

Frequently asked questions

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Q1. When is the new system in force and what does it comprise?

- The system came into force on 1 December, 2005. It comprises the Native Vegetation Act 2003, the Native Vegetation Regulation 2005, and the Environmental Outcomes Assessment Methodology. Assessments under the system are administered by Catchment Management Authorities. Compliance is administered by the Department of Natural Resources. The Natural Resources Commission has been created as an independent body to oversee the operation of the system and its outcomes.

[Native Vegetation Act 2003](#)

[Native Vegetation Regulation 2005](#)

[Environmental Outcomes Assessment Methodology.](#)

[Catchment Management Authorities](#)

[Department of Natural Resources](#)

[Natural Resources Commission](#)

Q2. What are the main features of the Native Vegetation Act 2003?

- The Native Vegetation Act 2003 replaces the Native Vegetation Conservation Act 1997. It makes broadscale clearing of remnant native vegetation illegal if it does not “maintain or improve” outcomes in relation to soil, salinity, water quality and biodiversity.
- Under the new law:
 - *Broadscale clearing of remnant native vegetation* is defined as the clearing of any remnant native vegetation or protected regrowth
 - *Native vegetation* is defined as plants that are indigenous to Australia.
 - *Remnant vegetation* is defined as any native vegetation other than regrowth
 - *Regrowth* is native vegetation regrown following a non-natural clearing event since 1 January 1983 (Western Division), 1990 elsewhere, or as defined by change of regrowth date PVP.
 - *Protected regrowth* – must be defined by Minister in a natural resource management plan, or protected by an incentive PVP.
 - Offsets agreed to in a Property Vegetation Plan can be used to help meet the “improve or maintain” test. The rules for this test are given in the Environmental Outcomes Assessment Methodology.
 - Exemptions are available for certain routine agricultural management practices (RAMAs).
 - Clearing of regrowth is permitted without approval provided it is not protected regrowth.

Q3. Does the new system allow me to clear native vegetation?

- Yes, in some cases. Approval for clearing remnant native vegetation can only be gained through undertaking a Property Vegetation Plan (or Development Application) that will determine whether the proposed clearing maintains or improves environmental outcomes.
- The Property Vegetation Plan (PVP) will assess soil, salinity, water quality and biodiversity (plant and animal) impacts of the proposed clearing of native vegetation.

- Farmers may apply to their local CMA either to prepare a PVP or make an application for Development Consent.
- Clearing proposals that form part of a PVP can incorporate offsets to ensure that the result will 'improve or maintain environmental outcomes.' '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: (1) water quality, (2) soil, (3) salinity, and (4) biodiversity (including threatened species).
- Offsets are actions that a farmer agrees to in order to balance any negative impacts of clearing. Hence, broadscale land clearing may be permissible if a farmer offers suitable offsets to improve or maintain the environment.
- In contrast, offsets are not available under a Development Consent process. Broadscale land clearing cannot be granted under Development Consent unless the clearing itself improves or maintains environmental outcomes.

Q4. What clearing does not require approval?

- Clearing of regrowth, except protected regrowth (see Q5).
- **Note that protected regrowth can be cleared under clause 23 of the Act provided it is to enable the continuation of existing cultivation, grazing or rotational farming practices.**
- Clearing of native vegetation associated with Routine Agricultural Management Activities (see Q14).
- Clearing of certain native groundcovers (see Q6).
- Clearing by sustainable grazing - this is defined by the Act as grazing that is not likely to result in the substantial long term decline in the structure and composition of native vegetation (clause 24).

Q5. Can farmers clear regrowth?

