
REFERENCE POINT

1. That the verbal update by Melinda Hewitt, Manager - Place Management be noted.
2. That Council be commended on the Enliven program and a further update on the Mona Vale case study be included at the November meeting.

(Ms Kim Jones / Ms Jacqui Marlow)

STV4.4 Pittwater Local Environmental Plan (LEP) 2014

Proceedings in Brief

Ms Anne-Maree Newbery, Principal Planner (Strategic) addressed the meeting on this item.

The Sustainable Towns and Villages Reference Group were provided with an update on the Pittwater Local Environmental Plan (LEP) 2014 and amended Pittwater 21 Development Control Plan (DCP) (to be consistent with the provisions and terminology of the Pittwater LEP 2014) which came into effect on 27 June 2014. It is evident that a number of changes have been made by Planning and Infrastructure NSW since Council adopted the draft Pittwater LEP on 20 December 2013. Council has been working with the Department to resolve outstanding issues. The Department advised that a letter to Council regarding the changes made to the Pittwater LEP 2014 had been drafted and was awaiting sign-off.

Discussion Points:

Q: What sort of issues did Council have with the Departments amendments?

A: The Council had issues with changes to the following:

- Clause 7.8 Limited development on foreshore area,
- Removal of labels, buffer area and creek line corridor from the Urban Release Area Map,
- Changes to Zone objectives, zones and removal of some land uses from zones,
- Changes to the Lot Size Map

Q: Limited development on foreshore area, what changes have been made and have they been adopted?

A: Council had proposed changes to Clause 7.8 Limited development on foreshore area which excluded extension and alterations to existing dwelling. The draft Local Environmental Plan was tabled to the Department for endorsement, however prior to the finalisation and adoption of the draft Local Environmental Plan, the Department amended the clause to reflect the Standard Planning Instrument model clause.

Q: Can the reference group members and associations write to our local member to assist with removing clauses?

A: Yes.

Q: What were the changes to the Ingleside Land Release?

A: Minor changes were made to the Urban Release Area (URA) Map which removed labels to the specific sectors, removal of the buffer zone and creekline corridor. The changes to the URA Map significantly impacted workability of clause 6.1 Warriewood Valley Release Area. Council have instigated a section 73a amendment to address the issue. The s73a Amendment was instigated shortly after the Pittwater LEP 2014 was endorsed and gazetted. The section 73a Amendment is still progressing.

REFERENCE POINT

3. That the verbal update by Anne-Maree Newbery and Andrew Pigott be noted.
4. That this committee express its concerns regarding the actions taken by the Department unilaterally in regards to the amendments made without consulting Pittwater Council.

(Mr Peter Mayman / Mr Geoff Sheppard)

STV4.5 1200sqm minimum subdivision standard project

Proceedings in Brief

Ms Anne-Maree Newbery, Principal Planner (Strategic) and Mr Andrew Pigott, Manager Planning and Assessment addressed the meeting on this item.

The Sustainable Towns and Village Reference Group were provided an update on the 1200sq metre minimum subdivision project and advised that the commencement of the community consultation process is scheduled to start in late September 2014. The focus of the Project is to undertake additional specific and detailed investigation and community consultation on the appropriateness of the 1200sq metre minimum subdivision lot size standard contained in Pittwater 21 DCP. The project will be centred on a comprehensive 6 week exhibition and community engagement process which is scheduled to commence in late September 2014. The process seeks to obtain the views and aspirations of impacted stakeholders and the wider Pittwater Community.

Matters arising from the discussion

Q: Why is Council reviewing this Policy and what affect will it have if it is removed from the DCP and place into the LEP?

A: A number of submissions regarding the 1200sq metre subdivision standard were raised by the community during the exhibition of the draft Local Environmental Plan. Council at its Council Meeting of the 5 August, 2013 resolved the following:

"That Council undertake further investigation and consultation on the appropriateness of the 1,200m² minimum subdivision lot size standard, including consultation with affected property owners and the wider Pittwater community, commencing in the first half of 2014, following the finalisation of the Pittwater LEP 2013.

