

PART C: General development controls

Section C3 Vegetation preservation and care

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1.0 Introduction

The urban forest is made up of vegetation on public and privately owned land, and green infrastructure on public and private walls and buildings. It provides significant visual, ecological, environmental, social, cultural, psychological and financial benefits.

Climate change, population growth, pollution and urban heating, place pressure on the natural and built fabric of the city. A healthy urban forest plays a critical role in maintaining healthy and liveable ecosystems and places in Newcastle. Liveability greatly depends on the long-term conservation and management of existing trees, plants, shrubs, and other vegetation, and the planting of appropriate species.

2.0 Application

This section applies to vegetation clearing that requires a permit under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* ([Biodiversity and Conservation SEPP](#)), and vegetation clearing undertaken ancillary to development.

There are three potential approval pathways for the clearing of vegetation:

- **Exempt**
Some vegetation clearing is exempt under this DCP and can be undertaken without approval see sub-section 7.0).
- **Permit application for clearing declared vegetation**
A permit application will be required where declared vegetation clearing is not ancillary to other development needing consent. Declared vegetation is defined in sub-section 7.0.
- **Development application (DA)**
The clearing of vegetation may be considered in a DA where the clearing is ancillary to other development needing consent.

3.0 Related sections

The following sections may also apply to development:

- B4 Aboriginal cultural heritage
- B6 Urban Heat
- C4 Stormwater
- C5 Soil management
- C12 Open space and landscaping
- E1 Built and landscape heritage
- E2 Heritage conservation areas

4.0 Additional information

Associated technical manuals:

- *Newcastle Urban Forest Technical Manual*, updated 2018. City of Newcastle (CN), formerly Newcastle City Council.

5.0 Objectives

1. Manage and care for the urban forest and maximise urban greening, resulting in a healthy, green and biodiverse city that provides economic, ecological and social benefits.
2. Identify declared vegetation under the [Biodiversity and Conservation SEPP](#).
3. Provide opportunities for ecosystem pollinator habitat.
4. Prioritise the retention of the existing urban forest.
5. Ensure compensatory plantings are provided when vegetation is cleared.
6. Protect and enhance the biodiversity and amenity value of the urban forest through the protection of trees, plants, shrubs, and other vegetation including a diversity of native and non-native vegetation in both private spaces, and along public verges, pathways, and roadways.
7. Protect high environmental value land, including biodiversity corridors, riparian areas and wetlands.
8. Authorise the clearing of priority weeds and other inappropriate vegetation and encourage replacement with appropriate compensatory plantings.

6.0 Definitions

A word or expression has the same meaning as it has in *Newcastle Local Environmental Plan 2012* ([LEP 2012](#)), unless otherwise defined. Other words and expressions include:

- **Clear vegetation** – has the same meaning as in [Biodiversity and Conservation SEPP](#) and includes:
 - cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
 - lop or otherwise remove a substantial part of the vegetation.
- **Compensatory planting** - tree planting required offsetting the loss of retainable tree canopy.
- **Dead tree** – is where the biological function of the tree has ceased. No leaves are present and there is visible evidence of trunk, root plate and canopy desiccation.
- **Declared vegetation** – the following is defined as declared vegetation in accordance with Part 2.3 of the [Biodiversity and Conservation SEPP](#), subject to the exemptions outlined in C-2 and C-3 of subsection 7.0 Approval required: exempt, permit or development consent:
 - a. any native vegetation that is a threatened species, endangered ecological community, or provides habitat for threatened species, or
 - b. any tree equal to or greater than 3m in height, or with a diameter (measured at 1.4m above ground level) equal to or greater than 15cm for a single trunk tree or equal to or greater than 10cm for one of the trunks of a multi-trunk tree, or
 - c. any shrub that is equal to or greater than 3m in height, or
 - d. a tree that is required to be retained or planted as a condition of a complying development certificate, permit or development consent, or
 - e. any vegetation on land managed by CN.
- **Environmental land** – is land retained onsite for the protection, provision or restoration of the environment; including land avoided under the 'avoid, minimise, offset' hierarchy, and riparian corridors. Environmental land can provide a range of environmental services such as biodiversity protection; waterway stability; land stability; flood attenuation; habitat enhancement, biodiversity corridors and buffers; microclimate regulation and climate resilience.
- **Habitat tree** - mature to over-mature trees that contains hollows or cavities.
- **New residential site** – is identified through land use zoning for future urban development. It has not been developed and is located outside the existing urban area.

