



# Byron Shire Development Control Plan 2014

## Chapter B2 Tree and Vegetation Management



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## Chapter B2 – Tree and Vegetation Management

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### ***Document History***

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## B2.1 Introduction

Byron Shire's natural environment is one of the most biodiverse areas of Australia. Home to 145 threatened plant and 160 threatened animal species, 43% of our Shire is mapped as High Environmental Value vegetation. The unique ecosystems found here bring 2 million visitors a year making tourism our most valuable industry. However, our biodiversity, the very thing which makes Byron exceptional, is under increasing pressure due to escalating development and tourist visitation.

Of particular concern are the viability of Byron's coastal koala population and the recognition of koalas in urban areas, as the impacts of a changing climate become more prevalent. For the first time, Byron's rainforest burned in the unprecedented Black Summer fires which saw 60% of the States National Parks and State forests decimated. For Byron to remain the 'green jewel' of the North, there is a need to identify and protect our intrinsic values.

This DCP Chapter recognises Byron Shire's unique biodiversity and outlines controls for Tree and Vegetation Management to increase resilience and support climate adaptation.

### B2.1.1 Purpose of this Chapter

The purpose of this DCP Chapter is to declare *vegetation* under Part 3 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Veg SEPP). Where *vegetation* is declared in this Chapter a person must not *remove* such vegetation without a permit granted by Council (Clause 10(1) Veg SEPP).

For the purposes of this DCP Chapter *vegetation* means:

- (a) trees (including any sapling or shrub or any scrub),
- (b) understory plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland.

*Native vegetation (as defined by the Local Land Services Act 2013 s60B (1),(2))* means:

A plant is native to New South Wales if it was established in New South Wales prior to European settlement.

For the purpose of this DCP Chapter, *remove* means (*the same as clearing as defined by the Local Land Services Act 2013 s60C*):

- Cutting down, felling, uprooting, killing, poisoning, ringbarking, burning or otherwise destroying the vegetation, or
- Lopping or otherwise removing a substantial part of the vegetation.

*Pruning* is defined as all other pruning which is not 'crown maintenance pruning' and includes 'crown modification' as defined in *Australian Standard AS 4373-2007*, "Pruning of Amenity Trees".

Council may only issue a permit for the *removal or pruning of vegetation* that is below the Biodiversity Offsets Scheme (BOS) threshold.

## B2.1.2 Application of this Chapter

This DCP chapter applies to the *removal or pruning of vegetation* that is under the BOS threshold on all non-rural land (land in any zone other than RU1 and RU2) within the Byron Shire local government area.

## B2.1.3 Objectives of this Chapter

1. To ensure the protection and preservation of local *native vegetation* that contributes to the biodiversity, social and *amenity* value of Byron Shire.
2. To recognise and conserve very large trees and hollow bearing trees of habitat, *amenity* or heritage value.
3. To *avoid* and *minimise* wherever possible the unnecessary *removal* of *native vegetation*.
4. To minimise the risks of destabilisation of foreshore, riparian or agricultural land.
5. To provide information ensuring land holders are aware when a permit is required for the *removal or pruning of vegetation*.
6. To provide a consistent framework for assessing permits to *remove or prune vegetation*.
7. To recognise the biodiversity values of *vegetation* that supports and provides refuge to native fauna.
8. To recognise the importance and retention of *vegetation* for carbon sequestration at a local scale.
9. To facilitate the removal of undesirable exotic, declared invasive or otherwise inappropriate plant species, and replace them with suitable local native species that contribute to ecological, environmental or habitat value.

### Tree and Vegetation Management Pathways

To *remove / prune vegetation* in Byron Shire the following pathways shown in Figure 1 apply.

The pathways within Figure 1 are described below:

If the proposal to remove or prune vegetation involves development now or in the future, then Chapter B1 Biodiversity applies.

If the proposal doesn't involve development and the vegetation is in a rural zone, then the Local Land Services (LLS) Act applies. If the vegetation is dead or dangerous, then Council's Dead or Dangerous form and an arborist report are required.

If the proposal doesn't involve development and the vegetation is neither in a rural zone or dead or dangerous, and the removal of the vegetation triggers the Biodiversity Offsets Scheme (BOS) threshold, then BOS applies and a Biodiversity Development Application Report (BDAR) must be prepared and approval from the Native Vegetation Panel is required.

If the proposal doesn't involve development and the vegetation is neither in a rural zone or dead or dangerous, and the removal of the vegetation does not trigger the BOS threshold, then Chapter B2 Tree and Vegetation Management applies.

