



PLANNING SYSTEM

Local planning

Circular	PS 06–002
Issued	10 January 2006
Related	

Inclusion of Property Vegetation Plans in planning certificates

This circular provides advice on changes to the requirements for planning certificates under the Environmental Planning and Assessment Regulation 2000.

Introduction

The *Native Vegetation Act 2003* (the Act) commenced on 1 December 2005. Under the Act, a landholder may choose to prepare a Property Vegetation Plan (PVP) for a parcel of land. A PVP may permit clearing of native vegetation and be linked to funding to carry out works relating to native vegetation, such as revegetation.

An amendment to the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) was made on 16 December 2005 to ensure that potential purchasers of land are aware of the existence of a PVP. This circular provides advice on the regulatory amendment.

Inclusion of PVPs on Planning Certificates

The Environmental Planning and Assessment Amendment (Miscellaneous) Regulation 2005 amends Schedule 4 of the EP&A Regulation to provide that PVPs are a matter to be included on a planning certificate issued under section 149 of the *Environmental Planning and Assessment Act 1979*.

This means that if a person applies to a council for a planning certificate for a parcel of land and a PVP approved under the *Native Vegetation Act 2003* applies to that land the planning certificate must include a statement to that effect.

However, the council is only required to include a statement about the PVP in the planning certificate if it has been notified of the PVP's existence by the person or body that approved the plan. Under section 27 of the *Native Vegetation Act 2003*, PVPs must be approved by the Minister for Natural Resources. The Minister may delegate this approval role to a catchment management

authority or other government agency, under section 48 of the Act.

This means that, in practice, catchment management authorities will be responsible for notifying the relevant council of the creation or termination of PVPs.

This will ensure that councils have accurate and up-to-date information to rely on when issuing planning certificates. It will also ensure that future landowners are provided with notice of the existence of a PVP.

Further information

NSW Acts and Regulations can be accessed on the Parliamentary Counsel Office's website at www.legislation.nsw.gov.au.

Note: This circular and others issued by the Department of Planning are available online at: www.planning.nsw.gov.au/planningsystem/practice/notes.asp.

Authorised by:

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DOP 06_001

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