

**Tree and Vegetation Preservation Code
Tweed Development Control Plan – Section A16**

1 INTRODUCTION

1.1 Purpose

This Tree and Vegetation Preservation Code (the Code) aims to protect the biodiversity, amenity and cultural values of the Tweed Shire through the preservation of trees and vegetation.

This Code should be read in conjunction with the Tweed Local Environmental Plan 2012 (Tweed LEP 2012), specifically:

- Clause 5.9 Preservation of trees or vegetation;
- Clause 5.9AA Trees or vegetation not prescribed by development control plan;
- Clause 5.10 Heritage conservation;
- Clause 5.11 Bushfire hazard reduction; and
- Clause 7.8 Biodiversity.

In case of any inconsistencies between this Code and the Tweed LEP 2012, provisions of the Tweed LEP 2012 shall prevail.

1.2 Application

This Code applies to the whole of the Tweed Shire. Specifically, this Code applies to:

- a) Native vegetation comprising trees (including palms and tree ferns) that are locally indigenous and are equal to or greater than five metres (5m) in height;
- b) Native vegetation (of any height) that is locally indigenous and occurs within the vegetation communities described as forest, woodland, heathland, shrubland, scrubland, sedgeland, fernland, forbland, rushland, mangrove, saltmarsh, seagrass, or wetland;
- c) Trees (locally indigenous or otherwise) that have a trunk diameter of greater than or equal to 0.8m at 1.4m above the ground;
- d) Koala feed trees of the species Swamp Mahogany *Eucalyptus robusta*, Forest Red Gum *E. tereticornis*, Tallowwood *E. microcorys* and Small-fruited Grey Gum *E. propinqua*, equal to or greater than five metres (5m) in height; and
- e) Trees or vegetation listed in a Significant Vegetation Register included as Schedule 2 of the Code and as amended from time to time.

Note: There is some overlap between clauses 1.2(a) and 1.2(c) and (d) above. Clause 1.2(c) refers specifically to very large trees which may be locally indigenous, native but not indigenous to the local area (i.e. Norfolk Island Pine), or exotic (i.e. Camphor Laurel). Clause 1.2(d) refers specifically to primary koala feed trees. Very large trees and primary koala feed trees are distinguished from locally indigenous native trees as certain vegetation removal exemptions in Schedule 1 of this Code do not apply.

This Code does not apply to the removal or damage of trees or vegetation listed under:

- a) Clause 5.9(8) of the Tweed Local Environmental Plan 2012; or in
- b) Schedule 1 of this Code where clearing is carried out in accordance with the standards and requirements set out in this Schedule.

Trees and vegetation listed in this clause are prescribed for the purposes of Clause 5.9 of the Tweed LEP 2012 and are referred to in this Code as 'prescribed trees and vegetation'.

1.3 Objectives

The objectives of this Code are:

- a) To ensure the preservation of locally indigenous trees and vegetation which contribute to the biodiversity, social and amenity value of the Tweed Shire;
- b) To recognise and conserve very large trees (locally indigenous or otherwise) of amenity, heritage or habitat value;
- c) To provide a process for identifying, listing and preserving trees of ecological, heritage, aesthetic and cultural significance through a Significant Vegetation Register;
- d) To minimise unnecessary removal of or damage to native trees and vegetation;
- e) To provide advice to applicants regarding how to proceed with an application to remove or damage vegetation to which this Code applies;
- f) To provide a process for the submission, assessment and determination of an application to remove or damage vegetation to which this Code applies; and
- g) To specify types of vegetation removal or damage that is exempt from this Code.

1.4 Definitions

For the purposes of this Code, the following definitions apply:

Vegetation means any of the following types of vegetation, whether dead or alive:

- a) a tree (including any sapling or shrub, or any scrub),
- b) an understorey plant,
- c) a groundcover (being any type of herbaceous vegetation),
- d) a plant occurring in a wetland.

Native vegetation has the same meaning as in the *Native Vegetation Act 2003* (NV Act). It includes vegetation indigenous to NSW but does not include mangroves, seagrass or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

Vegetation is **locally indigenous** if it is of a species of vegetation, or if it comprises species of vegetation that existed within the areas covered by the Tweed Shire before European settlement.

Removal or damage of trees or vegetation includes to ringbark, cut down, top, lop, remove, injure or willfully destroy any tree or other vegetation.

Prescribed trees and vegetation means trees and vegetation listed in clause 1.2 of this Code.

