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C2 Vegetation Management

2.1 Preservation of Trees and Vegetation

A. Introduction

It is important to protect and where possible enhance the trees and other vegetation in our City for several reasons including biodiversity conservation, habitat protection, preserving amenity, cleaning our air, cooling our City and contributing to the positive health and well-being of our community.

This section of the Plan seeks to address the requirements for tree and vegetation management while achieving an appropriate balance between protecting and enhancing trees and other vegetation, minimising risks to people and property, ensuring public safety and facilitating sustainable development.

If you are proposing to remove trees or other vegetation, you may be required to obtain approval from other government agencies that administer the following Acts. This is in addition to gaining approval from Council. Before commencing any works involving tree or vegetation removal you should check if approval is also required under other legislation including:

- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*
- *Environmental Planning & Assessment Act 1979 (and amendments)*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Local Land Services Act 2013*
- *National Parks and Wildlife Act 1974*
- *Rural Fires Act 1997*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Water Management Act 2000*

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

While some areas of Penrith are zoned rural, for the purposes of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 all land within the City of Penrith is considered as a non-rural area of the State. From this policy instrument Council is provided with the mechanism to require and issue permits for the removal or clearing of vegetation. The following sections of this Plan set out approval and permit requirements and other matters for consideration relating to vegetation management in the City.

B. Objectives

- a) To protect and conserve the biodiversity values of trees and other vegetation in the City, and
- b) To maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change, and
- c) To support conservation and threat abatement action to minimise biodiversity loss and conserve threatened species and ecological communities in nature, and
- d) To protect and enhance biodiversity corridors, landscape character and scenic values of the City; and
- e) Recognise the importance and function of trees and other vegetation for Cooling our City, and
- f) To preserve the amenity of the City through the preservation of trees and other vegetation, and
- g) To preserve existing trees and other vegetation where possible during the planning, design, development and construction process, and
- h) To firstly avoid or minimise impacts of a proposed development and land use change on biodiversity and if impacts are unavoidable provide appropriate offsets, and
- i) To achieve an appropriate balance between the protection of trees and other vegetation and mitigating risks from natural hazards.

C. Other Relevant Sections of this DCP

Other sections of this DCP may have a relationship or influence vegetation management outcomes, so it is important to read all relevant parts of this Plan.

D. Controls

1. Approval Requirements

Vegetation means “*a tree or other vegetation, whether or not it is native vegetation.*” Native Vegetation has the same meaning as defined in Part 5A of the *Local Land Services Act 2013*.

General Approval Requirements

- a) A person must not remove, clear, prune or otherwise cause harm to any tree or other vegetation prescribed by this Plan without an appropriate approval. This includes the following activities in relation to trees and other vegetation which are not permitted without approval:
 - Removal by cutting down, clearing, under scrubbing, thinning or any other method
 - Removal of bark around part of or full circumference of a tree trunk (i.e. ring-barking)
 - Cutting off the top of a tree to reduce its height (i.e. topping)
 - Cutting off branches on one side of a tree (i.e. lopping)
 - Cutting off or pruning branches greater than 50mm diameter
 - Cutting, removal or otherwise damaging the roots or root system

- Poisoning or any other activity which causes harm or injury

Development Consent

- b) A person must not remove, clear, prune or otherwise cause harm to any tree or other vegetation prescribed by this Plan, which is proposed as part of development without Development Consent. These works must be assessed as part of a Development Application.

Advisory Note:

Clearing of trees or other vegetation will only be considered where it is proposed in conjunction with a use permissible on that land.

Native Vegetation Panel Approval

- c) If proposed clearing of native vegetation is not associated with development (i.e. not for a purpose requiring development consent) and the proposed area of clearing exceeds the area clearing threshold (see table C2.1 below), or the vegetation is identified on the Biodiversity Values Map then approval is required from the Native Vegetation Panel (not Council).

The area clearing threshold (see table C2.1 below) varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan), or actual lot size (where there is no minimum lot size provided for the relevant land under the Local Environmental Plan).

If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold.

