



Info sheet

Native vegetation management in NSW Native Vegetation Act 2003

Routine agricultural management activities in the Western Division

Routine agricultural management activities (RAMAs) cover a wide range of day-to-day farming, safety and other rural and non-rural activities where clearing of native vegetation does not require approval under the *Native Vegetation Act 2003* (NV Act).

While clearing for the purposes of a RAMA does not require approval under the NV Act, any clearing for RAMAs must only be undertaken to the **minimum extent necessary**. Other limits may also apply to certain RAMAs.

Progressively clearing land outside the scope of the RAMA is not permitted. All other required statutory approvals (for example, development consent under the *Environmental Planning and Assessment Act 1979* (EP&A Act) must also be obtained before clearing for a work, building or structure.

Where land is classed as vulnerable land (relates only to protected riparian land for the Western Division), there are some additional clearing distances and area restrictions when applying RAMAs (see section on 'Using RAMAs on vulnerable land').

Landholders can refer to the online information tool no. 4: *What Routine Agricultural Management Activities (RAMAs) are available?* This tool identifies the RAMAs available for landholders to use on their property (see www.environment.nsw.gov.au/nvrt/nvntapp/tool4).

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.

RAMAs for landholders engaged in agricultural activity

Rural infrastructure

Clearing for the construction, operation and maintenance of the kinds of rural infrastructure listed in Table 1 is only to be undertaken within the distance or area specified and to the minimum extent necessary.

Table 1: Western Division rural infrastructure clearing buffer distances for landholdings

Clearing type	Maximum clearing buffer distance
Permanent fence	20 metres on either side
Access trail, road, or cut line for stock movement	30 metres total width of clearing
Telephone line, power line or cable	30 metres total width of clearing
Drain to a water storage, bore drain, pipeline, or irrigation channel	30 metres total width of clearing
Firebreak, except where mallee species predominate	30 metres total width of clearing
Firebreak, where mallee species predominate	100 metres total width of clearing
Airstrip	Distance and area sufficient to meet civil aviation standards
House, shearing or machinery shed, ground tank, dam or stock yards, or similar utility	5 hectares total area of clearing

The clearing areas and distances are only restricted for the activities listed in Table 1. Other kinds of clearing activities for the construction, operation and maintenance of rural infrastructure in the Western Division are not restricted provided any clearing is undertaken to the minimum extent necessary.

A building, structure or work on land is only considered to be rural infrastructure if it is used for the purposes of, or in connection with, an agricultural activity or private native forestry (PNF) that is being carried out on the land.

For more information on PNF refer to: www.epa.nsw.gov.au/vegetation/nativeforestry.htm. Specific rural Infrastructure RAMAs apply on land identified in a PNF Property Vegetation Plan (PVP). A fact sheet with more information on the RAMAs available on land subject to a PNF PVP is available on the EPA website at www.epa.nsw.gov.au/pnf/factshtsglines.htm.

For small holdings (40 hectares or less in size) or for land zoned rural residential, or large lot residential (R5), rural infrastructure RAMAs are limited to the construction, operation and maintenance of the following kinds of rural infrastructure and clearing is only permitted within the distance or area specified in Table 2.

Table 2: Rural infrastructure clearing distances and areas for small holdings and land zoned rural residential, or large lot residential (R5)

Clearing type	Maximum clearing buffer distances
Permanent boundary fence	6 metres on either side (adjoining landholder agreement is required)
Permanent internal fence	6 metres on either side
Temporary fence	3 metres total width of clearing
Road or track	6 metres total width of clearing
Pipeline	3 metres total width of clearing
Buildings other than habitable buildings	20 metres from outer edge of the structure
Windmill	10 metres from outer edge of the structure
Bore	10 metres from outer edge of the structure
Tank	3 metres from outer edge of the structure
Dam	15 metres from outer edge of the structure
Stockyards	20 metres from outer edge of the structure
Pump	3 metres from outer edge of the structure
Water point	3 metres from outer edge of the structure

Obtaining construction timber

Clearing native vegetation on land is a RAMA if the cleared native vegetation is obtained for the purpose of, and used in, the construction or maintenance of rural infrastructure **on that land**.

