



Office of  
Environment  
& Heritage

# **Review of the Native Vegetation Regulation: Managing Native Grasslands**



**Discussion paper**

## Have your say

To have your say on the options, make comments, suggest ideas or raise other concerns not addressed by the paper, please send your feedback to the Office of Environment and Heritage by:

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**Submissions must be received by midnight 24 August 2012 so that they can be considered before the final regulations are developed.**

In the interests of transparency and openness, unless they are marked 'confidential', submissions made to the review will be published on this website and may be reproduced in the final report on the review of the Regulation.

For submissions from individual community members, the publication of contact details will be limited to name, suburb and state unless the submission is marked 'confidential'.

Questions about the review should be emailed to  
[native.vegetation@environment.nsw.gov.au](mailto:native.vegetation@environment.nsw.gov.au)

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## Introduction

The review of the Native Vegetation Regulation 2005 (NV Regulation) is an opportunity to improve the current framework for how native grasslands are managed in NSW.

For the purposes of this discussion paper, native grasslands include both natural grasslands and grasslands derived from grassy woodlands or forests where the trees have been removed.

Native grasslands can include areas that are referred to as native pastures.

It is acknowledged that well-managed native grasslands provide a range of benefits to the agricultural industries of NSW. Well managed native grasslands also provide biodiversity benefits in a productive grazing landscape.

Grasslands, native or non-native, play a major role in limiting soil erosion, improving water penetration into soils and adding organic matter that improves moisture holding capacity and plant growth.

High quality areas of native grasslands are becoming very rare and therefore have high conservation value.

## Current process

The intent of the *Native Vegetation Act 2003* (NV Act) is to allow existing rotational farming practices in native grasslands to continue, without the need for approval by the catchment management authority (CMA)

In some cases, the details in the NV Regulation do not support landholders automatically proceeding with existing rotational farming as they establish a requirement for approval. For example the continued management of large areas of native grasslands, such as the Monaro, which have traditionally been used for agricultural practices, may require approval by the catchment management authority. This is not the intent of the NV Act.

The NV Regulation also sets out the detailed assessment and offset rules for clearing native grasslands for new clearing proposals. These rules are contained in the Environmental Outcomes Assessment Methodology (EOAM). In some cases the current rules automatically refuse clearing for native grasslands that are in low condition. This is not the intent of the NV Act.

The review of the NV Regulation provides an opportunity fix the details in the NV Regulation and the EOAM.

The review is also an opportunity to build an effective partnership between government and graziers. This could be done by increasing the flexibility of native grassland management allowed by NV Regulation.

## Concerns raised

The major concerns raised by the community about the existing arrangements for managing native grasslands relate to:

- the need for government approval to continue existing farming practices
- difficulty in providing the evidence required to enable existing farming practices (rotational farming) to continue, without the need for offsets
- how the condition of native grasslands is determined when assessing clearing proposals
- the large offset areas required to offset the clearing of native grasslands in low condition
- constraints on the control of invasive weeds in some circumstances.

This discussion paper presents proposals to clarify and simplify the assessment of grassland condition under the NV Regulation. It also presents ideas to increase flexibility in the management of grasslands in grazing landscapes, while still protecting native grasslands that have high conservation value.

## Options

The purpose of the paper is to put forward options for the major concerns raised by the community. The options are presented in the following categories:

1. better assessment of grasslands with low conservation value for continuing agricultural use
2. improved assessment of proposals to clear native grasslands and
3. more flexibility in managing invasive weeds in native grasslands.

### **1. Better assessment of grasslands with low conservation value for continuing agricultural use**

Native grasslands with a history of periodic cropping, pasture improvement or certain grazing management practices are typically of low conservation value. These grasslands often support only those native species that are able to tolerate disturbances; they do not warrant the same level of protection as high-conservation-value grasslands.

The current NV Regulation allows landholders to continue managing those native grasslands where there is evidence of a history of cropping or pasture improvement.

However, it can sometimes be difficult for graziers to provide evidence that these historical practices have taken place. It also does not recognise that, in some circumstances, certain historical grazing management practices will have resulted in native grasslands of low conservation value.

To overcome this, the mix of plant species in the native grassland could be used as evidence. An examination of this mix would look at the presence or absence of certain indicator species.

For example, for a native grassland in the Monaro:

1. the dominance of corkscrew (*Austrostipa scabra*), tall spear grass (*Austrostipa bigeniculata*) or purple wiregrass/kerosene grass (*Aristida ramosa*), and
2. the absence of species such as donkey orchids (*Diuris* spp.), billy button daisies (*Craspedia* spp.) and wild sorghum (*Sorghum leiocladum*),

may indicate an agricultural history of intense grazing, ploughing and/or pasture improvement

Published research on native grasslands (see Further Reading) suggests that the history of agricultural management is generally evident in the types of plants that are present.

Options for better assessment of these grasslands are given in the boxes below.

### **Option 1A: Code of Practice (RAMA/exemption)**

The NV Regulation would be changed to include a Code of Practice for clearing low-condition native grasslands. It would be for native grasslands that have a history of periodic cropping and pasture improvement or management in rotation with native grasslands.

Approval would not be required, if a landholder followed the Code of Practice when clearing a native grassland.

Offsets would not be required.

The Code of Practice would set out what evidence would be required to demonstrate a history of periodic cropping and/or pasture improvement in rotation with native pasture. It would include the plant species mix that could be used as evidence.

The Code of Practice would set out what the landholder would need to do and what they would need to provide. Graziers could also seek support from their local CMA or consultants to gather the evidence.

The Code of Practice could include a voluntary option for graziers to ask the CMA to certify that the vegetation is of low conservation value; this certification could be in the form of a letter or a simple property vegetation plan.