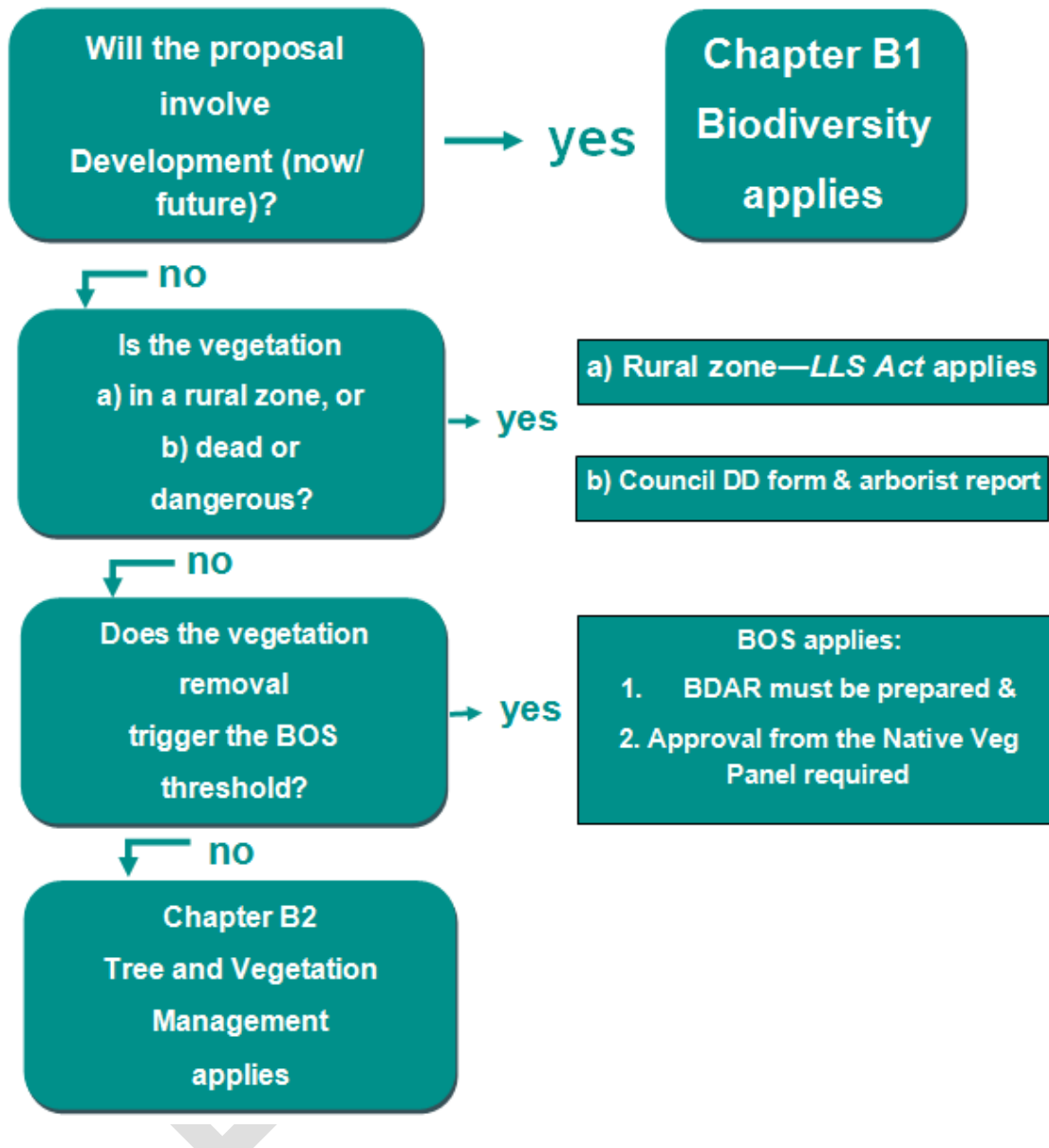


Figure 1: Vegetation removal pathways.

## B2.2 Declared Trees and Vegetation

### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Veg SEPP)**

This chapter of the DCP addresses [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#) (Veg SEPP) specifically relating to the *removal or pruning of vegetation* in non-rural areas, and declares such *vegetation* under Part 3 *clause 9(1),(2)*.

In accordance with Part 2 *clause 7(1)* of the Veg SEPP a person may not *remove vegetation* that is declared within a DCP without a permit granted by Council.

#### **Prescriptive measures**

The following *vegetation* is declared under Part 3 *clause 9(1), (2)* of the State Environmental Planning Policy (Vegetation in non-rural areas) 2017;

1. All *vegetation* mapped as High Environmental Value (HEV);
2. All red flags within Table 3 of DCP Chapter B1 Biodiversity (Appendix 1);
3. All koala feed tree species found in Schedule 2 of the Koala Habitat Protection SEPP 2019 specific to the North Coast Koala Management Area (Appendix 2);
4. All *vegetation* on land zoned E2 or E3;
5. All *native vegetation* within 50m of a *fourth order stream* or river, or within 20m of a *second or third order stream*;
6. All *native trees* within a non-rural area >150cm diameter at breast height (DBH);
7. Any tree (native or non-native) that contains a [hollow](#);
8. *Very large trees* (non native) of significant cultural or *amenity* value (e.g. Norfolk pine);
9. All *native vegetation* that supports threatened species and their habitat (e.g. koala high use trees that provide linkages within urban areas);
10. All *native vegetation* on publically owned or managed land including road reserve;
11. Where the *native vegetation* is a *heritage item* or within a *heritage conservation area* under the BLEP 2014 and does not otherwise require development consent as per the BLEP 2014;