Important environmental controls apply, including the requirements that the native vegetation to be cleared must not be:

- a threatened species
- a component of a threatened population or threatened ecological community
- vegetation that is likely to be habitat for threatened species.

Clearing using this RAMA must not cause land degradation. Also, this RAMA does not apply if suitable timber can be obtained from clearing permitted by another RAMA. This RAMA does not apply to land subject to a PNF PVP.

If you intend to use this RAMA, you may like to seek further advice from your Local Lands Services office.

Landholders engaged in agricultural activities should also see the section 'RAMAs for all landholders'.

RAMAs for landholders *not* engaged in agricultural activity

Non-rural infrastructure

Non-rural infrastructure RAMAs allow rural landholders not engaged in agriculture to clear native vegetation for the construction, operation and maintenance of:

- permanent boundary fences (only if the clearing is carried out within 6 metres of either side of the fence)

- one shed (no larger than 100 square metres) and road (no wider than 6 metres) to such a shed.
- access trails and tracks for the purpose of managing a landholding (only if the total width of clearing is not more than 6 metres).

This RAMA does not apply on land subject to a PNF PVP.

Landholders not engaged in agricultural activities should also see the section 'RAMAs for all landholders'.

RAMAs for all landholders

Ministerial Orders

Ministerial Orders, also referred to as self-assessable codes, may declare certain types of low-risk clearing activities to be a RAMA. If clearing is undertaken in accordance with a Ministerial Order (including any conditions of that order), approval in the form of a PVP will not be required.

For more information on self-assessable codes refer to the info sheet *Using self-assessable Codes of Practice* available at www.environment.nsw.gov.au/vegetation/

Self-assessable codes relating to clearing of paddock trees, invasive native species and thinning of native vegetation cannot be used on land subject to a PNF PVP.

Dwellings

The clearing of native vegetation for the construction a dual occupancy, a dwelling house, a semi-detached dwelling, or a rural worker's dwelling is a RAMA, if development consent is required under the Environmental Planning & Assessment Act 1979 (EP&A Act) or the clearing and the clearing is carried out in accordance with that consent.

Clearing for development that is ordinarily incidental or ancillary to development for these dwellings (such as building a swimming pool) is also a RAMA as long as it is carried out in accordance with development consent under the EP&A Act.

Privately owned power lines

Clearing for construction, operation and maintenance of privately owned power lines on privately owned land is permitted without approval.

Remove or reduce an imminent risk of personal injury or damage to property.

The clearing of native vegetation for an activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property does not require approval.

Remove or reduce an imminent risk of personal injury or damage to property

The clearing of native vegetation for an activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property does not require approval.

Noxious weeds

The removal of noxious weeds under the Noxious Weeds Act 1993 does not require approval.

Control of pest animals

Clearing to the minimum extent necessary pursuant to an obligation arising under an eradication order or pest control order under Part 10 of the Local Land Services Act 2013 is a RAMA.

Collection of firewood

The collection of firewood, other than for commercial purposes does not require approval.

Conservation purposes

Clearing in accordance with agreements under a range of NSW and Commonwealth environmental laws specified in clause 50 of the Native Vegetation Regulation 2013 is permitted without approval.

Aboriginal cultural activities

Clearing associated with traditional Aboriginal cultural activities (except commercial activities) is permitted without approval.

Planted native vegetation

Clearing of native vegetation that has been planted is a RAMA, including native vegetation planted for commercial purposes. This RAMA does not apply to native vegetation planted with the assistance of public funds.

Using RAMAs on vulnerable land

Protected riparian land

Vulnerable land is land that has been identified and mapped in a Natural Resources Plan (NRM) made by the Minister for the Environment, due to its environmental sensitivity. For example, land that is particularly susceptible to soil erosion, sedimentation or landslip.

The only type of vulnerable land that limits the use of RAMAs in the Western Division is protected riparian land. This is land within 20 metres of the bed or bank of a prescribed stream. The use of RAMAs on protected riparian land is limited to the activities listed in Table 3.

The online information tool no. 4: *What Routine Agricultural Management Activities (RAMAs) are available?* enables landholders to determine whether they have protected riparian land on their properties. (www.environment.nsw.gov.au/nvrt/nvntapp/tool4).

