

GUIDELINE FOR THE CLEARING OF EXOTIC TREES AND DEAD NATIVE TREES ON STATE PROTECTED LAND

PART 1 PRELIMINARY

1. Purpose of the Guideline

This Guideline sets out the circumstances in which the clearing of living and dead exotic trees and dead native trees on all land that is State protected land under the *Native Vegetation Conservation Act 1997* is deemed to cause no more than minimal environmental harm (Clause 30(3) of the *Native Vegetation Regulation 2005*).

This Guideline applies to all three categories of State protected land A, B and C across NSW. However, there are two areas where State protected land has been abolished. These are the areas covered by the repealed Mid-Lachlan and Riverina Highland regional vegetation management plans.

Clearing of living or dead exotic trees and dead native trees on State protected land in accordance with this Guideline does not require consent under the *Native Vegetation Conservation Act 1997*.

This Guideline deals only with the clearing of living or dead exotic trees and dead native trees on State protected land. It does not address the clearing of live native vegetation on State protected land or elsewhere. All clearing of live native vegetation in areas subject to the *Native Vegetation Act 2003* is subject to that Act unless excluded by it.

2. Transitional arrangements

Under the transitional arrangements of the *Native Vegetation Act 2003*, specific provisions of the *Native Vegetation Conservation Act 1997* continue to apply to State protected land until such time as a State Environmental Planning Policy for protected lands is provided (Schedule 4(2) of the *Native Vegetation Act 2003* and clause 30 of the *Native Vegetation Regulation 2005*).

3. Circumstances under which clearing is deemed to cause no more than minimal environmental harm

There are no circumstances where the clearing of dead native trees on State Protected land is deemed to cause no more than minimal environmental harm.

The circumstances where the clearing of living or dead exotic trees is deemed to cause no more than minimal environmental harm are set out in Parts 2 and 3.

4. Exemptions

The exemptions under the previous *Native Vegetation Conservation Act 1997* for clearing on State protected land continue to operate in addition to this Guideline. These exemptions continue only to the extent that they apply to the clearing of living or dead exotic trees and dead native trees.

For the full list of exemptions for clearing on State protected land see Part 5.

Clearing of living or dead exotic trees and dead native trees on State protected land in accordance with the exemptions does not require consent under the *Native Vegetation Conservation Act 1997*.

When clearing living or dead exotic trees or dead native trees landholders are encouraged to minimise land degradation and any impacts on watercourses.

5. Consent to clear

If the exemptions or Guideline are not used, landholders can apply for development consent to clear living or dead exotic trees or dead native trees on State protected under the *Native Vegetation Conservation Act 1997*.

When consent to clear is required please contact the local office of the Department of Natural Resources (DNR).

6. Obligations to other relevant legislation

Clearing in accordance with this Guideline or the exemptions does not remove obligations under other relevant legislation. Other legislation that can be relevant includes, but is not limited to:

- *Environmental Planning and Assessment Act 1979* (includes Council LEP requirements);
- the *Water Management Act 2000*;
- the *Rivers and Foreshores Improvement Act 1948*;
- the *Threatened Species Conservation Act 1995*;
- the *National Parks and Wildlife Act 1974* (eg in respect of threatened species and Aboriginal heritage);
- the *Heritage Act 1977*;
- the *Agricultural and Veterinary Chemicals Code Act 1994* (eg in respect of the registration and use of herbicides);
- *Protection of the Environment Operations Act 1997* (eg in respect of the use of herbicides near waterways); and the
- Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*.

Advice on these matters should be sought from the local Council, Catchment Management Authority (CMA), Department of Environment and Conservation (DEC) or DNR.

7. Meaning of words

Expressions used in this Guideline have the same meaning as in the *Native Vegetation Conservation Act 1997* as set out in the Dictionary in Part 4 of this Guideline.

PART 2 GENERAL CONDITIONS

8. Dead exotic trees treated as live exotic trees

Dead exotic trees may be cleared, whether standing or fallen, in the same way as if they were live exotic trees.

