New South Wales Government

Native vegetation management in NSW

Native Vegetation Act 2003

INFO SHEET 7a

What are the **exemptions** for routine agricultural management activities in the Western Division?

What are routine agricultural management activities?

Routine agricultural management activities (RAMAs) are farming, safety and other activities where clearing of native vegetation does not require approval under the *Native Vegetation Act 2003* (NV Act).

Conditions that apply to the use of all RAMAs

All clearing associated with RAMAs must only be undertaken to the minimum extent necessary. This means that all practical steps must be made to limit the extent of clearing undertaken in carrying out the RAMA activity.

It is illegal to use RAMAs to progressively clear land for a purpose outside the scope of the RAMA.

While clearing approval for RAMAs is not required under the NV Act, approval may be required under other legislation such as the *Environmental Planning and Assessment Act 1979*.

Except where specified in a RAMA, no additional consideration of threatened species matters is required.

If any other approval is required to undertake the activity, eg development consent for a building, that approval must be obtained before the vegetation is cleared.

Where land is classed as protected riparian land the range of RAMAs available is limited – see RAMAs on vulnerable land on page 4.

The full list of RAMAs

The following list applies in the Western Division.

1. Rural infrastructure

Clearing for the construction, operation and maintenance of rural infrastructure, which includes (but is not limited to) dams, permanent fences, buildings, windmills, bores, stockyards, farm roads and air strips (in the Western Division), can be undertaken within the maximum clearing distances specified below.

Any other approvals required must be obtained prior to undertaking the associated clearing.

The *Native Vegetation Regulation 2005* specifies maximum clearing distances that apply to this RAMA. Because this clearing must always be to the minimum extent necessary, the Regulation does not authorise clearing to these maximum distances if a lesser area of clearing is appropriate. Where there is no maximum distance specified, clearing must always be to the minimum extent necessary to allow for the construction, operation and maintenance of the rural infrastructure.

The maximum clearing distances applying to rural infrastructure RAMAs are as follows:

SMALL HOLDINGS OR HOLDINGS ZONED RURAL RESIDENTIAL.

A small holding is a single piece of land in the same ownership that is less than 40ha.

The maximum clearing distances or areas are:

> permanent boundary fence 6 metres either side (adjoining landholder agreement is needed)

> permanent internal fence 3 metres either side

> temporary fence 1 metre total width of clearing

> roads and tracks 4 metres total width of clearing

> windmills and bores 3 metres from the structure

> stockyards 3 metres from the structure

> habitable buildings – the asset protection zone identified for the land in a bush fire risk management plan in force under the *Rural Fires Act 1997,* and

> buildings other than habitable buildings 5 metres.

PROPERTIES THAT ARE NOT SMALL HOLDINGS OR ZONED RURAL RESIDENTIAL.

The maximum clearing distances or areas are:

> permanent fence 20 metres either side (adjoining landholder agreement is needed)

> access trail, cut line for stock movement, road, telephone line or cable, power line or cable, 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 - distances and area sufficient to meet civil aviation standards for construction of an airstrip, and

> house, shearing or machinery shed, ground tank, dam or , stock yards, or similar utility, the maximum area is 5 hectares.

2. Commercial native vegetation

The harvesting or other clearing of native vegetation planted for commercial purposes does not require approval.

3. Firewood

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

4. Imminent risk

Clearing to the minimum extent reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property does not require approval.

5. Construction timber

The cutting of timber for the construction or maintenance of farm infrastructure does not require approval, provided:

> the timber to be cut is not a threatened species or part of an endangered ecological community or is likely to be the habitat of these (talk to your CMA), and

> timber suitable for the purpose cannot be obtained from the prescribed maximum clearing distance of the farm infrastructure involved, and

> the clearing does not cause land degradation, and

> the same or similar species are restored over the area from where the construction timber is cut, and

> the timber is used within 18 months of being cut, and

> the timber is used on the property where the clearing occurs.

6. Stock fodder

The lopping of native vegetation for stock fodder can be undertaken without approval. This includes the uprooting of mulga in the Western Division in areas officially declared as drought affected.

