

Clearing on Vulnerable Land

Some areas of NSW are especially vulnerable to soil erosion, sedimentation and landslip if appropriate techniques are not used when clearing vegetation. Such areas have been managed as State Protected Land since 1964.

This State Protected Land will now be called Vulnerable Land under the *Native Vegetation Act 2003* and *Native Vegetation Regulation 2005* which commenced on 1 December 2005.

What is Vulnerable Land?

Under the *Native Vegetation Act 2003*, the former State Protected Land has been more accurately mapped and will now be known as Vulnerable Land. This land will be categorised as:

- Steep or Highly Erodible Land (formerly Category A)
- Protected Riparian Land (formerly Category B), and
- Special Category Land (formerly Category C).

Vulnerable Land maps are available at your local Catchment Management Authority (CMA). Additional lands may be listed as Vulnerable Land in the future.

Why does Vulnerable Land need protection?

- Steep or Highly Erodible Land is land that has a significant risk of soil erosion, which clogs up waterways affecting many species of fauna and flora, as well as reducing water quality

for drinking and on-farm use. Limiting erosion in these areas requires the maintenance of vegetation cover, especially groundcover.

- Protected Riparian Land provides the filters that keep our streams clean as well as habitat for many species of flora and fauna.
- Special Category Land exists over a few small areas of NSW that are considered to be at particular environmental risk. These include areas mapped in the Yass, Tweed and 'Lowbidgee' catchments.

When does clearing on Vulnerable Land require approval?

Clearing of any native vegetation on Vulnerable Land requires approval except for clearing listed below.

When doesn't clearing on Vulnerable Land require approval?

Clearing allowed on Vulnerable Land without approval under the *Native Vegetation Act 2003* includes:

- Clearing listed in section 25 of the *Native Vegetation Act 2003* (Excluded clearing)
- On Steep or Highly Erodible Land, clearing associated with any Routine Agricultural Management Activity (RAMA). Details of RAMAs relevant to your area are provided in Info Sheet 7.

- On Protected Riparian Land, clearing associated with the following RAMAs only:
 - the removal or reduction of an imminent risk of serious personal injury or damage to property
 - safety clearances around electricity transmission lines
 - the removal of noxious weeds under the *Noxious Weeds Act 1993*
 - under an eradication order or pest control order under the *Rural Lands Protection Act 1998*
 - the construction and maintenance of a boundary fence with a width of clearing not exceeding 3 metres on each side
 - the construction and maintenance of fencing to improve management of the protected riparian land, with a total width not exceeding 3 metres, and
 - the construction and maintenance of farm roads, with a total width not exceeding 4 metres and provided a road is reasonably required to access a site and the route minimises the amount of clearing required.
- On Special Category Land, clearing associated with any RAMAs, plus certain clearing of lignum is permitted without approval. Details about the clearing of lignum are set out in clause 33 of the *Native Vegetation Regulation 2005*, which is available at www.nativevegetation.com.au or from your local CMA.
- For the continuation of existing farming practices **not** involving the clearing of:
 - (a) remnant vegetation, and
 - (b) In the case of the Western Division, *Eucalyptus camaldulensis* (River Red Gum), *Casuarina cristate* (Belah), *Casuarina pauper* (Belah) or *Callitris glaucophylla* (White Cypress Pine) that is 3 metres or more high.

Note: 'existing' means at the commencement of the *Native Vegetation Act 2003* (ie. 01/12/05).

- Clearing of groundcover only if:
 - (a) the vegetation comprises less than 50% of indigenous species of vegetation, and
 - (b) not less than 10% of the area is covered with vegetation (whether dead or alive), and
 - (c) those percentages are calculated in accordance with the regulations
- Sustainable grazing that is not likely to result in the substantial long-term decline in the structure and composition of the native vegetation.

What about dead native trees and exotic trees on State Protected Land?

The *Native Vegetation Act 2003* only regulates the clearing of living native vegetation. The provisions set out above in relation to Vulnerable Land do not apply to dead native trees or exotic trees. Clearing of dead native trees or exotic trees on State Protected Land will continue to be regulated by the *Native Vegetation Conservation Act 1997*.

You should contact your local CMA for more information about clearing approvals and specific exemptions.

They can also provide you with access to maps and advice on available financial incentives.

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.