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DEVELOPMENT CONTROL PLAN

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Part 1: Introduction

1.1 Title

This Plan is called …… *Development Control Plan No ……—Biodiversity, Habitat Corridors and Tree Preservation*.

1.2 Commencement

This Plan commences on a date to be notified by the Council.

Note: The plan was approved by the Council on ....., and commenced on ..... (see Minute No. ……. Public notice of the Council's approval of the plan appeared in the …… on ……..

1.3 Purpose of plan

The purpose of this Plan is to:

- provide more detailed guidelines on the implementation of ……*Local Environmental Plan 19…*, and
- to specify matters to be considered in the determination of development applications made under the *Environmental Planning and Assessment Act 1979*.

1.4 Aims and objectives

The principal objectives of this Plan are to:

- protect and preserve native vegetation and biodiversity in the …… Council area
- retain native vegetation in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term
- protect and enhance habitat for threatened species, populations and ecological communities
- maintain corridors for fauna and flora.

1.5 Land to which plan applies

This plan applies to all land within the ……Council area.

1.6 Definitions

The definitions within ……*Local Environmental Plan 19…* apply to this plan.

Part 2: Making development applications

2.1 Information required to accompany development applications

Information to accompany applications for development must be adequate to fully describe the nature of the development.

Where a development may affect native vegetation the following information may be required to accompany a development application or may assist in its determination by the Council:

- vegetation survey of the land undertaken by a qualified person
- fauna survey of the site undertaken by a qualified person
- species impact statement (if the development is likely to significantly affect a threatened species, population or ecological community)

- a management plan for the land outlining how the land is proposed to be managed in the future.

The Council may specify additional requirements or guidelines for undertaking adequate fauna or vegetation surveys.

2.2 Matters for consideration in determining applications

The matters required to be considered in determining development applications are specified in the *Environmental Planning and Assessment Act 1979*.

The Council is responsible for considering a wide range of impacts from development, including the effect on protected and threatened species of native fauna and flora and natural ecosystems.

The Council is required to consider whether there is likely to be a significant effect on threatened species, populations or communities. If there is likely to be a significant effect then a species impact statement is required for the development. In determining whether there is likely to be a significant effect, the following matters identified in the Act must be taken into account:

- in the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction,
- in the case of an endangered population, whether the life cycle of the species that constitutes the endangered population is likely to be disrupted such that the viability of the population is likely to be significantly compromised,
- in relation to the regional distribution of the habitat of a threatened species, population or ecological community, whether a significant area of known habitat is to be modified or removed,
- whether an area of known habitat is likely to become isolated from currently interconnecting or proximate areas of habitat for a threatened species, population or ecological community,
- whether critical habitat will be affected,
- whether a threatened species, population or ecological community, or their habitats, are adequately represented in conservation reserves (or other similar protected areas) in the region,
- whether the development or activity proposed is of a class of development or activity that is recognised as a threatening process,
- whether any threatened species, population or ecological community is at the limit of its known distribution.

2.3 Application of principles and guidelines

The principles and guidelines specified in this plan apply to all development proposals, except where it can be shown that they are not appropriate.

The principles and guidelines are to be considered by the Council when assessing whether or not development proposals should be approved, and in determining what conditions of approval (if any) should apply.

2.4 Approvals required by other agencies

In some cases, additional approvals may be required from other agencies before a development can proceed.

Part 3: Design & management principles

3.1 Application of Principles

The vegetation management principles specified in the …… Local Environmental Plan 19… shall be considered in the determination of any development application within the …… Council area.

Part 4: Development & management guidelines

4.1 Application of Guidelines

The following guidelines apply and shall be taken into account in considering proposed development within the ……Council area.

Guidelines are included in this plan for the following issues:

Settlement structure

- Subdivision layout

Biodiversity

- Bushland
- Streams
- Natural wetlands
- Native fauna
- Non-native fauna
- Weeds
- Threatened species
- Habitat corridors

Land and water

- Streams and stormwater
- Erosion, sediment and dust control
- Excavation and filling
- Land rehabilitation
- Bush fires

Environmental design

- Paving
- Construction works
- Tree preservation
- Landscape design
- Waste disposal
- Cultural and historic sites.

