

OUTLINE OF CHANGES UNDER THE PROPOSED NATIVE VEGETATION REGULATION 2012

General note: Minor restructuring of the 2005 Regulation is proposed. The clause numbering system in the proposed Regulation has also been updated.

Clause no (2005 NV Regulation)	Current Provision Native Vegetation Regulation 2005	Clause no (2012 Draft NV Regulation)	Proposed Provision Native Vegetation Regulation 2012
1	Clause 1 Name of Regulation	1	Native Vegetation Regulation 2012.
2	Clause 2 prescribes the commencement of the Regulation	2	Date is yet to be inserted.
3	<p>Clause 3 sets out definitions including:</p> <p>council means a council, or a county council, within the meaning of the <i>Local Government Act 1993</i>.</p> <p>former Act means the <i>Native Vegetation Conservation Act 1997</i>.</p> <p>managed area means an area of land set aside by a council for the purposes of protecting native vegetation in connection with a routine agricultural management activity as referred to in clause 18A.</p> <p>new Act or the Act means the <i>Native Vegetation Act 2003</i>.</p> <p>NRC means the Natural Resources Commission under the <i>Natural Resources Commission Act 2003</i>.</p> <p>private native forestry means the management of native vegetation on privately owned land for the purpose of obtaining, on a sustainable basis, timber products (including sawlogs, veneer logs, poles, girders, piles and pulp logs).</p> <p>State protected land means State protected land within the meaning of the former Act, immediately before its repeal.</p>	3	<p>Deletes definition of council, former Act, managed area, new Act or the Act, NRC, State protected land and western coastal region.</p> <p>Amends definition of private native forestry to include Crown land that is not Crown-timber land within the meaning of the <i>Forestry Act 1916</i>.</p> <p>Inserts a new definition of landholding means a contiguous area of land in the same ownership.</p>

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	<p>western coastal region means land in the area of operations of the Northern Rivers, Hunter-Central Rivers, Hawkesbury-Nepean or Southern Rivers Catchment Management Authority that is within the local government area of Kyogle, Tenterfield, Clarence Valley (to the west of Summerland Way and Orara Way), Glen Innes-Severn, Guyra, Armidale Dumaresq, Walcha, Tamworth Regional, Uralla, Warrumbungle, Liverpool Plains, Gloucester, Upper Hunter, Mid-Western Regional, City of Lithgow, Dungog, Muswellbrook, Singleton, Cessnock, Blue Mountains, Oberon, Wollondilly, Wingecarribee, Upper Lachlan, Goulburn-Mulwaree, Palerang, Cooma-Monaro, Snowy River or Bombala</p>		
4, 5	<p>Clauses 4 and 5 deal with the interaction of the Act and the development consent provisions under the <i>Environmental Planning and Assessment Act 1979</i>, including setting out the matters that do not require consideration when determining a application for native vegetation development consent.</p>	4, 5	No substantive change.
6	<p>Clause 6 exempts clearing for a single dwelling, undertaken in accordance with a development consent granted under the <i>Environmental Planning and Assessment Act 1979</i>, from requirements of the <i>Native Vegetation Act 2003</i></p>	42	<p>Clause 6 from 2005 Regulation deleted.</p> <p>Inserts new provision:</p> <p>(1) The clearing of native vegetation in carrying out development for the purposes of a dual occupancy, a dwelling house, a secondary dwelling or a semi-detached dwelling (within the meaning of the <i>Standard Instrument (Local Environmental Plans) Order 2006</i>) is a routine agricultural management activity if development consent is required under the EPA Act for the clearing and the clearing is carried out in accordance with that consent.</p>

