



Attachments:

1. Council report 24/2/20 – Implementation of Urban Forest Strategy
2. Draft Amendments to Section 16 of DCP 2013

SUBJECT: Review of Tree and Vegetation Management Policies and Proposed Further Amendments to North Sydney DCP Review 2020

AUTHOR: Melissa McManus, Landscape Technical Officer (OSE) and Ben Boyd, Executive Strategic Planner (CiS)

ENDORSED BY: Rob Emerson, Director Open Space and Environmental Services
Joseph Hill, Director City Strategy

EXECUTIVE SUMMARY:

This report follows on from two reports presented to Council on 24 February 2020 regarding the Urban Forest Strategy Review of Council's Tree Protection Policy and the North Sydney Development Control Plan Review 2020. At that meeting, Council unanimously adopted all of the recommendations of both reports.

The Urban Forest Strategy report recommended amending the thresholds as to when trees and vegetation require a permit before pruning or removal. In particular, it primarily sought to reduce the height and canopy dimension thresholds from 10m to 5m. These amendments were subsequently incorporated into draft amendments to NSDCP 2013, which was also adopted by Council on 24 February 2020 for public exhibition purposes.

By amending the North Sydney tree protection thresholds in line with other councils and best practice, it was recognised there would be a subsequent increase in the need to apply for a permit. Whilst this issue was briefly considered in the previous report, not all opportunities to mitigate its impact were considered. As a result, further investigations have been undertaken and further amendments identified in line with the findings of the benchmarking survey, to reduce this burden. These include such things as adding to the exempt species list, exempting certain amounts and types of pruning, and providing increased clarification in relation to better definitions and further explanation.

The review of the DCP also provides the opportunity to incorporate further clarifications that will assist in achieving documented canopy cover objectives, including such things as refining statements for more clarity, detailing transparent methods of calculating costs when imposing bonds or when replacement trees are to be provided and explaining how existing canopy cover will be determined at time of development.

Council's Open Space and Environment (OSE) Division has been liaising with Council's City Strategy Division to ensure clear wording that is in line with other councils and relevant Australian Standards legislation. All proposed changes in addition to the draft amendments to NSDCP 2013 as adopted by Council on 24 February 2020, are detailed in this report.

FINANCIAL IMPLICATIONS:

When Council first considered the proposed changes to Council's tree protection policies, it noted that there was likely to be a financial impact to resulting from an increased number of tree pruning and removal applications that will need to be assessed both on private property and on development sites. The report advised that until such time as the new height regime is implemented and an understanding is gained of the additional workload, it is difficult to give an estimate of the necessary budget to maintain the current high level of service that is provided to the community. The further amendments outlined in this report would have a reduction on the anticipated additional workload created. This is achieved by increasing the number of instances where the need to obtain a tree and vegetation permit is removed.

RECOMMENDATION:

1. THAT the draft amendments to NSDCP 2013 as adopted by Council on 24 February 2020, be further amended as outlined in this report prior to its public exhibition. In particular, it should include:

- a.** new definitions for "tree", "vegetation" and "hedge";
 - b.** exclude vegetation located within buildings requiring a permit to be removed;
 - c.** incorporate additional species that are exempt from requiring a permit to be pruned or removed due to their low amenity or undesirability within the LGA;
 - d.** replace the term "mature canopy tree" with a measurable quantum;
 - e.** include instances where maintenance pruning can be undertaken without a permit;
 - f.** amend the location of where the trunk circumference is to be measured from;
 - g.** provide additional advice as to how costs are to be determined where relevant; and
 - h.** provide additional advice as to how canopy cover is to be measured.
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LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- Direction: 1. Our Living Environment
- Outcome: 1.1 Protected and enhanced natural environment and biodiversity
1.3 Quality urban greenspaces
- Direction: 2. Our Built Infrastructure
- Outcome: 2.2 Vibrant centres, public domain, villages and streetscapes
- Direction: 4. Our Social Vitality
- Outcome: 4.1 North Sydney is connected, inclusive, healthy and safe
4.4 North Sydney's history is preserved and recognised

BACKGROUND

The first major action detailed in the Urban Forest Strategy, adopted by Council on 29 January 2019, was a review of existing tree protection policies. The outcome of this review was reported to Council on 24 February 2020 where council resolved (Min. No. 25):

- 1. THAT Council endorse the proposed changes to the tree protection thresholds as outlined in this report.*
- 2. THAT the proposed changes to tree protection thresholds be incorporated into the comprehensive review of NSDCP 2013 and that the subsequently amended DCP be placed on public exhibition in accordance with NSW legislative requirements.*
- 3. THAT Council staff continue to implement the other remaining actions in the 2019 Urban Forest Strategy.*

These amendments were subsequently incorporated into draft amendments to NSDCP 2013, which was also considered by Council on 24 February 2020. The amendments were contained within Section 16 – Tree and Vegetation Management to Part B of NSDCP 2013. Council subsequently resolved (Min. No. 26):

- 1. THAT Council resolves to endorse the attached draft amendments to North Sydney Development Control Plan 2013 for the purposes of public exhibition.*
- 2. THAT the draft amendments to North Sydney Development Control Plan 2013, be placed on public exhibition concurrently with Planning Proposal 7/19 – North Sydney LEP Review 2019 for a minimum period of 28 days in accordance with the Environmental Planning and Assessment Regulations.*

Council's Open Space and Environment (OSE) Division has been liaising with Council's City Strategy Division to ensure that clear wording and definitions as well as the inclusion of exempt

species and exempt works in line with other metropolitan local government areas are also incorporated.

