



LANDSCAPE AND VEGETATION MANAGEMENT



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GOVERNANCE AND PLANNING – DEVELOPMENT & COMPLIANCE

POLICY AIM

To achieve a physical environment which capitalises on the landscape qualities of the natural topography and vegetation of the Central Coast and accommodates appropriate development.

POLICY OBJECTIVES

- A To establish a Landscape and Vegetation Policy which maximises the value of the natural environment together with flexibility in the use and development of land.
- B To establish and maintain the legal basis for the Tree Preservation Order (Separate document).
- C To provide a comprehensive and realistic information base on the subject for the benefit of the public.
- D To define the Council's responsibilities and requirements in respect to the maintenance, protection, and where appropriate, the replacement of the natural environment of the City.

POLICY STATEMENT

The policy utilises the provisions of the Environmental Planning and Assessment Act, 1979 to achieve an appropriate standard of landscaping in the consideration of development and building proposals, by imposition of appropriate conditions of consent, and by utilising a Tree Preservation Order to control unnecessary removal or pruning of trees and certain other designated vegetation.

- 1 The unnecessary removal or pruning of native vegetation is to be controlled by way of a Tree Preservation Order made under provisions of the relevant Environmental Planning Instruments.
- 2 The Tree Preservation Order is to encourage a consistent approach to decisions made under its provisions.
- 3 A Register of Significant Trees shall be compiled to include those trees which are of such heritage, historical, botanical or functional importance as to require special measures to protect them.
- 4 A program for the distribution of native plants is to be undertaken to encourage a continuation of the landscape character into urban areas.

- 5 Information and guidelines will be given to prospective developers to encourage the provision of an appropriate standard of landscaping on all projects.
- 6 Applications to Council for development under building, development and subdivision controls will involve consideration of the need to remove or alter existing landform and vegetation, and of the specific proposals for landscaping the site.
- 7 Instances of unauthorised removal, pruning, or damage to identified classes of native vegetation will be investigated and legal action implemented where such action is proven.
- 8 Information on other relevant statutory requirements will be provided for the assistance of ratepayers, residents and developers.

LANDSCAPE AND VEGETATION CODE

1 Introduction

The continuing high growth rate in population and development within the City of Gosford has the potential for conflict between the natural and the built environments. A major issue is the need to maintain and protect the native vegetation of the district and simultaneously to have available sufficient land for building and development.

Trees and other native vegetation form a major component of the natural environment and the protection of ecosystems has traditionally been and still is, based largely on the protection of trees. These provide the following benefits:-

- shade from sun (reducing ground temperature)
- production of oxygen
- habitat for food for wildlife
- conservation of soils
- filter dust, pollution and sediments
- reduce wind velocities
- fuel, fibre, timber
- reduce noise emissions
- aesthetic values
- provide man with nature contact
- increase property values
- indirect benefits to tourism and therefore employment
- foster recreational variety
- education and scientific research

This code forms part of the Council Landscape and Vegetation Policy which recognises that it is possible and desirable to achieve a balance between development and the natural environment.

2 **Aim**

The aim of this Code is to provide and specify the guidelines which will be followed in the application of the Council's Landscape and Vegetation Policy and provide an information source for the ratepayers, residents, developers, other authorities and Council.

3 **Definitions**

3.1 Definition of Tree covered by this Code. "A perennial woody plant with an evident bole or trunk." (HORTICULTURE GUIDE AND STANDARD REFERENCE BOOK, ROYAL HORTICULTURE SOCIETY OF NSW)

3.2 Definition of vegetation - "any plant material".

4 **General Principles**

Where it is intended to prune or remove any living tree of three (3) metres in height or greater or any of the species listed under the Tree Preservation Order, the consent of the Council is required.

Where the proposed action is not related to or included in a subdivision or development application which is before the Council, specific application is to be made either by -

- I For trees on private land - a Tree Works Application form (supplied by Council) and lodged at any of Council's offices or addressed to Gosford City Council, PO Box 21, Gosford NSW 2250, or
- ii For trees on public land (eg road reserves, public reserves) telephone request to Council's Customer Service Unit on 4325 8200.

The Tree Preservation Order includes a list of particular species (schedule 1) which are considered to be rare or endangered. This list has been compiled with the assistance of the National Parks and Wildlife Service of NSW.

5 **Guidelines for action under Tree Preservation Order**

5.1 The following matters will be taken into consideration in determining whether or not approval should be given for **removal** of a tree under the Tree Preservation Order -

- a Whether the tree or trees have special significance in the landscape of the local or wider area, with particular emphasis to retaining those trees which are listed in the Council's Significant Tree Register.
- b The potential hazard to persons or property in the context of:-
 - i the structural soundness of the particular tree, and/or
 - ii the characteristics and history of the particular species, and/or
 - iii such other conditions such as ground conditions, building proximity, etc which may give rise to a hazardous situation.