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			<p>(2) The clearing of native vegetation in carrying out development for the purposes of a dual occupancy, a dwelling house, a secondary dwelling or a semi-detached dwelling (within the meaning of the <i>Standard Instrument (Local Environmental Plans) Order 2006</i>) is not a routine agricultural management activity if development consent is not required under the EPA Act.</p> <p>(3) The clearing of native vegetation in carrying out development for the purposes of any type of dwelling or habitable building not referred to in subclause (1) is not a routine agricultural management activity.</p> <p>(4) This clause operates despite any other provision of the Act or this Regulation.</p>
6A	Clause 6A provides that development consent for broadscale clearing cannot be granted in relation to land where a PNF PVP applies.	6	<p>No substantive change.</p> <p>Clause 6A in the current Regulation has been renumbered clause 6 in the proposed Regulation.</p>
7-9	Clauses 7–9 set out the form and content requirements of a property vegetation plan	7-9	No substantive change.
10	Clause 10 sets the circumstances when a PVP can change the definition of regrowth	10	No change.
11	Clause 11 prescribes the procedure for varying and terminating a PVP	11	Clause 11(2)(b) amended to apply to property vegetation plans other than private native forestry property vegetation plans (PNF PVP) only.
12	Clause 12 sets out the requirements for making information about PVPs and development consent public	12	No substantive change.

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12A	Clause 12A provides that a PVP for broadscale clearing cannot be approved under Part 4 of the Act in relation to land where a PNF PVP applies	13	No change. Clause 12A in the current Regulation has been renumbered clause 13 in the proposed Regulation.
12B	Clause 12B provides an additional requirement for the consent of submission of draft PVPs	14	No change. Clause 12B has been renumbered clause 14 in the proposed Regulation.
	No current provision	Note before Part 6	<p>Inserts 2 notes at the start of Part 6 Routine Agricultural Management Activities:</p> <p>Note: Section 22 of the Act provides that clearing of native vegetation for routine agricultural management activities is permitted (but only to the minimum extent necessary for carrying out the activity). Section 11 of the Act sets out the activities that are routine agricultural management activities and provides that the regulations may extend, limit or vary the activities that are routine agricultural management activities</p> <p>Note: See clause 51 for the only activities that are routine agricultural management activities on protected riparian land. Clause 52 contains additional routine agricultural management activities related to the clearing of lignum on special category land.</p>
-	No current provision	24	<p>Inserts new provision defining 'rural infrastructure' as: 'A building, structure or work on a landholding is rural infrastructure for the purposes of section 11 (1) (a) of the Act and this Part only if the building, structure or work is used for the purposes of, or in connection with, agricultural or farming activities that are being carried out on the landholding.'</p>

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-	No current provision	25	Inserts a new provision which confirms that the distances and areas for clearing that are provided for in this Part are maximum distances and areas and do not affect the operation of section 22 of the Act which provides that clearing for routine agricultural management activities is not authorised if it exceeds the minimum extent necessary for carrying out the activity.
13	Clause 13 prescribes that control of pest animals is a routine agricultural management activity	45	No substantive change. Clause 13 in the current Regulation has been renumbered clause 45 in the proposed Regulation.
14	Clause 14 prescribes that crown land management infrastructure is a routine agricultural management activity	30	No substantive change. Clause 14 in the current Regulation has been renumbered clause 30 in the proposed Regulation.
15	Clause 15 prescribes that the construction, operation and maintenance of telecommunication infrastructure on Crown land are routine agricultural management activities.	32	Extends provision to include private land: The construction, operation and maintenance of telecommunications infrastructure are routine agricultural management activities. Clause 15 in the current Regulation has been renumbered clause 32 in the proposed Regulation.
16	Clause 16 prescribes that the clearing of native vegetation on land for use in the construction or maintenance of rural infrastructure is a routine agricultural management activity. Provision requires the timber to have been used within specified timeframes and for clearing to be undertaken in conjunction with a restoration program	27	Removes timeframes in which timber must be used and deletes requirement for a restoration program. Clause 16 in the current regulation has been renumbered clause 27 in the proposed Regulation.

