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POLICY: NATIVE VEGETATION 2005

This Policy revises the Draft Native Vegetation Policy adopted in principle at the 2004 Annual Conference. Minor amendments were made at the 2005 Annual Conference and the Policy was accepted in principle subject to the Executive ensuring consistency with relevant legislation and other NCC policies.

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1. INTRODUCTION

The conservation of native vegetation is critical for protecting biodiversity, countering soil and water degradation, maintaining coastal processes, maintaining and improving a healthy and productive landscape, and reducing the impacts of climate change.

Land clearing is the single biggest threat to the ecosystems and environment of eastern Australia. More than 60,000 hectares of land are cleared every year in NSW alone, causing massive land degradation and loss of biodiversity, landscape health and productivity. Increasing population pressure and urban development on the coast is fast emerging as a significant threat to conservation of native vegetation in addition to broadscale land clearing.

2. POLICY STATEMENT

The Nature Conservation Council of NSW (NCC) works towards:

- 2.1 Ending broadscale land clearing of native vegetation, which includes smaller scale clearing of remnants of significant value, and reversing the decline of landscape health through regeneration and strategic revegetation with appropriate local species and an accompanying sustainable system of land management;
- 2.2 Ensuring the conservation value of native vegetation on private and public lands is managed in a way that protects and enhances the biological and ecological integrity of the dependent flora and fauna, and landscape health;
- 2.3 Ensuring that integrated planning measures identify and protect areas of high conservation value native vegetation and significant biodiversity as 'No Go' areas for development expansion.

3. DEFINITION OF NATIVE VEGETATION

For the purposes of this policy, the term *Native Vegetation* shall be understood to mean all forms of indigenous vegetation, including, but not limited to:

- 3.1 vascular and non-vascular plants and fungi, such as mosses, lichens, bryophytes and some forms of algae;
- 3.2 terrestrial *and* aquatic vegetation, both saltwater and freshwater;
- 3.3 vegetation occurring in all forms of grasslands, forests, woodlands and shrub lands, coastal heathlands and dunes;
- 3.4 dead timber, both standing and fallen;
- 3.5 plants occurring in a wetland or salt marsh area, as well as mangrove swamps; and
- 3.6 seed beds.

4. OBJECTIVES AND PRINCIPLES

4.1 Policy objectives

NCC promotes the ecologically sustainable management of native vegetation in NSW in order to maintain and enhance the biological diversity and ecological integrity of the landscape.

NCC believes that:

4.1.1 The decline in extent and quality of native vegetation cover in NSW must be reversed by:

- *implementation of integrated regional strategic plans that identify and rezone areas of high conservation value native vegetation as 'No Go' areas for development;*
- *enforcing appropriate natural resources legislation and regulation to bring an end to broadscale land clearing;*
- *ensuring NSW's biodiversity is conserved across all land tenures and zonings;*
- *restoring, by means of natural regeneration and revegetation, the environmental values and productive capacity of NSW's degraded landscape; and*
- *identifying targets for restoration and maintenance of vegetation communities in the landscape.*

4.1.2 Conservation and, where appropriate, restoration of native vegetation must be undertaken to maintain and enhance biodiversity, protect or improve water quality and environmental flows and conserve soil resources, including on private land managed for agriculture, forestry and urban development.

4.1.3 Biodiversity and native vegetation must be retained and enhanced at the local, regional and national levels.

4.1.4 The ecological condition of existing native vegetation must be maintained or improved.

4.2 Policy principles

Principle one

Recognition that protecting and linking remaining native vegetation is the most effective and efficient method of conserving biodiversity.

Principle two

Landscape health, agricultural productivity and biodiversity are increasingly threatened by land clearing, unsustainable development and unsustainable land and vegetation management practices on both private and public lands.

Principle three

Recognition of the inherent importance of native vegetation in the function and resilience of ecosystems.

Principle four

Recognition that the biological diversity of vegetation must be maintained through appropriate land management practices. These include a suite of measures from environmental protection through to sustainable use and production using ecologically sustainable management practices.

Principle five

Recognition that sustainable native vegetation management requires the partnership of land managers, government, industry, interest groups and the broader community.