Potential koala habitat is an area of native vegetation where primary koala feed trees of the species Swamp Mahogany *Eucalyptus robusta*, Forest Red Gum *E. tereticornis*, Tallowwood *E. microcorys* and Small-fruited Grey Gum *E. propinqua* constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

Core koala habitat is an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.

The following definitions are derived from the NV Act but are applicable to the interpretation of this Code:

A **wetland** includes any shallow body of water (such as a marsh, billabong, swamp or sedgeland) that is:

- (a) inundated cyclically, intermittently or permanently with water, and

(b) vegetated with wetland plant communities.

Broadscale clearing of native vegetation means the clearing of any remnant native vegetation or protected regrowth.

Remnant native vegetation means any native vegetation other than regrowth.

Regrowth means any native vegetation that has regrown since the 1 January 1990 (in the Tweed Shire).

Protected regrowth means any native vegetation that is regrowth and that is identified as protected regrowth for the purposes of the NV Act in:

- (a) a property vegetation plan, or
- (b) an environmental planning instrument, or
- (c) a natural resource management plan of a kind prescribed by the regulations, or
- (d) an interim protection order under this section.

Protected regrowth also includes any native vegetation that is regrowth and that has been grown or preserved (whether before or after the commencement of the NV Act) with the assistance of public funds granted for biodiversity conservation purposes.

1.5 Interaction with Native Vegetation Act 2003

The *Native Vegetation Act 2003* (NV Act) provides for the management of native vegetation within the State of New South Wales with the purpose of preventing 'broadscale clearing' unless it improves or maintains environmental outcomes.

In the Tweed Shire, the NV Act is applicable to the following land use zonings under the Tweed LEP 2012; Rural Zones (RU1, RU2), Residential Zone (R5), Special Purpose Zones (SP1, SP2, SP3), Recreation Zones (RE1, RE2), Environmental Protection Zones (E2, E3) and Waterway Zones (W1, W2, W3).

The NV Act is not applicable to the following land zonings under the Tweed LEP 2012; Rural Zones (RU5), Residential Zones (R1, R2, R3), Business Zones (B1, B2, B3, B4, B5, B7), Industrial Zones (IN1, IN4) and Environmental Protection Zones (E1 – National Parks and Nature Reserves).

Within the land use zonings that the NV Act applies, Part 3, Division 1 of the Act prohibits the clearing of native vegetation except clearing that is authorised by development consent or a property vegetation plan under the NV Act.

However Division 2 and 3 of Part 3 of the NV Act do permit clearing of certain vegetation (permitted clearing) and clearing for certain activities (permitted activities). Part 3, Division 2 permits clearing of non-protected regrowth (as defined by the NV Act). Part 3 Division 3 permits clearing for Routine Agricultural Management Activities (as defined by the NV Act and *Native Vegetation Regulation*

2005), continuation of existing farm practices that do not involve the clearing of remnant native vegetation (as defined by the NV Act) and sustainable grazing.

1.6 Clause 5.9(9) of the Tweed Local Environmental Plan 2012

In accordance with clause 5.9(8)(a) of the Tweed LEP 2012, a permit to remove or damage vegetation under the Code is not required if:

- (i) It is authorised by a development consent or property vegetation plan under the NV Act, or
- (ii) It is otherwise permitted under Division 2 or 3 or Part 3 of the NV Act.

However under clause 5.9(9) of the Tweed LEP 2012, subclause 8(a)(ii) above does not apply in relation to land use zones R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

1.7 Application of the Code in certain rural, environmental and residential zones

E2 Environmental Conservation

- a) This Code is applicable to any removal or damage of trees or vegetation within an E2 zone, apart from vegetation clearing exemptions listed in Schedule 1 of this Code.
- b) Any vegetation clearing in this zone that is permitted under Part 3, Division 2 and 3 of the NV Act is not considered permitted clearing under this Code, and the provisions of this Code apply.
- c) Where removal or damage of trees or vegetation within an E2 zone is proposed and is not considered exempt or permitted as per (a) and (b) above, a permit is required under this Code.
- d) Any consent gained under this Code does not preclude any approval required to clear native vegetation under the NV Act.
- e) Vegetation clearing in an E2 zone which is not authorised under this Code and/or the NV Act may result in compliance action by Council and/or the NSW Office of Environment and Heritage (the administration authority for the NV Act).

