

Reform of NSW Native Vegetation Legislation

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**NSW Farmers' Association
Level 25, 66 Goulburn Street
Sydney NSW 2000**

Ph: (02) 8251 1700

Fax: (02) 8251 1750

Email: emailus@nswfarmers.com.au

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
1 Introduction	5
1.1 Pathway to implementation	5
1.2 A collaborative model	6
2 Innovations	6
2.1 Landscape planning	6
2.2 Strategic subdivision	8
3 Legislative framework.....	9
3.1 Social, economic and environmental outcomes.....	9
3.2 Regrowth provisions.....	10
3.2.1 <i>Meaning of regrowth provisions</i>	10
3.2.2 <i>A uniform regrowth date set at 1983</i>	10
3.3 Woody weeds.....	11
3.4 Excluded clearing.....	11
3.5 Permitted activities	11
3.6 Enforcement.....	11
4 General reform principles.....	12
4.1 Regaining the trust of farmers	12
4.2 Reducing the cost to government of a triple bottom line approach.....	12
4.3 Gaining the trust of environmental stakeholders.....	12
4.4 The Threatened Species Conservation Act	12
4.5 Covenants imposed on perpetual lease conversions.....	13
4.6 Local Environmental Plans.....	13
4.7 Relationship with broader planning reforms.....	13
Attachment 1: Summary of recommendations	14
Attachment 2: Revised structure of the Native Vegetation Act 2003	15

EXECUTIVE SUMMARY

- **The broad framework of the Act can be retained.** Significant changes are required to the Regulation and delivery framework, however, as well as consequential amendments to the EP&A Act and the Threatened Species Conservation Act.
- **The proposed delivery framework will rely on Landscape Planning.** The critical scale for biodiversity planning in rural areas is the local landscape – a land unit large enough to include complete ecosystems but small enough to enable true ownership of the plan by participating landholders.
- **The planning methodology must include assessment of economic and social factors at landscape scale and must deliver balanced triple bottom line outcomes for landholders.**
- **To secure property rights, Landscape Planning must include a Conservation Subdivision system** whereby farmers have a legal option to sell land that is zoned exclusively for biodiversity. This system would be administered by the Nature Conservation Trust using its revolving fund with purchased land on-sold to private conservation investors or managed in aggregate for conservation benefactors.
- **Landscape Plans must be developed collaboratively with land holders via a process backed by excellent science and information.**
- **The role of CMAs must be strengthened and broadened, with more decision authority and a collaborative agronomic focus.**
- **The black box ‘Property Vegetation Plan Developer’ must be withdrawn.** Useful science, mapping functions and data bases can be retained but reapplied to the landscape planning process.
- **The definition of *broadscale clearing* must be amended to mean indiscriminate clearing of large areas of remnant native vegetation** (and not the clearing of single native plants).
- **The restrictions imposed on permitted activities by the Native Vegetation Regulation 2005 must be lifted** (this can be done immediately)
- **An additional legislative exclusion is needed to make provision for OH&S measures.**
- **Regrowth provisions must be clarified and the regrowth date changed to 1983 for all parts of NSW**
- **The enforcement provisions of the legislation must be amended so as to be proportional to the offence.** Clearing native vegetation is not comparable to offences that threaten human life or health, yet is being treated as such.
- **The absence of an effective macro biodiversity planning process has led to reliance on an excessively prescriptive and punitive approach at property scale.**
- **Prescriptive controls at property scale stand in the way of landscape planning because they prevent effective tradeoffs.**
- **The Threatened Species Conservation Act must be amended to enable prioritisation of conservation, more precise and effective approaches (eg condition thresholds in threatened species listings) and more effective recovery planning.**
- **The Native Vegetation Act should be the only authority over native vegetation on land zoned rural.** Amendments are required to the EP&A Act to prevent Local

Government imposing environmental zones, or other planning instruments, that override the policy objectives and specific permissions provided by the Native Vegetation Act and its instruments.

