



Office of  
Environment  
& Heritage

**Code of Practice for the  
Management of Invasive Native Species  
in the Namoi CMA  
under the *Native Vegetation Act 2003***

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**Draft for public consultation**

**Note to reader:**

Throughout this public consultation draft of the document we have added 'Notes to reader' in this format.

These are intended to provide some commentary on relevant aspects of this version of the Code of Practice.

The 'Notes to reader' will be removed from the document prior to the making of this Code of Practice as an Order.

**Note to reader:**

This code of practice for Namoi catchment management authority (CMA) area is an example of a code of practice that will be created under Clause 34 of the Native Vegetation Regulation 2012.

It is anticipated that a code of practice will be created for each CMA area with species currently listed as invasive native species (INS) under the Environmental Outcomes Assessment Methodology (EOAM).

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## Definitions

**acting invasively**

is defined in section 4.

**diameter at breast height over bark (DBHOB)**

means the diameter over the bark of the stem at 1.3 m above the ground.

**property**

in this code of practice has the same meaning as 'landholding' in the Native Vegetation Regulation 2012.

**Note:**

Landholding is defined in the regulation as 'a contiguous area of land in the same ownership'

**management burning**

is planned and controlled burning that is conducted for the purpose of managing invasive native species.

**waterbody**

means any streams, creeks, rivers, lagoons, or estuaries (regardless of vegetation class), or a wetland that is of any of the Keith vegetation classes listed below.

**Keith vegetation formations and vegetation classes for wetlands within the waterbody definition.**

Vegetation formation	Vegetation class
Freshwater wetlands	Coastal heath swamps
	Montane bogs and fens
	Coastal freshwater lagoons
	Montane lakes
	Inland floodplain swamps
	Inland floodplain shrublands
Forested wetlands	Coastal swamp forests
	Coastal floodplain wetlands
	Eastern riverine forests
Saline wetlands	Mangrove swamps
	Saltmarshes
	Seagrass meadows
	Inland saline lakes

**Western Plains**

means the areas in Namoi CMA west of the Newell Highway.

**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.

## 1. Purpose of the Code of Practice

This code of practice (the code) sets out the circumstances in which landholders may clear invasive native species (INS) under the *Native Vegetation Act 2003* (the Act) without requiring approval from the catchment management authority (CMA).

**Note:** The Namoi CMA assesses clearing proposals within the Namoi CMA area under delegation from the Minister for the Environment.

Clearing permitted under this code is for the purpose of re-establishing native vegetation and/or allowing natural regeneration of native vegetation species in order to maintain or create a mosaic of native vegetation states across the landscape.

This code of practice is established as an Order under clause 34 of the Native Vegetation Regulation 2012. This Order has two functions under clause 34:

1. declares the species of native vegetation listed in Appendix 1 as INS for Namoi Catchment Management Authority area and
2. defines the conditions under which these species can be cleared as a routine agricultural management activity (RAMA).

## 2. Area of application of the Code

The code applies in Namoi CMA area as defined in the *Catchment Management Act 2003*, except for areas excluded from operation of the *Native Vegetation Act 2003* (under section 5 of that Act).

## 3. Species declared invasive native species within the Namoi Catchment Management Area

The species declared to be INS in accordance with clause 34(1) are those species listed in Appendix 1.

## 4. Species must be acting invasively

The species to be cleared must be:

1. declared as INS for the purposes of the clearing of INS as a RAMA and
2. acting invasively where it is to be cleared.

Acting invasively means the species is:

- A. invading plant communities where it has not been known to occur previously or
- B. regenerating densely following natural or artificial disturbance and the invasion and/or dense regeneration of the species is resulting in a change of structure and/or composition of a vegetation community.

## 5. Clearing types permitted

Clearing of declared INS listed in Appendix 1 by the following clearing types is a RAMA, subject to the provisions of this code:

1. *Management burning* and

2. *Clearing of individual plants with nil to minimal disturbance to soil and native groundcover.* This clearing type includes but is not limited to clearing by spot spraying, stem injection ringbarking and grubbing.

**Note to reader:**

Clearing type 1 incorporates the INS treatment types (a) from the Environmental Outcomes Assessment Methodology.

Clearing type 2 incorporates the INS treatment types (b) and (c) from the Environmental Outcomes Assessment Methodology.