4.2 Guidelines for Settlement Structure

4.21 Subdivision layout

Objective

To ensure that subdivision design takes into account biodiversity considerations and facilitates minimum impact development to protect any remnant native vegetation on the site and on adjoining land.

Guidelines, acceptable practice & standard conditions

On lots directly fronting bushland it is necessary to have on-site drainage controls to prevent nutrient and erosion impacts on the bushland. On-site fuel reduction zones should also be provided to minimise bushfire hazards. Both must be located within a bushland setback zone having a minimum width of 10 metres from adjoining bushland.

Development should maximise the conservation of the natural features of the site (including rock outcrops, cliffs, soil profiles, watercourses, important fauna habitats and rare or threatened plant habitats).

Perimeter roads are desirable from the point of view of bushfire control but may not always be feasible if site disturbance is to be minimised.

4.3 Guidelines for biodiversity

4.31 Bushland

Objectives

To maintain (and where possible increase) the current area of bushland, and to retain the natural species diversity of bushland as far as possible.

Guidelines, acceptable practice & standard conditions

Before any activity with the potential to disturb bushland is carried out a plant survey is to be undertaken to establish an inventory of the species present, any specific management requirements for particular plants, to determine the importance of the bushland on the site (in conjunction with any adjoining bushland), and the range of possible conservation alternatives.

Measures are to be taken to prevent disturbance to existing vegetation, including roots, hydrological regime, and surrounding soil.

Management of bushland and adjoining land should retain dominant native species and allow natural processes to continue. Natural vegetation communities are self sustaining and may change over time according to changes in environmental factors such as climate, bushfires and other disturbance.

Where land disturbance occurs, natural regeneration is the preferred method of rehabilitation.

Management of bushland should have regard to the value of the vegetation as fauna habitat. In particular, old trees (both living and dead), fallen logs, bushrock and a diverse vegetation structure including understorey species should be maintained for fauna habitat.

Native vegetation is not to be removed from habitat corridors or adjoining land. Non-native vegetation removed from the site is to be disposed of away from bushland to avoid spread of seed, or introduction of additional nutrients. Trees may be removed or cut only where they are hazardous to public safety, or where they are a weed or non-native species.

Locally indigenous species should be used for revegetation and restoration of bushland.

4.32 Streams

Objective

To facilitate water quality and flow conditions in streams and their catchments to allow stream biodiversity to be retained, and where possible, to return stream biodiversity to pre-development levels.

Guidelines, acceptable practice & standard conditions

Development should minimise disturbance to existing natural vegetation, watercourses, wetlands and overland flow paths.

Building or site development is to maintain pre-development surface and groundwater flows.

In the case of development in the vicinity of streams (or likely to have a significant effect on streams), monitoring of stream conditions should be undertaken prior to, during and after any approval to ensure compliance with stream biodiversity objectives.

4.33 Natural wetlands

Objective

To protect natural wetlands and ensure that development within wetland catchment areas does not cause adverse effects.

Guidelines, acceptable practice & standard conditions

Any activity undertaken is to result in no net loss of wetland area. Measures must be taken to ensure that there is no degradation of the quality of wetlands.

Reclamation, filling, draining or other works that result in any loss of, or disturbance to wetlands or other associated natural habitat should not be carried out.

Each individual wetland site is different and contains a unique combination of plants, animals, and geological characteristics. Where any activities or works are proposed, an evaluation of the specific information relating to the site is to be compiled and taken into consideration.

To protect wetland ecosystems, grazing of natural wetlands by domestic stock should not occur unless restricted and carried out on an intermittent basis.

4.34 Native fauna

Objective

To protect and maintain native fauna populations and their habitats, and where appropriate, to take steps to increase and enhance fauna habitat.

Guidelines, acceptable practice & standard conditions

Impacts on fauna and flora and habitat are to be taken into consideration whenever any development or management activity is proposed.

Fauna surveys must be undertaken prior to any significant development works likely to affect the habitat of any threatened native fauna.

Re-introduction and release of native fauna should only be carried out where it is reasonably likely that the land forms part of the individual's expected home range. The proponent should consult with the NPWS regarding licensing requirements.

