

Wyong Tree Management Development Control Plan

OBJECTIVES

The aims of this plan are:

- To provide a framework for the protection of trees and native vegetation in Wyong Shire.
- To set out Council's requirements with respect to the management of trees and the removal of vegetation.

This Development Control Plan (DCP) may be amended from time to time by Council. Proposed amendments are required to be advertised and exhibited in draft form and any submissions received must be considered by Council before the amended plan is adopted. People using this DCP should ensure that they have the current copy of the plan, including any amendments. If in doubt, please check with Council's Customer Service Centre.

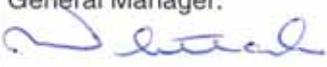
Adopted as per council resolution on:	
Effective:	
Certified in accordance with the Environmental Planning and Assessment Act 1979 and Regulations	General Manager:  Dated: 22/7/11

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1.0 INTRODUCTION

1.1 Where does this DCP apply?

This DCP applies to all land within the Shire of Wyong except land zoned 1(f) Forestry zone and 8(a) National Parks zone.

1.2 What is the purpose of this DCP?

To protect and enhance the environmental amenity, special landscape characteristics, unique vegetation qualities and ecological values of the Shire.

1.3 What are the aims of this DCP?

- a To define Council's responsibilities and requirements with respect to the protection, retention and replacement of trees and native vegetation.
- b To ensure that proper consideration is given to trees and native vegetation in planning, designing and constructing development.
- c To minimise unnecessary injury to or destruction of trees and native vegetation.
- d To retain healthy individual trees of local amenity and aesthetic value.
- e To facilitate the removal of undesirable exotics, noxious weeds, dangerous trees and any other inappropriate plantings, and to replace these with suitable local indigenous species which will positively contribute to visual and environmental amenity and ecological sustainability.
- f To retain viable representative samples of native vegetation, which have an intact structure and complete floristics, wherever practicable.
- g To detail requirements for the submission of sufficient and relevant information by applicants.

1.4 How does this DCP relate to other Legislation?

1.4.1 Wyong Local Environmental Plan 1991

Section 74C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the EP&A Regulations 2000 require this DCP to be consistent with **Wyong Local Environmental Plan 1991** as amended. In the event of any inconsistency, the provisions of the LEP shall prevail.

1.4.2 Other Related Acts and State Environmental Planning Policies (SEPPs)

Several other Acts and State Environmental Planning Policies (SEPPs) relate to tree removal and vegetation management. Most contain exemptions or alternative approval processes. In the event of there being a prior approval issued by a determining authority under any other Act or SEPP, further development consent for the same works under Wyong LEP 1991 or this DCP will not be required.

A list of related legislation is provided in Appendix 1 to this DCP. Where appropriate, exemptions from the need for consent as a result of the provisions of other legislation have been identified within the text of this DCP. If a proponent is intending to claim exemption, the provisions of the particular legislation or approval should be checked prior to work commencing.

1.4.3 Landscape and Vegetation Management Policies

The provisions of this DCP have also been adopted as a Council Policy and therefore apply to works undertaken under Part V of the Act. The provisions shall be used in conjunction with Council's **Landscape Policy**, which it complements by providing a statutory planning framework specifically directed at managing trees and native vegetation.

1.4.4 Other Development Control Plans (Historic)

In May 1992, Council resolved to prepare a draft DCP No 14 - Vegetation Management. The DCP was amended on several occasions following its adoption by Council. Any amendment approved by Council repealed the previous version and became DCP No 14. In the event of an inconsistency, with any other DCP, this DCP shall prevail to the extent of the inconsistency.

1.5 Definitions used in this DCP

“approved structure” includes a dwelling, garage or swimming pool and means a structure which has been approved by Council or a Private Certifier under the EP&A Act, but does not include:-

- a A manufactured home, a moveable dwelling or associated structure or part of a manufactured home, a moveable dwelling or associated structure within the meaning of the Local Government Act; or
- b A temporary building within the meaning of the Environmental Planning and Assessment Regulation; or
- c A structure included in Part 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – the General Exempt Development Code.

“arboriculture” means cultivating and managing trees as individuals and in small groups for amenity purposes.

“bushland” means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and/or floristics of the natural vegetation.

“clearing” native vegetation means any one or more of the following:

- a Cutting down, felling, thinning, logging or removing native vegetation;
- b Killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation;
- c Severing, topping or lopping branches, limbs, stems or trunks of native vegetation;
- d Substantially damaging or injuring native vegetation in any other way.

“Consulting Arborist” means an Australian Qualification Framework Level 5 arborist (AQF5)

“culturally significant tree” means trees which are significant features of the cultural landscape, and are listed under Schedule 7.2.5.

“dead tree” means a tree with no living vascular tissue.

"destroy" means any activity leading to the death, disfigurement or mutilation of a tree.

“dwelling” means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

"exempt vegetation management works" means those works not requiring the consent of Council (as defined in Section 4 of this DCP).

“garage” means a class 10(a) building as defined by the Building Code of Australia.

"injury" means damage to a tree and includes:

- a Lopping and topping;
- b Poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone;
- c Cutting and tearing of branches and roots that is not carried out in accordance with accepted arboricultural practices, does not qualify as "pruning" or is done for invalid reasons;
- d Ringbarking, scarring the bark when operating machinery, fixing objects (e.g. signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches;
- e Damaging a trees root zone by compaction or excavation, asphyxiation (including unauthorised filling or stockpiling of materials);
- f Underscrubbing, unless carried out by hand tools, such as brushcutters and the like.

"lopping" means cutting between branch unions or at internodes on young trees, (but does not refer to lopping solely for the purpose of feeding stock in an officially drought declared area).

"native vegetation" means any of the following types of indigenous vegetation:

- a Trees;
- b Understorey plants;
- c Groundcover;
- d Plants occurring in a wetland.

"non-urban zone" means all land identified by Wyong Local Environmental Plan 1991, as Rural, Open Space and Environmental Protection in Zone No.'s 1(a), 1(c), 1(d), 6(a), 6(b), 6(c), 7(a), 7(b), 7(c), 7(d), 7(e),7(f), 7(g) and 10(a).

“Property Vegetation Plan” (PVP) means a negotiated and agreed plan to clarify what can be done with native vegetation on a landholder’s property. It gives certainty and long term security so that native vegetation can be better managed for both financial and environmental outcomes.

"prune or pruning" means the following activities as specified in Australian Standard AS 4373-2007, "Pruning of Amenity Trees":

- Crown maintenance pruning involving:
- a General pruning;
 - b Thinning;
 - c Deadwooding;
 - d Selective pruning;
 - e Formative pruning;
- or Crown modification pruning involving:
- a Reduction pruning;
 - b Crown lifting;
 - c Pollarding;
 - d Remedial pruning;
 - e Line clearance.

"remnant tree or vegetation" means a native tree or any patch of native vegetation which remains in the landscape after removal of most or all of the native vegetation in the immediate vicinity.

"remove" means to cut down, take away or transplant a tree from its place of origin.

"swimming pool" means an excavation, structure or vessel:

- a that is capable of being filled with water to a depth of 300mm or more; and
- b that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity;
- c and includes a spa pool, but does not include a spa bath, or anything situated within a bathroom.

"topping" means cutting away part or all of the tree canopy leaving a trunk and stubbed main branches.

"Trade Arborist" means an Australian Qualification Framework Level 3 arborist (AQF3)

"tree" means a perennial plant with at least one self-supporting woody or fibrous stem, being of any species whether indigenous, exotic or introduced which:

- a Is 3 metres or more in height; or
- b Has a trunk diameter of 75 mm or more measured at 1.4 metres above ground level; or
- c Has a trunk diameter of 75 mm or more measured at ground level where the tree is removed such that the trunk diameter at 1.4 m above ground level can no longer reasonably be measured; or
- d Is a cycad or mangrove that is indigenous to or is recorded by Council as having special significance in the area of Wyong, irrespective of its dimensions.

"Trunk" means the main stem of the tree, as distinguished from the branches and roots.

"undesirable species" means plants that are defined by section 7.1 as being undesirable due to their location or as having characteristics which may lead to poisoning, weed infestation, brittle and dangerous wood, excessive spread of roots or bushland invasion. (Refer to Section 7.1 of this DCP).

"urban zones" means land in Zone No.'s 2(a), 2(b), 2(c), 2(d), 2(e), 2(g), 3(a), 3(c), 3(d), 4(a), 4(b), 4(d), 4(e), 5(a), 5(b), 5(c) or 5(d).

"vegetation management plan" means a structured program adopted by the Council for the protection, maintenance, restoration and replacement of trees and native vegetation.

2.0 TREE REMOVAL

2.1 Application of this section

This Section specifies prohibited works, when development consent is required for the removal or injury of a tree (or trees), the information required to be lodged with an application to Council, the matters considered by Council when assessing an application and the process for a review of Council's determination.

2.2 What works are prohibited?

For other than **exempt vegetation management works**, the following works are prohibited:

- a **Tree injuries** as defined by this DCP;
- b **Unauthorised tree removals**, including the removal of trees **without specific Council consent** or without **Council's approval** for the erection of a building or carrying out of a development activity; and
- c **Clearing vegetation** on any land (except minor clearing in urban zones as specified in Clause 28(4) of LEP 1991- see Appendix 2) **without first obtaining a consent** from Council.

2.3 When is consent required for tree removal?

Generally, consent is required for all tree injury or removals. The exceptions being:

- a The removal of dead trees, except where trees provide habitat for species listed in Schedule 1 or 2 to the Threatened Species Conservation Act 1995 (refer to Clause 28(3)(g) in Appendix 2);
- b Tree works that are necessary to carry out an approved development or building works; and
- c Activities identified under Section 4 of this DCP. This includes works defined as Exempt Vegetation Management Works. For example, the removal of trees less than 6 m in height and within 3m of an approved structure, providing it is not of a species listed in section 7.2.

Note: The flowcharts within Section 4 (Figures 1 & 2) clarify when consent is required for tree removal. In particular, Figure 2 identifies the process when the proposal does not involve Complying Development and the tree is less than 6 m high and located within 3m of an approved structure.

2.4 What are the requirements when making application for tree removal?

The following general information is **usually required to be submitted with an application.** However, the amount and level of detail required may vary depending on the circumstances applying:

- a The written consent of the owner of the land;

- b Details as to the reasons for the removal of the tree(s);
 - c A description of existing trees and vegetation including the following -
 - i A plan of the site showing the location of the tree(s) to be removed, drainage and sewer mains, all buildings, paved areas and overhead power lines;
 - ii Species type (botanical names and common name if known);
 - iii Approximate height, canopy spread of individual trees (or groups of trees), and trunk diameter at 1.4 metres above ground;
 - d A description, (as above), of **existing trees and native vegetation on adjoining land:**
 - i Within 5 metres of the site boundaries (including street trees);
 - ii Where the canopy of a tree overhangs the site boundaries; and
 - e **Proposed landscape treatments** identifying:
 - i Trees and vegetation to be retained and to be protected;
 - ii Methods of retention and/or protection during the works;
 - iii Proposed new plantings (species, mature heights and spread);
 - iv Altered ground levels, including cut and fill details;
 - v Site drainage including siltation and erosion controls to be implemented where necessary;
 - vi Proposed horticultural details, including growing mediums, mulching and irrigation.
- Note: Trees to be inspected should be identified on site with a ribbon or non-permanent marker.*
- f Where the application will cause injury to a culturally significant tree, a report from a Consulting arborist, as specified within section 2.7.
 - g The applicable fee.

2.5 Notification of applications

Council's DCP No. 70 - *Notification of Development Proposals* currently identifies that with certain exemptions, Council will notify adjoining owners of local development applications, inviting an opportunity for comment. In general, Tree Works Applications will not be notified. In circumstances where in Council's opinion an adjoining owner may be affected by a proposal relating to tree works or tree removal, Council may determine to notify that adjoining owner(s) in accordance with those provisions.

2.6 Tree removal considerations

Council does not generally support removal of trees listed by Council's Significant Species Schedule (register of significant trees) in Section 7.2 of this DCP.

In assessing whether or not to approve **removal or injury** of either a tree or small patches of remnant vegetation, Council will take into consideration the following matters:

- a Whether the tree has significant amenity or aesthetic value or is ecologically significant in the local or regional context, with emphasis on retaining species listed by Council's Significant Species Schedule in Section 7.2 of this DCP;
- b The condition, maturity and useful life expectancy of the tree or native vegetation with respect to the practicality of remedial actions. (In the case of trees claimed to

- be dangerous, Council will consider a report on the condition of a tree prepared by a Consulting arborist);
- c A report from a Consulting arborist, as specified in section 2.7, where the tree is culturally significant;
 - d Whether the tree or remnant vegetation is affected by the provisions of any other Act, Regulation or State Environmental Planning Policy applying to the land (see Appendix 1);
 - e The potential hazards 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 Siting issues such as ground conditions, building proximity, etc. which may give rise to a hazardous situation; and/or
 - iv Ill health, such as allergies, where specific evidence is provided by an expert in the relevant medical field and a link between the ailment and the species is reasonably established; and/or
 - v Existing (or potential for) traffic hazard in proximity to a roadway, intersection or driveway, where pruning would be an insufficient remedy;
 - f The demonstrated need for reasonable solar access to windows, openings of a building, solar appliances, clothes drying and outdoor living areas;
 - g Whether a tree should be replaced by a more suitable species given its location or proximity to services such as overhead power lines, sewer or drainage pipes, or the like;
 - h Whether an amenity tree no longer fulfils its original purpose in the landscape;
 - i Whether the species' natural propagation method is likely to create a nuisance in the landscape (e.g. camphor laurel);
 - j Whether the proposed work needs to be carried out by a suitably qualified and experienced person;
 - k Whether appropriate additional or replacement planting has been or should be carried out;
 - l The need for and suitability of soil erosion and siltation controls;
 - m Whether permanent and/or temporary fencing or barriers are required prior to works commencing;
 - n Whether a monetary bond is required to ensure protection of trees on-site and adjoining lands;
 - o Whether a Section 94 contribution is required towards the replacement of plantings within the same catchment;
 - p Whether the tree or trees provide habitat or is a significant component of the habitat of a species listed in Schedule 1 or 2 of the Threatened Species Conservation Act, (refer Section 7.2.2) and whether there is a need to assess the significance of the works in accordance with Section 5A of the EP&A Act;
 - q Whether, prior to the felling of a tree, special measures should be in place to reduce the potential for injury or death of animals likely to inhabit the tree. (Such measures may include:

- i Inspection of hollows and other potential sites on the tree;
 - ii Sectional dismantling;
 - iii Supervision of works by an arborist and/or a licensed wildlife carer or handler);
- r Whether a Vegetation Management Plan should be submitted for approval prior to removal of any trees.