The placement of the 1200sq metre subdivision standard into the Local Environmental Plan provides for greater certainty, consistency and reduces complexity as all the subdivision standards will be located in the LEP, rather than being located in multiple documents. By placing the 1200sq metre subdivision standard in the LEP also reduces the flexibility in regards to its application.

Q: Can you please further explain 2.2, The LEP 2014 outlines minimum subdivision sizes for land zoned R2 Low Density Residential and E4 Environmental Living, being:

- North of Mona Vale Road (700 square metres)
- South of Mona Vale Road (550 square metres).

A: The LEP has minimum land sizes available for subdivision for land zoned R2 Low Density Residential and E4 Environmental Living. Different requirements will apply in regards to these lots depending where the land is situated either north of Mona Vale Road which is 700sqm or south of Mona Vale Road is 550sqm.

It is a historical control, based on established character and overview of the lot sizes existing in Pittwater.

Q: How was the initial 1200sqm established?

A: The 1200sq metre subdivision standard was established through the *Barrenjoey Peninsula – Sensitive Areas Study* which was undertaken by Warringah Council prior to Pittwater succeeding.

REFERENCE POINT

That the verbal update by Andrew Pigott be updated

(Ms Jennifer Knox / Mr Ray Mills)

STV4.6	Draft Pittwater Community Based Heritage Study Review update
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Proceedings in Brief

Ms Anne-Maree Newbery, Principal Planner (Strategic) and Mr Andrew Pigott, Manager Planning and Assessment addressed the meeting on this item.

The Sustainable Towns and Villages Reference Group received an update on the status of the Pittwater Community Based Heritage Study Review (2014) and were advised that the Pittwater Local Environment Plan (LEP) 2014 currently lists 130 individual items of local heritage significance and six heritage conservation areas within the Pittwater Local Government Area (LGA). Following the recent public exhibition, City Plan Heritage will consider all submissions and make any necessary amendments to the draft Pittwater Community Based Heritage Study Review.

The outcomes of the public exhibition and the final Pittwater Community Based Heritage Study Review will be reported back to Council for consideration. Should Council adopt the draft Pittwater Community Based Heritage Study Review, the statutory process for amending the Pittwater LEP 2014 and heritage controls, and Appendix 2 (Heritage Conservation), in the Pittwater 21 DCP, will be commenced.

Matters arising from the discussion

Q: Out of the 53 new nominations in which 20 have objected, what options does an objector have to be excluded from the listing?

A: The objector has the opportunity to prepare a submission outlining why the nominated item should not be considered for listing. The submission could outline additional information or provide documentation that requires further consideration prior to being listed. The submissions received are assessed and considered by the Heritage Consultant who will consider the submission and additional information prior to making a final recommendation. Opportunities will also be available to attend the Council meeting to object to the item. An additional planning proposal will go on public exhibition raising further issues.

Q: Why are objectors concerned if their property is included with the Heritage study?

A: Objectors concerns are based on the uncertainty Heritage listing places on the future of their property and limiting the options available regarding future alterations and additions. Residents will be unable to use fast tracked approval process, such as exempt and complying provisions and will be required to provide additional information and studies to Council when submitting applications for works.

REFERENCE POINT

That the verbal update by Andrew Pigott be updated

(Ms Kim Jones / Mr Geoff Sheppard)

STV4.7	Steps to a Sustainable Home Update
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Proceedings in Brief:

Mr Greg Roberts, Scotland Island Residents Association addressed the reference group on this item. Mr Roberts presented to the group a marketing strategy for the “Steps to a Sustainable Home” which is attached to the minutes at **Attachment 6**.

REFERENCE POINT

1. That the verbal update by Mr Roberts be noted.
2. The Reference Group commend the dedication and commitment by the Steps to a Sustainable Home work group led by Mr Roberts.
3. That the Reference Group members review the marketing strategy distributed at the meeting for the “Steps to a Sustainable Home” and provide feedback and forward an email to Mr Roberts.