Principle six

NCC is opposed to the use of offset systems in the management of native vegetation. Offsets systems are driven by development not conservation of native vegetation. Offset systems result ultimately in a 'net loss' of biodiversity and extant high quality native remnant vegetation.

Principle seven

Recognition that where there are threats of environmental damage, lack of scientific certainty must not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

- Careful evaluation to avoid damage to the environment wherever practicable;
- An assessment of the risk-weighted consequences of various options; and
- Acknowledgment of an inherent duty of care to protect the environment.

Principle eight

Those responsible for natural resource management and more specifically vegetation management should:

- Employ an integrated and holistic approach based on the principles of ecologically sustainable development (ESD) and the application of the precautionary principle where there is insufficient scientific knowledge to make a decisive judgement;
- Recognise the biophysical limits on natural resource use;
- Implement a publicly-funded, prioritised incentive payment system for vegetation conservation on private land; and
- Recognise the responsibility of the broader community to conserve native vegetation and recognise the social, environmental and economic values of native vegetation.

Principle nine

The economic value of native vegetation must be recognised and programs established, to change the perception of native vegetation on private land from a liability and an impediment, to an asset in terms of productivity and market value. This can be achieved through community education programs, public demonstration sites for ecologically sustainable management practices, and recognition of model farms and changed practices.

Principle ten

Recognition that exploitation of natural resources has gone beyond sustainable limits and that there must be a continued reduction in current resource use to attain a state of sustainable resource use.

Principle eleven

Recognition of the need for a defensible legislative, regulatory and policy framework based on the best available science to manage vegetation, which is common to all levels of government.

5. ECOLOGICAL COMPONENTS

5.1 Protection of biodiversity through native vegetation management

Protection of biodiversity through native vegetation management can be achieved through:

- 5.1.1 Protection of biological diversity and maintenance of ecological processes and life-supporting systems;
- 5.1.2 *Maintenance and conservation of viable communities of all remaining native vegetation types, species and habitat types;*
- 5.1.3 Maintenance of the genetic diversity of native vegetation species;
- 5.1.4 Instituting measures to reduce the number of threatened native vegetation species and communities;
- 5.1.5 Avoidance or mitigation of processes and activities that threaten the health of native vegetation communities;
- 5.1.6 Ending broadscale clearing of native vegetation;
- 5.1.7 Elimination of activities that adversely affect the conservation of vegetation communities or the species dependent on them; and
- 5.1.8 Maximising opportunities for long-term regeneration.

5.2 Land capability

Protection of soil and water resources through native vegetation management can be achieved through:

- 5.2.1 Ensuring that land use does not exceed land capability, as per the DIPNR Land Capability Classification system and recommendations;
- 5.2.2 Maintenance and enhancement of the ecological integrity and physical stability of ground and surface water systems, including riparian zones, drainage features and wetlands;
- 5.2.3 *Regeneration or revegetation of upslope recharge areas to reduce the volume of groundwater movement to lowland areas;*
- 5.2.4 Protection and rehabilitation of lowland wetland and salt marshes.;
- 5.2.5 Protection of vegetation in erosion prone areas;
- 5.2.6 Protection of native vegetation in areas of potential acid-sulphate soils;
- 5.2.7 Protection of native vegetation in the coastal zone.

5.3 Protection of hydrological systems through native vegetation management

Protection of hydrological systems through native vegetation management can be achieved through:

- 5.3.1 Protection of vegetation in areas at risk from dryland salinity;
- 5.3.2 Revegetation of recharge areas to slow or reverse rising groundwater tables and ameliorate dryland salinity;
- 5.3.3 *Maintenance or increases in the area of native vegetation in riparian buffers on all water courses including first order streams, to protect water quality and yield. 75% of 1st, 2nd and 3rd order streams should have a minimum 50 metre (coastal) or 20 metre (inland) native vegetation buffer zone and be subject to active management and, where degraded, rehabilitation;*
- 5.3.4 *Protection of native vegetation in catchments of coastal lakes and estuaries to protect natural processes and habitats.*

5.4 Sustainable land use outcomes through native vegetation management

Sustainable land use outcomes through native vegetation management can be achieved through:

- 5.4.1 Promoting awareness of the economic, social and environmental values of retaining native vegetation in landscapes;
- 5.4.2 Protection and sustainable management of native vegetation across landscapes to ensure farming lands remain productive while maximising biodiversity outcomes;
- 5.4.3 Integrating native vegetation management into sustainable agriculture systems;
- 5.4.4 Future development being restricted to historically cleared land of low conservation value, not identified as a significant corridor gap.

