

Vegetation Clearing Guidelines

Do I need permission from Council to clear vegetation on my property?

Permission from Council to remove vegetation from private land is not required under Council's [Local Environmental Plan 2010](#) (LEP), except in the following circumstances:

- Clearing of vegetation on land mapped as Littoral Rainforest ([SEPP 26](#)) or Coastal Wetlands ([SEPP 14](#)) usually requires development consent from Council – some exemptions apply. Check the [development constraint mapping](#) on Council's website to see if your property is affected.
- Some properties have covenants or restrictions registered on the title of the land prohibiting the removal of vegetation without Council approval. These are usually noted on the Section 149 Planning Certificate that you need from Council when purchasing a property.
- Vegetation proposed to be removed in conjunction with a proposed development needs to be assessed and approved as part of the development application (DA) process.
- Removal of a tree identified as a heritage item or located within a heritage conservation area requires development consent from Council. Where works are of a minor nature a DA may not be required, but only after Council has issued written advice confirming this is the case. Heritage items and areas are listed under [Schedule 5 of Council's LEP](#). For more information please refer to [Part F – Heritage Requirements of Council's Development Control Plan](#).

What about clearing of vegetation in rural areas?

Clearing of vegetation on land zoned under Council's [LEP](#) as RU1 Primary Production, RU3 Forestry or RU4 Primary Production Small Lots and R5 Large-lot Residential is regulated under the NSW [Native Vegetation Act 2003](#). Permission is needed from the Catchment Management Authority (CMA) unless the clearing is for a 'routine agricultural management activity' as defined under the Act, the vegetation is 'regrowth' as defined by the Act, or the clearing has already been approved by Council as part of a development application to build a house. *For further information contact the Hunter-Central Rivers CMA on 6551 8994. **Suspected illegal clearing of vegetation should be reported to the EPA's Hotline on 131 555.***

I want to undertake forestry operations on my land – do I need approval from Council?

Council consent is not required to undertake forestry operations on land zoned RU1, RU3 Forestry or RU4 Primary Production Small Lots, however forestry is prohibited on land zoned E2 Environmental Conservation and E3 Environmental Management under Council's LEP. Please be aware that you will still need to seek permission to undertake private native forestry operations from the NSW Environmental Protection Authority www.environment.nsw.gov.au. *Contact the local EPA office on 6552 2788 for more information.*



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Do I need permission to clear vegetation to reduce the risk of bushfire on my property?

The NSW Rural Fire Service (RFS) must be contacted to gain the appropriate environmental approval to carry out bushfire hazard reduction works that may include vegetation clearance. This process does not require Council consent, however you must hold a Bushfire Hazard Reduction Certificate from the NSW RFS relevant to the work done, or you risk being prosecuted and fined. *Check with your local NSW Rural Fire Service on 6591 2900 or www.rfs.nsw.gov.au.*

What about threatened species?

Threatened or nationally significant species or communities must be given consideration under the [Threatened Species Conservation Act 1995](#) and/or [Environment Protection and Biodiversity Conservation Act 1999](#). If planned work involves a threatened species or is part of an endangered ecological community contact the NSW Office of Environment and Heritage on 4908 6800. Clearing permitted under the *Native Vegetation Act* will not need additional consent under the State's *Threatened Species Conservation Act*, but may still require approval under the Australian Government's *Environment Protection and Biodiversity Conservation Act*.

Do I need permission to clear mangroves from my riverbank?

Clearing of mangroves, seagrasses or other marine vegetation requires [permit approval](#) by the Department of Primary Industries (NSW Fisheries). *Contact NSW Fisheries on 4982 1232 or visit www.dpi.nsw.gov.au/fisheries for more information.*

Do I need permission from Council to clear vegetation on public land?

Clearing of vegetation on public land owned or managed by Council, including parks and road reserves, requires the written consent of Council.

My neighbour's tree is causing a nuisance but they refuse to remove it – what can I do?

Council does not have the authority to direct landowners to prune or remove trees that are growing on their property. Council is also unable to negotiate or intervene in tree disputes between neighbours as this is considered a civil matter between property owners. Where a situation cannot be resolved on agreeable terms, property owners may apply to the NSW Land and Environment Court under the provisions of the [Tree \(Disputes Between Neighbours\) Act 2006](#).

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