

## **PART B**

### **Section 5**

## **Natural Resource and Landscape Management**

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## About Section 5

This section contains the controls to manage the natural landscape, and natural resources of the local government area of Wagga Wagga. The controls apply to development applications for any land that:

- ✓ Is close to visually prominent ridges and hills where the proposal could affect the visual setting of the city.
- ✓ Seeks to remove an existing tree.
- ✓ Contains native vegetation.
- ✓ Is within the Lake Albert catchment.
- ✓ Is zoned C2 and is subject to the biodiversity, land, waterways or groundwater overlays of the LEP.

For land within the Lake Albert catchment, Chapter 26 of the Wagga Wagga Development Control Plan 2005 continues to apply.

### Natural resource and landscape conservation and management design principles

- P1 Development should not interrupt the hills and visually prominent ridges throughout the local government area of Wagga Wagga.
- P2 Design and construction should be in accordance with best practice catchment management principles.
- P3 Design and construction should be in accordance with biodiversity and riparian lands conservation management principles.

### 5.1 Development on ridges and prominent hills

Visually prominent ridges and higher ground throughout the local government area of Wagga Wagga establish the visual setting of the city and villages. Some are mapped and formally recognised as visually prominent ridges, others are part of the general backdrop of the city.

Visually prominent ridges that are mapped are north, south and to the east of the city (towards Gregadoo), to the west of Lloyd, San Isidore and Kapooka, and Gelston Park.

Ridges and hillsides are important visual reference points. Keeping development below these points is important to protect the natural skyline. It will also help to manage urban salinity by minimising interference to recharge areas for groundwater systems, and reducing the potential for erosion.

#### Objectives

- O1 Maintain and enhance the visual and landscape setting of the entire local government area of Wagga Wagga.
- O2 Avoid buildings, driveways and other construction on visually prominent high ground.
- O3 Encourage split level or other appropriate construction on higher and sloping ground.
- O4 Protect groundwater recharge areas.

#### Explanatory Note(s):

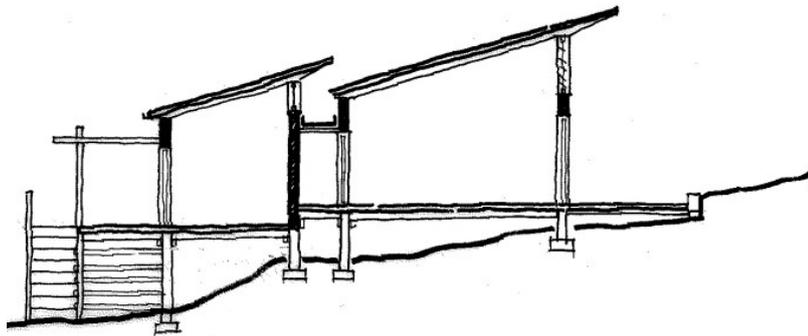
##### Complying with this DCP

The controls in the DCP support the Guiding Principles and Section Objectives. A Development Application should aim to satisfy the Guiding Principles, and the Objectives of the relevant sections. Equal emphasis must be given to both "numeric" and non-numeric controls relevant to a particular development. Where a proposed development has an unacceptable impact on neighbours or the surrounding environment compliance with controls will not necessarily guarantee approval of an application.

Where a variation is sought to controls, the application must document the reasons and extent of the variation, and how the variation meets the Guiding Principles and Section Objectives for the consideration of the Council.

## Controls

- C1 Buildings, structures, infrastructure or services (including access roads and driveways) are to be kept below significant ridgelines.
- C2 The assessment of applications for development in visually prominent locations is to consider potential impacts on distant views towards the site.
- C3 Development on the higher slopes is not to interrupt the ridgeline.
- C4 Use pier or similar construction rather than slab construction on sloping land where proposed cut and fill is in excess of that permitted in Section 9.4.6. Also consider split level design.



### Figure 5.1 Split level construction

Split level construction is often necessary on sloping sites. Refer also to cut and fill requirements at Section 9.4.6.

- C5 Details of the building platform form may be required with development applications where the land is close to a prominent ridge or hill.

## 5.2 Preservation of trees

These controls apply to trees that do not require consent under the *Local Land Services Amendment Act 2013*.

The Council considers it of vital importance to manage trees and other vegetation in the local government area of Wagga Wagga and ensure that environmental and ecological sustainability is maintained.

Table 5.2.1 identifies when an application is required to remove a tree on private property in urban areas and the removal doesn't fall under the exemptions.

Section 5.3 identifies responsibilities in relation to the conservation and establishment of native vegetation for land zoned RU2 at Gelston Park, RU4, R5 where the minimum subdivision lot size as shown on the WWLEP Lot Size Map is greater than 0.2Ha and land identified as excluded from the *Local Land Services Act 2013* Native Vegetation Regulatory Map.

