
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 (native flora and native fauna);
2. The protection/preservation of hollow-bearing trees; and
3. Permits and development applications for vegetation management.

This part shall be read in conjunction with (but not limited to) Clause 5.9 Preservation of trees and vegetation (Clause 5.9) of the CLEP. Trees and other vegetation are defined under Section 1.4 Dictionary of Volume 1 of the Plan and included in the notes below.

Note:

Other Vegetation means any plant life not defined by this Part as a tree and includes any sapling, shrub, scrub, understorey plants, ground cover (being any type of herbaceous vegetation) and plants occurring in a wetland that:

- Provides habitat or likely habitat for threatened species, populations and endangered ecological communities as defined within the Threatened Species Conservation Act; or
- Is located within a riparian zone or within 40 metres of the top bank of a creek, river, watercourse, wetland, stream or other aquatic habitat; and
- Is located on land owned by Council or under its care, control and management; and
- Forms part of native vegetation.

Note:

Tree means a perennial plant with at least one self supporting stem which,

- i) has a height of more than three (3) metres, or
- ii) has an outside circumference of at least 500mm at ground level; or
- iii) has a branch and foliage crown spread of at least 4 metres.

Note:

For definitions of terms used in this part, refer to Section 1.4 Dictionary of Part 1, Volume 1 of the Plan and the Dictionary under the CLEP.

11.1 Application

Note:

Native vegetation (as defined under the CLEP) has the same meaning as in the Native Vegetation Act 2003.

Note. The term is defined as follows:

Meaning of “native vegetation”

(1) Native vegetation means any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any scrub);
- (b) understorey plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

(2) Vegetation is indigenous if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

(3) Native vegetation does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the Fisheries Management Act 1994 applies.



Figure 11.1.1 - Native fauna and native flora- Campbelltown LGA.

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Management of Native Vegetation & Wildlife Habitat

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.
- Protect habitat resources including hollow-bearing trees and hollow logs within Campbelltown LGA.
- Provide appropriate measures to compensate for the loss of hollow-bearing trees within the LGA.

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 biodiversity where possible;
 - ii) where an impact on 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 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) arrangements must be put into place to ensure that the biodiversity values on site will be proactively managed to mitigate the impacts.
 - v) in circumstances where impacts on biodiversity cannot be avoided, a Biodiversity Statement shall be prepared and submitted with the



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

Note:

Habitat resources means specific ecosystem elements that provide valuable foraging substrates and shelter sites that are important to the survival of a range of species. Habitat resources are considered to be a limiting factor as they are in short supply across the landscape. Examples include hollow-bearing trees, hollow logs and bush rock.

11.2 Management of Native Vegetation & Wildlife Habitat

DA to demonstrate how Clause 11.2.1 a) ii) and iv) above have been addressed.

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

b) A Native Flora and Native 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 one or more of the following criteria is met:

- i) the site contains:
 - native vegetation; and
 - sensitive environmental areas likely to contain important habitat resources for native fauna (although these may not be vegetated) such as riparian areas, rivers, creeks, wetlands or swamps, rocky outcrops, caves and cliffs;
- ii) there are proposed direct or indirect impacts on native vegetation or other native fauna habitats;
- iii) there is a potential impact on threatened species, populations ecological communities or their habitats either directly or indirectly.

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 and reporting requirements outlined under Clause 11.2.1 b) in circumstances where sufficient information and justification are provided.

c) As part of the Native Flora and Native



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

Note:

Refer to Clause 7.5 of the CLEP for requirements relating to bush rock.

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Management of Native Vegetation & Wildlife Habitat

Fauna Assessment, an Assessment of Significance shall be undertaken for each threatened 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).

11.2.2 Protection of Hollow-bearing Trees and Hollow Logs

- a) All hollow-bearing trees shall be retained, where practical.
- b) Notwithstanding Section 11.3.1 Exemptions of this Part, in certain circumstances, Council may consent to the removal of a hollow-bearing tree providing that:
 - i) The applicant can demonstrate to the satisfaction of Council that the development cannot be sited in a manner that would enable the hollow bearing tree to be retained. (Note: reduced development yields will not be considered as satisfactory reason for the removal of hollow bearing trees).
 - ii) Prior to granting consent for the removal of a hollow bearing tree the tree should be surveyed and a strategy for removal (timing and methodology) that minimises impacts on native wildlife must be prepared and submitted to Council for approval.
- c) Where Council approves the removal of a hollow-bearing tree:

Note:

A Native Flora and Native Fauna Assessment Report may be required for the removal of 5 trees or more whether the proposal is lodged to Council under Part 11 Vegetation and Wildlife Management or as part of a DA involving construction works.