- **Native vegetation** – has the same meaning as in Part 5A of the *Local Land Services Act 2013* and includes the following types of plants native to New South Wales:
 - 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.

A plant is native to New South Wales if it was established in New South Wales before European settlement. The regulations may authorise conclusive presumptions to be made of the species of plants native to New South Wales by adopting any relevant classification in an official database of plants that is publicly accessible.

For the purposes of this part of the plan, native vegetation does not extend to marine vegetation (being mangroves, seagrasses or any other species of plant that at any time in its life cycle must inhabit water other than fresh water). A declaration under section 14.7 of the *Biodiversity Conservation Act 2016* that specified vegetation is or is not marine vegetation also has effect for the purposes of this part.

- **Pruning** – only refers to activities covered by *AS4373; Pruning of amenity trees*.
- **Public Tree** – is a tree/shrub located on land managed by CN.
- **Shrub** – is a woody perennial plant that is generally smaller than a tree species at maturity and has many main stems or trunks.
- **Tree** – is a long lived woody perennial plant greater than 3m height (or will be at maturity), with one or relatively few main stems or trunks.
- **Tree retention values** – are a weighted combination of tree sustainability and landscape significance used to determine how retainable a tree/s is to guide the site analysis and site planning stages of development. Tree retention values are determined using the following three steps further outlined within the *Newcastle Urban Forest Technical Manual*:
 - a. assess tree sustainability
 - b. assess landscape significance
 - c. weigh sustainability and landscape significance.
- **Tree vacancy site** – is a public land site CN has identified for future tree planting. The sites were identified from analysis of the local government area (LGA) based on criteria in the Tree Asset Management System. Tree vacancy site locations are available on request from CN and on CN's website - TreeMap.
- **Urban forest** – is the collection of trees, shrubs, and other vegetation types, on both public and privately owned land within the Newcastle LGA.
- **Vegetation** – has the same meaning as in the [Biodiversity and Conservation SEPP](#) where the term is defined as a tree or other vegetation, whether or not it is native vegetation.

7.0 Approval required: exempt, permit or development consent

Objectives	
1. Provide clarity on the approval pathway for vegetation clearing or pruning.	
Controls (C)	Explanatory notes
C-1.A permit from CN <u>is required</u> prior to clearing declared vegetation, subject to the exemptions in C-2 and C-3 below.	<p>Declared vegetation is defined in sub-section 6.0 Definitions.</p> <p>There are three potential approvals pathways for the clearing/pruning of vegetation: the clearing/pruning is exempt, or the clearing/pruning requires a permit, or development consent.</p> <p>If the clearing/pruning of declared vegetation is not to enable development (e.g. building works), and meets one of the exemptions outlined in C-2 or C-3 below, a permit is <u>not</u> required from CN.</p> <p>If the clearing of declared vegetation is not to enable development (e.g. building works), and does not meet any of the exemptions outlined in C-2 or C-3 below, then a permit <u>is</u> required from CN, see sub-section 9.0 Permit for the clearing of declared vegetation.</p> <p>If the vegetation to be cleared is to enable development for which consent is being sought, then the clearing of vegetation is ancillary to the development and will be considered as part of the DA, see sub-section 10.0 Development consent for clearing of vegetation ancillary to a DA.</p> <p>The Biodiversity and Conservation SEPP prohibits CN from issuing a permit for the clearing of native vegetation that exceeds the biodiversity offsets scheme threshold. Refer to the Biodiversity Conservation Act 2016 for further information.</p> <p>Vegetation clearing on waterfront land may require a controlled activity approval under the <i>NSW Water Management Act 2000</i>. Waterfront land includes the bed, bank and all land within 40m of any river (includes watercourses), lake (includes wetlands), or estuary. See the NSW Government website for further information.</p>

C-2.A permit from CN is not required to clear declared vegetation on private land if landowners' consent has been obtained and one of the following is true:

- a. clearing of the vegetation has been authorised by a development consent or under other legislation, or
- b. the tree or shrub:
 - i. poses an immediate risk to life or property due to a demonstrated sudden change to its structure as a result of a severe storm or wind events, and meets the requirements of the *Urban Forest Technical Manual*, or
 - ii. is dead or storm damaged and is not:
 - a habitat tree, or
 - on land that is a heritage item, or
 - in a heritage conservation area and visible from the street or other public areas (other than a lane), or
 - part of an Aboriginal object, or
 - within an Aboriginal place of heritage significance.