E3 Environmental Management

- a) This Code is applicable to any clearing of trees or vegetation within an E3 zone, apart from vegetation clearing exemptions listed in Schedule 1 of this Code, or vegetation clearing that is permitted under Part 3, Division 2 and 3 of the NV Act.
- b) Should vegetation clearing that is permitted under Part 3, Division 2 and 3 of the NV Act consist of threatened species and ecological communities (as listed under the *NSW Threatened Species Conservation Act 1995* and *Environmental Protection and Biodiversity Conservation Act 1999*) and/or potential or core koala habitat (as defined by State Environmental Planning Policy - No. 44 Koala Habitat Protection) then the provisions of this Code apply.
- c) Council can provide advice to assist applicants in determining if trees or vegetation on their land that they wish to clear is, or contains threatened species and ecological communities and/or potential or core koala habitat.
- d) If such trees or vegetation contain threatened species and ecological communities and/or potential or core koala habitat, a permit is required under this Code.
- e) Any consent gained under this Code does not preclude any approval required to clear native vegetation under the NV Act.
- f) Vegetation clearing in an E3 zone which is not authorised under this Code and/or the NV Act may result in compliance action by Council and/or the NSW Office of Environment and Heritage (administration authority for the NV Act).

RU1 Primary Production, RU2 Rural Landscape, RU5 Village, R5 Large Lot Residential

- a) The NV Act is the primary instrument to control and manage the clearing of native vegetation on rural land.
- b) This Code is not applicable to any clearing of native vegetation on rural zones land that is; (i) authorised by development consent or a property vegetation plan under the NV Act, or (ii) otherwise permitted under Division 2 or 3 of Part 3 of the NV Act.
- c) The provisions of this Code are applicable to the clearing of remnant native vegetation or protected regrowth, as defined by the NV Act, on rural zoned land.
- d) Vegetation clearing in a rural zone which is not authorised under this Code or the NV Act may result in compliance action by Council and/or the NSW Office of Environment and Heritage (administration authority for the NV Act).

2 IMPLEMENTATION

A person must not carry out vegetation clearing without the consent of Council on land affected by this Code. Council consent can be gained via the issue of a Code permit as detailed in this Section.

A person, who contravenes this Code or causes this Code to be contravened, may be found guilty of an offence under the *Environmental Planning and Assessment Act 1979* as amended, and may be subject to prosecution under the provisions of this Act.

2.1 How to make an application for vegetation removal

The following general information is required to be submitted with a permit application. However the amount and level of detail required may vary depending on the circumstances.

- a) Application on Council's permit form;
- b) The written consent of the owner of the land;
- c) A description of the land;
- d) The reason for the request to remove, lop or prune the tree or vegetation;
- e) A description of the existing trees and vegetation including the following:
 - (i) A plan of the site showing the location of the trees or vegetation proposed for removal, lopping or pruning and their position in relation to dwellings, buildings, roads, driveways, etc;
 - (ii) Species of tree if known (common and/or botanical);
 - (iii) Approximate height and trunk diameter at 1.4m above ground; and
 - (iv) Colour photo(s) of the tree to assist in, or confirm tree identification (whole tree, bark, leaves).

2.2 Council assessment and determination process

A Council Officer will come to your property to make an assessment of the tree or vegetation to be removed, lopped or pruned, usually within two weeks of your application being received by Council.

Following assessment, your permit application will be determined and you will be notified by mail. Your application may be approved with conditions, or refused. Justification will be provided for a refused application. Refer to Section 2.4 for review of refused applications.

2.3 Vegetation removal considerations

Council does not generally support removal of trees listed on Council's Significant Vegetation Register in Schedule 2 of this Code.

In assessing whether or not to approve tree or vegetation removal, lopping or pruning, Council will take into consideration the following legislative and environmental matters:

- a) If a development consent exists that requires the tree or vegetation to be retained;
- b) If the tree or vegetation is of significant amenity, aesthetic or scenic value;
- c) If the tree or vegetation is of significant cultural or historical value;
- d) If the tree or vegetation has significant ecological value or provides significant wildlife habitat;
- e) If the tree or vegetation is a threatened plant, is (or forms part of) an endangered ecological community or provides habitat for threatened fauna;
- f) If the tree or vegetation is listed on Council's Significant Vegetation Register;
- g) If the removal of the tree or vegetation is likely to cause significant erosion or sedimentation; and
- h) The age of the tree or vegetation, the extent of vegetation removal proposed and whether vegetation is locally indigenous.

Other matters that will be taken into consideration include:

- a) The reason for tree or vegetation removal, lopping or pruning;
- b) Whether the removal of the entire tree or vegetation is proposed or only pruning or lopping;
- c) If the tree or vegetation was planted and it no longer fills its original purpose;
- d) The species of tree and whether it is common and quick growing.