### B2.2.1 Exemptions

#### **Prescriptive measures**

The following trees or other vegetation are exempt from applying for a permit from Council for the *removal or pruning of vegetation*;

1. The removal of *vegetation* that is authorised under Section 60O of the *Local Land Services Act 2013*.



2. *Native vegetation* that Council or the Native Vegetation Panel is satisfied is dead and is not required as habitat for native animals (see B2.2.4).
3. *Native vegetation* that Council is satisfied poses an unacceptable risk to human life or property (see B2.2.4).
4. *Vegetation* affected by works under State Environmental Planning Policy (Infrastructure) 2007 defined as exempt development.
5. Any tree where the nearside trunk is 3 metres from the nearest external wall of a lawfully approved existing permanent *dwelling* or manufactured home that is located on the same property. This does not apply to listed threatened species and ecological communities or areas mapped as *koala habitat* identified within the Byron Coast Comprehensive Koala Plan of Management or identified under the Koala Habitat Protection SEPP (2019). A permit will be required in those instances.
6. Any non-native and /or invasive tree species listed in Appendix 3, regardless of size.
7. Vegetation declared under the *Biosecurity Act* 2015 as a Mandatory Measure or above (see [BSC Invasive Plant Species list](#))
8. Trees or saplings of Camphor laurel (*Cinnamomum camphora*) **if under 5m tall.**

## **B2.2.2 Exclusion from Exemptions – Environmental Heritage including Aboriginal Heritage**

The exemptions listed in B2.2.1 do not apply to any *native vegetation* located on a heritage item, Aboriginal object, Aboriginal place of heritage significance or on land within a heritage conservation area as per BLEP 2014 Part 5 *clause 5.10*.

### **Prescriptive measures**

1. In accordance with BLEP 2014 Council may only grant a permit for the *removal* or *pruning* of *native vegetation* on land that is defined under Part 5 clause 5.10 if;
  - a. It is of a minor nature; or
  - b. It is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area and would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.
2. Council requires a permit application for any *removal* or *pruning* of *native vegetation* that is minor in nature or is for the maintenance of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.
3. Council requires a development application for any other *removal* or *pruning* of *native vegetation*.

### **B2.2.3 Exclusion from Exemptions – Consent conditions and 88B instruments**

The exemptions listed in B2.2.1 do not apply to any *native vegetation* required to be retained by the conditions of development consent under the *Environmental Planning and Assessment Act 1979* or a restriction to user instrument. The Veg SEPP and subsequently this chapter of the DCP do not affect authorisations under other Acts that are required to be obtained regarding the clearing of vegetation.

### **B2.2.4 Dead or Dangerous vegetation**

Where the *removal* or *pruning* of *vegetation* is thought to be dead, or presents an unacceptable risk to life or property and is not required as habitat for hollow-dependant fauna;

1. A Dead, or Dangerous Tree Removal form must be filled out, and
2. It must be supported by an Arborist's Report prepared by an AQ Level 5 arborist (as outlined in Appendix 4).

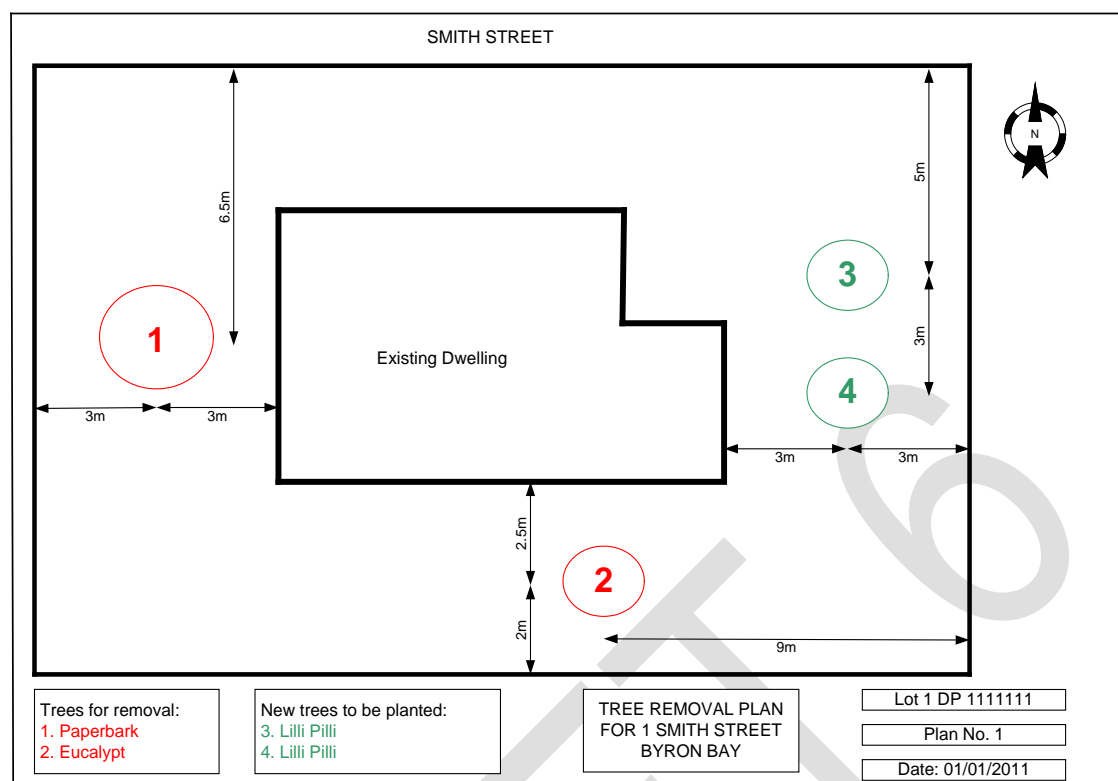
## B2.3 Tree Removal Permit Requirements