This report outlines additional matters which warrant further amendment to the adopted draft amendments to NSDCP 2013 prior to it being placed on public exhibition. This will ensure that the public will only be required to consider these wholesale policy changes once, rather than via two separate amendments to the DCP.

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

| QBL Pillar | Implications |
|-------------------|---|
| Environment | <ul style="list-style-type: none">• These amendments will help protect existing trees and canopy cover, which is the most economical and fastest way to achieve canopy cover targets• The proposed amendments will help to maintain the existing green character of North Sydney providing a healthy environment for both humans and local native fauna |
| Social | <ul style="list-style-type: none">• The proposed amendments to North Sydney's tree and vegetation protection policies will help to ensure a healthy and connected community |
| Economic | <ul style="list-style-type: none">• These amendments will help protect existing trees and canopy cover, which is the most economical and fastest way to achieve canopy cover targets• A healthy urban forest provides many millions of dollars-worth of environmental benefits to the community, including pollution removal, carbon storage, oxygen production, stormwater savings, urban heat mitigation and energy savings. |
| Governance | <ul style="list-style-type: none">• The proposed amendments will provide the community of North Sydney with tree protection legislation that more closely matches other metropolitan councils, reflecting industry best practice and good governance. |

DETAIL

Table 1 outlines the proposed further amendments to Section 16 – Tree and Vegetation Management of the draft amendments to NSDCP 2013 as endorsed for public exhibition (refer to attachment) by Council on 24 February 2020 and justifications for these amendments.

| TABLE 1 – Additional Proposed Amendments to North Sydney DCP Review 2020 | | | |
|---|--|---|---|
| Reference | Issue | Action/Reason | Proposed Change / Example wording |
| Dictionary | Include a new definition of “Tree” | Provide Increased Clarity The dictionary contains a definition of “prescribed tree”, however this definition appears to be limited in its interpretation. The term should be expanded to include multi-trunked specimens and palms. The existing definition of “Prescribed Tree” should be removed from the DCP. | Tree means a long-lived (more than 5 years), generally woody plant which may have a single or multiple stem which are self-supporting and at maturity will reach a height of more than 5m. The term tree for the purposes of this plan, also includes Palms |
| Dictionary | Include a new definition of “Vegetation” | Provide Increased Clarity There is no definition of “vegetation” under the DCP. It is noted that SEPP (Vegetation in Non-rural areas) 2017 defines vegetation as “means a tree or other vegetation, whether or not it is native vegetation. This definition is circular and does not provide a clear indication as to the distinction between a tree and vegetation. Therefore, a new definition is required to improve clarity. It is unlikely that a different definition under the DCP will result in a conflict with the operation of the Vegetation SEPP. | Vegetation means for the purposes of this plan is defined as any living plant and may range from low growing ground covers, grasses and climbers through to woody shrubs up to 5m tall. |
| Dictionary | Include a new definition of “Hedge” | Provide Increased Clarity It is proposed to exempt particular types of pruning on particular categories of trees and vegetation such as hedges, so inclusion of a new definition would assist in interpreting the controls. | Hedge means a line of two or more trees or shrubs planted close together for the purpose of forming a fence, a screen, or a boundary. |
| 16.2.2 P1 | Exemptions for permits | Provide Increased Clarity Council has in the past received applications relating to trees growing inside private buildings. Removal of such vegetation has no impact on the retention of the urban tree canopy and should therefore be permitted to be removed without approval. | Include a new subclause stating: Trees growing inside a building where there is a roof over the tree (e.g. within an atrium or internal garden bed). |