Note: Provided that no significant hazard or other safety issues also apply, the following shall not generally be considered as valid reasons to remove a tree:

- i Leaf drop (into gutters and downpipes - pools, lawns and the like);
- ii To increase natural light;
- iii To improve street lighting of private property;
- iv To enhance views;
- v To reduce shade created by a tree;
- vi To reduce fruit, resin or bird droppings on cars;
- vii Minor lifting of driveways and paths by tree roots;
- viii To erect a fence;
- ix Bushfire hazard control which has not been verified by Council;
- x Potential damage to sewer mains unless supported by written expert advice and only where reasonable alternatives are not feasible (e.g. relocation or encasement of main).

2.7 Review of refused applications

s.82A of the Environmental Planning and Assessment Act (1979) provides that an applicant may request Council to review the determination of an application. This means that an application which has been refused by Council, or the conditions attached to an approved application, may be reconsidered under this section of the Act.

To seek reconsideration by Council, the following must be provided:

- a a letter requesting review of Council's decision, providing additional information and reasons as to why Council's decision should be altered;
- b the provision of satisfactory supporting evidence by an expert in the field of the grounds for refusal, for example, a Consulting Arborist or Structural Engineer;
- c a quote for the cost of the tree removal; and
- d the payment of the appropriate fee, as identified in Council's Management Plan.

The submission of the s.82A request does not guarantee that the proposed tree works will be approved. Assessment of the original application and additional information submitted under this section will be based on the merits of the proposal; therefore the original determination may be upheld.

2.8 Arborist's reports

Council requires a Consulting arborist to prepare an arborist's report. The minimum qualification is the **Australian Qualification Framework Level 5 (AQF5)**.

The arborist must consider the issues raised in the **Significant Tree Study of Bateau Bay East** and the **Wyangah Significant Tree Study** in preparing the report.

The following information is required to be included in the arborist's report:

- a Name, address, telephone number, qualifications and experience of the arborist carrying out the inspection and reporting;
- b Address of the site containing trees;

- c Who the report was prepared for, and aims of the report;
- d Methods and/or techniques used in the inspection;
- e A plan, to scale, accurately showing:
 - i Location of trees on the subject site and any adjoining trees which may be affected by the development. Trees identified on this plan should be numbered;
 - ii Optimum and minimum tree protection zones as recommended by the Consulting arborist in accordance with AS4970-2009 Protection of Trees on Development Sites;
 - iii Lot boundaries, dimensions and North point;
 - iv Proposed development including services, driveways, and any alteration to existing levels and drainage;
 - v Trees on adjoining properties within 5 metres of the proposed development.
- f A table showing, for each tree to be injured:
 - i Number of the tree as indicated in the plan
 - ii Species name;
 - iii Age class;
 - iv Height;
 - v Trunk diameter at 1.4 metres;
 - vi Canopy spread;
 - vii Health and condition, and estimated useful life expectancy;
- g A discussion of other relevant information, including details of tree hollows for wildlife, tree structure/weaknesses, root form and distribution, pests and diseases and/or a Tree Hazard Assessment;
- h Supporting evidence such as photographs and laboratory results to confirm presence of soil pathogens or support soil assessment, where relevant;
- i Proposed replacement plantings, landscaping and soil remediation;
- j Tree protection measures and a post-construction tree maintenance program which can be used as conditions, should the application be approved;
- k Sources of information referred to in the report;
- l Any other relevant matters.

3.0 LAND CLEARING

3.1 Application of this section

This Section specifies when a consent is required for the clearing of land, the information required to be lodged with an application to Council, and the matters considered by Council when assessing an application.

3.2 When is a consent required for clearing?

Generally, clearing will only be permitted where it is ancillary to and necessary for allowing an approved use of the land.

Clearing remnant native vegetation or protected regrowth **on land outside urban zones** requires approval under the Native Vegetation Act, 2003 (NV Act) unless the clearing is a 'permitted activity'. There are six (6) types of 'permitted activity' defined under the NV Act, including activities permitted through approvals granted under other Acts.

Under the NV Act, the Hunter-Central Rivers Catchment Management Authority (CMA) can only approve the clearing of remnant vegetation or protected regrowth when the clearing will improve or maintain environmental outcomes. It is therefore important that these provisions be checked with the CMA and Council, prior to the commencement of any clearing activity.

A consent from Council is required for **any other clearing of land**, including the clearing of land of any size in urban zones (except the removal of dead trees, and the limited clearing of undergrowth, - refer to Clause 28(3)(g), (h) and (i) of LEP 1991 in Appendix 2).

Clearing works that are necessary to carry out an **approved** development or building works, do not require an additional consent and are defined as Exempt Vegetation Management Works under Section 4 of this DCP.

Section 4 also specifies other activities that are exempt from the need for a consent from Council, including the removal of "undesirable species".

3.3 What are the requirements when making an application for land clearing?

- a The following general information is usually required to be submitted with an application. However, the amount and level of detail required may vary depending on the circumstances applying:
 - i The written consent of the owner of the land;
 - ii A description of the existing trees and native vegetation on the site:
 - o Location plan including spot levels and/or contours to be generally at 2 metre intervals and at a scale of 1:200 for sites up to 1 hectare and 10 metre intervals and at a scale of 1:1,000 for sites of more than 1 hectare;
 - o The area to be cleared in hectares;

- Species (botanical names and common names if known) of individual trees, or the dominants in the case of woodland, forest or groups of trees (to be shown as clumps) and/or vegetation communities to be marked on the plan. A corresponding schedule shall be submitted for vegetation communities outlining structure and floristics (a plant list), identifying the dominants. Any endangered, vulnerable or locally significant plant species should be shown and in such cases an assessment of potential impacts undertaken as per Section 5A of the EP&A Act. A description of the survey methodology should also be provided;
 - Appropriate height and trunk diameter at 1.4 metres above ground (breast height) for individual trees, where applicable;
 - Approximate canopy spread of individual trees, groups of trees and vegetation communities to be marked on the plan;
 - A schedule, prepared by a Consulting Arborist, of individual trees and/or groups of trees, summarising useful life expectancy values with recommendations for removal, retention and/or rehabilitation. In the case of vegetation communities, the schedule should summarise the condition, maturity, intactness and rarity, with recommendations for removal, retention and/or rehabilitation;
 - A method statement detailing the intended approach to the undertaking of the recommended works;
 - Plans shall identify site boundaries, dimensions, orientation (north point), the location of relevant land use zones and site areas of the whole of the land and that area proposed to be cleared in hectares or square metres;
- iii A brief description on the plans of **existing trees and native vegetation on adjoining land** showing:
- Trees, groups of trees and vegetation communities within 20 metres of the site boundaries;
 - The location of trees whose canopy overhangs the site boundaries;
- Note: The development shall not involve works (e.g. roads, driveways, installation of services, cut and fill, drainage works, installation of barriers to natural drainage) that destabilise, disfigure or ultimately destroy any other trees and native vegetation on adjoining or downstream public or private land.*
- iv The **reasons for and purpose** of the proposed **clearing**;
 - v **Trees and vegetation to be retained**, including the purposes of such retention, such as semi-natural open spaces, buffer and exclusion zones, filter/protection and/or riparian habitat strips;
 - vi **Details for protecting remnant trees and vegetation from damage** during clearing works, construction and on completion. This should include site preparation and location of protective fences, in accordance with the methods set out by the Design, Maintenance and Construction Guidelines in Council's DCP 67: Engineering Requirements for Development;
 - vii **Soil report and altered ground levels**, including soil landscape and profile descriptions, cut and fill, regrading, changes to the soil profile or future growing mediums, fill material, if applicable, and necessary amelioration works required for horticultural purposes;

- viii **Drainage details** including any natural watercourses or drainage structures, proposed works involving alteration to hydrology, such as ground surface treatments (e.g. paving, accessways, introduction of roads, bund walls, dams or trunk drainage works);
 - ix **Erosion and sediment controls**, including a programme and species list for stabilising disturbed areas and soil stockpiling measures that shall be compatible with vegetation retention measures;
 - x **Utility installations** (underground and overhead lines) where known. Final locations and installation works to be consistent with vegetation retention proposals and the Design, Maintenance and Construction Guidelines in Council's DCP 67: Engineering Requirements for Development;
 - xi **Proposed new plantings** (species, mature heights and spread) establishment and maintenance details. The level of detail shall be sufficient to assess the adequacy of vegetation retention and future landscape proposals. For large scale landscaping proposals, reference should be made to Council's Landscape Policy and the need for landscape Assessment and Design reports;
 - xii **Location of future buildings** where known and applicable;
 - xiii The **proposed method of clearing**, including size and type of any machinery to be used. Final details to comply with Council's DCP 67: Engineering Requirements for Development;
 - xiv Proposed means for disposal of cleared materials. In this regard, sale of millable timber, chipping or tub grinding of plant materials for re-use onsite as mulch to protect and rehabilitate retained vegetation are the preferred methods;
- b In addition to the information required by clause (a) above, applications for clearing in **non-urban zones** shall also submit the following:
- i All existing and proposed property improvements including fences, dams, structures, services, easements, roads, tracks, buildings, outbuildings, stockyards, grazing or cultivated areas, other cleared areas, etc;
 - ii All existing land features including identification of slopes in excess of 18 degrees, rock outcrops, ridges, drainage lines, gullies, erosion areas;
 - iii Where the application is for the purpose of agriculture, a description of the land's suitability for its intended use may be required together with supporting comments from the New South Wales Department of Primary Industries;
- c In addition to the information required by clauses (a) and (b) above, applications for **subdivisions** which involve clearing shall also show that the subdivision is designed to maximise retention of species present which are listed in Council's Significant Species Schedule at Section 7.2 of this DCP.

3.4 Clearing considerations

In assessing applications involving the clearing of land, Council will consider the following matters:

- a The objectives of the land use zone(s) applying to the land. Council will not permit any clearing to be carried out as an activity in itself for an unspecified end-use.

- Clearing will only be allowed where it is necessary to enable an approved use of the land.
- b Whether any species present are listed in Council's Significant Species Schedule at Section 7.2 of this DCP. If so, what measures are needed for their conservation, including on-site protection during and after construction and/or the taking of plant material for propagation.
 - c The condition, maturity and useful life expectancy of remnant trees and native vegetation to be retained.
 - d Impacts on scenic and visual amenity.
 - e Effects on natural ecosystems, wildlife, wildlife habitats and whether fauna needs protection or, if appropriate, relocation.
 - f The need for bushfire hazard reduction and the effects of this on remaining vegetation. This includes hazard reduction on adjoining land.
 - g Whether permanent mitigation measures (such as bund walls, catch drains and stilling ponds) to contain nutrient flows and minimise weed spread need to be installed e.g. in non-urban zones or on sites adjoining remnant bushland or semi-natural open spaces.
 - h Whether the proposed means of clearing is appropriate with respect to the soil type, species of understorey or the trees to be retained.
 - i The adequacy and appropriateness of siltation and erosion controls during and after construction. In this regard, turf grasses are generally unsuitable in Conservation or other non-urban zones, particularly along or near natural watercourses and remnant bushland.
 - j The need for retaining vegetation by providing:
 - i Buffer zones as screening to roads or for the protection of identified core habitats, wetlands, littoral and other rainforests;
 - ii Filter and protection strips to natural drainage lines, watercourses, streams, foreshores or constructed drainage corridors;
 - iii Riparian (watercourse) habitat strips;
 - iv Wildlife and other "green" corridors connecting remnant patches of vegetation; and
 - v Exclusion zones for preserving vulnerable and/or significant remnant vegetation and species.
 - k The need to install temporary tree/vegetation protection measures prior to clearing works.
 - l Whether the proposed method for disposing of cleared materials is appropriate. Any useful timber should be retrieved. Recycling of waste vegetation for fuel, logs, or as chip or grindings is mandatory. The use of wood chips and tub grindings for on site mulching or seedbed regeneration is encouraged.
 - m The need for periodic or full time supervision of clearing works to protect environmental values or oversee relocation of native animals.
 - n The need to rehabilitate any tree or vegetation adversely affected by clearing or construction works.
 - o The need to select and plant new trees as replacement for trees cleared.

- p The effect of the development on the viability and quality of the bushland and, in particular, the likelihood of soil erosion, siltation of streams, wetlands and other waterbodies, direct or indirect alterations to drainage patterns and to fire hazard reduction regimes, the spread of weeds, undesirable and exotic species in the bushland, rubbish dumping and incursion by domestic or feral animals.
- q The effectiveness of measures proposed to mitigate any identified adverse impacts.
- r Any comments made by a public authority including, where appropriate, the Department of Primary Industries, or the Office of Environment and Heritage within the NSW Department of Premier and Cabinet.
- s Whether the vegetation is affected by the provisions of any other Act, Regulation or State Environmental Planning Policy applying to the land (See Appendix 1 of this DCP).
- t Whether the tree or trees provide habitat or is a significant component of the habitat of a species listed in Schedule 1 or 2 of the Threatened Species Conservation Act (see s.7.2.2), and whether there is a need to assess the significance of the works in accordance with Section 5A of the EP&A Act.
- u Whether a Vegetation Management Plan prepared by a suitably qualified person and detailing procedures and specifications necessary to address any issues of concern, should be submitted for approval prior to commencement of clearing works.