9. General circumstances in which clearing of live and dead exotic trees may occur without consent

Subject to any additional requirements in clauses 10 and 11, live and dead exotic trees may be cleared without consent if:

- (a) the clearing is carried out using an approved control technique as defined in Part 3; and
- (b) the cleared land is either revegetated using appropriate native species within 12 months of clearing or allowed to naturally regenerate (non-persistent exotic groundcovers can be used to stabilise the soil); and

- (c) the land on which the clearing is proposed generally has a slope less than 30 degrees from the horizontal; and
- (d) appropriate actions are taken to prevent any foreseeable negative impacts on stream-bank stability, channel stability, water quality or soil erosion levels, and
- (e) soil disturbance necessary for or resulting from the removal of the vegetation is minimised; and
- (f) stacking and/or burning to dispose of debris resulting from the clearing does not occur within 20 metres of native vegetation or within 20 metres of a prescribed stream or within 20 metres of the property boundary. A permit under the *Rural Fires Act 1997* may be required for such burning.

When undertaking revegetation in 9(b) landholders are encouraged to use appropriate local native species, where available.

10. Additional requirements for clearing live and dead exotic trees without consent on Category A State protected land

Category A State protected land is land generally over 18 degrees of slope identified in maps gazetted for that purpose. A map of Category A State protected land can be viewed at CMA principal offices and DNR regional offices.

- (1) If the proposed clearing of live or dead exotic trees is to occur on Category A State protected land at least 25% of the total exotic and native canopy cover existing prior to the clearing must be retained until at least 2 years after revegetation of the cleared land; and
- (2) Where practicable, a larger percentage of the total canopy cover should be retained and spread evenly over the treated area.

11. Additional requirements for clearing live and dead exotic trees without consent on Category B State protected land.

Category B State protected land is land mapped or gazetted as land within or within 20 metres of the bed or bank of any prescribed stream. A map and list of prescribed streams can be viewed at CMA principal offices and DNR regional offices.

If the proposed clearing is to occur on Category B State protected land the following additional criteria must be complied with:

11.1 General requirements

- (a) Trees must be felled in such a way that damage to remaining vegetation is minimised;
- (b) Trees must not be felled into streams or wetlands;
- (c) Debris resulting from the clearing must be removed from flood-prone areas as soon as practicable but within a maximum of 6 months from commencement of clearing; and
- (d) Action is taken to stabilise soil disturbed as a result of the clearing.

11.2 Clearing without the written agreement of the Catchment Management Authority (or General Manager):

- (1) On any one property:
 - (a) sections of bank length of a prescribed stream on which any clearing of live or dead exotic trees under these Guidelines occurs must not exceed 500 metres;
 - (b) clearing of live or dead exotic trees may be undertaken on more than one section of a bank of a prescribed stream if buffers comprising at least 500 metres on which no clearing has been undertaken are retained between sections of the bank on which clearing has occurred:

- (c) a total of not more than 2.5 kilometres of bank length of a prescribed stream may be cleared of live or dead exotic trees on each property in a calendar year; and
 - (d) any buffers referred to in sub-clause 11.2(1)(b) must not be cleared of live or dead exotic trees until at least two years after the establishment of replacement native revegetation on the adjoining cleared sections.
- (2) For the purposes of sub-clause 11.2(1)(a) the length of bank that has been cleared is to be calculated by including cleared areas and areas where vegetation has been retained between cleared areas (but not including buffers referred to in sub-clause 11.2(1)(b)).

The limits above apply to each bank separately. Accordingly if both banks of a prescribed stream are within a property it would be possible to clear 500 metres sections on each bank up to a maximum of 2.5 kilometres of each bank per calendar year without approval being required under the *Native Vegetation Conservation Act 1997*.

For streams in high rainfall areas sections of continuous clearing should be minimised. Catchment Management Authorities may produce local advice on the best pattern of clearing.

11.3 Clearing with the written agreement of the Catchment Management Authority (or General Manager):

- (a) The agreement of the Catchment Management Authority (or General Manager of a CMA) must be in writing;
- (b) The landholder must retain the written agreement for a period of 5 years following the agreement and must comply with any conditions of the agreement;
- (c) The recommended total is no more than 5 kilometres of bank length of a prescribed stream to be cleared of live and dead exotic trees on each property in a calendar year; and
- (d) The Catchment Management Authority (or General Manager) can vary the recommended total in 11.3(c) and include any conditions to protect the environment and to ensure no more than minimal environmental harm.