## **6. Clearing types and circumstances not permitted**

Clearing of the declared INS by any method other than those listed in section 5, including the following clearing types, is not a RAMA:

1. clearing of plants at paddock scale with nil to minimal disturbance to soil or groundcover (examples of this type include chaining, slashing and roping) and
2. clearing of plants at paddock scale with temporary disturbance to soil and groundcover (examples of this clearing type include bladeploughing) and
3. clearing of plants at paddock scale with longer term disturbance to soil and groundcover (examples of this clearing type include paddock scale clearing followed by cropping) and
4. clearing of declared INS where they are isolated trees or small clumps of trees in cultivation.

## **7. Calculating the area affected by the invasive native species**

The area affected by the INS on the property means the total area on the property where the declared INS is currently present.

## **8. Soil and ground cover disturbance must be minimised**

1. Where *Management burning* is used as the method of clearing, the clearing must not result in any soil surface disturbance and
2. Where *Clearing of individual plants with nil to minimal disturbance to soil and native groundcover* is used as the method of clearing, soil and ground cover disturbance must be to the minimum extent necessary to clear individual plants of INS.

## **9. Regrowth is protected**

Following clearing under this code, all native vegetation that is present on the site and that which regrows following the clearing (including ground cover, trees and shrubs) is protected regrowth under clause 53(1)(b) of the Native Vegetation Regulation.

Protected regrowth can be cleared using this (clearing of INS) RAMA or any other RAMA; however, it can not be cleared as regrowth under section 19 of the *Native Vegetation Act 2003*.

## 10. Limitations on the clearing methods

### Limitations on clearing by management burning

If the method of clearing is by *management burning* under this code:

1. no more than 80 per cent of the area affected by the INS (as defined in section 7 of this code) may be cleared and
2. on the western plains (within the Namoi CMA area), no more than 1000 hectares per property may be burnt in any two-year period and
3. in all other areas (within the Namoi CMA area), no more than 250 hectares per property may be burnt in any two-year period and
4. the clearing or any subsequent actions must not result in the introduction of non-native vegetation.

### Limitations on clearing of individual plants with nil to minimal disturbance to soil and native groundcover

If the method of clearing is by *clearing of individual plants with nil to minimal disturbance to soil and native groundcover* under this code:

1. no more than 80 per cent of the area affected by the INS (as defined in section 7 of this code) may be cleared and
2. no trees greater than 20 cm diameter at breast height over bark (DBHOB) may be cleared and
3. 20 stems per hectare less than 20 cm DBHOB must be retained. The 20 stems per hectare retained must be a mixture of the tree species being cleared in approximately equal proportions and
4. clearing is not permitted within 30 metres of any waterbody (waterbody includes streams, creeks, rivers, lagoons, wetlands and estuaries – see section 13 for definition) and
5. the clearing or any subsequent actions must not result in the introduction of non-native vegetation.

### Clearing not to exceed minimum extent necessary

The clearing of declared INS provided for in this code is the maximum clearing of INS that can be undertaken as a RAMA under clause 34 of the Native Vegetation Regulation 2012 and do not affect the operation of section 22 of the *Native Vegetation Act 2003*, which provides that clearing for RAMAs is not authorised if it exceeds the minimum extent necessary for carrying out the activity.

## 11. Record keeping

The landholder must keep diary records of the INS clearing for a period of 7 years.

## Appendix 1

Shrub species declared as invasive native species
<i>Acacia deanei</i> (Deane's wattle)
<i>Bursaria spinosa</i> (blackthorn)
<i>Cassinia arcuata</i> (sifton bush)
<i>Cassinia laevis</i> (cough bush)
<i>Cassinia quinquefaria</i>
<i>Dodonea viscosa</i> subsp. <i>angustissima</i> (narrowleaf hopbush)
<i>Dodonea viscosa</i> subsp. <i>mucronata</i>
<i>Dodonea viscosa</i> subsp. <i>spatulata</i> (broadleaf hopbush)
<i>Eremophila bignoniiflora</i> (eurah)
<i>Eremophila longifolia</i> (emu bush)
<i>Eremophila mitchellii</i> (budda, false sandalwood)
<i>Leptospermum brevipes</i> (grey teatree, teatree)
<i>Olearia elliptica</i> (sticky daisy bush, peach bush)
<i>Sclerolaena birchii</i> (galvanised burr)
<i>Sclerolaena muricata</i> (black rolypoly)
<i>Vachellia farnesiana</i> (mimosa)

Tree species declared as invasive native species
<i>Acacia stenophylla</i> (black wattle or river cooba)
<i>Casuarina cristata</i> (belah)
<i>Callitris endlicheri</i> (black cypress)
<i>Callitris glaucophylla</i> (white cypress)
<i>Eucalyptus coolabah</i> (coolibah)
<i>Eucalyptus largiflorens</i> (black box)