requirements. For these types of clearing, a simpler and shorter assessment is proposed in the draft EOAM.

The simpler and shorter process will apply to:

- clearing very small areas of native vegetation
- clearing scattered trees and small clumps of native vegetation in paddocks used for cultivation
- pasture cropping
- certain treatments of invasive native species (INS).

The simpler, shorter assessment process will:

- improve service delivery by shortening PVP approval times by as much as 50%
- increase flexibility for farmers to get on with the business of farming
- be easier for landholders to understand
- allow CMAs to direct their resources to areas of greater environmental concern
- give farmers clear expectations about the environmental results to be achieved

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

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.

- 
- free up CMA staff to provide landholders with the information and support they need
 - uphold the existing standard of improving or maintaining environmental outcomes and protecting important native vegetation and soil, land and water resources.

Clearing of very small areas

Currently, clearing of small areas is restricted under some circumstances. The new streamlined PVP assessment will be based on the size of the area proposed to be cleared, the vegetation present on the site, and the presence of threatened species. For full details see chapter 6 of the draft EOAM.

Clearing scattered trees and small clumps in paddocks under cultivation

Proposals to clear scattered trees and small clumps of vegetation in paddocks under cultivation can be assessed by using the streamlined assessment if the clearing is being proposed to facilitate a shift to conservation agriculture, including minimum tillage and groundcover retention practices. This is important to reduce impacts on soil and water quality and prevent soil erosion. For full details see chapter 6 of the draft EOAM.

Pasture cropping

Where existing native groundcover is in poor condition, proposals for pasture cropping can be assessed by using the streamlined assessment. Pasture cropping involves minimal disturbance to the soil and can, in combination with conservation grazing practices, improve the condition of native groundcover and prevent further long-term degradation. For full details see chapter 5 of the draft EOAM.

Managing Invasive Native Species

Clearing of INS by burning or by clearing of individual plants with minimal or no disturbance of groundcover can be done without approval if farmers follow an INS code of practice. For more details see *Fact Sheet 4*. The existing streamlined INS assessment will be required for other types of INS clearing that cause more disturbance to soil and groundcover. Offsets are not required for INS clearing. For full details see chapter 3 of the EOAM.

Additional changes to the PVP assessment process

The draft EOAM includes a number of additional changes to improve the assessment of all types of clearing that require PVPs.

Better definition of low-condition vegetation

Feedback from landholders, scientists and CMAs has identified a problem with the current definition of 'low-condition vegetation': vegetation is sometimes assessed as being not in low condition when in fact it is clearly degraded and should be defined as being in low condition. The proposed definition provides a more accurate assessment of vegetation in low condition, making assessments more accurate and better reflecting the environmental values present.

More flexible decisions

Local CMA staff will be given greater flexibility to tailor decisions to their local areas and to tailor the management actions that they negotiate with landholders. This will mean that decisions and management actions will be better suited, and more responsive, to the local environment. For example, CMAs will have greater discretion over limits to clearing in the streamlined assessment process.



Simpler threatened species assessment

It is proposed to predict and assess the presence of a greater number of threatened species based on the vegetation types on the property. These threatened species will no longer need to be individually assessed. This will speed up assessment times without compromising environmental outcomes. The changes will also make the EOAM consistent with the approach used to assess impacts on threatened species in urban areas.

Better protection from acidic soils

Considering the presence of acidic soils when clearing proposals are assessed will give a more accurate picture of the impact of clearing and will provide better protection for the soil resources upon which agriculture relies. It will help to ensure that soils remain healthy and farming areas continue to be productive.

Better salinity assessments

The risk of salinity will be assessed in coastal as well as inland areas. The assessment will use the latest scientific knowledge of how salt is stored in the landscape. These proposed changes will mean that salinity risks are more accurately assessed. Clearing will be permitted and offsets approved where they will have the greatest positive impact.

Working together across the landscape

A biodiversity credit system has been proposed, making it easier to measure the impacts of clearing and the improvements arising from the management of land set aside as offsets. The credit system will give landholders greater flexibility in offsetting clearing and will allow them to exchange or trade their credits with other landholders. This should make it easier for landholders to work together at a landscape scale.

Facilitating improved management of low-conservation-value grasslands

As part of the review of the Regulation, consideration is being given to how grasslands with low conservation value are assessed. A discussion paper has been prepared that discusses improved options for graziers and other land managers to manage their properties while still protecting native grasslands that have significant conservation value.

Giving the public the opportunity to have their say when updating the EOAM

The draft Regulation changes the consultation requirements for updating the EOAM. Currently, the Minister for the Environment must consult the Natural Resources Commission (NRC) before changes to the EOAM are approved. The draft Regulation replaces this with broader public consultation requirements, thus improving public participation and transparency. The Minister will have the discretion under the proposed amendments to seek advice from the NRC on any proposed EOAM amendments.

More information

For more information, visit the Office of Environment and Heritage (OEH) website at www.environment.nsw.gov.au/vegetation/ReviewofNVRregulations.htm.

On this website you can download the consultation documents, including the draft revised 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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