- **The Landscape Planning and Conservation Subdivision system can be used to lift conservation covenants imposed through the perpetual lease conversion process.**
- **Landscape Plans under the Native Vegetation Act could provide the rural sections of the native vegetation overlay for the NSW strategic planning process.** This would complement the Coalitions commitments to integrate planning legislation, cut red tape and avoid duplication of activity across agencies.

1 INTRODUCTION

Almost continuously since 1995, NSW has been engaged in the expensive and divisive process of developing, consulting about and prosecuting native vegetation controls on private land. Various restructured environmental and natural resource agencies have taken different approaches, sometimes 'flip flopping' on an annual basis. Simultaneously, the Department of Planning, and Shires and Councils have been developing and applying supervening clearing controls (eg wildlife corridor zones; ordinances that override Native Vegetation Act exemptions). In short, there has been no agreement within the bureaucracy about how to implement fundamental aspects of biodiversity policy on farm land and no genuine attempt to sort out the mess.

Today, one fact stands out in sharp relief. **Without major, systematic reform in this area, it will be impossible for the Government to meet its commitments regarding property rights, reductions in red tape, improved customer service, and sustainable development in regional NSW.**

The objectives for the proposed reforms to the Native Vegetation Legislation are to achieve:

- A framework for sustainable development of agricultural lands;
- Balanced consideration of social, economic and environmental outcomes;
- A delivery mechanism centred on strategic landscape planning;
- More efficient biodiversity planning that meshes with broader strategic planning processes;
- Seamless alignment of policy and jurisdictional responsibility across planning, environment, natural resource and local government instrumentalities;
- A customer service focus, supported by logical rules, honest definitions and clear information;
- Support by the environment movement for a model that will deliver better net environmental outcomes and a foundation for effective strategic biodiversity conservation on private land.

The reforms will deliver an efficient, open system, based on excellent science, that improves outcomes both the environment and for agricultural production.

1.1 Pathway to implementation

We offer a practical pathway for implementation, which retains the basic framework of the Native Vegetation Act 2003 and is designed to mesh with the Coalition's proposed reforms to planning legislation. This pathway, involving transitional arrangements, would enable the Coalition to deliver significant improvements for regional stakeholders within 12 months.

Specific recommendations are discussed below and summarised at Attachment 1. The proposed revised structure of the Act is given at Attachment 2.

We fully understand the need to take all sections of society along with the changes. In this regard we are committed to working with the environment movement and the scientific community to build a model that genuinely delivers improved environmental outcomes. It

should be noted in this regard that there is already a robust constituency for the model we are proposing in the academic community and in sections of the NSW bureaucracy.

1.2 A collaborative model

Farmers manage the majority of privately owned land in NSW and there is practical limit to how much their activity can be controlled by regulation and punitive approaches.

NSW therefore needs the willing and whole-hearted collaboration of farmers in achieving environmental outcomes on farm land.

Farms are not and cannot be conservation reserves. A different frame of reference is needed for conservation on farm land. One that engages farmers in a process that makes sense to them and which they can see is genuinely adding to the quality of their local environment and the inheritance of their children.

The Association has supported and continues to support an end to broad scale clearing and the basic elements of the framework established by the Sinclair reforms.

This framework was intended to establish a triple bottom line framework (balanced social, economic and environmental outcomes), delivered by CMAs at local level and resulting in cost effective collaboration between farmers and government.

Unfortunately, this intention was lost in the detail of implementation. As it currently stands, the policy framework is focussed on micro-management of individual plants (ie not on 'broad scale' clearing). Decision making is by a 'black box' software system called the PVP developer with its settings controlled by the environmental agency. CMAs have little or no decision making power and consequently have been unable to consolidate their intended role in regional communities.

In the absence of a robust strategic biodiversity planning system that embraces both public and private land, prescriptive controls at property scale are seen by environmental stakeholders as the only policy tool available.

But in a classic chicken and egg problem, prescriptive controls at property scale stand in the way of efficient conservation because they prevent effective tradeoffs at landscape scale and they alienate private landholders.