(Mr Ray Mills / Ms Jennifer Knox)

5.0	Emerging Business
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STV5.1	Northern Beaches Health Services Redevelopment Roadworks -	Environmental Considerations
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REFERENCE POINT

That the Reference Group members encourage their associations to write to Roads and Maritime Services and provide comment regarding the Wakehurst Parkway and wildlife connectivity between Narrabeen Lagoon Catchment and Garrigal National Park prior to 28 August 2014.

(Ms Jacqui Marlow / Ms Kim Jones)

6.0	Next Meeting
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The next meeting of the Sustainable Towns and Villages Reference Group meeting will be held on 19 November 2014 in the Conference Room, Level 3, 5 Vuko Place, Warriewood commencing at 4.00pm.

**THERE BEING NO FURTHER BUSINESS
THE MEETING CONCLUDED AT 6.04PM
WEDNESDAY, 20 AUGUST 2014.**



Northern Beaches Health Service Redevelopment

Improving healthcare on the Northern Beaches



Northern Beaches Health Service Redevelopment
A new wave in healthcare



Health
Infrastructure



Health
Northern Sydney
Local Health District

Northern Beaches Health Service Redevelopment

- ⦿ Large-scale investment for the Northern Beaches
- ⦿ Northern Beaches Hospital (level 5)
(including enabling works ahead of the hospital operator appointment)
- ⦿ New Community Health Centres:
 - Northern Community Health Centre at Mona Vale Hospital
 - Southern Community Health Centre in the Brookvale area
 - Dalwood Children's Services in Seaforth
- ⦿ Holding works at Manly and Mona Vale Hospitals
- ⦿ Redesigning Mona Vale Hospital from 2018.



Northern Beaches Health Service Redevelopment
A new wave in healthcare

Future of Mona Vale and Manly Hospitals

Manly Hospital

- ⊙ Fully operational until Northern Beaches Hospital opens in 2018
- ⊙ Community Advisory Group – set up to provide advice to Government
- ⊙ Future use of the site is not part of this project scope.

Mona Vale Hospital

- ⊙ Fully operational until Northern Beaches Hospital opens in 2018
- ⊙ From 2018 redesigned to provide health services to complement new hospital
- ⊙ Mona Vale Hospital masterplan to direct future healthcare use.



Mona Vale Hospital services in 2018 and into the future

- ⊙ Health services for Mona Vale Hospital will include:
 - 56 Sub-Acute rehabilitation/aged care beds (completed)
 - Urgent Care Centre (at planning stage)
 - Upgraded hydrotherapy pool (completed)
 - Northern Community Health Centre (to be completed in late 2015)
 - 10 Geriatric, Evaluation and Management (GEM) beds (at planning stage)
 - Palliative Care Ambulatory services (upgrade completed in 2013)
 - Helipad (upgrade completed in 2013).



Opportunities for partnerships

- ◉ The plan also considers space or zones for possible future health and associated services which could include:
 - Ambulance Station
 - Sub-acute Mental Health services
 - Medical suites
 - GP Clinic
 - Family Resource Centre
 - Home and Community Care services
 - Primary Care services
 - Disability services
 - Staff and Carer accommodation
 - Residential care facilities.



Next steps

- ◉ Mona Vale Hospital continues to provide acute services until Northern Beaches Hospital opens in 2018
- ◉ NSLHD considers future health services reflecting the clinical services plan
- ◉ NSLHD works with partners to deliver on infrastructure and service components
- ◉ NSLHD develops an infrastructure plan for the site.



Southern Community Health Centre

- ⦿ New Community Health Centre located in the Brookvale area
- ⦿ Services will include:
 - Community Drug and Alcohol, Community Nursing / Acute Post Acute Care, Community Mental Health, Breast Screen NSW, Oral Health, Rehabilitation and Aged Care and Child and Family Health Services, Health Promotion, HARP
- ⦿ An announcement about the final site location will be made shortly
- ⦿ Queenscliff Community Health Centre services will relocate to either the Southern Community Health Centre or to Dalwood
- ⦿ Construction is scheduled for mid 2015
- ⦿ Opening is scheduled for 2016.