| TABLE 1 – Additional Proposed Amendments to North Sydney DCP Review 2020 | | | |
|---|-------------------------------------|---|---|
| Reference | Issue | Action/Reason | Proposed Change / Example wording |
| 16.2.2 P1 | Exemptions for permits | <p>Policy Position Change – Council currently only exempts Cocos palms and African Olive by way of species type in addition to noxious weeds identified under the Biosecurity Act.</p> <p>However, many other councils also exempt a large number of non-noxious weeds where they provide a low amenity or are considered undesirable in a locality. Increasing the number of species that do not require approval to be removed will decrease workload implications of inspecting vegetation which is more than 5m tall.</p> | <p>Consolidate subclauses (g) and (h) and also include the following species: Privet species (<i>Ligustrum</i> sp), European Nettle or Hackberry (<i>Celtis</i> sp), Tree of Heaven (<i>Ailanthus</i> sp), Rubber Trees (<i>Ficus elastica</i>), Umbrella Trees (<i>Schefflera</i> sp), Rhus Tree (<i>Toxicodendron succedaneum</i>), China Doll (<i>Radermachia sinica</i>), Indian Coral Tree (<i>Erythrina x sykesii</i>), Box Elder (<i>Acer negundo</i>), Willow Trees (<i>Salix</i> spp),</p> |
| 16.2.2 P1(d) | Interpretation - Mature canopy tree | <p>Provide Increased Clarity</p> <p>This clause refers to “mature canopy trees”. However, there is no definition of a mature canopy tree. To improve certainty, the words “mature canopy trees” should be replaced with a more precise and measurable definition. It is generally agreed that a mature canopy tree would be greater than 10m in height.</p> | <p>Replace the words “other than mature canopy trees” with “unless the tree is greater than 10m in height”</p> |
| 16.2.2 P1 | Exempt pruning – General | <p>Policy Change</p> <p>There is no indication within the DCP as to what type of pruning is considered acceptable without the need to apply for a permit. This can result in an increased number of permits to be assessed. Therefore, minor maintenance pruning should be exempt from requiring a permit. Industry best practice is the application of a 10% restriction on removal of canopy area and 100mm on branch thickness.</p> | <p>Include a new provision which states: Maintenance pruning up to a maximum of 10% of the existing crown volume, where branches removed are less than 100mm diameter, and all work is in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4373) and must be conducted by a qualified Arborist.</p> |
| 16.2.2 P1 | Exempt pruning – Hedges | <p>Policy Change</p> <p>To reduce the need to apply for a permit for maintenance pruning of hedges that are tall or wide enough to be covered by this policy, an additional clause is proposed to exempt hedge pruning.</p> <p>Tall hedges may require pruning in excess of that detailed in the above clause several times per annum.</p> | <p>Formal hedge maintenance pruning (this applies to groups of two or more trees that are planted to in the ground to form a hedge and must be conducted by a qualified Arborist)</p> |

| TABLE 1 – Additional Proposed Amendments to North Sydney DCP Review 2020 | | | |
|---|--|--|--|
| Reference | Issue | Action/Reason | Proposed Change / Example wording |
| 16.2.2 P2(b) | Dimension thresholds for trees | Policy Change – The current and proposed amended subclause requires a tree’s trunk circumference to be measured from 1m above ground level existing. However, this has a number of limitations. It is proposed to measure trunk circumference at ground level as this makes it easier to capture trees that have multiple trunks and can be measured even after a breach (i.e. if the tree has been cut down). The benchmarking survey suggests other Councils are using this approach. | That subclause (b) be amended to measure the trunk circumference at ground level (existing) |
| 16.2.2 P5 | Interpretation – issues not considered as suitable reasons for removal | Provide Increased Clarity – Applications relating to removal of trees due to issues associated with fauna feeding, nesting or roosting. Detailing unacceptable reasons for removal will decrease workload implications of inspecting vegetation which is more than 5m tall | Suggested that the following be added to the clause: (d) issues arising from roosting, nesting or browsing fauna |
| 16.2.2 P8 | Calculation of costs | Provide Increased Clarity – The DCP makes reference to the payment of fees for the replacement planting of trees but does not elaborate on how those fees are determined. Therefore, there is a need to detail the method that will be used to calculate fees and charges in relation to planting replacement trees to improve clarity. | Incorporate the following advice: That fee shall be calculated based on the industry accepted average price to supply, install, and maintain for 13 weeks a containerised tree of the size specified by the assessing officer but that size shall be not less than 45 litres. Council’s Infrastructure Specifications for Miscellaneous works contains Council contractor schedule of rates. The average price from the schedule will be used. |
| 16.4.2 P3 | | Policy Change – This clause refers to when an arborists report is required - currently for any work within the Structural Root Zone (SRZ) of a tree. To better reflect Australian Standard AS4970 - Protection of Trees on Development Sites it is proposed to change this clause to require an arborists report where any work is proposed within the Tree Protection Zone (TPZ) | That subclause P3 be amended to replace ‘structural root zone’ with ‘tree protection zone (TPZ)’ |

