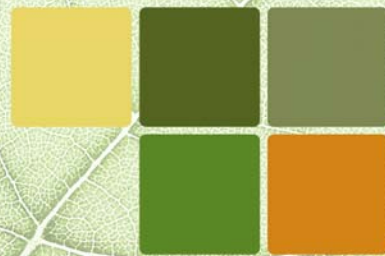


# Review of the Native Vegetation Regulation



## Fact Sheet 6: New approach to native vegetation compliance

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 to 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.

The Office of Environment and Heritage (OEH) is responsible for ensuring that landholders are complying with the rules set out by the NV Act and the Regulation. The Environment Protection Authority (EPA) is responsible for ensuring that landholders comply with the requirements of the Private Native Forestry Code of Practice.

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### The draft Regulation

The review has resulted in a draft Regulation that offers increased flexibility and responsibility for landholders to manage native vegetation. It recognises the important role farmers play in managing their land and places greater trust in landholders to manage the landscape, plants and animals sustainably, protecting long-term environmental outcomes. The draft Regulation expands and clarifies the range of activities that do not need approval, and it proposes a streamlined approach to activities that do require approval. (For details see *Fact Sheets 3 and 5*.)

**NOTE:** The proposed new Regulation is not yet approved. Any clearing you wish to do must comply with the current rules. If you are uncertain, consult with your local catchment management authority (CMA) before you go ahead with any new vegetation clearing.

### Supporting voluntary 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. 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 voluntary compliance. These will include a revitalised approach by CMAs to communicating what clearing is allowed without a Property Vegetation Plan (PVP) and ensuring that landholders have the information they need to comply with the new Regulation. The proposed changes to the Regulation mean that some clearing that previously would have required a PVP may now go ahead without the need for approval.

#### *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.



## Targeted extension and fair treatment

OEH and the EPA are committed to a credible, fair and balanced compliance approach that lets landholders get on with the business of managing their land while protecting the natural resources and environment upon which sustainable agriculture and forestry are based. Monitoring native vegetation change provides important information to help the NSW Government to target programs that promote voluntary compliance, and to provide a useful deterrent to the small minority who might consider undertaking illegal activities. OEH and the EPA use satellite images and aerial photography, as well as public notification and field reconnaissance, to ensure that they have credible knowledge of what native vegetation clearing is occurring. Monitoring since 2008 has demonstrated that the vast majority of clearing is lawful activity. Unexplained clearing of native vegetation is prioritised for investigation.

The focus of the new approach 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 the few who do not operate within the rules, a range of responses is available, depending on the seriousness of a breach:

- To maximise voluntary compliance, we focus on using communication and extension activities to make sure that legislative responsibilities are understood.
- Advisory letters are used to clarify the rules, whereas formal warning letters are used to respond to minor non-compliance and prevent more serious breaches.
- Remedial Directions are used to remediate harm caused by unlawful clearing.
- Penalty notices may be issued for unlawful clearing.
- For the most serious cases, including for the few landholders who deliberately cause significant environmental harm, prosecution may be pursued.

## 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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