## Explanatory Note(s):

**Table 5.2.1 Trees on private property in urban areas**

Prescribed trees and vegetation	Matters for consideration
Any living tree with a height equal to or exceeding 8m.	a. Potential risk/danger
	b. Tree health
	c. Aesthetic/ Heritage values
Any native vegetation occurring in a wetland	d. Scenic and environmental amenity
Any tree, irrespective of size, listed in a Register of Significant or Heritage trees	e. Habitat for natural wildlife
	f. To avoid potential damage

**General requirements for applications to prune or remove a tree**

1. An application form must be completed and submitted to the Council together with the appropriate fee if applicable to height restriction.
2. It is a condition of any consent granted by the Council under Clause 5.2 of the DCP that all tree work be carried out in compliance with the Australian Standard – ‘Pruning of Amenity Trees’ (AS 4373-2007) and Workcover Code of Practice – ‘Amenity Tree Industry’ (2007).
3. Where replanting is a condition of consent, replacement tree(s) are to be maintained and protected in order to retain good health and allow the tree(s) to establish and reach their natural size and maturity.
4. Where a condition of consent is imposed for the protection of a tree(s) this shall be carried out in compliance with Australian Standard – Protection of Trees on Development Sites (AS 4970-2009)
5. If a tree is “dead” (as defined) then approval to cut down is not required under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, however, other legislations may require approval.
6. If a person’s property boundary is overhung by a neighbour’s tree, pruning may be undertaken within the property boundary, provided it can be carried out in accordance with Australian Standard AS4373 – 2007, ‘Pruning of Amenity trees’ and prior consent has been obtained from Council.

**Applications for private property**

An application for consent to undertake tree works shall be made on Council’s relevant Application form(s) for consent to prune or remove a tree(s) by an owner of the land on which the tree works is to be carried out, Strata Managers, Organisational Bodies or by any person with the consent in writing of the owners.

1. Consent issued by Council will be valid for the described work to be carried out once within a period of twelve (12) months from the date of issue or otherwise stipulated. Once the period of consent has expired a new application will need to be lodged except where an extension is granted.
2. Consent issued under the DCP in conjunction with a subdivision approval, a building approval or development consent shall lapse if the subdivision approval or development consent lapses or becomes invalid, void or surrendered.

**Explanatory Note(s):**

**Exemptions**

Council consent is NOT required for removal where:

- E1 A tree(s) is dead, or the removal of dead branches within a tree’s canopy.
- E2 A tree(s) is an ‘Undesirable Plant Species’ listed in Table 5.2.3.
- E3 A tree(s) is of a species that has been declared a noxious plant under the *Noxious Weeds Act 1993* (<http://www.legislation.nsw.gov.au/#/view/act/1993/11>)
- E4 Land excluded from operation of the Native Vegetation Act 2003 <http://www.legislation.nsw.gov.au/#/view/act/2003/103/sch1>
- E5 A tree(s) is a fruit tree or tree grown for commercial or domestic nature for the purpose of fruit or fodder production.
- E6 A development consents to carry out clearing has been obtained under the *Local Land Services Amendment Act 2013*. Any additional clearing may require consent under this Policy.
- E7 Where clearing of trees has been authorised under other legislation for example,
  - Where practical and feasible it is preferable to remove any dead trees between the months of January to March (inclusive) to protect fauna that nest during the months of April to December (inclusive).
  - any clearing authorised under the *Rural Fires Act 1997* or the *State Emergency and Rescue Management Act 1989* in relation to an emergency within the meaning of the latter Act;
  - any clearing authorised under the *Plantations and Reafforestation Act 1999*;
  - any clearing authorised to be carried out under Division 3 or 4 of Part 7 of the *Fisheries Management Act 1994*;
  - any clearing that involves the removal or
  - pruning of any tree or other vegetation in accordance with section 88 of the *Roads Act 1993*;
  - any clearing carried out in accordance with a licence issued under section 131 of the *National Parks and Wildlife Act 1974*;

3. Consent for tree works associated with development may, if granted, be issued concurrently with the development application consent subject also to any landscaping and streetscaping requirements of any relevant LEP, DCP or Council Policy.
4. A copy of any consent granted by Council under the DCP must be retained on site, and made available for inspection on request by an Officer of Council during the carrying out of any work permitted under such consent.

### Requests or Applications for public owned land including Council Parks, Reserves and Road Reserves

Council may carry out the pruning or removal of a tree or trees including bushland vegetation from Council owned or controlled land.

1. Council will only prune or remove trees for essential tree maintenance. Council will not consider applications for the pruning or removal of trees including bushland on public land solely due to leaf or fruit drop, for solar access, advertising signage clearance or solely for the purpose of improving views from the properties in the locality.
2. Any requests for the pruning or removal of public trees relating to developments or any other reason will be required to be approved by Council. All work will be conducted to Council's standards and specifications as determined by the Council. The cost of all approved works will be the responsibility of the applicant. An authorised contractor will carry out any such approved works.
3. Where a Council Public Works project requires tree/s to be pruned or removed consent must be sought at the planning stage in consultation with Council's Tree Management Section. An authorised contractor will carry out any approved or recommended works.

### Penalties

A person found guilty of an offence for a contravention of these controls may be issued a penalty infringement notice or may be prosecuted in the Local Court or in the Land and Environment Court in the State of NSW.

In addition to a penalty awarded, the Court may also order the repair, remedial pruning or replacement of a damaged or removed tree and impose an order to maintain such replacement to maturity.

### Significant species

Species having particular conservation significance are listed under one or more of the following headings. A current list of species that are likely to occur in the LGA can be obtained from the Council:

1. **Threatened Species and Threatened Ecological Communities**, as listed in Schedules 1 and 2 of the *NSW Biodiversity Conservation Act 2016*.
2. **Extinct in the Wild, Critically Endangered, Endangered and Vulnerable Plant Species, and Critically Endangered and**

- that is managed under section 48 of the *Electricity Supply Act 1995*;

E8 Pruning or removal of a tree that has been identified in the Rural Fire Service 10/50 Bushfire Zone.