### B2.3.1 Information to Accompany Tree Removal Permit Applications

Applications for *vegetation removal or pruning* are to be made on the Tree Removal Permit form (available from Council) and must be supported by the following:

#### Prescriptive measures

1. Payment of the prescribed fee (in accordance with Council's adopted fees and charges).
2. Description of the property on which the vegetation is located (street address, lot, deposited plan).
3. Applicant's name and contact details.
4. Written consent of the landowner.
5. A site plan (Figure 2) providing the following details:
  - a. all property boundaries, street frontage(s), name of street(s) and any services/easements;
  - b. any existing structures, driveways and access roads;
  - c. an allocated number for each tree proposed for *removal/pruning* or proposed to be planted and the common and/or botanical species name for each numbered tree;
  - d. the location(s) of the vegetation proposed for *removal/pruning* or to be planted and its position in relation to the boundaries of the site and any existing buildings, structures, driveways, etc. Dimensions between the centre of the subject tree(s)/vegetation and property boundaries and buildings should be included;
  - e. a title, property address, Lot and Deposited Plan number, north point, scale, date, legend and author.



**Figure 2: Example of a Site Plan accompanying a Tree Permit for Vegetation Removal/Pruning**

6. A description of each numbered tree/vegetation detailing the following:
  - a. species of tree/vegetation (common name and botanical name);
  - b. quantity affected;
  - c. approximate height and DBH (diameter at breast height); and
  - d. colour photo(s) of the tree/vegetation to assist in identification (whole tree, bark, leaves) and a colour photo(s) to establish the context, location and position of the vegetation on the property.
7. The reasons why *removal/pruning* is required.
8. Any application for *vegetation removal/pruning* of the following should be supported by an Ecological assessment (Appendix 5) prepared by a *suitably qualified* ecological consultant:
  - a. Large locally indigenous trees of over 80 cm DBH (diameter at breast height),
  - b. Trees identified in Appendix 2,
  - c. Trees within High Environmental Value (HEV) vegetation and habitats,
  - d. Trees (whether dead or alive) containing tree [hollow](#)(s),
  - e. Threatened species.



Note: a preliminary desktop assessment of the site's biodiversity values is available on [Councils website](#) and the [SEED portal](#). Pending availability, Council staff can assist with some of this information and provide advice on its implications for preparing the information referred to above.

Conditions are likely to be placed on a tree removal permit regarding compensatory planting and survival rates where trees are proposed to be removed. The following compensatory ratios apply:

**1:10 for trees of high ecological value;**

e.g. **local indigenous** trees in **high environmental value vegetation and habitat**, **local indigenous** rainforest trees, trees within a **wildlife corridor**, trees with habitat value for local wildlife, trees with a **diameter at breast height** >50cm.

**1:5 for trees of medium ecological value;**

e.g. **local indigenous** trees not located in **high environmental value vegetation and habitat**, a **wildlife corridor** or which do not have habitat value for local wildlife.

**1:1 for trees of low ecological value;**

e.g. other trees not located in **high environmental value vegetation and habitat**, a **wildlife corridor** or which do not have habitat value for local wildlife.

**Survival rates**

These ratios apply to survival rates after 2 years, therefore it is recommended to plant additional trees (10 - 20% more) to accommodate for a survival rate of less than 100% of the planted trees.