- c The health and vigour of the tree in respect to the practicality of remedial actions.
- d The existence or potential for visual or site hazard as a result of proximity to a roadway, intersection, a driveway, where the thinning of the tree canopy will not be sufficient or satisfactory to reduce the hazard.
- e The demonstrated need for solar access to windows or openings of a building, solar appliances, clothes drying areas, and outdoor living areas.
- f The remaining life expectancy of the tree being not greater than 12 months within the context of the known life span of that particular species.
- g The replacement of a tree with a more suitable species given its location or proximity to utility lines such as overhead power lines, sewer pipes, drainage pipes etc.
- h Whether the tree is an ornamental or fruiting variety and is no longer fulfilling its original purpose in the location in which it has been planted.
- l Species which by natural propagation methods are likely to create a threat to the landscape environment (eg camphor laurel).
- j Any additional or replacement planting which has been or is to be undertaken on the land.

An appeal for reconsideration of a refused assessment is to be made to the Chief Executive Officer, Gosford City Council, PO Box 21, Gosford NSW 2250. A detailed Arborist Report and/or Tree Hazard Evaluation should support all appeals.

5.2 The following matters will be taken into consideration in determining whether or not approval will be given for the pruning of a tree under the Tree Preservation Order.

- a The potential hazard to persons or property in the context of:-
 - i the structural soundness of the particular tree, and/or
 - ii the characteristics and history of the particular species, and/or
 - iii such other conditions, such as ground conditions, building previously etc, which may give rise to a hazardous situation.
- b The health and vigour of the tree in respect to the practicality of remedial action.
- c The existence or potential for visual or site hazard as a result of proximity to a roadway intersection or driveway.

- d The demonstrated need for solar access to windows or openings of a building, solar appliances, clothes drying areas, and outdoor living areas.
- e The proximity of the tree to utility lines such as overhead or underground power lines, sewer pipes, drainage pipes etc. (Note advice can be provided by the Tree Management Officers as to how a suitable canopy may be maintained by shaping and training tree limbs around overhead obstructions).
- f The effect of wind in the existing canopy (Reduction in wind effect on the tree to be achieved by total removal of selected lateral growth to discourage secondary regrowth from the pruning wound and lessen the danger of limbs breaching away from the tree - Tree Assessment Officer will advise on appropriate limb removal for the particular area).

5.3 The guidelines specified in the previous sub-clauses will normally form the basis of a decision by the Tree Preservation Order, however it must be realised that each application requires individual attention as to the particular species of tree, its size, maturity, vigour, location and history.

An appeal for reconsideration of a refused assessment is to be made to The Chief Executive Officer, Gosford City Council, PO Box 21, Gosford NSW 2250. A detailed Arborist report and/or Tree Hazard Evaluation should support all appeals.

6 Approval not Required

6.1 Removal of Trees: Council consent may be assumed for removal of trees within three (3) metres of any approved building, provided a particular tree is not on Schedule 1 of the Tree Preservation Order, and if it is, then the individual case be reviewed on its merit to determine if removal would be appropriate.

6.2 Removal of Trees: Council's consent may be assumed for the removal of the following species of vegetation which have been identified as being unnecessary for the protection and maintenance of the natural environment.

Where there is heavy infestation of any of these species, care must be taken in their removal to avoid damage to and displacement of the soil and or native vegetation.

Council's Noxious Weeds Inspector is available to assist in the identification of these species and to advise on the appropriate measures to eradicate them.

Undesirable Exotics

Botanical Name	Common Name
Aercastrum romanzofianum	Cocus palm
Chrysanthemoides monolifera	Bitou Bush or Boneseed
Cupressus macrocarpa Brunniana Aurea	Golden Cypress
Cinnamomum camphora	Camphor laurel
Cortaderia seloana	Pampas Grass
Erythrina species	Coral tree
Ficus elastica	Rubber tree
Lantana camara	Lantana
Ligustrum ovalifolium	Narrow Leafed Privet
Ligustrum lucidum	Large Leafed Privet
Pinus radiata	Radiata pine
Phyllostachys spp	Bamboo
Ricinus communis	Castor Oil Plant
Robinia pseudoacacia	False Acacia
Salix sp	Willow tree
Schefflera actinophylla	Umbrella tree
Toxicodendron succedaneum	Rhus

Noxious Plants

As declared Noxious by the order of the Minister for Agriculture and gazetted in accordance with the Noxious Weeds Act 1993.

Botanical Name	Common Name
Acacia karroo	Karoo thorn
Ageratina riparia	Mistflower
Ageratina adenophora	Crofton Weed
Alternanthera philoxeroides	Alligator Weed
Cabomba	Cabomba spp
Cenchrus incertus	Spiny Burr Grass
Centaurea nigra	Black Napweed
Centaurea maculosa	Spotted Napweed
Cenchrus longispinus	Spiny Burr Grass
Cestrum parqui	Green Cestrum
Chromolaena odorata	Siam Weed
Chrysanthemoides monilifera	Bitou Bush
Cusuta campestris	Golden Dodder
Eichhornia crassipes	Water Hyacinth
Emex australis	Spiny Emex
Equisetum spp	Horsetail
Gymnocoronis spilanthoides	Senegal Tea Plant
Harrisia spp	Harrisia cactus
Hieracium spp	Hawkweed
Hypericum perforatum	St John's Wort
Kochia scoparia	Kochia
Lagarosiphon major	Lagarosiphon
Ludwigia peruviana	Ludwigia
Lycium ferocissimum	African Boxthorn
Miconia spp	Miconia