Dalwood Child and Family Health Services

- ◉ A new building will replace old buildings
- ◉ All child and family health services will be co-located on the site
- ◉ Services include:
 - Community Paediatrics, Paediatric Occupational Therapy, Paediatric Speech Pathology, Paediatric Physiotherapy, Child and Adolescent Mental Health, Spilstead, Early Childhood and Parenting Support, Family Care Centre and Child and Family Health Administration
- ◉ Staff and users involved in the design
- ◉ Enabling works have commenced on site
- ◉ Construction will start later this year
- ◉ Opening is scheduled for late 2015.



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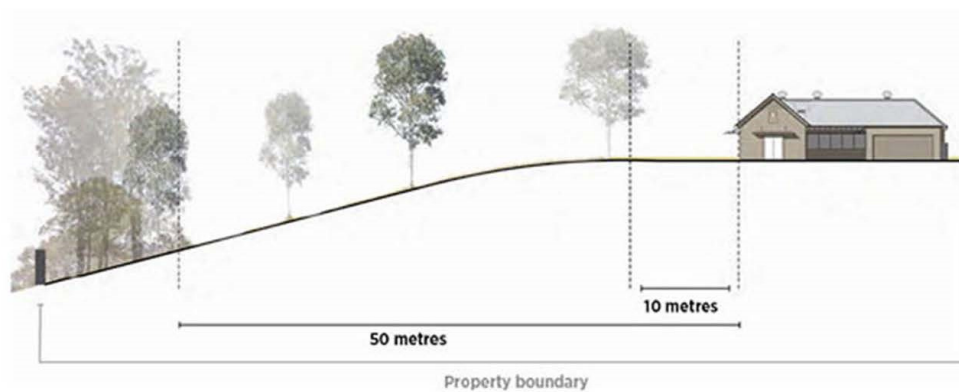


10/50 Vegetation Clearing Code

“Putting people before trees”

The Hon. Mike Baird MP

- Location of 10/50 Vegetation Clearing Entitlement Area is unknown at this stage.



Victoria 10/50

- In most areas it is 10/30.
 - 21 Metropolitan Councils are exempt.
 - Does apply to any new homes where they have been approved under the relevant bushfire planning documents (ie. since 2009).
-
- Potentially significant impacts on scenic amenity and possible the character of the Pittwater LGA (leafiest suburb?).
 - Potentially devastating for threatened flora and fauna, wildlife corridors, etc. No Threatened species
 - There are potential geotechnical issues and problems use in these area (generally upslope are higher risk).
 - There is no assessment it will be self assessed, realistically compliance will fall to Council.
 - Highlights issues associated with current bushfire prone land mapping, are coastal bushland areas as significant as inland areas, ignores slope and aspect.
 - There has been no consideration of impacts on the development system, will Council need to assume all vegetation under 3m will be removed on average housing lots and all trees within 10m of the building. Current landscaping controls can not be implemented.

ATTACHMENT 3
Sustainable Towns and Villages Minutes

SUBJECT: Submission on the proposed 10/50 Vegetation Clearing Code of practice

Meeting: Natural Environment Committee

Date: 4 August 2014

STRATEGY: Flora & Fauna

ACTION: To sustainably manage urban forest tree canopy and native bushland

PURPOSE OF REPORT

To present for the consideration of Council a submission in response to the proposed 10/50 Vegetation Clearing Code of Practice, prepared by the NSW Rural Fire Service (refer **Appendix 1**).

1.0 BACKGROUND

- 1.1 The draft 10/50 vegetation Clearing Code of Practice is in response to property loss associated with the bushfire in the Blue Mountains in 2013.
- 1.2 The code was on exhibition for four weeks with comments being received up until 21 July 2014. Council staff have forwarded a submission (refer **Appendix 2**) regarding concerns to the Manager Community Planning, NSW Rural Fire Service.
- 1.3 The Code allows for the removal of trees for 10m and any vegetation less than 3m for 50m from any residential structure.
- 1.4 Compliance with the code supersedes all other “clearing legislation” for example Council’s tree preservation order.

