

Tree clearing can be **exempt**, require a **permit from Council**, require a **development consent** or require a **permit from the NSW Government’s Native Vegetation Panel**. “Clearing” includes pruning trees.

### **Part of Another Development**

Clearing that is part of another development, requires lodgement of a development application to Council. Council does not issue vegetation permits to allow other development under Part 4 of the Environmental Planning and Assessment Act 1979 to proceed.

### **The Biodiversity Offset Scheme and Biodiversity Licenses**

The next step in determining the correct approval pathway for clearing vegetation with biodiversity significance is to determine if the NSW Biodiversity Offset Scheme (BOS) applies. There are two thresholds that can trigger the application of the BOS. It can be triggered by the area to be cleared or if clearing is proposed on an area that has been mapped by the NSW Government.

To determine if the BOS applies to clearing, please engage an ecological consultant who is accredited as a Biodiversity Assessment Methodology Assessor to assess the vegetation. The consultant can also advise if a license is required to impact on threatened species or endangered ecological communities. This is a separate requirement of legislation and applies even if the clearing is exempt from requiring a permit and/or does not trigger the BOS.

### **Native Vegetation Panel Permits**

Clearing that exceeds the BOS thresholds cannot be approved under a Council permit. The NSW Native Vegetation Panel is the approval authority in these cases and NSW Local Land Services can be contacted on 1300 795 299 for further information.

There are some exemptions from requiring a permit in this situation as explained below:

1. It is approved by a development consent

Contact Council’s duty planner or the Council officer who assessed the Development Application if you are not sure that the development consent authorises clearing.

2. Council has declared the tree to be a risk to life or property

To apply for a Council declaration that a tree is a risk to life or property, please use Council’s Dead, Dying and Dangerous Tree Declaration Application Form. Please lodge this form, the fee and any required supporting information to Council. For dangerous trees, Council aims to make a decision within three days of the receipt of the form.

3. Council or the Native Vegetation Panel has declared the tree to be dead or dying and not required for habitat

To apply for a Council declaration that a tree is dead or dying and not required for habitat please use Council's Dead, Dying and Dangerous Tree Declaration Application Form. Please lodge this form, the fee and any required supporting information to Council. For dead or dying trees Council aims to make a decision within 14 days of the receipt.

4. The pruning is minor,

Pruning of a tree in excess of the BOS threshold is exempt if it does not remove a substantial part of the vegetation. All other pruning will require a permit or development consent unless it is covered by an exemption.

In case of an emergency involving a tree:

**In case of a life-threatening emergency please dial 000.** This emergency number may be used to report trees blocking traffic.

For non-life threatening emergencies involving trees in storms or flood please contact the NSW State Emergency Service (SES) on 132500.

For non-life threatening emergencies involving trees and bushfire please contact the NSW Rural Fire Service (RFS) on 1800 NSW RFS (1800 679 737).

### **Council Vegetation Permits – Exemptions**

Clearing that does not trigger the BOS thresholds then will need a vegetation permit from Council unless the clearing meets one of the following exemptions.

1. It is approved by a development consent

Contact Council's duty planner or the Council officer who assessed the Development Application if you are not sure that the development consent authorises clearing.

2. Council has declared the tree to be a risk to life or property

To apply for a Council declaration that a tree is a risk to life or property please use Council's Dead, Dying and Dangerous Tree Declaration Application Form. Please lodge this form, the fee and any required supporting information to Council. For dangerous trees Council aims to make a decision within three days of the receipt of the form.

3. Council has declared the tree to be dead or dying and not required for habitat,

To apply for a Council declaration that a tree is dead or dying and not required for habitat please use Council's Dead, Dying and Dangerous Tree Declaration Application Form. please lodge this form, the fee and any required supporting information to Council. For dead or dying trees Council aims to make a decision within 14 days of the receipt of the form.

4. The pruning or removal is authorised by an emergency services organisation,

**In case of a life-threatening emergency please dial 000.** This emergency number may be used to report trees blocking traffic.

For non-life threatening emergencies involving trees in storms or flood please contact the NSW State Emergency Service (SES) on 132500. The SES are exempted from requiring a permit for emergency management works.

For non-life threatening emergencies involving trees and bushfire please contact the NSW Rural Fire Service (RFS) on 1800 NSW RFS (1800 679 737). The RFS are exempted from requiring a permit for emergency management works.

5. The pruning is part of long term ongoing maintenance of the tree and is minor,

Pruning of a tree is exempt if it does not remove a substantial part of the vegetation. All other pruning will require a permit or development consent unless it is covered by an exemption.

6. A permit from the NSW Rural Fire Service has been obtained or the clearing is exempt under the Rural Fires Act, 1997.

The NSW Rural Fire Service (RFS) can provide advice on clearing trees for bushfire protection purposes.

### **Council Vegetation Permits – Applying for a Permit**

If proposed clearing requires a vegetation permit from Council, the application must include:

- a) Council's application form
- b) The fees for the application
- c) The written consent of all land owners
- d) A site plan, drawn to scale, showing the proposed clearing
- e) Ecological consultant's report
- f) An arborist's report
- g) A report justifying the reason for removal (see below)
  - a. Damage to buildings → Structural Engineer's Report
  - b. Damage to pipes → Plumber's Report
  - c. Risk to powerlines → Advice from Endeavour Energy
- h) For a heritage item, a heritage impact assessment and/or Aboriginal cultural heritage assessment
- i) For trees on a slope greater than 20%, a soil and water management plan
- j) For trees required by as a visual screen by a development consent, a visual impact assessment
- k) For applications to remove trees, a landscaping plan, drawn to scale, showing what replacement planting is proposed

### **Further information**

For more information, please contact Council's environmental assessment officer.