
Part 11

Vegetation and Wildlife Management

11.1 Application

11.1 Application

This Part of the Plan sets out controls relating to:

1. The management of native vegetation and wildlife habitat (flora and fauna)
2. Permits and development applications for vegetation management

11.2 Management of Native Vegetation and Wildlife Habitat

Objectives:

- Protect and conserve the City's biodiversity through the retention of native vegetation.
- Maintain, enhance and/or establish corridors, which enable existing plant and animal communities to survive and range in their natural habitat.

11.2.1 Management of Native Vegetation and Wildlife Habitat

- a) For sites containing native vegetation and/ or fauna habitat:
 - i) the development shall be sited, designed and managed to avoid any negative impact on native biodiversity where possible;
 - ii) where an impact on native biodiversity cannot be avoided and no reasonable alternative is available the proposed development shall be sited, designed, constructed and managed in a manner that minimises the impact on native biodiversity and maintains habitat connectivity as much as practicable;
 - iii) any impact on native biodiversity shall be essential for the development and limited to the extent necessary to facilitate the safe and orderly use of the land for the purpose of the development;
 - iv) in circumstances where impacts on native biodiversity cannot be avoided, a Biodiversity Statement shall be prepared and submitted with the DA to demonstrate how Clause 11.2.1 a ii) and iii) above

Note: For definitions of terms used in this part, refer to *Section 1.4 Dictionary of Part 1, Volume 1 of the Plan.*



Figure 11.2.1 - The protection of native animals is essential for maintaining natural ecosystems within Campbelltown LGA.

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Management of Native Vegetation & Wildlife Habitat

have been addressed.

Note: For requirements relating to a Biodiversity Statement Refer to Appendix 1. (Note: This statement can be incorporated into a Flora and Fauna Assessment Report).

- b) A Flora and Fauna Assessment Report prepared in accordance with the Office of Environment and Heritage's Threatened Species Survey and Assessment Guidelines and Field Survey Methods is required to be lodged with the development application where:
- i) there is a potential impact on threatened species, populations ecological communities or their habitats either directly or indirectly; and/or
 - ii) there are proposed direct or indirect impacts on native vegetation or other fauna habitats.

Note: Office of Environment and Heritage's Threatened Species Survey and Assessment Guidelines and Field Survey Methods are available on the Office of Environment and Heritage's website.

Note: Council may vary the survey requirements outlined under Clause 11.2.1 b) in circumstances where sufficient justification is provided.

- c) As part of the Flora and Fauna Assessment, an Assessment of Significance shall be undertaken for each species, population and ecological community which is likely to be directly or indirectly impacted, by the proposal. All Assessments of Significance must be undertaken in accordance with the *Threatened Species Guidelines - The Assessment of Significance* (DECC 2007). These guidelines are available on the Office of Environment and Heritage's website.
- d) Koala Habitat assessments undertaken as part of 11.2.1 b) above shall meet the requirements of SEPP 44 and Council's Guidelines for Koala Habitat Assessments (Refer to Appendix 4 of Volume 1 of the Plan).



Figure 11.2.2 - The conservation of native vegetation is a key to ensuring the protection of biodiversity.

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Permits and Development Applications for Vegetation Management

11.3 Permits and Development Applications for Vegetation Management

Objectives:

- Preserve the amenity, biodiversity and ecology of the City of Campbelltown through the conservation of vegetation.
- Ensure the safety of the public, infrastructure, buildings and structures and key environmental assets is maintained.
- Make clear the process of determining whether or not vegetation management works require approval by Council under the Plan (Exemption Criteria).
- Make clear the assessment criteria which the Council will consider in determining applications for the approval of vegetation management works.

11.3.1 Exemptions

a) *Permits and Development Applications for Vegetation Management* of the Plan does not apply to vegetation management carried out for the following purposes:

- i) Any dangerous tree or other vegetation that present immediate imminent risk to human life or property.

Note: Council recommends that documentary evidence including photographs of the dangerous tree or other vegetation be undertaken prior to the removal of the vegetation.