2.0 ISSUES

- 2.1 The actual locations of 10/50 Vegetation Clearing Entitlement Areas have not yet been provided to Council. The impacts cannot then be fully understood.
- 2.2 Depending on the location and uptake by property owners there are potentially numerous impacts, these include:
 - Loss of scenic amenity and change to the character of Pittwater
 - Impacts on flora and fauna,
 - Geotechnical problems.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The submission on the 10/50 vegetation Clearing Code is an opportunity for Council and the community to provide comment on the legislation that may significantly affect the aesthetic significance of our sense of identity, culture and place.

3.2 **Valuing & Caring for our Natural Environment (Environmental)**

The review of the 10/50 vegetation Clearing Code is an opportunity for Council to advocate for our desired environmental outcomes and express concerns regarding environmental conservation and management that may be affected by implementation of the code.

3.3 **Enhancing our Working & Learning (Economic)**

The review of the 10/50 vegetation Clearing Code will have minimal impact on the local economy, employment or educational opportunities.

3.4 **Leading an Effective & Collaborative Council (Governance)**

The review provides an opportunity for Council to be proactive and clearly outline the issues and concerns we foresee before the state wide implications are imminent and certain.

3.5 **Integrating our Built Environment (Infrastructure)**

The review of the 10/50 vegetation Clearing Code provides Council an opportunity to raise concerns with the NSW Rural Fire Service regarding the recommendations and deficiencies in the code.

4.0 **EXECUTIVE SUMMARY**

- 4.1 The Code allows for the removal of trees for 10m and any vegetation less than 3m for 50m from any residential structure. The draft code is provided as attachment 1. Council staff has forwarded a submission (provided as attachment 2) regarding concerns to the Manager Community Planning.
- 4.2 Depending on the location and uptake by property owners there are potentially numerous impacts, these include:
- Loss of scenic amenity and change to the character of Pittwater.
 - Impacts on flora and fauna.
 - Geotechnical problems.
- 4.3 The actual location where 10/50 Vegetation Clearing Entitlement Area have not yet been provided to Council. The impacts cannot then be fully understood.

RECOMMENDATION

1. That the information provided in the report be noted.
2. That the submission outlined in **Attachment 2** to the Manager Community Planning, NSW Rural Fire Service, be endorsed by Council.
3. That Council make representations to Minister of Environment and the Minister for Emergency Services on the potential impacts of the draft code.

Report prepared by

Mark Beharrell
MANAGER, NATURAL ENVIRONMENT & EDUCATION

APPENDIX 1

Submission on the proposed 10/50 Vegetation Clearing Code of practice



10/50 VEGETATION CLEARING CODE OF PRACTICE

DRAFT FOR PUBLIC EXHIBITION

Prepared by:

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1 Introduction

This Code of Practice is known as the 10/50 Vegetation Clearing Code of Practice for New South Wales (the 10/50 Code) and has been prepared in accordance with section 100Q of the *Rural Fires Amendment (Vegetation Clearing) Bill 2014*.

This 10/50 Code has been developed to provide for vegetation clearing work to be carried out in certain areas near residential accommodation or high risk facilities to reduce the risk of bush fire.

It permits landowners in the 10/50 vegetation clearing entitlement area to clear on their own land, vegetation that is adjacent to an external wall of a building containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility.

This draft 10/50 Code is released for a 21 day public exhibition period and will commence on a date yet to be determined.

The Commissioner of the NSW Rural Fire Service may review this 10/50 Code at any time.

2 Definitions

Expressions defined in Division 9 of the Rural Fires (Vegetation Clearing) Amendment Bill 2014 have the same meaning for this 10/50 Code.

A definition within the Rural Fires Act 1997 applies to this 10/50 Code, except where the terms defined in Division 9 of the Rural Fires (Vegetation Clearing) Amendment Bill 2014 apply.

For the purpose of this 10/50 Code the following definitions apply:

10/50 vegetation clearing entitlement area: land determined by the Commissioner of the NSW Rural Fire Service to be a 10/50 vegetation clearing entitlement area, and is identified as such on a map published on the NSW RFS website;

External wall: see Section 6.2

Habitable room: See section 6.3

Tree: a perennial woody plant having:

- (a) a single stem or trunk
- (b) is 3 or more metres in height, and
- (c) the trunk, at a height of 1.3 metres above the ground, has a circumference of more than 0.3 metres.

