

Land categories and the Land Management Framework



This fact sheet provides guidance for landholders about land categorisation under the Land Management Framework and what that means for native vegetation management.

Rural land in NSW is categorised into 3 main categories: Category 1 (exempt land), Category 2 (regulated land) and Excluded land. There are different native vegetation management options for each land category. The Draft Native Vegetation Regulatory Map is maintained by the NSW Department of Climate Change, Energy, the Environment and Water.

What do the categories mean?

Category 1 – Exempt land is land where native vegetation can be cleared without approval from Local Land Services.

Category 2 land is divided into:

- Category 2 – Regulated land** is land that is not vulnerable or sensitive regulated land. You may need authorisation from Local Land Services to clear native vegetation from rural zoned land in this category.
- Category 2 – Vulnerable regulated land** is land where clearing of native vegetation may not be permitted under the Land Management (Native Vegetation) Code 2018, and a limited range of allowable activities are permitted.
- Category 2 – Sensitive regulated land** is land where clearing of native vegetation is not permitted under the Land Management (Native Vegetation) Code 2018, and a limited range of allowable activities is permitted.

Excluded land is land where the Land Management (Native Vegetation) Code 2018 and allowable activities do not apply.

Each land category is determined by various criteria as outlined in the *Local Land Services Act 2013* (see table below).

Can land categories change?

You can apply for a review of the land categories covering your land and it may be possible to re-categorise under certain circumstances:

- if land has been cleared in accordance with a property vegetation plan (PVP) or development consent or approval
- after receiving a code certificate under the continuing use, equity and farm plan parts of the Land Management (Native Vegetation) Code 2018
- if land identified as old-growth forest or rainforest has been assessed as not meeting the criteria for those communities.

Rural zoned land in this fact sheet refers to zones RU1, RU2, RU3, RU4 and RU6.

Want to know more?

To find more information on land management visit lls.nsw.gov.au/land-management or call 1300 795 299 to speak to your local team. You can also get in touch via email at lm.info@lls.nsw.gov.au

What is the process for re-categorising land?

The draft native vegetation regulatory map is now available for landholder review.

Go to www.environment.nsw.gov.au/native-vegetation-regulatory-map

On this website you can view these land categories on your property and request a review if these categories appear inaccurate.

The draft map does not have regulatory effect, does not impose any new legal obligations, and is not binding. A final map will be published when the review period ends. Until this time, Category 1 - Exempt and Category 2 - Regulated land can still be determined by the landholder, using the criteria shown in the table below. Sensitive and vulnerable land categories continue to be in force.

Criteria that apply to each land category

Land categories	Criteria
Exempt land (Category 1)	<ul style="list-style-type: none"> Land cleared of native vegetation as of 1 January 1990, or lawfully cleared after 1 January 1990. Low conservation value grasslands. Land containing only low conservation groundcover (not being grasslands). Native vegetation identified as regrowth in a PVP under the repealed <i>Native Vegetation Act 2003</i>, only where the PVP specifies a regrowth date. Land bio-certified under the <i>Biodiversity Conservation Act 2016</i>.
Regulated land (Category 2 -not including vulnerable or sensitive land)	<ul style="list-style-type: none"> Land not cleared as of 1 January 1990, or unlawfully cleared after 1 January 1990. Native vegetation grown with the assistance of public funds (but clearing under the Land Management (Native Vegetation) Code 2018 is not permitted on such land while the agreement providing the funds is in force). Land that was subject to a Private Native Forestry PVP that is no longer in force. Grasslands that are neither low nor high conservation value grasslands. Travelling stock reserves, not including travelling stock reserves in the western division.
Vulnerable regulated land (subcategory of Category 2)	<ul style="list-style-type: none"> Steep (greater than 18 degrees from horizontal) or highly erodible land. Protected riparian areas. Land susceptible to erosion, or land that is otherwise environmentally sensitive.
Sensitive regulated land (subcategory of Category 2)	<ul style="list-style-type: none"> Land subject to a private land conservation agreement with the Biodiversity Conservation Trust. A set aside area under the Land Management (Native Vegetation) Code 2018. Land subject to a biocertification conservation measure. Land comprising an offset under a PVP or set aside under a self-assessable code under the <i>Native Vegetation Act 2003</i>. Coastal wetlands and littoral rainforests (<i>Coastal Management Act 2016</i>). High conservation value grasslands. Core koala habitat identified in a plan of management (Koala Habitat Protection State Environmental Planning Policy). Critically endangered plants and critically endangered ecological communities. Ramsar wetlands (<i>Environmental Protection and Biodiversity Conservation Act 1999</i>). Land subject to remedial action or conservation measures under the <i>Biodiversity Conservation Act 2016</i>. Land subject to a property, trust conservation agreement, or covenant. Land recommended for listing as an area of outstanding biodiversity value. Land subject to a Private Native Forestry Plan or Private Native Forestry PVP that is in force. Conservation areas under the Southern Mallee Land Use Agreement. Native vegetation that must be retained under the <i>Plantation and Reafforestation Act 1999</i>. Land subject to a condition of development consent requiring the land to be set aside for conservation purposes under the <i>Environmental Planning and Assessment Act 1979</i>. Rainforest and old-growth forest.