The limits above apply to each bank separately. Accordingly if both banks of a prescribed stream are within a property it would be possible to clear 500 metres sections on each bank up to a recommended total of 5 kilometres of each bank per calendar year without approval being required under the *Native Vegetation Conservation Act 1997*.

PART 3 APPROVED CONTROL TECHNIQUES

This Part lists removal techniques approved for use under this Guideline. Other techniques are not approved for use under this Guideline.

12. Machine removal

- (1) Machine removal means the following: lifting a cut stem of a plant by machine; and the cutting or mulching of vegetation with a machine.
- (2) When removing any vegetation species with a machine, the stump and roots must be left in place to prevent soil erosion.
- (3) When vegetation is removed using machines, unnecessary soil disturbance or damage to existing native vegetation must not occur.

13. Hand removal

- (1) Hand removal means the following: pulling the whole stem of each plant from the ground by hand; the digging out of plants with a hand held tool and the cutting of larger trees with a chainsaw or axe.
- (2) When removing any tree species with a saw or axe, the stump and roots must be left in place to prevent soil erosion.
- (3) When trees are dug out using mattocks or similar tools, unnecessary soil disturbance must not occur. Live and dead exotic trees are not to be dug out within 5 metres of a stream or wetland.

14. Cut and paint

- (1) Cut and paint means cutting each tree trunk or stem off completely followed by the immediate application of an appropriate herbicide to the cut surface in the manner prescribed on the label.
- (2) Trunks or stems must be cut at a level below the first branch or as near as practical to ground level.
- (3) Cutting must be immediately followed by the application of an appropriate herbicide to the cut surface of the cut trunk or stems.
- (4) Cut surfaces must not come in contact with the ground when there is a risk of them taking root.
- (5) When used to kill Willows, the cut and paint stump method is not effective on stems that have a diameter at breast height of more than 10 cm. Its use will create tree debris that can take root. For treatment of larger Willows, advice should be sought from the local CMA, the Department of Primary Industries or the Weeds Officer of the local Council.

Under the *Protection of the Environment Operations Act 1997* it is an offence to allow herbicide not registered for use over waterways to enter any waterway. If a risk of contamination exists, a licence must be obtained from the appropriate authority before work commences.

Under the *Agricultural and Veterinary Chemicals Code Act 1994* and *Pesticides Act 1999*, herbicides must only be used in accordance with their registration permit and conditions.

15. Spot spraying

- (1) This Guideline covers the following forms of spot spraying of an appropriate herbicide applied in the manner prescribed on the label:
 - (a) Spraying the foliage of individual plants or clumps with an appropriate herbicide using a hand-held spray or wand,
 - (b) Spraying the basal stems of plants with an appropriate herbicide using a hand-held spray or wand,

- (c) In the Western Division of NSW only, spot spraying with an appropriate herbicide of the ground around the root zone of individual plants using a hand-held spray or wand.
- (2) This Guideline does not cover the use of wands or nozzles mounted in fixed position on vehicles, tractors or aircraft.
- (3) Wherever they are approved for the purpose, selective herbicides must be used.
- (4) Spray drift must be minimised and spray must always be directed away from any nearby stream or wetland.
- (5) When undertaking removal of live exotic trees in wetlands by spot-spraying, extreme caution must be exercised to limit spray to the target plants only.

Under the *Protection of the Environment Operations Act 1997* it is an offence to allow herbicide not registered for use over waterways to enter any waterway. If a risk of contamination exists, a licence must be obtained from the appropriate authority before work commences.

Under the *Agricultural and Veterinary Chemicals Code Act 1994* and *Pesticides Act 1999*, herbicides must only be used in accordance with their registration permit and conditions.

16. Stem injection and ringbarking

- (1) Ringbarking means the removal of a section of bark from around the entire circumference of the trunk of a plant, undertaken with an axe or chainsaw.
- (2) Stem injection means the making of one or more drill-holes or cuts around the trunk below the lowest branches, followed by immediate injection of an appropriate herbicide into each hole or cut in the manner prescribed on the label. Holes and cuts must be angled downwards into the trunk to prevent herbicide escape.