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-	No current provision	28	Inserts new provision providing a routine agricultural management activity for construction, operation and maintenance of any permanent boundary fence that is not 'rural infrastructure' if the clearing is carried out within 6 metres either side of the fence.
-	No current provision	29	Inserts new provision providing a routine agricultural management activity for the construction, operation and maintenance of one shed, that is not 'rural infrastructure', on any landholding only if the shed has an area of no more than 100 square metres or in the asset protection zone around any such shed (as determined in accordance with the document entitled <i>Planning for Bush Fire Protection</i> published by the Rural Fire Service in 2006).
17	<p>Clause 17 prescribes that clearing of feral native plant species is a routine agricultural management activity.</p> <p>Provision also sets the process for listing a species of native vegetation at a feral native plant species</p>	33	<p>Provides that the Minister may by order declare a species of native vegetation as a feral species for specified land (or all land in a specified area), or extend the area for which a species is declared as a feral species, if:</p> <ul style="list-style-type: none"> (a) the Minister is satisfied that the species is outside its natural range on the land or in the area specified, and (b) the catchment management authority in whose area of operations the land or area is located has recommended the making of an order declaring the species as a feral species for that land or area. <p>The clearing of a declared feral species of native vegetation, carried out in accordance with any conditions of an order under this clause, is a routine agricultural management activity.</p> <p>Deletes requirement for the Minister to consult with the Natural Resources Commission.</p> <p>Clause 17 in the current Regulation has been renumbered clause 33 in the proposed Regulation.</p> <p>Procedural steps for making of order contained in 37–39.</p>

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-	No current provision	34	<p>Inserts new provision providing a routine agricultural management activity for the clearing of declared invasive native plant species. The clause provides that:</p> <ol style="list-style-type: none"> 1. The Minister may by order declare a species of native vegetation as an invasive species for specified land (or all land in a specified area), or extend the area for which a species is declared as an invasive species, if: <ol style="list-style-type: none"> (a) the Minister is satisfied that: <ol style="list-style-type: none"> (i) the species is within its natural range on the land or in the area specified, and (ii) the species is densely regenerating or is invading plant communities in which the species does not generally occur, which is causing decline in the structure or composition of the vegetation community, and (b) the Director General or the catchment management authority in whose area of operations the land or area is located has recommended the making of an order declaring the species as an invasive species for that land or area <p>Procedural steps for making of order contained in 37-39.</p>
-	No current provision	35	<p>Inserts new provision providing a routine agricultural management activity for the purpose of environmental works. The clause provides that:</p> <ol style="list-style-type: none"> (1) The Minister may by order declare a type of work as an environmental work for specified land (or all land in a specified area), if: <ol style="list-style-type: none"> (a) the Minister is satisfied that the carrying out of the work will have an overall positive effect on the environment, and (b) the Director General or the catchment management authority in whose area of operations the land or area is located has recommended the making of an

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			<p>order declaring the work as an environmental work for that land or area; and</p> <p>(2) The kinds of work that the Minister may declare as environmental works include ecological fire management, revegetation and rehabilitation.</p> <p>Procedural steps for making of order contained in 37–39.</p>
-	No current provision	36	<p>Inserts new provision providing a routine agricultural management activity for the purpose of thinning native vegetation.</p> <p>The clause provides that the Minister may by order specify the conditions under which the thinning of native vegetation is a routine agricultural management activity.</p> <p>For the purposes of this clause, thinning of native vegetation means the selective removal of individual trees, or parts of trees, for the purposes of reducing competition between trees, allowing growth of remaining trees, tree regeneration and groundcover growth and improving or maintaining the structure and composition of native vegetation.</p> <p>Procedural steps for making of order contained in 37–39.</p>
-	No current provision	37	<p>Inserts a new provision prescribing the Minister's obligations when making an order under Part 6, Division 3 including consultation, public exhibition and consideration of submissions. Also provides that orders made may be subject to conditions.</p>
-	No current provision	38	<p>Inserts new provision allowing for the Minister to make minor amendments to orders under this Division under certain conditions, and defines what a 'minor amendment' is.</p>
-	No current provision	39	<p>Inserts new provision regarding the publication of orders under this Division.</p>
18	Clause 18 prescribes that clearing of native vegetation as part of a garden is a routine agricultural management activity	-	Deletes clause.

