
Newcastle Local Environmental Plan 2012

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Schedule 3

Schedule 3 Complying development

(Clause 3.2)

Note. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Part 1 Types of development

~~Tree removal~~

~~(1) In this clause:~~

~~**remove**, in relation to a tree, means cut down, fell, destroy, kill, transplant or uproot a tree.~~

~~(2) Applies to the removal of species or kinds of trees that are prescribed for the purposes of clause 5.9 by a development control plan made by the Council.~~

~~(3) Does not apply to tree removal that is carried out under a development consent.~~

~~(4) Tree must not be a heritage item that is listed in Schedule 5.~~

Note. The removal of trees is also referred to in other legislation, including the *Electricity Supply Act 1995*, the *Fisheries Management Act 1994*, the *Local Government Act 1993* (in relation to trees on council land), the *Noxious Weeds Act 1993*, the *Roads Act 1993*, the *Rural Fires Act 1997*, the *Threatened Species Conservation Act 1995* and the *Trees (Disputes Between Neighbours) Act 2006*.

Part 2 Complying development certificate conditions

Note 1. Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

Note 2. A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan.

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

~~Removal of trees~~

~~(1) Site management~~

~~(a) Run-off and erosion controls must be implemented to prevent erosion, water pollution or the discharge of loose sediment on surrounding land by:~~

~~(i) diverting uncontaminated run-off around cleared or disturbed areas, and~~

- ~~(ii) erecting and maintaining a silt fence to prevent debris escaping into drainage systems or waterways, and~~
- ~~(iii) preventing tracking of sediment by vehicles onto roads, and~~
- ~~(iv) stockpiling topsoil, excavated material, construction and landscaping supplies and debris within the site.~~

~~**Note.** Under the *Protection of the Environment Operations Act 1997* it is an offence to pollute any waters.~~

- ~~(b) Any removal or disturbance of vegetation (other than the tree) or topsoil is to be minimised.~~

~~(2) Hours of work~~

- ~~(a) Work that is audible within adjoining premises may be carried out only between the following hours:~~
 - ~~(i) Monday Friday 7.00 am and 6.00 pm,~~
 - ~~(ii) Saturday 8.00 am and 1.00 pm.~~
- ~~(b) No such work may be carried out at any time on a Sunday or a public holiday.~~

~~(3) Public roads and reserves~~

- ~~(a) Any damage caused to kerbs, guttering or footways during carrying out of works must be rectified in accordance with any requirements of the appropriate roads authority under the *Roads Act 1993*.~~
- ~~(b) No part of any public road is to be used for storage of construction materials without the approval of the appropriate roads authority under the *Roads Act 1993*.~~
- ~~(c) No part of any public reserve is to be used for storage of construction materials without the authorisation of the Council.~~

~~(4) Replacement trees~~

~~Where practicable, a suitable replacement tree is to be planted on the property concerned in accordance with section 5.03 of *Newcastle Development Control Plan 2012*.~~

~~(5) Safe work practices~~

~~The WorkCover Authority's *Code of Practice For The Amenity Tree Industry* (ISBN 0 7310 8738 0, August 1998) must be complied with when carrying out work.~~

~~(6) Disposal of trees~~

~~Trees and stumps are to be:~~

- ~~(a) disposed of at a waste or resource management facility, or~~
- ~~(b) recycled, or~~
- ~~(c) disposed of as fire wood.~~