



Part 7 Codes

Division 2 Specific Development Codes

Chapter 36 Vegetation Management

1.0 Purpose

This code seeks to provide for the protection and management of vegetation which is located on freehold land within the City, to facilitate the sustainable development of the City and to ensure the protection of the City's biodiversity and ecological values, landscape character and amenity.

2.0 Application

- 2.1 This code applies to development indicated as self assessable, code assessable or impact assessable in the Table of Development of the domain or Local Area Plan (LAP) precinct within which the development is proposed. Specifically, it applies to operational work constituting vegetation clearing.
- 2.2 For the purposes of this code, 'structure' means any fixed structure that requires a building approval or any retaining wall greater than 1.2 metres in height, property boundary fence, stockyard, pool and pool safety fence.
- 2.3 For the purposes of this code, 'regular and ongoing maintenance program' means a maintenance program over a maximum 7 year cycle that provides for the continued productive use of land for agricultural or animal husbandry purposes.
- 2.4 Performance Criteria PC1-PC4 apply to all code and impact assessable development subject to this code. For development identified as self assessable, only the acceptable solutions to Performance Criteria PC1 and PC2 apply.

3.0 Development Requirements

Performance Criteria	Acceptable Solutions
Development that is Self Assessable, Code Assessable or Impact Assessable	
Vegetation Protection	
PC1 Vegetation must be protected to ensure that: <ol style="list-style-type: none"> a) habitats are provided for rare and threatened flora and fauna as defined by the Nature Conservation Act 1992 and Nature Conservation (Wildlife) Regulations 1994; b) vegetation of historical, cultural or visual significance is retained; c) vegetation is retained for erosion prevention and slope stabilisation; d) the character of the local area is maintained; e) the conservation of the City's biodiversity is assisted. 	AS1.1 The vegetation is not damaged. OR AS1.1.2 The vegetation damage is in accordance with a previously approved and existing Vegetation Management Plan. OR AS1.1.3 The vegetation damage is essential for carrying out work authorised or required under another Act. OR AS1.1.4 The vegetation damage occurs within the path of, or within three metres of the path of, an essential road, water supply, sewage or drainage works. OR AS1.1.5 The vegetation damage is within three metres (as measured from the centre of the diameter of the tree's trunk, at ground level, to the nearest edge of the foundations) of the foundations of an existing building or structure, or the site of a proposed property boundary fence, for which all necessary development approvals have been obtained. The fence is to be constructed within 21 days. OR



Performance Criteria	Acceptable Solutions
	<p>AS1.1.6 The site is within the Rural Domain and/or is greater than 8,000m² in area, and the vegetation damage is within ten metres (as measured from the centre of the diameter of the tree's trunk, at ground level, to the nearest edge of the foundations) of the foundations of an existing building or structure, or the site of a proposed property boundary fence, for which all necessary development approvals have been obtained, The fence is to be constructed within 21 days.</p> <p>OR</p> <p>AS1.1.7 The vegetation damage is authorised by Council and is considered as one or more of the following:</p> <ul style="list-style-type: none"> a) actually or potentially dangerous as a result of being dead, dying or diseased, structurally unsound, or having a growth form or habit which is hazardous; b) a threat to the safety of persons or property or the environment integrity; c) restricting the habitability of the dwelling on the site. <p>OR</p> <p>AS1.1.8 The vegetation damage is essential for the survey of the property boundary by a licensed cadastral surveyor.</p> <p>OR</p> <p>AS1.1.9 The vegetation is damaged to:</p> <ul style="list-style-type: none"> a) maintain an existing fire break; b) undertake works in order to implement an approved fire management plan; or c) establish a fire break during a fire event or to contain fire in some other way during a fire event. <p>OR</p> <p>AS1.1.10 The vegetation is damaged to reduce bushfire hazard, by means of fuel reduction, around a dwelling house located in a Medium or High Potential Bushfire Hazard Area as identified on the Overlay Map OM10 – Potential Bushfire Hazard Areas in a bushfire prone area, as defined in Part 7, Division 2 – Bushfire Management Areas, consistent with the following:</p> <ul style="list-style-type: none"> a) removal of protected vegetation within ten metres of a dwelling house (inner zone); b) selective removal of protected vegetation in order to thin the canopy or remove understorey vegetation (including any branches less than two metres above ground level) for a further ten metres (outer zone); c) where the dwelling house is situated on a sloping site, a further increase in the outer zone: <ul style="list-style-type: none"> ▪ to a maximum of one metre for every degree of slope, down slope of the dwelling house; ▪ to a maximum of half a metre for every degree of slope, upslope of the dwelling house (refer Figure 36-1). <p>OR</p>



