

APPENDIX : Vegetation Definitions -appropriate legislation

Figure #a Biodiversity -defined in the Biodiversity Conservation Act (2016)

1.5 Biodiversity and biodiversity values for purposes of Act

- (1) For the purposes of this Act, **biodiversity** is the variety of living animal and plant life from all sources, and includes diversity within and between species and diversity of ecosystems.
- (2) For the purposes of this Act, **biodiversity values** are the following biodiversity values:
- (a) vegetation integrity—being the degree to which the composition, structure and function of vegetation at a particular site and the surrounding landscape has been altered from a near **natural** state,
 - (b) habitat suitability—being the degree to which the habitat needs of threatened species are present at a particular site.
 - (c) biodiversity values, or biodiversity-related values, prescribed by the regulations.

Figure #b Habitat -defined in the Biodiversity Conservation Act (2016)

perform a duty.

habitat includes:

- (a) an area periodically or occasionally occupied by a species or ecological community, and
- (b) the biotic and abiotic components of an area.

harm an animal includes kill, injure or capture the animal, but does not include harm by changing the habitat of the animal, and **attempt to harm** an animal includes hunting or pursuing, or using anything, for the purpose of harming the animal.

key threatening process means a threatening process listed in Schedule 4.

landholder means a person who is the owner of land or who, whether by reason of ownership or otherwise, is in lawful occupation or possession, or has lawful management or control, of land.

management action for a biodiversity stewardship site, means an action (or refraining from an action) on the site in respect of which a biodiversity credit may be created.

marine vegetation means mangroves, seagrasses or any other species of plant that at any time in its life cycle must inhabit water (other than fresh water).

mining or petroleum authority means an authority, claim, licence or title (however described) under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*.

native vegetation and **clearing** native vegetation have the same meanings as in Part 5A of the *Local Land Services Act 2013*.

Note. Under that Part of that Act, the clearing of dead or non-native plants on certain vulnerable land is taken to be the clearing of native vegetation.

What is remnant native vegetation?

Remnant native vegetation is any native vegetation other than regrowth. This means that all native vegetation that was present prior to 1 January 1990 (or 1 January 1983 in the Western Division) is remnant. It also includes any vegetation that has regrown following unlawful clearing

Figure # c : Native Vegetation -Part 5A Local Land Services Act 2013



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LOCAL LAND SERVICES ACT 2013 - SECT 60B

Meaning of "native vegetation"

50B Meaning of "native vegetation"

- (1) For the purposes of this Part, "native vegetation" means any of the following types of plants native to New South Wales--
 - (a) trees (including any sapling or shrub or any scrub),
 - (b) understorey plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) A plant is native to New South Wales if it was established in New South Wales before European settlement. The regulations may authorise conclusive presumptions to be made of the species of plants native to New South Wales by adopting any relevant classification in an official database of plants that is publicly accessible.
- (3) For the purposes of this Part, native vegetation extends to a plant that is dead or that is not native to New South Wales if--
 - (a) the plant is situated on land that is shown on the native vegetation regulatory map as category 2-vulnerable regulated land, and
 - (b) it would be native vegetation for the purposes of this Part if it were native to New South Wales.
- (4) For the purposes of this Part, native vegetation does not extend to marine vegetation (being mangroves, seagrasses or any other species of plant that at any time in its life cycle must inhabit water other than fresh water). A declaration under section 14.7 of the Biodiversity Conservation Act 2016 that specified vegetation is or is not marine vegetation also has effect for the purposes of this Part.

What is remnant native vegetation?

Remnant native vegetation is any native vegetation other than regrowth. This means that all native vegetation that was present prior to 1 January 1990 (or 1 January 1983 in the Western Division) is remnant. It also includes any vegetation that has regrown following unlawful clearing