- Yes. Under the new laws, a farmer can clear non-protected regrowth back to 1 January 1990 or 1 January 1983 in the case of land in the Western Division without approval. Note that the Act states that 'regrowth' does not include native vegetation that has regrown following unlawful clearing of remnant native vegetation or following clearing of remnant native vegetation caused by bushfire, flood, drought or other natural cause (Act Clause 9 (4)). Non-natural clearing events include grazing, controlled burning, ring barking, or other events involving some kind of human agency.
- In addition, farmer can apply for an early regrowth PVP based on existing rotational farming practices (proof is required for this).
- If a farmer can prove (for example, via old aerial photographs, an old diary and/or tractor lodge book) that native vegetation has been cleared on at least two occasions as part of rotational farming practices, then the vegetation is treated as regrowth and can be cleared (but only in a way that is consistent with the rotational practices). The regulation limits this provision to clearing that occurred after 1943 in the Western Division and 1950 in the rest of the State.
- The new laws do provide for some native vegetation regrowth to be classified as 'protected' as identified by the Minister under a natural resource management plan.
- Before native vegetation can be identified as 'protected regrowth', the Minister is to have regard to the social and economic implications of the preservation of the vegetation.

- Even if regrowth is classified as ‘protected’ this does not prevent the farmer from clearing this regrowth if the purpose is to continue existing cultivation, grazing or rotational farming practices (see clause 23 of the Act). However in the Western Division trees more than 3 metres high of River Red Gum, Belah or White Cypress Pine cannot be cleared using this clause.

Q6. Can farmers clear groundcovers?

- Where remnant groundcovers comprise less than 50% of the total vegetation cover, these can be cleared. There must be at least 10% vegetation coverage present, the calculations can only be made at the time of year when the proportion of native vegetation is likely to be at its maximum, and the landowner must retain records for 5 years including maps, season, statement of calculation and photographs.
- If the groundcovers are regrowth (ie regrown post 1983/1990) percentage composition is irrelevant and they can be cleared without approval.

Q7. What is a Property Vegetation Plan (PVP)?

- A Property Vegetation Plan (PVP) is a legally binding agreement between a farmer and the local Catchment Management Authority.
- There are four kinds of PVP.
 1. **Clearing PVPs** can enable remnant vegetation to be legally cleared in exchange for offsets and provide certainty that the agreed clearing actions can continue for the period of the plan (maximum of 15 years). Offsets may remain for perpetuity. **Note that RAMAs don’t apply in land set aside as an offset, “except for any activity that is specifically authorized for the land by the PVP”. Farmers need to ensure that RAMAs they need are specifically retained when they sign up for the PVP.** (see Q14)
 2. **Continuing use PVPs** protect current land use practices, providing they do not involve the clearing of remnant native vegetation, against future legislation, including new listings of threatened species. This certainty remains in place until a farmers choses to vary the PVP.
 3. Change of regrowth date PVPs allow early regrowth dates to be established on a property so that rotational farming practices (eg thinning to maintain open woodland for grazing) can be continued. Evidence of two such previous rotations is required.
 4. Incentive PVPs provide access to public funds for environmental remediation works.

PVP documentation comprises a map showing the specific land involved and documentation of conditions. PVPs are also stored electronically in a Departmental database.

NOTE: There is no legal requirement to have property boundaries recorded in a PVP. The boundaries of the PVP apply to just clearing and offset sites or to the land you want to have subject to continuing use protections. If you do not want property boundaries to be recorded you should explicitly request this.

Q8. What is the Environmental Outcomes Assessment Methodology?

- The Environmental Outcomes Assessment Methodology establishes the assessment rules. It sets out the details of how the soil, salinity, water quality, biodiversity and threatened species impacts of proposals are assessed.

- The methodology comprises a number of complex formulae for estimating the value of vegetation and the impacts of clearing. These formulae are programmed into a software package called the PVP Developer (see Q10).
- The Association has argued that the methodology is too complicated and inflexible and fails to adequately take into the account the unique circumstances that apply in specific landscapes.
- The Association is also concerned that the methodology does not allow trading between land and water impacts and biodiversity impacts for a 'net benefit approach. In other words, a land degradation gain cannot be offset against a biodiversity impact to produce a net environmental improvement. Biodiversity impacts must be offset with a biodiversity gain.
- CMA officers are able to override the Methodology in certain circumstances, as detailed in the Regulation (Clause 28).
- The government has established a formal review process to evaluate how the methodology and PVP developer work in the field.

Q9. How do farmers get a Property Vegetation Plan?

- Clearing and incentive PVPs are developed by CMA assessment officers on the farmer's property using the PVP Developer system and in discussion with the farmer. Other forms of PVP may or may not require site visits, depending on the specific situation.