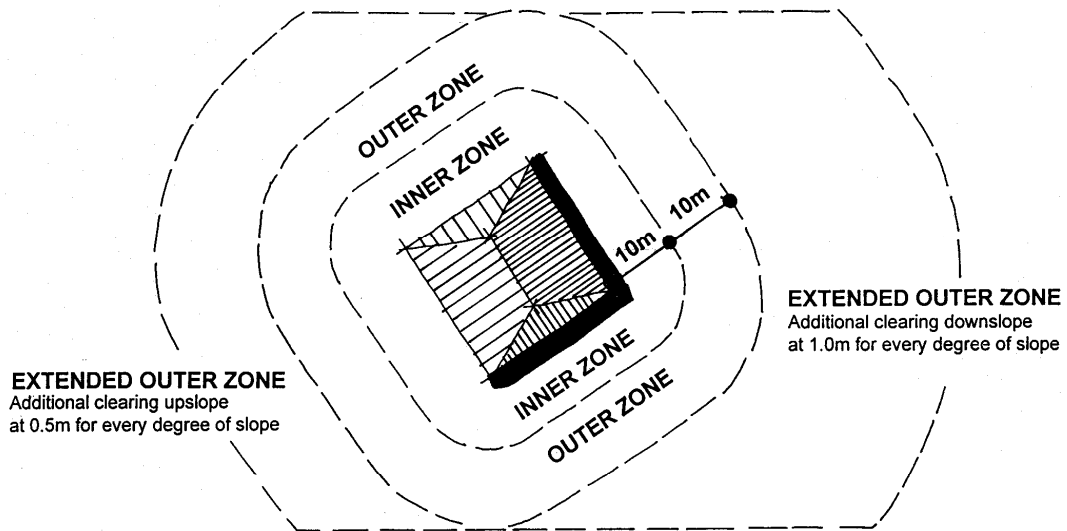
Performance Criteria	Acceptable Solutions
	<p>AS1.1.11 The vegetation is damaged, and is harvested for bona fide and sustainable milling purposes or is essential for use in connection with existing lawful agricultural or animal husbandry operations conducted on the land on which the protected vegetation is situated, and is not located:</p> <p>a) within 30 metres of the high bank of a waterway; or b) on land that has a slope in excess of 25%.</p> <p>Note: <i>Where no definable high bank is present, the buffer width is measured from the Highest Astronomical Tide (HAT) of tidal waterways or the normal water level of freshwater waterways.</i></p> <p>OR</p> <p>AS1.1.12 The vegetation is damaged as the result of pruning essential to promote regeneration or for ornamental shaping, or to prevent interference to overhead service cabling.</p> <p>OR</p> <p>AS1.1.13 The vegetation is damaged as the result of sustainable timber harvesting, where the vegetation is subject to a scheme or plan providing for its management and exploitation as a sustainable resource:</p> <p>a) approved by the local government and in accordance with a plan developed by a suitably qualified and competent person in keeping with the guidelines for ecological site assessment; or b) authorised or approved under another law.</p> <p>OR</p> <p>AS1.1.14 The vegetation is damaged and the damage arises on a rural property as the result of a regular and ongoing maintenance program for the management of immature regrowth and woody weeds in connection with an existing lawful, agricultural or animal husbandry operation conducted on the land.</p>
<p>PC2 Vegetation cleared from the site is disposed of in a manner that does not result in smoke being released into an urban or rural residential area which would likely cause an impact on human health and safety.</p>	<p>AS2.1.1 Vegetation is disposed of in an on-site pitburner, approved under the Environmental Protection Act 1994, and operated in accordance with that approval.</p> <p>OR</p> <p>AS2.1.2 Vegetation is transported off-site for disposal in an approved green waste disposal facility.</p> <p>OR</p> <p>AS2.1.3 Vegetation is reused and/or recycled, eg. as firewood, landscaping or commercial timber products.</p> <p>OR</p> <p>AS2.1.4 Vegetation is disposed of using domestic refuse disposal services or facilities.</p> <p>OR</p>