Exercising or training of domestic animals (eg horses, dogs, cats, etc) is an activity which is often incompatible with the protection and management of native fauna and habitat.

Trees and shrubs should be encouraged to regenerate along road verges to make it easier for fauna species to cross roads.

Areas of vegetation (desirable minimum width 100-150 metres), with a width-to-length ratio as small as possible, should be retained or allowed to naturally regenerate so as to provide fauna habitat.

Old trees, whether living or dead, and fallen timber, leaf litter, and bushrock should be retained to provide fauna habitat.

A greater diversity of vegetation and a mix of habitat types is likely to provide for a greater range of native species.

Removal of bushrock, or the cutting or removal of dead trees, fallen trees or branches from the site, must not be carried out unless undertaken as part of bushfire hazard reduction works.

4.35 Non-native fauna

Objective

To facilitate the control of pest animals (foxes, wild dogs, feral cats, etc) within all areas of native vegetation.

Guidelines, acceptable practice & standard conditions

Domestic pets such as dogs and cats should not be kept on identified properties directly adjoining bushland.

4.36 Weeds

Objectives

To facilitate the implementation of weed control and management measures that act upon the processes causing weed invasion of natural areas.

Guidelines, acceptable practice & standard conditions

Weed control refers to control of non-indigenous native plants, particularly invasive species. Important elements of weed control is gaining an understanding of the causes of weed invasion, and taking measures to minimise these causes.

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 so as to identify and respond to the occurrence of new plant species that pose a potential threat to native vegetation.

Weed invasion occurs in native vegetation mainly as a result of the following factors:

- physical site disturbance
- increased soil moisture due to runoff from adjacent areas
- increased nutrients from runoff or waste dumping
- increased light levels due to clearing or dieback
- increase in weed propagules and seed dispersal agents.

Measures are to be taken to prevent the occurrence of factors leading to weed invasion.

Noxious weeds, declared under the *Noxious Weeds Act 1993*, are plants posing a threat to agriculture, the environment or the community. Noxious weeds are to be removed as soon as possible. There is a legal obligation on all landowners to remove these plants from their properties.

4.37 Threatened species

Objective

To facilitate the assessment of development proposals likely to have a significant effect on threatened species or their habitat in accordance with the threatened species provisions of the *Environmental Planning and Assessment Act 1979.*

Guidelines, acceptable practice & standard conditions

Where a development proposal is likely to have a significant effect on threatened species, populations or ecological communities, a species impact statement must be submitted with the development application. The criteria for determining whether there is likely to be a significant effect is contained in section 5A of the *Environmental Planning and Assessment Act 1979.* Determining whether a species impact statement is required will normally require applicants to carry out a fauna and flora survey of the affected land.

Fauna and flora surveys should be undertaken to identify presence, absence and likelihood of threatened species being present on, or utilising the site. Such surveys should, as far as possible, comply with any accepted standards or Council guidelines for surveys.

4.38 Habitat corridors

Objective

To promote the establishment and retention of habitat corridors that will contribute to the long-term survival of native fauna and flora species in the area.

Guidelines, acceptable practice & standard conditions

Measures are to be taken to avoid fragmentation of vegetation in habitat corridors by roads, tracks, services, and the like. As far as possible, habitat corridors should be retained in contiguous areas which are as large as possible, with the smallest possible perimeter-to-area ratio.

The preferred use for habitat corridors is conservation of native vegetation within a conservation reserve, or development which is compatible with the retention of native vegetation.

No clearing of native vegetation should occur within habitat corridors identified on the map. Identified corridors should not be further fragmented by roads or other development.

Road signs should be erected where habitat corridors cross roads to alert motorists to the significance of fauna at these sites.

Non-essential roads and tracks in habitat corridors should be closed and rehabilitated.

Horse riding can cause damage to tracks and native vegetation, spread weeds and introduce nutrients, and should not occur in habitat corridors. Designated horse riding tracks should not be located in undisturbed bushland areas. Regular maintenance is required for existing tracks, especially to control track damage and erosion.

4.4 Guidelines for Land and Water

4.41 Streams and stormwater

Objective

To promote the retention of native vegetation and natural hydrological processes along watercourses.