| TABLE 1 – Additional Proposed Amendments to North Sydney DCP Review 2020 | | | |
|---|---|---|---|
| Reference | Issue | Action/Reason | Proposed Change / Example wording |
| 16.4.2 P4 | Calculation of pre-development Canopy Cover and replacement requirements. | Provide Increased Clarity – This clause includes a requirement for the replacement of “equivalent canopy”. However, it is not clear at what point or to what extent the new canopy is to be. It is therefore proposed include details of how pre-development canopy cover will be determined and how replacement canopy requirements will be calculated and/or costed | Suggested to add to this clause: Aerial photos shall be used to calculate the existing canopy cover on site prior to development. The number and mature size of replacement trees must equal the total pre-development canopy cover. Where this cannot be achieved on site clause P5 shall be applied. |
| 16.4.2 P5 | Calculation of Canopy replacement requirements and costs. | Provide Improved Clarity – This clause makes reference to costs associated with replacement trees. However, it does not provide additional details regarding the methodology to be used to calculate fees for replacement canopy on Council land. | Suggested that the following be added to the clause: That fee will be calculated based on the industry average cost to supply and install equivalent size replacement tree(s) plus 13 weeks maintenance. Refer to clause 16.2.2 P8 |
| 16.4.2 Provisions - Bonds | Identification of trees that may be subject to bonds | Policy Change – This section currently makes reference to street trees. However, it does not provide details of bonds to protect other existing canopy trees. | Suggested that the following be deleted from the clauses: P6 – remove the word ‘street’ P7 – remove the word ‘street’ |
| 16.4.2 P7 | Calculation of Bonds | Provide Improved Clarity – This clause makes reference to costs associated with provision of bonds for street protection of existing trees. However, it does not include details of how bonds will be calculated. | Suggested that the following be added to the clause: The maximum bond will be the value of each tree calculated using an industry accepted Valuation Method. |

Conclusion

Adoption of the amendments detailed in this report, combined with the draft amendments to NSDCP 2013 already adopted by Council on 24 February 2020, will result in a robust and powerful Tree and Vegetation Management policy, providing Council with the tools it needs to achieve the objectives set out in the Urban Forest Strategy.

It will bring North Sydney’s Tree policies in line with other metropolitan councils and provide the community with clear guidelines regarding the management of all trees and vegetation on

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both private and public land. The proposed amendments will exempt certain works and certain species from requiring a permit, giving residents scope for general maintenance and potentially negating the anticipated increase in applications due to the reduced tree protection dimensions already adopted by Council.

Adopting these draft amendments to NSDCP 2013 prior to the wider set of proposed DCP amendments being placed on public exhibition will ensure that the public will only be required to consider these wholesale policy changes once, rather than via two separate amendments to the DCP.

**DECISION OF 3728th COUNCIL MEETING
HELD ON MONDAY 24 FEBRUARY 2020**

25. Item 9: Implementation of Urban Forest Strategy - Review of Tree and Vegetation Management Policies

Report of Melissa McManus, Landscape Technical Officer

This report details the outcome of a review of Council's tree and vegetation management policies conducted in response to the adoption of the Urban Forest Strategy January 2019. In particular, it seeks support for changes to Council's Tree and Vegetation Management policy contained within Section 16 to Part B of North Sydney Development Control Plan (NSDCP) 2013 to provide enhanced protection to existing vegetation that contributes to the local Government Area's tree canopy coverage.

The proposed changes are in response to the documented decline in urban forest canopy cover across the North Sydney LGA, particularly over private suburban land, first reported to Council in June 2018 and further detailed in the second edition of the North Sydney Urban Forest Strategy, adopted by Council in January 2019.

The Urban Forest Strategy 2019 details actions that need to be taken to arrest the decline and promote increased tree canopy cover. Key short term actions include:

- Conduct a review of Council's Tree and Vegetation Management policies to ensure that they are effective in protecting urban forest on private land.
- Develop and implement an Urban Forest Education program to convey to all stakeholders the value and importance of urban forest.
- Develop and implement an Urban Forest Incentives program to encourage and reward community members that contribute to the urban forest vision.
- Regularly assess the North Sydney Urban Forest canopy cover using aerial imagery.

These actions are reinforced within the North Sydney Local Strategic Planning Statement (LSPS), which was recently adopted by Council for Greater Sydney Commission endorsement on 25 November 2019. The LSPS is to inform Council's planning policies including its DCP, within which the Tree and Vegetation Management policy is located.

A comprehensive benchmarking survey of other councils was undertaken to ensure best practice is achieved. The survey indicated that the industry average tree protection height is 4.7m.

North Sydney currently has a tree protection height of 10m which is significantly less restrictive than other councils. Therefore, to bring North Sydney in line with industry best practice and ensure Council meets its desired tree canopy coverage, it is recommended that the threshold for requiring a permit to prune or remove a tree in North Sydney be reduced from 10m to 5m high, and that the other threshold dimensions for canopy width and trunk diameter also be correspondingly amended to be greater than 5m wide or a trunk circumference greater than 0.5m diameter at ground level.

It is acknowledged that Council's Strategic Planning Department has prepared a comprehensive review of NSDCP 2013, included in the Agenda for the 24 February 2020 Council Meeting (refer Item 10 - North Sydney DCP Review 2020). It is recommended that the proposed changes to the thresholds for tree and vegetation protection be incorporated into this review.

There is likely to be some financial impact to effectively implement this amended policy as the reduced height threshold will result in an increased number of tree pruning and removal applications that will need to be assessed both on private property and on development sites. Until such time as the new height regime is implemented and an understanding is gained of the additional workload, it is difficult to give an estimate of the necessary budget to maintain the current high level of service that is provided to the community.