A tree does not include a shrub, which is a small low growing woody plant with multiple stems, or a vine which is a woody plant that depends on an erect substrate to grow on.

3 Links

The following Acts, Instruments or other documents are referred to in this Code of Practice:

- > *Rural Fires Act 1997*
- > *Children and Young Persons (Care and Protection) Act 1998*
- > *Education Act 1990*
- > *Environmental Planning and Assessment Act 1979*
- > *Local Government Act 1993*
- > *National Parks and Wildlife Act 197*
- > *Native Vegetation Act 2003*
- > *Native Vegetation Conservation Act 1997*

- > *Nature Conservation Trust Act 2001*
- > *Threatened Species Conservation Act 1995*
- > *Threatened Species Conservation (Biodiversity Banking) Regulation 2008*
- > *Road Transport Act 2013*
- > Standard Instrument – Principal Local Environment Plan
- > Australian Standard AS 4373-2007 *Pruning of Amenity Trees*

4 Access to the 10/50 Code

The 10/50 Code of Practice is available from the NSW Rural Fire Service website at www.rfs.nsw.gov.au or as a hard copy from the local NSW RFS district office at no charge to any owner of land situated within the 10/50 Clearing Entitlement Area.

5 The 10/50 Code of Practice

5.1 Compliance and enforcement

If an owner of land in a 10/50 vegetation clearing entitlement area carries out vegetation clearing work for which an approval, consent or other authorisation is required, and the work is carried out without that approval, consent or authorisation and other than in accordance with the 10/50 Code, then offence provisions and any available remedies will apply, under relevant legislation.

Vegetation clearing that is carried out in accordance with this 10/50 Code is considered to be authorised clearing under NSW legislation.

5.2 Application of land to the 10/50 Code

Vegetation clearing under this 10/50 Code may only be undertaken on parcels of land that contain land mapped as 10/50 Vegetation Clearing Entitlement land. This may apply to public or private lands.

5.3 Determining if your land is mapped as 10/50

An online assessment tool is available on the NSW RFS website at www.rfs.nsw.gov.au and allows a landowner to conduct a self-assessment as to whether their land falls within the 10/50 Vegetation Clearing Entitlement Area and complies with the requirements of this 10/50 Code. *Note: this map will be available once the 10/50 Code is finalised.*

5.4 Landowners consent

The clearing of vegetation under this 10/50 Code can only be conducted with the consent of the landowner. It is not permissible to clear any land without the owner's consent:

- > Tenants must obtain approval from the landowner prior to commencing any clearing works.
- > Landowners may not clear adjoining land without the approval of the landowner

Where a single tree trunk occurs across two or more properties, the approval of all landowners is required for removal of the tree.

6 Buildings

6.1 Types of buildings to which the 10/50 Code applies

This 10/50 Code applies to vegetation adjacent to external walls of a building containing habitable rooms that comprises, or is part of, residential accommodation or a high-risk facility.

This section does not apply to a building containing habitable rooms if there is no development consent or other lawful authority under the *Environmental Planning and Assessment Act 1979* for the use of those rooms as habitable rooms.

6.2 External walls

External walls refer to the external walls of a building containing habitable rooms and includes permanent fixed structures such as decks and garages that are attached to the building.

6.3 Habitable rooms

A building containing habitable rooms requires that:

- (a) For the purpose of residential accommodation (including tourist and visitor accommodation, caravans and manufactured homes):
 - > the building contain one or more rooms designated and approved as bedrooms for sleeping. Vegetation clearing is not provided under this 10/50 Code for associated adjoining buildings that do not contain habitable rooms.
- (b) For the purpose of a child care centre:
 - > the building contain one or more rooms designed and approved for the purpose of the supervision and care of children. Vegetation clearing is not provided under this 10/50 Code for associated adjoining buildings that do not accommodate children, such as external storerooms.
- (c) For the purpose of a school:
 - > the building contain one or more rooms designed and approved for the purpose of accommodating children. Vegetation clearing is not provided for under this 10/50 Code for associated adjoining buildings that do not accommodate children, such as external restrooms or storerooms.
- (d) For the purpose of a hospital:
 - > the building contain one or more rooms designed and approved for the purpose of accommodating patients, or providing sleeping facilities for hospital staff. Vegetation clearing is not provided for under this 10/50 Code for associated adjoining buildings that do not accommodate patients such as cafeterias or ancillary hospital buildings such as maintenance storerooms.

