

What clearing **requires** approval?

Clearing that requires approval

Clearing remnant native vegetation or protected regrowth requires approval under the *Native Vegetation Act 2003* (NV Act) unless the clearing is a permitted activity. Explanations of clearing, remnant vegetation, regrowth and protected regrowth are in Info Sheet 4 while details of all permitted activities are in Info Sheets 6 and 7.

Under the *Native Vegetation Act* your local Catchment Management Authority (CMA) can only approve the clearing of remnant vegetation or protected regrowth when the clearing will improve or maintain environmental outcomes (see below).

How do I seek approval?

Where clearing does require approval, landholders may apply to their local CMA either to prepare a PVP or make an application for Development Consent. Your CMA can give you advice on the best option for your particular proposal.

What is the difference between a Property Vegetation Plan and Development Consent?

PVPs are negotiated agreements between a landholder and a CMA.

Clearing proposals that form part of a PVP can incorporate offsets to meet the “improve or maintain environmental outcomes” test required by the Act.

Clearing approvals within a PVP can last up to 15 years although offsets may be needed for a longer period including possibly in perpetuity.

A Property Vegetation Plan can also define and confirm regrowth or continuing uses as well as areas subject to long-term rotations that may qualify for a change to the regrowth date.

Development Consents can only be used for clearing and are generally issued for a shorter period than a Property Vegetation Plan, usually given for less than five years.

Development Consent cannot be granted unless the clearing itself improves or maintains environmental outcomes because offsets are not available.

What does ‘improve or maintain’ environmental outcomes mean?

‘Improve or maintain’ means that for clearing to be approved it cannot result in reduced environmental outcomes. The impact of clearing is measured against four environmental values: water quality, soils, salinity and biodiversity (including threatened species).

What are offsets?

If your clearing proposal forms part of a Property Vegetation Plan and the clearing itself does not improve or maintain environmental outcomes, you may be able to offset your proposal with positive

management actions to help meet the 'improve or maintain' test.

Offsets are actions that a landholder agrees to in order to balance any negative impacts of clearing.

Offsets may include, for example agreeing not to clear regrowth, reducing stocking rates from areas of remnant vegetation, planting, re-seeding or improving habitat by weed control.

The benefits of an offset must:

- > meet specific criteria for each environmental outcome
- > meet specific criteria to reach the 'improve or maintain' outcome
- > persist for at least the duration of the negative impact (which can be in perpetuity), and
- > be in addition to actions or works carried out using public funds or to fulfil regulatory obligations.

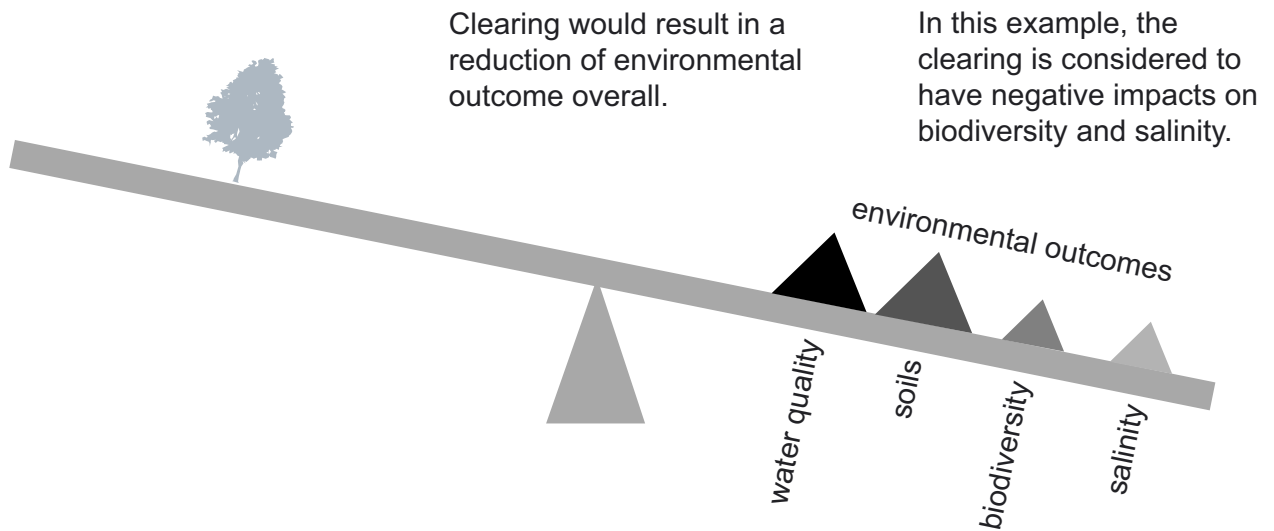
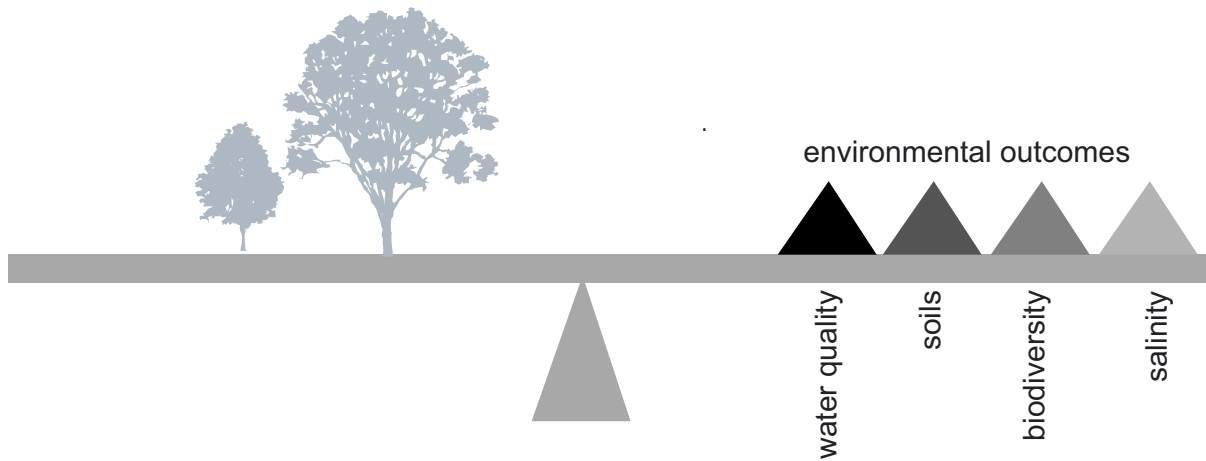
Offsets can be on your property or another property, including Crown land (with Department of Lands approval).

