

Name of policy:	Draft Vegetation Management Policy		
Adoption by Council:		Minute number:	
Review timeframe:	2 years		
Next scheduled review date:			
Related legislation:	<i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;</i> <i>Environmental Planning and Assessment Act 1979;</i> <i>Biodiversity Conservation Act 2016;</i> <i>Environmental Protection and Biodiversity Conservation Act 1999;</i> <i>Local Land Services Act 2013;</i> <i>Biosecurity Act 2015</i>		
Associated policies/documents:	Draft Greening Strategy Draft Biodiversity Framework		
Responsible division:	Liveable Communities		

Policy objectives

The objectives of this Policy are to:

- identify vegetation for protection for the purposes of the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*;
- outline criteria that will be taken into consideration by Council as part of the assessment of applications for vegetation removal; and
- facilitate the removal or pruning of undesirable exotics, environmental weeds, priority weeds, dangerous trees and any other inappropriate plantings that are causing damage to buildings or other infrastructure.

Policy statement

This Policy has been prepared pursuant to Part 3 of the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*. Through this Policy, Council is responsible for issuing permits for the pruning or removal of tree(s) or vegetation on private land. These permits are issued based on the consideration of assessment criteria outlined in this Policy.

Coverage of the Policy

This Policy applies to private land subject to the Vegetation Management Policy as shown on Council's [online mapping](#) and in Schedule 1.

Strategic Plan link

The Vegetation Management Policy contributes to achieving the community's vision, set out in MidCoast 2030: Shared Vision, Shared Responsibility (the Community Strategic Plan).

The Community Strategic Plan includes objectives for the restoration and maintenance of our environment, managing resources wisely and balancing the needs of our natural and built environment.

Policy content

We are experiencing urban growth across the MidCoast, especially in our coastal centres. While planning for this future growth, we need to ensure that the high levels of liveability and environmental amenity our region is renowned for are maintained.

Large trees are important, they can provide shade, wind protection, a 'leafy' character, a sense of place and contribute to the local ecology. Vegetation management controls are commonly used by councils over privately owned land to ensure that large trees and significant vegetation communities are retained for their landscape, amenity and ecological values. The Vegetation Management Policy requires an assessment to be undertaken prior to the pruning or removal of tree(s) or vegetation on land covered by this Policy.

There are three steps to this assessment as outlined below. If an approval or exemption is issued at a step in the process, there is no need to progress to the next step.

Step 1: Exemptions - a self-assessment can be undertaken to determine whether exemptions apply, removing the need to lodge an application for a permit under this Policy. Complete the online self-assessment form to determine if an exemption applies. By submitting the assessment online, Council can easily record the exemption for the removal of tree(s) and vegetation.

Step 2: Permit application (Preliminary assessment) - where a permit application is required following the self-assessment, the applicant will lodge a Vegetation Permit Application Form, relevant information and pay the fee (as determined by Council's Fees and Charges). Council will determine applications based on the 'assessment criteria' outlined in this Policy. During this assessment process, Council staff may conduct an on-site inspection. Where it is determined that the assessment criteria have been adequately addressed, a determination will be made to refuse or issue the permit.

Step 3: Permit application (Detailed assessment) - where a decision cannot be made after the preliminary assessment, additional information will be requested to complete the assessment. This could include the following (Note - all costs associated with providing the additional information are the responsibility of the applicant):

- an Australian Qualification Framework (AQF) Level 5 Arborist Report.

NOTE: An arborist cannot also be the ecologist, be employed or in any way associated with the company contracted to remove the tree(s) or vegetation.

- Flora and fauna impact assessment (by a suitably qualified and experienced ecologist)

Note: An ecologist cannot also be the arborist, be employed, or in any way associated with the company contracted to remove the tree(s) or vegetation.

NOTE: In the case of a hollow bearing tree, a suitably qualified and experienced animal handler may be required to be on site to rescue any animals as the works are carried out. This will be a condition of the approval where applicable.

- Geotechnical or structural engineer's report where the removal is associated with the tree's impact on a built structure
- Plumber's report where the removal is associated with the tree's impact on sewer or water infrastructure

- Medical certificate from a medical practitioner in cases where the removal or pruning is requested due to health-related impacts (eg allergies)
- Survey of property boundary to determine location of the tree(s) or vegetation

If the application is successful, Council will notify the landowner with a Council issued permit. If the application is unsuccessful, Council will notify the landowner that no works can be undertaken on the tree(s) or vegetation.