3.5 Noxious weed removal considerations

In issuing a **formal notice under the Noxious Weeds Act 1993**, in response to an owner's request, Council will consider:

- a The suitability of the selected method given its likely harm to trees and other native vegetation; and
- b Whether rehabilitation or replacement of existing vegetation should be ensured by submission of a satisfactory Vegetation Management Plan before starting work; and
- c Whether the proposed work is of such an extent as to require a more detailed assessment and therefore requiring the lodgement of a development application to ensure compliance with the Local Environmental Plan. (That is, works likely to affect a significant area of land, or of an intensity likely to cause direct harm to the environment or vegetation in the vicinity).

Note: Compliance with this provision shall not be taken as implying the granting of an exemption under the Native Vegetation Act 2003.

4.0 EXEMPTIONS

4.1 Works which do not need consent

Clause 28(3) of Council's LEP 1991 provides that the following works do not require consent from Council:

- a The removal or trimming of trees in accordance with the **Electricity Supply (Safety Plans) Regulation 1997 and the Electricity (Tree Preservation) Regulation 1995**; or
- b The removal or trimming of trees in accordance with clauses 88, 107, 138 and 139 of the **Roads Act 1993**; or
- c The removal or harvesting of trees grown commercially or domestically for their edible fruit; or
- d The removal of noxious weeds within the meaning of the **Noxious Weeds Act 1993** as identified in s.7.1.3. If the weed is identified as a Class 1, 2 or 5 weed, Council must be notified within 3 days of discovery of the weed. Class 3 & 4 weeds may be removed without any further action; or
- e The removal of commercially grown plantation trees in accordance with the **Harvest Guarantee Act 1995**; or
- f The removal or clearing of native vegetation authorised (but not exempt) under the **Native Vegetation Act 2003**, any other related Act or environmental planning instruments; or
- g **The removal of dead trees**, except where the trees provide habitat for species listed in Schedule 1 or 2 to the **Threatened Species Conservation Act 1995**; or

Note: Where the tree or trees provide habitat for animal species listed in Schedule 1 or 2 of the Threatened Species Conservation Act 1995, expert advice should be obtained in relation to relocation prior to removal of the tree - Refer to Appendix 3).

- h The removal of native vegetation in any zone **for the purposes of creating or maintaining landscaped and lawn areas** where:
 - i The work does not involve the removal, injury or destruction of trees; and
 - ii The area to be cleared is within the curtilage of an approved dwelling and is less than 1,000 square metres in total area; and
 - iii The slope of the land is not in excess of 18 degrees; and
 - iv The work does not involve the disturbance of native vegetation which is habitat for species listed in Schedule 1 or 2 to the Threatened Species Conservation Act 1995.
- i **The clearing of native vegetation within urban zones** where:
 - i The work does not involve the removal, injury or damaging of trees;
 - ii The allotment of land upon which the work is proposed has an area of less than 1,000m²;
 - iii The slope of the land is not in excess of 18°; and

- iv The work does not involve the disturbance of native vegetation known to be habitat for plant and animal species listed in Schedule 1 and 2 to the Threatened Species Conservation Act 1995.
- j The following additional tree works are defined as **Exempt Vegetation Management Works** and do not require a consent from Council:
 - i **Pruning** as defined by this DCP; or
 - ii **Removal of trees to give effect to a development in accordance with a consent.** That is, the removal of trees and vegetation located within the alignment of a proposed road or service easement (in accordance with approved engineering plans) or within a proposed building footprint and up to 3 metres from the external walls of buildings (on the same land parcel), **provided that:**
 - o The building or work is the subject of a current development approval and the trees are not shown as intended to be retained; and
 - o Tree removal/ clearing procedures are in accordance with the Tree Design, Maintenance and Construction Guidelines within Council's DCP 67 - Engineering Requirements for Development; or
 - iii **Removal of any tree**, that in the opinion of Council, is dangerous, only where the tree's **instability is obvious** and there is **immediate danger and/or hazard**, for example, structurally split trunks, trees or limbs, felled by storms, that are damaging buildings or blocking accessways, or

Note: If appropriate, the branch removal option should be adopted in preference to complete tree removal.

- iv **Immediate removal of trees** or native vegetation where this is **essential for emergency access or emergency works** by Council or a public authority; or
- v Removal of a tree(s) which is a **bushfire hazard** where:
 - o The action is reasonably necessary to protect human life, buildings or other property from **imminent danger of a bushfire** burning in the vicinity of the tree; or
 - o Council has authorised its removal as part of a **bush fire risk management plan adopted** pursuant to the Rural Fires Act 1997; or
- vi **Removal or pruning of “undesirable species”**, which **may** include the removal of certain tree species less than 6m high and located within 3m of an approved structure (refer s.7.1.1).

Note: Figure 1 (Page 20), is a flowchart clarifying when consent is required to enable tree removal. Figure 2 (Page 21), clarifies the decision process when the proposal does not involve Complying Development, and where the tree is less than 6m in height and is located within 3m of an approved structure (s7.1.1).

Undesirable species identified in s.7.1.2 and s.7.1.3 may be removed without consent **provided that:**

- o The vegetation is confirmed as an undesirable species listed in s.7.1.2 or s.7.1.3 by Council or by a person qualified in plant identification; and
- o Where there is substantial clearing of the land involved, there is replacement planting of suitable native species. Such plantings are to be appropriately maintained to ensure their establishment; and

- Where there is substantial clearing on erodible soils or slopes in excess of 18 degrees, appropriate soil retention methods are employed to minimise the potential for erosion to occur and control runoff from the site; or

Note: To ensure complete control/removal of undesirable plant species, bush regeneration techniques should be adopted in preference to mechanical clearing.

- vii Removal of vegetation within 0.5 metres of the boundary between properties for the purpose of enabling survey to be carried out along that boundary by a registered surveyor, provided that the surveyed land exceeds one hectare in area and no alternative survey method is feasible.

Note: The removal or disturbance of an Aboriginal relic is an offence under the National Parks and Wildlife Act 1974. A tree believed to be, or in the vicinity of, an Aboriginal relic should be examined by an appropriately qualified person and instruction taken before any work commences.

Figure 1: DO I NEED CONSENT TO REMOVE MY TREE?

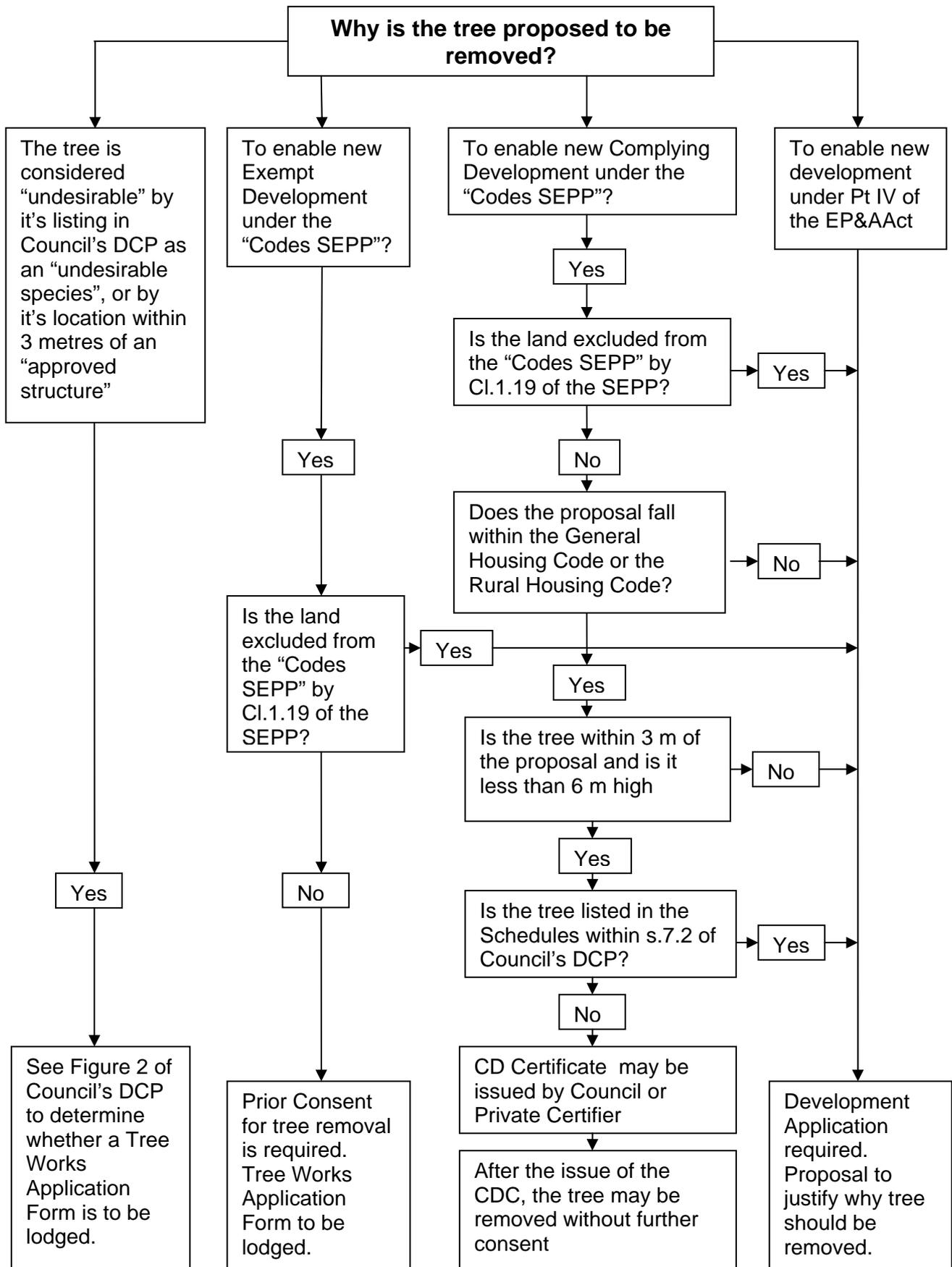
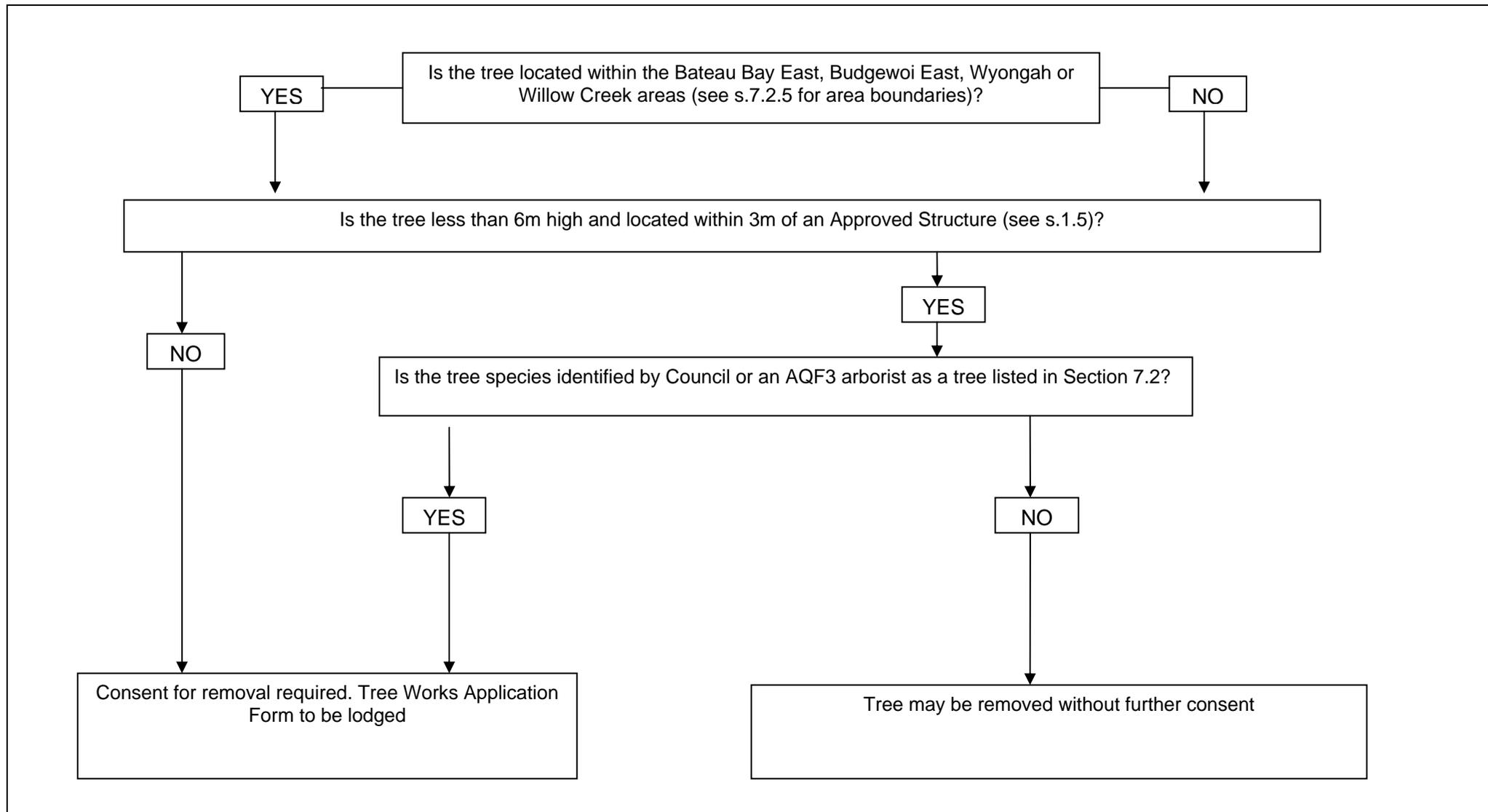


Figure 2 WHEN IS CONSENT REQUIRED FOR TREE REMOVAL WITHIN 3 METRES OF AN APPROVED STRUCTURE?