Table C2.1 – Area Clearing Thresholds

Minimum lot size associated with the property	Threshold for clearing , above which the BAM* and Biodiversity Offsets Scheme apply (requires Native Vegetation Panel approval)
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1000 ha	1 ha or more
1000 ha or more	2 ha or more

* BAM means Biodiversity Assessment Method

Vegetation Permits

- d) Where the area clearing threshold is not exceeded (see table C2.1 above) and development consent is not required, a person must not remove, clear, prune or otherwise cause harm to any tree or other vegetation prescribed by this Plan without a Vegetation Permit.

There are two types of Vegetation Permit Application:

- i) Application to Remove or Prune Trees, or
- ii) Application to Clear Native Vegetation

A Vegetation Permit is not required if works are carried out in accordance with an exemption as detailed in Section 3 – Vegetation Permit Exemptions.

Advisory Note:

A Vegetation Permit will generally not be issued to facilitate Complying Development. A Development Application will be required if a complying development proposal does not meet the complying development controls in relation to trees and other vegetation.

2. Prescribed Vegetation

- a) Prescribed trees or other vegetation covered by this section of the Plan includes:
- i) Any native tree (both living and dead) or other vegetation that is on land zoned E2 Environmental Conservation in the Penrith LEP 2010 Land Zoning Map, or on natural resources sensitive land identified in the Penrith LEP 2010 Natural Resources Sensitivity Land Map.
 - ii) In all areas, any native vegetation community including remnant native vegetation.
 - iii) In all areas, any tree or other vegetation whether native or introduced having a height of 3.5 metres or more or a trunk diameter exceeding 100mm at 1400mm above ground level.
 - iv) Any tree or other vegetation that is, or forms part of, a heritage item or is within a heritage conservation area.
 - v) Any tree or other vegetation that is culturally, socially or biologically significant or a unique specimen and has been formally recognised by an appropriate government authority (e.g. a significant tree or vegetation register).

3. Vegetation Permit Exemptions

- a) A Vegetation Permit is not required for pruning or removal of:
- i) a tree that is dead and is not habitat for native fauna;
 - ii) a tree that is an imminent risk or threat to human life or property;
 - iii) deadwood that is not habitat for native fauna;
 - iv) a tree located within 3.0 metres of an external enclosing wall of a dwelling, as measured from the centre of the trunk at 1400mm above ground level;
 - v) an exempt tree species published by Council (refer to website);

- vi) a tree or other vegetation that produce an edible fruit, excluding Australian natives and ornamental fruit trees;
 - vii) a tree or other vegetation removed in accordance with the NSW Rural Fire Service 10/50 Vegetation Clearing Code of Practice;
 - viii) a tree or other vegetation within bushfire asset protection zones maintained in accordance with an approved Bushfire Risk Management Plan. The term 'asset protection zone' is defined in the *NSW Rural Fire Service Planning for Bushfire Protection 2018 guidelines*;
 - ix) a tree or other vegetation subject to written approval or direction from the NSW Rural Fire Service for the purpose of property protection and bushfire hazard reduction;
 - x) a tree that will cause imminent damage to the structural integrity or function of an existing perimeter boundary fence on rural land;
 - xi) a tree or other vegetation growing within an approved constructed dam or dam wall where maintenance is required to prevent impacts on structural integrity or function;
 - xii) a tree or other vegetation where works are carried out in accordance with a Development Consent, or approval issued by the Native Vegetation Panel;
 - xiii) trees or other vegetation that grow within a timber plantation;
 - xiv) a tree or other vegetation that are on Council owned or managed land provided the work is undertaken by persons authorised by Council, and is in accordance with Council approved works, a Council policy or a Plan of Management, AS 4373 - 2007, *Pruning of Amenity Trees* and statutory approvals;
 - xv) a tree or other vegetation where action is required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*;
 - xvi) a tree or other vegetation declared as weeds and covered by a Biosecurity Priority Weeds Plan prepared under the *Biosecurity Act 2015 and Biosecurity Regulation 2017* (see the Department of Primary Industries and Hawkesbury River County Council websites);
 - xvii) a tree or other vegetation to control pests in accordance with a pest management plan prepared under the *Biosecurity Act 2015 and Biosecurity Regulation 2017* (see the Department of Primary Industries website).
- b) A Vegetation Permit is not required to prune a tree in accordance with *AS 4373 - 2007, Pruning of Amenity Trees* providing:
- i) the branches to be pruned are no greater than 50mm diameter and the shape and structure of the tree will not be significantly modified; and
 - ii) the branches to be pruned are within 3.0 metres a dwelling roof, and the final cut is only back to the nearest branch junction or collar and the largest cut is no greater than 150mm in diameter;
 - iii) the branches to be pruned are located within 2.0 metres of ground level and the tree is greater than 6.0 metres in height, where the final cut is only back to the nearest branch junction or collar and the largest cut is no greater than 150mm in diameter.