Nassella tenuissima syn Stipa	Mexican Feather Grass
Opuntia spp	Prickly Pear
Orobanche spp	Broomrape
Parthenium hysterohorus	Parthenium weed
Parietana judaica	Pellitory
Pisita stratoites	Water Lettuce
Rubus fruticosus (Agg.spp)	Blackberry
Salvinia molesta	Salvinia
Sorghum x aimum	Columbus Grass
Sorghum halepense	Johnson Grass
Sporobolus indicus var major	Giant Parramatta Grass
Toxicodendron succedaneum	Rhus Tree
Ulex europaeus	Gorse
Xanthium spp	Bathurst, Noogora Cockle Burrs

- 6.3 Pruning of Trees: Council's consent may be assumed for the pruning of exotic fruiting or ornamental trees so as to retain and maintain the essential purpose of the tree.
- 6.4 Council's consent may be assumed for the pruning of any branch growing directly over the roof line of an existing dwelling, in accordance with Australian Standards AS4373.
- 6.5 Council's consent may be assumed for the maintenance of the minimum clearance from domestic electricity supply, in accordance with Energy Australia guidelines.

7 **Building, Development and Subdivision Applications**

- 7.1 The incorporation of existing native trees within a development site provide for the continuity of landscape character and retains the individual site in harmony with the greater environment. It is recognised that it will not always be practical or realistic to retain all or some of the existing vegetation.
- 7.2 Council requires that in preparing proposals for its determination, that consideration is given by the designer and developer to retaining natural vegetation, particularly trees, wherever and whenever possible and appropriate.

Council's Tree Assessment Officers are available to advise on the suitability of existing vegetation if requested. However, where a landscape architect/designer will be preparing landscaping plans for a project whether or not so required under this Policy, it is recommended that person be involved in the initial site planning.

- 7.3 Applications to Council for Development and/or subdivision approval shall include in the site plan, details and location of existing trees and vegetation on the site, and trees on adjoining properties within 10 metres of the proposal, with clear identification of those which are proposed to be removed.

- 7.4 Development, or Subdivision consent which has been granted by Council where the vegetation to be removed has been clearly identified, shall be deemed to be also a consent under the Tree Preservation Order in respect to the vegetation indicated on the approved plan.
- 7.5 Development approval for dwelling-houses and ancillary buildings in residential and certain rural zones (those where development consent is not required for these buildings) shall be deemed to also be a consent under the Tree Preservation Order in respect to the vegetation within the floor area of the building and within a distance of three (3) metres from the building. (Measured between the wall, or foundation of the building, and the closest edge of the tree trunk within one (1) metre from the ground level).
- 7.6 Requests to Council for rezoning land shall include details of the vegetation on the land, this is particularly important for land which is currently zoned Rural - Conservation 7(a) where Council requires accurate plotting and description of all trees.
- 7.7 Where the Council determines that certain vegetation on a development site is to be retained, a bond may be required for the construction period of the project and/or a specified period following the completion of these works, to provide for replacement vegetation on or in close vicinity of the site should that vegetation be destroyed.
- 7.8 As a condition of any development consent in areas involving clearing of *Eucalyptus robusta* (Swamp Mahogany) or in areas where *Eucalyptus robusta* has occurred naturally, replanting and landscape works must include significant use of *Eucalyptus robusta*.
- 7.9 Once all issues are resolved in relation to tree retention and removal the following standard procedure conditions will apply where seen appropriate:
- i. Prior to the onset of works all trees to be removed according to the plan should be removed in a manner so as to prevent damage to those trees which are to be preserved e.g. they may be felled section by section or removed by crane.
 - ii. All stumps are to be ground out or removed in a manner so as not to damage the trees to be preserved.
 - iii. All preservation zones are to be cleared of weed species and competitive vegetation (i.e. zones to be defined by the applicant in terms of vegetation types).
 - iv. All preservation zones are to be mulched to a depth of no less than 100mm using a suitable organic mulch.
 - v. Two metre high chain mesh fences should be erected around preservation zones as indicated by the plan and the fences shall remain intact until all construction on the site is completed.
 - vi. Fences around preservation zones should be signposted to warn contractors of their purpose.

- vii. Treatment and pruning of trees may only be undertaken by qualified arborists.

On sites involving large scale developments the applicant may also be required to employ an experienced arborist as determined by the Tree Assessment Officer. The arborist will be required to be present during the construction stage, to provide regular reports with photographic records of what occurs on site to the Tree Assessment Officer.

8 Landscaping of Development Projects

The objective of these guidelines is to facilitate preservation of natural environments and enhancement of the built environment. Council has indicated a preference for the use of vegetation which is native to the local environment, or where this is not practical, vegetation which is native to the Australian Continent.

As part of the Development and Building Applications regarding the construction of commercial and industrial developments, residential flat buildings and other major developments requiring Council's consent, landscape details must be submitted.

The information which is required to be included with each application is set out in Attachment 1.

In respect to major development applications being,

- * residential flat buildings, tourist units, cluster housing development, aged persons housing etc, comprising 20 dwellings or more,
- * caravan parks,
- * district sub-regional, and regional shopping centres,
- * commercial development on sites of 1 hectare or greater,
- * industrial development on sites of 1 hectare or greater,

the landscape assessment and details required under that clause are to be prepared by a recognised landscape consultant.

9A Underscrubbing of land - general

9A.1 This clause applies to all lands zoned 1(a), 1(b), 1(c), 1(d), 7(a), 7(b), 7(c2), 7(c3), 7(c4), 7(d), 7(e) under IDO No 122.