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Clause no (2005 NV Regulation)	Current Provision Native Vegetation Regulation 2005	Clause no (2012 Draft NV Regulation)	Proposed Provision Native Vegetation Regulation 2012
18A	Clause 18A prescribes that the construction, operation or maintenance of specified infrastructure works by a council is a routine agricultural management activity	-	Deletes clause.
19	Clause 19 defines 'small holding'	49	No change. Clause 19 in the current Regulation has been renumbered clause 49 in the proposed Regulation.
20	Clause 20 impose distance clearing restrictions for the construction, operation and maintenance of certain rural infrastructure	26	<p>No change to buffer distances.</p> <p>Where occurring, deletes term house (this type of dwelling is covered by the new clause 42 (described above)).</p> <p>Minor restructuring of clause is proposed:</p> <ul style="list-style-type: none"> • clause 20(1) of the 2005 Regulation is clause 26(1) of the 2012 Regulation • clause 20(2) of the 2005 Regulation is clause 26(3) of the 2012 Regulation • clause 20(3) of the 2005 Regulation is clause 26(2) of the 2012 Regulation. <p>Limits the kinds of activities that can be carried out under section 11(a) of the Act on small holdings and on land in an area zoned as rural-residential or large lot residential.</p> <p>At 26(4)(g) limited to existing habitable buildings, and at 26(4)(h) limited to 5 metres from the outer edge of the structure.</p>

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			<p>Clause 26(7) introduces terms Central Region, Coastal Region and Eastern Central Region:</p> <p>Central Region means land in the area of operations of the Western, Murray, Murrumbidgee, Lachlan, Central West, Namoi and Border Rivers-Gwydir Catchment Management Authority (other than in the Western Division) and in the Eastern Central Region.</p> <p>Coastal Region means land in the area of operations of the Hawkesbury-Nepean, Hunter-Central Rivers, Northern Rivers or Southern Rivers Catchment Management Authority, other than in the Eastern Central Region.</p> <p>Eastern Central Region means land in the area of operations of the Hawkesbury-Nepean, Hunter-Central Rivers, Northern Rivers or Southern Rivers Catchment Management Authority that is within the local government area of Kyogle, Tenterfield, Clarence Valley (to the west of Summerland Way and Orara Way), Glen Innes Severn, Guyra, Armidale Dumaresq, Walcha, Tamworth Regional, Uralla, Warrumbungle, Liverpool Plains, Gloucester, Upper Hunter, Mid-Western Regional, City of Lithgow, Dungog, Muswellbrook, Singleton, Cessnock, Blue Mountains, Oberon, Wollondilly, Wingecarribee, Upper Lachlan, Goulburn Mulwaree, Palerang, Cooma-Monaro, Snowy River or Bombala.</p> <p>Clause 20 in the current Regulation has been renumbered clause 26 in the proposed Regulation.</p>
21	Clause 21 provides for the maintenance of public utilities – electricity transmission	31	<p>No substantive change.</p> <p>Clause 21 in the current Regulation has been renumbered clause 31 in the proposed Regulation.</p>