Exemption Advisory Notes:

1. Property owner's consent is required before carrying out any exempt works.
2. For the purpose of this section 3 *imminent* means "*likely to happen at any moment*".
3. Before carrying out exempt works under section 3 a) i), ii), iii) and x), property owners should first obtain a report from a suitably qualified arborist (or other suitable evidence) clearly identifying a tree as dead, or as an imminent risk or threat to human life or property, or as an imminent risk of damage to an existing perimeter boundary fence on rural land.
4. All pruning work should be carried out in accordance with AS 4373 - 2007, *Pruning of Amenity Trees*.
5. Property owners must be able demonstrate exempt criteria have been met if requested by Council.
6. Property owners should contact Council for advice if they uncertain whether an exemption applies.

4. Application Submission Requirements

- a) The level of information required to assess a development or permit application to remove or clear trees or other vegetation will depend on:
- i) the scale and extent of proposed works;
 - ii) site location and characteristics;
 - iii) whether the site contains any significant trees;
 - iv) whether the site contains any threatened species, threatened ecological communities, or protected plants and animals listed under the *Biodiversity Conservation Act 2016*;
 - v) whether the site is identified on the NSW Office of Environment and Heritage Biodiversity Values Map.
- b) A report prepared by a suitably qualified and experienced arborist may be required with a tree removal application and as a minimum should address the following in relation to trees:
- i) The location, number and type (species) of trees proposed to be removed;
 - ii) A clear site plan identifying tree(s) proposed for removal and other relevant site features such as a dwelling, fences and driveways;
 - iii) Details of the proposed works and the reasons for the works;
 - iv) The age, health and condition, including structural soundness and the condition of the root zone;
 - v) The aesthetic, scientific, ecological and/or historic importance;
 - vi) The impact of the proposed work on the appearance, health or stability of trees or vegetation and the general amenity of the surrounding area, including any effect on the streetscape;
 - vii) In the case of an application to remove a tree(s) or vegetation, whether pruning would be a more practicable and desirable alternative;
 - viii) Any risk the tree(s) may pose to people, dwellings, structures or services;
 - ix) The extent of other trees and vegetation on the property;
 - x) Whether the tree(s) is likely to be used as habitat, or is a source of food or shelter for native animals;
 - xi) Whether the tree(s) is a threatened species or forms part of a threatened community; and
 - xii) Whether all alternatives to removing or pruning the tree or vegetation have been considered.
- c) A Flora and Fauna Assessment Report including a Test of Significance under Part 7, Division 1, Section 7.3 of the *Biodiversity Conservation Act 2016* may be required with an application to remove or clear native trees or other native vegetation. The report must be prepared by a suitably qualified and experienced ecological consultant.
- d) A Biodiversity Development Assessment Report (BDAR) will be required for an application to remove or clear native trees or other native vegetation on land identified by the Biodiversity Values Map, or where clearing exceeds the Biodiversity Offset Scheme area clearing thresholds, or after applying the Test of Significance the impacts are likely

be significant. A BDAR must be prepared by an accreditor assessor under the *Biodiversity Conservation Act 2016*.

Applicants should seek advice from Council if assistance is needed in relation to submission requirements.

5. Trees Causing Property Damage

- a) In relation to trees causing property damage, it must be demonstrated (e.g. by a report from a practising qualified structural engineer) that the tree, its trunk, or its root system is causing damage to a structure and the damage cannot be controlled by measures such as the installation of a root barricade.