The Report Storm Damage Tree Removal form in the Urban Forest Technical Manual is to be completed and submitted within 5 days of tree clearing, or
 - iii. is located within 3m of the edge of a pool, or dwelling or building greater than 20m², measured from the closest point of the trunk to the footings of the dwelling/building, or the outside edge of the coping of a legally constructed swimming pool, and is not:
 - on land that is a heritage item, or
 - in a heritage conservation area and visible from the street or other public areas (other than a lane), or
 - part of an Aboriginal object, or
 - within an Aboriginal place of heritage significance, or
- c. the tree is listed in **Table C3.01** and is not:
 - on land that is a heritage item, or
 - in a heritage conservation area and visible from the street or other public areas (other than a lane).

This control does not apply to trees or shrubs on land managed by a public authority.

The maintenance, pruning or clearing of trees and shrubs within road reserves or located on land managed by CN can only be undertaken by CN.

If a tree or shrub on land managed by CN appears to be damaged by a storm, it must be referred to CN who will carry out the required works.

Tree clearing on private land under the bushfire 10/50 rules is to be undertaken in accordance with the requirements of the NSW Rural Fire Service and does not require a CN permit.

The [Biodiversity and Conservation SEPP](#) allows CN to issue a permit for the clearing of vegetation that is or forms part of a heritage item, is within a heritage conservation area or is or forms part of an Aboriginal object or is within an Aboriginal place of heritage significance only if CN is satisfied that clearing is of a minor nature, is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area and would not affect the heritage significance. See sub-section 8.0 or refer to the [Biodiversity and Conservation SEPP](#) for further information

If the proposal will harm a known Aboriginal object or Aboriginal place, an Aboriginal Heritage Impact Permit will be required under the *National Parks and Wildlife Act 1974*. This permit is separate to a development consent or heritage minor works or maintenance notification endorsement issued by CN. It is your responsibility to obtain the permit from the relevant NSW Government Authority, separate to CN's approval process.

Scientific Name	Common Name
<i>Acacia baileyana</i>	Cootamundra wattle
<i>Acacia salignus</i>	golden wattle
<i>Ailanthus altissima</i>	tree of heaven
<i>Albizia lophantha</i>	cape wattle
<i>Celtis sinensis</i>	hackberry
<i>Chamaecytisus palmensis</i>	tree lucerne
<i>Chrysanthe moides spmonolifer</i>	bitou bush
<i>Cinnamomum camphora</i>	camphor laurel*
<i>Cotoneaster</i> spp.	cotoneaster

<i>Erythrina x-sykesii</i>	coral tree
<i>Ficus elastica</i>	rubber tree
<i>Gleditsia triacanthos</i>	honey locust
<i>Lagunaria patersonia</i>	Norfolk Island hibiscus
<i>Ligustrum</i> spp.	privet
<i>Nerium oleander</i>	oleander
<i>Olea europaea</i> subsp. <i>cuspidata</i>	African olive
<i>Phoenix canariensis</i>	Canary Island date palm
<i>Pyracantha</i> spp.	firethorn
<i>Salix</i> spp.	willow
<i>Sapium sebiferum</i> syn. <i>Triadica sebifera</i>	Chinese tallow*
<i>Schinus terebinthifolius</i>	Brazilian mastic
<i>Syagrus romanzoffianum</i>	cocos palm

Table C3.01: Exempt undesirable tree species

*Except where the tree height exceeds 10m or the trunk diameter, at 1.4m above ground level, exceeds 30cm.

- C-3.A permit is not required from CN for pruning declared vegetation if:
- a. that pruning would not be considered clearing vegetation as per the definition in the [Biodiversity and Conservation SEPP](#), and
 - b. the pruning is done in accordance with AS4373 – 2007, including being by a person with training to AQF Level 3 in Arboriculture, or above, or equivalent.

Generally, a permit is not required for removing a small portion of a tree. As per the definition of 'clear vegetation' in sub-section 6.0 Definitions above, a permit is only required where a 'substantial' part of the tree is proposed to be removed.