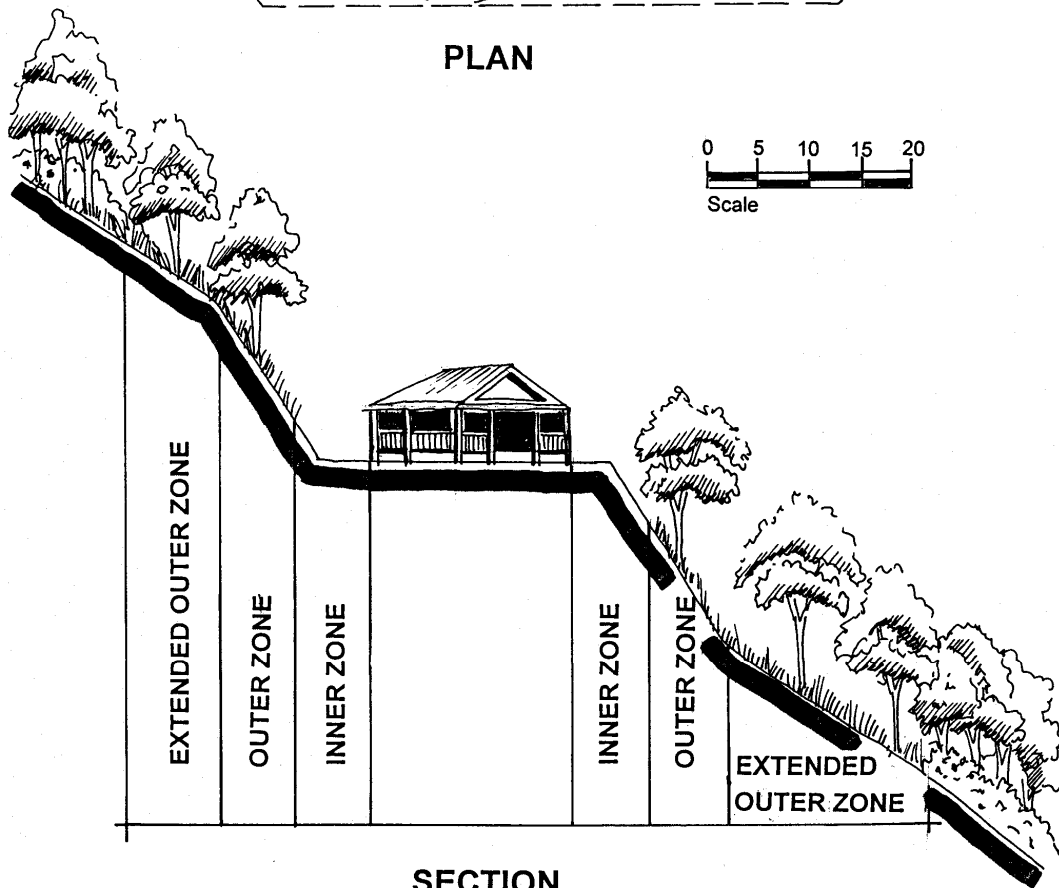
Performance Criteria	Acceptable Solutions
	<p>AS2.1.5 Vegetation is disposed of on-site by above ground burning, where the burning utilises fire management techniques that will minimise smoke nuisance, approved by an appropriate authority.</p>
Development that is Code Assessable or Impact Assessable	
Vegetation Protection	
<p>PC3 Vegetation must be protected to ensure that:</p> <ul style="list-style-type: none"> a) habitats are provided for rare and threatened flora and fauna as defined by the Nature Conservation Act 1992 and Nature Conservation (Wildlife) Regulations 1994; b) vegetation of historical, cultural or visual significance is retained; c) vegetation is retained for erosion prevention and slope stabilisation; d) the character of the local area is maintained; e) the conservation of the City's biodiversity is assisted. 	<p>AS3.1.1 The vegetation is not damaged. OR AS3.1.2 The vegetation is damaged in accordance with an approved Vegetation Management Plan that includes, but is not limited to:</p> <ul style="list-style-type: none"> a) the location of the existing or approved dwellings, building or structures; b) the location of waterways, ridge tops and steep slopes (greater than 25%) on and adjacent to the site; c) the location of the protected vegetation to which the damage is proposed, and reasonable particulars of its vegetation type, including species, height and girth; d) a statement of the reasons for the damage and any relevant factors associated with the purpose of the proposed damage; e) particulars of how the vegetation is to be damaged and, if relevant, how the damaged material is to be removed or disposed of; f) a landscape plan that is prepared in accordance with Specific Development Code 21 – Landscape Work; g) a plan indicating the location, size and species of replacement vegetation to compensate for the loss of damaged vegetation.
Vegetation Protection Orders	
<p>PC4 A Vegetation Protection Order has been made by Council over the vegetation, and the vegetation must not be damaged, so as to protect the values and functions of recognised significant vegetation.</p>	<p>AS4 The vegetation is not damaged.</p>

4.0 Other Relevant Requirements

Existing permits and conditions may have requirements that are different from, or override the provisions of, this code. For example, a tree adjacent to a property boundary fence may be required to be retained.



PLAN



SECTION

Figure 36-1: Area of Maximum Permitted Clearing for Bushfire Hazard Mitigation where a Fire Management Plan does not exist.