The policy deadlock over biodiversity conservation on private land can only be broken via integrated reforms that provide confidence to environmental stakeholders that relaxing controls at micro level (and gaining voluntary collaboration from landholders) will deliver more resilient ecosystems and more effective net conservation outcomes.

2 INNOVATIONS

The proposed reforms hinge on two key concepts: Landscape Planning and Strategic Subdivision. These are discussed below.

2.1 Landscape planning

The primary delivery problem with the current regime is the reliance on Property Vegetation Plans (PVPs).

It takes many months, if not years, for farmers to go through the PVP process only to arrive at a PVP demanding impossible offsets. Offsets can only be found within the boundaries of the property, meaning there is no scope for strategic optimisation of

landscapes. The current system fails to drive and, in some cases, prevents, strategic habitat connectivity and the re-establishment of habitat – a process that requires connecting up properties and catchments. This is why we advocate planning at landscape scale.

The critical scale for biodiversity planning in rural areas is the local landscape – a land unit large enough to embrace complete ecosystems but small enough to enable true ownership of the plan by participating landholders.

Recommendation 1: That the Act is amended to give CMAs power to develop Landscape Plans collaboratively with landholders as statutory instruments under the EP&A Act. These plans will establish permitted activity in relation to clearing and will be the primary instrument for strategic biodiversity conservation on land zoned rural.

These plans, presented in map form, will make it easy for farmers to understand what they can and cannot do, and will provide investment and development certainty. Importantly, the plans will enable clearing of land for development on the basis of strategic tradeoffs that optimise production and environmental outcomes (eg targeted conservation of high value vegetation connected across properties, reestablishment of habitat and ecosystems).

The plans will establish permitted activity in relation to clearing. There would be scope for further application and approval via Property Plans.

Landscape Plans will be developed through an information-intensive collaborative process, resulting in real community ownership and a range of extension dividends. Also, this process will give CMAs a genuine extension role. Currently CMA staff are seen as unskilled operators of the Department's black box decision tool (the PVP Developer).

A further benefit of this approach is that Landscape plans could replace the need for environmental zoning on farm land (E2, E3) under the model LEP and give the CMAs a formal role in the statutory planning process. This would clarify the relationship between CMAs and Local Government and remove a vexatious source of red tape and conflicting policy. Local Government would retain consent functions in relation the built environment and subdivision on land zoned rural. The overlay pertaining to biodiversity and natural resource outcomes, however, would be the jurisdiction of CMAs.

Regulatory issues

Part 2, Division 1 of the Act (control of clearing) provides considerable flexibility with regard to implementation mechanisms and does not require amendment.

Landscape Planning can be implemented under Clause 12 (1) (a), which enables clearing on the basis of development consent under the EP&A Act, and Clause 15 (Regulations).

A new Part 4 should be inserted, covering the administration of Landscape Plans.

This part would cover the role of CMAs, the plan making process (collaborative), Ministerial approval, duration of plans, and matters to be covered by regulation.

Clause 8, the definition of broad scale clearing, must be amended as below so that it actually means 'broadscale':

Clause 8: For the purposes of this Act, broadscale clearing of native vegetation means indiscriminate clearing of large areas of remnant native vegetation or protected regrowth.

Consequential amendments to the CMA Act, the Threatened Species Conservation Act, the EPA Act, and the model LEP would also be required.

Recommendation 2: Amend Clause 8 as follows: “...broadscale clearing of native vegetation means indiscriminate clearing of large areas of remnant native vegetation or protected regrowth.

2.2 Strategic subdivision

To achieve strong environmental outcomes, development of rural landscapes for agriculture must be offset by the strategic setting aside of areas of the highest biodiversity value and land where reforestation can achieve connectivity outcomes. A triple bottom line approach, however, demands that this exclusion of land from production should be detrimental to the social and economic interests of landholders and their district.

To reduce and potentially remove the cost of offsets, it is proposed that the Landscape Planning framework includes a mechanism by which land needed for offsets can be subdivided from farms and sold to conservation investors.