8.0 Application requirements

Permit applications

Development category	Application requirements	Explanatory notes
All permit applications.	A completed permit application form.	The application form can be found on CN's website.
Where a declared tree is proposed to be removed.	A report prepared by a consulting arborist (AQF5) that: <ul style="list-style-type: none"> a. demonstrates that at least one of the tree assessment tests under the <i>Urban Forest Technical Manual</i> has been met b. is prepared following the <i>Urban Forest Technical Manual</i> c. show that compensatory trees will be chosen to ensure that at maturity will increase canopy cover. 	
Where it is proposed to clear declared vegetation that is or forms part of a heritage item, or an Aboriginal object or that is within an Aboriginal place of heritage significance.	Heritage Minor Works or Maintenance Notification form.	The Heritage Minor Works or Maintenance Notification form can be found on CN's website. If the proposal will harm a known Aboriginal object or Aboriginal place, an Aboriginal Heritage Impact Permit will be required under the <i>National Parks and Wildlife Act 1974</i> . This permit is separate to development consent, heritage minor works or maintenance notification endorsement issued by CN. It is your responsibility to obtain the permit from the relevant NSW Government Authority, separate to CN's approval process.
Where it is proposed to clear declared vegetation within a heritage conservation area and visible from the street or other public areas (other than a lane).	Heritage Minor Works or Maintenance Notification form.	The Heritage Minor Works or Maintenance Notification form can be found on CN's website.

<p>Preparation of an ecological assessment will be required where the clearing of declared vegetation is proposed if any of the following are true:</p> <ol style="list-style-type: none"> the vegetation to be cleared is a threatened species, endangered ecological community, or provides habitat for threatened species, or more than five individual trees are to be removed, or an area of native vegetation greater than 200m² is to be cleared, or habitat trees are to be removed, or the vegetation to be cleared is adjacent to CN's mapped bushland assets, or land zoned C1, or more than three individual trees are to be removed, or an area of native vegetation over 150m² is to be cleared, within 10m of the top of bank of a CN mapped waterway. 	<p>An ecological assessment prepared:</p> <ol style="list-style-type: none"> by a suitably qualified ecologist who possesses an environmental science or equivalent degree and has at least two years' experience as a practising ecological consultant, and following the <i>Urban Forest Technical Manual</i>. 	<p>Refer to the <i>Urban Forest Technical Manual</i> for guidance on measuring the top of bank of a CN mapped waterway.</p> <p>A Vegetation Management Plan may be required to be submitted with the permit application if required by the ecological assessment, or by the NSW Government to support a controlled activity approval for vegetation clearing on waterfront land. Waterfront land includes the bed, bank and all land within 40m of any river (includes watercourses), lake (includes wetlands), or estuary. See the NSW Government website for further information.</p> <p>Refer to the <i>Urban Forest Technical Manual</i> for further guidance on the preparation of Vegetation Management Plans.</p>
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Development applications

Development category	Application requirements	Explanatory notes
<p>All DAs. Where one or more tree(s) are proposed to be removed.</p>	<p>A report prepared by a consulting arborist (AQF5) is required that:</p> <ol style="list-style-type: none"> is prepared following the <i>Urban Forest Technical Manual</i> shows that compensatory trees will be chosen to ensure that at maturity they will increase canopy cover. <p>A landscape concept plan, prepared following the <i>Urban Forest Technical Manual</i>, is required for the site, identifying suitable locations and species for compensatory tree plantings. The landscape concept plan should demonstrate that:</p> <ol style="list-style-type: none"> compensatory trees have been located at the front of the property where practicable and planting is offset a minimum of 1.5m from the front of the property compensatory trees have been chosen to ensure that at maturity they will increase canopy cover compensatory tree planting locations have considered the location of services and other infrastructure compensatory tree planting will be undertaken following the <i>Urban Forest Technical Manual</i>. 	<p>A tree retention value assessment will be required for all trees impacted by the development together with a tree protection plan for all trees to be retained.</p> <p>Refer to the <i>Urban Forest Technical Manual</i> for further guidance on the landscape concept plan.</p> <p>The relevant DA forms can be found on CN's website.</p>
<p>Where development includes cut or fill excavation and a tree is (including on adjoining land):</p> <ul style="list-style-type: none"> located within 3m of the development, or located within 5m of the development and has a trunk greater than 36cm in diameter, measured at 1.4m above ground level. 	<p>A report by a consulting arborist (AQF5) is required that:</p> <ol style="list-style-type: none"> includes a tree retention value assessment following the <i>Urban Forest Technical Manual</i> defines tree protection zone offsets and protection requirements is prepared following the <i>Urban Forest Technical Manual</i>. 	

