

# PART G
## Vegetation Management

# Part G: Vegetation Management

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# 1 Introduction

This part of Willoughby Development Control Plan (Willoughby DCP) is made under Part 3 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP).

It is supported by our vegetation management guidelines. These are available at willoughby.nsw.gov.au.

## 1.1 Aim

The aim of this part is to:

a. declare vegetation that requires a landholder to seek a permit for removal under Clause 9 and 10 of Vegetation SEPP

b. promote best practice and sustainable vegetation management on development sites

## 1.2 Objectives

The objectives of this part are to:

a. prevent unnecessary damage or removal of trees and other vegetation

b. maintain and enhance the urban landscape

c. recognise and protect vegetation considered significant due to heritage, cultural, social and ecological criteria

d. enhance species diversity, connectivity and recovery of fragmented habitat

e. increase tree canopy to mitigate urban heat island effects

f. facilitate the removal of undesirable exotic plants, noxious weeds, and any other inappropriate plantings, and replace these with suitable vegetation species

g. provide a consistent framework to assess applications that require a permit for clearing vegetation and pruning or removal of trees

h. provide a consistent framework to assess development applications for development sites that require clearing vegetation and pruning or removal of trees

i. provide safe and enjoyable living spaces for residents and visitors

# 2 Permits for clearing vegetation

## 2.1 When permits are required

A permit from Willoughby City Council is required to clear vegetation and prune or remove a tree if:

a. the tree has any of these dimensions:

   - a height exceeding 4 metres
   - a trunk girth (circumference) exceeding 600 millimetres measured at 1.4 metres above ground level

- a crown spread exceeding 3 metres

b. the tree is a locally native species that is representative of the original vegetation of the area

c. the vegetation is within a defined wildlife corridor or has known wildlife habitat value

d. the tree is visually prominent from the street or surrounding properties and makes a positive contribution to the visual character of the locality

Note**:**

- A copy of the approval permit must be held on site during the works and produced by the person carrying out the works on request by a Willoughby City Council officer.
- A permit cannot be granted to clear native vegetation that exceeds the biodiversity offsets scheme threshold (see Clause 10(2) of Vegetation SEPP).

## 2.2 When permits are not allowed

A permit will not be allowed to clear vegetation or prune or removal of a tree if:

a. the vegetation is part of a heritage item listed in Schedule 5, Part 1 of Willoughby Local Environment Plan

b. the vegetation is within a heritage conservation area listed in Schedule 5 under Part 2 of Willoughby Local Environment Plan

c. the vegetation forms part of an Aboriginal object or is within an Aboriginal place of heritage significance

d. the vegetation is listed as an item under Willoughby Natural Heritage Register

# 3 Development applications for clearing vegetation

If a permit is not allowed to clear vegetation or prune or remove a tree under clause 2.2 above, a development application must be submitted to Willoughby City Council.

This is in line with Part 4 of the *Environmental Planning and Assessment Act 1979.*

Some exemptions apply and these are listed below.

# 4 Exemptions for clearing vegetation

## 4.1 Exemptions for risk and to maintain heritage significance

A permit or development application to clear vegetation or prune or remove a tree is not required if:

a. the vegetation or tree is dying or dead and is not required as habitat for native animals

b. the tree is a risk to human life or property

c. the proposed activity is of a minor nature or is to maintain a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area and the activity will not adversely affect its heritage significance

Notes:

- While a permit or development application is not required in the circumstances above, Willoughby City Council still requires evidence of these circumstances.
- In exceptional circumstances a permit is not required to remove a tree if we are satisfied there is an imminent risk to human life or property.

## 4.2 Other exemptions

A permit or development application to clear vegetation or prune or remove a tree is also not required if:

a. the vegetation or tree does not fall into any of the criteria listed in Section 2.2.1 of this part

b. the activity is selective pruning for up to a total of 10% of an individual tree's crown over a 5-year period

c. the vegetation is declared a weed under *Biosecurity Act 2015*

d. the activity is for pruning or removal of recognised horticultural varieties of fruit trees grown for fruit production

e. the activity is to clear vegetation or remove trees under the NSW Rural Fire Service bushfire 10/50 rules at rfs.nsw.gov.au

f. the activity is pruning or removal of the species listed in Attachment 1 (undesirable species exempt from permit approval)

g. the activity is on land under the care, control or management of Willoughby City Council

h. the activity is due to development that requires consent under Part 4.2 of the *Environmental Planning and Assessment Act 1979* (see Section 5.1 of this plan)

i. the clearing of vegetation, pruning or removal of trees is authorised under other legislation, including:

   - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
   - *Biodiversity Conservation Act 2016*
   - *Rural Fires Act 1997*
   - *Electricity Supply Act 1995* – only Ausgrid can carry out works on trees on public land affecting power lines. This cannot be carried out by residents or arborists not engaged by Ausgrid. Call 13 13 65 or see ausgrid.com.au/In-your-community/Tree-trimming
   - *State Emergency Services Act 1989*
   - *Water Management Act 2000*
   - *Roads Act 1993*

Notes**:**

- Exemptions for clearing vegetation, pruning and removal of trees only apply to private land.
- The written consent of the property owner is required if the applicant is not the owner.

- It is recommended that any removal or pruning of trees is carried out by a suitably qualified arborist. There are significant penalties for wrongful removal or excessive pruning of trees.