4.2 Provide evidence for dangerous trees

Except for specified emergency situations, **expert advice should always be obtained** with respect to dangerous trees to confirm their condition and to ensure that they do not provide habitat for protected species. Otherwise, their cutting or removal might be in breach of the EP&A Act.

Where a dangerous tree is removed (in an emergency situation) due to obvious instability or hazard, (e.g. following storm damage), it is recommended that **evidence of the tree's condition should be retained** for a period of at least six (6) months after the event and produced at Council's request if needed. Such evidence might include:

- Photographs of the tree, and
- A report by a Consulting arborist, or
- A written statement from the State Emergency Service, if the Service carried out the emergency tree works at the owner's request.

Note: Where trees have died, been removed by storm damage or removed as undesirable species, replacement trees of a suitable native species should be planted to maintain tree cover within the Shire.

5.0 VEGETATION MANAGEMENT PLANS

5.1 What is a vegetation management plan?

- a A **Vegetation Management Plan** (VMP) comprehensively addresses protection, maintenance, rehabilitation, removal and/or replanting of trees and vegetation on a particular site. A VMP is similar (on a smaller scale) to a Property Vegetation Plan (PVP) as required for rural landholdings under the Native Vegetation Act, 2003.
- b A VMP must be **prepared by a suitably qualified and experienced person**.
- c Council may grant **development consent** for a VMP **for implementation over a period of 2 to 5 years**, depending on the scope and complexity of the programme and the size of the site. No further consents are required where works comply with an approved VMP.

5.2 When is a vegetation management plan required?

- a A VMP will be required when Council is of the opinion that the proposed tree works are of a type needing a comprehensive site-specific plan of management. The VMP will provide analysis and a strategy to address issues relating to the staging

of works, cumulative impact, long term vegetation monitoring and management of progressive tree works for the same site over an extended period of time.

- b Submission of a **VMP is preferred to the making of separate successive applications** for works on/or removal of individual trees for the same site.

5.3 What information is required in a vegetation management plan?

In addition to the general information required to be submitted with an application for clearing of land (refer Section 3.3 of this DCP), the following specific information is also required to be included in a Vegetation Management Plan:

- a An overall site plan at an appropriate scale, showing the location of the proposed works, including staging information.
- b A detailed Vegetation Management Plan Report identifying:
 - i The works involved and the methodology for the undertaking of such works;
 - ii The likely impacts as a result of such works both within and external to the site; and,
 - iii The proposed measures to mitigate against the impacts that will occur. This should include a works program and specification detailing the timely implementation of mitigating measures corresponding with the staging of works.

6 0 PENALTIES

6.1 Public land

Pursuant to Section 629 of the Local Government Act 1993, an **on-the-spot fine of \$2,200** applies to the injury, or unnecessary disturbance of trees and native vegetation on public land including road reserves. A person who, without lawful excuse, removes or destroys any plant or animal from a public place, is guilty of an offence under the Act. Maximum penalty per offence is 20 penalty units.

6.2 Private land

Offences against the provisions of Wyong Local Environmental Plan 1991, namely the unauthorised injury, removal or destruction of trees or clearing of native vegetation, **can be prosecuted** under the provisions of the EP&A Act 1979. In addition to fines (up to the equivalent of 1000 penalty points), the offender may also be required to rehabilitate the site, plant new trees and native vegetation and maintain these until maturity.

7 0 SPECIES LISTS

7.1 Undesirable species

7.1.1 Plants with Undesirable Characteristics due to their Location

Trees less than six (6) metres high and located within three (3) metres of an approved structure **may** be considered to be undesirable due to their location. This distance is measured from the exterior surface of any trunk of the tree, measured at 1.4 metres above ground level, to the outer surface of the nearest footing (or the waters edge for pools), of the approved structure.

With the exception of:

- o any trees identified for retention by a condition of development consent; or
- o any trees listed within any of the Significant Species Schedules within s.7.2 of this DCP;

trees less than six (6) metres high and located within a distance of three (3) metres from an approved structure may be removed without further consent from Council (Refer Figure 2 on p.21). Trees less than six (6) metres high and located within three (3) metres of an approved structure on an adjoining property may only be removed with the consent of the owner of that land.

Trees proposed to be removed in accordance with this clause should be first inspected by a Council Tree Assessment Officer or a trade (AQF3) or consulting (AQF5) arborist. This is to determine whether the tree is of a species to be protected under s.7.2 of this plan. An inspection by an ecologist may also be required if the tree is considered likely to be habitat for Threatened Species, listed under Schedules 1 & 2 of the Threatened Species Conservation Act (1995). **In these circumstances development consent is required and this exemption by location does not apply.**

The arborist may also identify special measures that should be in place to reduce the potential for injury or death of animals likely to inhabit the tree. Such measures may include:

- o Inspection of hollows and other potential sites on the tree;
- o Sectional dismantling; and
- o Supervision of works by an arborist and/or a licensed wildlife carer or handler.

In order to protect the amenity of the Shire and the locality, Council strongly encourages the planting of a replacement native tree, elsewhere on site.

7.1.2 Plants with Undesirable Characteristics Generally

These plants have undesirable characteristics which may lead to poisoning, weed status, brittle and dangerous wood, excessive spread of roots, root suckering or bushland invasion. Consent is not required for removal of these plants.

Botanical Name

Common Name

Botanical Name	Common Name
<i>Acacia salignus</i>	Wattle
<i>Acacia baileyana</i>	
<i>Acacia podalyrlifolia</i>	Mount Morgan Wattle
<i>Albizia julibrissin</i>	Silk tree
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Celtis occidentalis</i>	Hackberry
<i>Chamaecytissus proliferus</i>	Tree Lucerne

(7.1.2 Continued)

Botanical Name	Common Name
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Crotalaria lunata</i>	Giant Rattlepod
<i>Erythrina crista-galli</i>	Cockscomb Coral Tree
<i>Erythrina x-sykesii</i>	Coral Tree
<i>Ficus elastica</i>	Indian Rubber Tree
<i>Gleditsia triacanthos</i> (but no grafted horticultural varieties)	Honey Locust
<i>Lagunaria patersonia</i>	Norfolk Island Hibiscus
<i>Leucaena leucocephala</i>	Lead Tree, Coffee Bush
<i>Ligustrum lucidum</i>	Large Leaf Privet
<i>Ligustrum sinense</i>	Small Leaf Privet
<i>Olea spp</i> (except spp grown for olive production)	Olive
<i>Paraserianthes lophantha</i>	Cape Leeuwin Wattle
<i>Pinus sondereggeri</i>	Bastard Pine
<i>Pinus radiata</i>	Radiata Pine
<i>Polygala myrtifolia</i>	Polygala
<i>Robinia pseudoacacia</i> (but not grafted horticultural varieties)	Locust
<i>Salix spp</i>	Willows
<i>Sambucus nigra</i>	Elderberry
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Schinus terebinthifolius</i>	Brazilian Mastic
<i>Solanum mauritianum</i>	Wild Tobacco Tree
<i>Syagrus romanzoffianum</i>	Cocos Palm
<i>Tacoma stans</i>	Golden bells
<i>Triadica sebifera</i>	Chinese Tallow Tree

Shrubs and Other Plants (including herbs and vines)

<i>Agave americana</i>	Century Plant
<i>Ageratum houstonianum</i>	Ageratum
<i>Alocasia macrorrhizas</i>	Elephants Ears
<i>Alstroemeria psittacina</i>	New Zealand Christmas Bells
<i>Anredra cordifolia</i>	Madeira Vine
<i>Araujia hortorum</i>	Moth Vine
<i>Asclepias spp</i>	Cotton Bushes
<i>Asparagus asparagoides</i>	Asparagus Fern
<i>Asparagus fleckeri</i>	Asparagus Fern
<i>Asparagus sprengeri</i>	Asparagus Fern
<i>Bambusa spp</i>	Bamboo
<i>Bryophyllum tubiflora</i>	Kalanchoe
<i>Canna indica</i>	Canna Lily
<i>Cardiospermum grandiflorum</i>	Balloon Vine
<i>Cestrum aurantiacum</i>	Orange Cestrum
<i>Chlorophytum comosum</i>	Variegated Spider Plant
<i>Chrysanthemoides monolifera</i>	Boneseed/Bitou Bush
<i>Senna bicapsularis</i>	Senna
<i>Convza spp</i>	Canadian Fleabane
<i>Coreopsis lanceolata</i>	Coreopsis
<i>Cotoneaster glaucophylla</i>	Cotoneaster
<i>Crocasmia aurea</i>	Crocasmia
<i>Crocasmia crocosmiiflora</i>	Crocasmia
<i>Cyperus eragrostis</i>	Umbrella Sedge
<i>Dipogon lignosus</i>	Pink Coral Pea Creeper
<i>Foeniculum vulgare</i>	Fennel
<i>Freesia refracta</i>	Freesia
<i>Genista monspessulana</i>	Cape Broom
<i>Genista racemosa</i>	Broom
<i>Hedera helix</i>	English Ivy

(7.1.2 Continued)

Botanical Name	Common Name
<i>Hedychium gardnerianum</i>	Ginger Lily (not native ginger)
<i>Homeria breyniana</i>	One Leaf Cape Tulip
<i>Hydrocotyle bonariensis</i>	Two Leaf Cape Tulip
<i>Ipomoea cairica</i>	Morning Glory
<i>Ipomoea indica</i>	Morning Glory
<i>Ipomoea purpurea</i>	Morning Glory
<i>Lantana camara</i>	Lantana
<i>Lilium formosanum</i>	Formosa Lily
<i>Lonicera japonica</i>	Honeysuckle
<i>Macfadyena unguis-cati</i>	Catsclaw Creeper
<i>Mentha pulegium</i>	Pennyroyal
<i>Nephrolepis cordifolia</i>	Fishbone Fern
<i>Nerium oleander</i>	Oleander
<i>Nothoscordum inodorum</i>	Onion weed
<i>Ochna serrulata</i>	Mickey Mouse Plant
<i>Opuntia spp</i>	Prickly Pear
<i>Phyllostachys nigra</i>	Black Bamboo
<i>Polygala myrtifolia</i>	Polygala
<i>Polygonum capitatum</i>	Japanese Knotweed
<i>Pyracantha angustifolia</i>	Orange Fire Thorn
<i>Ranunculus repens</i>	Creeping Buttercup
<i>Sansevieria spp</i>	Mothers-in-Law Tongue
<i>Senecio mikanioides</i>	Cape Ivy
<i>Senna bicapsularis</i>	Senna (previously Cassia)
<i>Solanum pseudocapsicum</i>	Madiera Vine
<i>Thunbergia elata</i>	Black Eye Susan
<i>Tradescantia albiflora</i>	Wandering Jew
<i>Tropaeolum majus</i>	Nasturtium
<i>Verbena bonariensis</i>	Purpletop
<i>Vinca major</i>	Periwinkle
<i>Watsonia angusta</i>	Watsonia
<i>Zantedeschia aethiopica</i>	Arum Lily

7.1.3 Plants Declared Noxious

The plants within the following Schedule have been declared as Noxious Weeds. Those species marked with an '*' indicate species known to occur in Wyong Shire. Appropriate weed removal techniques (available from Council) should be applied to ensure that the spread of the weed does not occur.

If the weed is identified as a Class 1, 2 or 5 weed, Council must be notified within 3 days of discovery of the weed. Class 3 & 4 weeds may be removed without any further action.