Recommending:

1. **THAT** Council endorse the proposed changes to the tree protection thresholds as outlined in this report.
2. **THAT** the proposed changes to tree protection thresholds be incorporated into the comprehensive review of NSDCP 2013 and that the subsequently amended DCP be placed on public exhibition in accordance with NSW legislative requirements.
3. **THAT** Council staff continue to implement the other remaining actions to the 2019 Urban Forest Strategy.

The Recommendation was moved by Councillor Baker, seconded by Councillor Barbour.

The Motion was put and **carried**.

Voting was as follows:

For/Against 10/0

| Councillor | Yes | No | Councillor | Yes | No |
|------------|-----|----|------------|-----|----|
| Gibson | Y | | Barbour | Y | |
| Beregi | Y | | Drummond | Y | |
| Keen | Y | | Gunning | Y | |
| Brodie | Y | | Mutton | Y | |
| Carr | Y | | Baker | Y | |

RESOLVED:

1. **THAT** Council endorse the proposed changes to the tree protection thresholds as outlined in this report.
2. **THAT** the proposed changes to tree protection thresholds be incorporated into the comprehensive review of NSDCP 2013 and that the subsequently amended DCP be placed on public exhibition in accordance with NSW legislative requirements.
3. **THAT** Council staff continue to implement the other remaining actions to the 2019 Urban Forest Strategy.



Attachments:

1. Benchmarking Survey – Tree Protection Heights

SUBJECT: Implementation of Urban Forest Strategy - Review of Tree and Vegetation Management Policies

AUTHOR: Melissa McManus, Landscape Technical Officer

ENDORSED BY: Rob Emerson, Director Open Space and Environmental Services

EXECUTIVE SUMMARY:

This report details the outcome of a review of Council's tree and vegetation management policies conducted in response to the adoption of the Urban Forest Strategy January 2019. In particular, it seeks support for changes to Council's Tree and Vegetation Management policy contained within Section 16 to Part B of North Sydney Development Control Plan (NSDCP) 2013 to provide enhanced protection to existing vegetation that contributes to the local Government Area's tree canopy coverage.

The proposed changes are in response to the documented decline in urban forest canopy cover across the North Sydney LGA, particularly over private suburban land, first reported to Council in June 2018 and further detailed in the second edition of the North Sydney Urban Forest Strategy, adopted by Council in January 2019.

The Urban Forest Strategy 2019 details actions that need to be taken to arrest the decline and promote increased tree canopy cover. Key short term actions include:

- Conduct a review of Council's Tree and Vegetation Management policies to ensure that they are effective in protecting urban forest on private land.
- Develop and implement an Urban Forest Education program to convey to all stakeholders the value and importance of urban forest.
- Develop and implement an Urban Forest Incentives program to encourage and reward community members that contribute to the urban forest vision.
- Regularly assess the North Sydney Urban Forest canopy cover using aerial imagery.

These actions are reinforced within the North Sydney Local Strategic Planning Statement (LSPS), which was recently adopted by Council for Greater Sydney Commission endorsement on 25 November 2019. The LSPS is to inform Council's planning policies including its DCP, within which the Tree and Vegetation Management policy is located.

A comprehensive benchmarking survey of other councils was undertaken to ensure best practice is achieved. The survey indicated that the industry average tree protection height is 4.7m.

North Sydney currently has a tree protection height of 10m which is significantly less restrictive than other councils. Therefore, to bring North Sydney in line with industry best practice and ensure Council meets its desired tree canopy coverage, it is recommended that the threshold for

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requiring a permit to prune or remove a tree in North Sydney be reduced from 10m to 5m high, and that the other threshold dimensions for canopy width and trunk diameter also be correspondingly amended to be greater than 5m wide or a trunk circumference greater than 0.5m diameter at ground level.

It is acknowledged that Council's Strategic Planning Department has prepared a comprehensive review of NSDCP 2013, included in the Agenda for the 24 February 2020 Council Meeting (**refer Item 10 - North Sydney DCP Review 2020**). It is recommended that the proposed changes to the thresholds for tree and vegetation protection be incorporated into this review.

FINANCIAL IMPLICATIONS:

There is likely to be some financial impact to effectively implement this amended policy as the reduced height threshold will result in an increased number of tree pruning and removal applications that will need to be assessed both on private property and on development sites. Until such time as the new height regime is implemented and an understanding is gained of the additional workload, it is difficult to give an estimate of the necessary budget to maintain the current high level of service that is provided to the community.

RECOMMENDATION:

- 1. THAT** Council endorse the proposed changes to the tree protection thresholds as outlined in this report.
 - 2. THAT** the proposed changes to tree protection thresholds be incorporated into the comprehensive review of NSDCP 2013 and that the subsequently amended DCP be placed on public exhibition in accordance with NSW legislative requirements.
 - 3. THAT** Council staff continue to implement the other remaining actions to the 2019 Urban Forest Strategy.
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LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

- | | |
|------------|--|
| Direction: | 1. Our Living Environment |
| Outcome: | 1.1 Protected and enhanced natural environment and biodiversity 1.3 Quality urban greenspaces |
| Direction: | 2. Our Built Infrastructure |
| Outcome: | 2.2 Vibrant centres, public domain, villages and streetscapes |
| Direction: | 4. Our Social Vitality |
| Outcome: | 4.1 North Sydney is connected, inclusive, healthy and safe 4.4 North Sydney's history is preserved and recognised |

BACKGROUND

North Sydney Council has been an industry leader in Urban Forest Management and has been measuring canopy cover as a key performance indicator since 1997.

