



Land Clearing in New South Wales (Part Two)

Last week, I commented in broad outline regarding restrictions on land clearing in New South Wales under the Native Vegetation Act.

Clearing is defined as cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ring barking, uprooting or burning native vegetation.

Clearing therefore includes, for example:-

- any type of ploughing that kills native groundcover
- the under-scrubbing of native forests
- herbicide spray drift that kills or destroys native vegetation, or
- thinning of native woodlands

Under the Native Vegetation Act, all clearing requires approval through either a property vegetation plan (PVP) or a development consent, unless it is:-

- on land that is excluded from the Native Vegetation Act
- categorised as excluded clearing
- a permitted clearing activity

Activities such as pruning, lopping or slashing of native ground cover, that does not kill the native vegetation, are not considered clearing. Burning that does not kill native vegetation or substantially reduce the composition and proportion of native species may not be considered as clearing.

However, in each case check with your local Catchment Management Authority (CMA).

Except for the commercial collection of firewood, the removal of dead timber is not considered clearing under the Native Vegetation Act.

Property owners are encouraged to establish a property vegetation plan (PVP) in respect of their property. A PVP is a voluntary, legally binding agreement between a land holder and the local CMA, and may be obtained for a number of reasons, including:

- to confirm that native vegetation on a property is regrowth, providing a landholder with assurance that they will not need future clearing approval
- to confirm whether existing rotational farming, grazing or cultivation practices meet the definitions in the Act so that clearing approval will not be required
- to obtain clearing approval

We at Everingham Solomons have the expertise to advise and assist you in meeting your obligations under this legislation because ***Helping You is Our Business.***



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