E9 A tree(s) is on land owned by or under the care and control of Council (Public Tree) which has been identified in the Wagga Wagga City Council Street Tree Audit as a tree scheduled for removal or maintenance. All other works will require an internal assessment.

E10 Nothing in the Policy shall prohibit the making safe of any tree that has become dangerous to human life or property of significant value. Except in an emergency situation, the Council Tree Management Officer or Delegate must confirm the tree(s) dangerous condition before pruning/ removal takes place.

E11 Notification shall be made to the Council within 14 days of any emergency works carried out to ensure that Council records are maintained.

### Pruning

This Clause only allows pruning of a tree if it is carried out in accordance with Australian Standard AS4373 – 2007, 'Pruning of Amenity Trees' and WorkCover NSW Code of Practice 'Amenity Tree Industry' – 2007.

Consent for **pruning** of a tree(s) is NOT required for:

E121 The removal of dead branches from a tree(s).

E12 Selective pruning, being only pruning to remove branches no larger than 50mm diameter at the nearest branch collar to clear:

- a roof
- an external face of a building

E13 Where Crown modification pruning of a hedge by no more than 20% of its height and or width in any one calendar year.

E14 Pruning of trees to remove branches no larger than 50mm diameter at the nearest branch collar to maintain distance clearances to powerlines as set out under section 48 of the *Electricity Supply Act 1995*.

- Endangered Ecological Communities**, as listed under Part 13, Division 1, Subdivision A of the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.
- Endangered Ecological Communities** as listed under the *NSW Fisheries Management Act 1994*.
  - Native Species of Local Conservation Significance**, as listed by Greening Australia South-west Slopes Division – list is provided in Table 5.2.2 below:
  - Plants identified as native species**, as listed under the *NSW Local Land Services Act 2013*

E15 Crown maintenance pruning of a tree/s in accordance with sections 88, 107, 138 and 139 of the *Roads Act 1993*.

Any consent granted by Council under Section 5.2 of the DCP does not authorise the applicant (or someone engaged by the applicant) to enter any neighbouring property in order to carry out the approved works. Approval must be sought from the property owner to enter the property.

**Table 5.2.2 Native Species of Local Conservation Significance**

<i>Acacia acinacea</i> (Gold-dust Wattle)	<i>Eremophila debilis</i> (Amulla) <sup>a</sup>
<i>Acacia brachybotrya</i> (Grey Wattle) <sup>a b</sup>	<i>Eremophila longifolia</i> (Emu Bush) <sup>a</sup>
<i>Acacia buxifolia</i> (Box-leaf Wattle) <sup>a</sup>	<i>Eucalyptus albens</i> (White Box) <sup>b</sup>
<i>Acacia difformis</i> (Drooping Wattle) <sup>a b</sup>	<i>Eucalyptus camaldulensis</i> (River Red Gum) <sup>b</sup>
<i>Acacia doratoxylon</i> (Currawang) <sup>a</sup>	<i>Eucalyptus dwyeri</i> (Dwyer's Red Gum) <sup>a</sup>
<i>Acacia flexifolia</i> (Bent-leaf Wattle) <sup>a b</sup>	<i>Eucalyptus goniocalyx</i> (Long-leaf Box) <sup>a</sup>
<i>Acacia genistifolia</i> (Early Wattle) <sup>b</sup>	<i>Eucalyptus populnea</i> (Bimble Box) <sup>a</sup>
<i>Acacia gunnii</i> (Ploughshare Wattle) <sup>a</sup>	<i>Eutaxia microphylla</i> (Mallee Bush-pea) <sup>a</sup>
<i>Acacia lanigera</i> (Woolly Wattle) <sup>a b</sup>	<i>Exocarpos cupressiformis</i> (Native Cherry) <sup>a</sup>
<i>Acacia melanoxylon</i> (Blackwood) <sup>a</sup>	<i>Grevillea Alpina</i> (Cat's Claw) <sup>a</sup>
<i>Acacia Montana</i> (Mallee Wattle) <sup>a b</sup>	<i>Grevillea floribunda</i> (Rusty Spider-flower) <sup>a</sup>
<i>Acacia oswaldii</i> (Miljee) <sup>a</sup>	<i>Grevillea lanigera</i> (Woolly Grevillea) <sup>a</sup>
<i>Acacia paradoxa</i> (Kangaroo Thorn Wattle) <sup>b</sup>	<i>Grevillea polybractea</i> (Crimson Grevillea) <sup>a</sup>
<i>Acacia pendula</i> (Myall or Boree) <sup>a</sup>	<i>Hakea tephrosperma</i> (Hooked Needlewood) <sup>a</sup>
<i>Acacia verniciflua</i> (Varnish Wattle) <sup>a b</sup>	<i>Indigofera adesmiifolia</i> (Tick Indigo) <sup>a b</sup>
<i>Alectryen oleifolius</i> (Rosewood) <sup>a</sup>	<i>Indigofera australis</i> (Austral Indigo) <sup>a b</sup>
<i>Allocasuarina luehmannii</i> (Bulloak) <sup>a</sup>	<i>Leptospermum continentale</i> (Prickly Tea-tree) <sup>b</sup>
<i>Banksia marginata</i> (Silver Banksia) <sup>a b</sup>	<i>Leptospermum trivalve</i> (Hill Tea-tree) <sup>a</sup>
<i>Brachyloma daphnoides</i> (Daphne Heath) <sup>a b</sup>	<i>Lissanthe strigosa</i> (Peach Heath) <sup>b</sup>
<i>Bursaria spinosa</i> (Sweet Busaria) <sup>a b</sup>	<i>Melichrus urceolatus</i> (Urn Heath) <sup>b</sup>
<i>Callistemon sieberi</i> (River Bottlebrush) <sup>a</sup>	<i>Monotoca scoparia</i> (Prickly Broom Heath) <sup>a</sup>
<i>Calytrix tetragona</i> (Common Fringe Myrtle) <sup>a b</sup>	<i>Myoporum platycarpum</i> (Sugarwood) <sup>a</sup>
	<i>Persoonia rigida</i> (Hairy/Stiff