Assessment Criteria

The following criteria are considered in the assessment of a permit application:

- Whether the removal of the tree(s) or vegetation is associated with a development that requires consent under Part 4 of the *Environmental Planning and Assessment Act 1979*
- Extent that the tree(s) or vegetation are in poor condition or in a state of decline that is prolonged and irreversible
- Extent that the tree(s) or vegetation have, or likely will, cause significant damage that poses an unacceptable risk to human life or property
- Extent that the tree(s) or vegetation obstructs, or would be likely to obstruct, accessways, utility services and drainage lines
- Extent of impact on threatened species, their habitat (eg a hollow bearing tree) or ecological communities and their contribution to the local ecosystem and biodiversity.
- Extent to which pruning of the tree(s) or vegetation would be more practical and desirable than its removal
- Extent of contribution of the existing tree(s) or vegetation to the provision of privacy, landscaping, scenic values, heritage values or protection from the sun, wind, noise, smells or smoke or the amenity of the land on which it is situated
- Extent of any impact of the tree(s) or vegetation on soil stability, the water table or other natural features of the land or locality concerned
- Demonstrated and consistent ongoing problem with the tree(s) or vegetation
- If the tree(s) or vegetation is to be removed, whether a replacement tree(s) or vegetation should be planted
- Intrinsic value of the tree(s) or vegetation to public amenity.

Schedules 2 and 3 are referred to during the assessment of a permit application. Schedule 2 provides guidance on species identified as locally preferred and important Koala food trees, while Schedule 3 identifies species that could be identified as exempt during the assessment of a permit application.

The following will generally not justify the removal of a tree(s) or vegetation:

- Dropping of leaves, flowers, fruit, bark, sap or twigs into gutters, downpipes, cars, driveways, lawns or pools

- Enhancing views, solar access, street lighting, increase natural light or increase sunlight to garden areas
- Reducing minor lifting of driveways and paths by tree roots or impacts to minor structures or to erect a fence
- For bushfire hazard control which has not been approved by the Rural Fire Service (RFS) or Council
- Damage to sewer mains unless supported by written expert advice and only where reasonable alternatives are not feasible such as the relocation or encasement of main, and the trees causing the damage can be identified
- Damage to buildings or structures which have not been built in accordance with the relevant planning controls and legislation in force at the time of construction or where alternative tree sensitive construction measures could be undertaken.

Compliance

Clearing as described by *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (the SEPP) can be considered as 'development' for the purposes of the *Environmental Planning and Assessment Act 1979*. Before removing or pruning can be lawfully carried out, a permit approval must be obtained.

The NSW Department of Planning, Industry and Environment considers that a breach of the SEPP constitutes an offence against section 4.3(a) of the *Environmental Planning and Assessment Act 1979*. This can be enforced through the existing penalty notice regime. Failure to comply with the conditions of a permit is also considered a breach of the SEPP. Council can also bring proceedings to the Land and Environment Court for non-compliance.

Definitions

Complaint: is defined as an expression of dissatisfaction made about standard or service provided by Council or the actions or lack of actions by Council or its workforce.

Crown maintenance pruning: as defined in Australian Standard AS 4373-2007, "Pruning of Amenity Trees", and is considered to involve a reduction in tree foliage and branches (i.e. the airspace occupied by the tree) by up to 10% in any five years with no reduction in the height of the main trunk.

Dead tree: means a tree that is no longer capable of performing life processes in order to survive.

Destroy: means any activity leading to the death, disfigurement, or mutilation of a tree.

Development: has the same meaning of development in section 1.5 of the *Environmental Planning and Assessment Act 1979*.

Injury: means damage to a tree or vegetation and includes:

- lopping and topping; or
- poisoning including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by oil, petroleum, paint, cement, mortar and the like onto the root zone); or

- cutting and tearing of branches and roots that is not carried out in accordance with accepted arboricultural practices, does not qualify as "pruning", or is done for invalid reasons; or
- ring barking, scarring the bark when operating machinery, fixing objects eg signs by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker), or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches; or
- damaging a tree's root zone by compaction or excavation, asphyxiation (including unauthorised filling or stockpiling of materials); or
- under-scrubbing or slashing unless very minor in extent and carried out by hand tools such as brush cutters and the like.

Lopping: means cutting between branch unions or at internodes on a young tree.

Native vegetation: means any of the following types of plants native to NSW:

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

Pruning: is defined as all other pruning which is not "crown maintenance pruning" and includes "crown modification" as defined in Australian Standard AS 4373-2007, "Pruning of Amenity Trees".

Remove: means to cut down, clear, take away, or transplant a tree from its place of origin.

Threatened species: as defined in the *Biodiversity Conservation Act 2016* and/or the *Environmental Protection and Biodiversity Conservation Act 1999* which includes native species, populations and ecological communities of flora and fauna.

Topping: means cutting away part or all of the tree canopy leaving a trunk and stubbed main branches.

