

10.5 Infrastructure Services Directorate

10.5.1 Tree Management Policy Review

Directorate: Infrastructure Services

Business Unit: Works and Services

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Executive Summary

This report seeks Council's endorsement of changes to *Chapter 21 - Preservation and Removal of Trees or Vegetation* of the Development Control Plan (**Attachment 1**), for the purpose of public exhibition. This chapter of the Development Control Plan (DCP) outlines the circumstances that Council will permit tree removal or pruning on private land and undertake tree works on public land.

Once the DCP update is adopted, guidelines will be created to assist the community with tree management in the City.

Recommendation

That:

- 1. Council endorse the proposed changes to Chapter 21 - Preservation and Removal of Trees or Vegetation of the Development Control Plan to be placed on public exhibition for a period of 28 days, inviting submissions from the community.**
- 2. If no submissions are received as a result of public exhibition that require further consideration, that Council adopt the changes to the Development Control Plan and rescind the Tree Management Policy.**

This resolution is a policy position of Council.

Background

Council undertakes tree works to manage risks posed by trees on public land. Council also determine Vegetation Removal Applications (VRAs) for private property, where landowners request to undertake tree works that are not associated with a Development Application. Council responds to approximately 1,000 tree requests on public land each year and a further 225 (average) VRAs.

Tree management in the City is undertaken in accordance with Council's Tree Management Policy (the Policy, included as **Attachment 2**) and the Development Control Plan (DCP), Chapter 21 – *Preservation and Removal of Trees or Vegetation*. The Policy sets out how Council will manage trees on public land but excludes trees on private property. Trees on private property are assessed based on the DCP requirements.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 (The SEPP) provides the legal framework for Council to issue a permit to landowners to undertake tree works on non-rural areas in the City. The SEPP requires Council to define what vegetation (known as Declared Vegetation) requires a permit in the DCP. The DCP also defines what is Exempt Vegetation and does not require an approval for an owner to undertake tree works. Once vegetation is nominated as "Declared Vegetation", Council can only approve tree works when it is satisfied that there is a risk to property or life. In these circumstances, pruning will be considered before complete tree removal.

The Policy and DCP (included as **Attachment 1**) have been reviewed. As part of this update, it is proposed the DCP become the single policy document relating to tree works in the City, therefore removing the need for the Policy. Guidelines will be created to assist the community apply the DCP controls to their circumstances. The key proposed changes to the DCP are summarised in Table 1.

Table 1: Proposed Changes to DCP Chapter 21

Proposed Change	Current DCP	Proposed DCP	Comment
Declared Vegetation – Height of Tree	3m	5m	The proposed change will allow any tree work on tree less than 5m, instead of 3m. The change is consistent with heights nominated by other Councils. It provides

Proposed Change	Current DCP	Proposed DCP	Comment
			increased flexibility to undertake tree works on private property.
Declared Vegetation – Vegetation assessed by a Development Consent to Remain.	Nil	Requirement added	Trees previously assessed and required to remain as part of a Development Consent, regardless of if they meet the criteria for Exempt Vegetation, can only be removed if Council is satisfied they have become hazardous to life or property.
Exempt Vegetation – Distance from approved habitable dwelling	3m, excluding indigenous species.	3m, any tree species.	Any vegetation within 3m (measured to the trunk) of a dwelling could be removed. The proposed change recognises the risk of trees close to dwellings is the same, regardless of species.
Exempt Vegetation – Exempt Species	Table 21.1 in DCP	The Table of exempt Species has been expanded	The list has been increased to include additional species that are not considered appropriate due to a range of factors including being invasive and prolific self-seeding
Offset Planting	Nil	Replacement tree to be planted or levy paid to Council for planting on public land.	Through the VRA approval, Council requires offset planting for any removed tree. This is formalised and expanded in the proposed changes. The ratio of tree replacement is based on the significances of the tree removed. Alternatively, the land owner to pay a levy to Council to plant a tree on public land has been included.

