



New South Wales

Mid Lachlan Regional Vegetation Management Plan 2001

under the

Native Vegetation Conservation Act 1997

I, the Minister for Land and Water Conservation, make the following regional
vegetation management plan under the *Native Vegetation Conservation Act 1997*.

RICHARD AMERY, M.P.,

Minister for Land and Water Conservation

2001 No 727

Mid Lachlan Regional Vegetation Management Plan 2001

Contents

Contents

	Page
Part 1 Preliminary	
1 Name of plan	4
2 Commencement	4
3 Definitions	4
4 Aims of plan	6
5 Land to which plan applies	7
Part 2 Areas where clearing of native vegetation requires development consent	
6 Clearing on landscape management areas	8
7 Clearing on riparian, wetland and floodplain protection areas	8
8 Clearing on priority plant communities and habitats areas	9
9 Clearing that is a "large development" on self-assessment areas	9
10 Clearing on Crown land in self-assessment areas	11
11 Clearing in potential self-assessment areas not falling within clause 9 or 10	11
12 Clearing native vegetation not in accordance with, or to be retained under, clearing standards	12
Part 3 Areas where clearing of native vegetation does not require development consent	
Division 1 Clearing in accordance with clearing exemptions	
13 Operational limits and proof of exemptions	13
14 Clearing for strainer posts	14
15 Clearing for firewood	14
16 Lopping of foliage for stock fodder	15
17 Clearing to maintain existing structures	16

Mid Lachlan Regional Vegetation Management Plan 2001

Contents

	Page
18 Clearing to maintain existing public utilities or in emergencies	17
19 Clearing planted native vegetation	17
20 Clearing in a private native forest	18
21 Clearing to control pest animals	19
22 Clearing native vegetation that is regrowth	19
23 Clearing River Red Gum regrowth	20
24 Clearing Cypress Pine regrowth	22
25 Clearing by registered surveyors	23
Division 2 Clearing on nominated self-assessment area	
26 When development consent is not required	24
27 Nomination of self-assessment area and duration of status	25
28 Minimum planning requirements for self-assessment	27
29 Best practice clearing standards—clearing that may be carried out only with development consent	30
30 Best practice clearing standards—minimum standards for vegetation retention and re-establishment	31
31 Best practice clearing standards—minimum standards for specific activities	36
Part 4 General	
32 Reference to current information required	38
33 Owners must consent to preparation of full farm plans	38
34 Consent to clearing native vegetation on land that is core koala habitat	38
35 Inconsistencies and other matters concerning borders of management zones	39
36 Development applications for consent to clear native vegetation	39
37 Development consent obtained under Native Vegetation Conservation Act 1997	39
38 Notes	40

2001 No 727

Clause 1 Mid Lachlan Regional Vegetation Management Plan 2001

Part 1 Preliminary

Mid Lachlan Regional Vegetation Management Plan 2001

Part 1 Preliminary

1 Name of plan

This plan is the *Mid Lachlan Regional Vegetation Management Plan 2001*.

2 Commencement

This plan commences on 3 December 2001.

3 Definitions

(1) In this plan:

Aboriginal place means an Aboriginal place within the meaning of the *National Parks and Wildlife Act 1974*.

Aboriginal relic means a relic within the meaning of the *National Parks and Wildlife Act 1974*.

Aboriginal Sites Register means the Aboriginal Sites Register maintained by the National Parks and Wildlife Service.

best practice clearing standards means the standards set out in Division 2 of Part 3 (Clearing on nominated self-assessment area).

Crown land means Crown land within the meaning of the *Crown Lands Act 1989* other than Crown land the subject of a tenure listed in Part 1 of Schedule 1 to the *Crown Lands (Continued Tenures) Act 1989*.

Department means the Department of Land and Water Conservation.

diameter at breast height over bark means the measurement of the diameter of a tree made:

- (a) at a height of 1.3 metres above the ground level (measured from ground level on the up-slope side of the tree if the tree is on a slope), and
- (b) at right angles to the axis of the tree.

If the tree is branched or deformed at 1.3 metres above ground level, the measurement is taken at the nearest point above or below that point, where the trunk becomes more cylindrical.

district map means the current map (in full or extracted form), relating to the district concerned in the Mid Lachlan Region, that is prepared and published by the Department and adopted by the Minister for the purposes of this plan.

landholder means a person who owns a landholding or who, whether by reason of ownership or otherwise, is in lawful occupation or possession, or has lawful management or control, of a landholding.

landholding means:

- (a) a parcel of land, or
- (b) several parcels of land that are contiguous to each other or separated only by a road, river, creek or watercourse, and that constitute or are worked as one property,

situated within the Mid Lachlan region.

landscape management areas means any areas of land coloured dark brown or light brown on the district map.

large development means clearing of any type referred to in clause 9 (1) (a)–(e).

management zones means the following areas:

- (a) landscape management areas,
- (b) riparian, wetland and floodplain protection areas,
- (c) priority plant communities and habitats areas,
- (d) self-assessment areas.

Mid Lachlan region is defined in clause 5.

native tree includes a sapling or a shrub, or scrub, that is indigenous.

nominated self-assessment area means the area of land currently nominated as a self-assessment area in accordance with clause 27.

potential self-assessment areas means any self-assessment areas other than the nominated self-assessment area.

priority plant communities and habitats areas means:

- (a) any areas of land coloured orange on the district map, and

2001 No 727

Clause 3 Mid Lachlan Regional Vegetation Management Plan 2001

Part 1 Preliminary

- (b) any areas of land that are not so depicted on the district map but on which occur any priority plant community that is listed on the district map (or, if reference to a more current list is required by clause 28 (4) or 32, that is listed in that list) as a significant community.

riparian, wetland and floodplain protection areas means:

- (a) any areas of land coloured dark green or light green on the district map, and
- (b) any areas of land that are not so depicted on the district map but on which occur any riparian or wetland community that is listed on the district map (or, if reference to a more current list is required by clause 28 (4) or 32, that is listed in that list) as a significant community.

self-assessment areas means any areas of land coloured pink, grey or white on the district map.

significant community means any community listed as a significant community on the district map (or, if reference to a more current list is required by clause 28 (4) or 32, that is listed in that list).

significant species means any species listed as a significant species on the district map (or, if reference to a more current list is required by clause 28 (4) or 32, that is listed in that list).

strategy document means the *Mid Lachlan Regional Vegetation Management Strategy*, ISBN 0 7347 5204 0, published by the Department, August 2001.

the Act means the *Native Vegetation Conservation Act 1997*.

- (2) Expressions used in this plan that are defined in the Act have the same meanings in this plan as the meanings given to them in the Act unless they are otherwise defined in this plan.
- (3) If any provision in this plan is genuinely capable of different interpretations, the interpretation that best meets the aims of this plan prevails.

4 Aims of plan

The aims of this plan are as follows:

- (a) to promote and encourage partnerships between the community and governments through consultation and participation,

- (b) to encourage and promote the retention, restoration and re-establishment of native vegetation,
- (c) to identify native vegetation and habitat of high conservation value, or social or cultural significance, requiring protection,
- (d) to encourage the revegetation of land with appropriate vegetation,
- (e) to identify areas where clearing native vegetation needs development consent,
- (f) to identify where clearing can be undertaken without the need for development consent,
- (g) to recognise the social and economic impacts of this plan.

