Native vegetation clearing in urban and other areas

Urban areas are not covered by the Native Vegetation Regulatory Map (NV Map). In these areas, clearing associated with development that is permitted without consent, such as extensive agriculture, will be regulated by a new State Environmental Planning Policy and Development Control Plan. These arrangements will replace the current Tree Preservation Orders.

In these areas, clearing associated with development that is permitted with consent, such as new housing or mining, will be regulated as part of that development application under provisions of the Environmental Planning and Assessment Act (EP&A Act).

Excluded land on the Native Vegetation Regulatory Map

The Department of Planning and Environment proposes to develop a State Environmental Planning Policy (SEPP) for land where the NV Map does not apply. This land will include:

» all Sydney local government areas,
» Newcastle local government area,
» land in urban zones1, E2, E3 and E4 zones (E zones)2 and R53 zones under Local Environmental Plans (together referred to as urban areas below). The SEPP will also make provision for deferred land that has not yet been zoned under Standard Instrument Local Environmental Plans.

What approvals will be required in urban areas?

The proposed SEPP will be the subject of separate public consultation.

It is expected that the SEPP framework will set out categories of:

1) Clearing that does not require approval,
2) Clearing of native vegetation that may be carried out with a permit.
3) Clearing of native vegetation that may only be carried out with approval under the LLS Act, following a Biodiversity Assessment Method (BAM) assessment.

Who will make the decision?

Clearing below the BAM threshold

The proposed SEPP will identify who can issue a permit required for clearing of native vegetation below the BAM threshold.

In urban local government areas, and for urban zoned land in rural areas, it is proposed that councils will issue permits for clearing. For E zones and R5 zones the following options are being considered:

A) Local Land Services to issue permits under the SEPP. This will have the advantage of a single body being responsible in rural areas for the management of all native vegetation clearing regulated by the SEPP; or

1 Urban zones include General and Low to High Density Residential zones, zone RU5 - Village, Industrial zones, Business and commercial zones and Recreation zones, as well as zone SP2 – Infrastructure and zone W3 – Working Waterways under the Standard Instrument LEP.
2 Zone E2 – Environmental Conservation; zone E3 – Environmental Management; and zone E4 – Environmental Living.
3 Large Lot Residential zone.
B) Councils to issue permits under the SEPP. This will mean the same decision maker is responsible for permits for all native vegetation clearing regulated by the SEPP on land that is not covered by the NV map.

We are seeking input from all stakeholders, including councils and landholders, on these options.

**Clearing above the BAM threshold**

For native vegetation clearing that cannot be carried out with a permit, or without approval, the Minister for Primary Industries will be responsible under the LLS Act for approving clearing that exceeds the BAM assessment threshold, and for determining offset requirements.

The BAM assessment thresholds will be the same as those for development that requires consent (as specified in the regulation made under the Biodiversity Conservation Act).

**Process to develop the SEPP and DCP package**

Development of the SEPP and DCP by the biodiversity reform agencies will be guided by a policy approach which aligns with the recommendations from the E zone review, the recommendations from the Independent Biodiversity Legislation Review Panel and feedback from other stakeholders.

**More Information**

For more information about the biodiversity reforms consultation package, including the Native Vegetation Regulatory Map, the Biodiversity Assessment Method and the NSW Biodiversity Offsets Scheme, visit [http://landmanagement.nsw.gov.au](http://landmanagement.nsw.gov.au).

**Have your say on the proposed changes**

We want to hear if you think the Independent Biodiversity Legislation Review Panel’s recommendations are reflected in the biodiversity reforms consultation package. Communities, farmers and environmental groups are invited to participate in the consultation process.

You can have your say online at [http://landmanagement.nsw.gov.au/haveyoursay/](http://landmanagement.nsw.gov.au/haveyoursay/) or send your written submission to:

Biodiversity Reforms - Have Your Say
Office of Environment and Heritage
PO Box A290
Sydney South
NSW 1232

Submissions close on 28 June 2016 at 5pm.