Guidelines, acceptable practice & standard conditions

Continuous native vegetation should be retained along streams.

The preferred use for land adjacent to streams is protection and rehabilitation of native vegetation so as to maintain a riparian buffer.

The desirable setback from perennial streams to development or site disturbance is 20 metres, measured from the top bank. No site disturbance should occur within 10 metres from the top bank of a non-perennial stream or significant natural drainage line.

Revegetation of streams should be undertaken with suitable locally indigenous species. The Council may provide a list of such species.

Roofwater and rainwater from paved surfaces on development sites is to be discharged on the site. Any off-site dispersal is to be via natural drainage lines or in existing drainage channels.

Existing ground levels on the site are not to be altered to accommodate buildings other than to allow minor changes to surface levels to assist in drainage.

Sediment and biological nutrient filter basins are to be provided above the 1-in-100 year flood level of the watercourse to the satisfaction of the Council. All weather access is to be available to such basins. An open drainage system is to be provided for the disposal of water from the sediment and biological nutrient filter basins to the existing watercourses.

A comprehensive survey of the main watercourse, and a detailed drainage investigation which establishes the estimated 1-in-100 year flood level, is to be submitted with the development application.

All sediment, erosion and nutrient control facilities are to be installed and regularly maintained by the applicant during the period of construction. Suitable arrangements must be made for long-term maintenance of control facilities.

The water quality of the main watercourse is to be monitored for pollutants prior to the commencement of works, and at regular intervals during construction. The monitoring is to be undertaken in accordance with Environment Protection Authority guidelines.

Irrigation is to be minimised on any lawns or mowed areas to avoid runoff and a raised water table.

Landscaping should comprise drought-resistant native plants, to reduce the amount of water required.

Natural hydrological processes are to be maintained where possible, including natural vegetation and the flow regimes to maintain creek line stability and health of terrestrial and aquatic plant communities.

Measures will be taken to minimise and to control nutrients entering watercourses, water bodies or groundwater.

Water quality entering natural areas is to be maintained at a level which is acceptable for sustainable natural area management, as far as possible, at pre-development levels. Additional runoff must not be discharged into bushland areas. Special design requirements apply for pipe discharges into bushland, including measures to ensure dissipation of stormwater velocity. Permeable ground surfaces are to be maintained as far as possible, and where suitable soil conditions exist, stormwater is to be infiltrated on-site.

4.42 Erosion, sediment and dust control

Objective

To control erosion, sediment and dust to maintain amenity and protect water quality.

Guidelines, acceptable practice & standard conditions

An erosion and sediment control plan is to be prepared and submitted to Council for approval prior to physical commencement of the development. The plan is to specify

the measures proposed to be taken to minimise soil erosion. These measures are to be complied with during the carrying out of the development.

Trees and ground covers other than in the area of roads, drainage and access works shall not be disturbed. Details of methods and extent of site clearing and disposal of spoil and vegetation shall be included in the erosion and sediment control plan.

Those areas of the site that do not need to be disturbed during the construction phase are to be fenced off with star pickets and wire fencing prior to work commencing.

All mulch used in rehabilitation works is to be obtained from clean native vegetation removed from the site during construction. No outside mulch is to be introduced to the site, unless insufficient mulch is available.

4.43 Excavation and filling

Objective

Land excavation and filling is to be minimised to reduce disturbance and consequent environmental impacts.

Guidelines, acceptable practice & standard conditions

Development is to consider the impacts of filling which substantially changes the level of land and its character.

Filling within 10 metres of adjoining bushland must not be carried out. Any filling in the vicinity of bushland must only use local material (in order to minimise spread of weeds), and must be carried out in a manner that does not cause adverse impacts to surrounding properties, local drainage systems and existing vegetation. Material which is likely to have an adverse environmental effect due to it being combustible, toxic, hazardous or dangerous, must not be used.

Full details are to be provided with a development application, including proposed fill material, level of finished fill, extent of proposed fill in relation to adjoining property, methods of controlling erosion and siltation, effect of fill on adjoining property, particularly in relation to water flow, and material to be used and compaction method.