5 Land to which plan applies

This plan applies to all land within the *Mid Lachlan region* (being the region comprising the local government areas of Parkes, Forbes, Weddin, Bland, and Lachlan south of the Lachlan River).

Note. Land excluded from the operation of the Act (and, therefore, this plan) by section 9 of the Act is shown cross-hatched on the district map.

2001 No 727

Clause 5 Mid Lachlan Regional Vegetation Management Plan 2001

Part 2 Areas where clearing of native vegetation requires development consent

Part 2 Areas where clearing of native vegetation requires development consent

Notes.

- 1 Section 12 of the Act sets out the clearing (as defined in section 5 of the Act) that is excluded from the operation of the Act and, therefore, this plan.
- 2 Under Part 2 of the Act, a person who contravenes any provision of this plan is guilty of an offence under the Act. Section 126 (1) of the *Environmental Planning and Assessment Act 1979* (concerning penalties) applies to any such offence in the same way as it applies to an offence against that Act.

6 Clearing on landscape management areas

Development consent is required to clear native vegetation on any landscape management area except to the extent that any exemption in Division 1 of Part 3 applies to that area.

Note. The following exemptions are relevant:

- (a) clearing for strainer posts (clause 14),
- (b) clearing for firewood (clause 15),
- (c) lopping of foliage for stock fodder (clause 16),
- (d) clearing to maintain existing structures (clause 17),
- (e) clearing to maintain existing public utilities or in emergencies (clause 18),
- (f) clearing planted native vegetation (clause 19),
- (g) clearing in a private native forest (clause 20),
- (h) clearing to control pest animals (clause 21),
- (i) clearing Cypress Pine regrowth (clause 24),
- (j) clearing by registered surveyors (clause 25).

7 Clearing on riparian, wetland and floodplain protection areas

Development consent is required to clear native vegetation on any riparian, wetland and floodplain protection area except to the extent that any exemption in Division 1 of Part 3 applies to that area.

Note. The following exemptions are relevant:

- (a) clearing for strainer posts (clause 14),
- (b) clearing for firewood (clause 15),
- (c) lopping of foliage for stock fodder (clause 16),
- (d) clearing to maintain existing structures (clause 17),
- (e) clearing to maintain existing public utilities or in emergencies (clause 18),
- (f) clearing to control pest animals (clause 21),
- (g) clearing River Red Gum regrowth (clause 23),
- (h) clearing Cypress Pine regrowth (clause 24),
- (i) clearing by registered surveyors (clause 25).

8 Clearing on priority plant communities and habitats areas

Development consent is required to clear native vegetation on any priority plant communities and habitats area except to the extent that any exemption in Division 1 of Part 3 applies to that area.

Note. The following exemptions are relevant:

- (a) clearing to maintain existing structures (clause 17),
- (b) clearing to maintain existing public utilities or in emergencies (clause 18),
- (c) clearing to control pest animals (clause 21),
- (d) clearing Cypress Pine regrowth (clause 24),
- (e) clearing by registered surveyors (clause 25).

9 Clearing that is a “large development” on self-assessment areas

- (1) Development consent is required for any of the following types of clearing, known as *large developments*, carried out on any self-assessment area (whether the development is on the nominated or a potential self-assessment area or partly on each) except to the extent that any exemption in Division 1 of Part 3 applies to that area:

- (a) clearing of more than 400 hectares of land in a 10-year period that involves the removal of some or all of the native vegetation on that land,

Note. For example, if 400 hectares of potential self-assessment area is cleared of native vegetation for the purposes of crop planting in the first 5 years of the 10-year period, and another 100 hectares of nominated self-assessment area is to be cleared in the 7th year (being clearing that involves the removal of some or all of the native vegetation from that land), the clearing of the 100 hectares will require development consent before it can be carried out.

- (b) thinning of more than 400 hectares of land in a 10-year period for grazing purposes that involves the thinning of some or all of the native vegetation on that land,

Note. For example, if native vegetation on 200 hectares of nominated self-assessment area is thinned in the first 3 years of the 10-year period to allow the grass to grow between trees, and another 400 hectares of potential self-assessment area is proposed to be thinned (involving the thinning of some or all of the native vegetation on that land) in the 5th year, the thinning of 200 of the 400 hectares will require development consent before it can be carried out.

2001 No 727

Clause 9 Mid Lachlan Regional Vegetation Management Plan 2001

Part 2 Areas where clearing of native vegetation requires development consent

- (c) high or extreme intensity logging (that is, with retention of less than 49% of the existing canopy of native trees) of more than 200 hectares of land in a 10-year period,

Note. For example, if 200 hectares of potential self-assessment area is subject to high or extreme intensity logging of native trees in the first 3 years of the 10-year period, and intensive logging of native trees is proposed on another 20 hectares of nominated self-assessment area in the 7th year, the logging of the 20 hectares will require development consent before it can be carried out.

- (d) any clearing of native vegetation for multi-purpose developments (for example, tourism, industrial or recreational developments) being developments that require development consent under the local environmental plan for the area concerned,
- (e) clearing of native vegetation for development (other than development for the purpose of a single dwelling-house) within a zone designated “rural-residential” under the local environmental plan for the area concerned.

Note. The following exemptions are relevant:

- (a) clearing for strainer posts (clause 14),
 - (b) clearing for firewood (clause 15),
 - (c) lopping of foliage for stock fodder (clause 16),
 - (d) clearing to maintain existing structures (clause 17),
 - (e) clearing to maintain existing public utilities or in emergencies (clause 18),
 - (f) clearing to control pest animals (clause 21),
 - (g) clearing by registered surveyors (clause 25).
- (2) Despite subclause (1), clause 10 applies to any clearing that is large development that is carried out on Crown land in a self-assessment area (whether nominated or potential).
 - (3) For the purposes of subclause (1) (a)–(c), **10-year period** means the period of 10 years commencing on the day this plan commences and each subsequent period of 10 years.

10 Clearing on Crown land in self-assessment areas

- (1) Development consent is required to clear native vegetation on Crown land in any self-assessment area (whether nominated or potential) except to the extent that any exemption in Division 1 of Part 3 applies to that area.

Note. The following exemptions are relevant:

- (a) lopping of foliage for stock fodder (clause 16),
 - (b) clearing to maintain existing structures (clause 17),
 - (c) clearing to maintain existing public utilities or in emergencies (clause 18),
 - (d) clearing to control pest animals (clause 21),
 - (e) clearing native vegetation that is regrowth (clause 22),
 - (f) clearing by registered surveyors (clause 25).
- (2) Despite subclause (1), clause 12 applies to the clearing of native vegetation on Crown land in the nominated self-assessment area that is otherwise required to be retained, re-established or recruited under the best practice clearing standards.

11 Clearing in potential self-assessment areas not falling within clause 9 or 10

- (1) Development consent is required to clear native vegetation on any potential self-assessment area except to the extent that any exemption in Division 1 of Part 3 applies to that area.