Common Name	Botanical Name	Class
African boxthorn *	<i>Lycium ferocissimum</i>	4
African feathergrass	<i>Pennisetum macrourum</i>	5
African Turnipweed	<i>Sisymbrium runcinatum</i>	5
African turnipweed	<i>Sisymbrium thellungii</i>	5
Alligator weed *	<i>Alternanthera philoxeroides</i>	3
Anchored water hyacinth	<i>Eichhornia azurea</i>	1
Annual ragweed	<i>Ambrosia artemisiifolia</i>	5
Arrowhead *	<i>Sagittaria montevidensis</i>	5
Artichoke thistle	<i>Cynara cardunculus</i>	5
Athel tree	<i>Tamarix aphylla</i>	5
Bathurst/Noogoora/Californian/ cockle burns *	<i>Xanthium species</i>	4

(7.1.3 Continued)

Common Name	Botanical Name	Class
Bitou bush *	Chrysanthemoides monilifera subspecies rotunda	4
Black knapweed	Centaurea nigra	1
Blackberry *	Rubus fruticosus aggregate species	4
Boneseed *	Chysanthemoides monilifera subspecies monilifera	4
Bridal creeper	Asparagus asparagoides	5
Broomrapes (<i>Includes all Orobanche species except the native O. cernua variety Australiana and O.minor</i>)	Orobanche species	1
Burr ragweed	Ambrosia confertiflora	5
Cabomba	Cabomba caroliniana	5
Californian burrs	Xanthium species	4
Cayenne snakeweed	Stachytarpheta cayennensis	5
Chilean needle grass	Nassella neesiana	4
Chinese violet	Asystasia gangetica subspecies micrantha	1
Clockweed	Gaura lindheimeri	5
Cockle burrs	Xanthium species	4
Columbus grass	Sorghum x alnum	4
Corn sowthistle	Sonchus arvensis	5
Crofton weed *	Ageratina adenophora	4
Dodder (<i>includes all cuscuta species except the native species C. australis, C. tasmanica and C. victoriana</i>) *	Cuscuta species	5
East Indian hygrophila	Hygrophila polysperma	1
Espartillo	Achnatherum brachychaetum	5
Eurasian water milfoil	Myriophyllum spicatum	1
Fine-bristled burr grass	Cenchrus brownii	5
Fountain grass *	Pennisetum setaceum	5
Gallon's curse	Cenchrus biflorus	5
Giant Parramatta grass	Sporobolus feltilis	3
Glaucous starthistle	Carthamus glaucus	5
Golden thistle	Scolymus hispanicus	5
Gorse	Ulex europaeus	3
Green cestrum *	Cestrum parqui	3
Groundsel bush *	Baccharis halimifolia	3
Harrisia cactus	Harrisia species	4
Hawkweed	Hieracium species	1
Horsetail	Equisetum species	1
Hygrophila	Hygrophila costata	2
Hymenachne	Hymenachne amplexicaulis	1
Johnson grass *	Sorghum halepense	4
Karoo thorn	Acacia karroo	1
Kochia	Bassia scoparia	1
Lagorosiphon	Lagorosiphon major	1
Lantana sp. *	Lantana species	5

(7.1.3 Continued)

Common Name	Botanical Name	Class
Long-leaf willow primrose	Ludwigia longifolia	5
Mexican feather grass	Nassella tenuissima	
Mexican poppy	Argemone mexicana	5
Miconia	Miconia species	1
Mimosa	Mimosa pigra	1
Mistflower *	Ageratina riparia	4
Mossman River grass	Cenchrus echinatus	5
Noogoora burrs *	Xanthium species	4
Onion grass (<i>Includes all romulea species and varieties except R. rosea var. australis</i>) *	Romulea species	5
Oxalis (<i>Includes all Oxalis species and varieties except the native species O. chnodes, O. exilis, O. perannans, O. radicata, O. rubens and O. thompsoniae</i>) *	Oxalis species and varieties	5
Pampas grass *	Cortaderia species	4
Parthenium weed	Parthenium hysterophorus	1
Pond apple	Annona glabra	1
Prickly acacia	Acacia nilotica	1
Prickly pear	Cylindropuntia species	4
Prickly Pear *	Opuntia. Species except O. ficus indica	4
Red rice	Oryza rufipogon	5
Rhus tree *	Toxicodendron succedanea	4
Rubbervine	Cryptostegia grandiflora	1
Sagittaria *	Sagittaria platyphylla	5
Salvinia *	Salvinia molesta	3
Sand oat	Avena strigosa	5
Senegal tea plant	Gymnocoronis spilanthoides	1
Serrated tussock	Nassella trichotoma	4
Siam weed	Chromolaena odorata	1
Smooth-stemmed turnip	Brassica barrelieri subspecies oxyrrhina	5
Soldier thistle	Picnomon acama	5
Spiny burrgrass	Cenchrus incertus	4
Spiny burrgrass	Cenchrus longispinus	4
Spiny emex *	Emex australis	4
Spotted knapweed	Centaurea maculosa	1
St Johns wort *	Hypericum perforatum	4
Texas blueweed	Helianthus ciliaris	5
Water caltrop	Trapa species	1
Water hyacinth *	Eichhornia crassipes	4
Water lettuce	Pistia stratiotes	1
Water soldier	Stratiotes aloides	1
Willows (<i>Includes all Salix species except S. babylonica S. x reichardtii, S. x calodendron</i>)	Salix species	5
Witchweed (<i>Includes all striga species except native species and Striga parviflora</i>)	Striga species	1
Yellow burrhead	Limnocharis flava	1
Yellow nutgrass	Cyperus esculentus	5

7.2 Significant Species Schedule (Register of Significant Trees)

Species having conservation significance are listed under one or more of the following headings. These lists are regularly updated and it is recommended that Council or, where relevant, the Office of Environment and Heritage within the NSW Department of Premier and Cabinet (OEH) is to be contacted to determine the status of species proposed to be removed, harmed, picked, etc., prior to any works being undertaken.

- **Protected Native Plants (s.7.2.1)**, as contained in Schedule 13 of the **National Parks and Wildlife Act 1974**. These species may be picked or removed from private land or land controlled by Council with the consent of the owner, providing the action is not for commercial, scientific, conservation or educational purposes. Removal, harming or picking of these species for these purposes, or if the species is also listed as an Endangered, Vulnerable Plant Species, Endangered Population or Ecological Community, requires a licence to be obtained from the OEH.
- **Threatened Plant Species, Populations and Ecological Communities (s7.2.2)**, as listed under Schedule 1 and 2 of the **Threatened Species Conservation Act 1995**. These species may not be removed, picked or harmed unless a licence to do so has been obtained from the OEH.
- **Keystone Species (s7.2.3)**, identified by Wyong Council as having a critical relationship in providing food or habitat for native fauna. These species may not be removed unless Council consent has been obtained.
- **Species of Local Conservation Significance (s7.2.4)**, These species may not be removed unless Council consent has been obtained.
- **Trees of Cultural Significance (s7.2.5)** These species may not be removed unless Council consent has been obtained.

7.2.1 Protected Native Plants Contained in Schedule 13 of the National Parks and Wildlife Act 1974

Part 1: Plant parts used in the cut-flower industry

Scientific Name

Common Name(s)

Group 1

(Group 1 of the Schedule is currently vacant)

Group 2

<i>Adiantum spp.</i>	Maidenhair Fern
<i>Archontophoenix cunninghamiana</i>	Bangalow Palm (foliage only)
<i>Baekea linifolia</i>	Weeping Baekea
<i>Baekea virgata</i>	Twiggy Heath-myrtle, Tall Baeckea
<i>Banksia spinulosa</i>	Hairpin Banksia
<i>Cassinia aureonitens</i>	Yellow Cassinia
<i>Caustis spp.</i> , native to NSW	Curly Sedges, Old Man's Whiskers
<i>Cordyline stricta</i>	Narrow-leaved Palm Lily
<i>Crowea exalata</i>	Crowea
<i>Crowea saligna</i>	Crowea
<i>Davallia pyxidata</i>	Hare's Foot Fern
<i>Dodonaea lobulata</i>	Lobed-leaved Hop Bush

(7.2.1. Part 1 - Continued)**Scientific Name****Common Name(s)**

Eriostemon spp. Native to NSW (unless listed under the *Threatened Species Conservation Act 1995*)

Gahnia sieberiana

Red-fruited Saw Sedge

Isopogon spp. native to NSW

Drumsticks, Cone Bushes

Kunzea ambigua

Tick Bush

Kunzea capitata

Pink Kunzea

Leptospermum lanigerum

Woolly Tea-tree

Leptospermum rotundifolium

Round-leaf Tea-tree

Livistona australis (foliage only)

Cabbage Tree Palm, Fan Palm

Lomatia silaifolia

Crinkle Bush

Persoonia spp. native to NSW

Geebungs

(except *P. pinifolia* and all species listed under the *Threatened Species Conservation Act 1995*)

Petrophile spp. native to NSW

Conesticks

Phebalium squamulosum

Scaly Phebalium

Philothea spp. native to NSW

philothecas

(except *P. obovalis* and all species listed under the *TSC Act 1995*)

Ptilotus exaltatus

Tall Mulla Mulla

Ptilotus obovatus

Smoke Bush, Cotton Bush

Pycnosorus spp., native to NSW

Billy-buttons

Restio tetraphyllus

Tassel-rush

Sprengelia incarnata

Pink Swamp Heath

Sticherus flabellatus

Shiny Fan-fern, Umbrella Fern

Swainsona formosa

Sturt's Desert Pea

Tmesipteris spp.

Ferns

Xanthorrhoea spp.—foliage only

Grass Trees

Xylomelum spp., native to NSW

Woody Pear

Zamiaceae, native to NSW

Cycads

Group 3

Actinotus spp., native to NSW (except *A. minor*)

Flannel Flower

Boronia spp., native to NSW

Boronias

Doryanthes excelsa (foliage only)

Giant Lilies

Eriostemon australasius

Wax Flower

Lycopodium spp., native to NSW

Mountain Moss

Persoonia pinifolia

Pine-leaved Geebung

Philothea obovalis

Wax Flower

Group 4

Blandfordias spp.

Christmas Bells

Doryanthes excelsa (flowers only)

Giant Lily

Xanthorrhoea spp. (flowers only)

Grass Tree

Group 5

Boronia deanei

Dean's Boronia

Boronia umbellata

Boronia

Craspedia spp., native to NSW

Billy Buttons

Dicranopteris linearis

(7.2.1.Part 1 - Continued)**Scientific Name****Common Name(s)***Doryanthes palmeri*

Spear Lily

Grevillea longifolia

Fern-leaf Grevillea

*Isopogon fletcheri**Leptospermum spectabile**Macrozamia johnsonii*

Cycad

Macrozamia pauli-guilielmi spp. *flexuosa*

Cycad

Persoonia spp.

Geebung

*Phebalium bifidum**Phebalium glandulosum* spp.*eglandulosum**Philotheca ericifolia**Philotheca obovatifolia*

Native Daphne, Long-leaf Wax Flower

Telopea spp., native to NSW

Waratah

**All other species of plant listed in
Schedule 1, 1A or 2 to the Threatened
Species Conservation Act 1995, unless
otherwise listed in this Schedule**

Part 2: Whole Plants

All other species of plant included in the list of threatened species, as amended from time to time, established under section 178 of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth and published in the Commonwealth of Australia Gazette.

Scientific Name**Common Name(s)****Group 1***Ceratopetalum gummiferum*

Christmas Bush

Isopogon spp.

Drumsticks

Swainsona formosa

Sturt's Desert Pea

Group 2*Telopea aspera*

Gibraltar Range Waratah

Telopea mongaensis

Monga Waratah, Braidwood Waratah

Telopea oreades

Gippsland Waratah

Telopea speciosissima

Waratah

Wollemia nobilis

Wollemi Pine

Group 3

Arecaceae, native to NSW

Palms

Asplenium australasicum

Bird's-nest Fern

Asplenium falcatum

Fern

Cyanthea spp.

Tree Ferns

Dicksonia spp.

Tree Ferns

Orchidaceae, native to NSW

Orchids

Platynerium, native to NSW

Elk Horn and Stag Horn

Sphagnum spp.

Sphagnum Mosses

Todea barbara

King Fern

Xanthorrhoea spp.

Grass Trees

Zamiaceae, native to NSW

Cycads

Group 4*Casuarina cunninghamiana*

River Oak

Pandanus spp. native to NSW

Pandanus

7.2.2 Threatened Plant Species, Populations and Ecological Communities

The following is a list of endangered and vulnerable plant species (Schedule 1 and 2 of the Threatened Species Conservation Act 1995) and endangered populations and ecological communities known to exist in Wyong Shire. Other listed species may occur in the Shire but have not been identified at this time. Reference should also be made to the schedules within the Act for the most recent listings by the Scientific Committee.

Vulnerable Species

Angophora inopina, a small tree to 8 metres tall, often multi-stemmed, found in open dry sclerophyll forest within the Wallarah catchment between Charmhaven and Wyee.

Astrotricha crassifolia, a shrub to 2.4m tall, broad stiff linear leaves covered by dense hairs. Upper surface is shiny and smooth or occasionally wrinkled, lower surface covered in brown hairs. Occurs in dry sclerophyll woodland on sandstone.

Baloskion longipes, a perennial grass-like herb. Flowering stems are up to 1.5m tall and circular in cross section. Commonly found in swamps or depressions in sandy alluvium, sometimes growing with sphagnum moss. Also occurs in swales within tall forest, and in Black Gum (*Eucalyptus aggregata*) Woodland.

Callistemon linearifolius, a shrub up to 2-4m tall with long and narrow lance shaped leaves. Flowers are clustered into the typical 'bottlebrush' Callistemons and are red in colour. Flowers in spring and grows in dry sclerophyll forest on the coast and adjacent ranges.

Cryptostylis hunteriana, an orchid in Precinct 4 and the Lake Haven area, at the southern limit of its population. Only identifiable during flowering (December to early February).

Darwinia glaucophylla, a prostrate spreading shrub. Leaves are blue-grey with a white bloom and often tinged with red-purple. Flowers are yellow-green when new, turning red in upper parts as flower matures. Occurs in sandy heath, scrub and woodlands. Often associated with sandstone rock platforms or near hanging swamps and friable sandstone shallow soils.

Diuris praecox, is an orchid that occurs on Munmorah Conglomerates.

Epacris purpurascens var. purpurascens, an erect shrub, 50 - 180 cm high. Leaves are spreading and recurved above, ovate to heart-shaped, 7 - 21 mm long, 4.4 - 9 mm wide, with sharply pointed tips. Flowers are showy, 7 - 10 mm diam., covering much of the branchlets, white or sometimes pinkish. Fruit approximately 2 mm long. Found within grassy woodlands with strong shale soil influence.

Eucalyptus camfieldii, a mallee (multi-trunked, generally less than 5 metres high) growing in coastal sandy soil, populations recently identified at Norah Head, Charmhaven and Bateau Bay. Also includes *Eucalyptus camfieldii* x *Eucalyptus capitellata*.

Grevillia parviflora subsp parviflora, a low spreading to erect shrub to 1.5m high. Leaves are narrow and flowers are white or pinkish. Occurs in light clayey soils in woodlands.

Maundia triglochinos, a perennial herb. Flowers in warmer months. Occurs in swamps or shallow freshwater on heavy clay. Is at its southern limit near Wyong

Melaleuca biconvexa, a shrub or small tree growing in moist swamp forests communities on Quaternary Alluvium soils along creek lines.

(7.2.2 Continued)

Rutidosia heterogama, small perennial herb within the daisy family with a woody base. Grows in heath on sandy soils and moist areas in open forest.

Syzygium paniculatum, a Lilly Pilly found in littoral and gallery rainforest on Quaternary Sands such as, North Entrance Peninsula, Canton Beach, the old pump station site at North Entrance, Munmorah State Recreation Area, Norah Head and the Ourimbah Creek Valley.