Council may provide Arboriculture advice in relation to an application under the Policy; however it will not mediate disputes between neighbours. Further information can be obtained from the *Trees (Disputes Between Neighbours) Act 2006* website.

<sup>a</sup> Naturally rare or uncommon in the local area

<sup>b</sup> Valuable habitat for native wildlife

<i>Cassythia melantha</i> (Mallee Strangle Vine) <sup>a</sup>	Geebung) <sup>a</sup>
<i>Cheiranthra cyanea</i> (Purple Finger Flower) <sup>a</sup>	Pimelea curviflora (Curved Rice Flower) <sup>a</sup>
<i>Correa reflexa</i> (Common Correa) <sup>a</sup>	Pittosporum phylliraeoides syn. Augustifolium (Butterbush) <sup>a</sup>
<i>Cryptandra amara</i> var. <i>longifolia</i> (Pretty Cryptandra) <sup>a b</sup>	Pomaderris species <sup>a</sup>
<i>Daviesia latifolia</i> (Hop Bitter-pea) <sup>b</sup>	Prosanthera granitica (Mint Bush) <sup>a</sup>
<i>Daviesia leptophylla</i> (Slender-leaf Bitter-pea) <sup>b</sup>	Santalum acuminatum (Sweet Quandong) <sup>a</sup>
<i>Daviesia mimosoides</i> (Narrow-leaf Bitter-pea) <sup>b</sup>	Santalum lanceolatum (Northern Sandalwood) <sup>a</sup>
<i>Daviesia ulicifolia</i> (Gorse Bitter-pea) <sup>b</sup>	Senna artemisioides (Silver Cassia) <sup>a</sup>
<i>Dillwynia phyllicoides</i> (Parrot-pea) <sup>b</sup>	Spyridium parifolium (Dusty Miller) <sup>a</sup>
<i>Dillwynia retorta</i> (Small-leaf Parrot-pea) <sup>b</sup>	Swainsona procumbens (Broughton Pea) <sup>a</sup>
<i>Dillwynia sericea</i> (Showy Parrot-pea) <sup>b</sup>	Templetonia stenophylla (Leafy Templetonia) <sup>a</sup>
<i>Dodonaea boronifolia</i> (Fern Leaf Hop-bush) <sup>a</sup>	Xanthorrhoea glauca subsp. Angustifolia (Grass-tree) <sup>a</sup>
<i>Dodonaea viscosa</i> (Narrow-leaf Hopbush) <sup>b</sup>	
<i>Dodonaea viscosa</i> subsp. <i>Cuneata</i> (Wedge-leaf Hopbush) <sup>b</sup>	

**Explanatory Note(s):**

<sup>a</sup> Naturally rare or uncommon in the local area

<sup>b</sup> Valuable habitat for native wildlife

**List of Undesirable Plant Species (excluding land subject to Heritage legislation)**

Councils Community Sector can provide a current list of undesirable plant species. This list identifies such tree by their botanical name (common names are provided as reference only). Cultivated varieties (cvs.) of the trees listed are not included for exemption except where specified. These Plant Species are in addition to the Declared Noxious Plants under the *Noxious Weeds Act 1993* for the LGA.

The trees listed below are identified by their botanical name (common names are provided as reference only). Cultivated varieties (cvs.) of the trees listed are not included for exemption except where specified.

**Table 5.2.3 Undesirable plant species**

BOTANICAL NAME	COMMON NAME
<i>Acacia baileyana</i>	Cootamundra wattle
<i>Acacia nilótica ssp.indica</i>	Prickly Acacia
<i>Ailanthus altissimus</i>	Tree of Heaven
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Cotoneaster spp.</i>	Cotoneaster species
<i>Crataegus monogyna</i>	Hawthorn
<i>Fraxinus oxycarpa</i>	Desert Ash
<i>Ligustrum lucidum</i>	Broad-leaf Privet
<i>Ligustrum sinense</i>	Small-leaf Privet
<i>Olea africana</i>	African Olive
<i>Melia azedarach</i>	White Cedar
<i>Nerium oleander</i>	Oleander
<i>Phoenix canariensis</i>	Canary Island Date Palm
<i>Pinus radiata</i>	Radiata Pine
<i>Prunus cerasifera 'Nigra'</i>	Flowering Cherry Plum
<i>Robinia pseudoacacia</i>	False Acacia
<i>Salix spp.</i>	Willows
<i>Schinus species</i>	Peppercorn Tree
<i>Syagrus romanzoffiana</i>	Cocos Palm
<i>Tamarix aphylla</i>	Athel Pine
<i>Washingtonia filifera</i>	Desert Fan Palm

**Explanatory Note(s):**

### 5.3 Native Vegetation Cover

This Section sets out the responsibilities of developers and new landowners in relation to the conservation and establishment of native vegetation. Additional controls relating to clearing native vegetation are contained in the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

The controls apply to land zoned RU2 at Gelston Park, RU4, R5 where the minimum subdivision lot size as shown on the WWLEP Lot Size Map is greater than 0.2Ha.