The Code of Practice would limit the type of clearing to be consistent with periodic cropping and pasture improvement in rotation with native grasslands.

### **Option 1B: A Simple Property Vegetation Plan (PVP)**

The NV Regulation would be changed to allow the current mix of plant species in the native grassland to be used as evidence for a 'continuing use' PVP.

A simple PVP would be required from the CMA. It would enable the landholder to continue existing agricultural practices.

No offset would be required.

The PVP would confirm a history of periodic cropping and pasture improvement or management in rotation with native grasslands.

The CMA would assess the condition and conservation value of the native grassland. This would be based on the species mix in the grassland.

The CMA would prepare the PVP under Part 2 section 9(2)(b) of the NV Act. The PVP would change the regrowth date for the grassland and allow clearing of the low-conservation-value grassland for agricultural practices to continue.

The PVP would limit the type of clearing to be consistent with periodic cropping and pasture improvement in rotation with native grasslands.

## 2. Improved assessment of proposals to clear native grasslands

Proposals to clear native grasslands for a change of land use (e.g. from grazing to a market garden, permanent cropping, horticulture or tourism development), are likely to require offsets for the environmental impacts of the clearing. This type of clearing is assessed according to the Environmental Outcomes Assessment Methodology (EOAM), and the landholder will require a PVP.

### Option 2: Proposed amendments to the EOAM

A draft of Chapter 10 of the EOAM has been prepared to improve the assessment of clearing proposals in native grassy systems. These changes include:

- a more accurate definition of low-condition native vegetation, including for native grasslands (revised section)
- an additional process to check the conservation value of a native grasslands (new section)
- removal of the automatic 'red lights' (refusal) for clearing proposals in over-cleared landscapes where the native vegetation is in moderate to good condition (deleted section)
- a simpler threatened species assessment (revised section)
- consideration of vegetation condition in determining the size of any offset required for clearing (revised section).

The new provisions would provide a more flexible decision-making framework in which the CMA and landholders can work together.

The changes are in the draft EOAM, which is online at:

[www.environment.nsw.gov.au/resources/nativeveg/120178NVEOAMDraft.pdf](http://www.environment.nsw.gov.au/resources/nativeveg/120178NVEOAMDraft.pdf)

The combined changes may allow some native grassland clearing proposals that have been previously refused to be approved with appropriate offsets.

Note that the changes to the EOAM have been carefully considered so as to continue the existing environmental standard. There will still be cases where clearing proposals cannot be approved owing to the high conservation value of native grassland (e.g. in light of the amount of the native grassland type remaining in NSW and its condition).

## 3. More flexibility in managing weeds in native grasslands

Highly invasive and persistent weed species such as African lovegrass can be difficult to control once they are established.

Weed species that invade native grasslands are often unpalatable to stock. They can eventually dominate the grassland as other native plant species are eaten out. Some control methods can also adversely affect native grasslands.

Control of invasive weeds across the whole property, as well as at the landscape level, is important from a biodiversity and an agricultural perspective.

Prevention is the most important control strategy for these types of weeds.

Control of noxious weeds authorised under the *Noxious Weeds Act 1993* is a RAMA.

Clearing using a RAMA does not require approval. The associated clearing must be 'to the minimum extent necessary'. Up to this point landholders wanting to avoid breaching of the NV Act may have been uncertain as to what was allowed.

### **Option 3: Include the management of perennial weeds in grasslands in a Code of Practice under the environmental works RAMA**

An environmental works RAMA has been included in the draft NV Regulation (clause 35).

Approval would not be required, if a grazier followed the Code of Practice when controlling weeds in a native grassland.

Offsets would not be required.

The Code of Practice would contain the details of the types of activities that could be done by using an environmental works RAMA to manage perennial weeds in grasslands.

It would be consistent with any orders made under the *Noxious Weeds Act 1993*.

The Code of Practice could apply to specific regions and be tailored to suit local conditions.

The Code of Practice could be drafted by the CMA in consultation with the community and include scientific input.

The Minister for the Environment would declare by order that a type of work is an environmental works RAMA.

The order would limit the type of methods and controls to so as not to adversely affect the native grassland in the long term.

## **Summary**

This paper has put forward options that cover the major concerns raised by the community. The concerns and options are summarised in the table below.

### **Concerns and options: managing native grasslands under the Native Vegetation Regulation**

<b>Concern</b>	<b>Relevant option</b>
The need for government approval to continue existing farming practices	1A
The difficulty in providing the evidence required to enable existing farming practices (rotational farming) to continue without the need for an offset	1A or 1B
How the condition of native grasslands is determined	2
The large offset areas required to offset the clearing of native grasslands in low condition	2
The constraints on the control of invasive weeds in some circumstances	3

## **Further reading**

Dorrough J, Yen A, Turner V, Clark SG, Crothswaite J and Hirth JR (2004) Livestock grazing management and biodiversity conservation in Australian temperate grassy ecosystems. *Australian Journal of Agricultural Research* 55:279–295.

Garden DL, Dowling PM, Eddy DA and Nicol HI (2001) The influence of climate, soil, and management of native grass pastures on the central, southern, and Monaro Tablelands of New South Wales. *Australian Journal of Agricultural Research* 52:925–936.

McIntyre S, Heard KM, Martin TG (2003) The relative importance of cattle grazing in subtropical grasslands: does it reduce or enhance plant biodiversity? *Journal of Applied Ecology* 40:445–457.

Natural Resources Advisory Council (2010) *Understanding our native grasslands: agricultural, environmental and indigenous values and management for the future* (NSW: Sydney) [www.landcareonline.com.au/wp-content/uploads/2011/03/Understanding-Our-Native-Grasslands.pdf](http://www.landcareonline.com.au/wp-content/uploads/2011/03/Understanding-Our-Native-Grasslands.pdf)