Table 3: RAMAs available on land identified as protected riparian land

Clearing type	Maximum clearing distance permitted
Maintenance of safety clearances around electricity transmission lines	15 metres (where clearing is carried out by an employee of or contractor to a local government or electricity supply authority)
Fencing (other than boundary fence) to improve management of the protected riparian land	6 metres total width of clearing, and only for fencing that is reasonably required to be constructed on protected riparian land
Boundary fence	6 metres on either side
Farm road	6 metres total width of clearing, and only if the: <ul style="list-style-type: none"> • road is reasonably required to access a site within protected riparian land, and • route of the road minimises the clearing required
Clearing done pursuant to an obligation arising under an eradication order or pest control order under Part 10 of the <i>Local Land Services Act 2013</i>	Minimum extent necessary
The removal of noxious weeds under the <i>Noxious Weeds Act 1993</i>	Minimum extent necessary
Clearing undertaken subject to a Ministerial Order (excluding paddock trees and mulga) under Division 3, Part 6 of the <i>Native Vegetation Regulation 2013</i>	Minimum extent necessary
Clearing for conservation purposes under clause 50 of the <i>Native Vegetation Regulation 2013</i>	Minimum extent necessary
Clearing in accordance with a scientific licence under section 132 of the <i>National Parks and Wildlife Act 1974</i>	Minimum extent necessary
Any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property	Minimum extent necessary

Public infrastructure, utilities and service RAMAs

Crown land and council management infrastructure

The construction, operation and maintenance of infrastructure by an instrumentality of the Crown, a reserve trust or a council in the exercise of its land management activities are RAMAs and do not need a PVP or development consent under the NV Act. Activities that do not need approval include the construction, operation and maintenance of roads, tracks, viewing platforms, signs and recreational facilities (such as picnic and barbeque facilities).

Note: This RAMA does not cover clearing of native vegetation that is a threatened species, a component of a threatened population or threatened ecological community or likely to be habitat for a threatened species. In this situation approval to clear vegetation may be required. Contact your Local Land Services for assistance.

Other infrastructure works by councils

The construction, operation or maintenance of gravel pits and cemeteries are RAMAs, provided the:

- area of clearing for a cemetery is no more than 2 hectares
- area of clearing for gravel pits is no more than 5 hectares and the clearing is carried out in conjunction with a restoration program
- clearing of native vegetation is not likely to comprise a threatened species or a component of a threatened population or threatened ecological community.

Maintenance of public utilities

Clearing of native vegetation for the maintenance of public utilities such as, the supply of water and gas, telecommunications infrastructure and the transmission of electricity is a RAMA. Clearing using these RAMAs must be to the minimum extent necessary.

The Native Vegetation Regulation 2013, further restricts the clearing of native vegetation for the maintenance of electrical infrastructure. Clearing can only be undertaken by, or at the written direction of, the body in which the public utility is vested, or has the responsibility for that public utility's safe operation.

The maintenance of public utilities for the transmission of electricity includes the following activities:

- maintaining the necessary safety clearances under powerlines, conductors and structures associated with the supply of electricity in accordance with the maximum allowable distances set out in clause 35 of the Native Vegetation Regulation
- minimising fuel loads under powerlines to minimise the chance of smoke from a fire resulting in a line trip
- maintaining existing access roads and tracks.

The RAMA is not suitable for the development of new transmission infrastructure, access tracks or roads, or for the removal of low growing groundcover.

Telecommunications infrastructure

Clearing of native vegetation for the construction, operation and maintenance of telecommunications infrastructure is a RAMA.

More information

For more information: Contact Local Land Services on 1300 795 299 or visit:
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.

Published by:

Office of Environment and Heritage

59 Goulburn Street, Sydney NSW 2000

PO Box A290, Sydney South NSW 1232

Phone: (02) 9995 5000 (switchboard)

Phone: 131 555 (environment information and publications requests)

Phone: 1300 361 967 (national parks, general environmental enquiries, and publications requests)

Fax: (02) 9995 5999

TTY users: phone 133 677, then ask for 131 555

Speak and listen users: phone 1300 555 727, then ask for 131 555

Email: info@environment.nsw.gov.au

Website: www.environment.nsw.gov.au

Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or info@environment.nsw.gov.au

See also www.environment.nsw.gov.au

ISBN 978 1 76039 104 1 | OEH 2015/0583 | September 2015