Trees can be removed by seeking approval under either the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* or as part of a development application process.

The controls are relevant to applications to subdivide land, and where a dwelling is proposed on an existing lot. The controls establish minimum native vegetation levels for different rural land capability classes as defined by the Natural Resource Management Plan.

The *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* establishes particular requirements in relation to native vegetation. Further information is available at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

#### Protecting existing native vegetation

1. Landowners are expected to maintain fencing and protect native vegetation in accordance with any conditions of subdivision consent.
2. Control of noxious plants blackberry (*Rubus spp.*) and briar (*Rosa spp.*) is particularly important for the health of native vegetation as they harbour noxious animals, especially rabbits, which damage new plant growth. Non-noxious weeds should also be controlled.

The Wagga Wagga Draft Natural Resource Management Plan (NRMP) recommends vegetation cover for different rural land capability classes. The controls of this Section are based on the NRMP, and accompanying Rural Land Capability Map prepared by the Murrumbidgee Resource Information Team, GIS Wagga Wagga, June 1998. The Mid-Murrumbidgee Catchment document applies the recommended vegetation cover requirements of the NRMP to the entire LGA.

The NRMP land capability definitions are included below.

### Class I Lands

Requirement: no special soil conservation works or practices

Land suitable for a variety of uses. Includes lands with highest potential for agriculture and may be cultivated for vegetation or fruit production, cereal and other grain crops, energy crops, fodder and forage crops. Includes "prime agricultural land".

### Class II Lands

Requirement: soil conservation practices such as strip cropping, conservation tillage and adequate crop rotation.

Usually gently sloping land suitable for a variety of agricultural uses and has a high potential for production crops on fertile soils similar to Class 1, but increasing limitations to production due to site conditions. Includes "prime agricultural land".

### Class III Lands

Requirement: structural conservation works such as graded banks, waterways and diversion banks, together with soil conservation practices such as conservation tillage and adequate crop rotation.

Sloping land suitable for cropping on a rotational basis. Generally used for the production of the same types of crops as for Class 1, although productivity will vary depending on soil fertility. Individual yields may be the same as for Classes I and II, but increasing restrictions due to the erosion hazard will reduce the total yield over time. Soil erosion problems are often severe. Generally fair to good agricultural land.

### Class IV Lands

Requirement: soil conservation practices such as pasture improvement, stock control, application of fertiliser and minimal cultivation for the establishment or re-establishment or permanent pasture.

Land not suitable for cultivation on a regular basis owing to limitations of slope, soil erosion, shallowness or rockiness, climate, or a combination of factors. Includes the better classes of grazing land, and can be cultivated for an occasional crop, particularly a fodder crop, or for pasture renewal. Not suited to the range of uses as for Classes I, II or III. If used for "hobby farms" adequate provision to be made for water supply, effluent disposal, safe building sites and access roads.

### Explanatory Note(s):

3. A Section 88B covenant (with uplifting power vested in the Council) is to be placed on all new lots formalising the requirements to protect existing native vegetation on the land.

### Establishing new native vegetation (see controls C5 to C7)

1. The native vegetation requirements become the responsibility of the new land owner where lots are sold.
2. The developer is to allocate trees and shrubs to the new lots according to land capability classes on a pro-rata basis. The requirements are to be specified in the Land and Water Management Plan for the subdivision.
3. The landowner is responsible for undertaking revegetation within two years of consent for the dwelling. Requirements are typically specified as conditions of development consent, or may be subject to covenants placed by the developer.
4. Costs of establishing new native vegetation are to be shared between the new land owner and the developer. The Council will require a portion of the estimated costs to be set aside as funds in an account administered by the Council before commencement of works or release of survey plans as appropriate.

The funds are to be used to partially reimburse the new landowner after

Confirmation that the work has been satisfactorily completed, and on presentation of receipts for revegetation work.

The Council will refund any unused portion of the contribution to the developer.

All contribution rates are indexed annually. Contact Council for details of current contribution rates.

5. The developer can select to undertake part of the estimated revegetation works prior to release of the survey plans as an alternative to contributing a portion of the costs.

### Class V Lands

Requirement: structural soil conservation works such as absorption banks, diversion banks and contour ripping, together with practices as in Class IV.

Land not suitable for cultivation on a regular basis because of considerable limitations of slope, soil erosion, shallowness or rockiness, climate or a combination of factors. Soil erosion problems are often severe. Production is generally lower than for grazing lands in Class IV. Can be cultivated for an occasional crop, particularly a fodder crop, or for pasture renewal. Not suited to the range of uses as for Classes I, II or III. If used for "hobby farms" adequate provision to be made for water supply, effluent disposal, safe building sites and access roads.