Tetratheca glandulosa, a purple flowering low shrub in heath or scrub on sandy or rocky soils (Kulnura area).

Tetratheca juncea, a low shrub, almost exclusively confined to the Munmorah Conglomerate sequence mainly on ridgetops in small, isolated and patchy populations in the north-east of the Shire.

Endangered Species

Acacia bynoeana, a low shrub found in heath and woodlands on sandy soils in the Kulnura plateau area and in some *Eucalyptus haemastoma* woodlands.

Caladenia tessellata, a ground orchid from dry forest and heath in coastal areas extending from Porters Creek to Munmorah State Recreation Area. Often only evident after fire in dense shrubbery. Only identifiable when flowering from late August to early November.

Caladenia porphyrea, a terrestrial herb orchid, growing singly or in small groups. Highly restricted geographic distribution. It has been recorded from 2 localities in the Wyong local government area approx. 2 km apart. At these locations it covers areas of 2 ha and 0.2ha respectively.

Chamaesyce psammogeton, a prostrate perennial herb found on foredunes and exposed headlands.

Corunastylis insignis, a terrestrial orchid with a single cylindrical leaf which encloses the flowering system. Flowers are dark purple. Located between Chain Valley Bay and Wyong. Grows in patches of Kangaroo grass amongst shrubs and hedges in heathland and forests. Associated with dry sclerophyll forests.
PREVIOUSLY GENOPLESIIUM INSIGNIS

Cynanchum elegans, a climber or twiner which can grow to 10m long with a stem thickness of 3.5cm with white flowers. Occurs on the edge of dry rainforest vegetation. Can also be associated with other vegetation types including littoral rainforest; Coastal Tea-tree *Leptospermum laevigatum* – Coastal Banksia *Banksia integrifolia* subsp. *integrifolia* coastal scrub; Forest Red Gum *Eucalyptus tereticornis* aligned open forest and woodland; Spotted Gum *Eucalyptus maculata* aligned open forest and woodland; and Bracelet Honeymyrtle *Melaleuca armillaris* scrub to open scrub.

Diuris bracteata, an orchid with two linear leaves. Flowers are yellow with blackish markings. Located in dry sclerophyll woodlands with total number of individuals estimated at 50.

Eucalyptus pumila, is a small tree that grows in clumps and is found near Mangrove Mountain.

Genoplesium insignis, A terrestrial orchid with a solitary cylindrical leaf that encloses the flowering stem. Flowers are dark purple and approximately 5 mm in diameter. Recorded from four localities between Chain Valley Bay and Wyong in Wyong local government area. Grows in patches of *Themeda australis* (Kangaroo Grass) amongst shrubs and sedges in heathland and forest. Flowering period is September to October.

(7.2.2 Continued)

Hibbertia procumbens, a prostrate spreading shrub with yellow flowers. Stems are smooth and mostly hairless, with leaves linear and having similar surfaces. Known populations occur within Banksia ericifolia–Angophora hispida–Allocasuarina distyla scrub/heath on skeletal sandy soils. May also be found associated with 'hanging swamp' vegetation communities on sandy deposits and in escarpment areas.

Prostanthera askania, a small shrub 2 metres high occurring in rainforests and gullies and only known to occur at Askania Park, Strictland State Forest, Niagara Park, Matcham Holgate and Berkeley Vale area.

Prostanthera junonis, a low spreading shrub 0.1m to 0.3m high. Only recorded in the Gosford/Wyong local government area. One population at Somersby and one at Kulnura, both growing on soils derived from Hawkesbury Sandstones.

Rulingia prostrata, a small prostrate shrub found in heath and dry sclerophyll forests mainly in gullies and along escarpments. Recorded in Ourimbah State Forest.

Senecio spathulatus, low growing smooth stemmed daisy often forming hummocks. Grows on primary dunes.

Critically Endangered Species

***Thelymitra* sp. 'Adorata'**, a hairless terrestrial herb, dying back annually to a tuberous rootstock. A single linear to linear-lanceolate leaf emerges from the ground in about May, dying off in late November. The flowering stem (usually emerging in September, with not all plants flowering in all years) is dark bluish-purple when seen from a distance. Individual flowers 15-27 mm across, pale to dark blue, opening in warm weather. Found in the area bounded by the towns of Wyong, Warnervale and Wyongah. Recorded populations occupy patches totalling less than 100 m². The geographical distribution is therefore very highly restricted.

Endangered Populations

Eucalyptus oblonga endangered population, consists of trees to 15m high, narrow leaved Stringybark. Occurs in Bateau Bay on coastal sands of the Norah Head Soil Landscape. Population consists of about 20 trees, and can sometimes be confused with *Eucalyptus camfieldii* which occurs in the same area. The population is at the eastern limit of the species' range.

Eucalyptus parramattensis subsp parramattensis endangered population, consists of approximately 1300 trees in the Wyong LGA and 10 in the Lake Macquarie LGA. The population is located at the north eastern limit of the range of the species.

Endangered Ecological Communities

Coastal Saltmarsh in the NSW North Coast, Sydney Basin and South East Corner Bioregions, occurs in the intertidal zone on the shores of estuaries and lagoons, permanently or intermittently open to the sea, often a zone on the landward side of mangrove stands. Characteristic plants include *Baumea juncea*, *Juncus kraussii*, *Sarcocornia quinqueflora*, *Sporobolus virginicus*, *Triglochin striata*, *Isolepis nodosa*, *Samolus repens*, *Selliera radicans*, *Suaeda australis* and *Zoysia macrantha*. Occasionally mangroves are scattered through the saltmarsh. Tall reeds may also occur, as well as salt pans.

(7.2.2 Continued)

Freshwater wetlands on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions, occurs on silts, muds or humic loams in low-lying parts of floodplains, alluvial flats, depressions, drainage lines, backswamps, lagoons and lakes. May also occur in backbarrier landforms where floodplains adjoin coastal sandplains. Dominated by herbaceous plants and have very few woody species. The structure and composition of the community varies both spatially and temporally depending on water regime.

Littoral Rainforest in the NSW North Coast, Sydney Basin and South East Corner Bioregions, generally a closed forest, occurring on sand dunes and on soil derived from underlying rocks. The species of this community are predominantly rainforest species. Associated species including *Angophora costata*, *Banksia integrifolia*, *Eucalyptus botryoides* and *Eucalyptus tereticornis*.

Low woodland with heathland on indurated sand at Norah Head, very open cover of trees up to 3 metres high with a mid to dense cover of shrubs, grasses, and grass like plants (e.g. rushes and sedges) up to 1 metre high. Dominant trees include *Melaleuca quinquenervia* and *Melaleuca sieberi*. The endangered *Eucalyptus camfieldii* is also present. Shrubs include *Banksia oblongifolia*, *Hakea dactyloides*, and *Allocasuarina distyla* plus others.

River-Flat Eucalypt forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregions, associated with silts, clay-loams and sandy loams, on periodically inundated alluvial flats, drainage lines and river terraces associated with coastal floodplains. Has a tall open tree layer of eucalypts, which may exceed 40 m in height, but can be shorter in regrowth stands or in lower quality sites. Composition of the tree stratum varies however, the most widespread and abundant dominant trees include *Eucalyptus tereticornis* (forest red gum), *E. amplifolia* (cabbage gum), *Angophora floribunda* (rough-barked apple) and *A. subvelutina* (broad-leaved apple).

Swamp oak floodplain forest of the NSW North Coast, Sydney Basin and South East Corner bioregions, associated with grey-black clay-loams and sandy loams, where the groundwater is saline or sub-saline, on waterlogged or periodically inundated flats, drainage lines, lake margins and estuarine fringes associated with coastal floodplains. Has a dense to sparse tree layer in which *Casuarina glauca* (swamp oak) is the dominant species. Other trees including *Acmena smithii* (lilly pilly), *Glochidion* spp. (cheese trees) and *Melaleuca* spp. (paperbarks) Understorey characterised by vines, *Parsonsia straminea*, *Geitonoplesium cymosum* and *Stephania japonica* var. *discolor*, a sparse cover of shrubs, and a continuous groundcover of forbs, sedges, grasses and leaf litter.

Swamp sclerophyll forest on coastal floodplains of the NSW North Coast, Sydney Basin, and South East Corner bioregions, Associated with humic clay loams and sandy loams, on waterlogged or periodically inundated alluvial flats and drainage lines associated with coastal floodplains. Open to dense tree layer of eucalypts and paperbarks. Trees may exceed 25 m in height, but can be shorter in regrowth stands. Includes some areas of fernland and tall reedland or sedgeland, where trees are very sparse or absent. Widespread and abundant dominant trees include *Eucalyptus robusta* (swamp mahogany), *Melaleuca quinquenervia* (paperbark). Other trees may be scattered throughout at low abundance or may be locally common at few sites, including *Callistemon salignus* (sweet willow bottlebrush), *Casuarina glauca* (swamp oak) and *Eucalyptus resinifera* subsp. *hemilampra* (red mahogany), *Livistona australis* (cabbage palm) and *Lophostemon suaveolens* (swamp turpentine).

Sydney Freshwater Wetlands in the Sydney Basin Bioregion, restricted to freshwater swamps in coastal areas. Occurs on sand dunes and low-nutrient sandplains along coastal areas. Species include sedges and aquatic plants such as *Baumea* species, *Eleocharis sphacelata*, *Gahnia* species, *Ludwigia peploides* ssp. *montevicensis* and *Persicaria* species.

(7.2.2 Continued)

Lowland Rainforest in NSW North Coast and Sydney Basin Bioregion, is a community of subtropical rainforest and some related, structurally complex forms of dry rainforest. In its relatively undisturbed state, it has a closed canopy, characterised by a high diversity of trees and a wide variety of shapes and sizes. Typically, the trees form three major strata: emergents, canopy and sub-canopy which, combined with variations in crown shapes and sizes results in an irregular canopy appearance. Includes palms, vines and vascular epiphytes.

7.2.3 Keystone Species

Keystone species are functionally important links in the wildlife food chain. These species are typically widespread and common in Wyong but clearing and fragmentation have significantly reduced the occurrence of some species (eg. Eucalyptus robusta and Eucalyptus tereticornis). Whilst the list below is not exhaustive, the species listed are considered the most important for retention.

Botanical Name	Common Name	Potential Schedule 1 or 2 Fauna
<i>Acacia irrorata</i> and other 'gum' producing <i>Acacia</i> species	Wattle	Squirrel Glider
<i>Acacia longifolia</i>	Wattle	Squirrel Glider
<i>Allocasuarina torulosa</i>	Forest Oak	Glossy Black Cockatoo
<i>Angophora costata</i>	Sydney Red Gum	Squirrel Glider
<i>Banksia integrifolia</i>	Banksia	Squirrel Glider
<i>Banksia oblongifolia</i>	Banksia	Squirrel Glider
<i>Banksia serrata</i>	Banksia	Squirrel Glider
<i>Banksia spinulosa</i>	Banksia	Squirrel Glider
<i>Corymbia gummifera</i>	Red Bloodwood	Squirrel Glider
<i>C. maculata</i>	Spotted Gum	Squirrel Glider/Yellow-bellied Glider
<i>Eucalyptus acmenoides</i>	White Mahogany	Squirrel Glider
<i>E. amplifolia</i>	Cabbage Gum/Round leaved Gum	Yellow-bellied Glider
<i>E. botryoides</i>	Bangalay	Yellow-bellied Glider
<i>E. deanei</i>	Deanes Gum	Yellow-bellied Glider
<i>E. fibrosa</i>	Broad leaved Ironbark	Regent Honeyeater
<i>E. haemastoma</i>	Scribbly Gum	Masked Owl/Squirrel Glider
<i>E. longifolia</i>	Woollybutt	Various
<i>E. moluccana</i>	Grey Box	Koala
<i>E. paniculata</i>	Grey Ironbark	Regent Honeyeater
<i>E. pilularis</i>	Blackbutt	Koala/Greater Glider
<i>E. piperita</i>	Sydney Peppermint	Squirrel Glider
<i>E. propinqua</i>	Small Fruited Grey Gum	Yellow-bellied Glider/Koala
<i>E. punctata</i>	Grey Gum	Yellow-bellied Glider/Koala
<i>E. resinifera</i>	Red Mahogany	Yellow bellied Glider
<i>E. robusta</i>	Swamp Mahogany	Yellow-bellied and Squirrel Gliders/ Koala/Regent Honeyeater
<i>E. saligna</i>	Sydney Bluegum	Yellow-bellied Glider
<i>E. siderophloia</i>	Northern Grey Ironbark	Regent Honeyeater
<i>E. tereticornis</i>	Forest Red Gum	Yellow-bellied Glider/Koala
<i>E. umbra</i>	Broad leaved White Mahogany	Squirrel Glider
<i>Melaleuca quinquenervia</i> and other local <i>Melaleuca</i> species		Ringtail Possum
Rainforest communities in gullies and littoral rainforest patches at North Entrance		Frugivorous Pigeons/Doves (Fruit Eating)
<i>Xanthorrhoea</i> spp	Grass Tree	Squirrel Glider

7.2.4 Species of Local Conservation Significance

As listed by Benson, D., of the Royal Botanic Gardens, Sydney

Botanical Name	Common Name	
<i>Acronychia wilcoxiana</i>	Silver Aspen	Climber
<i>Alpinia coerulea</i>	Native Ginger	Herb
<i>Arthropteris beckleri</i>	Fishbone Fern	Fern
<i>Asplonium aethiopicum</i>	A Birds Nest Fern	Fern
<i>Banksia paludosa</i>	Swamp Banksia	Shrub
<i>Blandfordia grandiflora</i>	Christmas Bells	Herb
<i>Caldcluvia paniculosa</i>	Rose-marara	Tree
<i>Callistemon shiressii</i>		Shrub
<i>Cryptocarya obovata</i>	Laurelk	Tree
<i>Cryptocarya rigida</i>	Rose Maple	Tree
<i>Decaspermum paniculatum</i>	Myrtle	Tree
<i>Dysoxylon fraserianum</i>	Rosewood	Tree
<i>Elaeocarpus obovatus</i>	Hard Quandong	Tree
<i>Embelia australiana</i>		Climber
<i>Endiandra discolor</i>		Tree
<i>Eucalyptus resinifera</i>	Red Mahogany	Tree
<i>Eucalyptus robusta</i>	Swamp Mahogany	Tree
<i>Ficus fraseri</i>	Sandpaper Fig	Tree
<i>Grevillea shiressii</i>		Shrub
<i>Hakea bakerana</i>	Hakea	Shrub
<i>Lepidosperma quadrangulatum</i>		Reed
<i>Macarthuria neocambria</i>		Herb
<i>Maundia triglochinosides</i>		Aquatic macrophyte
<i>Melaleuca biconvexa</i>	Biconvex Paperbark	Tree
<i>Neolitsia australiensis</i>	Green Bolly Gum	Tree
<i>Olearia nemstii</i>	Daisy Bush	Shrub
<i>Parsonia velutina</i>		Climber
<i>Prostanthera askania</i>	Tranquility Mintbush	Shrub
<i>Rhodomyrtus psidioides</i>		Tree
<i>Ripogonum fawcettianum</i>		Climber
<i>Sesuvium portulacastrum</i>		Water plant around lake shore
<i>Tetrastigma nitens</i>		Climber
<i>Toona cilata (australis)</i>	Red Cedar	Tree
<i>Vittaria elongata</i>		Fern
<i>Xanthorrhoea resinosa spp. fulva</i>	Grass Tree	Shrub

7.2.5 Trees of Cultural Significance

Plantings and remnant native trees of these species are significant features of Wyong Shire's cultural landscape. (See relevant Notes over).