## 4.3 Controls for pruning

Pruning works allowed in line with this part must also comply with Australian Standard AS 4373. They can only consist of these pruning classes:

a. crown lifting: removal of the lower branches

b. crown thinning: selective removal of branches that does not alter the overall size of the tree

c. deadwooding: removal of dead branches

d. formative pruning: pruning of young and established trees with the general aim of directing plant growth and/or developing a sound structure

e. pollarding: a specialised pruning technique that establishes branches ending in a pollard head of buds and vigorous shoots

f. reduction pruning: the removal of the ends of branches to lower internal lateral branches or stems to reduce the height and/or spread of the tree

g. remedial (restorative) pruning: the removal of damaged, diseased or lopped branches back to undamaged tissue in order to induce the production of shoots from latent or adventitious buds, from which a new crown will be established

# 5 Development that requires consent and development sites

## 5.1 Applications as part of development that requires consent

The clearing of vegetation, pruning or removal of trees due to development that requires a consent is assessed as part of the development application process.

Notes:

‘Development’ includes:

- use of land
- subdivision of land
- the erection of a building
- the carrying out of a work
- the demolition of a building or work
- any other act, matter or thing that may be controlled by Willoughby Local Environmental Plan

## 5.2 Controls for development sites

These controls apply to clearing vegetation, pruning or removal of trees:

a. unless the clearing of vegetation or the pruning and removal of trees is exempt under this part, vegetation or trees must not be cleared, pruned or removed until consent is obtained for the proposed development

b. the proposed development is to be sited and designed to retain and minimise the impact on any trees or any other significant vegetation

c. suitable replacement planting may be required if an application shows the removal of trees and vegetation is required and there is no other reasonable alternative design

d. the landscape and/or architectural plans must identify the type and species of trees and vegetation to be retained or proposed to be removed, including those on adjoining sites within 5m of the boundary

e. an arborist report prepared by a suitably qualified aborist may be required to justify clearing vegetation, pruning or removal of trees; the report must include the condition of all trees and vegetation on the site

f. where trees and vegetation proposed to be retained may be affected by construction works, including any trees or vegetation on public land, a tree protection plan must be submitted with the development application

Note**:**

- See the relevant landscaping provisions in this plan for controls relating to heritage conservation areas and specific land uses such as residential accommodation, commercial, industrial, recreational and institutional developments, including child care centres and place of public worship.

# 6 Replacement trees

If Willoughby City Council consents to the removal of an existing tree it will require the replanting of trees at a rate of 3:1.

Replacement trees are to be cared for by the land owner until established to a size that is covered by the vegetation controls.

If tree replacement is not possible, the applicant may be able to enter into a deed of agreement with Willoughby City Council for offset planting of trees on public land. The offset planting will require payment of a fee for each tree not replanted on the subject site. The fee payable is listed in the fees and charges section at willoughby.nsw.gov.au.

# 7 Vegetation management guidelines

This part is supported by our vegetation management guidelines which provide further information for landowners and consultants. These are available at willoughby.nsw.gov.au.

# Attachment 1: Undesirable species exempt from permit approval

**Table 1 Undesirable species exempt from permit approval**

| Common name | Botanical name | Restrictions |
|---|---|---|
| Cootamundra wattle | *Acacia baileyana* | No restrictions |
| Golden wattle | *Acacia siligna* | No restrictions |
| Box elder maple | *Acer negundo* | No restrictions |
| Tree of heaven | *Ailanthus altissima* | No restrictions |
| Evergreen alder | *Alnus jorullensis* | No restrictions |
| Nettle berry | *Celtis spp.* | No restrictions |
| Camphor laurel | *Cinnamon camphora* | Only if less than 10m in height |
| Cotoneaster (all species) | *Cotoneaster spp.* | No restrictions |
| Leighton cypress | *Cupressocyparis, leylandii* "Leighton Green" | No restrictions |
| Loquat tree | *Eriobotrya japonica* | No restrictions |
| Coral tree | *Erythrina spp.* | No restrictions |
| Rubber tree | *Ficus elastia and cvs.* | No restrictions |
| Honey locust | *Gleditsia triacanthos* | No restrictions |
| Silky oak | *Grevillea robusta* | No restrictions |
| Privet (all species) | *Ligustrum spp.* | No restrictions |
| Liquidambar | *Liquidambar styraciflua* | No restrictions |
| African olive | *Olea europaea var. africana* | No restrictions |
| Canary Island date palm | *Phoenix canariensis* | Only if trunk is less than 7m in height |
| Poplar (all species) | *Populus spp.* | No restrictions |
| Willow (all species) | *Salix spp.* | No restrictions |
| Cocos palm | *Syagrus romanzoffianum* | No restrictions |
| Robinia | *Robina pseudocacia* | No restrictions |
| Frangipani | *Plumeria spp.* | No restrictions |
| Narrow-leaved black peppermint/willow peppermint | *Eucalyptus nicholii* | No restrictions |
| Pyramid tree/sally wood/itchy bomb tree/cow itch tree | *Lagunaria petersonia* | No restrictions |
| Oleander | *Nerium oleander* | No restrictions |
| Narrow-leaved black peppermint/willow peppermint | *Eucalyptus nicholii* | No restrictions |
| Chinese tallow | *Triadica sebifera* | No restrictions |
| Umbrella tree | *Schefflera spp.* | No restrictions |
| Evergreen ash | *Fraxinus griffithii* | No restrictions |