



Info sheet

Native vegetation management in NSW Native Vegetation Act 2003

Using self-assessable codes of practice

Under the Native Vegetation Regulation 2013 (NV Regulation), some lower risk clearing activities can be declared as routine agricultural management activities (RAMAs) by the NSW Minister for the Environment. This allows the landholder to use a self-assessable code for clearing rather than obtaining a property vegetation plan (PVP).

In November 2014, self-assessable codes were released for:

- clearing of paddock trees in a cultivation area
- thinning of native vegetation
- clearing of invasive native species.

The Minister may make further codes in accordance with the NV Regulation as required.

A self-assessable code has two parts:

1. A **Ministerial Order** with conditions that apply for the type of native species that can be cleared, where the code can be applied, how much can or cannot be cleared, and the use of different clearing types.
2. **Advisory material**, which include a landholder guide, fact sheets, and online tools that help the landholder interpret the conditions in the Order that apply to clearing on their property. The guide and fact sheets include images, checklists and diagrams to illustrate the conditions in the orders.

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.

Clearing activities using a self-assessable code

Clearing that complies with the conditions in the Ministerial Order is a RAMA and will not require approval through a PVP. Where a clearing proposal cannot conform to the conditions, a landholder must apply for a PVP.

Some landholders may prefer to have a PVP instead of using a self-assessable code.

Only one self-assessable code can be applied to an area.

Overview of self-assessable codes

Clearing of paddock trees in a cultivation area

The conditions in this code allows 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 establishing 'set-aside' areas, that protect existing remnant vegetation and/or establishing and maintaining native vegetation areas on their property.

Thinning of native vegetation

Clearing native trees and woody shrubs in certain vegetation formations where the vegetation is thicker than it would occur in its natural state is allowed under this code. In certain vegetation formations and circumstances, clearing can be undertaken for thinning to 75% of benchmark stem density. Thinning for commercial harvesting requires a private native forestry PVP and is not permitted under this code.

Clearing of invasive native species

Control and management of invasive native species (INS) is allowed under this code. The objective is to create a mosaic of native vegetation across the landscape by allowing the clearing of some INS and encouraging the re-establishment and/or natural regeneration of more desirable native vegetation.

Advisory material

Landholder guides and fact sheets

If you intend to clear vegetation using a self-assessable code, refer to the landholder guide and fact sheets for full details on how to comply with the clearing requirements and conditions. The Ministerial Orders, landholder guides and fact sheets can be found at:
www.environment.nsw.gov.au/vegetation/selfassess.htm.

Online information tools

For each of the self-assessable codes, the Office of Environment and Heritage (OEH) has developed an online tool to assist landholders to determine if the code is applicable on their land or appropriate for their proposed clearing activity. The tools have a step-by-step process and mainly consist of answering simple 'Yes' or 'No' questions and include 'help files' that provide more information. The tools are located on the OEH website at:
www.environment.nsw.gov.au/vegetation/onlinetools.htm.

Landholders can choose to use either the landholder guides and/or the online tools to determine what clearing they can undertake in accordance with a code. Local Land Services staff can also provide advice.

Notify before clearing

Landholders who intend using a self-assessable code for clearing are required to notify OEH 14 days prior to commencing clearing. Using the online notification tool will make this process quick and easy. The tool is available at www.environment.nsw.gov.au/nvrt/nvnsapp/.

Alternatively, the landholder can download and complete a Notification of Intended Clearing Form from the OEH website at www.environment.nsw.gov.au/resources/nvrtapp/NotificationForm.pdf or request their Local Land Services office for the form. A landholder can also arrange a meeting with a Local Land Services officer who can help with completing the notification. The fact sheet on the notification process provides further information (www.environment.nsw.gov.au/resources/vegetation/150033-fs-notification-process.pdf).

Other approvals

Clearing in accordance with a code may require approvals under other legislation such as the *Western Lands Act 1901* and *National Parks and Wildlife Act 1974* (cultural heritage requirements). There may also be responsibilities under Commonwealth legislation. It is the landholder's responsibility to obtain any approvals that may be required. The fact sheet on 'How to obtain other approvals' provides further information and is available at: www.environment.nsw.gov.au/resources/vegetation/150032-fs-approvals.pdf.

More information

For more information about clearing under the codes, including FAQs, go to: www.environment.nsw.gov.au/vegetation/selfassess.htm. Alternatively, you can contact Local Land Services on 1300 795 299.

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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