6.4 Residential accommodation

For the application of this 10/50 Code residential accommodation is accommodation that includes:

- > Residential accommodation
- > Tourist and visitor accommodation

- > Caravans installed or placed in caravan parks, and
- > Manufactured homes installed in manufactured home estates

within the meaning of the *Standard Instrument – Principal Local Environment Plan*. Further information is located at Attachment A.

6.5 High-risk facility

For the purpose of this 10/50 Code a high-risk facility includes:

- > Childcare centres
- > Schools, and
- > Hospitals

within the meaning of the *Standard Instrument – Principal Local Environment Plan*. Further information is located at Attachment A.

7 Vegetation clearing provisions

7.1 Clearing distance

A landowner may carry out the following vegetation clearing work on their own land:

- > the removal, destruction (by means other than fire) or pruning of any vegetation (including trees) within 10 metres; and
- > the removal, destruction (by means other than fire) or pruning of any vegetation, (except for trees) within 50 metres

of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation for a high-risk facility.

It does not matter whether the residential accommodation or high-risk facility is located on the owner's land or adjoining land. The allowable distances apply irrespective of whose land the residential accommodation or high risk facility occurs on.

Note: a person may not clear adjoining land or any other land without the approval of the landowner.

7.2 The type of vegetation that can and cannot be cleared, including the types of trees

All types of vegetation may be cleared other than mangroves and salt marsh on public land.

7.3 The circumstances in which vegetation should be pruned and not entirely removed

Any vegetation may be pruned other than trees greater than 10 metres from the residence.

The pruning of trees must be undertaken in accordance with AS 4373-2007 *Pruning of Amenity Trees*.

7.4 Use of herbicides

Herbicides may only be used in accordance with the following conditions:

- > Only herbicides registered by the Australian Pesticide and Veterinary Medicines Authority (www.apvma.gov.au) may be used unless otherwise specified in a permit.
- > Users must read the label on the herbicide each time before using.
- > Users must not store, use or dispose of any herbicide that contravenes the instruction for that product.
- > Users must adhere to instructions on the herbicide label, unless otherwise specified in a permit.
- > Users must not, without a reasonable excuse, keep a herbicide in a container without an approved label attached to the container.
- > Users must not use a herbicide in a manner which risks injury to any other person or the property of another person.
- > Users must not use a herbicide in a manner which harms any non-target plant.
- > Users must not dispose of herbicide waste in a manner that risks injury to the environment, including water bodies.
- > Users must not allow herbicides to leak, spill or otherwise escape in a manner that risks injury to the environment including water bodies.

7.5 Managing soil erosion and landslip risks

To manage soil erosion and landslip risks:

- > there is to be no disturbance of the soil profile
- > all topsoil must remain on the soil surface, and
- > the use of graders, ploughs and dozers to clear land under this 10/50 Code is not permitted.

In addition, tree removal is not permitted on slopes greater than 18° within areas identified as State Vulnerable Land, except in accordance with conditions identified in a Geotechnical Engineer Assessment Report undertaken for that purpose.

Pruning of trees is only permitted on slopes greater than 18° (within areas identified as State Vulnerable Land) if at least 75% of the original canopy cover is retained, except in accordance with conditions identified in a Geotechnical Engineer Assessment Report undertaken for that purpose.

7.6 Protection of riparian buffer zones

The clearing of vegetation is not allowed within 10 metres of a Prescribed Stream as identified by the Office of Environment and Heritage.

The distance (metres) is measured from the highest bank or tidal limit if there is no defined high bank. This applies to either side of the Prescribed Stream.

