



Land management code - Equity

The *Land Management (Native Vegetation) Code 2018* (the code) has been developed to facilitate native vegetation management and clearing to support more efficient farming methods and systems while responding to environmental risks. The code provides options for clearing under the categories: Invasive native species, pasture Expansion, continuing use, equity and farm plan.

Overview

The equity part of the code authorises clearing of paddock tree areas and small areas of native vegetation in cultivated land, compromised native groundcover, and regulated rural land. It provides greater flexibility for managing vegetation on landholdings which currently contain 10% or more remnant native vegetation (Category 2 – regulated land) in exchange for establishing and managing set aside areas on Category 2 – regulated land. Clearing of paddock tree areas and compromised groundcover does not require a set aside area.

This Part has different conditions depending on the clearing impact and type of vegetation to be cleared. Clearing categories are: paddock tree areas, compromised native groundcover, small areas and regulated rural areas.

A summary of the requirements for the different types of clearing is displayed below.

What is a paddock tree area?

A paddock tree area means an area of native vegetation (Category 2 – regulated land) that is less than 500 square metres and is completely surrounded by cleared land (Category 1 – exempt land)

Paddock Tree Areas

Native vegetation may be cleared from paddock tree areas at a rate of one paddock tree area for each 50 hectares of landholding (or part thereof) in any 12 month period.

Clearing paddock trees under this code does not require set aside to be established; however notification to Local Land Services is required prior to clearing and for each 12 month period in which clearing is intended to be carried out.

Landholding restrictions

Clearing under this division is not permitted on landholdings:

- with less than 10% Category 2 - regulated land,
- on small holdings,
- in the Coastal Zone unless Local Land Services is satisfied the primary use of the land is for agriculture.

Treatment area restrictions

Clearing under this division is not permitted:

- on Category 2 - vulnerable regulated land or within the buffer distance of a water body,
- on travelling stock reserves in the Central or Coastal Zone.

Did you know?

- Local Land Services has trained staff in your area ready to discuss how the land management and biodiversity reforms can help you?
- Local Land Services staff can also visit your property to better understand your goals and provide expert tailored advice.

Why not give us a call on 1300 778 080?

Clearing compromised native groundcover

Clearing compromised groundcover is permitted to be cleared when less than 50% of the groundcover vegetation cover comprises native species.

In order to clear groundcover under this Code, the groundcover percentages must:

- be calculated in a scientific and objective manner that is appropriate to the area proposed and the species of vegetation that are present
- be calculated at the time of year when the proportion of the native groundcover is likely to be at its maximum and
- not be calculated if the groundcover has been significantly disturbed in the preceding six months, for example by fire, drought or heavy grazing.

For further information on methods for assessing groundcover refer to the Local Land Services **Fact Sheet - Assessing groundcover** or contact Local Land Services.

Landholding restrictions

No landholding restrictions.

Treatment area restrictions

Clearing under this division is not permitted:

- on Category 2 - vulnerable regulated land or within the buffer distance of a water body,
- if the area has been cleared using the pasture expansion division of the code.

What is a small area?

A small area means an area of native vegetation (Category 2 – regulated land) that is not more than:

- 4 hectares in the Western Zone
- 3 hectares in the Central Zone
- 1 hectare in the Coastal Zone

Removing native vegetation from small areas

Native vegetation may be cleared from small areas at a rate of one small area for each 250 hectares of landholding (or part thereof) in any 12 month period.

Clearing small areas requires establishment of a set aside area and certification from Local Land Services prior to clearing. The set aside area required varies according to the status of vegetation cleared.

Landholding restrictions

Clearing under this division is not permitted on landholdings:

- with less than 10% Category 2 - regulated land,
- on small holdings,
- in the Coastal Zone unless Local Land Services is satisfied the primary use of the land is for agriculture.

Treatment area restrictions

Clearing under this division is not permitted:

- on Category 2 - vulnerable regulated land or within the buffer distance of a water body,
- unless certified, in areas wholly surrounded by Category 2 - regulated land,
- on travelling stock reserves in the Central or Coastal Zone.