Under the *Protection of the Environment Operations Act 1997* it is an offence to allow herbicide not registered for use over waterways to enter any waterway. If a risk of contamination exists, a licence must be obtained from the appropriate authority before work commences.

Under the *Agricultural and Veterinary Chemicals Code Act 1994* and *Pesticides Act 1999*, herbicides must only be used in accordance with their registration permit and conditions.

17. Wick wiping in native pasture

- (1) Wick wiping in native pasture means the control of weeds that stand up above native pasture using an appropriate herbicide applied in the manner prescribed on the label via wicks, sponges or similar material, contained in a frame mounted on or towed behind a vehicle or tractor.
- (2) Native pasture must be grazed low prior to treatment.
- (3) This Guideline does not approve wick wiping in other circumstances such as amongst woody native regrowth.

Under the *Protection of the Environment Operations Act 1997* it is an offence to allow herbicide not registered for use over waterways to enter any waterway. If a risk of contamination exists, a licence must be obtained from the appropriate authority before work commences.

Under the *Agricultural and Veterinary Chemicals Code Act 1994* and *Pesticides Act 1999*, herbicides must only be used in accordance with their registration permit and conditions.

18. Slashing and boom spraying

- (1) Slashing means the use of a device with cutting blades designed to leave the roots and part of the above-ground vegetation intact and in place.
- (2) Boom spraying means the application of an appropriate herbicide in the manner prescribed on the label via a boom with multiple nozzles, usually mounted on or towed behind a vehicle or tractor.
 - (a) Slashing or boom spraying of individual plants or clumps or dense infestations of live exotic trees where the clearing must be limited to those areas and does not extend to areas of native vegetation between the plants or clumps.
 - (1) This method must not be used in riparian areas, including (but not limited to) all Category B State protected land.
 - (2) Selective herbicides must be used, where available.
 - (b) Boom spraying of wider areas rather than individual target plants.
 - (1) This technique does not include spraying from the air.
 - (2) This technique must not be used in riparian areas, including (but not limited to) all Category B State protected land.
 - (3) All work must be documented and records retained for at least 5 years. Documents and records to be kept are date of treatment, weather, technique(s) used, chemical and rate used and photo(s) taken before treatment.
 - (4) Only selective herbicides may be used that will not harm native vegetation whether within the treated area or nearby.

Under the *Protection of the Environment Operations Act 1997* it is an offence to allow herbicide not registered for use over waterways to enter any waterway. If a risk of contamination exists, a licence must be obtained from the appropriate authority before work commences.

Under the *Agricultural and Veterinary Chemicals Code Act 1994* and *Pesticides Act 1999*, herbicides must only be used in accordance with their registration permit and conditions.

PART 4 DICTIONARY

Expressions marked with an asterisk below are those having the same meaning as in the *Native Vegetation Conservation Act 1997*.

* *Clearing State protected land* means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing any vegetation on protected land,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning any vegetation on protected land,
- (c) severing, topping or lopping branches, limbs, stems or trunks of any vegetation on protected land,
- (d) substantially damaging or injuring any vegetation on protected land in any other way.

Exotic tree means a tree that is not indigenous native vegetation. That is, it is vegetation of a species that did not exist in NSW before European settlement.

Native pasture means native vegetation that is groundcover comprising more than 50% indigenous species. Approval under the *Native Vegetation Act 2003* is not required to clear native vegetation that is only groundcover if it comprises less than 50% of indigenous species and there is at least 10% total vegetation cover whether dead or alive.

* *Native vegetation* means any of the following types of indigenous vegetation: trees, understorey plants, groundcover and plants occurring in a wetland.

Non-selective herbicide is one that controls most vegetation to which it is applied. Glyphosate is one example of a non-selective herbicide.

Property: is a contiguous area of land under the same ownership or management. Land is to be regarded as contiguous despite interruption in ownership by Crown land (including public roads or watercourses) that is less than 100 m in width.

Riparian areas are any lands that adjoins, directly influences, or are directly influenced by a body of water.

Selective herbicide is one that controls a specific group of plants but is inactive against others. Picloram is one example of a selective herbicide.