In this regard, the Landscape Plan would create a legal option to sell those portions of land zoned exclusively for conservation, which is secured by a buyer of last resort.¹

Note that only the land of highest biodiversity value would be placed in the exclusive conservation class with a mandated option to sell. Landscape Plans would comprise a mosaic of land classes with the majority of land either in production or in mixed conservation/production categories.

CMAs would administer this process in partnership with the Nature Conservation Trust (the Trust) and local government.

The Trust, under its existing legislation and using its revolving fund², will purchase, covenant and on-sell offset land to conservation investors with a portion of the sale price set aside as an annuity to cover management services. Parcels suitable for dwellings could be occupied. Other parcels would be aggregated and managed by the Trust on behalf of conservation benefactors.

This innovation offers numerous advantages:

- Farmers can sell land that they cannot use for production without ruining the structure and integrity of their landholdings;
- Connectivity and other benefits will be achieved without additional cost to government and without taking land into the public estate;
- New people and money will be brought into rural areas, increasing social and economic vitality;
- A more organised and strategic pathway for conservation investors to enter the rural land market ;

¹ Fundamental to restoring property rights to farm land.

² This revolving fund must be backed by government until such time as a stronger private conservation market can be established. The Association believes there is immense potential for corporate and individual conservation investment within the framework proposed.

- This group of environmentally focussed landholders will be able to purchase land that exactly meets their needs and without reducing the production capacity of farming regions;
- The management annuity embedded in the covenant will ensure that management of weeds, feral animals, fencing and other practical duties are undertaken;
- CMAS will be empowered to manage the land efficiently;
- A solution to the minimum lot size problem³; and
- A more strategic and economically viable role for the Trust (which is currently being propped up by government funds)

Naturally, this mechanism will not be appropriate in all situations but it can make a significant contribution to achieving strong triple bottom line outcomes.

Recommendation 3: That the Act include provisions for conservation subdivision enabling biodiversity offsets required by Landscape Plans be purchased and covenanted by the Nature Conservation Trust.

3 LEGISLATIVE FRAMEWORK

3.1 Social, economic and environmental outcomes

It is essential that the Act and supporting legislation is amended to ensure a true triple line approach. The first object of the Act is currently as follows:

3(a) to provide for, encourage and promote the management of native vegetation on a regional basis in the social, economic and environmental interests of the State

This must be amended as follows to make clear that the triple bottom line assessment must apply to landholders and local stakeholders.

3(a) to provide for, encourage and promote the management of native vegetation in the social, economic and environmental interests of the local region in which it occurs.

While these are both triple bottom line statements, the difference in scale of application is crucial. The previous government took the view that it was in the socio-economic interests of NSW to avoid the costs of establishing further public conservation reserves by creating proxy nature reserves on private farm land.

Consequently, there is no provision for considering local social and economic factors in the Native Vegetation Regulation 2005 ('the Regulation') or the assessment methodology. Social and economic sustainability are priority issues for farmers and it is unreasonable to expect them to collaborate with a planning model that excludes two of the three elements of the sustainability principle.

The 'improve or maintain test' for must be holistic and a net outcomes approach across triple bottom line. Presently, the assessment methodology restricts the test to

³ Current rigid limits on subdivision create a suite of planning problems, with life style entrants often having no option but to purchase more land than they want or can afford to manage. Farmers often need to sell part of their land, but typically would prefer to keep the majority of it at a size useful for production. The proposed model will enable CMAs to assist local government in developing subdivisions that precisely fit the biophysical capabilities of the land and the triple bottom line needs of the Shire. Note that a lot averaging model could be applied to ensure equity in total subdivision permitted on a given property.

environmental outcomes. This limitation has been imposed externally on the system by the requirements of the Threatened Species Conservation Act. The presence of a threatened species can 'red light' an action, even if that action would improve net environmental outcomes or social and economic conditions.

The Association can provide detailed advice as to the amendments required to the regulation and assessment methodology, and related amendments to threatened species legislation.