## Appendix 1

## Red flags

Red flag <sup>a</sup>
<i>HEV vegetation<sup>b</sup></i>
<i>Listed Ecological Communities (EECs, TECs)</i>
<i>Over-cleared vegetation types</i>
<i>Over-cleared landscapes</i>
<i>Old growth</i>
<i>Important wetlands</i>
<i>Other wetlands</i>
<i>Other bushland on a slope &gt;18 degrees</i>
<i>Pre-existing protected habitat</i>
<i>Land within a defined wildlife corridor</i>
<i>Areas with a species polygon for threatened fauna or other significant fauna that are known or predicted to occur at the site</i>
<i>Areas with a species polygon for threatened flora or other significant fauna that are known or predicted to occur at the site</i>
<i>Koala habitat outside of areas defined within the CKPoM</i>
<i>Isolated or scattered koala feed trees with evidence of koala activity</i>
<i>Any other areas where koalas are present and/or koala habitat planted with public monies.</i>
<i>First order stream</i>

Red flag <sup>a</sup>
<i>Second order stream</i>
<i>Third order stream</i>
<i>Fourth order stream</i>
<i>Estuarine area</i>
Flying fox camps -Year round or intermittent
<i>Very large native trees</i>
Stags and <a href="#">hollow-bearing</a> trees
Raptor nests
<sup>a</sup> see Appendix 6 Definitions for <i>italicised</i> terms
<sup>b</sup> see <a href="#">Council website</a> for HEV Mapping

## Appendix 2

## Schedule 2: Koala Feed Tree species

### North Coast koala management area

Common name	Scientific name
Forest Oak	<i>Allocasuarina torulosa</i>
Rough-barked Apple	<i>Angophora floribunda</i>
Red Bloodwood	<i>Corymbia gummifera</i>
Large-leaved Spotted Gum	<i>Corymbia henryi</i>
Pink Bloodwood	<i>Corymbia intermedia</i>
Spotted Gum	<i>Corymbia maculata</i>
White Mahogany	<i>Eucalyptus acmenoides</i>
Cabbage Gum	<i>Eucalyptus amplifolia</i>
Orange Gum	<i>Eucalyptus bancroftii</i>
Grey Gum	<i>Eucalyptus biturbinata</i>
New England Blackbutt	<i>Eucalyptus campanulata</i>
Large-fruited Grey Gum	<i>Eucalyptus canaliculata</i>
Thick-leaved Mahogany	<i>Eucalyptus carnea</i>
Narrow-leaved Ironbark	<i>Eucalyptus crebra</i>
Narrow-leaved stringybark	<i>Eucalyptus eugenoides</i>
Broad-leaved Red Ironbark	<i>Eucalyptus fibrosa</i>



Common name	Scientific name
Slaty Red Gum	<i>Eucalyptus glaucina</i>
White Stringybark	<i>Eucalyptus globoidea</i>
Flooded Gum	<i>Eucalyptus grandis</i>
Silver-top Stringybark	<i>Eucalyptus laevopinea</i>
Craven Grey Box	<i>Eucalyptus largeana</i>
Tallowwood	<i>Eucalyptus microcorys</i>
Grey Box	<i>Eucalyptus moluccana</i>
Forest Ribbon Gum	<i>Eucalyptus nobilis</i>
Blackbutt	<i>Eucalyptus pilularis</i>
Grey Ironbark	<i>Eucalyptus placita</i>
Bastard Tallowwood	<i>Eucalyptus planchoniana</i>
Small-fruited Grey Gum	<i>Eucalyptus propinqua</i>
Bastard White Mahogany	<i>Eucalyptus psammitica</i>
Grey Gum	<i>Eucalyptus punctata</i>
Red Mahogany	<i>Eucalyptus resinifera</i>
Swamp Mahogany	<i>Eucalyptus robusta</i>
Steel Box	<i>Eucalyptus rummeryi</i>
Sydney Blue Gum	<i>Eucalyptus saligna</i>

Common name	Scientific name
Large-fruited Red Mahogany	<i>Eucalyptus scias</i>
Narrow-leaved Red Gum	<i>Eucalyptus seeana</i>
Grey Ironbark	<i>Eucalyptus siderophloia</i>
Scribbly Gum/Narrow-leaved Scribbly Gum	<i>Eucalyptus signata/Eucalyptus racemosa</i>
Forest Red Gum	<i>Eucalyptus tereticornis</i>
Stringybark	<i>Eucalyptus tindaliae</i>
Bastard White Mahogany	<i>Eucalyptus umbra</i>
Broad-leaved Paperbark	<i>Melaleuca quinquenervia</i>