5.5 Protection of natural and cultural heritage through native vegetation management

Protection of natural and cultural heritage through native vegetation management can be achieved through:

- 5.5.1 Identification of landscapes and places that have natural and cultural significance and the protection and management of native vegetation in these areas to retain their significance;
- 5.5.2 Recognition that place and landscape are important aspects of Aboriginal culture.

5.6 Protection of the values of Indigenous people through native vegetation management

Protection of the values of indigenous people through native vegetation management can be achieved through:

- 5.6.1 Maintenance of biological diversity on lands and waters over which Aboriginal and Torres Strait Islander people have title or in which they have an interest, to ensure the wellbeing,

identity, cultural heritage and economies of Aboriginal and Torres Strait Islander communities.

5.7 Conservation of native vegetation in the riparian zone

(This section of the policy should be read in conjunction with the NCC Water Policy, 2002 – available on request or on the NCC website at www.nccnsw.org.au/about/nccpolicy.html)

5.7.1 Maintenance and restoration of native vegetation in riparian zones is essential for the purpose of:

- erosion control;
- reducing disturbance from adjacent land use practices such as fertiliser and chemical drift;
- buffering of sediment, nutrient, chemical and bacterial run-off;
- stabilisation of banks;
- ecological functions (e.g. providing terrestrial and aquatic habitat connectivity for wildlife); and
- maintaining natural estuarine processes and ecological functions.

5.7.2 Management practices within the riparian zone can significantly affect its capacity to perform each of these functions. When planning the management of a riparian zone, principal management objectives for each sub-catchment or reach should be clearly stated.

5.7.3 A number of factors must be considered when determining the width of riparian buffers and appropriate riparian management regimes, including:

- class or order of the stream, river, lake or estuary;
- soil factors (including texture, permeability and the rate of bank erosion);
- slope;
- length of the hillslope above the riparian zone;
- flood frequency and the effect of river regulation;
- rainfall intensity;
- whole river catchment area;
- the ecological connectivity between floodplains and channels in western NSW;
- vegetation type;
- adjacent land use;
- target sediments, nutrients or pollutants; and
- the ecology of species using riparian vegetation as habitat.

5.7.4 A riparian zone management plan must address:

- retention of riparian vegetation;
- stock management (access to off-stream water, crash grazing, etc.);
- erosion and sediment control;
- rehabilitation and restoration of native vegetation in degraded riparian areas and
- weed management.

NCC recommends:

5.7.5 All watercourses should have protected riparian zones where native vegetation is conserved and rehabilitated. 1st, 2nd and 3rd order streams should have buffers of at least 20 metres and these should be wider depending upon the relevance of factors listed in 5.7.3, and be subject to active conservation management and, where degraded, rehabilitation.

All other streams should have buffers of at least 100m.

(NB - these buffer zones were the result of extended consultation with several Environment Groups during negotiations over the Native Vegetation Reforms)

- 5.7.6 Extensive projects be undertaken to progressively fence riparian buffers and install off-stream stock watering to allow for active management for conservation.

5.8 Bioregional vegetation targets

The lack of bioregional conservation and retention targets is a serious failing in the battle for integrated natural resource management in NSW. At the most fundamental level, regional vegetation planning and catchment planning have failed to provide basic landscape level protection of the natural environment.

Failure of government to provide any guidance in terms of bioregional targets has resulted in much confusion within the vegetation planning process. It has also resulted in clearing approvals being issued without any reference to the broader picture in terms of the land cover status of the region and without consideration of the conservation status of broad vegetation types.

