

# Submission Guide: Native Vegetation Regulatory Map

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## A guide for making submissions on the NSW biodiversity reforms

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The Native Vegetation Regulatory Map (NV Map) is a new tool that will show rural landholders where their land is regulated under the new native vegetation clearing framework.

This document provides the detailed information stakeholders will need to know about the NV Map to make a submission on these elements of the reforms. It includes a number of 'consultation questions' which stakeholders may like to address in submissions.

## More Information

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Other submission guides are available for stakeholders who are interested in making submissions on the new land management framework, the new approach to delivering ecologically sustainable development in NSW, the initiatives to support private land conservation and the new approaches to listing threatened species and regulating native wildlife.

The draft Biodiversity Conservation Bill and draft Local Land Services Amendment Bill are also available in full for public exhibition.

Visit <http://landmanagement.nsw.gov.au>

## Have your say on the proposed changes

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You can share your comments on the proposed changes by making a submission online at <http://landmanagement.nsw.gov.au/haveyoursay>.

You can also send your submission to:

Biodiversity Reforms - Have Your Say  
PO Box A290  
Sydney South  
NSW 1232

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## 1. The Native Vegetation Regulatory Map

The Native Vegetation Regulatory Map (NV Map) is being developed using the best available science and data. It will underpin the new land management framework under the Local Land Services Act 2013 (LLS Act).

The map will be made by the Chief Executive of the Office of Environment and Heritage (OEH) and will be used to determine if native vegetation clearing is regulated under the new regulatory framework.

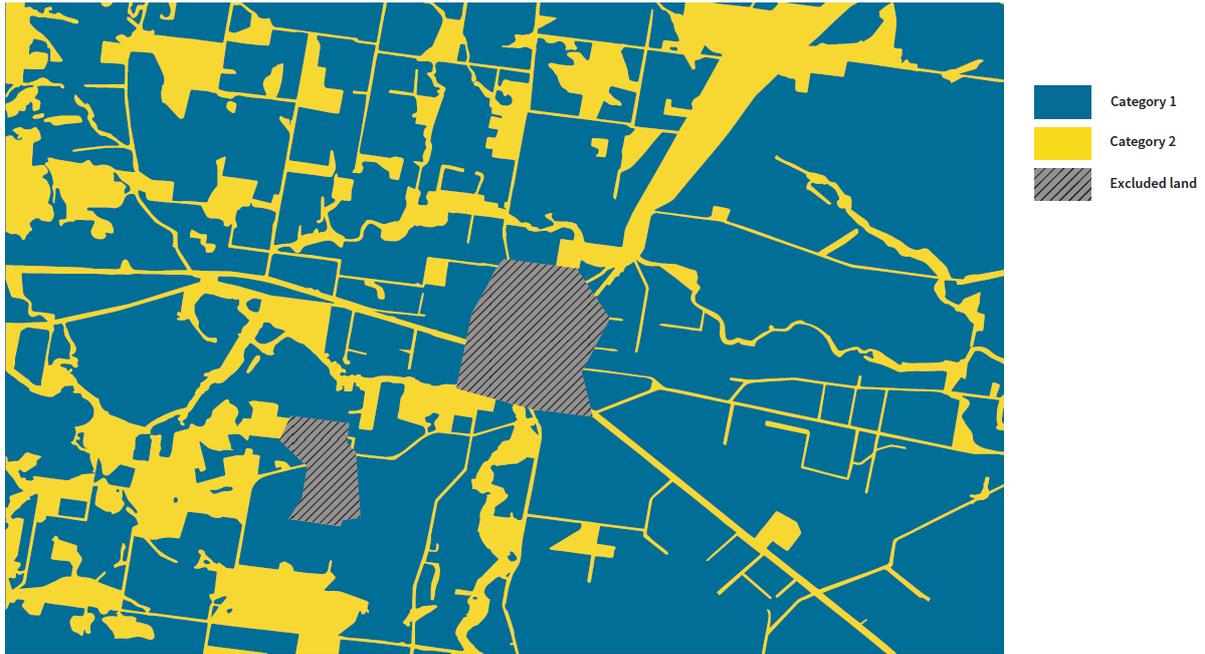
### What does the map show?

The new NV Map will identify rural land where:

- native vegetation clearing is exempt from the new land management framework on Category 1 land, shown in blue on the NV map
- landholders will need to comply with the LLS Act on Category 2 land, shown in yellow on the NV map.

The NV map does not replace site-based assessment for determining what vegetation can be cleared.

Some parts of the state such as urban areas and certain land use zones are excluded from the NV Map and will appear as grey areas. The map also does not apply to certain land that is regulated under other legislation, such as national parks and state forests.