Q10. What is the PVP Developer?

- The PVP Developer is a map-making tool used to record the boundaries of the vegetation to be cleared and the boundaries of any vegetation used in offsets. The tool also automates the calculations that are included in the Environmental Outcomes Assessment Methodology (see Q8) and which are used to determine the environmental impacts of the proposal. CMA officers are able to override the outputs of the PVP Developer in certain circumstances, as detailed in the regulation.

NOTE: There is no legal requirement to have property boundaries recorded in a PVP. The boundaries of the PVP apply to just clearing and offset sites or to the land you want to have subject to continuing use protections. If you do not want property boundaries to be recorded, you should explicitly request this.

Q11. Is a Property Vegetation Plan legally binding?

- Yes. Once agreed by the landholder, approved by the CMA and signed by both parties, a PVP is a legal agreement under both the *Native Vegetation Act 2003* and the *Threatened Species Conservation Act 1995*. It is binding for the agreed period.
- A PVP protects the landholder from changes to local or state planning rules or new listings of threatened species.
- A PVP cannot be revoked by the Government unless it is breached.

Q12. What information will be made public about my PVP?

- There will be a register of all approved PVPs available to the public on the Department of Natural Resources (DNR) website. The locations of specific clearing and offsets will be identified by way of GPS coordinates but no address, ownership or other details will be provided on the register.
- In addition, most PVP information will be accessible to the public on request at the local CMA office (NV Regulation 2005, Clause 13)

- The Association opposed and continues to oppose public access to PVP information.

Q13. Does a Property Vegetation Plan still apply if the property is sold?

- Yes. A PVP is binding on the land even if the property is sold and will continue to apply until such time as a new plan is approved or the current plan expires. Some of the management actions (offsets) may continue to apply in perpetuity.

Q14. What is the situation now with exemptions?

- Exemptions are now called Routine Agricultural Management Activities (RAMAs). Clearing under RAMAs is permitted without approval. The RAMAs are listed in Clause 11 of the Act as given below.

Clause 11 *Meaning of routine agricultural management activities*

(1) *For the purposes of this Act, routine agricultural management activities mean any of the following activities on land carried out by or on behalf of the landholder:*

(a) the construction, operation and maintenance of rural infrastructure:

(i) Including (subject to the regulations) dams, permanent fences, buildings, windmills, bores, air strips (in the eastern Division), stockyards, and farm roads, but

(ii) not including rural infrastructure in areas zoned as rural-residential under environmental planning instruments or on small holdings (as defined in the regulations),

(b) the removal of noxious weeds under the Noxious Weeds Act 1993,

(c) the control of noxious animals under the Rural Lands Protection Act 1998,

(d) the collection of firewood (except for commercial purposes),

(e) the harvesting or other clearing of native vegetation planted for commercial purposes,

(f) the lopping of native vegetation for stock fodder (including uprooting mulga in the Western Division in areas officially declared to be drought affected),

(g) traditional Aboriginal cultural activities (except commercial activities),

(h) the maintenance of public utilities (such as those associated with the transmission of electricity, the supply of water, the supply of gas and electronic communication),

(i) any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property.

- Clearing for RAMAs is permitted provided that it does not exceed the minimum extent necessary for carrying out the activity (see clause 22).
- **Some of the RAMAs are further restricted by provisions in the Native Vegetation Regulation 2005. If a RAMA is not further detailed in the regulation, then minimum extent necessary applies.**

- The Association believes that the RAMA provisions in the Native Vegetation Regulation 2005 are too prescriptive and is calling for improvements.
- **Note: RAMAs don't apply in offset areas, "except for any activity that is specifically authorized for the land by the PVP". Farmers need to ensure that RAMAs they need are specifically retained when they sign up for a PVP involving offsets. For example, if you want to retain the right to collect firewood in the offset area, this must be specified in the PVP.**

Q15. Can farmers clear noxious weeds?

- Yes. Clearing to the minimum extent necessary to allow for the removal of native vegetation proclaimed as a noxious weed under the *Noxious Weeds Act 1993* does not require approval.