An existing area of remnant vegetation is not an offset in its own right because that vegetation is already protected under the NV Act.

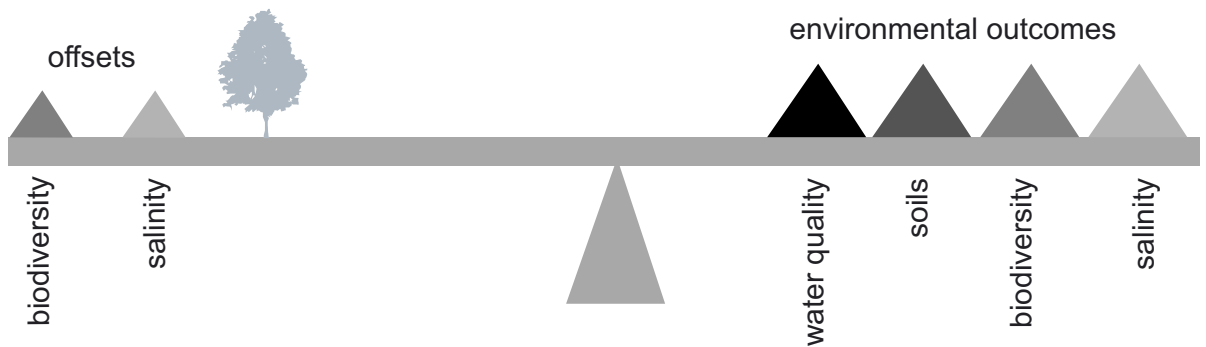
The location of an offset in relation to the clearing will depend on the environmental outcome that is affected. For example, offsets for salinity need to be located higher in the landscape than the clearing site.

What is the relationship between offsets and the 'improve or maintain' tests?

For each of the four environmental outcomes the offsets must be of the same type. The diagram on the next page shows a simplified example, where salinity and biodiversity offsets are used to ensure the environment is not degraded as a result of land clearing.



An offset is used to bring the environment back into balance. The offset must have a positive effect on the environment that is equal to or greater than the impact of the clearing. Examples of offsets include exclusion of stock, planting of more trees, weed control etc.



What is the traffic light approach?

The traffic light approach is a way to categorise clearing proposals in terms of their impact on the environment, whether approval will be given and if offsets will be required.

Green lights occur where clearing would improve or maintain environmental outcomes without requiring offsets. For example:

- > thinning native vegetation to prescribed standards, and
- > managing invasive native scrub to prescribed standards

Amber lights occur where clearing would improve or maintain environmental outcomes, but only with the addition of an offset. For example:

- > clearing of scattered paddock trees, and
- > clearing of highly modified bushland

Red lights occur where clearing will not improve or maintain environmental outcomes and cannot be offset. For example:

- > clearing of native vegetation that is not in low condition and is in highly cleared sub-catchments
- > clearing of native vegetation that is not in low condition but has been highly cleared in NSW
- > clearing of threatened ecological communities that are not in low condition
- > clearing of certain riparian vegetation
- > clearing of threatened species which cannot sustain a loss in the local area, Ramsar Wetlands or World Heritage sites, and
- > clearing where it would create a high salinity or land degradation risk

How will my proposal be assessed for the improve or maintain environmental outcomes test?

The *Native Vegetation Regulation 2005* sets out an Environmental Outcomes Assessment Methodology that the CMAs must use to assess clearing proposals for both PVPs and Development Consents.

The Assessment Methodology is applied using a computer based decision support tool known as the *PVP Developer*.

The *PVP Developer* contains high-resolution satellite imagery of the property which assists the CMA and the landholder to locate the agreed native vegetation management actions. CMAs use the *PVP Developer* on site accompanied by the landholder.

The *PVP Developer* incorporates local data to objectively assess the impacts of the clearing on the environmental outcomes of water quality, soils, salinity and biodiversity.

The *PVP Developer* can also be used to assess funding proposals for the management of native vegetation improve or maintain environmental outcomes.

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.