In response to a report about declining tree canopy cover across the LGA, North Sydney Council at its meeting on 25 June 2018 resolved (Minute No. 225. OSE03):

2. THAT a further report be prepared including input from Council's Planning, Engineering and Open Space staff as to strategies to arrest decline and promote an increase in tree and canopy cover in the North Sydney Local Government Area.

Subsequently OSE, in close consultation with other Council divisions, reviewed the 2011 Urban Forest Strategy and the final draft, incorporating amendments in response to community comments, was adopted by Council on 29 January 2019 (Minute No. 28. OSE01).

The adopted Urban Forest Strategy 2019 details actions that need to be taken to arrest the decline and promote increased tree canopy cover. Key short-term actions include:

- Conduct a review of Council's Tree and Vegetation Management policies to ensure that they are effective in protecting urban forest on private land.
- Develop and implement an Urban Forest Education program to convey to all stakeholders the value and importance of urban forest.
- Develop and implement an Urban Forest Incentives program to encourage and reward community members that contribute to the urban forest vision.
- Regularly assess the North Sydney Urban Forest canopy cover using aerial imagery.

These actions are reinforced within the North Sydney Local Strategic Planning Statement (LSPS), which was recently adopted by Council for Greater Sydney Commission endorsement on 25 November 2019. The LSPS identifies how Council is responding to higher level regional and district level strategic directions and priorities set by the State government, including issues relating to maintaining and enhancing urban tree canopies. It is also to inform Council's

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planning policies including its DCP, within which the Tree and Vegetation Management policy is located.

This report responds to the first action, the review of tree and vegetation protection policies. The other actions will commence once a policy decision on tree and vegetation protection policy has been made. The next canopy mapping using aerial imagery has been scheduled for early 2020.

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol and legislative requirements in conjunction with any subsequent proposed amendment to NSDCP 2013.

SUSTAINABILITY STATEMENT

The following table provides a summary of the key sustainability implications:

| QBL Pillar | Implications |
|-------------|--|
| Environment | <ul style="list-style-type: none"> • These amendments will help protect existing trees and canopy cover, which is the most economical and fastest way to achieve canopy cover targets • The proposed amendments will help to maintain the existing green character of North Sydney providing a healthy environment for both humans and local native fauna |
| Social | <ul style="list-style-type: none"> • The proposed amendments to North Sydney's tree and vegetation protection policies will help to ensure a healthy and connected community |
| Economic | <ul style="list-style-type: none"> • These amendments will help protect existing trees and canopy cover, which is the most economical and fastest way to achieve canopy cover targets • A healthy urban forest provides many millions of dollars-worth of environmental benefits to the community, including pollution removal, carbon storage, oxygen production, stormwater savings, urban heat mitigation and energy savings. |
| Governance | <ul style="list-style-type: none"> • The proposed amendments will provide the community of North Sydney with tree protection legislation that more closely matches other metropolitan councils, reflecting industry best practice and good governance. |

DETAIL

1 History

North Sydney Council and the local community pride themselves on the green, leafy character of our local government area. North Sydney Council recognises the importance of managing our urban forest through two key strategic planning documents; The North Sydney Street Tree Strategy adopted in 1995 and last updated in 2016 and the North Sydney Urban Forest Strategy

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adopted in 2011 and updated in 2019. These documents provide mechanisms for setting goals, taking actions to achieve those goals and monitoring or measuring performance.

Using an internationally accepted software modelling program, the Street Tree Strategy details the benefits provided by Council's street tree population. These benefits are detailed in the table below and show a net annual benefit of \$3.73 million. Street trees make up just 16% of the urban forest so annual value of benefits from the entire North Sydney urban forest could be more than \$20 million.

| Description | 2013 ITree ECO |
|--|-----------------------|
| Total <i>street tree</i> population | 17,200 |
| Replacement value (approx. \$31,750/tree) | \$546 million |
| Carbon Storage | \$1.75 million |
| Annual Pollution benefits | \$3.14 million |
| Total annual carbon sequestration (tonnes) | \$7,200 |
| Stormwater benefits | \$250,000 |
| Energy savings | \$34,000 |
| Total annual benefits | \$5.18 million |
| Annual maintenance costs | \$1.45 million |
| Net return benefits per annum \$ | \$3.73 million |

Through Council's ongoing monitoring, it became apparent that since 2008, canopy cover has been declining. Canopy measurement commenced in 1997 with overall cover at just 19% across the North Sydney Local Government Area (LGA). This steadily increased to 24% in 2004 and 33.9% in 2008, nearly meeting Council's target of 34.4%. The 2014 canopy assessment showed a slight decline to 30.7% which initially was thought could be attributed to more accurate data collection methods, but unfortunately the 2017 canopy assessment revealed an overall canopy cover of only 28.2% confirming canopy cover is declining across North Sydney LGA. The table below details the rises and falls across the various land use areas (zoning based) and land tenures (ownership based).