<p>Where a <u>public</u> tree or tree vacancy site is:</p> <ul style="list-style-type: none"> • located within 3m of the development or • located within 5m of the development and has a trunk with a diameter greater than 36cm, measured at 1.4m above ground level. 	<p>Site plans that reference:</p> <ol style="list-style-type: none"> a. the location of all public trees and identified tree planting vacancies b. the planned utility connections including any poles and wires. <p>Where the proposed development design, including driveway crossovers, is within the public tree protection zone (defined in accordance with AS 4970-2009), the DA must demonstrate how the feasibility of alternative design options to retain the tree were considered. All alternative design options that were considered should be outlined and a feasibility review provided for each option.</p>	<p>Further information on site plans can be found in the <i>Urban Forest Technical Manual</i>.</p>
<p>Preparation of an ecological assessment will be required if any of the following are true:</p> <ol style="list-style-type: none"> a. the vegetation to be cleared is a threatened species, endangered ecological community, or provides habitat for threatened species, or b. clearing of native vegetation will be done in areas that meet the NSW Government's high environmental value criteria after ground truthing, or c. more than five individual trees are to be removed, or an area of native vegetation greater than 200m² is to be cleared, or d. habitat trees are to be removed, or e. the vegetation to be cleared is adjacent to CN's mapped bushland assets, or land zoned C1, or f. more than three individual trees are to be removed, or an area of native vegetation over 150m² is to be cleared within 10m of the top of bank of a CN mapped waterway. 	<p>An ecological assessment that is prepared:</p> <ol style="list-style-type: none"> a. by a suitably qualified ecologist who possesses an environmental science or equivalent degree and has at least two years' experience as a practising ecological consultant b. in accordance with the <i>Urban Forest Technical Manual</i>. 	<p>The NSW Government's criteria for high environmental land are outlined in the Hunter Regional Plan 2041. In accordance with the High Environmental Value Strategic Planning Mapping and Governance Guide, threatened ecological communities not in moderate-good condition or highly disturbed may be excluded from an avoidance area. Threatened ecological communities are considered to be in moderate - good condition if they have a current vegetation integrity score greater than or equal to 60 (this score is consistent with the Biodiversity Assessment Method 2020 Operational Manual - Stage 3 definition of a security benefit).</p> <p>Refer to the <i>Urban Forest Technical Manual</i> for guidance on measuring the top of bank of a CN mapped waterway.</p>