Recommendation 4: Amend Object 3(a) as follows: to provide for, encourage and promote the management of native vegetation in the social, economic and environmental interests of the local region in which it occurs.

3.2 Regrowth provisions

3.2.1 Meaning of regrowth provisions

The regrowth provisions in the Act set a regrowth date of 1990 or 1983 in the Western Division. The principle purpose of the provisions, as established by the Sinclair Reforms, was to enable farmers to maintain already cleared or naturally open land in productive condition.

Some CMAs, however, are interpreting the term 'regrowth' to mean only vegetation that has regrown **following clearing activity** post the regrowth date. This interpretation prevents farmer clearing seedlings and suckers that have emerged post the regrowth date in land that was previously open. In a classic example of red tape, farmers are being instructed to apply for PVPs to clear suckers that emerge in paddocks that were cleared many decades prior to 1990/1983, or in lands that were maintained as grasslands or open woodlands prior to European settlement.

A policy direction must immediately be provided to CMAs to actively promote the fact that farmers can maintain already cleared or naturally open land in productive condition provided that it was clear in 1990/83.

It is important to understand that freedom to responsibly manage new growth vegetation has important environmental as well as agronomic benefits. For example, locked stands of new growth woody vegetation can harbour feral animals and can result in significant soil erosion by outcompeting ground cover species.

Recommendation 5: That a policy direction is immediately provided to CMAs clarifying the meaning of regrowth provisions.

Recommendation 6: That CMAs are instructed to actively promote to farmers the purpose and operation of the regrowth provisions

3.2.2 A uniform regrowth date set at 1983

The drought, fires and floods of the 1980-1984 period initiated wide-spread emergence of new woody vegetation in many productive agricultural areas. The management of much of this vegetation was curtailed with the introduction of SEPP 46.

The Act should be amended to set the regrowth date in section 9(2)(a) at 1983 for all parts of NSW (ie as already applies in the Western Division).

Setting the date at 1983 would overcome many of the current problems being experienced in gaining consent to manage the vegetation that generated between 1983 and 1990, and

would enable the application of the “continuation of existing farming practices” provisions to be adopted by more landholders.

Much of the 1980-1990 generation of vegetation is reducing groundcover, causing land degradation and negative impacts on water quality. While the legislation makes provision for landholders to obtain a change of regrowth date plan, in practice, most landholders have found it almost impossible to obtain such an approval.

Recommendation 7: That the Act is amended to set the regrowth date in section 9(2)(a) at 1983 for all parts of NSW (ie as already applies in the Western Division) and clarify that any land that was free of woody vegetation in 1983 can be cleared or maintained as clear at the landholders discretion.

3.3 Woody weeds

As a subset of Landscape Planning, a new framework for management of woody weeds (aka invasive native species) is needed to enable cost efficient restoration of degraded land, particularly in Western NSW. This framework should focus on holistic production, biodiversity, soil carbon and land restoration outcomes. The Association can provide case studies demonstrating the benefits of our proposed model.

Recommendation 8: A new framework for management of woody weeds is needed to deliver improved production, biodiversity, soil carbon and land restoration outcomes

3.4 Excluded clearing

The Association supports the current exclusions. It is of major concern, however, that the Act does not currently make adequate provision for landholders to meet their obligations under the Occupational Health and Safety Act 2000. This exposes farmers and their employees to significant risk. An exclusion providing for Occupational Health and Safety obligations should be introduced.

Recommendation 9: Add the legislative exclusion: S 25 (t) Any activity reasonably considered necessary to meet the requirements of the Occupational Health and Safety Act 2000.

3.5 Permitted activities

The Association support the provisions in the Act but does not support limitation of Routine Agricultural Management Activities imposed by the Native Vegetation Regulation 2005. These should immediately be lifted by their deletion from the regulation.