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| | Description | % of LGA | Canopy Cover TARGET | 1997 % | 2001 % | 2008 % | 2014 % | 2017 % | Total Decline Since 2008 |
|----------------|-----------------------------|----------|---------------------|--------|--------|--------|--------|--------|--------------------------|
| Total LGA | Overall Canopy Cover | 100 | 34.4% | 19 | 24 | 33.9 | 30.7 | 28.2 | 5.7 |
| Land Use | CBD | 10 | 15% | | | 16.5 | 13.5 | 14.2 | 2.3 |
| | Urban | 48.3 | 25% | | | 32.4 | 28.8 | 26.9 | 5.6 |
| | Suburban | 41.7 | 50% | | | 39.8 | 37 | 33.0 | 6.8 |
| Land ownership | Private Land | 58 | | | | 31.6 | 26.4 | 24.0 | 7.5 |
| | Public Land | 25.7 | | | | 50.5 | 52.8 | 50.0 | 0.5 |
| | Roads | 16.3 | 30% | | | 28.1 | 26.1 | 23.4 | 4.7 |

The Table above shows that the *greatest* areas of canopy loss since 2008 have been over suburban, private land (declining 6.8% and 7.5%). In suburban areas canopy cover is at risk due to the pressure for urban consolidation and a strong trend to outdoor living spaces that are also hard surfaced and walled. These trends, combined with increased pressure for dual or multiple occupancy, contribute to urban heat islands and reduce the traditionally available backyard space for canopy trees. This trend is set to continue with population growth estimates leading the Greater Sydney Commission to propose 7000 new dwellings for the North Sydney LGA.

Locations that traditionally accommodated large trees such as school grounds, are also under immense pressure, with more and more classrooms and buildings needed to house growing student populations.

The next highest losses are over urban areas and roads. Urban areas are seeing high levels of development including large scale infrastructure such as metro stations, and roads are being heavily impacted by things such as B-line bus services, RMS sound barrier walls and other authorities working in the road corridor. I.e. Power, Gas, Water etc.

Maintaining and increasing the LGA's urban canopy requires a combination of tree protection, tree maintenance, and tree planting to be fully realized and efficiently implemented. As trees and tree crowns take time to grow, it may require 20 to 30 years to achieve a significant increase in canopy cover hence the importance of developing a comprehensive long-term strategy that engages all stakeholders, has clearly defined steps, and has easily measurable performance criteria.

The canopy expansion that North Sydney enjoyed from 1997 to 2008 is most likely the result of thoughtful and conscientious planting in the 1980's. To ensure ongoing canopy cover that meets our targets we need to take immediate action to stop the losses and become proactive in planting, particularly those areas that are showing the most significant decline.

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Council has managed to retain a consistent 50% canopy cover over public land and has continued to increase planting on land under its jurisdiction. Steps now need to be taken to encourage increased planting on private land. The table below shows Council planting numbers.

| Description | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|--|------|------|------|------|------------|------------|-------------|
| Total Number of Trees Planted by Tree team | 315 | 462 | 387 | 420 | 412 | 410 | 412 |
| Trees planted on public land by Bushcare; | | | | | 233 | 423 | 665 |
| Trees for private property for native havens etc. | | | | | | | 337 |
| New trees planted by other departments – e.g. Mainstreet & Development | | | | | 41 | 12 | |
| TOTAL NUMBER OF TREES PLANTED BY NSC | | | | | 686 | 845 | 1414 |

2 Current Planning Controls

Tree and vegetation protection is currently managed through:

- State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017 (Vegetation SEPP), which establishes the framework for when a permit is required to prune or remove trees or vegetation;
- North Sydney Local Environmental Plan (NSLEP) 2013; through the identification of instances where trees or vegetation can be pruned or removed as “exempt development”; and
- North Sydney Development Control Plan (NSDCP) 2013, which identifies “*prescribed vegetation*” (now known as “declared vegetation”) for the purposes of the Vegetation SEPP, which require a permit to remove or prune.

The Vegetation SEPP mandates that the following types of vegetation may be removed without a permit:

- vegetation that the council or Native Vegetation Panel is satisfied is dying or dead and is not required as the habitat of native animals;
- vegetation that the council is satisfied is a risk to human life or property; and
- vegetation that is not “prescribed/declared” in a council’s DCP.

NSLEP 2013 allows the removal or pruning of the following types of vegetation as exempt development (i.e. no permit required):

- Cocos palms (*Syagrus romanzoffiana*),
- African olive trees (*Olea africana*),
- trees located on public land, but only if work is carried out by a person engaged by Council to do such work.