Q16. Can farmers cut firewood?

- Yes. The collection of firewood other than for commercial purposes does not require approval.

Q17. Can farmers clear to construct and maintain farm infrastructure?

- Yes, but the RAMA provisions vary depending on which part of the state that the farm is situated (see Q18).
- The Regulation allows for farmers to apply to have prescribed buffer distances for infrastructure extended on their property, where the Minister is satisfied that it is minor, it is for a legitimate purpose associated with the management of the farm and that variation to the buffer distances is necessary in the circumstances. This variation of the RAMA is placed on a public register.

Q18. What infrastructure buffers apply in my region?

WESTERN DIVISION	
Permanent fence	20 metres either side
Access trail, cut line for stock movement, road, telephone line or cable, power line or cable, drain to a water storage, bore drain, pipeline, or irrigation channel	30 metres total width of clearing
Firebreak, except where mallee species predominate	30 metres total width of clearing
Firebreak where mallee species predominate	100 metres total width of clearing
Airstrip	Distances and area sufficient to meet civil aviation standards for construction of an airstrip
House, shearing or machinery shed, ground tank, dam or stock yards, or similar utility	5 hectares

CENTRAL CATCHMENTS INCLUDING WESTERN COASTAL LGAs	
Permanent boundary fence	10 metres either side
Permanent internal fence	10 metres total width of clearing
Temporary fence	3 metres total width of clearing
Road or track	6 metres total width of clearing
All other infrastructure	To the minimum extent necessary

COASTAL CATCHMENTS EXCLUDING WESTERN LGAs - limited to listed infrastructure ONLY. Consent required for all other construction & repair	
Permanent boundary fence	6 metres either side
Permanent internal fence	6 metres total width of clearing

Temporary fence	1 metre total width of clearing
Road or track	6 metres total width of clearing
Pipeline	3 metres total width of clearing
Habitable buildings	The asset protection zone identified for the land in a bush fire risk management plan in force under the <i>Rural Fires Act 1997</i>
Shearing or machinery shed	20 metres from the outer edge of the structure
Ground tank	15 metres from the outer edge of the structure
Dam	15 metres from the outer edge of the structure
Stockyards	20 metres from the outer edge of the structure
Bore	10 metres from the outer edge of the structure
Pump	3 metres from the outer edge of the structure
Water point	3 metres from the outer edge of the structure
Tank	3 metres from the outer edge of the structure
Windmill	10 metres from the outer edge of the structure

SMALL HOLDINGS/ZONED RURAL RESIDENTIAL	
- small holdings are contiguous land in the same ownership less than 40ha in the Western Division & less than 10ha elsewhere	
Permanent boundary fence	6 metres either side
Permanent internal fence	3 metres either side
Temporary fence	1 metre total width of clearing
Roads and tracks	4 metres total width of clearing
Windmills and bores	3 metres
Stockyards	3 metres
Habitable buildings	The asset protection zone identified for the land in a bush fire risk management plan in force under the <i>Rural Fires Act 1997</i>
Buildings other than habitable buildings	5 metres

Q19. Can farmers cut vegetation for stock fodder?

- Yes. The lopping of native vegetation for stock fodder can be undertaken without approval. For example, the Association was successful in convincing the Government to include the uprooting of Mulga in the Western Division during drought declared periods as a RAMA.

Q20. Can farmers clear vegetation to control animal pests?

- Yes. Native vegetation can be cleared to the minimum extent necessary without approval, when required to control pest animals under an eradication order or pest control order under Part 11 of the *Rural Lands Protection Act 1998*.

Q21. Can vegetation be cut down to maintain public utilities (e.g. powerlines) to my property?

- Yes. Clearing necessary to maintain public utilities (electricity, gas and electronic communication) can be undertaken without approval, including the following activities:
 - Maintaining the stipulated safety clearances under powerlines (conductors and structures) and around communication sites associated with the supply of electricity by the power entity or by the farmer with the written approval of the power entity; or
 - Maintaining existing access roads and tracks.

Q22. Can farmers cut timber for construction?