Council will not refuse an application to remove a tree or vegetation it is satisfied is dying or dead and is not required as the habitat of native fauna.

Council will not refuse an application to remove or lop a tree or vegetation it is satisfied represents an imminent risk of serious personal injury or serious damage to property.

However if based on its assessment, Council determines that the tree or vegetation is considered significant (as a consequence of its ecological, historical, cultural or amenity value), Council will require expert advice (i.e. an Arborist's report - refer to Section 2.5) to assist it to determine the risks.

If no significant hazard or safety issues apply, the below-listed reasons shall not generally be considered as valid reason to remove a healthy tree or vegetation. If based on its assessment, Council determines that the tree or vegetation is considered of low significance (due to its age, size, species, situation or other factor), the below listed reasons for proposed tree removal may be considered a justified reason for tree or vegetation removal.

- a) Where the removal of part of the tree is considered to be a suitable alternative;
- b) Leaf drop (into gutters, downpipes, pools, lawns, etc);
- c) To enhance views;
- d) To improve street lighting of private property;
- e) To reduce shade or improve natural light;
- f) To reduce fruit, resin, or bird droppings on cars, driveways and clothes lines/washing;
- g) Minor lifting of driveways and paths by tree roots;
- h) To erect a fence;
- i) To address concerns that there is potential for damage to underground services (unless supported by written expert advice and only where reasonable alternatives are not feasible); and
- j) For the reduction of bushfire risk unless it is substantiated to the satisfaction of the Rural Fire Service or Council;
- k) Due to the presence of white ants unless they have caused structural damage with a high associated risk;
- l) To improve television or satellite reception;
- m) For the installation of solar photovoltaic (PV) panels or solar hot water systems.

With regards to situations where an application is lodged requesting removal or pruning of tree(s) for the installation of solar PV panels or solar hot water systems,

Council will require an assessment from the installers outlining the extent the tree(s) will overshadow the PV panels, taking into account summer and winter sun elevations. Council will then make an assessment of the tree(s), taking into consideration the health, structure, and significance of the tree(s). If the tree(s) are considered to be of local or regional significance to the area by Council, an alternative location for the installation of solar panels will need to be investigated. If the tree(s) are considered to be healthy and structurally sound but of little significance to the local amenity, and environment, Council will consider approval for the removal or trimming of the tree(s).

Where the tree or vegetation is considered of moderate to high significance, tree or vegetation removal may not be approved, but limited pruning may be permitted providing it is undertaken in accordance with recognised standards.

2.4 Review of refused applications

Refusal by Council to grant a permit to a person who has duly applied for the grant of a permit is taken to be refusal to grant consent under the *Environmental Planning and Assessment Act 1979*.

As such, Section 82A of the *Environmental Planning and Assessment Act 1979* applies, which provides that an applicant may request Council to review the determination of an application that has been refused by Council.

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

- i. A letter requesting review of Council's decision, providing additional information and reasons why Council's decision should change; and
- ii. Satisfactory supporting evidence by an expert in the field or the grounds for refusal (i.e. Structural Engineer, Arborist's Report).

The submission of the Section 82A request does not guarantee the proposed vegetation removal will be approved. Assessment of the original application and additional information submitted will be based on the merits of the proposal. Therefore the original determination may be upheld.

2.5 Arborist's Report

Under certain situations, Council may require an Arborist's Report to accompany a permit application. If it is considered on the basis of Council's assessment of your application that an Arborist's report is required, you will be notified by mail. The correspondence will specify the reason the Arborist's report is required, the minimum qualifications of the person preparing the report and what the report must contain.

An Arborist's report must be prepared by an independent arborist who holds the Australian Qualifications Framework (AQF) Level 5 in Arboriculture.

The following information will generally be required in an Arborist's report:

- a) Name and qualifications of the arborist;
- b) Scope and objective of the report;
- c) Inspection methods/techniques;
- d) A scaled plan clearly showing affected trees on the subject site. Trees identified on the plan should be numbered. Trees should be overlaid on a recent aerial photograph of the site;
- e) For each tree proposed for removal or damage, information is to be provided on species, age class, height, trunk diameter at 1.4m, canopy spread, health and condition (leaves, branches, trunk, roots) and estimated useful life expectancy;
- f) Discussion of other relevant information including; tree structure/weaknesses, root form and distribution, pest and diseases, any important habitat features for fauna (i.e. hollows), and Tree Hazard Assessment;
- g) Any supporting evidence – i.e. photographs; laboratory results to confirm presence of pathogens; and
- h) Any recommended remediation or tree protection/management measures.