9A.2 Underscrubbing is not permitted on land identified as wetland under Sydney Regional Environmental Plan No 20 or State Environmental Planning Policy No 14 without development consent.

9A.3a Underscrubbing is defined for the purposes of this document as the destruction or removal of a native tree, sapling, shrub or groundcover that is less than 3 metres high.

- 9A.3 b Underscrubbing as defined above requires the consent of Council within those zones where underscrubbing is permissible as a separate use, unless it is ancillary to a permitted use ie; for the purposes of bush fire hazard reduction adjacent to a Council approved dwelling. Where hazard reduction works are to be undertaken these works are to be carried out strictly in accordance with a Hazard Reduction Certificate as obtained from the NSW Rural Fire Services.
- 9A.3 c Underscrubbing may only be conducted using a slasher. Apart from in land zoned for rural purposes, slashers shall be rubber tyred. No bladed machinery, e.g. dozer, backhoe may be used for this purpose.
- 9A.5 The requirements detailed in clause 9 apply. The buffer zone along boundaries is 10 metres and the filter strip along drainage lines (each side from the centreline) is 10 metres for intermittent drainage lines and 20 metres either side of permanent or semi permanent streams.
- 9A.6 The Tree Assessment Officer must be notified prior to execution of works, and an inspection is to be undertaken by the Environmental Officer. If the proposal does not comply with the requirements of underscrubbing, then it may be subject to Clause 9.

9 Clearing rural land for agricultural purposes

- 9.1 This clause applies only to native vegetation. The Tree Preservation Order is still applicable to exotic vegetation. In the event of any inconsistency with Council's Rainforest Policy, the latter shall prevail.
- 9.2 Clearing of land for the purpose of agriculture in land zoned 7(a) Conservation under Interim Development Order No 122 and/or land identified as wetland under Sydney Regional Environmental Plan No 20 or State Environmental Planning Policy No 14 requires development consent.
- 9.3 Clearing of land for the purpose of agriculture in the following zones is permitted subject to the requirements set out below:-
- 1(a), 1(b), 1(c), 1(d), 7(b), 7(c2), 7(c3), 7(c4), 7(d), 7(e) under IDO No 122.
- 9.4 This clause does not exempt the landholder from the requirements of any other Act. Landholders should consult the Department of Conservation and Land Management, Department of Agriculture, Department of Water Resources, and the Fisheries Department to ensure the requirements of those Departments are met.
- 9.5 For the purpose of this clause, clearing is defined as the destruction or removal of a native tree, sapling or shrub which:-
- is greater than (3) metres high

9.6 Copies of applications may be forwarded by Council to the Department of Agriculture and the Department of Conservation and Land Management for comment, asking for a reply within 14 days.

9.7 Guidelines for clearing for agriculture purposes, where approved by Council.

- No clearing is permitted in exclusion zones.

Exclusion zones are:-

- a Slopes of greater than 1 in 5 (20%) are not to be cleared. Clearing of prominent ridgelines shall be considered on merit.
 - b Buffer zones 10m in width are to be retained along on all boundaries, except where specified elsewhere in this clause.
 - c Filter strips 10 metres in width along intermittent drainage lines, ie. those which carry water on an intermittent basis.
 - d Filter strips 20 metres either side of permanent or semi-permanent streams are to be retained.
- A strip 3m wide along fencelines may be cleared for maintenance and bushfire protection.
 - Fallen timber is to be windrowed along contours and burnt according to bushfire regulations, or otherwise removed from the site. Windrows and heaps are to be a minimum of 20 metres from any vegetation which is to be retained.
 - No vegetation is to be pushed into those areas of no disturbance (exclusion zones), particularly drainage lines.
 - Removal of noxious weeds is to be by hand implements only in those areas to be retained ie; in the exclusion zones.
 - Windbreaks are not to be incorporated into the clearing scheme.
 - Substantial clumps of vegetation shall be retained in cleared areas. These are to be fenced off to prevent intrusion by stock and/or machinery.
 - All erosion control measures are to be in place prior to clearing.
 - If there is to be a time lapse between clearing and sowing of a crop or planting of fruit trees etc. then a cover crop as recommended by Council shall be planted.
 - Restoration of denuded and/or unauthorised cleared land will be required.

9.8 All applications requiring the consent of Council must include the following information:

- I Reason for clearing, ie the intended use for the land.
- ii The total area to be cleared in comparison to the total holding.
- iii A Detailed plan of the property (to scale) showing:-
 - contours, drainage lines and any other natural features
 - existing vegetation associations
 - location of any development on the land, eg buildings, access roads, cultivated areas
 - vegetation to be retained
 - vegetation to be removed
- iv An erosion and sedimentation control plan.
- v Proposed method of removal of vegetation.
- vi Staging of the clearing works.
- vii Program of stabilisation of the disturbed areas including a list of species to be used.
- viii Anticipated dates for commencement of clearing and subsequent stabilisation and the duration expected between disturbance of the land the planting of the replacement species.
- ix If the land has been cleared in the past, details of how long ago it occurred and how long it has been permitted to regenerate.

9.9 The following zones have additional specific requirements:-

1(b) Highway Protection (10ha). A buffer strip of vegetation must be retained along the road boundary. This is to be removed only for road widening. A new buffer must be planted upon completion of roadworks by Council or Roads and Traffic Authority.