Soil erosion here means the unnaturally accelerated loss of soil from the land surface.

Spray drift is the movement of airborne spray particles away from the intended area of application, either horizontally or vertically.

* *State protected land* means:

- land that is identified in an order under section 7 of the *Native Vegetation Conservation Act 1997* as State protected land, and
- any land defined as protected land under section 21AB of the *Soil Conservation Act 1938* (as in force immediately before the repeal of that section by the *Native Vegetation Conservation Act 1997*).

State protected land does not include any land to which the Mid-Lachlan regional vegetation management plan and Riverina Highlands regional vegetation management plan applied immediately before their repeal.

Stream means any river, creek, or natural watercourse, whether artificially improved or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel.

* *Tree* includes a sapling or a shrub, or scrub. In all cases these are woody perennial plants.

Water quality is the biological, chemical, and physical conditions of a waterbody.

* *Wetland* includes any shallow body of water (such as a marsh, billabong, swamp or sedgeland) that is:

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

Western Division of NSW means the Western Division as defined by the *Crown Lands Consolidation Act 1913* immediately before its repeal (subject to any regulations made under section 4(3) of the *Crown Lands Act 1989* that affect the boundary between the Western Division and the Eastern and Central Division).

PART 5 EXEMPTIONS APPLYING ON STATE PROTECTED LAND FOR LIVING AND DEAD EXOTIC TREES AND DEAD NATIVE TREES

19. The following exemptions may be used to clear living and dead exotic trees and dead native trees on State protected land.

The following exemptions can also be used to clear any living native vegetation but only on State protected land in the local government areas listed in Schedule 1 to the *Native Vegetation Conservation Act 1997* (mainly the Sydney and Newcastle local government areas, but not Wollongong).

State protected land no longer exists in the areas covered by the repealed Mid-Lachlan and Riverina Highland regional vegetation management plans.

20. **Exemptions applying to Category A State protected land**

Category A State protected land is land generally over 18 degrees of slope identified in maps gazetted for that purpose. A map of Category A State protected land can be viewed at Catchment Management Authority (CMA) and selected DNR offices.

20.1 Surveys

The cutting down, felling, destruction, topping, lopping, injury or removal of any tree on protected land by a registered surveyor where such cutting down, felling, destruction, topping, lopping, injury or removal is necessary in order to carry out a survey as defined in the *Surveyors Act 1929*.

The definition of “survey” in the Surveyors Act 1929 (which was repealed by the Surveying Act 2002) is:

Survey means a measurement or delimitation of land authorised or required:

- (a) under any Act dealing with the alienation, leasing or occupation of Crown lands or lands of the Crown or affecting titles to land, or
- (b) subject to section 25, under any Act dealing with mining, or
- (c) by the Crown, the proprietor, lessee or mortgagee of the land or a prospective proprietor, lessee or mortgagee thereof, or
- (d) in connection with the dedication, reservation, compulsory acquisition or disposal thereof for any purpose under the authority of any Act,
- (e) and includes all matters prescribed which are incidental to or consequent upon such measurement or delimitation, and **surveying** has a meaning corresponding with that of “survey”.

20.2 Works under the Soil Conservation Act 1938

Ringbarking, cutting down, felling, poisoning or otherwise destroying, or causing to be ringbarked, cut down, felled, poisoned or otherwise destroyed, or topping, lopping, removing or injuring, or causing to be topped, lopped, removed or injured, any tree, by or under the authority of:

- (a) the Commissioner of the Soil Conservation Service, or an officer, employee or agent of the Commissioner authorised in that behalf;
- (b) any person in accordance with any project under section 10 of the *Soil Conservation Act 1938*, or pursuant to any agreement made under, or any requirement imposed by or under, that Act; or
- (c) a person who is required or authorised to do so by or under any Act or any licence, permit, authority or consent granted or issued under any Act.

20.3 Various

This exemption may be used by any person who is the owner or occupier of Category A protected land.

