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*Native Vegetation Regulation Review  
Conservation Policy and Strategy Section  
Office of Environment and Heritage  
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***Submission to the draft Native Vegetation Regulation 2012***

Central West Environment Council (CWEC) is an umbrella organisation representing conservation groups and individuals in central west NSW working to protect the local environment for future generations.

CWEC wishes to express major concern that the NSW Government is proposing to allow a significant increase in vegetation clearing in Central West NSW through the proposed changes to the *Native Vegetation Regulation 2012* (the regulation).

Central West NSW has some of the most heavily cleared landscapes in Australia eg the South Western Slopes bioregion, with very little area protected for conservation. Some vegetation types in central west NSW have had 97% of their original area cleared.

All remnants of native vegetation are critical in the Central West for providing mature conservation attributes such as nesting hollows, nectar and seed supply, ground cover and shrub layer habitats.

CWEC is concerned that substantial native vegetation clearing has occurred under the existing regulations and believes that the proposed changes will cause a return to broad-scale clearing activities across NSW. This will have a detrimental impact on threatened vegetation communities and threatened species habitat.

The proposed changes to the regulation will hasten the extinction rate of many threatened birds, mammals, reptiles and plant species in this region and across the state.

CWEC understands that key landscape scale conservation projects with active landholder support and participation have been adversely impacted by clearing

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identified as Routine Agricultural Management Activities (RAMAS) under the current regulations.

CWEC is particularly concerned that a number of proposed changes to the regulation will allow clearing of listed endangered ecological communities without any requirement for notification or reporting to appropriate authorities.

It is of great concern that the NSW Office of Environment and Heritage is proposing these changes to the regulation in contravention to requirements under the *Threatened Species Conservation Act 1995*.

CWEC has a number of objections to the proposed changes to the regulation:

1. CWEC opposes the inclusion of Crown Lands being available for private native logging activities
2. CWEC supports the continuation of the role of the Natural Resources Commission in the regulation of clearing activities.
3. CWEC opposes the exemption of broad-scale clearing for 'conservation purposes'
4. CWEC opposes the inclusion of clauses 34, 35 and 36 as a new group of RAMAs that can be undertaken without approval provided a Code of Practice is followed:
  - CWEC particularly opposes the inclusion of Invasive Native Species (INS) clearing as a RAMA. The level of clearing of INS under the existing regulation through Property Vegetation Plans (PVPs) has caused over 2.4 million hectares of native vegetation to be cleared, mainly in the Western Division. CWEC does not support the extent of the native species listed as INS and believes that the proposed changes to the regulation will result in widespread, uncontrolled broad-scale clearing activities across the state.
  - CWEC opposes the creation of an environmental works RAMA. There is no evidence that this exemption is necessary.
  - CWEC opposes the inclusion of native vegetation thinning as a RAMA. Thinning of listed endangered ecological communities is of particular concern. All thinning activities must be recorded and conducted under a PVP.
5. CWEC strongly opposes the clearing of planted native vegetation as a RAMA. Any revegetation activities in the over-cleared Central Division are adding important replacement habitat values that must be maintained.
6. CWEC does not support the proposed streamlining of the Environmental Outcomes Assessment Methodology (EOAM). The inclusion of clearing of paddock trees, small clumps in cultivation and very small areas of native vegetation as "low risk categories" of clearing in Central Division will cause an ongoing extinction risk for many threatened woodland fauna. There is no consideration of landscape connectivity and broader systems function in this streamlining approach.
7. CWEC does not support the provision for minor variations to the EOAM, particularly when assessing threatened species that cannot withstand further loss
8. CWEC does not support that endangered ecological communities can be cleared under INS categories
9. CWEC supports that the requirement to assess for threatened species must be maintained before thinning activities can occur.

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10. CWEC does not support that areas of high value and species rich native groundcover be available for pasture cropping. The original concept of native pasture cropping was trialed and established on properties in Central West NSW that had been severely degraded through over grazing by sheep and cattle. This method of native pasture rehabilitation is entirely inappropriate in areas with good condition, species rich grasslands. A much lower threshold of species richness is needed for the 'improve or maintain' test for pasture cropping.
11. CWEC does not support the streamlined assessment enabling the clearing of small areas of endangered ecological communities. These areas should be available for incentives to improve condition and re-establish connectivity within the landscape.
12. CWEC does not support the proposal to introduce the use of biodiversity credits created under the NSW Biodiversity Banking and Offsets scheme as offsets for clearance under the *Native Vegetation Act 2003*.

CWEC wishes to submit the following improvements to the regulations:

1. CWEC supports the inclusion of the 7 part test in the Code of Practice for Private Native Forestry (PNF) to demonstrate that activities will improve or maintain environmental outcomes
2. CWEC has the view that the infrastructure buffer distances are currently too large, particularly in the Western Division. There should be consistency across the state. There has been no rationale given for the widths in the current regulations. These are not demonstrable 'minimum extent necessary' for activities such as fencing and pipeline construction.
3. All activities conducted as RAMAs should be required to be reported to the relevant Catchment Management Authority (CMA) to enable a clear and measurable understanding of clearing activities across catchments. NSW State of the Environment 2009<sup>1</sup> identified that better collection of information, including approved clearance activities, would improve understanding leading to more effective outcomes over the longer term.
4. Regrowth of native vegetation as part of a natural resource management plan must be protected from RAMAs
5. CWEC supports more substantial penalties for infringement of the current and proposed strengthened regulations
6. The regulations must include the consideration of landscape scale values and the cumulative incremental loss of paddock trees and small clumps. The connectivity across highly fragmented landscapes is a key ecological function that will be increasingly compromised by the proposed changes to the regulation.
7. The EOAM must include the consideration of impacts such as loss of mosaics within vegetation types and incremental loss of vegetation in different landscape formations eg river flats, midslopes and hilltops.
8. Any offset outcomes from approval of vegetation clearing must be given full protection in perpetuity through a conservation agreement that is included on the property title.
9. Regional biodiversity values such as relative abundance, percentage remaining of vegetation type and percent remaining vegetation by area should be defined for each CMA region.

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<sup>1</sup> DECCW (2009) NSW State of the Environment 2009

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CWEC encourages that the Office of Environment and Heritage to undertake its responsibilities to protect the environment of NSW rather than hastening its demise through the proposed implementation of regulations designed to facilitate an increase in native vegetation clearing across NSW.

Yours sincerely

*B. Smiles*

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