7(c2) Scenic Protection Rural Small Holdings - 2 ha
7(c2) Scenic Protection Tourist Accommodation - 4 ha

The retention of buffers is required along at least two boundaries 10m wide - this then allows for solar access and views.

Buffers may be utilised as visual screens from public view for example along roads, reserves.

10 Register of Significant Trees

10.1 Council invites nominations for trees of outstanding significance to be included on a register to identify such items for protection under Council's Tree Preservation Order.

10.2 Trees included on the register irrespective of height, size, species, etc shall not be removed or pruned unless consent has been given by Council after consideration by Council's the Tree Assessment Officers.

11 **Tree Distribution Program**

11.1 Residents who would like to acquire trees for planting in front of their properties can apply in writing to the Chief Executive Officer PO Box 21, Gosford, 2250. Council may provide up to four trees of suitable type for planting and maintenance by the resident.

12 **State Environmental Planning Policy No 14 - Coastal Wetlands**

12.1 A State Environmental Planning Policy made under the provisions of Section 39 of the Environmental Planning and Assessment Act, 1979 aims to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.

12.2 The areas affected by the Policy are delineated on a series of maps marked "State Environmental Planning Policy No 14 - Coastal Wetlands", copies of which are held at the offices of -

- a The Department of Planning
- b The Council.

12.3 In respect to land to which this policy applies, a person shall not -

- a clear that land;
- b construct a levee on that land;
- c drain that land; or
- d fill that land

except with the consent of the Council and the concurrence of the Director of the Department of Planning.

12.4 To obtain consent under this Policy, it is necessary to prepare an Environmental Impact Statement under the provisions of the Act relating to "designated development".

13 **Enforcement**

13.1 The Tree Preservation Order(s) and conditions relating to landscaping and vegetation in development and subdivision consents are mostly within the framework of the Environmental Planning and Assessment Act 1979. Action may be taken by the Council, or any person (under Section 123 of the Act).

13.2 Application can be made to the Land and Environment Court for an Order to restrain a person clearing land or felling trees in appropriate circumstances.

13.3 Prosecutions can be brought before the Magistrates Court, or in more serious cases and with the consent of the Minister for Planning and Environment, before the Land and Environment Court. The latter Court can impose penalties up to \$1100 000.00. The Court also has the power to direct a defendant to plant new trees and vegetation and maintain them to mature growth.

14 Requirements of Other Authorities

(Disclaimer: this section is included to assist in the dissemination of information, however, a check should be made with the relevant authority as to whether the information is current. No responsibility will be taken by the Council in respect to the requirements of another Authority).

14.1 National Parks and Wildlife Service

All native plants in National Parks and Nature Reserves are protected under the National Parks and Wildlife Act. The species listed in Attachment 2 are also protected where located on any crown lands, and a pickers licence from the National Parks and Wildlife Service is required for the picking of these species for commercial purposes.
(Refer Section 131 and Schedule 13 National Parks and Wildlife Act).

14.2 Soil Conservation Service

Removal of trees from protected lands or from along prescribed streams requires prior approval from the Catchment Area Protection Board (Refer Soil Conservation Act, 1938 and Water Act, 1912) See Attachment 3.

14.3 Forestry Commission

The Forestry Act controls the destruction and/or removal of trees which are situated on crown lands. It provides that certain licences may be obtained for obtaining forest products, clearing crown lands etc.
(Refer Forestry Act, 1916, Part III, see Attachment 4).

- 15 **Attachments:**
- 1 Requirements for Landscaping Plans
 - 2 National Parks and Wildlife Act, Selected Sections
 - 3 Soil Conservation Act, 1938, Water Act, 1912, Selected Sections
 - 4 Forestry Act, 1916, Selected Sections.G

(Min No 562/1987 - 16 June 1987)

(Min No 436/1993 - 13 April 1993)

(Min No 478/1994 - 25 May 1994 - Amendment)

(Min No 33/1998 - 24 February 1998)

(Min No 92/1998 - 26 May 1998)

(Min No 239/2000 – 24 October 2000 – Review of Policies)

(Min No 214/2005 - 8 March 2005 - Review of Policies)

(Min No 311/2009 - 5 May 2009 - Review of Policies)

(Min No 2013/388 - 16 July 2013 - Review of Policies)

ATTACHMENT 1

SPECIFICATIONS FOR LANDSCAPING PLANS

The information to be included with each application shall be:-

- 1 Concept/site plan - to be submitted with Development Application.
- 2 Detailed landscape plan - to be submitted with Development Application.
- 3 Construction details - to be submitted with Building Applications.
- 4 Cross-sections and elevations - to be submitted with Building Applications.

Each drawing should include the following details:-

A Concept/Site Plan

Soil types
Areas of vegetation, ie, proposed and existing
Contours and levels
Site drainage
Kerb and gutter

Boundaries
Existing services

Location of structures to be retained and/or constructed
Road and access circulation patterns

North sign
Drawings to scale in metric dimensions

Proposed landforms : mounds
: ponds etc.