Note. The following exemptions are relevant:

- (a) clearing for strainer posts (clause 14),
 - (b) clearing for firewood (clause 15),
 - (c) lopping of foliage for stock fodder (clause 16),
 - (d) clearing to maintain existing structures (clause 17),
 - (e) clearing to maintain existing public utilities or in emergencies (clause 18),
 - (f) clearing planted native vegetation (clause 19),
 - (g) clearing in a private native forest (clause 20),
 - (h) clearing to control pest animals (clause 21),
 - (i) clearing native vegetation that is regrowth (clause 22),
 - (j) clearing by registered surveyors (clause 25).
- (2) Subclause (1) does not apply to land within a potential self-assessment area to which clause 9 or 10 applies.

2001 No 727

Clause 12 Mid Lachlan Regional Vegetation Management Plan 2001

Part 2 Areas where clearing of native vegetation requires development consent

12 Clearing native vegetation not in accordance with, or to be retained under, clearing standards

Development consent is required:

- (a) to clear native vegetation in the nominated self-assessment area (including on Crown land) that is otherwise required to be retained, re-established or recruited under the best practice clearing standards, and
- (b) for any clearing of native vegetation in the nominated self-assessment area that may be carried out without consent in accordance with the best practice clearing standards but which will not be carried out in accordance with those standards,

except to the extent that any exemption in Division 1 of Part 3 applies to that area.

Note. The following exemptions are relevant:

- (a) clearing to maintain existing structures (clause 17),
- (b) clearing to maintain existing public utilities or in emergencies (clause 18),
- (c) clearing to control pest animals (clause 21),
- (d) clearing by registered surveyors (clause 25).

Part 3 Areas where clearing of native vegetation does not require development consent

Note. Under Part 2 of the Act, a person who contravenes any provision of this plan is guilty of an offence under that Act. Section 126 (1) of the *Environmental Planning and Assessment Act 1979* (concerning penalties) applies to any such offence in the same way as it applies to an offence against that Act.

Division 1 Clearing in accordance with clearing exemptions

13 Operational limits and proof of exemptions

- (1) Subject to subclause (2), the operation of the exemptions provided for in this Division is limited as follows:
 - (a) in relation to any area of land the subject of a development consent that authorises the clearing of native vegetation on that area—no exemption operates while the development consent is in force (regardless of whether or not any such clearing has commenced under that development consent),
 - (b) in relation to the entire nominated self-assessment area (other than any part to which paragraph (a) applies)—no clearing exemption operates from the date that any clearing under Division 2 of this Part commences until 10 years after the date that self-assessment for the area was completed (as stated in the certificate required by clause 28 (6)).
- (2) The limits on the operation of exemptions referred to in subclause (1) do not apply to the following exemptions:
 - (a) clearing for strainer posts (clause 14),
 - (b) clearing for firewood (clause 15),
 - (c) clearing to maintain existing structures (clause 17),
 - (d) clearing to maintain existing public utilities or in emergencies (clause 18),
 - (e) clearing to control pest animals (clause 21),
 - (f) clearing by registered surveyors (clause 25).
- (3) In any proceedings, a landholder relying on any exemption in this Division bears the onus of proving the exemption.

2001 No 727

Clause 14	Mid Lachlan Regional Vegetation Management Plan 2001
Part 3	Areas where clearing of native vegetation does not require development consent
Division 1	Clearing in accordance with clearing exemptions

14 Clearing for strainer posts

(1) Application

This exemption applies only in relation to the following areas of land:

- (a) landscape management areas,
- (b) riparian, wetland and floodplain protection areas,
- (c) self-assessment areas (potential or nominated) other than the following:
 - (i) any area that is Crown land,
 - (ii) any area within the nominated self-assessment area that is required by the best practice clearing standards to be retained or re-established, or on which is located native vegetation required by those standards to be recruited.

(2) Exemption

Native trees may be cleared without development consent on areas of land to which this exemption applies for the purpose of providing strainer posts but only if:

- (a) the strainer posts are for the landholding from which the trees are cleared, and
- (b) the clearing is to the minimum extent necessary to meet an immediate need for strainer posts on that landholding, and
- (c) the clearing is carried out only by sawing or hewing down the trees (and not, for example, by poisoning or bulldozing), and
- (d) the trees cleared do not comprise:
 - (i) a component of a significant community, or
 - (ii) a significant species, or
 - (iii) hollow bearing trees with a diameter at breast height over bark of more than 35 centimetres that are important habitat components for a significant species.

Note. Important habitat components are discussed in section 3.5.1 (f) of the strategy document.

15 Clearing for firewood

(1) Application

This exemption applies only in relation to the following areas of land:

- (a) landscape management areas,
- (b) riparian, wetland and floodplain protection areas,

- (c) self-assessment areas (potential or nominated) other than the following:
 - (i) any area that is Crown land,
 - (ii) any area within the nominated self-assessment area that is required by the best practice clearing standards to be retained or re-established, or on which is located native vegetation required by those standards to be recruited.

(2) **Exemption**

Native trees may be cleared without development consent on areas of land to which this exemption applies for the purpose of providing firewood but only if:

- (a) the firewood is only for personal use, and
- (b) the clearing is to the minimum extent necessary for that personal use, and
- (c) the clearing is carried out only by sawing or hewing down the trees (and not, for example, by poisoning or bulldozing), and
- (d) the trees cleared do not comprise:
 - (i) a component of a significant community, or
 - (ii) a significant species, or
 - (iii) hollow bearing trees with a diameter at breast height over bark of more than 35 centimetres that are important habitat components for a significant species.

Note. Important habitat components are discussed in section 3.5.1 (f) of the strategy document.

(3) In this clause, *personal use* means:

- (a) for the use (anywhere) of the landholder, and
- (b) for the use (anywhere) of the landholder's parents and children, and
- (c) for the use of the landholder's employees who reside on the landholding, but only for use on that landholding.

16 Lopping of foliage for stock fodder

(1) **Application**

This exemption applies only in relation to the following areas of land:

- (a) landscape management areas,
- (b) riparian, wetland and floodplain protection areas,

2001 No 727

Clause 16	Mid Lachlan Regional Vegetation Management Plan 2001
Part 3	Areas where clearing of native vegetation does not require development consent
Division 1	Clearing in accordance with clearing exemptions

- (c) self-assessment areas (potential or nominated) other than any area within the nominated self-assessment area that is required by the best practice clearing standards to be retained or re-established, or on which is located native vegetation required by those standards to be recruited.

(2) **Exemption**

The foliage of native trees may be lopped without development consent on areas of land to which this exemption applies for the purpose of providing stock fodder but only if:

- (a) the foliage removed is suitable for stock fodder, and
- (b) the foliage does not comprise:
 - (i) a component of a significant community, or
 - (ii) a significant species, or
 - (iii) the trunk or primary branches of the trees.

17 Clearing to maintain existing structures

(1) **Application**

This exemption applies only in relation to the following areas of land:

- (a) landscape management areas,
- (b) riparian, wetland and floodplain protection areas,
- (c) priority plant communities and habitats areas,
- (d) self-assessment areas (potential or nominated).