### Class VI Lands

Requirement: soil conservation practices including limitation of stock, broadcasting of seed and fertiliser, prevention of fire and destruction of vermin. May include some isolated structural works.

Productivity will vary due to soil depth and fertility. Comprises the less productive grazing lands. If used for "hobby farms" adequate provision to be made for water supply, effluent disposal, safe building sites and access roads.

### Class VII Lands

Requirement: land best protected by green timber.

Areas of steep slopes, shallow soils and/ or rock outcrop. Adequate ground protection must be maintained by limiting grazing and minimising damage by fire. Destruction of trees is generally not recommended, but partial clearing for grazing purposes under strict management controls can occur on small areas of low erosion hazard. Where clearing has occurred in the past, unstable soil and terrain sites should be returned to timber cover.

### Class VIII Lands

Requirement: cliffs, lakes or swamps and other lands unsuitable for agricultural or pastoral production.

Land unusable for agricultural or pastoral uses. Recommended uses are those compatible with preservation of the natural vegetation: water supply catchments, wildlife refuges, national and state parks.

### Objectives

- O1 Conserve existing native vegetation and establish new native vegetation in order to reduce the potential for dry land salinity, groundwater recharge and soil erosion, and to maintain and enhance biodiversity.
- O2 Establish the requirements for conservation of existing native vegetation and establishing new native vegetation.
- O3 Complement the Wagga Wagga draft NRMP.
- O4 Establish minimum native cover levels for rural residential land.

### Controls – Protecting existing native vegetation

- C1 Any fire break proposed through land supporting native vegetation must be in accordance with a Bush Fire Risk Management Plan or have approval from the Rural Fire Service, NSW Fire Brigade.

### Explanatory Note(s):

#### Planting seedlings – (see controls C8 to C13)

1. Information on planting seedlings is available in "Development Control Plan, 2010, Section 5.3 – Native Vegetation Cover Information Pack for New Owners in Rural Residential Areas" available from Council's Natural Environment Division.
2. The minimum standards for direct seeding are available in "*Guidelines for Revegetation – Direct Seeding*" available from Council's Natural Environment Division.
3. Perimeter fencing using a stock proof fence to surround native seedlings is required before planting unless there is a covenant excluding stock over the land.
4. Weed control is required before planting, and may need to begin up to 18 months before depending on the severity of weed infestation.
5. Revegetation works, including ground preparation, fencing, weed control and planting, are to be completed within 2 years of development consent for construction of a new dwelling.

- C2 Existing native vegetation areas (minimum area 1 ha) are to be fenced before commencement of works or release of survey plans. The fencing is to be maintained in a stock proof condition to control grazing.
- C3 Stock is to be excluded. Council may consider exceptions where it can be demonstrated that the vegetation needs reducing by the use of strategic grazing, or where strategic grazing is to be used to manage weeds.
- C4 Continually suppress and destroy all noxious plants and pest animals (by lawful means).

#### Establishing new native vegetation

- C5 Use locally native plants for revegetation works. Suitable species are listed in Wagga Wagga Development Control Plan 2010, Section 5.3 – Native Vegetation Cover, Information Pack for New Owners in Rural Residential Areas also, The South West Slopes Revegetation Guide, 1998 contains details of vegetation profiles matched to the location and landform description.
- C6 The minimum native vegetation cover requirements are to be in accordance with Table 5.3.1.

**Table 5.3.1 – Natural Resource Management Plan (NRMP) Rural Land Capability Class – Minimum native vegetation cover required (%)**

Lot size (m <sup>2</sup> )	Land Capability Class			
	I, II, III	IV, V	VI, VII	VIII
less than 6,000	10	10	25	50
6,000-8,999	10	12	30	60
9,000-11,999	10	14	35	70
12,000-14,999	10	16	40	80
15,000-18,000	10	18	45	90
more than 18,000	10	20	50	100

#### NOTES:

- The calculations are based on the total site area. Land used for new houses and new roads is not excluded from the calculation.
- No additional revegetation is necessary where the minimum requirements are satisfied. Assessment of the existing level of cover can include vegetation that is locally natural (naturally occurring or planted) and vegetation that is native elsewhere in Australia but which has been planted for various purposes (e.g. shelter belts, plantings along creek lines). Plantings which are to be harvested, such as woodlots or timber plantations cannot be included.
- Where native vegetation cover does not meet the minimum requirements for the land capability class each lot requires a covenant (with uplifting power vested in the Council) indicating the additional number of plants that are required to be established.
- Wherever possible, establishment of new native vegetation should be undertaken on land not supporting native grassland.

#### Explanatory Note(s):

#### Direct seeding – (see controls C14 to C16)

- Perimeter fencing using a stock proof fence is required before planting unless there is a covenant excluding stock over the land.
- Weed control is required before planting, and may need to begin up to 18 months before depending on the severity of weed infestation.

#### Natural regeneration – (see controls C17 to C18)

- The minimum standards for natural revegetation are available in "Development Control Plan 2010, Section 5.3 – Native Vegetation Cover, Information Pack for New Owners in Rural Residential Areas" available from Council's Natural Environment Division.
- Areas of naturally regeneration can be used to achieve the minimum native vegetation cover requirements. Specialist advice may be required from a suitably qualified person.
- Stock proof perimeter fencing is required within 3 months of deciding to use an area of natural revegetation to achieve the minimum native vegetation requirements unless there is a covenant over the land excluding stock.