Signage

Dimensions

B Detailed Landscape Plan

- . Full botanical nomenclature - compulsory
- . Common names - optional
- . All vegetation, existing and proposed on completion of project
- . Paving types
- . Mulches
- . Plant staking
- . Building outline
- . Details of proposed landscape construction,
e.g. paling fence
log retaining wall etc
- . Edging
- . Landscape features, ie ponds, fountains, playgrounds
- . Signage details with qualifications
- . North signs
- . Drawings to scale in metric dimensions

C Construction Detail

- . Paving - material and style
- . Drainage - material and type
- . Edging
- . Fencing - material and style
- . Walls - material and style
- . Trees - tying and staking

Any other details requested by Director Governance & Planning or his representative.

D Cross-sections and Elevations

- . Relative levels
- . Landscape features
- . Drainage
- . Vegetation
- . Fencing
- . Soil profile
- . Location of structures
- . Drawings to scale in metric dimensions
- . Signage details.

ATTACHMENT 2

NATIONAL PARKS AND WILDLIFE SERVICE

The plant species listed below are protected under the National Parks and Wildlife Act on any Crown Land.

Any persons wishing to pick native species listed below for commercial purposes are required to obtain a licence from the National Parks and Wildlife Service under Section 131 of their Act.

Schedule 13 - National Parks and Wildlife Act

Seed Plants:	BOTANICAL NAME	COMMON NAME
	<i>Actinotus helianthi</i>	Flannel Flower
	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm
	<i>Blandfordia, all indigenous species</i>	Christmas Bells
	<i>Boronia, all indigenous species</i>	Boronia
	<i>Bulbophyllum, all indigenous species</i>	Orchid
	<i>Calanthe triplicata</i>	Orchid
	<i>Casuarina cunninghamiana</i>	River Oak
	<i>Caustis, all indigenous species</i>	Curley Sedge
	<i>Ceratopetalum</i>	Christmas Bush
	<i>Clianthus formosus</i>	Sturt's Desert Pea
	<i>Crowea, all indigenous species</i>	Crowea
	<i>Cymbidium, all indigenous species</i>	Orchid
	<i>Dendrobium, all indigenous species</i>	Orchid
	<i>Dipodium, all indigenous species</i>	Orchid
	<i>Doryanthes, all indigenous species</i>	Giant Lilly
	<i>Eriostemon, all indigenous species</i>	Wax Plant
	<i>Galeola, all indigenous species</i>	Orchid
	<i>Geodorum pictum</i>	Orchid
	<i>Grevillea aspleniifolia</i>	Fern-leaved Grevillea
	<i>Grevillea caleyi</i>	Caley's Grevillea
	<i>Grevillea longifolia</i>	Fern-leaved Grevillea
	<i>Liparis, all indigenous species</i>	Orchid
	<i>Livistona australis</i>	Cabbage Tree Palm
	<i>Lomatia silaifolia</i>	Crinkle Bush
	<i>Microstrobos fitzgeraldii</i>	-
	<i>Oberonia, all indigenous species</i>	Orchid
	<i>Pandanus, all indigenous species</i>	Pandanus
	<i>Papillilabium becleri</i>	Orchid
	<i>Parasarcophilus, all indigenous special</i>	-
	<i>Peristeranthus hillii</i>	Orchid
	<i>Persoonia pinifolia</i>	Pine-leaved Geebung
	<i>Phaius tenkervilleae</i>	Orchid
	<i>Phreatia, all indigenous species</i>	Orchid
	<i>Plectorrhiza, all indigenous species</i>	Orchid
	<i>Restio tetraphyllus</i>	Restio
	<i>Rhinorrhiza divtiflora</i>	Orchid
	<i>Sarcophilus, all indigenous species</i>	Orchid
	<i>Schistotylus purpuratus</i>	Orchid
	<i>Sprengelia incarnata</i>	Sprengelia
	<i>Tacniophyllum, all indigenous species</i>	Orchid
	<i>Telopia, all indigenous species</i>	Waratah

Ferns and Fern Allies:

Adiantum, all indigenous species	Maiden Hair Fern
Asplenium nidus	Bird's Nest Fern
Asplenium falcatum	-
Cyathea, all indigenous species	Tree Fern
Davallia pycnidata	Hare's Foot Fern
Dicksonia, all indigenous species	Tree Fern
Lycopodium deuterodensum	Mountain Moss
Platycterium, all indigenous species	Elk Horn and Stag Horn
Tmesipteris, all indigenous species	-
Todea barbara	Tree Fern

Mosses:

Sphagnum, all indigenous species	Sphagnum Moss
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This list includes all indigenous species of epiphytic and lithophytic orchids.

ATTACHMENT 3

CATCHMENT AREAS PROTECTION BOARD

RESTRICTIONS ON DESTRUCTION OF TREES GROWING ON PROTECTED LANDS AND ALONG PRESCRIBED STREAMS

- 1 The Soil Conservation Act, 1938, and Waters Act, 1912, require owners, occupiers and holders or grantees of timber rights to make application to the Catchment Areas Protection Board, for an authority
- 2 Protected lands are those lands within catchment areas notified by the Minister under the Soil Conservation Act and which are mapped by the Board as having slopes generally in excess of 18 degrees from the horizontal.
- 3 Prescribed rivers and lakes includes those rivers, lakes, lagoons, swamps and streams prescribed for the purpose of Section 26D of the Water Act. Thousands of water courses and water bodies in New South Wales have been so prescribed.
- 4 Why is it necessary?