Recommendation 10: That restrictions imposed on permitted activities by the Native Vegetation Regulation 2005 are immediately lifted by their deletion from the regulation

3.6 Enforcement

The Association believes that a non-punitive and collaborative approach to achieving the objectives of the Act would be more effective public policy and that the enforcement provisions of the legislation are excessive and encourage inappropriately high handed conduct by enforcement officers.

It is essential that enforcement provisions are **proportional** to the offence. Unlike, for example, chemical pollution, clearing vegetation is not a threat to human health. The Act is already seen as excessively punitive by farmers.

The punitive nature of the enforcement provisions alienates farmers and detracts from a partnership approach to conservation on private land.

Recommendation 11: That enforcement provisions be amended to reflect the relatively minor nature of land clearing offences and to support a partnership approach to conservation on private land.

4 GENERAL REFORM PRINCIPLES

4.1 *Regaining the trust of farmers*

The Government must actively work to regain the trust destroyed by the policy and practice of the previous government.

Conservation on private land depends on true collaboration: it depends on the good will and ownership of the farmers participating in the process. The current policy framework compulsorily transfers the cost of biodiversity conservation onto a relatively small number of private individuals. This is not sound public policy and its injustice undermines the extension efforts of CMAs.

4.2 *Reducing the cost to government of a triple bottom line approach*

It is Association policy that farmers should be paid at fair market rates for environmental services that they do not voluntarily provide. In this regard, it is important to consider that the amount of compensation required is proportional to the flexibility and efficiency of the system. The proposed landscape planning model would allow farmers to work with CMAs to develop the least cost way to deliver environmental outcomes. Less land will need to be locked up for better environmental results; further, if farmers do not wish to continue to own controlled land they can sell it to the Nature Conservation Trust.

4.3 *Gaining the trust of environmental stakeholders*

The Government must also provide confidence to environmental stakeholders that reform will deliver the outcomes they seek.

Landscape planning and more flexible approaches at property scale cannot be implemented without resolving a policy deadlock over whether prioritisation and trade offs – essential processes in planning – can be allowed when it comes to biodiversity and threatened species. It is literally impossible to optimise landscapes at state, regional or local scale when absolute constraints are imposed at property scale by a single factor (threatened species). Amendments to threatened species legislation are needed to enable prioritisation of conservation, more precise and effective approaches (eg condition thresholds in threatened species listings) and more effective recovery planning.

Prescriptive, highly precautionary controls at property scale stand in the way of landscape planning because they prevent effective tradeoffs and optimisation of landscapes. In the absence of a robust landscape planning system, however, such controls are seen by environmental stakeholders as the only policy tool available.

4.4 *The Threatened Species Conservation Act*

Currently, the absolute rigidity of threatened species legislation holds hostage all forms of development with little practical gain for the environment and bizarrely expensive and impractical mitigation prescriptions.

Reforms to the Threatened Species Conservation Act will benefit planning processes in all areas, be it highway construction, property development or mining developing.

The challenge will be helping environmental stakeholders to understand that relaxing threatened species legislation at micro level is a necessary condition for effective macro planning and strategic conservation.

Recommendation 12: Amend the Threatened Species Conservation Act to enable prioritisation of conservation, more precise and effective approaches (eg condition thresholds in threatened species listings) and more effective recovery planning.

4.5 Covenants imposed on perpetual lease conversions

The Association has opposed the imposition on environmental covenants on farm land contingent on conversion of perpetual leases to freehold. The proposed Landscape Planning model and conservation subdivision system offers a mechanism by which such covenants can be lifted and property rights restored without jeopardising environmental outcomes.

Recommendation 13: That the Landscape Planning and Conservation Subdivision system is used to lift conservation covenants imposed through the perpetual lease conversion process

4.6 Local Environmental Plans

Rezoning farm land for environmental protection is a crude tool increasingly being applied in coastal and peri-urban NSW for achieving conservation and connectivity. Such rezoning reduces farmers' production options and prevents agricultural development and adaptation to changing conditions. Likewise, if local Government decides that it wants to introduce a tree protection order or some other ordinance designed to control native vegetation management, it can override the permitted clearing provisions of the Native Vegetation Act. Such measures have been imposed in many coastal Shires, where Council staff are responding to new 'green change' residents who have little appreciation of the needs of farmers.