- Yes. The cutting of timber for the construction or maintenance of farm infrastructure such as fences, stockyards does not require approval, provided:

- The timber to be cut is not a threatened species or part of an endangered ecological community or is likely to be habitat of these, and
- Timber suitable for the purpose cannot be obtained from the prescribed maximum clearing distance of the fence, stockyard or timber building involved, and
- The timber is used within 18 months of being cut in the central and western CMAs, and in addition, the westerns local government areas in the coastal CMAs. However, it must be used within 12 months in the coastal region, and-
- A program is carried out that will ensure the restoration of native vegetation of the same or similar species to the same or similar extent.

Q23. Can native vegetation be removed in emergency situation?

- Yes. Clearing authorised under other legislation eg the *Rural Fires Act and the State Emergency & Rescue Management Act* is excluded.

Q24. Can native vegetation be cleared to remove or reduce risk

- Yes, in cases of imminent risk. An exemption is provided for any activity reasonably considered necessary to remove or reduce an imminent risk of serious personal injury or damage to property (Clause 11 (i) of the Act).

Q25. Can farmers conduct private native forestry activities?

- Yes. The current exemptions that apply to private native forestry continue for the next 6 months unless the Code of Practice is gazetted earlier.
- The Code of Practice is being negotiated, but exclusion zones proposed by government are considered excessive and unwarranted by NSW Farmers' Association.

Q26. Can farmers clear invasive scrub?

- Yes. However, farmers will need approval to clear invasive scrub that pre-dates 'regrowth dates' of 1 January 1983 for the Western Division, or 1 January 1990 for the rest of the state.
- The 'woody weeds' exemption under the *Native Vegetation Conservation Act 1997* no longer applies.
- A shortened assessment process within the PVP Developer, recognises that invasive native species (including woody weeds) cause environmental degradation and that temporary land use change (cropping) is a viable form of management. This assessment is available for specified lists of invasive species in certain CMAs.
- The intent of the clearing using this process is to re-establish native vegetation.
- The system provides for the removal of up to 80% of the invasive species through a variety of methods with a range of disturbance to soil and groundcover. Each method has conditions applicable to it including the percentage of INS that can be cleared at any one time.
- If, for example, the extent of invasive native species on a property is 1,000 ha, then the farmer may initially clear 20% of this area, that is, 200 ha if using the cropping method. The 200 ha can be cropped, but cropping will be limited to two occasions in 10 years.
- Once the Catchment Management Authority is satisfied that this 200 ha has achieved a groundcover of more than 50% cover and that cover consists of more than 75% native

vegetation, then the farmer may clear a further 20% of the extent of invasive species on the property, that is, a further 200 ha. The initially cleared area may not be cleared again and must be retained.

- Once the CMA is satisfied that the second parcel of 200 ha has achieved the groundcover described above, then the farmer may clear a further 200 ha and so on, until the farmer has cleared 800 ha, which is the maximum area permitted to be cleared (that is, 80% of 1,000 ha).
- The farmer must retain native groundcover in perpetuity on the cleared areas once they have achieved the necessary level of groundcover.
- Where invasive native species are cleared at a paddock scale the 20% that is to be retained must be kept in either patches or buffers, and if more than 500 ha is to be cleared, then a minimum of 20% of the invasive native species must be kept on each 500ha area.
- The Association will continue to seek the following changes to the PVP Developer for the clearing of invasive scrub:
 - A greater percentage figure for the area of invasive scrub that can be cleared (CMAs will also have the opportunity to progress this issue with the Minister so that sensible guidelines for clearing invasive scrub relate to the regional landscape and situation)
 - Groundcover to consist of more than 50% native vegetation (consistent with the Act) – 75% is too high
 - Cropping years must be extended
 - Use of non-native perennial grasses to bind the soil post treatment

Q27. What are the invasive species clearing methods & conditions?