7.7 Protection of Aboriginal and other cultural heritage

Clearing may not be carried out within areas identified by the Office of Environment and Heritage as containing Aboriginal or other cultural heritage, except in accordance with conditions provided by the Office of Environment and Heritage for that purpose.

7.8 Protection of vegetation to which a legal obligation exists to preserve that vegetation by agreement or otherwise

Vegetation may not be cleared if the owner of the land on which vegetation clearing work may be carried out is under a legal obligation to preserve that vegetation by agreement or otherwise.

Clearing under this 10/50 Code cannot be inconsistent with any of the following (but not limited to) land management agreements that have been entered into and that apply to:

- > any conservation agreement entered into under Division 12 of Part 4 of the *National Parks and Wildlife Act 1974*,
- > any property agreement entered into under Part 5 of the *Native Vegetation Conservation Act 1997*,
- > any Trust Agreement entered into under Part 3 of the *Nature Conservation Trust Act 2001*,
- > any property management plan approved by the Director-General of the NSW National Parks and Wildlife Service under section 91 of the *Threatened Species Conservation Act 1995*, or
- > any Property Vegetation Plan agreement entered into under Part 4 of the *Native Vegetation Act 2003*, or
- > any Biobanking Agreement entered into under Part 3 of the *Threatened Species Conservation (Biodiversity Banking) Regulation 2008*.

ATTACHMENT A

Additional information regarding residential accommodation and high-risk facilities

The following information is provided to assist users of this 10/50 Code identify whether their particular building constitutes residential accommodation, tourist and visitor accommodation, caravan within a caravan park, manufactured home within a manufactured home estate, child-care centre, school, or a hospital.

It is taken from the Dictionary of the Standard Instrument – Principal Local Environment Plan and is current for 1 July 2014. It is provided as a guide only and users should refer to the Instrument at

http://www.austlii.edu.au/au/legis/nsw/consol_reg/silep531/ or

<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+155a+2006+cd+0+N>

to ensure the information is the most current version.

Residential Accommodation includes:

1. Residential accommodation within the meaning of the *Standard Instrument – Principal Local Environment Plan* including:
 - attached dwellings
 - boarding houses
 - dual occupancies
 - dwelling houses
 - group homes
 - hostels
 - multi dwelling housing
 - residential flat buildings
 - rural worker's dwellings
 - secondary dwellings
 - semi-detached dwellings
 - seniors housing, and
 - shop-top housing.
2. Tourist and visitor accommodation within the meaning of the *Standard Instrument – Principal Local Environment Plan* including:
 - backpackers' accommodation
 - bed and breakfast accommodation
 - farm stay accommodation
 - hotel or motel accommodation, and
 - serviced apartments.
3. Caravans installed or placed in caravan parks within the meaning of the *Standard Instrument – Principal Local Environment Plan*.
4. Manufactured homes installed in manufactured home estates within the meaning of the *Local Government Act 1993* and defined as a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- that comprises one or more major sections
- that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the [Road Transport Act 2013](#), and
- includes any associated structures that form part of the dwelling.

High-risk facility includes:

1. Child-care centres within the meaning of the *Standard Instrument – Principal Local Environment Plan*, are defined as a building or place used for the supervision and care of children that:
 - provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
 - does not provide overnight accommodation for children other than those related to the owner or operator of the centre,
 but does not include
 - a building or place used for home-based child care
 - an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian
 - a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned
 - a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised
 - a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility
 - a service that is concerned primarily with the provision of:
 - lessons or coaching, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - private tutoring
 - a school, or
 - a service provided at exempt premises (within the meaning of Chapter 12 of the [Children and Young Persons \(Care and Protection\) Act 1998](#)), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.
1. Schools within the meaning of the *Standard Instrument – Principal Local Environment Plan*, are defined as a government school or non-government school within the meaning of the [Education Act 1990](#).
2. Hospitals within the meaning of the *Standard Instrument – Principal Local Environment Plan* are defined as a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:
 - day surgery, day procedures or health consulting rooms
 - accommodation for nurses or other health care workers
 - accommodation for persons receiving health care or for their visitors