6. Trees and New Development - Site Planning and Design

The following controls apply where the removal of trees and other vegetation is proposed as part of a development application for a proposed use permissible under the relevant zone of Penrith LEP 2010:

- a) Australian Standard AS 4970-2009 Protection of Trees on Development Sites should be considered, and
- b) The siting and layout of a development should consider, at the initial concept stage, the location of trees and other vegetation (including on adjoining land) and favour their retention.
- c) Buildings, Asset Protection Zones and Effluent Management Areas are to be sited on existing cleared land, where possible.
- d) Where a stand of trees is to be retained, any associated native understorey should also be retained.
- e) Trees and vegetation should be retained on steeply sloping sites (slopes greater than 20%) or where there is unstable soil to minimise erosion or geo-technical instability. (See also the controls in the Land Management section of this Plan relating to Geotechnical Stability).
- f) Trees and vegetation must be retained along watercourses (See also the controls in the Water Management section of this Plan, relating to Riparian Corridors).
- g) An application is required to address the effect of the proposed development on existing vegetation, the landscape character and the scenic quality of the locality.
- h) Trees and vegetation must be retained where they shield existing or proposed buildings from views from public areas.
- i) Trees and vegetation must be retained where they form part of the landscape character of an area, including on or near ridgelines.
- j) Any proposed building or structure are to be located outside the tree protection zone for retained trees. Council may consider a variation based on an appropriate arboricultural assessment.
- k) Hard (or impervious) surfaces are not permitted under the drip line of any tree.
- l) Where possible services (and particularly pipes carrying water/moisture) are to be located outside the tree protection zone of any tree to be retained. Council may consider a variation based on an appropriate arboricultural assessment.
- m) Wherever trees or vegetation are removed (with consent) as a consequence of the development, an equal or greater number of replacement trees that grow to a similar or

greater height or canopy should, where practical, be incorporated into the landscaping design of the new development.

- n) The siting and layout of a development should also consider, at the initial concept stage, bushfire risk. (See the Bushfire Management section of the Plan).

7. Protection of Trees During Construction

- a) Tree protection must be in accordance with an approved Tree Protection Plan (TPP) prepared with consideration of Australian Standard AS 4970-2009 *Protection of Trees on Development Sites*.
- b) During construction, an adequate fence or similar structure must be constructed around any trees or other vegetation to be retained in accordance with the approved TPP.
- c) Tree protection zones identified by an approved TPP must not be used by vehicles or machinery, for stockpiling wastes, for storage of any building materials or any other construction activities. This will help protect the tree or vegetation from soil compaction and contamination; root, trunk and limb damage; and changes in surface levels that affect the health of the tree or vegetation.

2.2. Biodiversity Corridors and Areas of Remnant Native Vegetation in Non-Urban Areas

A. Background

The protection and rehabilitation of biodiversity corridors between areas of remnant native vegetation help maintain biodiversity and the integrity of ecosystems. Fragmentation and isolation of habitat reduce the diversity and viability of flora and fauna populations.

This section of the Plan seeks to reinforce and supplement the controls set out in the 'Development on natural resources sensitive land' clause of Penrith LEP 2010. These controls focus on biodiversity corridors and areas of remnant native vegetation in Penrith's non-urban areas, which are identified as natural resources sensitive land on the Penrith LEP 2010 Natural Resources Sensitivity Land Map.

B. Objectives

- a) To promote the establishment and retention of biodiversity corridors and areas of remnant native vegetation that contribute to the long-term survival of native fauna and flora species in the area;
- b) To maintain (and where possible increase) the current area of native bushland and retain the natural species diversity of bushland as far as possible;
- c) To encourage the planting of a diversity of native species to enhance biodiversity values, scenic quality and landscape character; and
- d) To facilitate the implementation of weed control and management measures that act upon the processes causing weed invasion of natural areas.

C. Controls

1. Development Consent

- a) Biodiversity corridors and areas of remnant native vegetation are shown as natural resources sensitive land on the Penrith LEP 2010 Natural Resources Sensitivity Land Map.
- b) In accordance with the 'Development on natural resources sensitive land' clause of Penrith LEP 2010, development consent is required for the following in biodiversity corridors and areas of remnant native vegetation:
 - i) the subdivision of land;
 - ii) earthworks (including removal of rock or other natural material or alteration of a natural waterway or drainage line);
 - iii) the carrying out of a work;
 - iv) development site preparation works clearing vegetation (including slashing or under-scrubbing);
 - v) irrigation with treated effluent.
- c) Clause 1b) iv) above does not include slashing or under-scrubbing undertaken for the purposes of controlling declared pests under the *Biosecurity Act 2015* or to maintain dams, fences or asset protection zones.