(2) **Exemption**

Native vegetation may be cleared without development consent on areas of land to which this exemption applies for the purpose of maintaining existing structures but only if:

- (a) the structure is necessary for the operation of the landholding (for example, farm dams, tracks, bores, windmills, fences, fence lines, stockyards, loading ramps, sheds, and earthworks for soil conservation such as gully control structures and diversion or contour banks) but is not naturally occurring (for example, is not a cowl or other natural water body), and
- (b) the clearing is to the minimum extent necessary to maintain the structure for the purpose for which a structure of that type normally functions or is normally used on a landholding.

18 Clearing to maintain existing public utilities or in emergencies**(1) Application**

This exemption applies only in relation to the following areas of land:

- (a) landscape management areas,
- (b) riparian, wetland and floodplain protection areas,
- (c) priority plant communities and habitats areas,
- (d) self-assessment areas (potential or nominated).

(2) Exemption

Native vegetation may be cleared without development consent on areas of land to which this exemption applies for the purpose of maintaining existing public utilities, protecting persons from injury or death, or protecting property threatened by an actual or imminent emergency, but only if:

- (a) in the case of a public utility, the clearing is limited to the minimum extent necessary to ensure the continued operation of the utility, and
- (b) in the case of emergency work, the clearing is limited to the minimum extent necessary to address the situation of emergency or imminent emergency.

19 Clearing planted native vegetation**(1) Application**

This exemption applies only in relation to the following areas of land:

- (a) landscape management areas,
- (b) self-assessment areas (potential or nominated) other than the following:
 - (i) any area that is Crown land,
 - (ii) any area the subject of large development,
 - (iii) any area within the nominated self-assessment area that is required by the best practice clearing standards to be retained or re-established, or on which is located native vegetation required by those standards to be recruited.

2001 No 727

Clause 19	Mid Lachlan Regional Vegetation Management Plan 2001
Part 3	Areas where clearing of native vegetation does not require development consent
Division 1	Clearing in accordance with clearing exemptions

(2) **Exemption**

Planted native vegetation may be cleared without development consent on areas of land to which this exemption applies, but only if:

- (a) it was planted only for the purpose of forestry, agriculture, agroforestry, woodlots, gardens or horticulture (and not, for example, for the purpose of satisfying the best practice clearing standards), and
- (b) it does not comprise a component of a significant community, or a significant species.

(3) In subclause (2), *planted* means put or set in the ground for growth.

20 Clearing in a private native forest

(1) **Application**

This exemption applies only in relation to the following areas of land:

- (a) landscape management areas,
- (b) self-assessment areas (potential or nominated) other than the following:
 - (i) any area that is Crown land,
 - (ii) any area the subject of large development,
 - (iii) any area within the nominated self-assessment area that is required by the best practice clearing standards to be retained or re-established, or on which is located native vegetation required by those standards to be recruited.

(2) **Exemption**

Native vegetation in a private native forest may be cleared without development consent on areas of land to which this exemption applies but only if:

- (a) the forest was, on the day this plan commenced, and still is:
 - (i) being managed in accordance with management practices that are consistent with selective logging on a sustainable basis, or
 - (ii) being otherwise managed on a sustainable basis for forestry purposes (that is, for timber production),

and the owner of the forest has clear documentary evidence to support this (for example, forest management plans, silviculture plans or harvesting plans), and

- (b) any clearing done under this exemption is consistent with the sustainable management practices concerned, and
- (c) the native vegetation to be cleared does not comprise a component of a significant community, or a significant species.
- (3) In this clause, ***private native forest*** means an area of native forest, under private ownership or control, with the following features:
 - (a) its tallest vegetation is mainly woody, usually with a single stem, and has a mature height (or potentially mature height) of over 5 metres,
 - (b) the canopy of its overstorey trees is equal to or greater than 20% of its ground area.

21 Clearing to control pest animals

(1) Application

This exemption applies only in relation to the following areas of land:

- (a) landscape management areas,
- (b) riparian, wetland and floodplain protection areas,
- (c) priority plant communities and habitats areas,
- (d) self-assessment areas (potential or nominated).

(2) Exemption

Native vegetation may be cleared without development consent on areas of land to which this exemption applies for the purpose of controlling pest animals (within the meaning of the *Rural Lands Protection Act 1989*) but only if:

- (a) the clearing is necessary to comply with a control order issued under that Act, and
- (b) the clearing is to the minimum extent necessary to comply with the control order.

22 Clearing native vegetation that is regrowth

(1) Application

This exemption applies only in relation to self-assessment areas (potential or nominated) other than the following areas:

- (a) any area the subject of large development,

2001 No 727

Clause 22	Mid Lachlan Regional Vegetation Management Plan 2001
Part 3	Areas where clearing of native vegetation does not require development consent
Division 1	Clearing in accordance with clearing exemptions

- (b) any area within the nominated self-assessment area that is required by the best practice clearing standards to be retained or re-established, or on which is located native vegetation required by those standards to be recruited.

(2) **Exemption**

Native vegetation may be cleared without development consent on areas of land to which this exemption applies but only if:

- (a) the area to be cleared of native vegetation has previously been cleared or thinned for agricultural purposes, and
- (b) the native vegetation is not more than 20 years old at the time it is cleared under this exemption, and
- (c) the native vegetation that is cleared under this exemption does not comprise potential koala habitat that is identified as core koala habitat (as defined in clause 30 (9)), and
- (d) a property sketch plan is prepared in accordance with the relevant sections of chapter 1.4, and section 3.2.1 (i), of the strategy document, and
- (e) the clearing is carried out as part of usual procedures for managing regrowth on the land concerned, and during the usual clearing rotation applied to the land, as specified in the property sketch plan.

(3) The property sketch plan must be kept:

- (a) for 10 years, or
- (b) for the duration of the full rotation period applied to the land concerned in managing regrowth on the land (as specified in the property sketch plan),

whichever is longest.

23 Clearing River Red Gum regrowth

(1) **Application**

This exemption applies only in relation to riparian, wetland and floodplain protection areas.

(2) **Exemption**

The exemption for River Red Gum (*Eucalyptus camaldulensis*) regrowth applies as follows:

-
- (a) River Red Gums that have occurred since the last flood event affecting the land and that are not more than 10 years old at the time they are cleared may be cleared without development consent on areas of land to which this exemption applies.
 - (b) River Red Gums that are not more than 15 years old at the time they are cleared (whether or not they have occurred since the last flood event) and that occur in natural or derived native grassland (or both) or in an area that has previously been cleared, may be thinned without development consent on areas of land to which this exemption applies but only if:
 - (i) a full farm plan is prepared (in accordance with the procedure set out in the relevant sections of chapter 1.4 of the strategy document) for the purposes of applying this exemption to the proposed thinning event, and
 - (ii) the area of River Red Gum with respect to which the exemption for thinning is intended to operate (that is, in relation to the proposed thinning event) is clearly identified as the designated area on the full farm plan, and
 - (iii) at least 20% of the total canopy cover provided by the River Red Gums in the designated area is retained, and
 - (iv) an estimated mature canopy cover equivalent to at least 20% of the designated area is retained (that is, there must be retained sufficient River Red Gums as would, on their maturity, provide a canopy cover equivalent to at least 20% of the designated area), and
 - (v) there are no Aboriginal relics or places identified in the designated area as a result of a search of the Aboriginal Sites Register, and an on-ground survey carried out in accordance with the procedure set out in chapter 1.4 of the strategy document, and
 - (vi) the thinning is carried out with minimal disturbance to soil, groundcover, understory, and any other native tree species.
 - (c) River Red Gums:
 - (i) that are not more than 15 years old at the time they are cleared (whether or not they have occurred since the last flood event), and

2001 No 727

Clause 23	Mid Lachlan Regional Vegetation Management Plan 2001
Part 3	Areas where clearing of native vegetation does not require development consent
Division 1	Clearing in accordance with clearing exemptions

- (ii) that occur in an area of native vegetation in which the canopy provided by the crowns of native trees covers more than 10% of the area,

may be thinned without development consent on areas of land to which this exemption applies but only if the requirements in paragraph (b) (i)–(iii), (v) and (vi) are satisfied in relation to the area.