7. Noxious weeds

Clearing to the minimum extent necessary to allow for the removal of noxious weeds authorised under the *Noxious Weeds Act 1993* does not require approval.

8. Pest animals

Native vegetation can be cleared to the minimum extent necessary without approval, when required to control pest animals under an eradication order or pest control order under Part 11 of the *Rural Lands Protection Act 1998*.

9. Feral native plant species

Feral native plant species identified on the local CMA list can be removed without approval, in accordance with any requirements of that CMA.

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10. Gardens

Native vegetation can be cleared without approval when it has been planted as part of a garden.

11. Aboriginal cultural activities

Clearing associated with traditional Aboriginal cultural activities (except commercial activities) does not require approval.

12. Public utilities

Clearing necessary to maintain public utilities (electricity, water, gas and electronic communication) can be undertaken without approval, including the following activities:

> maintaining the necessary safety clearances under powerlines (conductors and structures) and around communication sites, or

> minimising fuel loads under powerlines to minimise the chance of smoke from a fire resulting in a line trip, or

> maintaining existing access roads and tracks.

However, this RAMA cannot be used for the following activities:

> construction of new access roads or tracks

> removal of low growing groundcover or clearing more than the maximum distance specified in the following table, or

> maintaining safety clearances from powerlines that exceed either the distance in the table below or the minimum distance that will ensure reliability of supply under all loading and environmental conditions and minimise the risk of arcing.

13. Crown land management

Clearing associated with certain Crown land management activities is permitted to the minimum extent necessary, without approval, when carried out by the Crown or its agent, including a Reserve Trust.

The management activities are:

> the construction, operation and maintenance of telecommunications infrastructure (clearing for this purpose is not limited to clearing by the Crown or its agents);

> the construction, operation and maintenance of infrastructure, including roads, tracks and viewing platforms; and

> the placement of signs and recreational facilities (such as picnic and barbecue facilities).

Threatened species approvals must be obtained, if necessary, prior to the clearing.

Nominal operating voltage of powerline	Maximum clearing distance (measured each side from the centre line of the powerline)
up to 11kV	5 metres
above 11kV up to and including 33kV	12.5 metres
above 66kV up to and including 132kV	15 metres
above 66kV up to and including 132kV	22.5 metres
above 132kV up to and including 330k	30 metres
above 330kV	35 metres

RAMAs on Vulnerable Land

Protected riparian land and is one class of vulnerable land (see Info Sheet 11).

The range of RAMAs and the clearing that can occur under RAMAs in protected riparian land are not the same as those applying to other land. Clearing associated with RAMAs on protected riparian land is limited because of its environmental sensitivity.

Protected riparian land is land within, or within 20 metres of, the bed or bank of a prescribed stream. Your CMA has information on prescribed streams in your area.

The only clearing associated with RAMAs that is permitted on protected riparian land is as follows:

> any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property

> the eradication of pests under a pest control order or an eradication order under the *Rural Lands Protection Act 1998*

> the removal of noxious weeds under the *Noxious Weeds Act 1993*

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> the maintenance of safety clearances around electricity transmission lines to a distance of up to 15 metres where the clearing is carried out by a local government or electricity supply authority

> the construction and maintenance of boundary fencing to a total width of clearing not exceeding 3 metres each side (adjoining landholder agreement is needed)

> the construction and maintenance of fencing to improve management of the protected riparian land, with total width not exceeding 3 metres and only for fencing that is required to be constructed on protected riparian land, and

> the construction and maintenance of farm roads to a total clearing width of 4 metres and only if:

- the road is reasonably required to access sites within or on the other side of the protected riparian land, and
- the route of the road minimises the clearing that is required to be undertaken on protected riparian land.

Note: Planning the route of a road to minimise clearing on protected riparian land may include constructing the road on land that has already been cleared or on land that is not protected riparian land, or for the road to take the most direct route through or across the protected riparian land.

For more information:

Contact your local CMA, or you may also:

Visit: www.nativevegetation.nsw.gov.au **Email:** info@nativevegetation.nsw.gov.au **Freecall:** 1800 237 012

Note: This information does not constitute legal advice. Please seek specific advice from your local CMA before undertaking any clearing.

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