Common Name (Botanical Name)	Locality ¹	Minimum Trunk Size (diameter at 1.4 m) ²	Tree Protection Zone (metres from trunk)	
			Optimum ³	Minimum ⁴
Native Species				
Smooth Bark Apple Gum (<i>Angophora costata</i>)	Bateau Bay East	300 mm	5.0	3.0
Rough Bark Apple Gum (<i>Angophora floribunda</i>)	Bateau Bay East	300 mm	4.0	3.0
Spotted Gum (<i>Corymbia maculata</i>)	Bateau Bay East Wyongah	300 mm	5.0	3.0

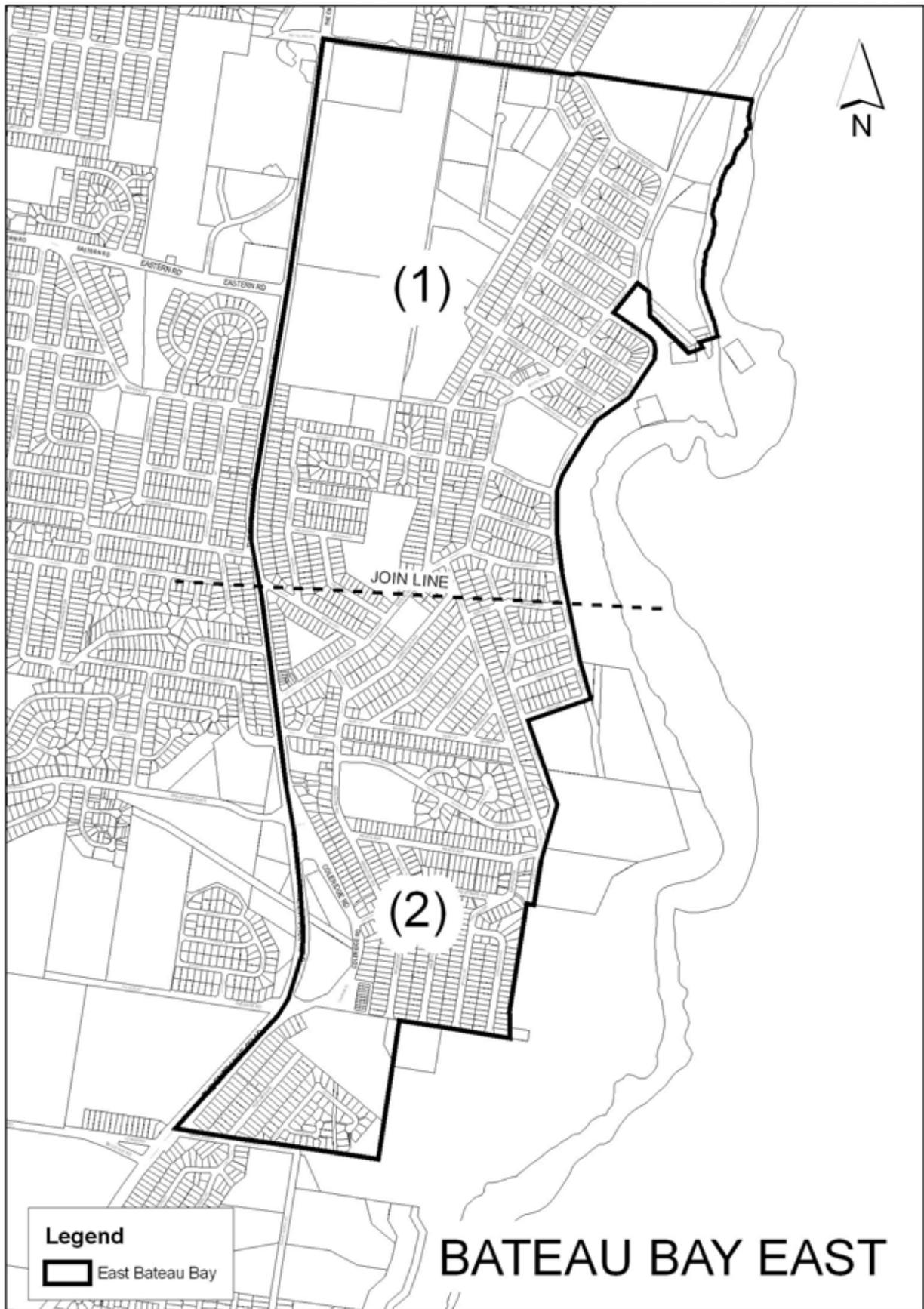
(7.2.5 Continued)

Common Name (Botanical Name)	Locality ¹	Minimum Trunk Size (diameter at 1.4 m) ²	Tree Protection Zone (metres from trunk)	
			Optimum ³	Minimum ⁴
Tuckeroo (<i>Cupaniopsis anacardiodes</i>)	Bateau Bay East Canton Beach Foreshore	250 mm	4.0	3.0
Red Bloodwood (<i>Eucalyptus gummifera</i>)	Bateau Bay East	300 mm	4.0	3.0
Scribbly Gum (<i>Eucalyptus haemastoma</i>)	Bateau Bay East	300 mm	4.0	3.0
Ironbark (<i>Eucalyptus paniculata</i>)	Bateau Bay East Wyangah	300 mm	6.0	4.0
Blackbutt (<i>Eucalyptus pilularis</i>)	Bateau Bay East Wyangah	300 mm	8.0	4.0
Red Mahogany (<i>Eucalyptus resinifera</i>)	Bateau Bay East	300 mm	5.0	3.0
Swamp Mahogany (<i>Eucalyptus robusta</i>)	Bateau Bay East	300 mm	5.0	3.0
Forest Redgum (<i>Eucalyptus tereticornis</i>)	Bateau Bay East	300 mm	8.0	4.0
Broad-leaved Paperbark (<i>Melaleuca quinquenervia</i>)	Bateau Bay East	300 mm	6.0	4.0
Broad-Leaved Mahogany (<i>Eucalyptus umbra</i>)	Wyangah			
Northern Grey Ironbark (<i>Eucalyptus siderophloia</i>)	Wyangah			
Swamp Oak (<i>Casuarina glauca</i>)	Willow Creek Budgewoi East			
Tuckeroo (<i>Cupaniopsis anacardiodes</i>)	Willow Creek			
Bangalay (<i>Eucalyptus botryoides</i>)	Willow Creek			
Tallowood (<i>Eucalyptus microcorys</i>)	Willow Creek			
Swamp mahogany (<i>Eucalyptus robusta</i>)	Willow Creek Budgewoi East			
Sydney Blue Gum (<i>Eucalyptus saligna</i>)	Willow Creek			
Port Jackson Fig (<i>Ficus rubignosa</i>)	Willow Creek			
Cheese Tree (<i>Glochidion ferdinandi</i>)	Willow Creek			
Cabbage-Tree Palm (<i>Livistona australis</i>)	Willow Creek			
Broad-leaved Paperbark (<i>Melaleuca quinquenervia</i>)	Willow Creek, Budgewoi East			
Magenta Cherry (<i>Syzygium paniculatum</i>)	Willow Creek			
Exotic Species				
Bunya Pine (<i>Araucaria bidwillii</i>)	Whole of Shire	500 mm	5.0	4.0
Hoop Pine (<i>Araucaria cunninghamii</i>)	Whole of Shire	500 mm	5.0	4.0
Norfolk Island Pine (<i>Araucaria heterophylla</i>)	To 1km inland	300 mm	4.0	4.0
Liquidamber (<i>Liquidambar styraciflua</i>)	Bateau Bay East	450 mm	5.0	3.0
Canary Date Palm (<i>Phoenix canariensis</i>)	Wyang & The Entrance Townships	250 mm	3.0	2.0
Date Palm (<i>Phoenix sylvestris</i>)	Wyang Township	150 mm	3.0	2.0
Significant vegetation on 100 Shirley Street including Camphor Laurel (<i>Cinnamomum camphor</i>) and other species	100 Shirley Street, Ourimbah (refer LEP Amendment No 144)			

NOTES:

- 1 **Bateau Bay East** is the area of Bateau Bay East bounded by The Entrance Road, Yakalla Street and Wyrabalong National Park as identified by **Map 1**
- 2 Where the tree has more than one trunk, the trunk size is obtained by adding the measurements of each trunk together to get a total trunk size.
- 3 Examination of the tree and roots by a consulting arborist, and preparation of an arborist's report under Clause 2.7, may be able to demonstrate that disturbance of this area is possible, but not less than the Minimum Tree Zone. Disturbance includes excavation deeper than 200 mm, any construction activities and placement of paving or impermeable hard surfacing.
- 4 This distance indicates the minimum tree protection zone required to maintain the tree. However, a consulting arborist's report prepared under Clause 2.7 which includes the examination of the tree and roots, must firstly be prepared and show, to Council's satisfaction, that the disturbance and injury will not cause a reduction in the tree's life expectancy.
- 5 **Willow Creek** is the area between Norfolk Street, Anzac Road, Willow Street and The Entrance Road at Long Jetty as identified by **Map 2**. All plantings and remnant native trees of these species in this zone are to be preserved. Preparation of a report by a consulting arborist shall be submitted with an application for any development within the Willow Creek area, to ensure the proposed development is consistent with council's tree preservation objectives.
- 6 **Wyongah** is the area bounded by Wahrenonga Road, Springall Avenue, Craigie Avenue, Stelling Street, Stanley Street, Kaye Avenue, Minnamurra Road, and the foreshore of Tuggerah Lake adjacent to Tuggerawong Road at Wyongah as identified by **Map 3**. All plantings and remnant native trees of these species in this zone are to be preserved. Preparation of a report by a consulting arborist shall be submitted with an application for any development within the Wyongah area, to ensure the proposed development is consistent with council's tree preservation objectives.
- 7 **Budgewoi East** is the area of Crown Land on the Lake Munmorah foreshore containing the Budgewoi Tourist Park and including the two parcels of land located north of Weemala and Ourringo Streets and extending east along Mimosa Road to the northern cadastral boundary, behind the row of houses fronting Mimosa Road. It is bounded in the west by Budgewoi Creek and in the north by the Lake Munmorah foreshore as identified in **Map 4**. All plantings and remnant native trees of these species in this zone are to be preserved. Preparation of a report by a consulting arborist shall be submitted with an application for any development within the Budgewoi East area, to ensure the proposed development is consistent with council's tree preservation objectives.