Set aside requirements

Vegetation community	Set aside requirement
Vegetation which is part of an endangered ecological community	2 units set aside for each unit cleared (2:1)
Vegetation which is part of a vulnerable ecological community	1.5 units set aside for each unit cleared (1.5:1)
Other vegetation*	1 unit set aside for each unit cleared (1:1)

* This code does not apply to clearing vegetation that forms part of a critically endangered ecological community

Removing native vegetation from regulated rural areas

In regulated rural areas, the maximum area of native vegetation clearing is capped in the three year period following publication of the code to whichever is the greater of:

- 25% of the estimated total area from which native vegetation may be cleared up to a cumulative maximum of 625 hectares; or
- the total area from which native vegetation may be cleared up to 100 hectares.

An indicative table of the area that may be cleared is set out in Schedule 4 of the code.

This type of clearing requires establishment of a set aside area and certification from Local Land Services prior to clearing.

The set aside area required varies according to the status of vegetation cleared and the percentage of Category 2 – regulated land on the landholding.

Removing native vegetation from regulated rural areas (continued)

Landholding restrictions

Clearing under this division is not permitted on landholdings:

- with less than 10% Category 2 - regulated land,
- on small holdings,
- in the Coastal Zone unless Local Land Services is satisfied the primary use of the land is for agriculture.

Treatment area restrictions

Clearing under this division is not permitted:

- on Category 2 - vulnerable regulated land or within the buffer distance of a water body,
- on travelling stock reserves in the Central or Coastal Zone.

Set aside requirements

If clearing a Vulnerable Ecological Community (VEC) or Endangered Ecological Community (EEC), the set aside must contain vegetation which is part of the same VEC or EEC, and a larger set aside area is required.

The set aside area may be reduced if it is of strategic landscape scale biodiversity importance or it contains vegetation that is part of a VEC or EEC (and a VEC or EEC, or vegetation of strategic importance is not being cleared).

For example, establishment of a set aside which connects vegetation along a major riparian or ridgeline corridor may be considered of strategic landscape scale biodiversity importance.

Additionally, there are set aside requirements related to the vegetation community types impacted:

On a landholding with 40% or more Category 2 - regulated land:

Vegetation community	Set aside requirement
Vegetation which is part of an endangered ecological community	4 units set aside for each unit cleared (4:1)
Vegetation which is part of a vulnerable ecological community	3 units set aside for each unit cleared (3:1)
Vegetation which is not part of an EEC or VEC	2 unit set aside for each unit cleared (2:1)

Further information

To apply this code on your property or to find out more about the Native Vegetation reforms and how they affect you, contact Local Land Services on 1300 778 080, email slm.info@lsls.nsw.gov.au, visit www.lsls.nsw.gov.au or call in to your nearest Local Land Services office.

Clearing of critically endangered ecological community not authorised

Clearing of native vegetation that forms part of a critically endangered ecological community is not authorised by the Code

On a landholding with 20% or more but less than 40% Category 2 - regulated land:

Vegetation community	Set aside requirement
Vegetation which is part of an endangered ecological community	6 units set aside for each unit cleared (6:1)
Vegetation which is part of a vulnerable ecological community	4.5 units set aside for each unit cleared (4.5:1)
Vegetation which is not part of an EEC or VEC	3 unit set aside for each unit cleared (3:1)

On a landholding with less than 20% Category 2 - regulated land:

Vegetation community	Set aside requirement
Vegetation which is part of an endangered ecological community	8 units set aside for each unit cleared (8:1)
Vegetation which is part of a vulnerable ecological community	6 units set aside for each unit cleared (6:1)
Vegetation which is not part of an EEC or VEC	4 unit set aside for each unit cleared (4:1)

Requirements prior to undertaking permitted clearing

A mandatory code compliant certificate issued by Local Land Services is required prior to undertaking clearing small areas and regulated rural areas. For clearing paddock tree areas and compromised native groundcover, notification to Local Land Services is required at least two weeks prior to undertaking the clearing, or a landholder may obtain a voluntary code compliant certificate.

Re-categorisation of land

Areas authorised to be cleared in accordance with this Part are authorised to be re-categorised to Category 1 – exempt land. However, paddock tree areas and areas of compromised groundcover may not be re-categorised until the clearing has taken place.