2. Matters to be Considered

- a) The 'Development on natural resources sensitive land' clause of Penrith LEP 2010 lists matters that must be considered for any new development or work described in clause 1b) above.
- b) Council must also be satisfied that any development or work is designed, located and managed to avoid or minimise any potential adverse environmental impact.
- c) The matters listed in the 'Development on natural resources sensitive land' clause must be addressed in supporting documentation submitted with the application.

3. Submission Requirements

- a) The level of information required to assess a development or permit application to remove or clear trees or other vegetation will depend on:
 - i) the scale and extent of proposed works;
 - ii) site location and characteristics;
 - iii) whether the site contains any significant trees;
 - iv) whether the site contains any threatened species, threatened ecological communities, or protected plants and animals listed under the *Biodiversity Conservation Act 2016*;
 - v) whether the site is identified on the NSW Office of Environment and Heritage Biodiversity Values Map.
- b) A report prepared by a suitably qualified and experienced arborist may be required with a tree removal application and as a minimum should address the following in relation to trees:
 - i) The location, number and type (species) of trees proposed to be removed;
 - ii) A clear site plan identifying tree(s) proposed for removal and other relevant site features such as a dwelling, fences and driveways;
 - iii) Details of the proposed works and the reasons for the works;
 - iv) The age, health and condition, including structural soundness and the condition of the root zone;
 - v) The aesthetic, scientific, ecological and/or historic importance;
 - vi) The impact of the proposed work on the appearance, health or stability of trees or vegetation and the general amenity of the surrounding area, including any effect on the streetscape;
 - vii) In the case of an application to remove a tree(s) or vegetation, whether pruning would be a more practicable and desirable alternative;
 - viii) Any risk the tree(s) may pose to people, dwellings, structures or services;
 - ix) The extent of other trees and vegetation on the property;
 - x) Whether the tree(s) is likely to be used as habitat, or is a source of food or shelter for native animals;
 - xi) Whether the tree(s) is a threatened species or forms part of a threatened community; and

- xiii) Whether all alternatives to removing or pruning the tree or vegetation have been considered.
- c) A Flora and Fauna Assessment Report including a Test of Significance under Part 7, Division 1, Section 7.3 of the *Biodiversity Conservation Act 2016* may be required with an application to remove or clear native trees or other native vegetation. The report must be prepared by a suitably qualified and experienced ecological consultant.
- d) A Biodiversity Development Assessment Report (BDAR) will be required for an application to remove or clear native trees or other native vegetation on land identified by the Biodiversity Values Map, or where clearing exceeds the Biodiversity Offset Scheme area clearing thresholds, or after applying the Test of Significance the impacts are likely be significant. A BDAR must be prepared by an accreditor assessor under the *Biodiversity Conservation Act 2016*.
- e) Where vegetation works are proposed on land that is a heritage item or within a heritage conservation area, a Heritage Impact Statement may be required in accordance with Clause 5.10 Heritage conservation of Penrith LEP 2010. In this regard, applicants should consult with Council's Development Services Department.

Applicants should seek advice from Council if assistance is needed in relation to submission requirements.

4. Protecting and Enhancing Biodiversity Corridors and Areas of Remnant Native Vegetation

- a) As the purpose of biodiversity corridors and areas of remnant native vegetation is to conserve native plants and animals, no clearing of native vegetation should occur within these areas.
- b) As far as possible, biodiversity corridors and areas of remnant native vegetation should be retained with the smallest possible edge-to-area ratio. Measures must be taken to avoid fragmentation of vegetation by roads, tracks, services and the like.
- c) Management of biodiversity corridors and areas of remnant native vegetation must allow natural processes to continue. Measures must be taken to prevent disturbance to existing vegetation, including roots, the hydrological regime and surrounding soil.
- d) Management of biodiversity corridors and areas of remnant native vegetation must have regard to the value of the vegetation as fauna habitat. In particular, old trees (both living and dead), fallen logs, bush rock and a diverse vegetation structure, including understorey species, should be maintained for fauna habitat.
- e) Where land disturbance occurs, natural regeneration is the preferred method of rehabilitation.
- f) Locally native species must be used for revegetation and restoration of biodiversity corridors and areas of remnant native vegetation, if regeneration is unlikely to occur.
- g) Where possible, new native vegetation must be planted in clusters and connected to isolated patches of vegetation to enhance the network of biodiversity corridors.
- h) Non-native or introduced vegetation removed from a site is to be disposed of away from biodiversity corridors and areas of remnant native vegetation to avoid the spread of seed and regenerative vegetative material.
- i) Where possible, structures and any associated fire protection zones must be sited on existing cleared land and not within biodiversity corridors and areas of remnant native vegetation.

