

Attachment 1 – Section 6.1 Preservation of Trees and Vegetation

Existing wording in Burwood DCP	Proposed amendment to the Burwood DCP
<p>6.1 Preservation of Trees or Vegetation</p> <p>Introduction</p> <p>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the SEPP) has the aim of preserving the amenity of non-rural areas of the State, including its biodiversity values, through the preservation of trees and other vegetation.</p> <p>Authority for tree preservation is derived ultimately from Section 3.14 (1) (e) of the Environmental Planning and Assessment Act (the Act) 1979 which enables an Environmental Planning Instrument to make provision for or with respect to, among other things, the protection or preservation of trees or vegetation.</p> <p>Purpose</p> <p>Section 7 of the SEPP provides that a person must not clear vegetation (cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy, lop or otherwise remove a substantial portion of any tree or other vegetation), other than vegetation described in Section 6.1.1 below, without the authority conferred by:</p> <p>a) A development consent, or</p> <p>b) A permit granted by Council.</p> <p>As enabled by Clause 9 of the SEPP, the purpose of this section of the DCP is to prescribe the species or kinds of trees or other vegetation that are subject to the powers of Clause 7, and to</p>	<p>6.1 Preservation of Trees and Vegetation</p> <p>Introduction</p> <p>Council's tree management and landscaping provisions aim to protect the ecological and landscape values of trees and vegetation on private land within the Burwood Local Government Area.</p> <p>Most species of trees and vegetation on private property are protected and an application for the pruning or removal of private trees may be made to Council in the form of a permit granted by Council or development consent.</p> <p>Part 2.3 of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> and Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> applies to the protection of trees and vegetation across the Burwood Local Government Area.</p> <p>This section also:</p> <ul style="list-style-type: none"> ▪ Explains and facilitates the procedures for applying to a permit, ▪ Indicates the information that must accompany an application for a permit, or an application for a Development Application relating to a tree or vegetation, and ▪ Informs people of the consequences of breaching the tree preservation provisions of this DCP.

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<p>clarify the circumstances where the powers do not apply subject to Clause 8 of the SEPP and Section 6.1.1 below. This section also:</p> <ul style="list-style-type: none"> ▪ Explains and facilitates the procedures for applying to a permit, ▪ Indicates the information that must accompany an application for a permit, or an application for a Development Application relating to a tree or vegetation, and ▪ Informs people of the consequences of breaching the tree preservation provisions of this DCP. 	<p>Note: Trees and vegetation not exempt by this section are declared to be vegetation to which Part 2.3 of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> applies. This includes trees and vegetation identified as a heritage item or within the curtilage of a heritage item, as identified under Schedule 5 Environmental Heritage of <i>Burwood Local Environmental Plan 2012</i>.</p>