INVASIVE SPECIES CLEARING METHODS & CONDITIONS	
1. Burning or clearing of individual plants with no disturbance to groundcover eg chemical spot treatment or ringbarking.	Clearing does not exceed 80% of extent of INS Limited to where non-invasive native trees/ shrubs comprise > 50% of total no. of trees/shrubs. Only method where land is >18 degrees Burning is to minimum extent necessary Clearing does not result in soil surface disturbance Non-invasive trees & shrubs comprise < 1% of total trees/shrubs cleared for non-burning method Clearing of groundcover is incidental (except burning)
2. Clearing of individual plants with minimal disturbance to groundcover eg grubbing, or clearing plants at a paddock scale with nil to minimal disturbance to soil & groundcover eg chaining, slashing.	Clearing does not exceed 60% of extent of INS A further 20% may be cleared by this method once CMA satisfied that groundcover on cleared area is > 50% & comprises > 75% natives Disturbance to soil surface to minimum extent Non-invasive trees & shrubs comprise < 1% of total trees/shrubs cleared Clearing of groundcover to minimum extent necessary
3. Clearing plants at paddock scale with temporary disturbance to soil & groundcover eg bladeploughing.	Clearing does not exceed 40% of extent of INS A further 40% may be cleared by this method once CMA satisfied that groundcover on cleared area is > 50% & comprises > 75% natives Not available where high erosion hazard Non-invasive trees & shrubs comprise < 10% of total trees/shrubs cleared Clearing of groundcover to minimum extent necessary Disturbance to soil surface limited to minimum

	Introduction of annual non-native vegetation limited to clearing activity Non-native vegetation planted is not harvested
4. Clearing of plants at paddock scale with longer-term disturbance to soil & groundcover eg short-term cropping.	Clearing does not exceed 20% of extent of INS A further 60% (in 20% increments) may be cleared by this method once CMA satisfied that groundcover on cleared area is > 50% & comprises > 75% natives Not available where soil < 1 m in depth, of medium erosion hazard or high erosion potential Non-invasive trees & shrubs comprise < 20% of total trees/shrubs cleared Clearing of groundcover to minimum extent necessary Harvesting of non-native vegetation is limited to 2 occasions in 10 years from date of PVP
ADDITIONAL CONDITIONS	
Clearing is for the purpose of re-establishing native vegetation or allowing natural regeneration of native species.	
15 years from the approval of the PVP native groundcover is maintained in perpetuity	
Total clearing of INS does not exceed 80% of the extent of INS on the property.	
No clearing within certain specified riparian buffer areas except for method 1.	
Trees > stated diameter at breast height (dbh) cannot be cleared using methods other than burning.	
Trees to be retained as per density rates as specified using methods other than burning	
The clearing does not result in introduction of non-native perennials	
The clearing does not result in introduction of non-native annuals (except in 3 & 4 above)	
A minimum of 20% of INS is retained in patches or buffers, other than when burning	
If >500ha is to be cleared a minimum of 20% of INS must be retained on each 500ha area	

Q28. What is the new monitoring and compliance regime?

- The government now has access to high-resolution satellite imagery covering the whole state and this technology is rapidly improving. Changes to vegetation cover, at least for large woody vegetation, are much easier to detect than was previously the case. The government has made clear that it will prosecute wilful breaches of the Act.

Q29. Is the Association satisfied with the Regulations?

- No! The Regulations that have been announced are far from perfect. While the new system has potential, the Regulations are too prescriptive in their current form and do not address some of our key concerns. We will continue to voice the concerns of farmers and work to correct the problems.
- The Association will keep pressuring the Government to deliver:
 - A “broadscale” clearing policy that does not require approval for clearing individual trees. In other words, the policy should focus on delivering landscape scale outcomes and not the micro-management of individual plants;
 - A whole-of-landscape approach to vegetation management that balances social, economic and environmental outcomes. The Government is considering the need for a whole-of-landscape approach to accommodate areas such Walgett and Nyngan, and the southern Mallee, whereby farmers can group together to develop regions in an economically and environmentally sustainable way. The NRC has been asked to review this approach and make recommendations to government.
 - A proper funding mechanism to address the inevitable social and economic impacts of the Government enforcing biodiversity conservation on private land;

- Exemptions that ensure routine agricultural practices can continue without red tape – the exemptions provided in the regulation are too prescriptive;
- Improvements to the system for invasive species management;
- Stronger decision powers for CMAs;
- Increased privacy regarding information contained in property vegetation plans;
- Provision for private native forestry based on a practical code of practice.