NCC recommends that the NSW Government:

- 5.8.1 Adopt a target, that no less than 30% of the pre-clearing extent of each ecological community should be 'managed for conservation';
- 5.8.2 Allow no further clearing or destruction of known habitat of threatened species or rare ecological communities;
- 5.8.3 Give priority to funding the establishment of protected areas to 'manage for conservation' the habitat of threatened species and rare ecological communities, and where necessary restoration of habitat;
- 5.8.4 Complete recovery planning under the *Threatened Species Conservation Act 1995* (and where appropriate the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*) for each threatened species, population and community currently listed by 2005, with targets to be met by 2010;
- 5.8.5 Protect rainforest and old growth forest remnants in the formal reserve system by 2010;
- 5.8.6 Protect all mature native trees and encourage their regeneration in rural landscapes;
- 5.8.7 Protect all identified wilderness areas in formal reserves by 2010;
- 5.8.8 Allow no further broadscale clearing of native vegetation including clearing for change of land use;
- 5.8.9 Ensure yearly net gain in the extent and quality of all ecological communities;
- 5.8.10 Require all landholdings to have some protected regrowth with the amount being in proportion to the extent of clearing on that landholding;

- 5.8.11 Allow no offsets that facilitate further broadscale clearing of intact, remnant native vegetation in return for revegetation of other areas; and
- 5.8.12 Restore under-represented ecosystem types to at least 30% of pre-clearing extent and condition by 2030.

5.9 Conservation of native vegetation values on Crown Lands

Conservation of native vegetation values on Crown Lands can be achieved through:

- 5.9.1 Granting, with conditions to protect conservation values, Aboriginal land claims over Crown and public lands of high conservation value;
- 5.9.2 Government retention of all other Crown and publicly owned lands;
- 5.9.3 Assessment of conservation values of travelling stock reserves and routes (TSRs) and crown roads and comprehensive mapping at an appropriate scale across NSW;
- 5.9.4 Provision of financial assistance for Rural Lands Protection Boards (RLPBs) for the ecological management of TSRs with identified conservation values;
- 5.9.5 Government investment in long-term consolidated funds for conservation management of Crown and other public lands. This investment would yield long-term savings on recovery projects for threatened species, land degradation and restoration and provide a positive management model for private landholders to follow;
- 5.9.6 Clarification of Departmental responsibilities for Crown and public land. Various ministries (Natural Resources, Lands, Primary Industries, Planning, Agriculture, and Local Government) have partial responsibility for TSRs, Crown Lands and other public lands.

5.10 A summary of NCC's policy position on offsets

(This section of the policy should be read in conjunction with the Nature Conservation Council position paper on offsets, 2001 – available from the NCC)

- 5.10.1 NCC is opposed to the use of any proposed offsets system with an underlying motivation to facilitate clearing of native vegetation.
- 5.10.2 NCC does not support any system that assists further land clearing.
- 5.10.3 *Offset systems that allow the clearing of high quality native vegetation in return for protecting larger areas of low quality vegetation (i.e. trading quality for quantity) will fail the 'no net loss' test. Conserving or planting low quality vegetation cannot compensate for losses of high quality vegetation.*
- 5.10.4 The biodiversity values of existing native vegetation cannot be offset.

6. RECOMMENDATIONS AND CONCLUSIONS

6.1 Legislative reform

- 6.1.1 Remaining native vegetation should be retained in the landscape. This should be achieved through rezonings based on assessments of biodiversity values as well as land clearing regulations and management controls. Such initiatives need to be supported and complemented by education and awareness campaigns delivered by Government and community, to emphasise the importance of native vegetation in protecting environmental values and sustaining agricultural production.
- 6.1.2 Land clearing regulations and management controls need to take a broader ecological approach to reflect the complexity and variation found within natural ecosystems. Regulations need to ensure the full spectrum of native vegetation types is covered in the mapping, monitoring and reporting components.
- 6.1.3 There must be a consistent, efficient and transparent methodology for the monitoring and reporting of all land clearing state-wide. This needs to be supported by effective monitoring and enforcement of compliance.
- 6.1.4 Public investment in native vegetation should include incentive payments for the protection of native vegetation. This may require increased public education and awareness so that communities and governments continue to value the importance of native vegetation for protecting environmental values while sustaining productive use of the land.
- 6.1.5 Implementation and reform of legislation should ensure that:
- The principles of ESD and a duty of care to protect the environment are incorporated in the objectives;
 - Decision-making processes are transparent and accountable;
 - Cumulative impacts are considered in all decision-making tools;
 - All reports of breaches and the results of investigations or reasons for not taking action should be kept in an enforcement register which is readily accessible to the public;
 - Operational, management and regulatory accountability and responsibility are dealt with by separate organisations to prevent conflicts of interest;
 - There is improved co-ordination and communication between agencies with respect to management of natural resources;
 - There are improved procedures for setting environmental standards;
 - Adequate consultation with all stakeholders is provided for;
 - All permits be listed in a publicly available register.