- ii) work ordinarily incidental to the use, operation and management of a lawful development;
- iii) the maintenance of garden and landscaped areas, excepting work involving the removal or pruning of a tree, as defined in this Part of the Plan;
- iv) compliance with any development approved pursuant to Part 5 of the *Environmental Planning and Assessment Act 1979*;
- v) to protect or maintain existing public utilities (associated with the provision of power lines, transmission of electricity, water, gas, electronic communication or

Note: This Part applies to any vegetation that is planted as part of a landscaping/ master plan requirements for an approved development regardless of the size of the vegetation at the time of planting.

- the like);
- vi) Crown maintenance pruning as defined under AS 4373-2007 *Pruning of Amenity Trees* (refer to AS 4373-2007 *Pruning of Amenity Trees* for more information on Crown Maintenance Pruning).
 - vii) to destroy or remove declared noxious weeds and environmental weeds. Refer to Council's web site at www.campbelltown.nsw.gov.au, for more information on noxious weeds in Campbelltown LGA.
 - viii) to transplant field grown trees propagated for sale as advanced specimens growing on land occupied by an approved plant nursery;
 - ix) works on the same land parcel, within three (3) metres of the foundation walls (to the edge of the trunk) of an approved building or in ground pool;
 - x) works on trees or other vegetation within a State Forest or land reserved from sale as a timber reserve under the Forestry Act 1916;
 - xi) a tree that Council is satisfied is dying or dead or dangerous;
 - xii) a tree which is identified for removal in a land use approval under the *Environmental Planning Assessment Act 1979*;
 - xiii) any commercial or domestic fruit trees;
 - xiv) any Cocos palm tree that is not registered on Council's Significant Tree Register; and
 - xv) works carried out by Council or its agents or contractors on land owned by or under the care and control of Council.
 - xvi) any other vegetation management work that is 'exempt' under other overriding legislation such as work for the reduction of bushfire hazards and the like.
- b) Despite clause 11.3.1 a) xvi) Council's Coordinator Horticulture & Open Space shall

Important Note:

Exemptions Under Section 11.3.1 of the Plan do not provide defences against prosecution under the National Parks and Wildlife Act 1974. Approval from the Office of Environment will be required if a tree or other vegetation:

- is listed as a protected native plant under Schedule 13 of the National Parks and Wildlife Act;
- is listed as a threatened species under the NSW Threatened Species Conservation Act;
- is the habitat of a threatened species;
- forms part of an endangered ecological community.

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be consulted prior to the commencement of any vegetation management and/or pruning undertaken by Council, Council's agents or contractors on land owned by or under the care and control of Council.

11.3.2 Who Can Make an Application for a Permit or Development application for Vegetation management.

- a) A vegetation management application (whether for a permit or a DA) shall be made in writing by:
 - i) the owner(s) of the property on which the tree/s is located, or
 - ii) a person with the owner's written consent;
 - iii) an adjoining owner to prune only overhanging branches over the boundaries of his/her property.
- b) A vegetation management application (whether for a permit or a DA) on a property in a Strata Title Plan shall be made by the owner's corporation of the Body Corporate.
- c) A vegetation management application (whether for a permit or a DA) on a property in a Community Title Plan shall be made by the Neighbourhood Association.

11.3.3 Do I need to lodge a Permit or a Development Application for the removal/pruning of vegetation on my property?

- a) A permit shall be required for the ringbarking, cutting down, topping, lopping, pruning, removal, injure or wilful destruction of less than five (5) trees.
- b) A development application shall be required for the ringbarking, cutting down, topping, lopping, pruning, removal, injure or wilful destruction of :
 - i) Five (5) trees or more; or
 - ii) other vegetation; or

Note: The Significant Tree Register lists certain trees within Campbelltown Local Government Area that have been classified as having significant values related to their visual, historic, botanical, cultural, commemorative or other significance as defined by this Register.