2.6 Unauthorised vegetation removal or damage

Incidents of vegetation removal or damage will be investigated by a Council Officer to determine whether a breach against this Code has taken place.

If it is established that a breach has taken place, recommendations by Council Officers to prosecute for unauthorised vegetation removal or damage will be referred to Council for determination.

In cases where vegetation removal or damage is regulated under other legislation, Council may defer prosecution under this Code if it is satisfied, on the basis of a detailed report, that compliance action under other legislation will be initiated and successful.

Examples of vegetation clearing that is regulated under other legislation include;

- i. damage to threatened species, populations, or communities (or their habitats) scheduled under the *Threatened Species Conservation Act 1995* or the *Environmental Protection and Biodiversity Conservation Act 1999*;
- ii. harm to marine vegetation under the *Fisheries Management Act 1994*;
- iii. removal of vegetation within 40m of a watercourse under the *Water Management Act 2000*;
- iv. removal of remnant native vegetation or protected regrowth on land to which the *Native Vegetation Act 2003* applies; and
- v. Injury, damage or disturbance to vegetation on public land under the *Local Government Act 1993*.

3 STANDARDS AND REQUIREMENTS

The following standards and requirements are applicable to this Code:

- a) The clearing of vegetation must be undertaken by methods that minimise soil erosion, sedimentation of waterways and minimise impacts on native flora and fauna.
- b) The approved tree must be removed by a recognised tree surgeon and felled entirely onto the subject property. The felled tree must be mulched on site or the timber recovered for use as appropriate.
- c) Clearing of vegetation that is also subject to other clauses of Tweed Local Environmental Plan 2012 shall be assessed in relation to the provisions set out in those clauses. This includes vegetation clearing that falls within the meaning of “Forestry” under Tweed LEP 2012.
- d) As a result of the significance of the tree or vegetation, Council may condition that tree pruning or lopping is to be undertaken in accordance with Australian Standard 4373 Pruning of Amenity Trees, and by persons with a minimum AQF Level 3 qualification in Arboriculture.

4 PROCESS FOR LISTING TREES ON THE SIGNIFICANT VEGETATION REGISTER

Council will maintain a Significant Vegetation Register in Schedule 2 of this Code. Whilst this Code aims to provide protection for locally indigenous vegetation in the Tweed Shire, Council is aware that certain trees and vegetation have importance and significance that exceed the scope of these general vegetation protection measures.

4.1 Application

The Significant Vegetation Register applies to significant vegetation on public and private land within the Tweed Shire and can cover a single tree, a larger grouping of trees or an area of vegetation. Vegetation will be listed based on ecological, visual, historic, botanical, cultural, commemorative or other significance.

The listing of vegetation on the Register does not prohibit removal or pruning. Approval for minor pruning will be processed through this Code. Requests for removal of listed vegetation will only be approved through a Council resolution.

Nominations may be received for any trees or vegetation within the Tweed Shire. Nominated trees or vegetation will be subject to a standardised assessment of significance by Council, and ultimately a resolution by Council for inclusion on the Register.