6.2 Conclusions

Government should ensure that planning for vegetation management takes into account the full suite of environmental values and recognise the multiple benefits of vegetation conservation such as enhancing biodiversity, managing salinity, improving water quality and maintaining soil health at the landscape scale.

An integrated approach to landscape planning, that includes the retention of all high conservation value native vegetation, the regeneration and revegetation of degraded and cleared areas is the most effective method for achieving maximum environmental outcomes, as opposed to offset schemes which rely on revegetation to counter clearing. Native vegetation management that relies

purely on offsets generally fails to reverse the decline in vegetation extent and quality. Replanted vegetation in an offset is a poor substitute for the natural complexity of the remnant vegetation that has been cleared, ultimately resulting in the net loss of biodiversity and ecosystem services.

Vegetation management poses a significant problem in agricultural regions due to a combination of fragmentation, salinity, dieback, overgrazing, lack of natural regeneration and weed invasion. Government should provide support and guidance for positive and strategic management by landholders to protect and enhance remnant native vegetation, to prevent a further decline in the quality of existing vegetation by encroachment of the before-mentioned factors.

6.3 Definitions

Biodiversity

Diversity of species of plants and animals, (Macquarie Concise Dictionary).

Broadscale clearing

Means the clearing of any remnant native vegetation or protected regrowth.
(*Native Vegetation Act 2003*)

Buffer

A zone on each side of a watercourse where no clearing is allowed.

i.e. a 50m buffer is a buffer of 50m on each side of the watercourse (as measured from the bank, or the centre line plus 10m).

Clearing

Of native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation. (*Native Vegetation Act 2003*)

Ecologically Sustainable Development

“Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - (ii) an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
 - (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,

- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
- (i) polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
 - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.” (*Protection of the Environment Administration Act 1991*)

Indigenous Vegetation

Is of a species of vegetation, which existed in the State of NSW before European settlement. (*Native Vegetation Act 2003*)

Offsets

An offset is a means to compensate for the negative impacts of an activity by taking a separate action with positive impacts. Offset actions for native vegetation clearing may include revegetating or regenerating a previously cleared area, or enhancing existing native vegetation. (*Offsets, Salinity and Native Vegetation: Discussion Paper*)

Protected regrowth

Means any native vegetation that is regrowth and that is identified as protected regrowth under the *Native Vegetation Act 2003* via:

- (a) a property vegetation plan, or
- (b) an environmental planning instrument, or
- (c) a natural resource management plan of a kind prescribed by the regulations, or
- (d) an interim protection order under this section.

Protected regrowth also includes any native vegetation that is regrowth and that has been grown or preserved (whether before or after the commencement of the NV Act) with the assistance of public funds granted for biodiversity conservation purposes. (*Native Vegetation Act 2003*)

Remnant native vegetation

Means any native vegetation other than regrowth. (*Native Vegetation Act 2003*)

Regrowth

Means any native vegetation that has regrown since the earlier of the following dates:
1 January 1983 in the case of land in the Western Division and 1 January 1990 in the case of other land. (*Native Vegetation Act 2003*)

Riparian

Of, relating to, or situated or dwelling on the bank of a river or other body of water. (Macquarie Concise Dictionary).

6.4 References

Delbridge A., J.R.L. Bernard (eds), 1998, *Macquarie Concise Dictionary*, The Macquarie Library Pty Ltd, NSW, Australia.

Part 4, *Native Vegetation Act 2003*, (NSW).

Price, Waterhouse Coopers Legal (2001), Offsets, *Salinity and Native Vegetation: Discussion Paper*.

Part 1 (6) (2), *Protection of the Environment Administration Act 1991*, (NSW).