Silt in rivers is the main form of pollution throughout rural areas of New South Wales, as it is in other States and countries with large areas of eroded and erodible lands. Siltation can render costly works entirely ineffective and seriously degrade waterways to the general disadvantage of the community.

Generally a vigorous tree cover is recognised as the most effective control of erosion on steep lands and is of major importance along river banks.

The overriding consideration, therefore, is that the preservation of suitable tree cover on steeply sloping lands, and of trees along the rivers, is essential to protect the water and soil resources of New South Wales.

- 5 What lands are affected?

These provisions of the Soil Conservation Act and Water Act apply to all lands mapped as protected lands or along prescribed watercourses or water bodies, irrespective of tenure.

That is to say, private property (freehold) and leased lands are included as well as lands held under tenure from the Crown.

PROTECTED LANDS

- 6 What are the restrictions relating to 'protected lands'?

The Soil Conservation Act provides that, unless the authority of the Catchment Areas Protection Board has been secured, a person shall not -

- a ringbark, cut down, fell, poison or otherwise destroy, or cause to be destroyed; or
- b top, lop, remove or injure or cause to be injured; any tree ('tree' includes 'sapling') on protected lands.

7 How are Protected Lands identified?

Protected lands are those mapped as having slopes generally in excess of 18° from the horizontal within catchment areas notified under the Soil Conservation Act.

The majority of the lands east of the Great Dividing Range are already within notified catchment areas and action is being taken to extend this west of the Range.

These maps are deposited in the office of the District Soil Conservationist which is nearest to the land to which the map relates, and may be inspected by any person during normal office hours without payment of any fee.

Protected land maps are also available for inspection at the local offices of a number of other Departments, particularly the Department of Land and Water Conservation and Forestry Commission, and often at local Council Chambers.

8 Where are applications concerning Protected Land lodged?

The application form can be secured from any Soil Conservation Service Office, which will accept the completed application on behalf of the Catchment Areas Protection Board.

9 Procedures - Protected Lands

As soon as possible after receiving an application to cut or destroy trees on protected lands, the District Soil Conservationist will arrange for an inspection of the area affected and will report to the Catchment Areas Protection Board. The Board, if it approves of the Application, will issue an Authority under Section 21D of the Act, subject to conditions considered necessary to control erosion and siltation.

10 Exemptions from Protected Lands provisions

Anybody who is required or authorised to cut or destroy any tree on protected land by or under any other Act or by any licence, permit, authority or consent granted or issued under any such Act is not required to obtain an authority to do so under the Soil Conservation Act.

An owner or occupier of protected lands need not apply for an Authority should he wish to cut or destroy in any period of one year:

- a no more than 7 trees per hectare;
- b the trees growing on no more than one quarter - up to a maximum of 2 hectares - of the area, of each portion of protected land contained within each holding, other than for the development of a banana plantation, horticulture or the growing of crops; or
- c operations involved in the normal harvesting and management of banana plantations and orchards, other than the complete destruction of the plantation or orchard.

PRESCRIBED RIVERS AND LAKES

11 What are the restrictions concerning Prescribed rivers and lakes?

The Water Act requires that, unless the authority of the Catchment Areas Protection Board has been secured, a person shall not -

- a ringbark, cut down, fell, poison or otherwise destroy, or cause to be destroyed; or
- b lop, top, remove or injure, or cause to be injured, any tree ("tree" includes "sapling, shrub and scrub") within the bed or within 20 metres of the banks of a prescribed river or lake.

12 How are Prescribed rivers and lakes identified?

Rivers, streams, lakes, lagoons and swamps prescribed under the Water Act are listed in a publication - "Restrictions on the Removal of Trees on New South Wales Watercourses" - published by the Water Resources Commission.

Copies of this publication are available for inspection at all Soil Conservation Service and Water Resources Commission offices. It can also be inspected in some Department of Land and Water Conservation, Forestry Commission and Lands Department offices.

13 Where are applications concerning Prescribed rivers and lakes lodged?

The application form can be secured from offices of the Soil Conservation Service, the Water Resources Commission and coastal offices of the Department of Land and Water Conservation, each of which will accept applications on behalf of the Catchment Areas Protection Board.

14 Procedures - Prescribed rivers and lakes?

As soon as possible after receipt of an application to destroy trees along a prescribed watercourse or water body, the Catchment Areas Protection Board will arrange for an inspection and report to be made by the Water Resources Commission.

The Board, if it approves of the application, will issue a Permit under Section 26D of the Water Act, subject to such conditions it sees as necessary to control erosion and siltation.

15 Exemptions concerning Prescribed Streams

There are no exemptions from the restriction concerning destruction of trees along prescribed watercourses and water bodies.

16 Penalties

Any person who contravenes these provisions of the Soil Conservation Act or Water Act is liable to a fine not exceeding \$2000 for each offence.

17 Remedial Measures

If a person contravenes these provisions by damaging or destroying trees and the operations have resulted in or are liable to result in erosion or siltation, the Catchment Areas Protection Board can require that person to carry out remedial measures to its satisfaction or can undertake the work itself and recover the cost from the landholder.

18 Get Expert Advice

The Catchment Areas Protection Board is conscious of the Government's wish that - "the provisions work in the interests of the whole of the State, as well as in the interests of the individual landholder."