Note:

Hollow-bearing trees means trees where cavities have formed in the trunk or branches of a live or dead tree. Such hollows are usually more characteristic of older, mature to over-mature trees but may form in earlier growth stages depending on tree species. Hollow-bearing trees provide wildlife with foraging, shelter, roosting and nesting habitat and some species are considered to be hollow-dependent in that they require hollows as a key component of their habitat either on a daily or seasonal basis. The loss of hollow-bearing trees is listed as a key threatening process under state and commonwealth threatened species legislation.

Hollow logs means terrestrial woody habitat that includes the accumulation of senescent trees, hollow-forming tree limbs and branches on the ground. Hollow logs provide wildlife with foraging, shelter, roosting and nesting habitat, and some species require the presence of woody habitat as a key limiting resource to their survival in an area.

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- i) the removal of the hollow bearing trees shall be offset by the installation of nesting boxes. The size of the nest box is to reflect the size and dimensions of the hollow removed. Alternatively, the tree hollow could be appropriately mounted on one of the retained trees in a manner where it will not pose a risk to life or property;
- ii) replacement ratios of nest boxes shall be at a minimum of 2:1 (nest boxes: hollows lost);and
- iii) all nesting boxes and hollows shall be mounted at least 5 metres above the ground.



Figure 11.2.3 - Examples of hollow-bearing trees.

Note:

Many species require abundant logs and fallen timber as important components of their foraging and breeding habitat. Examples of these include threatened species such as the Scarlet Robin, and more common small mammal species such as the Antechinus.

Note:

Hollow bearing trees are elements of forest structure that are essential for the conservation of hollow dependent fauna.



Figure 11.2.4 - Examples of an Antechinus and a Scarlet Robin.

11.3

Permits for Vegetation Management

11.3 Permits for Vegetation Management

- Objectives:**
- Preserve the biodiversity, ecology, microclimate and landscape amenity of the City of Campbelltown through the conservation of trees and other vegetation
 - Minimise the risk of injury to people and damage to property from trees through a formal assessment process
 - Provide a consistent framework to assess applications for the removal or pruning of trees and other vegetation and make clear the assessment criteria which Council will consider in determining applications for vegetation management works
 - Ensure that trees and other vegetation of high ecological significance and habitat value are preserved across the LGA
 - To ensure sufficient compensatory replanting or offsets are specified and undertaken as a component of the approval process for tree and vegetation removal permits.

11.3.1 Introduction

This section declares vegetation to be protected under Part 3 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP).

The provisions within this Section of the DCP apply to clearing works within the Campbelltown LGA unless the works:

- 1) Are permitted under another part of the EP&A Act or an Environmental Planning Instrument or Act, or
- 2) Require development consent because a permit cannot be issued under the Vegetation SEPP.

This section should be read in conjunction with Council’s **Guide to Tree Clearing on Private Land** and **Guide to Tree Clearing on Public Land**.

11.3.2 Interpretation

In this section words have the following meanings:

Clear¹	Means to: (a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or (b) lop or otherwise remove a substantial part of the vegetation
Community Land	Has the same meaning as in the Local Government Act, 1993.
Declared Tree	Means a tree that has been declared under section 11.3.4 of this plan.
Declared Vegetation	Means vegetation that has been declared under section 11.3.3 of this plan.

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This term is defined in the Vegetation SEPP.

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Permits for Vegetation Management

Native Vegetation	Means any vegetation that is native to New South Wales.
Tree	Means a plant that meets one or more of the following criteria: 1.Has a height greater than 3m, 2.Has a circumference greater than 0.5m when measured 1m from ground level, or 3.Has a branch spread greater than 4m.
Vegetation	Means any plant and includes a tree and includes plants that are dead but does not include marine plants.
Vegetation SEPP	Means State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

11.3.3 Declared Vegetation

The following vegetation is **declared vegetation** under this DCP section in accordance with Part 3 of the Vegetation SEPP:

1. Vegetation that is wholly or partially located within the mapped extent of a heritage item or heritage conservation area in any environmental planning instrument,
2. Vegetation that form part of an Aboriginal object or is within an Aboriginal place of heritage significance,
3. Trees that are listed in any Significant Tree Register of Council,
4. Trees that are required to be retained or planted as a condition of a development consent issued on or after 1 January 2010,
5. Vegetation that is core or potential koala habitat identified under Council's Koala Plan of Management,
6. Vegetation that is or contains threatened flora species,
7. Vegetation that is part of an endangered ecological community,
8. Vegetation that is occupied by native fauna, and
9. Hollow bearing trees,
10. Vegetation on land with a slope greater than 20%.