SCHEDULE 1 VEGETATION REMOVAL EXEMPTIONS

Type of Vegetation Removal	Standards and other requirements
a. Noxious weed control	<ul style="list-style-type: none"> • A noxious weed is any weed that is declared noxious under the Noxious Weeds Act 1993. Contact the Far North Coast Weeds for further information on noxious weeds and requirements for their control. • Does not include large scale harvesting, processing or transport of noxious weeds such as Camphor Laurel exceeding 20 trees (> 3m high) on a single property over a 12 month period. Large scale harvesting is a form of “forestry” and is subject to development consent under the Tweed LEP 2012. • Vegetation clearing for noxious weed control must be carried out to the minimum extent necessary to allow for the removal or destruction of noxious weeds. • Does not include vegetation identified in sub-clause 1.3(c) (i.e. very large trees) or sub-clause 1.3(e) (listed significant trees).
b. Vegetation that is not locally indigenous comprising trees (e.g. Camphor Laurel) greater than three meters (3m) in height where located: (i) within 20 metres of a waterway or (ii) on land with a slope greater than or equal to eighteen (18) degrees.	<ul style="list-style-type: none"> • Must be carried out in accordance with “Guideline for the Clearing of Exotic Trees and Dead Native Trees on State Protected Land” as published by NRCMA. • Does not include large scale harvesting, processing or transport of trees such as Camphor Laurel exceeding 20 trees (> 3m high) on a single property over a 12 month period. Large scale harvesting is a form of “forestry” and is subject to development consent under the Tweed LEP 2012. • Proponents must discuss clearing on these lands with the NRCMA. • The onus is on the landowner to show that such clearing is lawful. • Does not include vegetation identified in sub-clause 1.3(c) (i.e. very large trees) or sub-clause 1.3(e) (listed significant trees).
c. Minor pruning or lopping	<ul style="list-style-type: none"> • Vegetation clearing must be associated with routine garden maintenance. • Vegetation clearing must not result in the removal or death of the plant. • In the case of vegetation identified in sub-clause 1.3(c) (i.e. very large trees), 1.3(d) (i.e. koala feed trees) or 1.3(e) (listed significant trees), crown maintenance works are not to exceed a maximum of 20% of the canopy in any two year period and is to be carried out in accordance with the Australian Standard AS 4373 – 1996 Pruning of Amenity Trees and by an arborist with a minimum AQF Level 3 qualification in Arboriculture, or equivalent.
d. Vegetation clearing to suppress or destroy non-locally indigenous vegetation	<ul style="list-style-type: none"> • Vegetation clearing must be carried out to the minimum extent possible. • Does not include large scale harvesting, processing or transport of trees such as Camphor Laurel exceeding 20 trees (> 3m high) on a single property over a 12 month period. Large scale harvesting is a form of “forestry” and is subject to development consent under the Tweed LEP 2012. • Does not include vegetation identified in sub-clause 1.3(c) (i.e. very large trees) or sub-clause 1.3(e) (listed significant trees).
e. Pruning and lopping on public land to maintain beach safety from existing surf lifesaving clubs	<ul style="list-style-type: none"> • Vegetation clearing may be carried out on public land directly seaward of Fingal Head and Cabarita Beach Surf Lifesaving Clubs. • This clearing is restricted to lopping and pruning, to the minimum extent possible, in order to maintain a lifesaving

Type of Vegetation Removal	Standards and other requirements
	<p>surveillance capability from the upper floor level of the club houses.</p> <ul style="list-style-type: none"> Vegetation clearing must be performed by or on behalf of Council.
f. Vegetation clearing near an existing building	<ul style="list-style-type: none"> Clearing or pruning of vegetation may be carried out within 5 metres of an external wall (including windows and doors) of an existing lawful building. Vegetation clearing as described above must be on land that is in the same ownership as land on which the building is located. Does not include vegetation identified in sub-clause 1.3(c) (i.e. very large trees), sub-clause 1.3(d) (i.e. koala feed trees) or sub-clause 1.3(e) (listed significant trees).
g. Vegetation clearing for a public utility undertaking	<ul style="list-style-type: none"> Vegetation clearing to maintain access to a public utility, to maintain a public utility or to maintain safety clearances to a public utility. Vegetation clearing must be performed by or on behalf of Council or the relevant public authority. Vegetation clearing must be carried out to the minimum extent possible. Does not include vegetation identified in sub-clause 1.3(c) (i.e. very large trees), sub-clause 1.3(d) (i.e. koala feed trees) or sub-clause 1.3(e) (listed significant trees).
h. Vegetation clearing in accordance with a management plan	<ul style="list-style-type: none"> Clearing vegetation may be carried out in accordance with a management plan authorised by Council or other government authority.
i. Vegetation clearing authorised or approved under the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none"> Clearing vegetation may be carried out if authorised or otherwise permitted under an Act or Regulation. Examples include clearing approved under Part 4 or Part 5 of the <i>Environmental Planning & Assessment Act 1979</i> or authorised under a State Environmental Planning Policy. Vegetation clearing must be carried out to the minimum extent possible.
j. Vegetation clearing authorised under various other Acts and Regulations	<ul style="list-style-type: none"> Clearing vegetation may be carried out if authorised or otherwise permitted under an Act or Regulation, subject to clause 1.7 of this Code. Vegetation clearing must be carried out to the minimum extent possible. The onus is on the landowner to show that clearing permitted under an Act or Regulation is lawful. Does not include vegetation identified in sub-clause 1.3(c) (i.e. very large trees), sub-clause 1.3(d) (i.e. koala feed trees) or sub-clause 1.3(e) (listed significant trees).

SCHEDULE 2 SIGNIFICANT VEGETATION REGISTER