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22	Clause 22 provides that clearing of native vegetation on land set aside for management or protection under a PVP is not a routine agricultural management activity	47	No substantive change. Clause 22 in the current Regulation has been renumbered clause 47 in the proposed Regulation.
23	Clause 23 provides that clearing of native vegetation on land subject to direction for remedial works is not a routine agricultural management activity	48	No substantive change. Clause 23 in the current Regulation has been renumbered clause 48 in the proposed Regulation.
23A	Clause 23A prescribes certain restrictions on the carrying out of routine agricultural management activities on land (excluding critical environmental areas) to which a private native forestry PVP applies	40	<p>Specifies (at 40(2)) that:</p> <ul style="list-style-type: none"> • obtaining timber for use in the construction of rural infrastructure (as referred to in clause 27) is not a routine agricultural management activity on land identified in a PNF PVP. • the construction, operation or maintenance of a permanent boundary fence or shed which is not rural infrastructure (as referred to in clauses 28 and 29) is not a routine agricultural management activity on land identified in a PNF PVP. • clearing of invasive native plant species or thinning of native vegetation in accordance with an order under Division 3 is not a routine agricultural management activity on land identified in a PNF PVP. <p>Inserts new requirement (clause 40(4)) to provide that clearing for the purposes of a routine agricultural management activity may only be carried out if the minimum standards for tree retention set out in section 4.2 of the <i>Private Native Forestry Code of Practice</i> are also complied with in respect of that clearing.</p> <p>Clause 23A in the current Regulation has been renumbered clause 40 in the proposed Regulation.</p>

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23B	Clause 23B prescribes certain restrictions on the carrying out of routine agricultural management activities on land (critical environmental areas only) to which a private native forestry PVP applies	41	<p>Specifies (at 41(2)) that:</p> <ul style="list-style-type: none"> • obtaining timber for use in the construction of rural infrastructure (as referred to in clause 27) is not a routine agricultural management activity on land identified in a PNF PVP. • the construction, operation or maintenance of a permanent boundary fence or shed which is not rural infrastructure (as referred to in clauses 28 and 29) is not a routine agricultural management activity on land identified in a PNF PVP. • clearing of invasive native plant species or thinning of native vegetation in accordance with an order under Division 3 is not a routine agricultural management activity on land identified in a PNF PVP. <p>Clause 23B in the current Regulation has been renumbered clause 41 in the proposed Regulation.</p>
-	No current provision	43	<p>Inserts a new provision prescribing:</p> <p>The clearing of native vegetation under and in accordance with any of the following agreements is a routine agricultural management activity:</p> <ul style="list-style-type: none"> (a) a conservation agreement under the <i>National Parks and Wildlife Act 1974</i> (b) a biobanking agreement under the <i>Threatened Species Conservation Act 1995</i> (c) a biodiversity certification agreement under the <i>Threatened Species Conservation Act 1995</i> (d) a conservation agreement under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> of the Commonwealth

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			(e) a Trust agreement under the <i>Nature Conservation Trust Act 2001</i> (f) a property agreement under the <i>Native Vegetation Conservation Act 1997</i> in force at the time the clearing is carried out.
-	No current provision	44	Inserts a new routine agricultural management activity provision for clearing of native vegetation under and in accordance with a scientific licence under section 132C of the <i>National Parks and Wildlife Act 1974</i> .
-	No current provision	46	Inserts new provision prescribing: (1) The clearing of native vegetation that has been planted is a routine agricultural management activity. (2) However, clearing of native vegetation that has been planted with the assistance of funds granted for any of the following purposes is not a routine agricultural management activity: (a) biodiversity conservation (b) improving water quality (c) reducing soil salinity (d) preventing land degradation (e) carbon sequestration.
-	No current provision	Note at start of Part 4	Inserts note at the start of Part 4 Assessment broadscale clearing – environmental outcomes. The Natural Resources Commission has the function of providing the Government with independent advice on natural resource management, which includes the management of native vegetation.