11.3.4 Declared Trees

All trees that are not **declared vegetation** are **declared trees** under this DCP section in accordance with Part 3 of the Vegetation SEPP. However, a tree is not a declared tree if it is wholly or partially within the minimum trimming clearances of any overhead power line as identified by the applicable network operator(s) under the Electricity Supply Act, 1995.

Note:

Under State Environmental Planning Policy (Exempt and Complying Development Codes), a protected tree means a tree that requires a separate permit or development consent for pruning or removal, but does not include a tree that may be removed without development consent under (that SEPP). Accordingly, declared vegetation and declared trees under this DCP are protected trees under that SEPP.

Note:

Clause 7 of the Vegetation SEPP provides that *"a person must not clear vegetation in any non-rural area of the State (including Campbelltown) to which Part 3 applies without the authority conferred by a permit granted by the Council under that Part."*

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11.3.5 Declared Vegetation Exemptions

A vegetation permit is not required for clearing that is:

1. In accordance with a development consent,
2. Are for the reasonable maintenance of existing landscaped areas (eg hedge trimming) excluding the removal of trees, or
3. Undertaken by, or at the direction of, an emergency services agency as part of their functions under the State Emergency and Rescue Management Act 1989 or any regulation or plan made under that Act.
4. Undertaken by or on behalf of Council in relation to vegetation that is wholly or partially on community land.

11.3.6 Declared Tree Exemptions

A tree permit is not required for clearing that is:

1. In accordance with a development consent,
2. Are for the reasonable maintenance of existing landscaped areas (eg hedge trimming) excluding the removal of trees, or
3. Undertaken by, or at the direction of, an emergency services agency as part of their functions under the State Emergency and Rescue Management Act 1989 or any regulation or plan made under that Act.
4. Undertaken by or on behalf of Council in relation to trees that are wholly or partially on community land.
5. Clearing of any of the species listed on Council's Exempt Species List subject to the following conditions:
 - a) Council being provided with a report from a suitably qualified arborist identifying the species of the tree(s) at least five business days prior to its removal, and
 - b) The clearing does not disturb the soil profile and leaves roots intact in the ground.

Note:

Under the Vegetation SEPP a permit is not required in the following circumstances:

(1) *An authority to clear vegetation is not required under this Policy if it is clearing of a kind that is authorised under section 600 of the Local Land Services Act 2013 (Clearing authorised under other legislation) or under Part 5B (Private native forestry) of that Act. This subclause does not apply to clearing merely because it is a part of or ancillary to the carrying out of exempt development.*

(2) *An authority is not required under this Policy for the removal of vegetation that the council or Native Vegetation Panel is satisfied is dying or dead and is not required as the habitat of native animals.*

(3) *An authority is not required under this Policy for the removal of vegetation that the council is satisfied is a risk to human life or property.*

Note:

The Vegetation SEPP requires that a permit be obtained from the Native Vegetation Panel for certain ecologically significant vegetation. The exemptions in this DCP do not apply in these cases.

Note:

Council has internal procedures to ensure that the objectives of this DCP section are achieved on community land.

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6. Pruning a tree if:
- a) For trees and shrubs greater than 5m in height:
 - i) Pruning is undertaken by a suitably qualified arborist in accordance with Australian Standard AS4373-2007 Pruning of amenity trees and no more than 10 percent of the canopy cover is pruned annually, and
 - ii) The pruning specification prepared under Australian Standard AS4373-2007 is held by the landholder for a period of two years, or
 - b) For pruning of individual branches from any other tree less than 5m in height that overhangs a dwelling, formal driveway or path, where:
 - i) The pruning is to remove the overhanging branches,
 - ii) The pruning does not alter the overall shape of the tree,
 - iii) The branches removed are less than 100mm in diameter at the final cut, and
 - iv) The final cut is at branch collar or appropriate growth point.
7. Clearing a tree that is within three (3) metres of a building that is Class 1 to 9 under the Building Code of Australia. The distance is measured from the foundation wall of the building to the centre of the trunk of the tree.

11.3.7 Tree Permits Council may issue a tree permit under this clause. A tree permit may authorise the clearing of up to 4 **declared trees**.

11.3.8 Vegetation Permits

Council may issue a vegetation permit under this clause. A vegetation permit may authorise the clearing of **declared trees** and/or **declared vegetation** but not if the works could be considered under a tree permit.

11.3.9 Applying for a Tree Permit or Vegetation Permit

An application for a Tree Permit or Vegetation Permit must be made using Council's form and must be accompanied by the relevant fee and supporting information identified on that form.