- j) Regular maintenance is required for existing tracks, especially to control track damage and erosion.
- k) Non-essential roads and tracks in biodiversity corridors and areas of remnant native vegetation must be closed and rehabilitated.
- l) Road signs should be erected where biodiversity corridors and areas of remnant native vegetation cross roads to alert motorists to the significance of fauna at these sites.
- m) Activities such as horse riding and motorcycle riding can cause damage to tracks and native vegetation, spread weeds and introduce nutrients. Therefore these activities must not occur in biodiversity corridors and areas of remnant native vegetation.

5. Development Near Biodiversity Corridors and Areas of Remnant Native Vegetation

- a) All new development adjacent to biodiversity corridors and areas of remnant native vegetation must be located, designed and constructed to prevent or minimise, as far as possible, adverse impacts on native vegetation, fauna and habitat.
- b) The layout of new development is to:
 - i) Ensure low intensity land uses are situated directly adjacent to the biodiversity corridor or area of remnant native vegetation;
 - ii) Ensure viability and functionality of the biodiversity corridor or area of remnant native vegetation;
 - iii) Maximise connectivity to neighbouring biodiversity corridors;
 - iv) Maximise connectivity to other areas of remnant native vegetation retained on-site or on neighbouring sites;
 - v) Ensure retained vegetation is configured to provide low edge-to-area ratios and avoid narrowing or bottlenecks within the biodiversity corridor;
 - vi) Ensure associated road infrastructure avoids core vegetation, or where not possible, provides for wildlife under/overpasses and minimises the intrusion, length and width;
 - vii) Where possible mitigate or prevent the impact of light pollution on fauna and habitat in adjacent biodiversity corridors and areas of remnant native vegetation.

6. Natural Regeneration and Planting Native Species

- a) Natural regeneration is the preferred method of rehabilitation. However, if planting is to be undertaken, native species related to the local vegetation community should be selected when planting on both public lands and private lands to aid the restoration or expansion of bushland.

7. Management of Weeds and Invasive Species

- a) Weed control refers to the control of non-native or introduced plants, particularly invasive species. Important elements of weed control are gaining an understanding of the causes of weed invasion and taking measures to minimise these causes.
- b) Measures are to be taken to prevent the occurrence of factors leading to weed invasion. Weed invasion occurs within native vegetation areas mainly as a result of the following factors:
 - i) Physical site disturbance;
 - ii) Increased soil moisture due to runoff from adjacent areas;

- iii) Increased nutrients from runoff or waste dumping;
 - iv) Increased light levels due to clearing or dieback; and
 - v) Increase in weed propagules and seed dispersal agents.
-
- c) Weed control techniques are to be carried out in a manner that minimises negative environmental impacts. Different techniques are required in varying situations, especially along watercourses, which are very sensitive to pollution impacts. Regular monitoring of weeds is to be carried out on an ongoing basis to identify and respond to the occurrence of new plant species that pose a potential threat to native vegetation.
 - d) Biosecurity matter declared under the *Biosecurity Act 2015* include weed plant species posing a threat to primary production, the environment or human health. Please refer to the *Biosecurity Act 2015* for the requirements and a list of biosecurity matter. Further details on weed management in the Hawkesbury River County Council area (which includes the Penrith local government area) can be found at <http://hrcc.nsw.gov.au/>.
 - e) Weeds not declared as biosecurity matter (commonly called environmental weeds) should also be controlled as part of a weed management program.