The Act was intended to provide a complete and balanced solution for management of vegetation on rural land. Failure to resolve the current jurisdictional conflict undermines both the credibility of the legislation and of CMAs.

Recommendation 14: The Native Vegetation Act should be the only authority over native vegetation on land zoned rural. Amendments should be made to the EP&A Act to prevent LEPs and other planning instruments overriding the policy objectives and specific permissions provided under the Native Vegetation Act.

4.7 Relationship with broader planning reforms

The Association has welcomed the Coalition's commitment to reform the EP&A Act and to implement integrated strategic planning.

In this regard, the proposed Landscape Plans under the Native Vegetation Act could provide the rural sections of the native vegetation overlay for the NSW strategic planning process. This would help to implement the Governments commitment to cut red tape and avoid duplication of activity across agencies.

ATTACHMENT 1: SUMMARY OF RECOMMENDATIONS

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Recommendation 3: That the Act include provisions for conservation subdivision enabling biodiversity offsets required by Landscape Plans be purchased and covenanted by the Nature Conservation Trust.....	9
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Recommendation 5: That a policy direction is immediately provided to CMAs clarifying the meaning of regrowth provisions.	10
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Recommendation 11: That enforcement provisions be amended to reflect the relatively minor nature of land clearing offences and to support a partnership approach to conservation on private land.	12
Recommendation 12: Amend the Threatened Species Conservation Act to enable prioritisation of conservation, more precise and effective approaches (eg condition thresholds in threatened species listings) and more effective recovery planning.....	13
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ATTACHMENT 2: REVISED STRUCTURE OF NATIVE VEGETATION ACT 2003

PART 1 - PRELIMINARY

1. Name of Act
2. Commencement
3. Objects of Act

Amend 3(a) to mean triple bottom line at local level

4. Definitions
5. Land excluded from operation of Act

PART 2 - KEY CONCEPTS

6. Meaning of native vegetation
7. Meaning of clearing native vegetation
8. Meaning of broadscale clearing

Amend 8 so that it honestly means 'broad scale'

9. Meanings of remnant native vegetation and regrowth

Amend 9(2)(a) to set regrowth date at 1983 for all parts of NSW (ie as already applies in the Western Division).

10. Meaning of protected regrowth
11. Meaning of routine agricultural management activities

PART 3 - CLEARING NATIVE VEGETATION

Division 1 - Control of clearing

12. Clearing requiring approval
13. Minister is consent authority for clearing
14. Granting of development consent
15. Regulations
16. Relationship to Part 5 of EPA Act
17. Clearing not affected by subsequent environmental planning

Division 2 - Permitted clearing

18. Application
19. Clearing of non-protected regrowth permitted
20. Clearing of certain groundcover permitted

Division 3 - Permitted activities

21. Application
22. Routine agriculture management activities
23. Continuation of existing farming activities
24. Sustainable grazing

Division 4 - Excluded clearing

25. Legislative exclusions

Add the exclusion: 25 (t) Any activity reasonably considered necessary to meet the requirements of the Occupational Health and Safety Act 2000.

NEW PART 4 - LANDSCAPE PLANS

26. *Process for developing Landscape Plans*
27. *Role of Catchment Management Authorities*
28. *Subdivision for Offsets*
29. *Role of Nature Conservation Trust*
30. *Relation to Local Environmental Plans and Strategic Plans*
31. *Plans require Ministerial approval*
32. *Content of plans*
33. *Duration of plans*
34. *Regulations*

PART 45 - PROPERTY VEGETATION PLANS

Retain under transitional arrangements

PART 56 - ENFORCEMENT

Retain but amend to make powers and penalties proportional to the nature of the offense - ie less extreme

PART 67 - MISCELLANEOUS PROVISIONS

Include transitional arrangements

Include clause clarifying carbon rights of landholders