

Vegetation Management in non-rural areas

Preamble

Vegetation is an important part of urban and natural landscapes. Vegetation contributes to the identity of urban areas, reduces the impacts of heat, and provides shelter and habitat.

Under Part 3 of the [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#), Council issues permits for the removal or pruning of declared vegetation on land other than rural land¹. The clearing of vegetation on rural land is regulated under the [Local Land Services Act 2013](#) and clearing that is above the Biodiversity Offset Scheme Threshold in any zone is regulated under the [Biodiversity Conservation Act 2016](#).

Application

These provisions apply to a request² for a permit to remove vegetation on non-rural¹ land under Part 3 of the [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#). They do not apply to the removal or pruning of vegetation that;

1. Is on Council's Significant Tree Register.
2. Is a heritage item listed under [Schedule 5](#) of the Cessnock Local Environmental Plan 2011.
3. Is on the site of a heritage item listed under [Schedule 5](#) of the Cessnock Local Environmental Plan 2011.
4. Does not meet the Biodiversity Offset Scheme Threshold (BOS) under the [Biodiversity Conservation Act 2016](#).
5. Regulated under any other statute.

Supporting information

Additional information is available at: www.cessnock.nsw.gov.au

Development controls

Vegetation Management in non-rural areas (other than environmental zones)

These provisions apply to permits to prune or remove vegetation in land-use zones other than RU2 Rural Landscape, RU4 Primary Production Small Lots, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living.

¹ The provisions apply to all land other than land zoned RU2 Rural Landscape and RU4 Primary Production Small Lots.

² A permit request can be submitted to Council on 02 4993 4100 or council@cessnock.nsw.gov.au

Objective/s	
<p>To protect and preserve the biodiversity values and amenity of trees and vegetation across the Cessnock Local Government Area.</p> <p>To maintain trees in urban areas that contribute to the amenity and identity of those areas.</p> <p>To declare vegetation where clearing and activities affecting vegetation require a vegetation permit for the purposes of clause 9 of the State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017.</p> <p>To identify other approval pathways and exemptions for the removal or pruning of vegetation.</p> <p>To allow the reasonable pruning of ornamental trees.</p>	<p>The removal or pruning of the following vegetation requires a permit:</p> <ul style="list-style-type: none"> • Is on land other than rural land¹; and • Is vegetation higher than 3 metres; and • Is vegetation with a branch spread of 3 metres. <p>Despite the above, no approval is necessary for the removal or pruning of vegetation where:</p> <ul style="list-style-type: none"> • It is within a NSW 10/50 Rural Fire Zone area and clearing is undertaken in accordance with those requirements; or • It is subject to a current approved development consent; or • It requires pruning for ornamental purposes in accordance with Australian Standard AS 4373 Pruning of Amenity Trees; or • It is within 3 metres of an existing approved structure; or • It is a biosecurity matter (i.e. a weed) under the <i>Biosecurity Act 2015</i>³.
<p>To allow for the reasonable clearing of vegetation for safety or hazard reasons and where environmental impacts from the clearing would be minimal.</p> <p>To ensure the clearing of vegetation for safety or hazard reasons is adequately justified.</p>	<p>A permit request to remove or prune a dead, dying or dangerous tree that is a risk to human life or property⁴ and is not required as the habitat of native animals⁵ will require verification from a Level 5 qualified Arborist.</p>

³ More information on weeds is available at: www.weeds.dpi.nsw.gov.au or contact Council's Weeds Officers on 02 4993 4100 or at council@cessnock.nsw.gov.au

⁴ Where there is an imminent threat to human life from a dead, dying or dangerous tree, no permit is required. However, Council may require evidence that the tree was a risk to human life or property.

⁵ Council may require verification from a qualified Ecologist that the vegetation is not required as habitat of native animals.

Objective/s	
To minimise the loss of habitat for native animals.	A permit request to remove or prune a dying or dead tree that is required as the habitat of native animals will require written justification from a qualified Ecologist.
To provide a means to offset the loss of habitat for native animals.	
To reduce the impact of habitat destruction on native animals.	Where vegetation provides habitat for native animals, council may refuse the request or impose conditions on: <ul style="list-style-type: none"> • The timing of removal or pruning • Compensatory planting • Offsetting for the loss of habitat • Installation and maintenance of nest boxes or • Any other matter to mitigate the loss of habitat.
To provide foraging opportunities for native fauna.	Where council requires compensatory or replacement planting, preference will be given to native, endemic species.

