



CLEARING OF PADDOCK TREES IN A CULTIVATION AREA

Order made under clause 41 of the Native Vegetation Regulation 2013

I, Robert Stokes, Minister administering the *Native Vegetation Act 2003*, by this order under clause 41 of the Native Vegetation Regulation 2013, declare clearing of a paddock tree in a cultivation area to be a routine agricultural management activity.

This order is made subject to the conditions in **Schedule A**.

The Honourable Robert Stokes
Minister for the Environment

Date: *14th November, 2014*

SCHEDULE A: CONDITIONS FOR THE CLEARING OF Paddock TREES WITHIN A CULTIVATION AREA

Purpose of these conditions

Clearing of a paddock tree in a cultivation area has been declared by the Minister for the Environment to be a routine agricultural management activity (RAMA). As a result, the clearing of a paddock tree will be a RAMA if it is carried out in accordance with the Clearing of paddock trees in a cultivation area order made under clause 41 of the Native Vegetation Regulation 2013 and the conditions or the order set out in this schedule.

The intent of this order is to facilitate the removal of paddock trees in relatively small numbers for improved production efficiencies, while balancing environmental protection and loss. Landholders are able to design and implement their own plan for balancing environmental loss by securing the protection of remnant vegetation or by establishing and maintaining native vegetation areas.

A stream-lined assessment to obtain a Property Vegetation Plan (PVP) from Local Land Services is available where the proposed clearing of paddock trees may be more complex and cannot be cleared in accordance with this order.

1. What can be cleared?

- 1.1 A paddock tree within a cultivation area can only be cleared if it is an individual living native tree less than 80 centimetres diameter at breast height over bark (DBHOB), and is either:
- located more than 50 metres away from any living native tree that is 20 centimetres or greater DBHOB and is within a cultivation area on the same landholding, or
 - a group of three (3) or fewer living native trees within a distance of 50 metres of each other, that in turn, are greater than 50 metres from the next living tree that is 20 centimetres or greater DBHOB and that is within a cultivation area on the same landholding.

2. What cannot be cleared?

- 2.1 A paddock tree within a cultivation area cannot be cleared if it is:
- an individual living native tree 80 centimetres or greater DBHOB, or
 - located on vulnerable land, or
 - located within 30 metres from the high bank of a watercourse, estuary or wetland, or
 - a tree, or group of trees, that are growing within an area greater than 0.25 hectares and the proportion of groundcover is greater than 50% indigenous species.

3. How much can be cleared?

- 3.1 A maximum of 200 paddock trees within a cultivation area may be cleared per 1000 hectares of landholding size, (or pro rata) per notification.
- 3.2 If the total set aside required by Section 4 is in place, prior to notification, the above limit (in Section 3.1) does not apply.

4. What other conditions apply?

- 4.1 Clearing of paddock trees in a cultivation area must be balanced by the establishment and ongoing management of a 'set aside' area.
- 4.2 Set aside areas must be established prior to submitting additional notification(s) to use this order on the same landholding.

Retention of mature trees and/or re-establishment of native trees in the set aside area

- 4.3 The set aside area must include either mature native trees, or re-established native trees, or a combination of both.
- 4.4 For every paddock tree 20 centimetres DBHOB or greater that is cleared within a cultivation area, a set aside area must include mature and/or re-established native trees in the following ratios according to the extent (area) of remnant native vegetation remaining on the landholding:
- a) 5 trees per tree cleared, where there is greater than 70% remnant native vegetation on the landholding, or
 - b) 10 trees per tree cleared, where there is 30% to 70% remnant native vegetation on the landholding, or
 - c) 15 trees per tree cleared, where there is less than 30% remnant native vegetation on the landholding.
- 4.5 Retained mature trees must include the same or similar species as those paddock trees cleared within the cultivation area.
- 4.6 Re-established native trees in the set aside area must be of the same species as the paddock trees being cleared in a cultivation area or be naturally occurring local tree species.
- 4.7 The set aside area must be:
- a) located on the same landholding as the cultivation area in which the paddock trees are cleared, and
 - b) established on the landholding within 12 months from the notification date, and
 - c) additional to previous or existing works carried out using public funds or to fulfil other regulatory obligations (e.g. PVP offsets or remediation areas), and
 - d) managed and maintained in accordance with the required management actions outlined in Appendix 1.
- 4.8 Clearing using this order is not permitted in areas where either the Clearing of invasive native species order or the Thinning of native vegetation order has been used.