Council Implications

FINANCIAL / RESOURCES

None of the proposed changes increase Council's obligations to undertake more Tree Works on public land and will not impact resource requirements. Council will continue to only undertake public tree works based on risk to property, assets and public safety.

Any change in the circumstances for which Council undertake works will impact the available resources to provide an increased level of service.

The proposed levy for offset planting will assist Council in funding further greening of our city and help to ensure no net loss of canopy cover.

LEGISLATION AND POLICY (INCLUDING ADVOCACY, STRATEGIC AND OTHER PLANS)

The proposal is a review the existing policy position. If adopted, the revised DCP will become a policy position of Council.

SOCIAL IMPACT

Not applicable

SUSTAINABILITY CONSIDERATIONS

The proposed changes meet the objectives of Council's Climate & Sustainability Policy. The changes aim to minimize tree loss and provide a mechanism for offset planting to maintain the tree canopy. The tree canopy will be enhanced through the replacement of exotic vegetation on removal with appropriate species.

LEGAL CONSIDERATIONS

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 (The SEPP) provides the legal framework for Council to issue a permit to landowners to undertake tree works on non-rural areas in the City. Council is required to declare vegetation in the DCP that requires a permit before removal or pruning.

RISK CONSIDERATIONS

- Business Risk - Proposed changes are within the capacity of existing resources to undertake tree works.
- WHS and Public Risk - Council undertakes a risk-based assessment to determine the health of vegetation and the likelihood that it may become hazardous. The proposed changes do not impact Council's approach to

risk management of public trees. The change will provide more opportunity for tree works on private property.

- Environmental Risk - The proposed change aims to balance the need for property owners to manage risks on their property, whilst maintaining the City's tree canopy.

Link to Community Strategic Plan

This report supports the following objectives, strategies and actions of the Community Strategic Plan:

2.1 We are sustainable

2.1.2 Deliver plans and programs that enhance and protect biodiversity in our natural areas healthy living and high-quality public spaces that are well maintained and activated.

2.1.2.01 Strengthen our environmental policy position to support environmental compliance, ensure biodiversity conservation and promote ecologically sustainable development

Previous Council Resolutions

[4 September 2018](#)

Consultation

Internal

Open Spaces Team
Strategic Planning and Environment
Executive Leadership Team

External

The proposed recommendation is to undertake public exhibition of the proposed changes to seek input from the community on the policy.

Political Donations Disclosure

Nil

Options

Option 1:

It is recommended that:

- Council endorse the proposed changes to *Chapter 21 - Preservation and Removal of Trees or Vegetation* of the Development Control Plan to be placed on public exhibition for a period of 28 days, inviting submissions from the community.
- If no submissions are received as a result of public exhibition that require further consideration, that Council adopt the changes to the Development Control Plan and rescind the Tree Management Policy.

Option 2:

It is recommended that:

- Council nominate the following additional or alternative changes to *Chapter 21 - Preservation and Removal of Trees or Vegetation* of the Development Control Plan:
 - "insert changes"
- The DCP, with updated changes, be placed on public exhibition for a period of 28 days, inviting submissions from the community.
- If no submissions are received as a result of public exhibition that require further consideration, that Council adopt the changes to the Development Control Plan and rescind the Tree Management Policy.

Option 3:

It is recommended that Council do not make any changes to tree management policy in the City.

Conclusion

The Tree Management Policy and Chapter 21 – Preservation and Removal of Trees or Vegetation of the Development Control Plan have been reviewed, and changes are recommended to provide more opportunity for landowner to undertake tree work on their property. It is proposed to incorporate the Policy into the DCP. The proposed updates do not change the circumstances when Council will undertake tree work on public land.

Tree removal will require offset planting to ensure there is no net loss of trees in the City.

Attachments

1. Proposed DCP Chapter 21
2. Tree Management - Council Policy (Current)