

Private native forestry and the Native Vegetation Act 2003

Private native forestry is the sustainable logging of native vegetation on private property.

Under the *Native Vegetation Act 2003* (NV Act), harvesting of timber for the purposes of private native forestry will require approval through the preparation of a Property Vegetation Plan (PVP) or through an application for development consent. This will require harvesting operations to be carried out in a way that ensures environmental outcomes are improved or maintained.

To support the changes in legislation, a Code of Practice is being developed that will set minimum operating standards for private native forestry to satisfy the conditions of the NV Act. Compliance with the Code of Practice will be deemed to improve or maintain environmental outcomes.

In the interim, the current exemption for sustainable forest management will continue to apply for a period of up to six months. Private native forestry on State Protected Land will continue to require approval from the Department of Natural Resources under the *Native Vegetation Conservation Act 1997*.

How will the Code of Practice come into effect?

When the draft Code is complete it will be placed on public exhibition. The Minister will take into account public submissions before finalising the Code. An amendment to the *Native Vegetation Regulation 2005* will then be made to make the Code operational.

What will the Code of Practice include?

The Code will guide operators on private lands to ensure that practices are consistent with ecologically sustainable forest management. For example, the Code may:

- specify effective silvicultural practices in different forest ecosystems;
- establish minimum basal area thresholds and retention rates;
- set targets for regenerating or re-establishing forests;
- require forward planning and documentation of harvesting operations;
- identify important landscape features which may provide habitat for threatened species;
- limit harvesting operations in areas that may affect soil stability, erosion or water quality, including the establishment of exclusion zones along watercourses; and
- require protection of Aboriginal heritage features, such as scarred or carved trees, bora rings and other features.

What will be the benefits of the Code compared to the current system?

Currently private native forestry activities are subject to various requirements including those under the *Threatened Species Conservation Act 1995*, *Protection of the Environment Operations Act 1997*, *Fisheries Management Act 1994*, *Rivers and Foreshore Improvement Act 1948*, and SEPPs 14, 26, and 44.

For operators already abiding by the conditions of those Acts and policies, the regulatory environment will become simpler and more streamlined. Private native forestry will be regulated under the *Native Vegetation Act 2003* and operations complying with the Code will have access to an approval process that also meets threatened species assessment requirements.

PVPs have the advantage of being tailored to the unique characteristics of the site. Many operators are already using harvesting plans to guide their operations. PVPs will turn harvesting plans into an asset with greater security because PVPs for clearing, including private native forestry, can be issued for up to 15 years and cannot be affected by future environmental planning instruments or changes to threatened species listings.

You should contact the Department of Natural Resources or your local Catchment Management Authority for more information about private native forestry.

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.