<p>Preparation of a Vegetation Management Plan will be required if any of the following are true:</p> <ul style="list-style-type: none"> a. native vegetation is to be retained onsite to meet the 'avoid, minimise, offset hierarchy' or to protect or enhance local blue and/or green corridors, or b. native vegetation onsite is required to be rehabilitated or restored, or c. native vegetation to be retained onsite is a threatened species, endangered ecological community, or provides habitat for threatened species, or d. more than three individual trees are to be removed, or an area of native vegetation over 150m² is to be cleared within 10m of the top of bank of a CN mapped waterway, or e. an ecological assessment for the proposed clearing requires the preparation of a Vegetation Management Plan, or f. land is intended to be dedicated to CN for environmental or conservation purposes. 	<p>A Vegetation Management Plan prepared:</p> <ul style="list-style-type: none"> a. by a suitably qualified professional, with a tertiary degree in Environmental Science, or a Diploma in Land Conservation, or equivalent, and has a minimum 4 years' experience b. following the guidelines and checklists for Vegetation Management Plans in the <i>Urban Forest Technical Manual</i> c. following the standard drawings and specifications for native garden beds and natural area interfaces available on CN's website (A3000 Series). 	<p>A Vegetation Management Plan may also be required by the NSW Government if the proposed clearing is a controlled activity under the <i>Water Management Act 2000</i>. Controlled activities refer to work or actions on waterfront land. Waterfront land includes the bed, bank and all land within 40m of any river (includes watercourses), lake (includes wetlands), or estuary. See the NSW Government website for further information.</p>
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<p>Subdivision of a new residential site.</p>	<p>A detailed site plan(s) (and report) prepared in accordance with the <i>Urban Forest Technical Manual</i> that identifies:</p> <ol style="list-style-type: none"> a. vegetation to be retained, cleared, offset or restored, including any proposed environmental land b. all areas of endangered ecological community, plus a minimum buffer of twenty (20) metres of native vegetation c. bushfire asset protection zones, and how these zones will impact on environmental land to be retained d. any existing or potential blue and/or green corridors on and within 150 metres of the site, including riparian corridors e. The location of habitat trees (to be retained and removed) f. tree protection zone offsets and protection requirements in accordance with the <i>Urban Forest Technical Manual</i> g. a separate plan layer showing the locations of proposed street and park tree plantings, and the nominated species selected in accordance with CN's <i>Street Tree Selection Manual 2016</i>. <p>A report from a consulting arborist (AQF5) outlining the impacts on all trees within five meters of the proposed development, including adjacent lots, to specify the protection proposed for trees to be retained, and justify any tree clearing. The report is to be prepared in accordance with the <i>Urban Forest Technical Manual</i> and shall include the following:</p> <ol style="list-style-type: none"> a. a tree impact assessment, which assesses the condition of the trees, determines the impacts from the development and associated activity, and identifies tree sensitive construction methodologies and considerations suitable for tree retention b. defines tree protection zone offsets and protection requirements in accordance with <i>Urban Forest Technical Manual</i> c. incorporates a tree retention value assessment in accordance with the <i>Urban Forest Technical Manual</i>. 	<p>The requirements of this clause are in addition to the other Development Application requirements outlined in sub-section 8.0 Application requirements. That is, a DA for the subdivision of a new residential site will be required to submit the information in this clause, in addition to the above DA requirements outlined in sub-section 8.0 Application requirements.</p>
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9.0 Permit for the clearing of declared vegetation

Objectives	
1. Ensure vegetation clearing sustains and increases vegetation and canopy cover on an intergenerational basis. 2. Avoid any negative impact of pruning on trees. 3. Provide guidance for compensatory measures to replace any vegetation proposed to be removed.	
Controls (C)	Explanatory notes
C-1. Where it is proposed to clear declared vegetation, a permit application is to include a completed application form (see CN's website) and the associated permit application requirements as outlined in sub-section 8.0 Application requirements above.	Associated permit application requirements may include the preparation of an Arborist Report, Heritage Minor Works and Maintenance Notification form, an ecological assessment, site plans and any other information requested by CN. This permit process may apply to land managed by public authorities other than CN, where the public authority's relevant legislation does not provide for tree clearing.
C-2. All pruning, including that which would be considered clearing, must be undertaken in accordance with <i>AS4737-2007</i> .	
C-3. Trees are to be retained wherever possible. A permit application must demonstrate that at least one of the tree assessment tests under the <i>Urban Forest Technical Manual</i> has been met.	
C-4. Vegetation management for the purposes of bushfire risk management is to be accommodated within the site, not through the clearing, adjustment, or management of vegetation on land managed by CN.	
C-5. Compensatory tree planting is to be undertaken in accordance with the <i>Urban Forest Technical Manual</i> .	
C-6. The location of compensatory trees on private land is to consider the location of services and other infrastructure.	