Q30. Will farmers be hampered in performing “routine farming activities” because of this new law?

- Yes and this has been one of our main issues of contention with the Government. While the Minister has now made provision for farmers to apply to have buffers distances for infrastructure increased in a minor way, the exemptions for routine agricultural management activities (RAMAs) are still too restricted, and are likely to cause problems for farmers in their day-to-day operations. We will see how badly these restrictions impact farmers, and we will be lobbying Government for changes as soon as we have proof.

Q31. Will farmers have to apply for a PVP to knock down a single tree?

- Yes. If the single tree is not regrowth or is not covered by an exemption, the farmer will have to apply for a PVP to clear it. This creation of red tape in relation to insignificant environmental impacts is not in the spirit of the Sinclair reform proposals and is one of our outstanding grievances with the Government. We will continue to fight to have it changed.

Q32. What happens if these new laws still don't work for farmers?

- We will fight to have the unworkable parts of the Act and Regulations changed in the same way we fought to have the SEPP 46 system over turned. We had that system removed and replaced. We will fight to have the necessary changes made to any problems with this legislation.

Q33. How closely do these regulations reflect the intent of the Sinclair report?

- Many farmers will have heard about the report issued by the former leader of the federal Nationals, the Hon. Ian Sinclair. He chaired a group that examined the problems with the previous native vegetation legislation and made recommendations about how to fix it.
- Some of the Sinclair report's intentions such as the creation of the Catchment Management Authorities (CMA's) have been implemented.
- Other Sinclair recommendation such as basing the vegetation planning process on “practical guidelines” have not been delivered. Instead, the process relies on a very complicated assessment methodology built into a computer program called the “PVP Developer”.
- To correct this, the Association has fought to make sure that the Regulation allows the CMAs to over-ride the PVP developer when better information is available and where necessary to ensure sensible results. The Government has guaranteed that the CMAs will have genuine decision-making authority.

Q34. Have clearing controls cost Walgett farmers \$82.5 million/year in lost production?

- A recent Australian Bureau of Agricultural Economics (ABARE) study supports this view as does the Federal Government's Productivity Commission Report. We are pressuring

the Government to have a whole-of-landscape approach adopted to allow for sustainable development in regions like Walgett and Nyngan. But this is not limited to these areas, as other areas of the State may also be impacted in a similar manner.

Q35. Should there be more compensation available?

- The funding provisions so far made by the government are clearly insufficient to address the socio-economic impacts of enforcing biodiversity conservation on private land across NSW. Farmers should not be expected to provide a public good without payment for the provision of that service – particularly when providing that service significantly impacts their ability to earn income from their business. In this regard, the Association is pressing the government to implement a scheme that pays farmers at fair market rates for providing biodiversity services on their land.
- Payment for biodiversity services is not the full answer, however. Farmers want the flexibility to manage land for both conservation and production so they can afford to fund their own environmental initiatives. Land degradation, feral animal and weed control are major environmental problems that are costly to address. Prescriptive environmental legislation not only restricts farmers ability to take effective action; it reduces their ability to pay for that action.

Q36. Will the Catchment Management Authorities work?

- The Association fought for a removal of the centralised city-based bureaucracy and for “local decisions by local people”. The creation of the Catchment Management Authorities (CMAs) is a positive first step in this process.
- We still have to see whether these bodies actually achieve this objective, but we will be working closely with the CMAs to assist in any way possible.
- The Association resisted the government proposal whereby all decision-making authority would be vested in the PVP Developer computer program.
- After lengthy negotiations, the Association convinced the Minister to allow an accredited CMA Officer to make minor variations to the methodology in the PVP developer. However, any variation will have to ‘improve or maintain’ environmental outcomes. We will be working to have this discretionary power increased.
- Green groups were strongly opposed to allowing local CMAs this type of discretion in the approval process.

Q37. Where can I get detailed information about the system?

- Further information is available on the Association web site.
- Government information sheets are available on the DNR web site [DNR information sheets](#). Also, contact your local CMA. [CMA contact list](#)

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