## Appendix 3 Non native and or invasive tree species

**Table 3: Non-native and/or invasive tree species:**

Common name	Scientific name
Queensland Silver Wattle	<i>Acacia podalyriifolia</i>
Cootamundra Wattle	<i>Acacia baileyana</i>
Golden Wreath Wattle	<i>Acacia saligna</i>
Himalayan Cedar	<i>Acrocarpus fraxinifolius</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Bunya Pine	<i>Araucaria bidwillii</i>
Alexander Palm	<i>Archontophoenix alexandrae</i>
Creeping Bamboo	<i>Arundinaria spp.</i>
Running Bamboo	<i>Bambusa sp</i>
Paper Mulberry	<i>Broussonetia papyrifera</i>
Datura	<i>Brugmansia suaveolens</i>
Butterfly bush	<i>Buddleja madagascariensis</i>
Cecropia	<i>Cecropia peltata</i>
Cigar Box Cedar	<i>Cedrela odorata</i>
Chinese Elm, Hackberry	<i>Celtis sinensis</i>
Bush lemon	<i>Citrus limonia</i>

Common name	Scientific name
Coffee	<i>Coffea arabica</i>
Coreopsis	<i>Coreopsis lanceolata</i>
Cadaghi	<i>Corymbia torelliana</i> (syn <i>Eucalyptus</i> )
Cotoneaster	<i>Cotoneaster glycophylla</i>
Rubber Vine	<i>Cryptostegia grandiflora</i>
Duranta	<i>Duranta repens</i>
Common Horsetail	<i>Equisetum arvense</i>
Loquat	<i>Eriobotrya japonica</i>
Cockspur Coral Tree	<i>Erythrina crista-galli</i>
Orange Coral tree	<i>Erythrina nigra</i>
Coral Tree	<i>Erythrina x sykesii</i>
Coral tree	<i>Erythrina indica</i>
Grumichama	<i>Eugenia brasiliensis</i>
Brazilian Cherry	<i>Eugenia uniflora</i>
Weeping Fig	<i>Ficus benjamina</i>
Rubber Tree	<i>Ficus elastica</i>
Malay Banyan	<i>Ficus microcarpa</i>
Queensland Maple	<i>Flindersia brayleyana</i>

Common name	Scientific name
Himalayan Ash	<i>Fraxinus griffithii</i>
Honey Locust	<i>Gleditsia triacanthos</i>
Icecream Bean	<i>Inga edulis</i>
Jacaranda	<i>Jacaranda mimosifolia</i>
Golden Rain Tree	<i>Koelreuteria paniculata</i>
Coastal tea tree	<i>Leptospermum laevigatum</i>
Lead Tree, Coffee Bush	<i>Leucaena leucocephala</i>
Large-leaved Privet	<i>Ligustrum lucidum</i>
Small-leaved Privet	<i>Ligustrum sinense</i>
African Box-thorn	<i>Lycium ferocissimum</i>
Curry Leaf Tree	<i>Murraya koenigii</i>
Murraya	<i>Murraya paniculata</i>
Oleander	<i>Nerium oleander</i>
Mickey Mouse plant	<i>Ochna serrulata</i>
African Olive	<i>Olea africana</i>
Wild olive	<i>Olea europaea subsp. cuspidata</i>
Common Olive	<i>Olea europaea subsp. Europea</i>
Paulownia	<i>Paulownia tomentosa</i>

Common name	Scientific name
Date Palm	<i>Phoenix canariensis</i>
Caribbean Pine	<i>Pinus caribaea</i>
Slash Pine	<i>Pinus elliottii</i>
Monterey Pine	<i>Pinus radiata</i>
Cherry Guava	<i>Psidium cattleianum</i>
Guava	<i>Psidium guajava</i>
Indian Hawthorn	<i>Raphiolepis indica</i>
Yeddo Hawthorn	<i>Raphiolepis umbellata</i> 'Ovata'
Castor Oil Plant	<i>Ricinus communis</i>
Black Locust	<i>Robinia pseudoacacia</i>
Black Willow	<i>Salix nigra</i>
Willows	<i>Salix spp.</i>
Umbrella Tree	<i>Schefflera actinophylla</i>
Dwarf Umbrella Tree	<i>Schefflera arboricola</i>
Pepper Tree	<i>Schinus areira</i>
Broad-leaf Pepper Tree	<i>Schinus terebinthifolius</i>
Tower Tree, Schizolobium	<i>Schizolobium parahyba</i>
Winter Senna	<i>Senna pendula</i> var. <i>glabrata</i>

Common name	Scientific name
Smooth Senna	<i>Senna septemtrionalis</i> (syn <i>X floribunda</i> )
Turkey Berry	<i>Solanum torvum</i>
Devils Apple	<i>Solanum capsicoides</i>
Devil's Fig, Thorn Apple	<i>Solanum chrysotrichum</i>
Tobacco Bush	<i>Solanum mauritianum</i>
Jerusalem Cherry	<i>Solanum pseudocapsicum</i>
African Tulip Tree	<i>Spathodea campanulata</i> subsp. <i>rotundata</i>
Cocos Palm	<i>Syagrus romanzoffiana</i>
Golden Trumpet Tree	<i>Tabebuia chrysantha</i>
Tecoma	<i>Tecoma stans</i>
Rhus	<i>Toxicodendron succedanea</i>
Chinese Tallow	<i>Triadica sebifera</i>