Before destroying trees on steep land, consult any office of the Soil Conservation Service and obtain free advice. These local officers understand your problems of land use and know how to deal with them.

For your enquiries regarding destruction of trees along river banks, consult the Rivers and Foreshores Improvement Branch of the Water Resources Commission or the Department of Land and Water Conservation.

All correspondence to the Catchment Areas Protection Board should be addresses -

The Secretary
Catchment Areas Protection Board
Box R201 Royal Exchange P O
SYDNEY 2000

ATTACHMENT 4

EXTRACT FROM FORESTRY ACT, (1916)

PART III

PROVISIONS RELATING TO THE TAKING OF TIMBER PRODUCTS AND FOREST MATERIALS

Division 1 - Unlawful Taking of Timber, Products and Forest Materials.

26, 26A

Penalty for unlawfully taking timber, products or forest materials.

- 27 1 A person who -
- a on any Crown-timber lands -
 - I cuts, strips, obtains, removes, destroys or damages any timber; or
 - ii digs for, extracts, obtains, removes, destroys or damages any products; or
 - iii causes or knowingly suffers any of the things referred to in subparagraph (I) a (ii) to be done; or
 - b on any State forest or flora reserve quarries, digs for, extracts, obtains, removes, destroys or damages any forest materials or causes or knowingly suffers any of those things to be done, if guilty of an offence and liable to a penalty not exceeding five hundred dollars or to imprisonment for a period not exceeding three months, or to both such penalty and imprisonment and where in the commission of the offence any tree is destroyed or damaged to an additional penalty not exceeding five dollars for each such tree.
- 2 Without limiting the generality of subsection (1), the provisions of that subsection have effect in respect of Crown-timber lands notwithstanding the provisions of this or any other Act or any terms or conditions subject to which any tenure of the Crown-timber lands is held, and where any such terms or conditions require the taking or destruction of any timber or products those terms and conditions shall be construed as imposing that requirement subject to the holder of the tenure obtaining a clearing licence.

- 3 A person is not guilty of an offence under subsection 1 -
- a by reason of his doing any of the things referred to in subsection 1 -
- i in pursuance of a timber licence, products licence, forest materials licence, clearing licence or other authority issued or granted by the commission;
 - ii in pursuance of and in accordance with the provisions of the Mining Act, 1973, or the Coal Mining Act, 1973 or any tenure granted under either of those Acts;
 - iii in respect of any tree on Crown-timber lands (not being Crown-timber lands referred to in paragraph a or c of the definition of "Crown-timber lands" in section 4 or on land the subject of a forest lease, where the commission has certified in writing that the tree, in its opinion, had been planted or established and had been maintained by careful tending and improvement as part of a woodlot or forest or for the purpose of tree-farming;
 - iv in respect of any tree on lands the subject of a profit a prendre reserved under section 25F where the commission has certified in writing that the tree is not subject to the profit a prendre by reason of the operation of paragraph a or b of subsection 5 of section 25F; or
 - v in the course of his employment by the commission;
- b by reason only of his taking timber or other material as authorised by paragraph a of subsection 1 of section 226 of the Crown Lands Consolidation Act, 1913, or by that paragraph as applied by subsection 2 or 3 of that section paragraph ii of Section 18D of the Western Lands Act, 1901, or the terms or conditions of a prickly-pear lease under the Prickly-pear Act, 1924, or by reason only of his taking timber or products as referred to in section 25F 7; or
- c where he is a lessee under a conditional lease applied for before 1 January 1910, by reason of his ringbarking or otherwise killing or destroying any tree on the land the subject of the conditional lease.
- 4 Nothing in this section affects the operation of section 254 or 255 of the Crown Lands Consolidation Act, 1913, but a person shall not be liable to more than one penalty for the same offence.
- 5 A penalty may be imposed under this section in addition to any penalty, fine or forfeiture imposed by any lease or licence under which the Crown-timber lands concerned or the lands the subject of the forest lease are held or by the provisions of the Act under which the Crown-timber lands or the lands the subject of the forest lease are held.

Clearing Licences

27G

- 1 A clearing licence authorises -
 - a the holder; and
 - b a successor in title to the land in respect of which the clearing licence is issued,

subject to the regulations and subject to the conditions and limitations of the licence, to ringbark or otherwise kill or destroy trees, or any specified description thereof, on such Crown-timber lands as are specified in the licence, notwithstanding the provisions of any other Act or any terms or conditions subject to which any tenure of those Crown-timber lands is held.
- 2 The term of a clearing licence shall be such term as is specified in the licence.
- 3 Clearing licences shall be issued by the commission.

Restrictions on issue of clearing licences.

- 27H Nothing in section 27G authorises the commission to issue a clearing licence -
- a in respect of Crown-timber lands within a State forest that are not the subject of a forest lease or any other lease from the Crown;
 - b in respect of Crown-timber lands within a flora reserve;
 - c where the Crown-timber lands are -
 - i held subject to a tenure specified or described in the First Schedule - except to the holder of that tenure;
 - ii purchase-tenure land, as defined in section 25c - except to the owner, as so defined, of that land; or
 - iii held under a forest lease - except to the lessee;
 - d in respect of protected land, as defined in section 21A of the Soil Conservation Act, 1938 - except with the consent of the Catchment Areas Protection Board constituted under that Act; or
 - e to ringbark or otherwise kill or destroy trees having economic value.