Ringbarking, cutting down, felling, poisoning or otherwise destroying or topping, lopping or removing in any period of one year:

- (1) not more than seven trees on any area of one hectare of the protected land;
- (2) the trees growing on not more than 2 hectares of each separate area of protected land where the area of not more than two hectares does not comprise more than one quarter of the separate area of protected land and the ringbarking, cutting down, felling, poisoning or otherwise destroying or topping, lopping or removing is for a purpose other than the construction of a vehicular track or road, or the development of the land for a banana plantation, horticulture or the growing or crops; or
- (3) the trees comprising a banana plantation or orchard where the ringbarking, cutting down, felling, poisoning or otherwise destroying or topping, lopping or removing is necessary for the harvesting of the produce of, or the management of, the plantation or orchard, but not if it results in the complete destruction of the plantation or orchard.

20.4 Power lines

The topping or lopping by a person who is employed or contracted by a local government or electricity supply authority of any tree or the poisoning or destroying by such person of any tree not exceeding three metres in height, provided such tree is to be topped or lopped, or poisoned or destroyed in the case of a tree not exceeding three metres in height, for the purpose of maintaining necessary safety clearances under or within fifteen metres of an existing power line.

20.5 Noxious weeds

Ringbarking, cutting down, felling, poisoning or otherwise destroying, or causing to be ringbarked, cut down, felled, poisoned or otherwise destroyed, or topping, lopping, removing or injuring, or causing to be topped, lopped, removed or injured, any tree, provided that:

- (1) any such tree involved is of a type statutorily identified as being a noxious weed, a notifiable weed or any other type of noxious plant within that portion of New South Wales in which exists the protected land;
- (2) the action or work being undertaken does not involve disturbance of the soil; and
- (3) the action or work is required or authorised under any Act.

21. Exemptions applying to Category B State protected land

Category B State protected land is land mapped and gazetted as land within or within 20 metres of the bed or bank of any prescribed stream. A map and list of prescribed streams can be viewed at CMA or selected DNR offices.

21.1 Functions of the Department of Natural Resources (formerly Water Resources)

For the purpose of carrying out a function of the Department of Natural Resources, the topping, lopping, felling or removal by a person who is employed or contracted by the Department of Natural Resources of any tree on protected land that is situation within, or within 20 metres of, the bed or bank of the Tumut River from Blowering Dam to its junction with the Murrumbidgee River, the Murray River from Yarrowonga to Khancoban, or any river or lake within the Hunter Valley Conservation Trust District as defined in the Schedule to the *Hunter Valley Conservation Trust Act 1950*.

21.2 Surveys

The cutting down, felling, destruction, topping, lopping, injury or removal of any tree on protected land by a registered surveyor where such cutting down, felling, destruction, topping, lopping, injury or removal is necessary in order to carry out a survey as defined in the *Surveyors Act 1929*.

21.3 Motor traffic safety

The topping or lopping by a person who is employed by or contracted by the Roads and Traffic Authority or a local government authority of any tree, or the poisoning or destroying by such person of any tree not exceeding three metres in height, for the purpose of motor traffic safety, within fifteen metres of the longitudinal centre-line of an existing road or bridge.

21.4 Power lines

The topping or lopping by a person who is employed or contracted by a local government or electricity supply authority of any tree or the poisoning or destroying by such person of any tree not exceeding three metres in height, provided such tree is to be topped or lopped, or poisoned or destroyed in the case of a tree not exceeding three metres in height, for the purpose of maintaining necessary safety clearances under or within fifteen metres of an existing power line.

21.5 Noxious weeds

Ringbarking, cutting down, felling, poisoning or otherwise destroying, or causing to be ringbarked, cut down, felled, poisoned or otherwise destroyed, or topping, lopping, removing or injuring, or causing to be topped, lopped, removed or injured, any tree, provided that:

- (1) any such tree involved is of a type statutorily identified as being a noxious weed, a notifiable weed or any other type of noxious plant within that portion of New South Wales in which exists the protected land;
- (2) the action or work being undertaken does not involve disturbance of the soil; and
- (3) the action or work is required or authorised under any Act.

22. Exemptions applying to category “C” State protected land

Category C State protected land is land mapped and gazetted as sensitive environmental land. A map of Category C State protected land can be viewed at CMA and selected DNR offices.