## Appendix 4 Guidelines and Requirements for Arborist's Reports

An arborist's report required under this DCP Chapter shall:

1. Be prepared in accordance with the requirements of Australian Standard 4373:2007 Pruning of Amenity Trees, AS 4970:2009 Protection of Trees on Development Sites and competencies outlined in the Australian Qualifications Framework (AQF), and
2. Be prepared by an arborist with a minimum AQF Level 5 qualification in arboriculture, and
3. In addition to the requirements of the Australian Standards, an arborist's report must contain the following information:
  - a) the name, business address, telephone number of the company/ proprietor;
  - b) evidence of Industry Body Membership, technical qualifications and experience of the arborist who undertakes the tree inspection, diagnosis and prepares the report;
  - c) the name of the person or company for whom the report is prepared;
  - d) An assessment of the health and/or risk proposed by the tree and the proposed measures to address that risk.



Note: Council will not accept arborist's reports with inadequate information or reports that have been prepared by persons who do not hold the qualifications detailed above.

## Appendix 5 Guidelines and Requirements for an Ecological Assessment

An ecological assessment is to be prepared by a *suitably qualified* ecologist with tertiary qualifications in environmental science (or equivalent) and a minimum of 2 years experience.

Where an ecological assessment is required, assessment of the subject site and where appropriate, the adjoining land, must include the following information;

1. Identification of any of the following:
  - a. High Environmental Value (HEV) vegetation and habitats on or adjoining the subject site.
  - b. Land zoned W1 or W2.
  - c. Areas identified under the *Biodiversity Conservation Act 2016*.



- d. Areas identified under the *Local Land Services Act 2013*.
  - e. Areas identified under the Coastal Management SEPP 2018 (e.g. Coastal wetlands, Littoral rainforest and proximity areas).
  - f. Areas identified under the Koala Habitat Protection SEPP 2019.
  - g. Any adjoining National Parks or Nature Reserves.
  - h. Endangered Ecological Communities (EECs) on or adjoining the subject site.
  - i. *Threatened species* records within 1 km of the subject site.
  - j. Identified *wildlife corridors*
  - k. *Threatened fauna* habitat
  - l. *Koala habitat*
  - m. *Koala feed tree species* including; Species name, height, location and DBH (Diameter at breast height).
  - n. Hollow bearing trees including; Species name, height, location, DBH, use and or potential use evaluation.
  - o. Flying fox colony on or adjacent to the subject site.
  - p. Waterways (including stream order), wetlands and riparian vegetation.
2. A site plan based on a recent aerial photo at a scale of 1:200 (or better) that illustrates the following details:
    - a. The location of the ecological values identified on the site including those listed in point 1 (above), and
    - b. The extent and type of vegetation community present on site.
  3. Where the removal of any koala feed tree species (Appendix 2) is proposed, an assessment of koala activity must be included. Such an assessment must be undertaken by a *suitably qualified* person utilising current best practice techniques e.g. detection dog, SAT etc.
  4. Where an assessment does not identify any additional ecological values on the site a statement to that effect must be provided with the permit application and should include details of the assessment undertaken to reach this conclusion.

## Appendix 6

## Definitions

**Amenity:** Characteristics that influence and enhance people's appreciation of a particular area.

**Avoid:** means to keep away from.

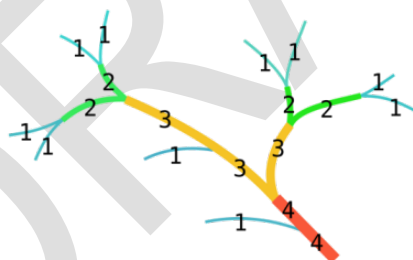
**DCP:** refers to a Development Control Plan prepared in accordance with the *Environmental Planning and Assessment Act 1979*.

**Dwelling:** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile (as defined in the Byron Local Environmental Plan (BLEP) 2014). Note: a dwelling does not include a detached garage, carport, pergola, deck or caravan.

**Endangered Ecological Communities (EEC):** ecological communities that face a very high risk of extinction in the near future as listed under NSW State (named Threatened Ecological Communities) and/or Commonwealth threatened species legislation e.g. Coastal Cypress Pine Forest in the NSW North Coast Bioregion and Byron Bay Graminoid Clay Heath Community.

**Estuarine area:** any part of a river, lake, lagoon or coastal creek whose level is periodically or intermittently affected by coastal tides, up to the highest astronomical tide.

**First order stream:** the topmost sections of a dendritic waterway network mapped at 1:25000 scale as defined by the Strahler stream classification (see diagram below). Where two flow paths of a first order stream join, the section downstream of their junction becomes a second order stream. Where two second order streams join, the waterway downstream of the junction becomes a third order stream and so on. *Ecological setbacks* associated with specific stream orders are measured from the top of the highest bank.