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24A	Clause 24A provides that Part 5 of the Regulation (i.e. assessment of broadscale clearing – environmental outcomes) does not apply for the purposes of private native forestry if the clearing is carried out in accordance with a PVP	15	No change. Clause 24A in the current Regulation has been renumbered clause 15 in the proposed Regulation.
24	Clause 24 gives effect to the Assessment Methodology (i.e. the document used to determine whether a proposed clearing improves or maintains environmental outcomes in relation to an application for development consent for development involving broadscale clearing, or for approval of a PVP that proposes broadscale clearing)	16	Up-dates publication date to give effect to the revised Assessment Methodology. Clause 24 in the current Regulation has been renumbered clause 16 in the proposed regulation.
25	Clause 25 sets the process for amending the Assessment Methodology	17	Replaces requirement for Minister to consult with the Natural Resources Commission (NRC) and establishes a public consultation requirement for: <ul style="list-style-type: none"> (a) the Director General is to cause notice of the proposed amendment to be published in a newspaper circulating generally throughout the State and on the website of the Office of Environment and Heritage, Department of Premier and Cabinet, (b) the notice must invite the public to make written submissions to the Director-General on the proposal before a closing date for submissions specified in the notice (being a date that is not less than 30 days after the date the notice is first published in a newspaper under this clause), (c) until the closing date for submissions, the Director General is to cause copies of the proposed amendment, and any other explanatory material or information the Director General considers appropriate, to be exhibited at the head office of the Office of Environment and Heritage, Department of Premier and

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			<p>Cabinet and on the website of that Office,</p> <p>(d) after the closing date for submissions, the Director General is to provide a report to the Minister on the public consultation that:</p> <ul style="list-style-type: none"> (i) summarises the main issues raised in any submissions received before the closing date for submissions, and (ii) makes such recommendations as the Director General considers appropriate in relation to those submissions. <p>In addition, the Minister may refer the Director General's report and proposed amendment to the NRC for advice.</p> <p>Inserts a provision to enable minor amendment of the Assessment Methodology without the need to comply with the public consultation requirements specified above.</p> <p>Clause 25 in the current Regulation has been renumbered clause 17 in the proposed Regulation.</p>
26	Clause 26 provides that an application for development consent or a PVP proposing broadscale clearing is to be assessed using the Assessment Methodology	18	<p>Minor variation and exemption from requirement to assess in accordance with the methodology in relation to clearing with long term environmental benefits now located at clause 19.</p> <p>Clause 26 in the current Regulation has been renumbered clause 18 in the proposed Regulation.</p>
27	Clause 27 provides for minor variation to the Assessment Methodology	-	Deletes clause.

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28	Clause 28 prescribes special provisions for the clearing of native vegetation for long term environmental benefits	19	<p>Inserts a new provision (clause 19(1)(b)) exempting broadscale clearing that is minor clearing and comprises management action or works for conservation purposes from the requirement for assessment in accordance with the Assessment Methodology.</p> <p>Otherwise no substantial change.</p> <p>Clause 28 in the current Regulation has been renumbered to clause 19 in the proposed Regulation and renamed 'Exemption for broadscale clearing for conservation purposes or long term environmental benefits'.</p>
29	Clause 29 sets out the requirements when approving a PVP on the basis of varied data or expert assessment	-	Deletes clause.
29A	Clause 29A gives effect to the PNF Code of Practice	20	<p>Up-dates publication date to give effect to the revised PNF Code of Practice.</p> <p>Clause 29A in the current Regulation has been renumbered clause 20 in the proposed Regulation.</p>
29B	Clause 29B provides for clearing under a PVP in accordance with the PNF Code of Practice	21	<p>No change.</p> <p>Clause 29B in the current Regulation has been renumbered clause 21 in the proposed Regulation.</p>
29C	Clause 29C provides for minor variation of the PNF Code of Practice in its application to a private native forestry PVP	22	<p>Removes requirement that a variation can only be made if more than 10% of the area to which the PVP applies consists of areas that are restricted areas.</p> <p>Extends prohibition on making a variation if it will apply to an endangered ecological community or a vulnerable ecological community to include a critically endangered ecological community.</p>

