



# Info sheet

## Native vegetation management in NSW Native Vegetation Act 2003

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### About the Native Vegetation Act 2003

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The *Native Vegetation Act 2003* (NV Act) frames the way native vegetation is managed in NSW by preventing broadscale clearing unless it improves or maintains environmental outcomes. The NV Act is supported by the Native Vegetation Regulation 2013.

More information about 'improve or maintain environmental outcomes' is available in the Info sheet *What clearing requires approval?* (see [www.environment.nsw.gov.au/vegetation/](http://www.environment.nsw.gov.au/vegetation/)).

#### **Biodiversity legislative reforms**

In 2014, the NSW Government commissioned an independent panel to review the state's biodiversity legislation. The panel presented its final report to the Minister for the Environment in December 2014. The panel's recommendations included repealing the *Native Vegetation Act 2003*, creating a new Biodiversity Conservation Act and amending the *Local Land Services Act 2013*. The government supports all of the independent panel's recommendations and will implement them as an integrated package of reforms. The *Native Vegetation Act 2003* will continue to apply until the new Act is in place.

#### **What is native vegetation?**

Native vegetation is any species of vegetation that existed in NSW before European settlement, including trees, saplings, shrubs, scrub, understorey, groundcover or wetland plants.

Groundcover is 'any type of herbaceous vegetation'. Herbaceous plants include grasses, forbs, herbs and similar low-growing, non-woody plants.

Mangroves, seagrasses and other marine vegetation are not covered by the NV Act. They are managed by the *Fisheries Management Act 1994*.

## Where does the NV Act apply?

The NV Act regulates clearing of native vegetation on all land in NSW except for excluded land listed in Schedule 1 of the NV Act. Excluded land includes:

- national parks and other conservation areas, including Lord Howe Island
- state forests and reserves
- urban areas, including local council areas in the Sydney and Newcastle metropolitan areas
- certain land zonings in a Local Environment Plan (the list is specific but generally includes residential, commercial and industrial land zones)

## How is native vegetation classified under the Act?

1. **Remnant native vegetation** – any native vegetation other than ‘regrowth’:
2. **Regrowth** – any native vegetation that has regrown since 1 January 1990 (or 1 January 1983 for land in the Western Division), or as otherwise specified in a Property Vegetation Plan (PVP).

Regrowth does not include native vegetation that has regrown after:

- unlawful clearing of remnant vegetation
  - clearing of remnant native vegetation by bushfire, flood, drought or any other natural event.
3. **Protected regrowth** – is native vegetation that has regrown since 1 January 1990 (or 1 January 1983 in the Western Division) and has been identified as protected regrowth in:
    - a PVP
    - an environmental planning instrument
    - a natural resources management plan
    - an interim protection order under the NV Act
    - native vegetation that has been grown or preserved with the assistance of public funds for biodiversity conservation purposes.

## What is clearing?

Clearing is defined as cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning (resulting in killing) of native vegetation. Clearing also covers:

- any type of ploughing that kills native groundcover
- the under-scrubbing of native forests
- thinning of native woodlands
- herbicide spraying (including drift) that kills native vegetation.

This includes clearing of individual plants and applies to all layers of vegetation from groundcover to canopy trees.

The NV Act does not apply to the removal of dead vegetation (except for the commercial collection of firewood) or to activities that do not kill native vegetation (e.g. pruning and lopping). Clearing of dead vegetation that has habitat value for threatened species may require approval under the *Threatened Species Conservation Act 1995*.

## How is clearing controlled under the NV Act?

The NV Act allows for native vegetation to be cleared if it is:

- regrowth
- in accordance with a property vegetation plan (PVP)
- a permitted clearing or a permitted activity, such as clearing for a routine agricultural management activity (RAMA)
- authorised by other legislation specified in section 25 of the NV Act.

## Administration of the NV Act

The Office of Environment and Heritage (OEH), in partnership with Local Land Services and the Environment Protection Authority (EPA), administers the NV Act.

Local Land Services undertake the approvals role and issue advice. OEH has primary responsibility for compliance in relation to clearing, while the EPA regulates the logging of native forests on private lands.

## Seeking advice on classifying vegetation

If you are not sure what is regrowth, remnant native vegetation, protected regrowth or native groundcover on your property or what you can or cannot clear, contact your Local Land Services for advice on the NV Act and any available incentives.

## More information

For more information: Contact Local Land Services on 1300 795 299 or visit:  
[www.environment.nsw.gov.au/vegetation/](http://www.environment.nsw.gov.au/vegetation/)

**Note:** This information does not constitute legal advice. Please seek specific advice from your Local land Services before undertaking any clearing.

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