10.0 Development consent for clearing of vegetation ancillary to a DA

Objectives	
<ol style="list-style-type: none"> 1. Ensure that vegetation clearing sustains and maximises canopy cover on an intergenerational basis. 2. Ensure existing vegetation is identified and assessed in the development process. 3. Ensure retention of trees on existing lots is undertaken in a responsible manner. 4. Minimise potential development impacts on areas of high environmental value. 5. Provide guidance for compensatory measures to replace any vegetation proposed to be removed. 6. Ensure that no net-loss of tree vacancies occurs through the consideration of public tree vacancy sites in the design of the development. 7. Ensure existing public trees are retained except where it can be demonstrated that no practical alternative is available. 	
Controls (C)	Explanatory notes
C-1. Where the clearing of vegetation is being undertaken ancillary to development that requires consent, a DA is to include the relevant DA forms (see CN's website) and the associated development application requirements as outlined in sub-section 8.0 Application requirements above.	Associated development application requirements may include the preparation of Arborist Reports, Heritage Minor Works and Maintenance Notification form, an ecological assessment, a Vegetation Management Plan, site plans, public tree site plans and any other information requested by CN.
C-2. All proposals will be designed to retain trees wherever possible.	
C-3. Trees retained as part of a development consent are to be protected in accordance with the tree protection plan, during the demolition and construction phase.	Further information on Tree Protection Plans can be found in the <i>Newcastle Urban Forest Technical Manual</i> .
C-4. Vegetation management for the purposes of bushfire risk management or Crime Prevention Through Environmental Design must be accommodated within the site, not through the clearing, adjustment or management of vegetation on land managed by CN.	Vegetation management for private benefit cannot be imposed on land managed by CN.
C-5. Where it is demonstrated that the development design cannot retain all trees, the following outcomes are preferred: <ol style="list-style-type: none"> a. the location for compensatory trees is within the front of the property and planting is offset a minimum 1.5m from the front property boundary, and b. compensatory trees are chosen to ensure that at maturity will result in an increase in canopy cover, and c. compensatory tree planting locations consider the location of services and other infrastructure, and d. compensatory tree planting is to be undertaken in accordance with the <i>Urban Forest Technical Manual</i>. 	
C-6. Where the clearing of native vegetation is being undertaken for the purpose of a subdivision: <ol style="list-style-type: none"> a. areas that meet the NSW Government's high environmental value criteria after ground truthing, including all threatened ecological communities and key habitat for threatened species, are to be avoided and 	This control defines a position for the avoidance and protection of high environmental land, consistent with criteria and strategies outlined in the Hunter Regional Plan 2041 . The

<p>protected, and</p> <ul style="list-style-type: none"> b. all areas of threatened ecological community, plus a minimum buffer of 20 metres of native vegetation, are to be avoided and protected, and c. biodiversity corridors, with a minimum width of 150m, are to be avoided and protected, where subdivision sites are located within key habitat localities, connecting corridors, or their associated buffer areas in the <i>Green Corridors and Landscape Precincts Plan 2005</i>. 	<p>control applies to all native vegetation clearing for the purpose of a subdivision and will be applied when determining the appropriate local level of avoidance for development that triggers the Biodiversity Offset Scheme.</p> <p>In accordance with the High Environmental Value Strategic Planning Mapping and Governance Guide, threatened ecological communities not in moderate-good condition or highly disturbed may be excluded from the avoidance area. Threatened ecological communities are considered to be in moderate - good condition if they have a current vegetation integrity score greater than or equal to 60 (this score is consistent with the Biodiversity Assessment Method 2020 Operational Manual - Stage 3 definition of a security benefit).</p>
<p>C-7.Public tree and vegetation management activities including maintenance, pruning and clearing can only be undertaken by CN.</p>	<p>Vegetation management to gain site access or to stockpile materials or spoil requires written consent from CN.</p>
<p>C-8.Prioritise the retention of public trees and tree vacancy sites through the design of a development proposal, including:</p> <ul style="list-style-type: none"> a. avoiding the addition of a driveway(s) if it results in the loss of a public tree or street tree vacancy site, and b. considering the current and future canopy area of exiting public trees when designing a proposal. 	<p>Contact CN to obtain location/s of tree vacancy sites or visit the CN website. Refer to Newcastle tree map where tree vacancy sites are referred to as "potential trees".</p> <p>CN will specify the tree protection requirements for public trees that are to be retained as part of the conditions of consent.</p> <p>An application to CN under Section 138 of the <i>Roads Act 1993</i> is required for clearing or pruning of public trees ancillary to complying development proposed under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>
<p>C-9.If a tree vacancy site, or a public tree, is removed as a result of the development proposal, a fee will be charged in accordance with relevant fees and charges for compensatory planting at a ratio of 2:1, see the <i>Urban Forest Technical Manual</i> for further information.</p>	<p>Fees and charges are outlined in <i>Delivering Newcastle</i>. The <i>Urban Forest Technical Manual</i> outlines the methodology to ensure compensatory trees support an increase in canopy cover with maturity.</p>
<p>C-10.When planning the location and type of a utility connection, avoid requiring the clearing or pruning of public trees, or preventing the future planting of tree vacancy sites.</p>	<p>Contact Ausgrid for assistance when planning to connect a property to power.</p>