22.1 Surveys

The cutting down, felling, destruction, topping, lopping, injury or removal of any tree on protected land by a registered surveyor where such cutting down, felling, destruction, topping, lopping, injury or removal is necessary in order to carry out a survey as defined in the *Surveyors Act 1929*.

22.2 Various exemptions – Yass and other areas

This exemption applies to land identified as Category C protected land on the protected land maps of Yass (1:50,000), Gunning (1:50,000), Bedulluck (1:25,000), Lake George (1:25,000), Hall (1:25,000), Sutton (1:25,000) and Bungendore (1:25,000) but not land identified on such maps as being susceptible to mass movement.

Ringbarking, cutting down, felling, poisoning or otherwise destroying or topping, lopping, removing or injuring:

- (1) not more than seven trees on any area of one hectare of such protected land in any period of one year;
- (2) trees for the purpose of domestic and farm building construction;
- (3) trees for the purpose of fence construction, fence maintenance, access track maintenance, firebreaks and domestic powerlines, within a twenty metre wide corridor;
- (4) trees comprising an orchard where the ringbarking, cutting down, felling, poisoning or otherwise destroying or the topping, lopping, removing or injuring is necessary for the harvesting of the produce of, or the management of, the orchard, but not if it results in the complete destruction of the orchard;
- (5) trees that have been planted for ornamental purposes adjacent to or in the vicinity of a road, track, path, house or outbuilding;
- (6) trees growing on an area of not more than half a hectare of protected land for the purpose dam construction; or
- (7) trees that are declared by the Governor in pursuance to the *Local Government Act 1919* to be noxious plants within that portion of the State which contains the protected land in question, provided that the ringbarking, cutting down, felling, poisoning or otherwise destroying or the topping, lopping, removing or injuring is carried out by a person who is required or authorised to do so under the Local Government Act 1919 on the basis that such activity shall not involve disturbance of the soil.

22.3 Clearing of lignum of protected land within Lowbidgee district

This exemption applies to Category "C" protected land as mapped on the protected land maps of Paika, Maude, Balranald and Toogimbie (in the Lowbidgee District).

This exemption may be used by owners or occupiers of land to which this exemption applies and by any person who is employed or contracted by a local government council or electricity supply authority.

Clearing of lignum includes destroying lignum by chaining, pushing, ploughing, slashing, burning and the use of herbicides.

The clearing of lignum only, provided that the clearing is:

- (1) within 50 metres of an existing shed, silo, pump house, residence or air strip,
- (2) for the purpose of fence maintenance or stock management involving the clearing of not more than 30 metres either side of a fence,
- (3) for the purpose of maintaining an existing flood control work or storage control bank involving the clearing of not more than 30 metres from the toe of the outside batter of the work or bank,
- (4) for the purpose of maintaining an existing irrigation channel involving the clearing of not more than 30 metres from the toe of the outside batter of the channel,
- (5) for the purpose of maintaining a Shire road or an existing farm road or track that has been built up at least 50 centimetres above the adjacent floodplain level involving the clearing of not more than 30 metres from the toe of the outside batter of the road or track,
- (6) within 50 metres of an existing ground tank or trough that is used for stock watering,
- (7) for the purpose of stock management or internal paddock access involving the clearing of any number of parallel strips of lignum up to 20 metres in width, provided that:
 - (a) cleared strips exceeding 10 metres in width must be bounded on both sides by uncleared strips of lignum at least 1,000 metres wide,

- (b) cleared strips of lignum between 5 metres and 10 metres in width must be bounded on both sides by uncleared strips of lignum at least 500 metres wide, and
- (c) cleared strips of lignum less than 5 metres in width must be bounded on both sides by uncleared strips of lignum at least 250 metres wide.

22.4 Noxious weeds

Ringbarking, cutting down, felling, poisoning or otherwise destroying, or causing to be ringbarked, cut down, felled, poisoned or otherwise destroyed, or topping, lopping, removing or injuring, or causing to be topped, lopped, removed or injured, any tree, provided that:

- (1) any such tree involved is of a type statutorily identified as being a noxious weed, a notifiable weed or any other type of noxious plant within that portion of New South Wales in which exists the protected land;
- (2) the action or work being undertaken does not involve disturbance of the soil; and
- (3) the action or work is required or authorised under any Act.