Tree: means a perennial plant with at least one self-supporting woody or fibrous stems which:

- is 5 metres or more in height; or
- has a girth (circumference) greater than 600mm at 1 metre above the ground

Vegetation: means a tree or other vegetation, whether or not it is native vegetation

References and related documents

- Draft Greening Strategy
- Draft Biodiversity Framework
- Draft Vegetation Management Development Control Plan provisions

Responsible officer (position)

Manager, Natural Systems

Attachments

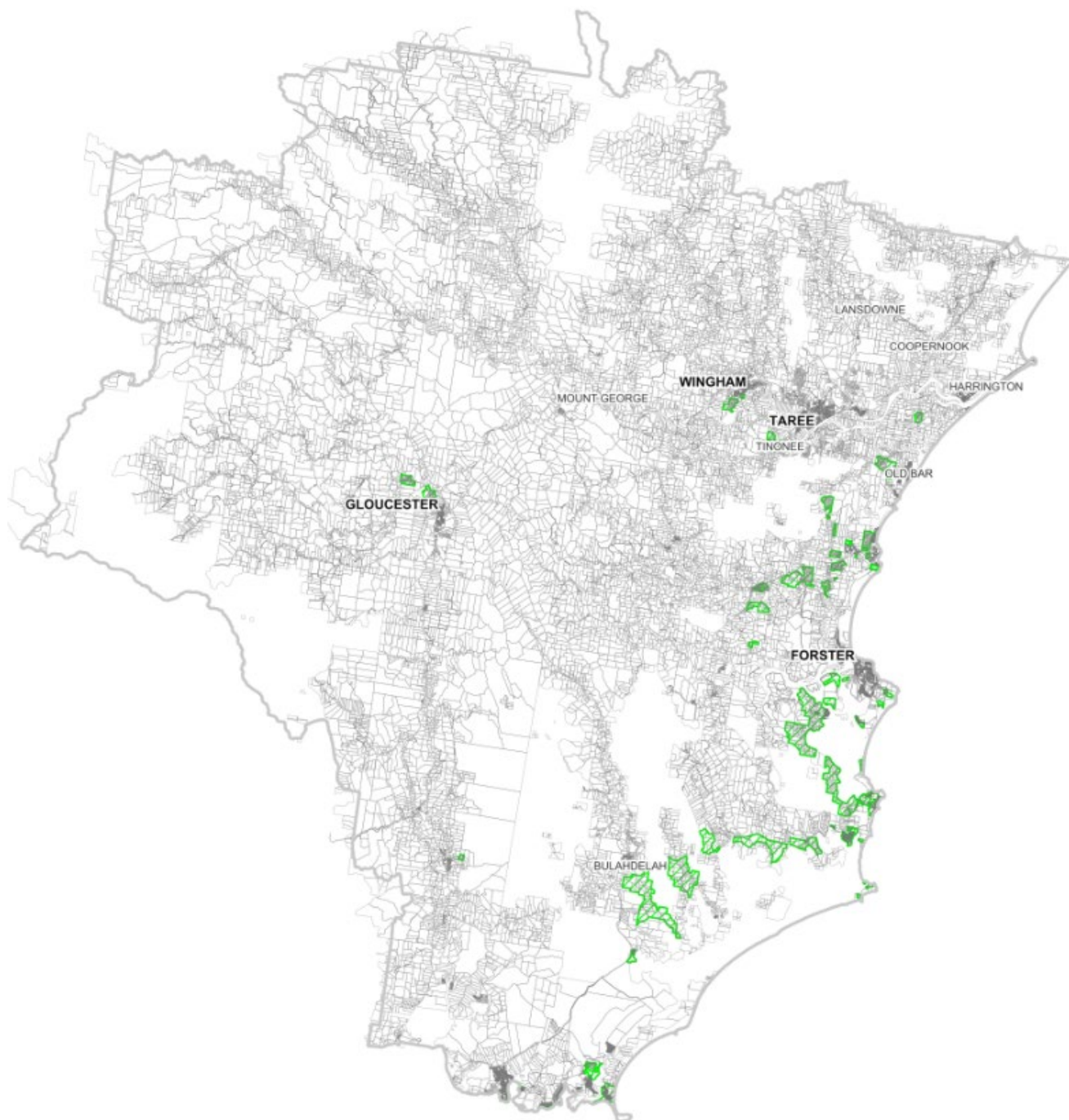
Schedule 1: Mapped area where this Policy applies

Schedule 2: Locally preferred and important Koala food trees

Schedule 3: Exempt species table

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Schedule 1: Mapped area where this Policy applies



Key:



Vegetation Management Policy area

Schedule 2: Locally preferred and important Koala food trees

Locally preferred Koala food tree species	
Common Name	Scientific Name
Slaty Red Gum	<i>Eucalyptus glaucina</i>
Tallowwood	<i>Eucalyptus microcorys</i>
Drooping Red Gum	<i>Eucalyptus parramattensis</i> subsp. <i>decadens</i>
Small-fruited Grey Gum	<i>Eucalyptus propinqua</i>
Grey Gum	<i>Eucalyptus punctata</i>
Swamp Mahogany	<i>Eucalyptus robusta</i>
Forest Red Gum	<i>Eucalyptus tereticornis</i>
Locally important Koala food tree species	
Common Name	Scientific Name
White Mahogany	<i>Eucalyptus acmenoides</i>
Blue-leaved Stringybark	<i>Eucalyptus agglomerata</i>
Cabbage Gum	<i>Eucalyptus amplifolia</i>
Grey Gum	<i>Eucalyptus biturbinata</i>
Bangalay	<i>Eucalyptus botryoides</i>
Diehard Stringybark	<i>Eucalyptus cameronii</i>
Large-fruited Grey Gum	<i>Eucalyptus canaliculata</i>
Brown Stringybark	<i>Eucalyptus capitellata</i>
Thick-leaved Mahogany	<i>Eucalyptus carnea</i>
Thin-leaved Stringybark	<i>Eucalyptus eugenioides</i>
White Stringybark	<i>Eucalyptus globoidea</i>
Flooded Gum	<i>Eucalyptus grandis</i>
Craven Grey Box	<i>Eucalyptus largeana</i>
Grey Box	<i>Eucalyptus moluccana</i>
Narrow-leaved Black-peppermint	<i>Eucalyptus nicholii</i>
Ribbon Gum	<i>Eucalyptus nobilis</i>
Messmate	<i>Eucalyptus obliqua</i>
Grey Ironbark	<i>Eucalyptus paniculata</i>
Snow Gum	<i>Eucalyptus pauciflora</i>
Grey Ironbark	<i>Eucalyptus placita</i>
Red Mahogany	<i>Eucalyptus resinifera</i>
Sydney Blue Gum	<i>Eucalyptus saligna</i>
Narrow-leaved Red Gum	<i>Eucalyptus seeana</i>
Grey Ironbark	<i>Eucalyptus siderophloia</i>
Scribbly Gum	<i>Eucalyptus signata</i>
Manna Gum	<i>Eucalyptus viminalis</i>
Broad-leaved White Mahogany	<i>Eucalyptus umbra</i>

Schedule 3: Exempt species table

Common Name	Scientific Name
Bamboo	<i>All Bamboo species</i>
Box Elder	<i>Acer negundo</i>
Broad-leaf Pepper Tree	<i>Schinus terebinthifolius</i>
Broad-leaved Privet	<i>Ligustrum lucidum</i>
Bunya Echinus Pine	<i>Araucaria bidwillii</i>
Camphor Laurel	<i>Cinnamomum camphora</i>
Caster Oil Plant	<i>Ricinus communis</i>
Chinese Tallowwood	<i>Triatica sebifera</i>
Cocos Palm	<i>Syagrus romanzoffiana</i>
Conifer	<i>Chamaecyparis pisifera</i> , <i>Cupressus macrocarpa</i> "Brunniana" or <i>Cupressus sempervirens</i>
Cootamundra Wattle	<i>Acacia baileyana</i>
Coral Tree	<i>Erythrina X sykesii</i>
Crested Wattle	<i>Paraserianthes lophantha</i>
Golden Rain Tree, Chinese Rain Tree	<i>Koelreuteria paniculata</i> , <i>Koelreuteria elegans</i>
Golden Robinia, Black Locust	<i>Robinia pseudoacacias</i> including all subspecies
Golden Wreath Wattle	<i>Acacia saligna</i>
Honey Locust	<i>Gleditsia triacanthos</i>
Liquidambar	<i>Liquidambar styraciflua</i>
Loblolly Pine	<i>Pinus taeda</i>
Lombardy Poplar	<i>Populus nigra</i> "Italica"
Loquat	<i>Eriobotrya japonica</i>
Norfolk Island Hibiscus	<i>Lagunaria patersonii</i>
Oleander	<i>Nerium oleander</i>
Olive Trees	<i>Olea europaea</i> including all subspecies
Queensland Silver Wattle	<i>Acacia podalyriifolia</i>
Radiata Pine	<i>Pinus radiata</i>
Rhus Tree	<i>Toxicodendron succedaneum</i>
Rubber Tree	<i>Ficus elastica</i>
Scotch Broom	<i>Cytisus scoparius</i>
Slash Pine	<i>Pinus elliotti</i>
Small-leaved Privet	<i>Ligustrum sinense</i>
Tobacco tree	<i>Nicotiana glauca</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Umbrella Tree	<i>Schefflera actinophylla</i>
Weeping Fig	<i>Ficus benjamina</i>
Weeping Willow, Willow	<i>Salix babylonica</i> , <i>Salix fragilis</i>
Wild Tobacco Bush	<i>Solanum mauritianum</i>
Any other exotic or undesirable tree species that is identified in writing by MidCoast Council	