



TREE PRESERVATION ORDER

INFORMATION SHEET No. TP 2 - OBTAINING DEVELOPMENT CONSENT FOR CLEARANCE UNDER THE NATIVE VEGETATION ACT 2003

WHAT IS THE RELATIONSHIP BETWEEN THE TREE PRESERVATION ORDER & THE NATIVE VEGETATION ACT?

The Tree Preservation Order applies to whole of Wollondilly Shire has been amended to include provisions relating to the clearance of native vegetation as prescribed by the [Native Vegetation Act 2003](#).

The [Native Vegetation Act 2003](#) applies to native vegetation across New South Wales except for: urban areas (e.g. residential, industrial and commercial zones); national parks and other conservation areas; and, state forests and reserves.

The Tree Preservation Order states that tree clearance in agriculture, rural and water catchment zones is subject to development consent under the [Native Vegetation Act 2003](#). The Hawkesbury Nepean Catchment Management Authority is the consent authority for native vegetation clearing approvals under the [Native Vegetation Act, 2003](#).

The Tree Preservation Order requires development consent for tree clearance in environmental protection, open space and rural small holding zones **in addition** to approval under the [Native Vegetation Act 2003](#).

The Tree Preservation Order requires development consent for tree clearance in residential, industrial and commercial zones.

WHAT IS NATIVE VEGETATION?

Native vegetation is any species of vegetation that existed in NSW before European settlement including trees, saplings, shrubs, scrub, understorey, groundcover or plants in a wetland.

WHAT IS CLEARING?

Clearing is defined as cutting down, felling, thinning, logging or removing native vegetation, killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

HOW TO OBTAIN DEVELOPMENT FOR CLEARING NATIVE VEGETATION?

To obtain development consent for native vegetation clearance under the [Native Vegetation Act 2003](#) contact the Hawkesbury Nepean Catchment Management Authority (HNCMA) on the details below:

Website: www.hn.cma.nsw.gov.au

Address: Goulburn (Head Office)

159 Auburn Street

Locked Bag 2048

GOULBURN NSW 2580

Telephone: (02) 48286747

Fax: (02) 4628 6750

Shop 4, Calaroga Centre

Kirkham Street

PO BOX 957

MOSS VALE NSW 2577

(02) 4861 9010

(02) 4868 3588

To obtain consent for tree clearance from the HNCMA, landowners can either apply for development consent or prepare a property vegetation plan with the CMA. The differences between the two approval methods are outlined below.

HNCMA – DEVELOPMENT CONSENT FOR TREE CLEARANCE

Development consents can only be used for a single clearing event and are generally issued for a period of less than five years. Development Consent cannot be granted unless the clearing itself improves or maintains environmental outcomes because offsets are not available.



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HNCMA – PROPERTY VEGETATION PLAN

A Property Vegetation Plan (PVP) is a voluntary but legally binding agreement between a landholder and the local Catchment Management Authority (CMA). A PVP outlines how a landowner intends to manage native vegetation on their property including areas to be cleared, to confirm areas of regrowth, to confirm whether land use agricultural practices meet definitions within the [Native Vegetation Act 2003](#).

Clearing approvals within a PVP can last up to 15 years although offsets may be needed for a longer period including possibly in perpetuity

WHAT ARE OFFSETS?

If your clearing proposal forms part of a Property Vegetation Plan and the clearing itself does not improve or maintain environmental outcomes, you may be able to offset your proposal with positive management actions to help meet the 'improve or maintain' test.

Offsets are actions that a landholder agrees to in order to balance any negative impacts of clearing.

Offsets may include, for example agreeing not to clear regrowth, reducing stocking rates from areas of remnant vegetation, planting, re-seeding or improving habitat by weed control.

ARE THERE ANY EXEMPTIONS FROM THE NATIVE VEGETATION ACT 2003?

Yes there are exemptions. Clearing of native vegetation does not require approval under the [Native Vegetation Act 2003](#) if it is: a permitted clearing activity under the Act; or on land that is excluded from the Act.

Permitted clearing - exemption

Permitted clearing activities include: construction of a single dwelling; routine agricultural management activities (see separate factsheet); clearing of non-protected regrowth; sustainable grazing; clearing of certain groundcover; and, to continue existing farming practices.

Land excluded from the Native Vegetation Act – exemption

Land excluded includes urban areas (e.g. residential, industrial and commercial zones); national parks and other conservation areas; and, state forests and reserves.

Excluded clearing - exemption

Clearing listed in section 25 of the Native Vegetation Act does not require approval because it is authorised or permitted under other legislation. Examples include clearing permitted under the [Rural Fires Act 1997](#) and the [Roads Act 1993](#).

NEED FURTHER INFORMATION ON THE NATIVE VEGETATION ACT 2003?

Contact the Hawkesbury Nepean Catchment Management Authority on the details above or visit the website <http://www.environment.nsw.gov.au/vegetation/nvmanagement.htm> for a series of factsheets and additional information on the [Native Vegetation Act 2003](#).

NOTE: THIS INFORMATION DOES NOT CONSTITUTE LEGAL ADVICE.
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