Note: The Significant Tree Register is available for view from Council's web site at: www.campbelltown.nsw.gov.au

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- iii) a tree(s) that is listed on Council's Significant Tree Register;
- iv) a tree and/or other vegetation located on land identified as containing an item of heritage significance or within a curtilage of a heritage item;
- v) a tree or other vegetation that is contained upon any land identified within a Heritage Conservation Area.

11.3.4 Permits for Management of Trees

11.3.4.1 Information Requirements for Permits for Management of Trees

- a) Where the vegetation is causing damage to the sewer, and the damage cannot be easily observed, the applicant shall include written evidence from a licensed plumber outlining the extent of the problem. This shall be in the form of a letter with a quote from the plumber.
- b) Where the vegetation is causing damage to a building footing and structure and the structural damage cannot be easily observed, the applicant shall include written evidence from a certified structural engineer outlining the extent of the problem. This shall be in the form of a letter, or a report from the structural engineer
- c) Where the vegetation is causing medical and/or physiological condition to the owner(s)/ applicant(s), the applicant shall provide Council with medical evidence from a specialised doctor demonstrating that his/her/their condition is caused by the subject tree(s).
- d) A vegetation management permit application for a tree higher than ten (10) metres shall include a written statement/report from a qualified arborist who has Certificate AQF Level 3 as per AS4373 as amended) with public liability insurance. The written statement/report shall provide information on the status/health of the tree in accordance with

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Permits and Development Applications for Vegetation Management

Appendix 11(Arborist Report) of the Plan.

Note: In certain circumstances, and regardless of the height of the tree, Council may still request the applicant to provide an arborist report before making a decision.

- e) Where applicable, Council may require additional supporting information for a Vegetation Management Permit application, including the following:
 - i) tree survey;
 - ii) flora and fauna impact assessment;
 - iii) an Assessment of Significance;
 - iv) details of proposed root barriers; and/or
 - v) survey of property boundary to determine ownership of the tree(s).

11.3.4.2 Matters for Consideration when Determining Permits for Management of Trees

- a) Council shall consider (but not be limited to) the following matters when determining an application for a Permit for Vegetation Management under this Plan:
 - i) The potential impact on the amenity of the surrounding built and natural environments by considering if the tree(s) is:
 - within close proximity from a lawful structure;
 - structurally sound;
 - a danger to life or property;
 - causing structural damage to a structure or sewerage;
 - causing health and/or a physiological condition to the owner(s)/applicant(s),
 - stressed or diseased or suffering insect damage which cannot be rectified;
 - too large for its location;
 - threatened species, population or

ecological community;

Note: Refer to Appendix 16 for a list on - Regionally Significant Flora Species on the Cumberland Plain NPWS 1997

- ii) The amenity of the occupants of a property including but not limited to matters such as:
 - solar access and excessive overshadowing of living areas; and
 - poor health, such as allergies, where specific evidence is provided by an expert in the relevant medical field and a direct causal link between the ailment and the species is reasonably established,
 - iii) Existing (or potential for) vehicular or pedestrian traffic hazard in proximity to a roadway, intersection or driveway, where pruning would be an insufficient remedy.
- b) Council shall consider the approval for the pruning of a tree where the branches are:
- i) dead or diseased; or
 - ii) dangerous and overhanging a dwelling or adjoining property; or
 - iii) causing loss of amenity of the occupants of the property or adjoining properties including but not limited to matters such as excessive overshadowing and solar access to a dwelling.
- c) The pruning of a tree shall be conducted in accordance with the Australian Standard No.4373- *Pruning of Amenity Trees (as amended)*.

11.3.5 Development Applications for Vegetation Management

11.3.5.1 Information Requirements for Development Applications for Vegetation Management

- a) A Flora and Fauna Assessment Report prepared in accordance with the Office of Environment and Heritage's Threatened Species Survey

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and Assessment Guidelines and Field Survey Methods is required to be lodged with the development application where:

- i) There is a potential impact on threatened species, populations ecological communities or their habitats either directly or indirectly; and/or
- ii) There are proposed direct or indirect impacts on native vegetation or other fauna habitats.

