

Blue Mountains Conservation Society Inc.

Planning and Development Resource Kit



Scenario 1: Land clearing

You notice that trees have been cleared and the land has been bulldozed, or someone tells you about this. You want to find out what's going on and what you can do about it.

WHAT YOU CAN DO:

STEP 1: Collect evidence

Go to the **How to Collect Evidence** page for instructions.

STEP 2: Identify the land or block

When you get back home, refer to a topographic map and/or the Blue Mountains City Council's interactive maps to try and identify the block. Go to the **How to View BMCC Interactive Maps** page for instructions on how to use the interactive maps. If you can find the block, take a note of its DP number or street address (if private land) or the name of the reserve (public land) or what other type of land it is. Also use the 'select a map view' feature to identify any relevant information (e.g. environmental features, Protected Areas) and from your sketch map try and identify where the area of disturbance is in relation to these features.

If you can't find the block, report the activity to the Council. Go to the **How to Make an Enquiry at the Blue Mountains City Council** page to find out how to do this.

If the land is in the Blue Mountains National Park or any of the Water Catchment areas, you should contact the National Parks and Wildlife Service directly. For the Upper Mountains phone 4787 8877 and ask to speak to the Area Manager, or for the Lower Mountains phone 4588 2400 and ask to speak to the Area Manager.

STEP 3: Find out if the activity has been approved by Council

If you can identify the block, look up the Council's register of Development Applications and approvals. Go to the **How to Access a Development Application or Approval** page to find out how to access the register.

If you *can* find a development determination, read the conditions of consent and look at the site plans. If you believe the works do not comply, or are having an unacceptable environmental impact, you should report this to the Council. In this situation we would advise you to phone Council on 4723 5000 (from lower mountains) or 4780 5000 (from upper mountains). In a follow-up email to Council, attach evidence (photos, sketch maps as PDF files) and re-state your concerns. Or just email your enquiry and evidence to council@bmcc.nsw.gov.au.

If you *can't* find a development determination associated with the site, report the land clearing to the Council. Go to the **How to Make an Enquiry at the Blue Mountains City Council** page to find out how to do this. If you phone Council, in a follow-up email attach photos, sketch maps (as PDF files) and re-state your concerns.

It is Council's duty to enforce compliance with the conditions of development consent. If the Council does not respond to your enquiry in a timely and appropriate manner and the works are continuing and causing environmental damage, you should follow the further suggestions on the **How to Make an Enquiry at Blue Mountains City Council** page. Only when you have exhausted those options should you follow the suggestions on the **Further Action** page.

STEP 4: Who else to contact

If the land is in a rural area (Megalong Valley, Sun Valley, Mt Wilson, Mt Irvine, Mt Tomah) the [Native Vegetation Act](#) may apply. This means you can also contact the NSW Office of Environment and Heritage's 24-hour Environment Line on 131 555. For more information about the Environment Line, click [here](#).

If the clearing involves threatened species, the [Threatened Species Conservation Act](#) may apply. This means you can also contact the NSW Office of Environment and Heritage's 24-hour Environment Line on 131 555. For more information about the Environment Line, click [here](#).

Vegetation clearing under the '10/50' law

If the vegetation clearing is very close to an existing house, it is possible that it was done under the new '10/50' law and Code of Practice. Since 1 August 2014, this new law has allowed landholders living in a designated Vegetation Clearing Area (which includes most of the Blue Mountains and other bushfire prone areas) to clear trees on their property within 10m of their home, and underlying vegetation within 50m of their home, without seeking approval from Council or other authorities.

However, the vegetation clearing has to comply with the 10/50 [Code of Practice](#). You should phone the Blue Mountains City Council immediately on 4723 5000 (from lower mountains) or 4780 5000 (from upper mountains) in any of the following situations:

- Where vegetation clearing is outside the 'entitlement area' (you can check this at <http://www.rfs.nsw.gov.au/plan-and-prepare/1050-vegetation-clearing/tool>).

- Where a house is very close to the boundary and the house owner is clearing vegetation on a neighbouring property without that property owner's permission e.g. clearing vegetation on an adjoining Council reserve.
- If trees further than 10m from the wall of a house (not a detached shed or garage) are being removed. At least part of the trunk of the tree has to be within 10m of a house.
- If understory vegetation beyond 50m of a house (not a detached shed or garage) is being removed.
- On land with a slope greater than 18 degrees (or greater than 33%) unless in accordance with a Geotechnical Engineer Assessment Report.
- Within 10m of a Prescribed Stream as identified by the NSW Office of Environment and Heritage.
- When graders, ploughs or dozers are used to clear vegetation i.e. disturbing the soil.
- Within areas identified by the NSW Office of Environment and Heritage as containing Aboriginal or other cultural heritage, unless in accordance with conditions provided by the NSW Office of Environment and Heritage.

Tell Council you suspect a breach of the 10/50 Code of Practice and collect evidence. Note the date, time and address of the clearing, the name of the company doing the tree removal and/or number plates of their vehicles. Where possible, take photographs or videos. Even if you cannot stop illegal vegetation clearing as it is occurring, the evidence can be used to prosecute the perpetrators. And even if the clearing turns out to be legal, it is still important to make a complaint to Council.

Follow up your phone call with an email to Council stating 'Customer Service Request' in the subject line and your Customer Service Request number if you have been given one over the phone. Say that you are making a formal complaint, provide the relevant information and attach your evidence (photos etc). Email: council@bmcc.nsw.gov.au

Also send a copy of your complaint to the Blue Mountains Conservation Society at bmcs@bluemountains.org.au. The Society will use this evidence to challenge the operation of the 10/50 vegetation clearing laws.

Who else to contact:

Even though threatened species, populations, ecological communities and habitats listed in the NSW *Threatened Species Conservation Act* are not protected from the application of the 10/50 vegetation clearing laws, you should report any clearing of known or suspected threatened species and habitats on the site to the Office of Environment and Heritage's Environment Line (131 555).

Case study: Vegetation clearing