Note:

Under the Vegetation SEPP a Vegetation Permit cannot be issued in relation to land that is or forms part of a **heritage item** or that is within a **heritage conservation area**, or that is or forms part of an **Aboriginal object** or that is within an **Aboriginal place of heritage significance**, unless the council is satisfied that the proposed activity: is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area. If the vegetation works do not meet these requirements a development application will be required.

Note:

Certain clearing is permitted under the Rural Fires Act, 1997, with or without approval under that Act. Clearing undertaken under that Act does not require a permit under this DCP section. Council will not issue tree permits for clearing for bushfire hazard reduction. Council will not declare a tree to be a risk to human life or property under the Vegetation SEPP if the only danger posed by the tree is one of bushfire hazard.

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11.3.10 Assessment of Permits

The following matters must be considered as part of the assessment of a Tree Permit or Vegetation Permit:

Planning

- 1) Whether the proposed works are consistent with the objectives of the zone in which the works are being proposed.
- 2) In the case of trees in Council's Significant Tree Register, why the tree was included on that register.
- 3) In the case of trees required by a development consent to be planted or retained, the planning intent of the consent and its conditions.
- 4) For a heritage listed tree or vegetation located on the grounds of a heritage listed property or in a heritage conservation area:
 - a) The impact that the proposed works will have on the heritage significance of the item and its curtilage and amenity and the landscape setting of the surrounding area; and
 - b) The risk the tree poses to any heritage structure.

Environmental Impact

- 5) Biodiversity matters including impacts on:
 - a) Endangered ecological communities,
 - b) Threatened plant species,
 - c) Habitat and food supply for threatened fauna, and
 - d) Preferred koala food trees and whether the permit relates to an area of koala habitat.
- 6) The management or removal of weed species.
- 7) The visual prominence and landscape significance of the vegetation.
- 8) The contribution the vegetation provides to the canopy cover, amenity, environment and landscape of the immediate surrounding area.
- 9) The health, structural condition, growing environment of the vegetation.
- 10) The cumulative impacts of vegetation clearing applications.

Risk

- 11) In the case of trees, the species, age and lifespan of the tree.
- 12) Potential risks to the surrounding built environment by considering whether the vegetation is:
 - a) Causing significant damage to any structure or infrastructure, or
 - b) Reducing solar access by excessive shadowing of living areas.
- 12) The risks of retaining the vegetation in relation to limb drop and trunk failure having

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regard to:

- a) The proximity of any building,
 - b) The likelihood that pedestrians or vehicles will use the land surrounding the tree,
 - c) The likelihood of limb drop or trunk failure, and
 - d) The size of the vegetation.
- 13) The risks of retaining the vegetation in relation to:
- a) Public health matters,
 - b) Blocking or choking a floodway,
 - c) The health of any vulnerable person, where specific evidence is provided by an expert in the relevant medical field and a direct link between the ailment and the species is reasonably established, and
 - d) Traffic safety.
- 14) The slope of the land and whether tree removal will result in slope instability, sediment and erosion issues.

Alternatives and Mitigation

- 15) The opportunities to retain vegetation through the installation of a root barricade or other infrastructure solutions.
- 16) Whether the works proposed are the best way to achieve the stated objectives of the application.
- 17) The opportunity for replacement planting and improved landscaping and environmental outcomes.

The following matters shall not be considered to justify a tree or vegetation permit:

- 1) Removal or pruning of vegetation due to leaf, stick, fruit or bark drop
- 2) Removal of a tree for minor shading
- 3) A perception of risk of vegetation failing that is not substantiated by expert evidence
- 4) Improvement to views

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- 5) Wildlife droppings on cars, buildings or infrastructure;
- 6) Impacts on property values
- 7) Improvement to street lighting on private property
- 8) Removal to improve solar access to solar panels. While Campbelltown City Council promotes the use of solar energy, Council does not support the removal of sound healthy trees solely to improve access to solar energy collectors
- 9) To enable other development to proceed as complying development.

11.3.9 Permit Conditions

Without limiting Council's powers, conditions will generally be imposed on tree and vegetation permits to require:

- 1) The works to be undertaken within a specified time frame
- 2) Compensatory planting to replace removed vegetation or payment of a fee in lieu of planting (refer to Council's Tree Offset Policy)
- 3) Pruning to be undertaken by a suitably qualified and experienced arborist to an approved standard
- 4) Management of waste
- 5) Hours of works
- 6) Securing the site
- 7) Management of impacted fauna
- 8) Replacement of nesting opportunities