- (3) A full farm plan prepared for the purposes of this exemption must be retained for a minimum period of 10 years.

24 Clearing Cypress Pine regrowth

(1) Application

This exemption applies only in relation to the following areas of land:

- (a) landscape management areas,
- (b) riparian, wetland and floodplain protection areas,
- (c) priority plant communities and habitats areas.

(2) Exemption

White Cypress Pine (*Callitris glaucophylla*) and Black Cypress Pine (*Callitris endlicheri*) may be cleared without development consent on areas of land to which this exemption applies but only if:

- (a) the Cypress Pines to be cleared under this exemption have a diameter at breast height over bark of not more than 30 centimetres, and
- (b) they occur:
 - (i) in grasslands, or in an area that has previously been cleared for agricultural purposes, or in an area in which native vegetation is not the dominant vegetation and the canopy provided by the crowns of native trees covers less than 10% of the area, or
 - (ii) in an area that is dominated by native vegetation and in which the canopy provided by the crowns of native trees covers more than 10% of the area, and

- (c) in the case of clearing in an area referred to in paragraph (b) (i)—at least 5 Cypress Pines, at least 2 metres tall, are retained on any given hectare of that area (so there must be more than 5 Cypress Pines, at least 2 metres tall, on any given hectare of the area before this exemption can operate in the area), and
- (d) in the case of clearing in an area referred to in paragraph (b) (ii):
 - (i) the area of Cypress Pine with respect to which this exemption is intended to operate (that is, in relation to the proposed clearing event) is designated, and
 - (ii) at least 25% of the designated area, being representative of the structure and density of the Cypress Pines in the designated area, is retained, and
 - (iii) at least 50 Cypress Pines are retained on any given hectare of the remaining 75% of the designated area (so there must be more than 50 Cypress Pines on any given hectare of the remaining area before this exemption can operate in the area), and
 - (iv) there are no Aboriginal relics or places identified in the designated area as a result of a search of the Aboriginal Sites Register, and an on-ground survey carried out in accordance with the procedure set out in chapter 1.4 of the strategy document, and
 - (v) there is no subsequent clearing of Cypress Pines under this exemption in an area retained under subparagraph (ii) unless there exists elsewhere in the designated area an equivalent area of Cypress Pine of a comparable canopy density that can be (and is) retained in its place.
- (3) A square grid must be used to determine the number of Cypress Pines on any given hectare of the area concerned.

25 Clearing by registered surveyors

(1) Application

This exemption applies only in relation to the following areas of land:

- (a) landscape management areas,
- (b) riparian, wetland and floodplain protection areas,
- (c) priority plant communities and habitats areas,

2001 No 727

Clause 25	Mid Lachlan Regional Vegetation Management Plan 2001
Part 3	Areas where clearing of native vegetation does not require development consent
Division 1	Clearing in accordance with clearing exemptions

- (d) self-assessment areas (potential or nominated).

(2) Exemption

Native vegetation may be cleared without development consent on areas of land to which this exemption applies for the purpose of carrying out surveys (within the meaning of the *Surveyors Act 1929*) on property boundaries but only if:

- (a) the surveying is carried out by a registered surveyor, and
- (b) the clearing is to the minimum extent necessary for the surveying concerned.

Division 2 Clearing on nominated self-assessment area

26 When development consent is not required

- (1) Native vegetation may be cleared without development consent in the nominated self-assessment area but only if:
 - (a) the minimum planning requirements for self-assessment set out in clause 28, and all applicable best practice clearing standards, are complied with in relation to the nominated self-assessment area, or
 - (b) an exemption under Division 1 of this Part applies to the clearing concerned.

Note. The following exemptions are relevant:

- (a) clearing for strainer posts (clause 14),
- (b) clearing for firewood (clause 15),
- (c) lopping of foliage for stock fodder (clause 16),
- (d) clearing to maintain existing structures (clause 17),
- (e) clearing to maintain existing public utilities or in emergencies (clause 18),
- (f) clearing planted native vegetation (clause 19),
- (g) clearing in a private native forest (clause 20),
- (h) clearing to control pest animals (clause 21),
- (i) clearing native vegetation that is regrowth (clause 22),
- (j) clearing by registered surveyors (clause 25).

- (2) Despite subclause (1) (a):

- (a) clause 9 applies to any clearing carried out in the nominated self-assessment area that is large development, and

- (b) clause 10 or 12, as the case may be, applies to any clearing of native vegetation on Crown land in the nominated self-assessment area.
- (3) Nothing in this Division prevents development consent from being granted in respect of clearing in the nominated self-assessment area that may be carried out without development consent under this Division.

27 Nomination of self-assessment area and duration of status

- (1) The nominated self-assessment area:
 - (a) must be a contiguous area of more than 50 hectares but not more than 400 hectares (including any Crown land or land the subject of large development, or any river, creek, watercourse or other flowline), being an area represented on the district map as a self-assessment area (that is, coloured pink, white or grey), and
 - (b) must be contained within the landholding identified on the full farm plan required to be prepared for the purposes of self-assessment under clause 28.
- (2) The landholder is to nominate the self-assessment area by identifying the area as the nominated self-assessment area on the full farm plan.
- (3) Only one self-assessment area may be nominated at any one time in relation to a landholding.
- (4) The nominated self-assessment area retains that status for a period of 10 years, starting from the date on which self-assessment is completed in relation to the area (as stated in the certificate required by clause 28 (6)), except in the following circumstances:
 - (a) before the 10-year period expires and before any clearing of native vegetation on the area commences under this Division, the landholder ceases to be landholder of all or any part of the area—in which case the entire nominated self-assessment area reverts to being a potential self-assessment area,

2001 No 727

Clause 27 Mid Lachlan Regional Vegetation Management Plan 2001

Part 3 Areas where clearing of native vegetation does not require development consent

