



New South Wales

Native Vegetation Conservation (Savings and Transitional) Amendment (Western Division) Regulation 2004

under the

Native Vegetation Conservation Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Native Vegetation Conservation Act 1997*.

CRAIG KNOWLES, M.P.,
Minister for Natural Resources

Explanatory note

Clause 5 (2) of Schedule 4 to the *Native Vegetation Conservation Act 1997* currently exempts certain land clearing in the Western Division from the requirement for development consent under that Act. The exemption relates to activities referred to in Schedule 4 to the *Western Lands Regulation 1997*. The object of this Regulation is to continue the exemption beyond the repeal of the 1997 Regulation.

This Regulation is made under the *Native Vegetation Conservation Act 1997*, including section 67 (the general power to make regulations) and clauses 1 and 5 of Schedule 4 (the Schedule of savings and transitional provisions).

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Clause 1

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(Western Division) Regulation 2004

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1 Name of Regulation

This Regulation is the *Native Vegetation Conservation (Savings and Transitional) Amendment (Western Division) Regulation 2004*.

2 Amendment of Native Vegetation Conservation (Savings and Transitional) Regulation 1998

The *Native Vegetation Conservation (Savings and Transitional) Regulation 1998* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Clause 6A

Insert after clause 6:

6A Continuation of exemption for matters formerly set out in Schedule 4 to the Western Lands Regulation 1997

- (1) This clause commences on the repeal of the *Western Lands Regulation 1997*.
- (2) The object of this clause is to continue the exemption referred to in clause 5 (2) of Schedule 4 to the Act in relation to the clearing of native vegetation in the Western Division.
- (3) The clearing of native vegetation in the Western Division for a purpose described in Schedule 1 is taken to be clearing that is exempt from any requirement under Part 2 of the Act for development consent.
- (4) Subclause (3) ceases to have effect in relation to land when a regional vegetation management plan comes into effect in relation to that land.
- (5) On the commencement of this clause, clause 5 (2) and (3) of Schedule 4 to the Act cease to have effect.

[2] Schedule 1

Insert at the end of the Regulation:

Schedule 1 Exemptions in relation to clearing of land in the Western Division

(Clause 6A)

- 1 Clear land not more than 20 metres either side of the line of an existing or a proposed fence, being a fence which is or is to be of a permanent nature.
- 2 Clear land not more than 30 metres wide for any of the following purposes:
 - (a) an access trail,
 - (b) a cut-line for stock movement,
 - (c) a firebreak,

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Schedule 1 Amendments

- (d) a road,
- (e) a telephone line or cable,
- (f) a power line or cable,
- (g) a drain to a water storage,
- (h) a bore drain,
- (i) a pipeline,
- (j) an irrigation channel.

- 3** Clear land not more than 100 metres wide for a firebreak where mallee species predominate.
- 4** Clear an area of land sufficient to meet civil aviation standards for the purpose of constructing an airstrip.
- 5** Clear land, not more than 5 hectares in area for the construction of a house, shearing shed, machinery shed, ground tank, dam, stock yard or similar utility, subject to the construction being permitted under the *Western Lands Act 1901* or any relevant Western Lands lease or licence under that Act.
- 6** Clear land of seedlings and regrowth where the land was cleared or cultivated during the preceding 20 years under the provisions of the *Western Lands Act 1901* or the *Forestry Act 1916*, except where the tree cover predominantly comprises one or more of the following species:
 - Eucalyptus camaldulensis* (river red gum)
 - Casuarina cristata* (belah)
 - Casuarina pauper* (belah)
 - Callitris glaucophylla* (white cypress pine).
- 7** Clear land of trees which are less than 3 metres high where one or more of the following species predominates:
 - Eucalyptus largiflorens* (black box)
 - Eucalyptus camaldulensis* (river red gum)
 - Eucalyptus populnea* (bimble box)
 - Eucalyptus coolabah* (coolibah)

Callitris glaucocephala (white cypress pine)

Casuarina cristata (belah)

Casuarina pauper (belah).

8 Clear land where the predominant species are “woody weeds” which, for the purpose of this paragraph, are:

Eremophila sturtii (turpentine)

Eremophila mitchellii (budda, false sandalwood)

Dodonaea viscosa subsp. *spatulata* (broadleaf hopbush)

Dodonaea viscosa subsp. *angustissima* (narrowleaf hopbush)

Senna artemisioides subsp. *filifolia* (punti bush)

Senna artemisioides nothosubsp. *artemisioides* (silver cassia).

9 Lop trees to provide stockfeed in times of drought where the method and extent of the lopping ensures the continued survival and health of the trees.

10 Selectively push mulga trees in dense mulga stands for stock feeding purposes subject to the following conditions:

- the retention of mulga trees at spacings of no more than 20 metres,
- in selecting trees for retention priority is given to trees with a trunk diameter exceeding 12 centimetres.

11 Clear land (by the use of fire) where mallee trees are the predominant species for the purpose of promoting the growth of pasture species or reducing hazardous or potentially hazardous fuel build-up, but not so as to result in the significant killing of the below-ground parts of the predominant species or the significant destruction of other trees.

12 Clear land where the predominant species is one of the following:

Prosopis (mesquite)

Lycium ferocissimum (African boxthorn).

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- 13** Clear land in connection with rabbit ripping undertaken as part of a planned rabbit control program on land that is not State protected land, but only if the clearing is limited to trees which must be removed in order to destroy a rabbit warren.

- 14** Kill or otherwise destroy trees of the following species:
Tamarix aphylla (athol pine)
Ailanthus altissima (tree of heaven)
Schinus ariera (peppercorn)
Acacia nilotica (prickly acacia).

BY AUTHORITY