- To qualify for the reduced planting rate, new landowners need to demonstrate that native grasses cover more than 50% of the site. Confirmation of this is required from the Local Land Services or other competent agency or individual.
- The reduced planting rate only applies to native grasslands on rural land capability classes VI, VII and VIII.
- The reduced planting rate is to be determined on a case by case basis but is to be no more than 500 plants per hectare (ha) for sites requiring 100% vegetation cover (land classes VII and VIII) and no more than 250 plants per hectare for sites requiring 50% vegetation cover (land class VI).

#### Explanatory Note(s):

#### Worked Examples

##### *Example 1*

Total site area – 0.5ha (5,000m<sup>2</sup>) comprising Class II (1,800m<sup>2</sup>), Class VI (2,700m<sup>2</sup>), Class VIII (500m<sup>2</sup>)

Area required to be revegetated:

Class II – 10% of 1,800m<sup>2</sup> = 180m<sup>2</sup>

Class IV – 25% of 2,700m<sup>2</sup> = 675m<sup>2</sup>

Class VIII – 50% of 500m<sup>2</sup> = 250m<sup>2</sup>

Total area to be revegetated = 1,105m<sup>2</sup>

Each tree and shrub seedling requires 10m<sup>2</sup>, therefore the number of seedlings required is 111.

##### *Example 2*

Total site area – 1.25ha (12,500m<sup>2</sup>) comprising Class III (6,000m<sup>2</sup>), Class IV (5,500m<sup>2</sup>), Class VI (1,000m<sup>2</sup>)

Area required to be revegetated:

Class III – 10% of 6,000m<sup>2</sup> = 600m<sup>2</sup>

Class IV – 16% of 5,500m<sup>2</sup> = 880m<sup>2</sup>

Class VI – 40% of 1,000m<sup>2</sup> = 400m<sup>2</sup>

Total area to be revegetated = 1,880m<sup>2</sup>

Each tree and shrub seedling requires 10m<sup>2</sup>, therefore the number of seedlings required is 188.

##### *Example 3*

Total site area – 2.2ha (22,000m<sup>2</sup>) comprising Class II (12,250m<sup>2</sup>), Class IV (5,800m<sup>2</sup>), Class VI (2,750m<sup>2</sup>), Class VIII (1,200m<sup>2</sup>)

Area required to be revegetated:

Class II – 10% of 12,250m<sup>2</sup> = 1,225m<sup>2</sup>

Class IV – 20% of 5,800m<sup>2</sup> = 1,160m<sup>2</sup>

Class VI – 50% of 2,750m<sup>2</sup> = 1,375m<sup>2</sup>

Class VIII – 100% of 1,200m<sup>2</sup> = 1,200m<sup>2</sup>

Total area to be revegetated = 4,960m<sup>2</sup>

Each tree and shrub seedling requires 10m<sup>2</sup>, therefore the number of seedlings required is 496.

- C7 Where a fire break is proposed on land that requires 100% native vegetation cover the application is to demonstrate that the fire break is in accordance with any Bush Fire Risk Management Plan prepared under the *Rural Fires Act 1997* or that an appropriate fire management agency has deemed the fire break to be necessary.

**Explanatory Note(s):**

**Planting seedlings**

- C8 The rate of planting is determined on a pro-rata reduction where 50% vegetation cover requires 500 plants per hectare, 10% vegetation cover requires 100 plants per hectare. Establish plants in clusters to suit the characteristics of the land and site layout, such as along fence lines and creek lines, at break-of-slope or paddock corners, planted at spacing of 3.2m x 3.2m (approximately).
- C9 Mix overstorey and understorey seedlings at a ratio of 1 tree to 24 plants less than 8m.
- C10 At least 3 different overstorey species are to be planted in approximately equal numbers. At least 5 understorey plants are to be planted with not more than 30% and less than 10% of any one species.
- C11 The planting is to include a range of species in addition to *Eucalyptus* and *Acacia* species. The different species are to be spread evenly across the site so that clumps of individual species are avoided unless there are specific reasons for doing otherwise (such as shelter belts).
- C12 Deep ripping is the preferred method of ground preparation before planting unless it can be demonstrated that ripping is likely to cause an environmental hazard or is otherwise unnecessary.
- C13 Areas that are regenerating naturally should not be cleared to plant seedlings.

Deep ripping should not occur within the Tree Protection Zone as specified in AS4970-2009 (Protection of trees on development sites).

**Direct seeding**

- C14 Where direct seeding is used the same stocking rate is to be achieved as for planted seedlings (percentage cover). Current practice is to use between 300gms and 350gms of mixed local native seed per hectare with spacing between direct seeded rows about 4m apart.
- C15 Achieve the same mixture of overstorey and understorey species as for planted seedlings.
- C16 Areas that are regenerating naturally should not be cleared to undertake direct seeding.

**Natural regeneration**

- C17 Natural revegetation areas are required to achieve the same stocking rate as for planted seedlings (percentage cover). The revegetation should be evenly spaced and not small clumps of dense vegetation in otherwise cleared areas.
- C18 Additional species may be needed to supplement plant diversity where areas of natural regeneration are limited to 1 or 2 species.

### **New native vegetation in existing native grasslands**

C19 The reduced planting rate can only apply where native grasses cover more than 50% of the site.