5. Definitions

In this order terms have the same meaning as in the *Native Vegetation Act 2003*, and the *Native Vegetation Regulation 2013*, unless otherwise defined below.

Cultivation area is an area that is cropped, ploughed or fallow at the time of notification.

Diameter at breast height over bark (DBHOB) means the diameter over the bark of the stem at 1.3 metres above the ground. If there are multiple stems on a tree then the diameter is measured on the largest stem.

Estuary means:

- a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea.

Floodplain means an area of flat or nearly flat land that floods at high to very high river flows and/or from local, sustained rainfall. Floodplains are adjacent to one or more areas of lower land (e.g. river, depressions), which flood more frequently and/or for longer periods than the floodplain.

Landholding has the same meaning as it has in the *Native Vegetation Regulation 2013*.

Local Land Services (LLS) has the same meaning as it has in the *Local Land Services Act 2013*.

Routine agricultural management activities (RAMA) has the same meaning as it has in section 11 of the *Native Vegetation Act 2003*.

Set aside area means an area or areas that are designated for conservation to balance the environmental loss associated with the clearing of paddock trees in cultivation.

Strahler stream order means the stream order of a stream determined by the Strahler system as defined in Schedule 2, Part 1 of the *Water Management (General) Regulation 2011*.

Visible channel means a visible path where water flows, regardless of flow regime, which shows some degree of incision or erosion.

Vulnerable land means land identified as:

- a) steep or highly erodible land
- b) protected riparian land being within 20 metres of specified watercourses, or
- c) special category land

on the map in the *Natural Resource Management Plan – Vulnerable Land* at:

www.environment.nsw.gov.au/vegetation/vulnerable.htm.

Watercourse means a stream of Strahler stream order 3 or larger with a visible channel.

Wetland means any shallow body of water, other than a floodplain (such as a marsh, billabong, swamp or sedgeland) that is:

- a) inundated cyclically, intermittently or permanently with water, or
- b) vegetated with wetland plant communities.

Appendix 1: Set aside area management actions

Required management actions

The following required management actions must be implemented within the designated set aside area.

Management action	Intent of management action
No clearing allowed except for the use of RAMAs to: <ol style="list-style-type: none"> 1. maintain permanent fences 2. control noxious weeds 3. control pest animals 4. control feral native species, or 5. mitigate imminent risk of serious personal injury or damage to property. 	<i>To allow for the continuation of certain routine land management.</i>
Establish and maintain revegetation	<i>To ensure the set aside area is designed and implemented within 12 months of the notification date and maintained in the long term.</i>
Retain regrowth	<i>To retain or enhance conservation and habitat value in the set aside area.</i>
Retain standing dead timber	<i>To retain or enhance conservation and habitat value for native flora and fauna in the set aside area.</i>
Retain logs	<i>To retain or enhance conservation and habitat value for native flora and fauna in the set aside area.</i>
Retain rocks	<i>To retain or enhance conservation and habitat value for native flora and fauna in the set aside area.</i>
Strategic grazing	<i>To exclude domestic stock grazing for the first 5 years after establishing a set aside area (applies to re-established native vegetation works only). After the first 5 years of stock exclusion, domestic stock grazing is allowed for up to 4 weeks per calendar year. This is to maintain and enhance native groundcover.</i>
Feral herbivore control	<i>To reduce the damage from feral herbivores such as goats and rabbits to the habitat value of the native groundcover.</i>
Weed control (exotic species)	<i>To reduce the extent and amount of exotic species in a set aside area.</i>
Protect trees from agricultural chemicals	<i>To ensure that the trees in the set aside area are not affected by agricultural chemical use associated with farming practices that may reduce their life expectancy.</i>

Recommended management actions

The following additional management actions may be implemented in the set aside area. The decision to use or not to use these management actions is at the discretion of the landholder.

Management action	Intent of management action
Exclude commercial apiaries	<i>To ensure adequate nectar supplies for native fauna.</i>
Exclusion of fire	<i>To reduce the impact of fire on fire sensitive plants.</i>
Fencing	<i>To assist in the active management or exclusion of domestic stock grazing.</i>

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