**Strahler stream order**

**Fourth order stream:** the fourth topmost section of a dendritic waterway network mapped at 1: 25000 scale as defined by the Strahler stream classification system (see diagram). *Ecological setbacks* associated with specific stream orders are measured from the top of the highest bank.

**Important wetlands:** wetlands protected under NSW State or Commonwealth legislation or policy. Includes wetlands mapped under the NSW Coastal Management State Environmental Planning Policy (SEPP), previously SEPP 14 Wetlands.

**Koala habitat:** as defined under the State Environmental Planning Policy Koala Habitat Protection (2019) and or DCP 2014 Chapter B1.2.5 Koala habitat.

**Koala feed trees:** as defined by Schedule 2 of State Environmental Planning Policy Koala Habitat Protection 2019 (see Appendix 2).

**LLS Act:** refers to the *Local Land Services Act* 2013.

**Minimise:** means reduce to the smallest possible amount or degree.

**Native vegetation:** for the purposes of this DCP Chapter, native vegetation means any of the following types of plants;

- (a) trees (including any sapling or shrub or any scrub),
- (b) understory plants,
- (c) groundcover (being any type of herbaceous vegetation),
- (d) plants occurring in a wetland

A plant is native to New South Wales if it was established in New South Wales prior to European settlement.

**Old growth:** [old-growth forests](#) are ecologically mature forests, often diverse in structure and species with relatively large old trees, some of which may contain tree hollows.

**Other wetland:** any other wetland other than an *Important wetland*. Wetland has the same meaning as defined within [NSW Wetland Policy](#):

- Wetlands are areas of land that are wet by surface water or groundwater, or both, for long enough periods that the plants and animals in them are adapted to, and depend upon moist conditions for at least part of their lifecycle. They include areas that are inundated cyclically, intermittently or permanently with fresh, brackish, or saline water, which is generally still or slow moving except in distributary channels such as tidal creeks which may have higher peak flows.
- Examples of wetlands include; mangroves, backwaters, sedgelands, wet heathlands, lakes, lagoons, estuaries, rivers, floodplains, swamps, bogs, billabongs, marshes, coral reefs and seagrass beds.

**Over-cleared landscapes:** A Mitchell landscape in which more than 70% native vegetation cover has been cleared. NSW is divided into 580 relatively homogeneous landscape units in terms of geomorphology, soils and broad vegetation types mapped at a scale of 1: 250000 (Mitchell 2002, 2003), which are colloquially termed “Mitchell Landscapes” after their author.

**Over-cleared vegetation types:** a vegetation type of which more than 70% has been cleared in the Catchment Management Area.

**Protected habitat:** areas of existing habitat (or other land) provided with formal long-term protection designed to limit further development. *Protected habitat* can be established by various mechanisms including but not limited to; restrictive covenants, rezoning, voluntary planning agreements, formal conservation agreements, biodiversity stewardship agreements, or in some cases dedication to Council or other public authority. The mechanism(s) to establish *protected habitat* must be conditioned or otherwise approved by Council.

**Red flags or red flagged areas:** an area of land with high biodiversity conservation value which should be excluded from any *development envelope*.

**Refugia/refuge:** an area that species can retreat to, persist in and potentially expand from under changing climatic conditions and or disturbance.

**Resilience:** the capacity of an entity or entities to recover from or adapt to disturbance or change.

**Second order stream:** the second topmost sections of a dendritic waterway network mapped at 1:25000 scale as defined by the Strahler stream classification system (see diagram). Ecological setbacks associated with specific stream orders are measured from the top of the highest bank.

**SEPP:** refers to a State Environmental Planning Policy under the *Environmental Planning and Assessment Act 1979*.

**Species polygon:** an area of land enclosing the known or predicted habitat of targeted flora or fauna. In most cases known records will be used for flora and predicted habitat will be used for fauna.

**Suitably qualified person:** means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

**Third order stream:** the third topmost sections of a dendritic waterway network mapped at 1:25000 scale as defined by the Strahler stream classification system (see diagram). *Ecological setbacks* associated with specific stream orders are measured from the top of the highest bank.

**Threatened fauna:** any animal species listed as *critically endangered*, *endangered* or *vulnerable* under NSW State or Commonwealth legislation.

**Threatened flora:** any plant species listed as *critically endangered*, *endangered* or *vulnerable* under NSW State or Commonwealth legislation.

**Threatened species:** any individual species listed as *critically endangered*, *endangered* or *vulnerable* under NSW State or Commonwealth legislation.

**Very large native trees:** local native trees that have a trunk diameter of greater than or equal to 0.8 metres at 1.4 metres above the natural ground level. Local native trees are trees that existed in the Byron Shire before European settlement.

**Wildlife corridor:** refers to linear areas that link wildlife habitat and provide a crucial role in maintaining connectivity between plant and animal populations that would otherwise be at greater risk of extinction. Such corridors are critical for the maintenance of ecological processes, enabling migration, colonisation and interbreeding of plants and animals.