Vegetation Management (Environmental Lands)

These provisions apply to the pruning or removal of native vegetation in zones: E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living that does not meet the biodiversity offsets scheme (BOS) threshold⁶.

Objective/s	
To protect and preserve the biodiversity values and amenity of trees and vegetation across the Cessnock Local Government Area.	The removal or pruning of the following vegetation requires a permit: <ul style="list-style-type: none"> • All native vegetation in zones E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living that does not meet the biodiversity offsets scheme (BOS) threshold.

⁶ Applications to clear native vegetation that exceed the BOS threshold require approval under [Part 4 of the SEPP \(Vegetation\) 2017](#).

Objective/s	
	<p>Despite the above, no approval is necessary for the removal or pruning of vegetation where:</p> <ul style="list-style-type: none"> • It is within a NSW 10/50 Rural Fire Zone area and clearing is undertaken in accordance with those requirements; or • It is subject to a current approved development consent; or • It requires pruning for ornamental purposes in accordance with Australian Standard AS 4373 Pruning of Amenity Trees; or • It is within 3 metres of an existing approved structure; or • It is a biosecurity matter (i.e. a weed) under the Biosecurity Act 2015.
<p>To minimise the loss of habitat for native animals.</p> <p>To provide a means to offset the loss of habitat for native animals.</p> <p>To reduce the impact of habitat destruction on native animals.</p>	<p>The removal or pruning of native vegetation in an environmental zone will require written justification from a qualified Ecologist.</p> <p>Where vegetation provides habitat for native animals, council may refuse the request or impose conditions on:</p> <ul style="list-style-type: none"> • The timing of removal or pruning • Compensatory planting • Offsetting for the loss of habitat • Installation and maintenance of nest boxes or • Any other matter to mitigate the loss of habitat.
<p>To provide foraging opportunities for native fauna.</p>	<p>Where council requires compensatory or replacement planting, preference will be given to native, endemic species.</p>

Vegetation Management (Heritage Items or Significant Trees)

Preamble

Vegetation that is identified as a heritage item or is located on the site of a heritage item contributes to the cultural and heritage significance of the area or the amenity or integrity

of a heritage item. Similarly, a tree listed on Council's significant tree register⁷ has been identified as contributing to the cultural integrity or amenity of a site or area.

Application

These provisions apply to development applications to damage, prune or remove vegetation that is;

1. On Council's Significant Tree Register.
2. A tree that is listed as a heritage item listed under [Schedule 5](#) of the Cessnock Local Environmental Plan 2011.
3. Trees or vegetation on the site of a heritage item listed under [Schedule 5](#) of the Cessnock Local Environmental Plan

Objective/s	
To conserve the environmental heritage of Cessnock.	The damage, pruning or removal of trees and/or vegetation on that is a heritage item or on the site of a heritage item must be supported by a heritage impact assessment.
To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.	The heritage impact assessment must be prepared by an appropriately qualified person.
To allow for the reasonable clearing of vegetation for safety or hazard reasons and where environmental, amenity and heritage impacts from the clearing would be minimal.	
To maintain significant trees in urban areas that contribute to the amenity and identity of those areas.	The damage or removal of significant trees must be supported by a landscape and visual impact assessment.
To ensure the clearing of vegetation is adequately justified.	Council may require verification from a Level 5 qualified Arborist that the clearing of vegetation is justified.
To allow the reasonable pruning of ornamental trees that are identified as heritage items, or within a heritage conservation area or significant trees.	Pruning for ornamental purposes may be permitted where such pruning is a normal accepted practice or necessary for the health of the tree and is carried out in accordance with AS4373 Pruning of Amenity Trees .

⁷ More information on Council's Significant Tree Register is available on 02 4993 4100 or at council@cessnock.nsw.gov.au.

Definitions

Tree – means a woody perennial plant with one or relatively few main stems with potential to grow to a height of greater than 5 metres.

Native vegetation – has the same meaning in the *Biodiversity Conservation Act 2016*.

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