Division 2 Clearing on nominated self-assessment area

- (b) before the 10-year period expires and after any clearing of native vegetation on the area commences under this Division, the landholder ceases to be landholder of the entire area—in which case the entire nominated self-assessment area reverts to being a potential self-assessment area, except that it cannot be nominated again as a self-assessment area until the 10-year period expires,
- (c) before the 10-year period expires and after any clearing of native vegetation on the area commences under this Division, the landholder ceases to be landholder of part only of the area—in which case, until the 10-year period expires:
 - (i) the part of the nominated self-assessment area in relation to which the landholder ceases to be landholder reverts to being a potential self-assessment area, except that it cannot be nominated again as a self-assessment area, and
 - (ii) this Division continues to apply to the retained part of the nominated self-assessment area as it did immediately before the landholder so ceased to be landholder (that is, the retained area is still considered to be nominated self-assessment area and this Division is to apply to it as if it still formed part of what was the entire nominated self-assessment area),
- (d) before the 10-year period expires and before any clearing under this Division has commenced, the landholder cancels the nomination of the self-assessment area in accordance with subclause (5)—in which case the entire nominated self-assessment area reverts to being a potential self-assessment area on and from the cancellation day.
- (5) The landholder may, at any time before commencing clearing under this Division, cancel the nomination of the self-assessment area by:
 - (a) obtaining the written consent of the owner or (if there is more than one owner) owners to the cancellation, and
 - (b) recording the date of cancellation in the full farm plan.The cancellation takes effect on and from the date so recorded.

- (6) The Director-General may grant an exemption from the application of subclause (4) (a)–(c) to a nominated self-assessment area if the landholder who ceases to be a landholder in relation to that area or part of that area (as referred to in those paragraphs) is not an owner of the landholding to which that area relates.

Note. The effect of an exemption granted under subclause (6) is that subclause (4) will apply in relation to the nominated self-assessment area as if the landholder concerned had not ceased to be landholder in relation to that area or part of that area, as the case may be.

- (7) The owner or (if there is more than one owner) owners of the landholding on which a self-assessment area is nominated may apply in writing to the Director-General for an exemption under subclause (6).
- (8) If the landholder is to cease being a landholder in relation to the nominated self-assessment area or any part of that area before the 10-year period expires, the landholder must record that information in the full farm plan on or before the date the landholder so ceases to be the landholder.

28 Minimum planning requirements for self-assessment

(1) Information support package

Before commencing self-assessment, the landholder must obtain an information support package for self-assessment from the Department. The initial package obtained from the Department in relation to the nominated self-assessment area is to contain the following:

- (a) a copy of the strategy document,
- (b) an extract of the district map relevant to the landholding (including associated legends, and lists of significant communities and significant species relevant to the area),
- (c) the results of a search of the Aboriginal Sites Register (if, and to the extent that, such results are made available to the Department by the National Parks and Wildlife Service),
- (d) copies of relevant vegetation guides,
- (e) a property planning kit,
- (f) a checklist to ensure that all relevant matters are addressed,
- (g) a certification form (to be completed for the purposes of satisfying subclause (6)).

2001 No 727

Clause 28 Mid Lachlan Regional Vegetation Management Plan 2001

Part 3 Areas where clearing of native vegetation does not require development consent

Division 2 Clearing on nominated self-assessment area

- (2) Any subsequent information support package obtained from the Department in relation to the nominated self-assessment area is to contain:

- (a) current lists of significant communities and significant species relevant to the area, and
- (b) the results of a search of the Aboriginal Sites Register (if, and to the extent that, such results are made available to the Department by the National Parks and Wildlife Service).

A subsequent information support package is to contain a district map extract only if the district map contained in the initial package has been revised.

- (3) **Self-assessment**

The landholder must prepare a full farm plan in accordance with the procedures set out in the relevant sections of chapter 1.4, and sections 3.4.2 and 3.4.3, of the strategy document. As a minimum requirement, the full farm plan must contain:

- (a) an aerial photograph of the landholding that clearly identifies the following:
 - (i) the boundaries of the landholding,
 - (ii) the nominated self-assessment area,
 - (iii) the main permanent features on the landholding (both natural and constructed),
 - (iv) the features on the landholding that are periodically maintained (for example fence lines, paddocks, earthworks and laneways),
 - (v) the natural resources on the landholding,
 - (vi) all areas of native vegetation on the landholding (with native vegetation types described),
 - (vii) the areas of native vegetation to be cleared and those to be retained in the nominated self-assessment area in accordance with the best practice clearing standards, and
- (b) assessments of the condition of the native vegetation and of the natural resources on the landholding (carried out in accordance with the procedure set out in chapter 1.4 of the strategy document), and

- (c) the results of a search of the Aboriginal Sites Register (if, and to the extent that, such results are provided in the current information support package), and
- (d) the results of an on-ground survey for Aboriginal relics, and targeted flora and fauna surveys (carried out in accordance with the procedure set out in chapter 1.4 of the strategy document), and
- (e) the consent of the owner or (if there is more than one owner) owners of the landholding to the preparation of the full farm plan.

(4) **Time frame for self-assessment**

There is no limit on the time that may be taken to carry out self-assessment. However, the lists of significant communities and significant species relevant to the area and the results (if any) of a search of the Aboriginal Sites Register in an information support package are valid for only 12 weeks (starting from the date the package is obtained by the landholder).

Accordingly, the only such lists and search results that are relevant for the purposes of self-assessment are those that are no more than 12 weeks old as at the date self-assessment is completed.

Note. So although there is no time limit on carrying out self-assessment, the lists and search results (as referred to in subclause (4)) that are finally used in carrying out self-assessment must be less than 12 weeks old as at the date self-assessment is completed, and the lists (including those on the district map extract) and search results in any earlier or initially obtained information support packages become irrelevant.

(5) **Time frame for clearing native vegetation**

Any clearing of native vegetation that is identified through the self-assessment process and that is proposed to be carried out must be commenced no more than 12 weeks, and completed no more than 2 years, after the date on which self-assessment is completed.

(6) **Certificate**

On completing self-assessment, and before commencing any clearing of native vegetation in the nominated self-assessment area under this Division, the landholder must complete and sign a written statement certifying:

- (a) the date the self-assessment is completed, and
- (b) that the landholder has completed each component of self-assessment in accordance with this plan.

2001 No 727

Clause 28	Mid Lachlan Regional Vegetation Management Plan 2001
Part 3	Areas where clearing of native vegetation does not require development consent
Division 2	Clearing on nominated self-assessment area

The landholder must not make any statement in the certificate that the landholder knows to be false or misleading.

(7) **Record keeping**

The landholder must:

- (a) retain all records and documents relating to self-assessment (including the full farm plan and the certificate) for a minimum period of 10 years, and
- (b) if the landholder is to cease being a landholder in relation to the nominated self-assessment area or any part of that area before the 10-year period expires, provide the prospective landholder or landholders, as the case may be, with a certified copy of all such records and documents on or before the date the landholder so ceases to be the landholder.

29 Best practice clearing standards—clearing that may be carried out only with development consent

The following clearing may be carried out only with development consent (except to the extent that any exemption in Division 1 applies):

- (a) clearing that is large development in the nominated self-assessment area (clause 9 applies),
- (b) clearing of native vegetation on Crown land in the nominated self-assessment area that is not required to be retained, re-established or recruited under the best practice clearing standards in clause 30 or 31,
- (c) clearing of native vegetation in the nominated self-assessment area (including on Crown land) that is otherwise required to be retained, re-established or recruited under the best practice clearing standards in clause 30 or 31 (clause 12 applies),
- (d) clearing of native vegetation in the nominated self-assessment area that may be carried out without consent under those standards but which will not be carried out in accordance with those standards (clause 12 applies).