Notes: Native grasslands are valuable elements of the natural ecosystem and are protected. Where possible, new native vegetation should not be established on areas supporting native grassland.

In some circumstances trees and shrubs may have to be established within native grassland areas. In these cases the number of seedlings per hectare is reduced to avoid clearing the native grasslands and limit the amount of grass control necessary before planting. Where grass or weed control is necessary to reduce competition before planting use spot or strip clearing to minimise erosion and allow gradual re-colonisation of the cleared areas by native grasses.

### **Fencing of native vegetation**

C20 Fencing of native vegetation (C2, C8 and C17) is not to include barbed wire and is to have a bottom strand no lower than 40cm above the ground, unless rabbit proof fencing is being used.

## **5.4 Land subject to Clauses 7.3, 7.4, 7.5 and 7.6 of the Wagga Wagga Local Environmental Plan 2010**

This section applies to land zoned C2 Environmental Conservation and C4 Environmental Living zone or land subject to the provisions of clauses 7.3, 7.4, 7.5 and 7.6 of the WWLEP 2010

### **Objectives**

- O1 To support the controls and objective for both the C2 and C4 Zone and the provisions in Clauses 7.3 to and inclusive of Clause 7.6 of the LEP.
- O2 Protect, maintain or improve the diversity of the native flora and fauna.
- O3 Protect the ecological processes necessary for their continued existence.
- O4 Encourage the recovery of threatened species, communities or populations and their habitats.
- O5 Protect, maintain or improve the diversity and stability of landscapes.
- O6 Protect or improve water quality within waterways.
- O7 Protect or improve aquatic and riparian habitats.
- O8 Protect or improve ecological processes within waterways and riparian areas.
- O9 Protect threatened aquatic species, communities, populations and their habitats.
- O10 Protect scenic and cultural heritage values of waterways and riparian areas.
- O11 Protect and preserve groundwater sources.

### **Explanatory Note(s):**

**Controls**

**Land zoned C2 Environmental Conservation**

C1 Development is to be consistent with any Conservation Management Plan prepared for land in the C2 zone.

**Land identified as “Biodiversity” on the Terrestrial Biodiversity Map (WWLEP 2010 Clause 7.3)**

C2 Where impacts are likely an application for development consent on land identified as “Biodiversity” on the Terrestrial Biodiversity Map shall address the following matters:

(a) identification of any potential adverse impact of the proposed development on any of the following:

- (i) a native vegetation community,
- (ii) the habitat of any threatened species, population or ecological community,
- (iii) a regionally, state or nationally significant species of plant, animal or habitat,
- (iv) a habitat corridor,
- (v) a wetland,
- (vi) the biodiversity values within a reserve, including a road reserve or a stock route, and

(b) a description of any proposed measures to be undertaken to ameliorate any such potential adverse impact.

C3 Any soil disturbance should be rehabilitated using native grasses and forbs.

**Land identified as “Vulnerable Land” on the Vulnerable Land Map (WWLEP 2010 Clause 7.4)**

C4 Where impacts are likely an application for development consent on land identified as a “Vulnerable Land” on the Vulnerable Land Map shall address the potential for any adverse impact on land:

- (a) with a slope greater than 25%, or
- (b) with a high proportion of rock outcropping, or
- (c) subject to high erosion potential, or
- (d) subject to soil salinity or impeded drainage, or
- (e) subject to regular or permanent inundation.

C5 Any soil disturbance should be rehabilitated using native grasses and forbs.

**Land identified as “Water” or “Waterway” on the Water Resources Map (WWLEP 2010 Clause 7.5)**

C6 Where impacts are likely an application for development consent on land identified as “Water” or “Waterway” on the Water Resource Map or situated within 40m of the bank or shore (measured horizontally from the top of the bank or shore), of a waterway on the Water Resource Map shall address the following:

**Explanatory Note(s):**

- (a) identification of any potential adverse impact on any of the following:
  - (i) water quality within the waterway,
  - (ii) aquatic and riparian habitats and ecosystems,
  - (iii) stability of the bed, shore and banks of the waterway,
  - (iv) the free passage of fish and other aquatic organisms within or along the waterway,
  - (v) habitat of any threatened species, population or ecological community,
- (b) the likelihood that the development will increase water extraction from the waterway for domestic or stock use and the potential impact of any extraction on the waterway,
- (c) a description of all proposed measures that may be undertaken to ameliorate any potential adverse impact.

C7 The construction of septic systems is to be consistent with the “Environment and Health Protection Guidelines - On-site Sewerage Management for Single Households”, 1998.

**Land identified as “Groundwater” on the Water Resources Map (WWLEP 2010 Clause 7.6)**

C8 Where impacts are likely an application for development consent on land identified as “Groundwater” on the Water Resource Map, for development specified in Clause 7.6 (4) of the LEP, shall address the following:

- (a) addresses potential impacts upon:
  - i) existing groundwater sources, and
  - ii) future extraction from groundwater sources for domestic and stock water supplies.
- (b) demonstrates that the development is designed to prevent adverse environmental impacts, including exacerbation of salinity and the risk of contamination of groundwater sources from on-site storage or disposal facilities.

C13 The construction of septic systems should be consistent with the “Environment and Health Protection Guidelines – On-site Sewerage Management for Single Households”, 1998.

**Explanatory Note(s):**

The need for vegetated buffers to drainage depressions will be assessed by the Wagga Wagga City Council on a case by case basis.