## What land is included in Category 1 and Category 2?

**Category 1 land** is known as ‘exempt land’ and will include:

- land that was cleared of vegetation at 1 January 1990 (called the “baseline date”), or has been cleared lawfully since then up until the start of the new land management framework. This will include land on which native vegetation has regrown since a clearing event, as well as cultivated crops or plantations
- land that is cleared in accordance with an approval from Local Land Services (LLS) after the start of the new land management framework, or a property vegetation plan (PVP) made under the Native Vegetation Act 2003 (NV Act) (before its repeal)
- grasslands determined to be of low conservation value by a grasslands method
- biodiversity certified land

**Category 2 land** is known as ‘regulated land’ and will include:

- land that has not been cleared since 1 January 1990
- land subject to a private land conservation agreement or that has been conserved with public funds
- vulnerable land such as steep land susceptible to erosion
- land that has not been lawfully cleared
- grasslands determined to be of high conservation value by a grasslands method
- certain land with environmental features subject to other regulations, such as coastal wetlands, littoral rainforests, Ramsar wetlands.

The criteria for Category 1 and Category 2 land will be specified in the amended LLS Act and may be amended by regulation when jointly agreed by the Minister for the Environment and the Minister for Primary Industries.

## What activities can be undertaken on mapped land?

Category 1 land is exempt from the new land management regulatory framework under the LLS Act. This means that landholders can manage the vegetation on this land without considering the requirements of the new land management framework. This will provide significant clarity and certainty to landholders, who are currently required to identify the age of vegetation on their properties themselves to determine if it is regulated. However, other legislative restrictions will continue to apply to Category 1 land, such as any requirements under other NSW laws or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Allowable and code-based activities authorised under the LLS Act can be undertaken on Category 2 land. This will ensure landholders can flexibly manage the native vegetation on their properties. If the clearing activity proposed on Category 2 land is not covered by an allowable activity or a code, an approval can be sought from LLS.

Clearing on excluded land (grey hatched areas) will continue to be regulated by the existing *Environmental Planning & Assessment Act 1979* and the new *Biodiversity Conservation Act* framework, as well as other legislation such as national parks and forestry legislation.

## How is the map prepared?

A detailed method statement describes how the best available science and data is used to prepare the NV Map. The method statement identifies the particular data sources used, including satellite and aerial imagery, and other mapped layers. The method describes how land is mapped as Category 1 or Category 2. This is based on the history of land use and relevant clearing history of the remaining vegetation cover.

The method does not make an assessment of the particular type, condition or environmental value of the vegetation. It does not replace site-based assessment that may be required under approval processes.

The method statement is available online for comment and a video is also available with further information about the science behind the NV Map.

The method statement will be peer reviewed, and feedback from public consultation will be considered, before the method statement is finalised. This will ensure the map-making process is transparent, accountable and scientifically robust.

The method statement may be amended from time to time to ensure that data sources used to make the NV Map are up to date.

### Consultation Questions

- Do you have any comments on how we propose to create the map, as set out in the map method statement?
- How well will the proposed categories 1 and 2 work to ensure regulations apply where needed?

*Have Your Say at <http://landmanagement.nsw.gov.au/haveyoursay>*

## How can the map be updated?

There are several review and update processes proposed to ensure the NV Map reflects the most accurate and up to date data, and is a reliable source of information for landholders.

### Internal map reviews

A map review process will be available to landholders. This review right will give landholders the opportunity to provide additional information about their property to ensure that land is correctly categorised. This will enhance community confidence in the NV Map. The government is also interested in identifying the most efficient ways to enable local councils and third parties to provide updated local data to improve map accuracy.

### Changing the baseline date

Similar to the existing right to change the regrowth date under the *Native Vegetation Act 2003*, a review mechanism will be available for landholders to provide evidence that demonstrates ongoing rotational farming practices prior to the baseline date. In these cases, land may be re-categorised from Category 2 to Category 1.

### Map updates

The Chief Executive of the Office of Environment and Heritage (OEH) will be able to re-categorise land in certain circumstances. This will include to:

- correct map errors
- apply new data or information
- recognise clearing that has occurred in accordance with an LLS approval or a PVP made under the Native Vegetation Act.

Land that has been cleared in accordance with a code made under the LLS Act will be re-categorised to category 1 where specifically required by the code. An annual review will ensure the map reflects updated data sources and all changes to land categories.

#### Consultation Question

- What should be considered when developing the map review process?

*Have Your Say at <http://landmanagement.nsw.gov.au/haveyoursay>*

## Where will the map be published?

The NV Map will be made available online through the NSW Planning Portal. The map will be updated as soon as possible following a decision to re-categorise land.

### Consultation Question

- To what extent will the proposed NV Map help to determine if native vegetation clearing is regulated under the new regulatory framework?

*Have Your Say at <http://landmanagement.nsw.gov.au/haveyoursay>*

## 2. Excluded Land

Areas on the NV Map marked in grey hatching are classified as “excluded land”, where the map does not apply to the land.

The Department of Planning and Environment will develop a State Environmental Planning Policy (SEPP) for land where the NV Map does not apply. This land will include all Sydney local government areas and land across the state in urban zones, E2, E3 and E4 zones (E zones) and R5 zones under Local Environmental Plans.

The proposed SEPP will be the subject of separate public consultation.

More information is available in the *Simplifying Land Management* submission guide.