30 Best practice clearing standards—minimum standards for vegetation retention and re-establishment

(1) Application of standards

This clause specifies the minimum standards that apply in relation to retaining and re-establishing native vegetation on key features on the landscape of the nominated assessment area.

Note. These key features include the following:

- (a) minor watercourses, creeks, rivers, wetlands and associated riparian zones and floodplains,
- (b) hills, ridge lines and areas that are important for soil conservation, water quality and salinity management,
- (c) priority plant communities (as listed on the district map or in a more current list),
- (d) Aboriginal places and the sites of Aboriginal relics.

(2) Minimum remnant size

At least 2 patches of native vegetation of at least 25 hectares each, or at least 1 patch of native vegetation of at least 40 hectares, must be retained in the nominated self-assessment area. These retained areas must be at least 400 metres wide and fenced.

This standard does not apply if the only clearing to be carried out in the nominated self-assessment area is the clearing of scattered paddock trees.

Note. The clearing of scattered paddock trees is the subject of a specific minimum standard in clause 31 (1).

(3) Aboriginal sites and places

Any Aboriginal place, or site of an Aboriginal relic, within the nominated self-assessment area, that is identified in the results (if any) of the search of the Aboriginal Sites Register, or the results of the on-ground survey for Aboriginal relics (being the search and survey carried out for the purposes of self-assessment) must be retained.

Note. It is an offence under section 90 of the *National Parks and Wildlife Act 1974* to knowingly destroy, deface or damage an Aboriginal place or relic unless a consent to do so is first obtained under that Act.

It is an offence under section 91 of that Act for a person who is aware of the site of a relic to fail to notify the Director-General of National Parks and Wildlife within a reasonable time of that site unless the person believes on reasonable grounds that the Director-General is aware of that site.

(4) Riparian buffers and wetland communities

The following native vegetation must be retained within the nominated self-assessment area:

2001 No 727

Clause 30	Mid Lachlan Regional Vegetation Management Plan 2001
Part 3	Areas where clearing of native vegetation does not require development consent
Division 2	Clearing on nominated self-assessment area

- (a) any native vegetation within 20 metres of the canopy of any riparian or wetland community listed as a significant community on the district map (or, if reference to a more current list is required by clause 28 (4), in that list),

Note. Under clause 7, development consent is required to clear these communities.

- (b) any native vegetation within, or within strips of land at least 20 metres wide on either side of, the bed or bank of a river, creek, watercourse or other flowline that is identified on the district map as a third, or higher, order stream,
- (c) any native vegetation within strips of land on either side of any flowline (other than constructed riparian channels) identified on the district map as a first or second order stream.

The total width of both strips must be at least 40 metres including the banks of the stream, but this width need not be evenly distributed on each side of the stream.

Note. That the total buffer width need not be evenly distributed on each side of the stream allows the buffer strips to follow environmental contours and incorporate the natural features of the landscape. It also facilitates fencing of the buffer strips.

Any strips of native vegetation required to be retained under paragraphs (b) and (c) must be managed so as to prevent or control sediment and nutrient rich run-off entering the flowline and, wherever practicable, must be fenced.

Steps must be taken to re-establish local native trees or local native groundcover or both (as is appropriate to the area concerned) on any area required to be retained by paragraphs (b) and (c) that has previously been cleared.

(5) **Native vegetation on steep hill slopes, prominent ridges and rocky outcrops**

Any native vegetation on any of the following landscape features in the nominated self-assessment area must be retained:

- (a) steep hill slopes (typically, these slopes are more than 14° with soil and slope properties that make them particularly susceptible to erosion),
- (b) prominent ridges (typically, these ridges have narrow crests and adjoining slopes with shallow soils that are particularly susceptible to erosion),

- (c) rock outcrops (being areas with a high proportion of exposed rock or boulders when compared with the surrounding area).

(6) **Native vegetation on areas associated with gully erosion**

Any native vegetation on areas with active gully erosion (being erosion of soil by water flow, resulting in the formation of an incised channel that is more than 30 centimetres deep) within the nominated self-assessment area must be retained.

(7) **Native vegetation on salinity management areas**

Within the nominated self-assessment area, there must be retained a strip of native vegetation at least 50 metres wide (to act as an interception belt) between any recharge area and discharge area identified in the nominated self-assessment area.

In this subclause:

discharge area means an area in which salty groundwater flows and discharges onto or near the soil surface (for example, as seeps or springs) causing non-native vegetation, tolerant of normal saline levels in the soil, to die.

recharge area means an area in which water in excess of the water-holding capacity of the soil moves below the root-zone and is absorbed into a geological zone of saturation or aquifer.

(8) **Priority plant communities and animal habitats**

Within the nominated self-assessment area, the following native vegetation must be retained:

- (a) any native vegetation on a 25 metre (fenced) or a 50 metre (unfenced) wide strip of land surrounding any priority plant community listed as a significant community on the district map (or, if reference to a more current list is required by clause 28 (4), in that list),

Note. Under clause 8, development consent is required to clear these communities.

- (b) any patches of native vegetation that are being used or are likely to be used by threatened or regionally significant species of fauna (as identified in the targeted species surveys and recorded in the full farm plan).

2001 No 727

Clause 30	Mid Lachlan Regional Vegetation Management Plan 2001
Part 3	Areas where clearing of native vegetation does not require development consent
Division 2	Clearing on nominated self-assessment area

(9) **Areas of koala habitat**

The following native vegetation must be retained if it occurs within the nominated self-assessment area, in the local government area of Parkes, Forbes or Weddin:

- (a) any native vegetation identified in relation to the protection and management of koala habitat in a koala plan of management approved under *State Environmental Planning Policy No 44—Koala Habitat Protection*,
- (b) any potential koala habitat that is core koala habitat:
 - (i) that has an area of more than 1 hectare, or
 - (ii) that has, together with any adjoining land in the same ownership, an area of more than 1 hectare (whether or not the adjoining land forms part of the nominated self-assessment area or is potential koala habitat),

In this subclause:

core koala habitat means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.

potential koala habitat means areas of native vegetation where trees of the types listed in Schedule 2 to *State Environmental Planning Policy No 44—Koala Habitat Protection*, as well as the Tumbledown Red Gum (*Eucalyptus dealbata*), constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

(10) **Corridors and connecting vegetation**

Within the nominated self-assessment area:

- (a) if any 2 connected areas of native vegetation, each of more than 2 hectares, are to be retained, then a strip of native vegetation linking them that is at least 25 metres wide (if fenced) or 50 metres wide (if unfenced) must be retained, and
- (b) any woody native vegetation within any regional corridor (coloured pink on the district map) that connects ridge tops with riparian vegetation or that acts as “stepping stone” connections between hills or ridges must be retained.

In this subclause:

riparian vegetation means native vegetation in a riparian zone (being any land that adjoins, directly influences, or is influenced by, a body of water, including land immediately alongside small creeks and rivers, such as banks, gullies and dips that sometimes run with surface water, areas surrounding lakes including terminal lakes, and wetlands that interact with rivers in times of flood).

woody native vegetation means native vegetation other than native groundcover.

