



Sustain. Invest. Protect.

A new approach to
land management and
conservation in NSW

The Land Management (Native Vegetation) Code

The draft Land Management (Native Vegetation) Code 2017 supports landholders to manage their land to ensure more productive farming methods and systems while responding to environmental risks.

The Code is undergoing further development and refinement to ensure consistency with the key settings announced by Government in 2016 and to ensure it is robust and user-friendly.

The Land Management (Native Vegetation) Code (Land Management Code) will allow landholders to undertake clearing and management of native vegetation that supports more productive farming methods and systems, while responding to environmental risks. Changes have been made to the publicly exhibited Code metrics to respond to public feedback and further testing. The draft Land Management Code will continue to be refined to:

- » simplify the user experience for landholders
- » provide better productivity outcomes
- » provide improved environmental protections
- » provide legal certainty and clarity.

The final Land Management Code will be made by the Minister for Primary Industries, with the concurrence of the Minister for the Environment, following commencement of the *Local Land Services Amendment Act 2016*.

The Land Management Code covers the following types of clearing on category 2 – regulated land:

Management of invasive native species – the removal of listed invasive native species that have reached unnatural densities and dominate a treatment area, to promote regeneration of native vegetation.

Thinning of woody vegetation – the thinning of trees and shrubs to predetermined densities to provide for improved pasture availability.

Harvesting of stock fodder – sustainable use of Mulga species for stock fodder.

Continuing use – continuation of lawful vegetation management practices undertaken prior to commencement of the new framework.

Transitioning Property Vegetation Plans – extinguishment and transition of approved Property Vegetation Plans under which partial clearing has been undertaken.

Equity clearing – removal of paddock trees and small areas to increase farm efficiency and clearing to expand agricultural activities, in exchange for set aside areas containing remnant vegetation.

Farm planning – removal of paddock trees and small areas to increase farm efficiency and clearing to expand agricultural activities, in exchange for set aside areas requiring revegetation.

Set-asides

The Land Management Code will set out clearing parameters and any set-aside requirements to offset the impacts of clearing.

Set-aside ratios identify how much land that must be set-aside in exchange for clearing in another area of a property. All set-asides must be in addition to any current publicly funded initiative, offset or existing set-aside and will be in perpetuity and run with the land. Set-asides will be listed on a public register.

Set-aside certificates will include details about the type of vegetation contained in the set-aside area. There will be a statutory requirement for landholders to undertake reasonable efforts to promote vegetation integrity in the set aside area. Local Land Services (LLS) will work with landholders on a case-by-case basis to identify the management interventions likely to deliver the best possible environmental outcomes in a set-aside area.

Treatment of threatened ecological communities

Where clearing is proposed of a vulnerable ecological community (VEC) or endangered ecological community (EEC) a 50% loading for VECs and 100% loading for EECs will be imposed when calculating the set-aside area. The set aside area must be of the same VEC or EEC as the vegetation proposed to be cleared. A patch of vegetation will be taken to be a VEC or EEC where it is in moderate or good condition and is likely to be viable in the long-term.

If a landholder elects to set aside an area on their property that contains an EEC in exchange for clearing unlisted vegetation, then the otherwise applicable set-aside ratios is reduced by 50%. A set-aside area discount will also be available where a landholder elects to set aside land of strategic landscape value.

LLS will determine if a loading or discount applies in any given case, and guidelines will be developed to support implementation, including species lists and how to measure/calculate percentages. Additional set-aside area criteria have been added to the Land Management Code.

Land on which codes do not apply

There will be some special categories of land and vegetation on which no clearing under any Codes will be permitted, including coastal and Ramsar wetlands, littoral rainforest, core koala habitat, critically endangered ecological communities, old growth forests and high conservation value grasslands. This will be identified by a new subcategory (category 2-sensitive regulated land) of land mapped on the Native Vegetation Regulatory Map.

Requirement for Commonwealth approvals

Actions that are likely to have a significant impact on a matter of environmental significance require approval under the *Environment Protection and Biodiversity Conservation Act 1999*. Where LLS considers that proposed clearing may require Commonwealth approval, LLS will only certify the clearing after being reasonable satisfied by the landowner that Commonwealth approval is unnecessary or alternatively, that Commonwealth approval has been given.

More information

Additional detail on the exhibited products, tools and Regulations are provided in the supplementary information.