Earthworks involving more than 500 mm of cut or 500 mm of fill on any land within a habitat corridor, on bushland or on adjoining land, must not be carried out.

4.44 Land rehabilitation

Objective

To promote the rehabilitation of disturbed land using appropriate techniques, and where possible, to increase the extent of bushland and fauna and flora habitat in the area.

Guidelines, acceptable practice & standard conditions

Local genetic material (preferably collected on-site) is to be used for all revegetation and restoration work in natural areas. It is to be collected, identified and stored by a suitably qualified person in accordance with applicable guidelines.

A qualified bush regeneration team is to be employed for at least12 months following the completion of the works to undertake the removal of weeds and the maintenance of the adjacent bushland.

Natural regeneration is to be encouraged, primarily by fencing and total exclusion of non-native grazing stock.

To compensate for the loss of vegetation on the site, the applicant is to revegetate a suitable nominated alternative area of land with locally indigenous species to the satisfaction of the council. Any degraded areas should be rehabilitated to increase their value to fauna.

Where land disturbance occurs, bush regeneration or bush reconstruction is the preferred method of rehabilitation.

4.45 Bush fires

Objectives

To minimise hazards from bush fires to life and property, and to have regard to the consequences of bush fires for bushland management and biodiversity conservation in the area.

To take into account and ensure consistency with bushfire risk management plans whilst having regard to ecological considerations.

Guidelines, acceptable practice & standard conditions

All buildings and improvements should be located so as to minimise the risk of loss from wildfire, and so as to minimise the need for bushfire hazard reduction. Suitable hazard reduction measures should be taken as advised by the Council's Fire Control Officer.

Different species have varying sensitivity to fire and may require varying fire frequencies and intensities for survival, and these requirements are to be considered in undertaking any management activities involving the use of fire.

Regrowth and scrub is to be thinned for an appropriate distance around each building, but native trees above 10 metres height and native groundcovers are to be retained.

A fuel reduction zone (firebreak) of at least 10 metres is to be established and maintained within the internal boundary of the perimeter of the lot, to be established with minimum of soil disturbance.

Adequate water reserves for firefighting are to be provided.

Sub-floor areas of buildings are to be bricked in or otherwise enclosed.

Metal flywire screens are to be fitted to all doors, windows and openings on buildings.

Construction of buildings is to be carried out in accordance with *Australian Standard AS3959-1991 - Construction of Buildings in Bushfire Prone Areas.*

Broad scale hazard reduction burns should be conducted in a manner that retains patches of unburnt vegetation to provide a mosaic of different treatments.

Periodic weed monitoring and control should be undertaken after bushfires and hazard reduction burning.

As far as possible, the frequency, time of year and intensity of bushfires in native vegetation is to approximate the natural conditions, so as to maintain the species diversity and vegetation structure present before European settlement.

4.5 Guidelines for Environmental Design

4.51 Paving

Objective

To limit the extent of paving on development sites so as to minimise impacts on streams and bushland, and to maintain or restore hydrological conditions similar to those existing prior to development of the site.

Guidelines, acceptable practice & standard conditions

New residential development in urban areas shall not have impermeable surfaces covering more than 40% of the total site area unless a suitable on-site stormwater infiltration system is installed.

Impermeable paved surfaces should be limited to minimise off-site discharge of stormwater and nutrients onto bushland.

4.52 Construction works

Objective

To control construction works in a manner that minimises environmental impacts, especially on water quality, bushland and native fauna and flora.

Guidelines, acceptable practice & standard conditions

Suitable controls shall be imposed on development such that impacts during the construction period can be adequately managed.

Measures are to be taken to control soil erosion, sedimentation and stormwater runoff during and following the construction period to prevent the spread of weeds and exotic plants and siltation of watercourses.

All plant operators and supervisors should be briefed on the conditions which are to apply in relation to the development. This is to be undertaken prior to the commencement of works.

Roads should be constructed with minimal earthworks and in such a manner as to allow sediment and weed control structures in accessible locations.

Encroachment onto bushland in public reserves, Crown lands or national parks for access, stockpiling of materials or dumping of refuse is not permitted. Spoil or fill must not encroach upon adjacent bushland or public reserves during the duration of works.