MAP 1 - BATEAU BAY EAST AREA



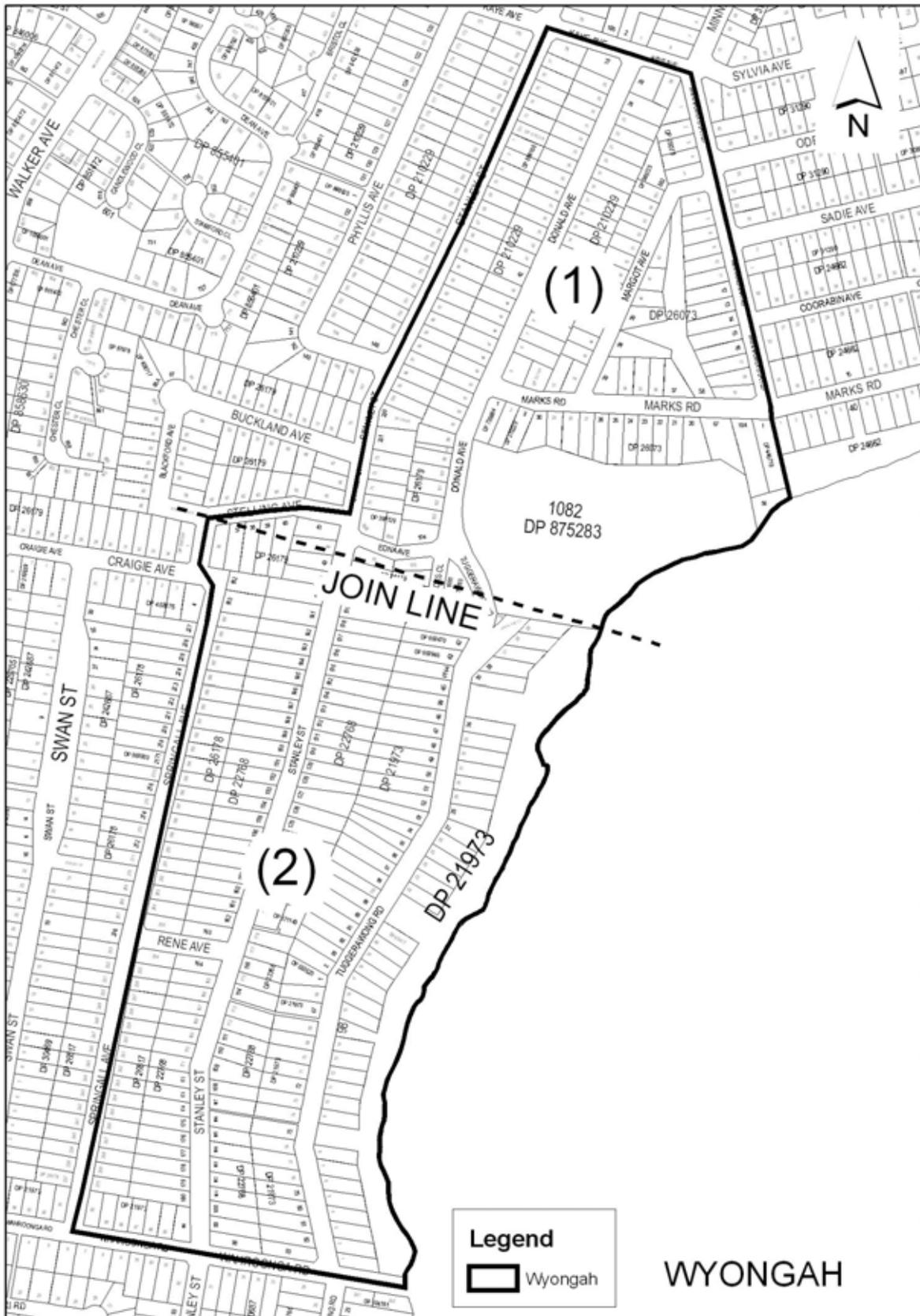
MAP 1B - BATEAU BAY EAST AREA



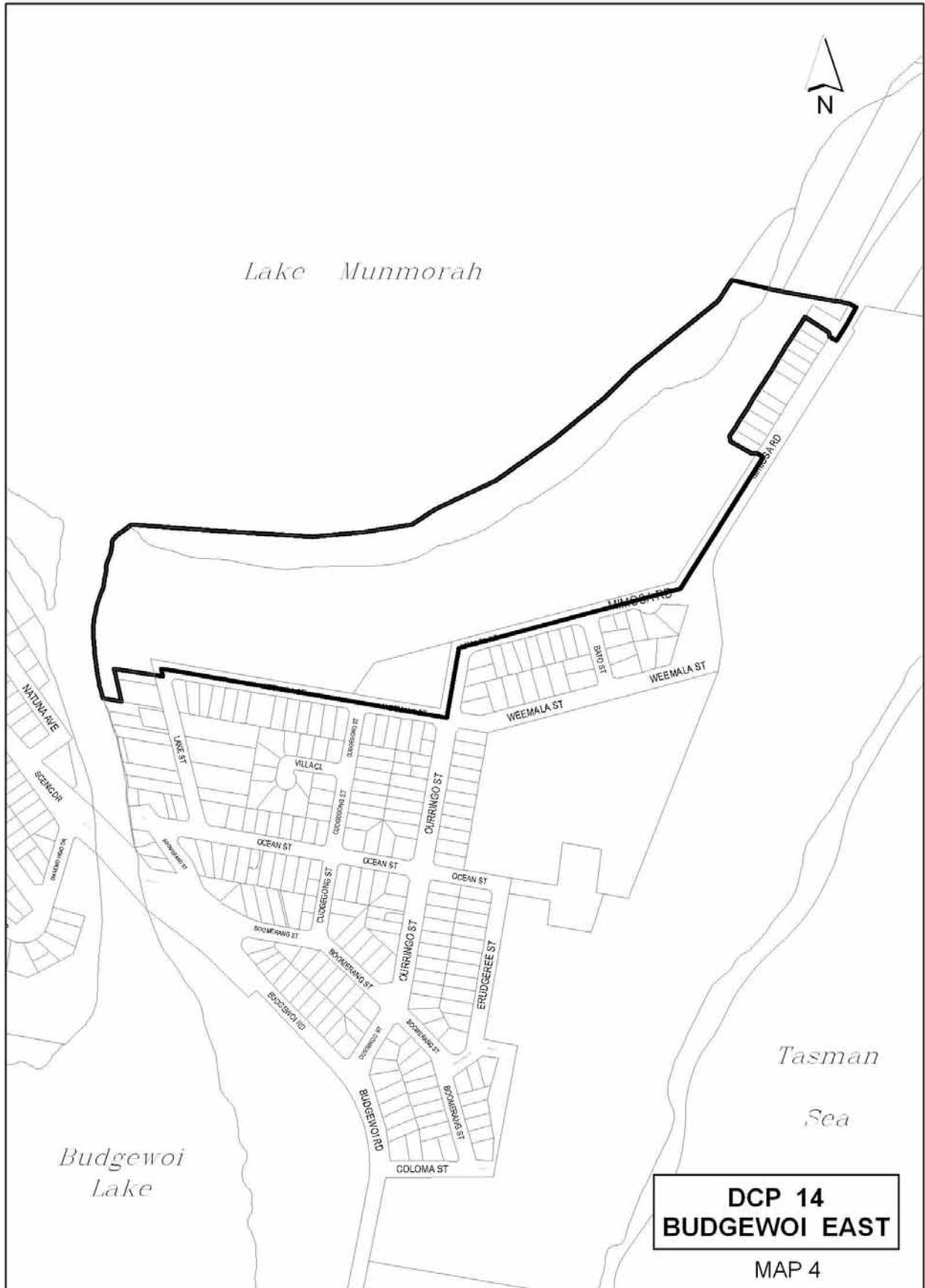
MAP 2 – WILLOW CREEK AREA



MAP 3 – WYONGAH AREA



MAP 4 – BUDGEWOI EAST AREA



APPENDIX 1

OTHER LEGISLATION APPLYING TO TREE REMOVALS, VEGETATION MANAGEMENT AND CLEARING

Applications for tree clearing and removals will also need to comply with the provisions of other legislation, including but not limited to the following -

- a **National Parks and Wildlife Act 1974** (Schedules 12 and 13) - fauna habitat, protected plants;
- b **Threatened Species Conservation Act 1995** - ecological communities, critical habitat, endangered and vulnerable species, key threatening processes, recovery plans;
- c **Native Vegetation Act 2003** - clearing native vegetation, regional vegetation management plans, property agreements.
- d **Fisheries Management Act 1994** - prohibits cutting of mangroves;
- e **Water Management Act 2000** - A controlled activity approval under the WMA is required for certain types of developments and activities that are carried out in or near a river, lake or estuary (e.g., for the removal of material or vegetation);
- f **Rural Fires Act 1997** - authorised removal of fire hazards;
- g **New South Wales Heritage Act 1977** (Sections 129A and 139) - sites under conservation orders, relics;
- h **Noxious Weeds Act 1993** - clearing of noxious weeds;
- i **State Environmental Planning Policy No 14** - Wetlands;
- j **State Environmental Planning Policy No 26** - Littoral Rainforests;
- k **State Environmental Planning Policy No 44** - Koala Habitat
- l **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

APPENDIX 2

CLAUSE 28 OF WYONG SHIRE LOCAL ENVIRONMENTAL PLAN (WLEP) 1991

Tree management

- 28** (1) This clause applies to all land within the area of Wyong except -
- (a) land within Zone No. 1(f), including a State forest or other Crown-timber lands within the meaning of the Forestry Act 1916; or
 - (b) land within Zone No. 8(a).
- (2) A person shall not –
- (a) prune or trim (except in accordance with AS 4373 – 1996 ‘Pruning or Amenity Trees’), remove, clear, cut down, destroy, poison, ring bark, lop, top, injure or interfere with any tree or native vegetation without the prior development consent of Council, or
 - (b) cause, permit or authorise the pruning or trimming (except in accordance with AS 4373 – 1996 ‘Pruning of Amenity Trees’), removing, clearing, cutting down, destroying, poisoning, ring barking, lopping, topping, injuring or interfering with any tree or native vegetation without the prior development consent of the Council;
- (3) Notwithstanding subclause (2), consent is not required for -
- (a) the removal or trimming of trees in accordance with the *Electricity Supply (Safety Plans) Regulation 1997* or the *Electricity (Tree Preservation) Regulation 1995*; or
 - (b) the removal or trimming of trees in accordance with section 88, 107, 138 or 139 of the *Roads Act 1993*; or
 - (c) the removal or harvesting of trees grown commercially or domestically for their edible fruit; or
 - (d) the removal of noxious weeds within the meaning of the *Noxious Weeds Act 1993*; or
 - (e) the removal of commercially grown plantation trees in accordance with the *Timber Plantations (Harvest Guarantee) Act 1995*; or
 - (f) the removal or clearing of native vegetation authorised (but not exempt) under the *Native Vegetation Conservation Act 1997*, any other Act or another environmental planning instrument; or
 - (g) the removal of dead trees, except where the trees provide habitat for species listed in Schedule 1 or 2 to the *Threatened Species Conservation Act 1995*; or

- (h) the removal of native vegetation on land in any zone to which this clause applies for the purpose of creating or maintaining landscaped and lawn areas where -
 - (i) the work does not involve the removal, injury or destruction of trees; and
 - (ii) the area to be cleared is within the curtilage of a dwelling for which development consent has been granted and is less than 1,000 square metres in total; and
 - (iii) the slope of the land is not in excess of 18 degrees; and
 - (iv) the work does not involve the disturbance of native vegetation which is habitat for species listed in Schedule 1 or 2 to the Threatened Species Conservation Act 1995; or
 - (i) the clearing of native vegetation within urban zones where -
 - (i) the work does not involve the removal, injury or destruction of trees; and
 - (ii) the allotment of land on which the work is proposed has an area of less than 1,000 square metres; and
 - (iii) the slope of the land is not in excess of 18 degrees; and
 - (iv) the work does not involve the disturbance of native vegetation which is habitat for species listed in Schedule 1 or 2 to the Threatened Species Conservation Act 1995; or
 - (j) any works defined as "**exempt vegetation management works**" by this plan.
- (4) The Council shall not grant consent for the works referred to in subclause (2) unless -
- (a) such works are ancillary to or necessary to undertake a use permitted on the land; and
 - (b) the Council has made an assessment of the importance of the vegetation in relation to -
 - (i) soil stability and prevention of land degradation; and
 - (ii) water quality and associated eco-systems, such as streams, estuaries and wetlands; and
 - (iii) scenic or environmental amenity; and
 - (iv) vegetation systems and natural wildlife habitats.
- (5) Nothing in this clause affects any requirement made by or under the Native Vegetation Conservation Act 1997.
-

APPENDIX 3

SOURCES OF INFORMATION AND CONTACTS

Information Sheets Available from Council

- a DCP 67: Engineering Requirements for Development
- b Landscape Policy and Guidelines
- c Eco Information Sheets:
 - No. 4** - Pruning Trees in Wyong Shire
 - No. 6** - Bushfire Hazard Reduction Guidelines
 - No. 7** - Wetland Information Sheet
 - No. 8** - Tree Planting in Urban Areas
 - No. 10** - Balancing Tree Preservation with Development Application Requirements
 - No. 22** - Integrated Developments
 - No. 24** - Tree Species Suitable for Planting
 - No. 26** - Choosing an Arborist
 - No. 54** - Consent Requirements for Tree Applications

Contact Phone Numbers and Addresses

Wyong Shire Council

Phone: (02) 4350 5555
 Fax: (02) 4351 2098
 Address: PO Box 20 WYONG NSW 2259

Department of Premier and Cabinet, Office of Environment and Heritage,

Phone: (02) 4908 6800
 Fax: (02) 4908 6849
 Address: PO Box 488G NEWCASTLE NSW 2300

Department of Premier and Cabinet, Office of Environment and Heritage, (Parks and Wildlife Group)

Central Coast

Phone: (02) 4320 4200
 Fax: (02) 4320 4299
 Address: PO Box 1477 GOSFORD NSW 2250
 Email: central.coast@environment.nsw.gov.au

Department of Primary Industries, NSW Office of Water - Newcastle (NSW Office of Water)

Level 3, 26 Honeysuckle Drive Newcastle NSW 2300
 P O Box 2213, Dangar NSW 2309
 Phone: (02) 4904 2692
 Mob: 0407 103507 James Muddle

Department of Primary Industries – Agriculture Issues

Head Office – Orange
 Locked Bag 21, Orange NSW 2800
 Phone: 1800 808095
 Email: nsw.agriculture@dpi.nsw.gov.au

Hunter-Central Rivers Catchment Management Authority

Private Bag 2010, Paterson Nsw 2421

Phone: 02 4930 1030

Fax: 02 49301013

Email: hcr@cma.nsw.gov.au

National Arborists Association of Australia

Phone: (02) 4739 4339

Fax: (02) 4739 4361

Address: PO Box 187 BLAXLAND NSW 2774

Email: nat.arborists@optusnet.net.au

Wildlife Information and Rescue Service (WIRES)

Phone: (02) 4323 2326

Address: PO Box 464 WYONG NSW 2259

Email: info@wires.org.au

Wildlife Animal Rescue and Care (ARC)**Gosford**

Phone: (02) 0500 551 121

Address: PO Box 2308 GOSFORD NSW 2250