(11) **Windbreaks and shelter belts**

Strips of native vegetation must be retained in any paddock within the nominated self-assessment area that is to be cleared. The strips:

- (a) must each be 25 metres wide (if fenced) or 50 metres wide (if unfenced), and
- (b) must be parallel to each other and at intervals of no less than 500 metres, and
- (c) must be located so as to provide a break or shelter against prevailing winds (for example, if the prevailing winds blow from a northerly direction, the strips are to be retained on the northern side of the paddock), and
- (d) wherever practicable, must be located so that they connect with other areas of native vegetation.

(12) **Native grasslands**

At least one corner of any native pasture paddock within the nominated self-assessment area that is to be cropped or that is to be subject to any pasture improvements must be retained to provide a viable groundcover seedbank. The retained area must be upwind and away from stock watering points.

In this clause, ***pasture improvements*** means any type of manipulation of plant species in the ground to improve pasture growth (for example, through fertilising or sowing pasture seeds).

(13) **Significant communities or significant species**

Within the nominated self-assessment area, native vegetation that is a component of a significant community, or that is a significant species, must be retained.

2001 No 727

Clause 31	Mid Lachlan Regional Vegetation Management Plan 2001
Part 3	Areas where clearing of native vegetation does not require development consent
Division 2	Clearing on nominated self-assessment area

31 Best practice clearing standards—minimum standards for specific activities

(1) Clearing scattered paddock trees

The minimum standards for clearing scattered paddock trees are as follows:

- (a) any scattered paddock trees that are a significant species must be retained,
- (b) at least 10 trees or shrubs (or both) listed as components of significant communities on the district map (or, if reference to a more current list is required by clause 28 (4), in that list) must be planted in the nominated self-assessment area for each scattered native tree to be cleared from the nominated self-assessment area,
- (c) the replacement trees or shrubs:
 - (i) must be planted in a fenced area at least 12 months before the scattered trees are cleared, and maintained until maturity, and
 - (ii) must be appropriate to the location and landscape in which they are planted, and
 - (iii) must be located so as to address land degradation, create patches of native vegetation, or meet or help meet the requirements of another best practice clearing standard (for which purpose they may constitute retained or re-established native vegetation) other than the standard in clause 30 (2),
- (d) any replacement tree or shrub that dies before it matures must be replaced with another tree or shrub (of a type referred to in paragraph (b)) with respect to which paragraph (c) must be complied with.

(2) Thinning for grazing purposes

The minimum standards for thinning native vegetation in the nominated self-assessment area for grazing purposes are as follows:

- (a) all native trees with a diameter at breast height over bark of more than 25 centimetres must be retained,
- (b) all native vegetation that is a component of a significant community, or that is a significant species, must be retained,

- (c) if the canopy provided by the crowns of native trees covers between 85% to 100% of the area of native vegetation proposed to be thinned, that area may be thinned only to the extent that at least 85% of canopy cover is retained,
- (d) if the canopy provided by the crowns of native trees covers between 35% to 70% of the area of native vegetation proposed to be thinned, that area may be thinned only to the extent that at least 35% of canopy cover is retained,
- (e) if the canopy provided by the crowns of native trees covers between 15% to 30% of the area of native vegetation proposed to be thinned, that area may be thinned only to the extent that at least 15% of canopy cover is retained,
- (f) if the canopy provided by the crowns of native trees covers between 5% to 10% of the area of native vegetation proposed to be thinned, that area may be thinned only to the extent that at least 5% of canopy cover is retained,
- (g) if the canopy coverage provided by the crowns of native trees in the area of native vegetation proposed to be thinned does not fall within a percentage range referred to in paragraphs (c)–(f), native vegetation in that area must not be thinned.

2001 No 727

Clause 32 Mid Lachlan Regional Vegetation Management Plan 2001

Part 4 General

Part 4 General

32 Reference to current information required

- (1) For the purpose of applying this plan to a proposed clearing event:
 - (a) the current district map must be referred to, and
 - (b) if the lists of significant communities and significant species on the map have been superseded, current lists must be referred to (being lists prepared by the Department that are not more than 12 weeks old as at the date the clearing event is commenced).

Note. Extracts of district maps are available on request from the Department, and district maps are available for inspection at offices of the Department within the Mid-Lachlan Region. The Department can advise if the lists of significant communities and significant species on a district map have been superseded, and provide current lists on request.

- (2) Subclause (1) is subject to clause 28 (4).

Note. Clause 28 (4) provides that, for the purposes of self-assessment, the lists of significant communities and significant species (and the search results referred to in that provision) to be referred to must be no more than 12 weeks old at the date self-assessment is completed.

33 Owners must consent to preparation of full farm plans

The owner or (if there is more than one owner) owners of a landholding must consent in writing to the preparation of any full farm plan that is required to be prepared under this plan.

Note. Clauses 23 and 28 require the preparation of a full farm plan in relation to the matters dealt with by those provisions.

34 Consent to clearing native vegetation on land that is core koala habitat

- (1) Before the Minister may grant development consent to clear native vegetation on land that is core koala habitat within the meaning of *State Environmental Planning Policy No 44—Koala Habitat Protection*, the Minister must cause to be prepared a plan of management that applies to the land.
- (2) The plan of management must be prepared in accordance with the guidelines, as in force from time to time, made under that Policy.
- (3) The Minister must take the guidelines into consideration in determining the development application.

- (4) The Minister's determination of the development application must not be inconsistent with the plan of management.

35 Inconsistencies and other matters concerning borders of management zones

- (1) If there is any inconsistency between the borders of a management zone as shown on the district map and its borders according to the criteria used to identify the contents of a zone (as set out in the strategy document) the latter prevails.
- (2) If an area of land on which native vegetation is proposed to be cleared is adjacent to any area the clearing of native vegetation on which requires development consent (*the other area*), the landholder must, before starting the proposed clearing:
- (a) ensure that the boundary of the other area is clearly defined on the ground, and
 - (b) resolve any doubt about where the boundary of the other area should lie by applying the precautionary principle (that is, the land to which the doubt relates is to be considered to be part of the other area or, if the area proposed to be cleared and the other area both require development consent, part of the area that, in the Minister's opinion, attracts the most restrictive application of the exemptions in Division 1 of Part 3).

36 Development applications for consent to clear native vegetation

The Department must provide any person intending to make an application for development consent to clear native vegetation with copies of the appropriate form.

37 Development consent obtained under Native Vegetation Conservation Act 1997

Development consent to clear native vegetation:

- (a) granted by the Minister under Part 4 of the *Environmental Planning and Assessment Act 1979* pursuant to section 15 of the *Native Vegetation Conservation Act 1997*, and
- (b) in force immediately before this plan commences,

is, to the extent that the development consent is for clearing in respect of which development consent is required under this plan, taken to be development consent granted for the purposes of that requirement.

2001 No 727

Clause 38 Mid Lachlan Regional Vegetation Management Plan 2001

Part 4 General

38 Notes

The table of contents and notes in the text of this plan do not form part of this plan.

BY AUTHORITY