Vegetation Removal in Ballina Shire

Why is native vegetation important?

Ballina Shire's natural environment is part of what makes the area an attractive place to live in or to visit. Native trees and vegetation are important elements of the natural environment. Some of their benefits include:

- Providing habitat for native animals, birds and insects;
- Providing improved residential amenity in the towns and villages, particularly in the hot summer months;
- Contributing to the scenic character of the landscape; and
- Helping to manage soil erosion and air pollution and maintain slope stability.

Do I need consent to remove trees and vegetation?

Different rules apply in different parts of the Shire. However, in most instances, development consent is required from Council to remove vegetation which is native to **New South Wales**, including trees, shrubs, ferns, vines, herbs and grasses. In Lennox Head, consent is usually required to remove vegetation that is native to **Australia**. In addition, consent is usually required to remove **any tree** (including exotic species) in environmental protection and urban investigation zones. Gardening or landscaping associated with an approved land use is often, but not always, exempt from requiring consent.

If you are wanting to do any work that is likely to impact on native vegetation, you should contact one of the Town Planners in Council's Regulatory Services Group. They will let you know what rules apply and, if needed, how to lodge an application.

What if vegetation really needs to be removed?

Council understands there are times when it may be appropriate and necessary to remove vegetation. When assessing your circumstances, Council will consider issues such as:
The location, type and extent of vegetation to be removed;

- Whether the tree or vegetation is dangerous, unhealthy or dead;
- Whether the tree or vegetation is causing, or is likely to cause, damage to a building;
- Whether some of the trees or vegetation can be retained or regenerated; and
- Whether replacement plantings can occur in an alternate location on the property.

If prior consent is required, there are legal penalties for removing vegetation without obtaining prior consent.

What are the rules applying to Vegetation Removal?

The rules that control the removal of vegetation in the Shire are mainly contained in the Ballina Local Environmental Plan, 1987 (BLEP). The BLEP divides the Shire into a number of zones and specifies planning requirements for each of the different zones. There is also a special set of controls that apply to land within Lennox Head and the Headlands Estate in Skennars Head, which are contained in the Lennox Head Vegetation Management Order. More information is provided below.

Rural Zoned Land

- 1(a1) - Rural (Plateau Lands Agriculture) Zone;
- 1(a2) - Rural (Coastal Lands Agriculture) Zone; or
- 1(b) - Rural (Secondary Agricultural Land) Zone.

The consent of Council is required for the clearing (destruction or removal) in any manner of native plants including trees, shrubs, ferns, vines, herbs and grasses indigenous to NSW.

Exemptions: Development consent is not required to remove native plants grown for commercial purposes (such as planted windbreaks, commercial nurseries or commercial crops). Gardening or landscaping associated with an approved land use is often, but not always, exempt from requiring consent.

Environmental Protection Zones and Urban Investigation Zones

- 1(d) – Rural (Urban Investigation) Zone;
- 7(a) – Environmental Protection (Wetlands) Zone;
- 7(c) – Environmental Protection (Water Catchment) Zone;
- 7(d) – Environmental Protection (Scenic / Escarpment) Zone;
- 7(d1) – Environmental Protection (Newrybar Scenic / Escarpment) Zone;
- 7(f) – Environmental Protection (Coastal Lands) Zone;
- 7(i) – Environmental Protection (Urban Buffer) Zone; or
- 7(l) – Environmental Protection (Habitat) Zone.

Development consent from Council is required to cut down, top, lop or otherwise destroy or remove any tree (native or otherwise) or any shrub, fern, vine, herb or grass indigenous to NSW.

Exemptions: Development consent is not required to remove trees planted for landscaping purposes or native plants grown for commercial purposes (such as planted windbreaks, commercial nurseries or commercial crops). In zones 1(d), 7(c), 7(d), 7(d1) and 7(i) gardening or landscaping associated with an approved land use is often, but not always, exempt from requiring consent.

Urban Zoned Land (other than Lennox Head)

- 2(a) - Living Area Zone;
- 2(b) - Village Area Zone;
- 2(t) - Tourist Area Zone;
- 3 - Business Zone;
- 4 - Industrial Zone; or
- 6(a) - Open Space Zone.

Consent of Council is required for the clearing, destruction or removal in any manner of native plants including trees, shrubs, ferns, vines, herbs and grasses indigenous to NSW.

Exemptions: Development consent is not required to remove native plants grown for commercial purposes (such as planted windbreaks, commercial nurseries or commercial crops). Gardening or landscaping associated with an approved land use is often, but not always, exempt from requiring consent.

Urban Zoned Land (Lennox Head and Headlands Estate)

The Lennox Head Vegetation Management Order outlines the approvals required in Lennox Head and Headlands Estate. These are summarised in the separate community information sheet entitled “Vegetation Removal in Lennox Head”.

All Other Zones

- 1(e) - Rural (Extractive and Mineral Resources) Zone;
- 8(a) - National Parks and Nature Reserves Zone;
- 9(a) - Roads (Main Road Proposed) Zone; or
- 9(b) - Roads (Local Roads Proposed) Zone.

Consent of Council is required for the clearing, destruction or removal in any manner of native plants including trees, shrubs, ferns, vines, herbs and grasses indigenous to NSW.

Exemptions: Development consent is not required to remove trees planted for landscaping purposes or native plants grown for commercial purposes (such as planted windbreaks, commercial nurseries or commercial crops). In zone 1(e) gardening or landscaping associated with an approved land use is often, but not always, exempt from requiring consent.

Further Information

Please contact one of Council's Town Planners in the Regulatory Services Group on telephone 02 6686 1254. Remember, if in doubt – ask!