Note: Office of Environment and Heritage's Threatened Species Survey and Assessment Guidelines and Field Survey Methods are available on the Office of Environment and Heritage's website.

Note: Council may vary the survey requirements outlined under Clause 11.3.5.1 a) above to ensure that the level of field survey work reflects the species being assessed and the habitat on site.

- b) As part of the Flora and Fauna Assessment Report, an Assessment of significance shall be undertaken for each species, population and ecological community which is likely to be impacted, directly or indirectly, by the proposal. All Assessments of Significance must be undertaken in accordance with the Threatened Species Guidelines - The Assessment of Significance (DECC 2007). These guidelines are available on the Office of Environment and Heritage's website.
- c) Koala Habitat assessments undertaken as part of 11.3.5. b) above shall meet the requirements of SEPP 44 and Council's Guidelines for Koala Habitat Assessments (Refer to Appendix 4).

11.3.5.2 Matters for Consideration when Determining Development applications for vegetation management

- a) Council shall consider (but not be limited to) the following matters when determining an application for a development application for Vegetation management under this Plan:
 - i) Matter listed under Section 11.3.4.2 of this Part of the Plan;

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- i) The potential impact on the amenity of the surrounding built and natural environments by considering if the tree(s) is:
- implications for biodiversity including the outcomes of any flora and fauna assessments and Assessments of Significance.
 - whether the vegetation forms part of threatened species, population or ecological community;
 - whether the vegetation is listed on Council’s Register of Significant Trees; and
 - whether the vegetation is within a curtilage of a heritage item that is listed under Campbelltown LEPs.

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Advisory Note 1: Invalid Reasons for Vegetation Management Applications

- a) The following shall not be considered as valid reasons to remove or alter vegetation:-
- i) The shedding of leaves, bark, sticks and fruit into gutters, downpipes, pools, onto roofs, vehicles, lawns, or gardens etc.;
 - ii) Bird , bats or animal droppings on cars;
 - iii) Minor termite damage which can be successfully treated by other means;
 - iv) To improve street lighting of private property;
 - v) To enhance private views;
 - vi) To reduce minor shading;
 - vii) Minor lifting of driveways and paths by tree roots;
 - viii) To erect a fence;
 - ix) Bushfire hazard control which has not been approved by Rural or NSW Fire Brigades;
 - x) Potential damage to sewer mains unless supported by written expert advice and only where reasonable alternatives are not feasible (e.g. relocation or encasement of main); and
 - xi) Unsubstantiated fears of large trees.

Advisory Note 2: Solar Energy Collectors

- a) While Campbelltown City Council promotes the use of passive solar energy, Council does not support the removal of sound healthy trees solely to improve access to solar energy collectors. Where tree pruning may improve solar capture capacity, Council will consider these applications on individual merit.



Figure 11.3.1 - Trees contribute significantly to the environmental and aesthetic values of residential neighbourhood.

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11.3.6 Tree Replacement

- a) Council, depending on the circumstances of the vegetation management application, shall require the applicant to:
- i) pay a certain fee to enable Council to plant a replacement tree in an appropriate location in lieu of the removed tree; or
 - ii) plant a replacement tree on site that is:
 - of appropriate species;
 - of certain size/height at time of planting; and
 - at the cost of the applicant.
- b) The species, size and height of the replacement tree shall be provided to applicants in writing as part of the condition of the development consent or permit.
- c) One replacement tree shall be planted on site within 28 days of the removal of the subject tree(s) for every tree removed. In this regard, applicants shall provide Council with:
- i) a letter or e-mail advising Council of the date of the planting of the replacement tree; and
 - ii) a copy of the purchase invoice of the tree, illustrating the species, size and time of purchase.



Figure 11.3.2 Tree replacements are essential to maintain green neighbourhoods.

Note: Fees collected for tree replacement shall be used annually by Council to replace the removed tree(s) in an appropriate location on Australia National Tree Day, or on any other site as decided by Council.

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