2.3. Bushfire Management

A. Background

This section applies to land identified on the Bushfire Prone Land Map. It also contains controls for development which, while not proposed on bushfire prone land, may still be subject to the impact from bushfires, particularly through ember attack.

To determine whether a particular site is 'bushfire prone land', Council has produced a Bushfire Prone Land Map which has been certified by the Rural Fire Service in accordance with Section 146 'Bush fire prone land' of the *Environmental Planning and Assessment Act 1979*. Applicants should review the Bushfire Prone Land Map to determine whether their site is 'bushfire prone land' and what category of risk of bushfire affects the site.

Alternatively, applicants can request a Section 149 Certificate from Council which will specify land that is identified as 'bushfire prone'.

The key objectives and controls to address bushfire risk are not set out in this Plan but are incorporated into the Rural Fire Service publication entitled *Planning for Bushfire Protection 2006 (PBP)* (as amended), as well as the *Rural Fires Act 1997* and the *Environmental Planning and Assessment Act 1979*.

By dealing with bushfire protection measures at the beginning of the planning and/or design process:

- Hazardous land uses can be avoided on bushfire prone land;
- Councils, developers and consultants can ensure subdivisions are designed and dwellings constructed to minimise the risk of bushfire attack; and
- The safety of people, property and the environment can be maximised.

B. Objectives

- a) To minimise the risk to life, property and the environment in the event of a bushfire, including the lives of emergency personnel;
- b) To ensure that all development on bush fire prone land makes adequate provision for access for emergency personnel, vehicles and equipment;
- c) To balance the risk of bushfire to life and property with the other principles in this Plan, including the need to protect and enhance existing vegetation where possible; and
- d) To recognise that land not classified as 'bushfire prone land' may still be subject to the impact from bushfire, particularly through ember attack.

C. Controls

1. Planning for Bushfire Protection

- a) If land is identified as 'bushfire prone land' on the Bushfire Prone Land Map, then any development application on that land must address the bush fire protection measures set out in the document *'Planning for Bushfire Protection 2006 (PBP)*.
- b) If the development proposes the subdivision of land for residential and rural-residential purposes or is a development which has been identified as 'special fire protection purposes', then the development will be Integrated Development under the *Environmental Planning and Assessment Act 1979*.

A development identified as 'special fire protection purposes' includes:

- i) a school

- ii) a child care centre
- iii) a hospital
- iv) a hotel, motel or other tourist accommodation
- v) seniors housing
- vi) a group home
- vii) any other purpose prescribed by section 100B (6) of the *Rural Fires Act 1997*.

2. Bushfire Assessment Report

- a) A Bushfire Assessment Report, prepared in accordance with the PBP, must accompany all development applications on land identified as bush fire prone land. (For report requirements, see Appendix F3 – DA Submission Requirements).
- b) The Single Dwelling Application Kit (available on the Rural Fire Service website www.rfs.nsw.gov.au) provides applicants with a streamlined approach to meeting the requirements of the PBP for single dwellings. It has been designed to assist applicants to provide information in support of a development application and presents options that can be incorporated into the building to mitigate the impact of bush fire on life and property.

3. Land that is Not Classified as Bushfire Prone Land

- a) Development on land zoned RU1, RU2, RU4, RU5, E2, E3, E4 and R5, or on land within 250m of any of these zones that is not identified as 'bushfire prone land' on the Bushfire Prone Land Map must consider ways to minimise the risk of ember attack, particularly with regard to roof design, building materials and landscape design. These matters must be addressed in the Statement of Environmental Effects.

4. Bushfire Hazard Reduction

- a) Although consent is not required for bushfire hazard reduction work, it must be authorised by the *Rural Fires Act 1997*.

D. Other Information

People seeking further information on bushfire management or preparing development applications may wish to refer to the following:

- Penrith City Council's *Bushfire Prone Land Map*
- Rural Fire Service (2006) *Planning for Bush Fire Protection 2006* (as amended) available on the Rural Fire Service's website at www.rfs.nsw.gov.au
- Rural Fire Service *Single Dwelling Application Kit* at www.rfs.nsw.gov.au.
- 10/50 Vegetation Clearing Code of Practice for New South Wales at www.rfs.nsw.gov.au.
- Bush Fire Environmental Assessment Code for New South Wales at www.rfs.nsw.gov.au.