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			Clause 29C in the current Regulation has been renumbered clause 22 in the proposed Regulation.
29D	Clause 29D sets the process for amending the PNF Code of Practice	23	No change. Clause 29D in the current Regulation has been renumbered clause 23 in the proposed Regulation.
30	Clause 30 provides saving provisions with respect to the <i>Native Vegetation Conservation Act 2003</i> applying to State Protected land	-	Deletes clause.
31	Clause 31 provides for the identification of protected regrowth on steep or highly erodible land or protected riparian land	50	No substantial change. Clause 31 in the current Regulation has been renumbered clause 50 in the proposed Regulation.
32	Clause 32 prescribes limitations on the carrying out of RAMAs on protected riparian land	51	Inserts new specification of the only routine agricultural management activities permitted on land identified as protected riparian land by a natural resource management plan under clause 50: <ul style="list-style-type: none"> • clearing of feral native plant species in accordance with an order under Division 3 of Part 6 (see clause 51(g)) • clearing invasive native plant species in accordance with an order under Division 3 of Part 6 (other than on land identified in a private native forestry PVP as land on which broadscale clearing may be carried out) (see clause 51(h)) • clearing of native vegetation for the purpose of environmental works in accordance with an order under Division 3 of Part 6 (see clause 51(i)) • thinning of native vegetation in accordance with an order under Division 3 of Part 6 (other than on land identified in a private native forestry PVP as land on which broadscale clearing may be carried out) (see clause 51(j))

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			<ul style="list-style-type: none"> clearing of native vegetation for conservation purposes as referred to in clause 43 (see clause 51(k)) clearing of native vegetation under and in accordance with a scientific licence under section 132C of the <i>National Parks and Wildlife Act 1974</i> (see clause 51(l)). <p>Clause 32 in the current Regulation has been renumbered clause 51 in the proposed Regulation.</p>
33	Clause 33 provides for the clearing of lignum on special category land	52	<p>No change.</p> <p>Clause 33 in the Regulation has been renumbered clause 52 in the proposed Regulation.</p>
34–41A	Clauses 34-41A prescribes savings and transitional provisions	56	Deletes clauses, replacing with a general savings provision.
-	No current provision	53	Inserts a new provision enabling the Minister to prepare a natural resource management plan identifying regrowth following particular clearing as protected regrowth for the purpose of section 10(1)(c) of the Act.
42	Clause 42 prescribes requirements for the calculation of percentage groundcover	54	<p>No change.</p> <p>Clause 42 in the current Regulation has been renumbered clause 54 in the proposed Regulation.</p>
43	Clause 43 provides for prescription of penalty notice offences	55	<p>No change.</p> <p>Clause 43 in the current Regulation has been renumbered clause 55 in the proposed Regulation.</p>
44	Clause 44 makes amendments to Schedule 1 of the Act		Deletes clause.
Schedule 1	Schedule 1 prescribes penalty notice offences	Schedule 1	No change.

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Clause no (2005 NV Regulation)	Current Provision Native Vegetation Regulation 2005	Clause no (2012 Draft NV Regulation)	Proposed Provision Native Vegetation Regulation 2012
-	No current provision	Schedule 2	<p>Schedule 2 amends the Native Vegetation Act 2003 by amending Schedule 1 (Land excluded from the operation of the Act):</p> <p>Clause 14 of Schedule 1 of the Act is replaced with:</p> <p>Land within the following zones (not being land to which a property vegetation plan applies):</p> <p>(a) in the case of land to which an environmental planning instrument made pursuant to section 33A of the <i>Environmental Planning and Assessment Act 1979</i> applies—Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial, Zone IN2 Light Industrial, Zone IN3 Heavy Industrial, Zone IN4 Working Waterfront, Zone SP2 Infrastructure or Zone W3 Working Waterway; or</p> <p>(b) in any other case – a zone designated ‘residential’ (but not ‘rural-residential’), ‘village’, ‘township’, ‘industrial’ or ‘business’ under an environmental planning instrument or, having regard to the purpose of the zone, having the substantial character of a zone so designated.</p>

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