All works must be carried out so as not to cause any interference to flows in the watercourse.

All temporary drainage, silt and sediment control devices are to be removed at the completion of construction works and disturbed areas restored in accordance with the approved construction plans.

During the construction period, a sign of approximately 2 metres by 2 metres is to be erected to display particulars relating to the proposed works, including the name of the subdivider, the project supervisor, the contractor, a contact number for complaints or inquiries, and the hours of work. The sign is to be maintained in good condition during the construction period.

During the period of construction, suitable barriers are to be erected around all trees located within 3 metres of the work site. Suitable barriers would include 2 metre high hardwood posts 100 mm X 50 mm secured by 8 gauge wires at 300 mm centres.

Progressive site stabilisation and restoration must be carried out during the construction process

Measures are to be taken to minimise the compaction of soil by heavy machinery, such as by fencing off all undisturbed areas of vegetation.

Works are to be completed in stages (clearing, topsoil stripping, relocation of topsoil, mulching, planting, etc) and are to follow the principle of isolating stockpiles of different materials to prevent contamination.

As far as possible, no fill material is to be introduced from off the site. Off-site soil material may only be used where it has a minimal weed content.

Following construction, all areas immediately adjoining native vegetation are to be restored, and as far as possible, reinstate the species, structure and dynamics plant communities that would naturally occur on the site. Strategies should be adopted which maximise the natural recovery of those plant communities. Restoration shall be carried out so as to minimise weed invasion of nearby natural areas.

Drainage works shall only be undertaken where these do not adversely affect the natural drainage patterns on the land, and where the works are essential to protect roads, services, buildings or other improvements on the land.

Earthworks are to be minimised as far as possible, and are to be undertaken in a manner that minimises the necessity for rehabilitation works.

Materials (including concrete, gravel, topsoil, etc) shall be stockpiled in such a way as to prevent nutrients from leaching into watercourses or into groundwater systems.

Measures are to be taken to prevent damage and disturbance to tree roots by cutting of roots, loss of water, soil compaction or build up of soil.

4.53 Tree preservation

Objective

To ensure that tree preservation controls take into account impacts on native fauna and flora.

Guidelines, acceptable practice & standard conditions

All measures shall be taken to prevent damage to trees and root systems during site works and construction.

All trees on the site, except those specifically shown and approved for removal on the road construction drawings, are to be retained and no tree is to be removed or in any way damaged without consent of the Council.

4.54 Landscape design

Objective

To promote landscape design that responds to fauna and flora issues and the significance of native vegetation, and which seeks to incorporate elements of the locally indigenous vegetation.

Guidelines, acceptable practice & standard conditions

Landscaping should, as far as possible, include local indigenous plant species that have been propagated using local genetic material.

A detailed landscape plan indicating species, areas of planting, and mature heights is to be submitted with the development application.

Noxious and exotic plants which occur on the site are to be removed prior to the completion of works

Formal gardens and cultivation are not compatible with retention of natural vegetation. New gardens with non-indigenous plants should not be established in habitat corridors, on land where the main objective is to retain native vegetation or land adjoining bushland.

4.55 Waste disposal

Objective

To ensure that waste disposal does not adversely affect biodiversity values or habitat corridors.

Guidelines, acceptable practice & standard conditions

Rubbish dumping (including garden waste) is not permitted. Lawn clippings are to be disposed of off-site or in a manner that does not affect natural vegetation, or encourage the spread of weeds.

Waste that could affect groundwater quality or nutrients must be disposed of in an approved manner.

4.56 Cultural and historic sites

Objective

To recognise that bushland and native fauna and flora are an important component of the cultural heritage of the area and to recognise and protect important sites.

Guidelines, acceptable practice & standard conditions

The cultural significance of bushland areas is to be considered in the evaluation of development proposals.

Vegetation associated with items of the built heritage is to be managed so as to ensure that invasive species are controlled and, where consistent with the conservation of cultural heritage, replaced with non-invasive species.

Part 5: Schedules

Schedule 1 - List of noxious weeds in ……Council area declared under the Noxious Weeds Act 1993

Schedule 2 - List of undesirable plants in …… Council area