Section 16 – Tree and Vegetation Management to Part B of NSDCP 2013 identifies the instances when vegetation is prescribed/declared and therefore would require a permit to prune or remove. In particular its states:

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-
- P1 Pursuant to Clauses 3.1, 5.9(2) and 5.9AA of NSLEP 2013, Development Consent or a Tree Management Permit is not required for removal or pruning any of the following:*
- (a) non-prescribed trees or vegetation;*
 - (b) trees that are declared to be dead or dying as confirmed by Council in writing;*
 - (c) pruning of deadwood from a tree;*
 - (d) noxious weeds as prescribed by the Noxious Weeds Act, 1993, other than mature canopy trees;*
 - (e) trees or vegetation that are being maintained or removed by North Sydney Council staff (or their sub-contractors) on land under Council's ownership or care and control;*
 - (f) trees that have been authorised to be removed or pruned pursuant to a Development Consent issued under the Act, but not prior to the issue of a Construction Certificate relating to that Development Consent;*
 - (g) Cocos Palms (Syagrus romanzoffiana); or*
 - (h) African Olive Trees (Olea Africana);*
 - (i) trees or vegetation located on public land, but only if work is carried out by a person engaged by Council to do such work.*
- P2 Development Consent or a Tree Management Permit is required in accordance with Clause 5.9 of NSLEP 2013 for the removal or pruning of a prescribed tree or vegetation. The following trees and vegetation are prescribed for the purposes of this DCP:*
- (a) Any tree or vegetation on public land, regardless of size;*
 - (b) Any tree or vegetation with a height of 10m, or a crown width of 10m, or a trunk circumference of 1.5m measured at 1m above ground level (existing); or*
 - (c) Any tree that is declared a noxious weed and comprises a mature canopy tree;*
 - (d) Any tree or vegetation more than 5 metre tall on land identified as a heritage item;*
 - (e) Any tree or vegetation that is declared a noxious weed on land identified as a heritage item under cl.5.10 of NSLEP 2013 regardless of size;*

Council's Strategic Planning Department have already acknowledged that this section of the DCP needs to be amended to align with the relocation of tree preservation requirements from NSLEP 2013 to the Vegetation SEPP. These changes are addressed in a comprehensive review of NSDCP 2013, included in the Agenda for the 24 February 2020 Council Meeting (**refer Item 10 - North Sydney DCP Review 2020**).

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3 Comparative Analysis - Tree Protection Height Thresholds

The table below shows the tree protection height thresholds of other Councils in the Sydney Metropolitan region.

| Council | Height threshold |
|--------------------------|-------------------------|
| Sutherland | 3m |
| Hornsby | 3m |
| Lane Cove | 4m |
| Burwood | 4m |
| Willoughby | 4m |
| Ryde | 5m |
| City of Parramatta | 5m |
| Inner West Council | 5m |
| City of Sydney | 5m |
| Woollahra | 5m |
| Mosman | 5m |
| Northern Beaches Council | 5m |
| Ku-ring-gai Council | 5m |
| Randwick | 6 m |

It should be noted that other criteria are also used by Councils to define trees that are protected; these include canopy width, trunk diameter or species. The full benchmarking survey is attached to this report. The survey included 22 questions and in addition to tree protection dimensions, it also asked about other issues such as exempt species, exempt works, staffing, number of applications per annum, turn-around times and fees.

4 Implications of Reducing Tree Protection Height

The table below shows the approximate number of inspections carried out by North Sydney Council officers under the current 10m DCP tree height dimensions. It could be expected that the number of inspections or assessments would increase with the proposed tree protection height reduced to 5m. While this is difficult to estimate it is logical to assume that it may be necessary to increase staff resources to ensure the service continues to be effective and efficient.

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| | 2012 to 2016 inclusive | Average number per annum 2012-16 | 2017 | 2018 | Comments |
|--|------------------------|----------------------------------|-------------|-------------|--|
| Development Applications | | | | | |
| Number of Complying Developments | 1751 | 350 | 346 | 373 | Notified to Council but not assessed by Council. Range from minor works (90%) to full dwellings. |
| Number of development applications | 3209 | 642 | 655 | 634 | Assessed by Council |
| Total number of development applications in North Sydney LGA | 4960 | 1012 | 1001 | 1007 | DA's + Complying development |
| Number of DA's referred to Council's Landscape Development officer | 510 | 102 | 99 | 74 | |
| Tree Management Applications - Private Properties (no DA) | | | | | |
| Number of Tree Management Permit inspections | | | | 650 | Often multiple trees on site |

Current staffing is one full time Tree Preservation Officer conducting pruning/removal inspections on private property (no DA), one full-time Tree Management officer assessing trees on public land and one part time Landscape Development Officer conducting assessment of trees on sites subject to Development Applications (3 days per week).

| Division & Department | Position Title | Position Hours | Key Tasks |
|------------------------------|-------------------------------|------------------|---|
| OSE – Environmental Services | Tree Preservation Officer | Full time | Assess applications for pruning or removal of trees over 10m on private property |
| OSE – Parks and Gardens | Tree Management Officer | Full time | Inspect trees of any size on public land in response to <ul style="list-style-type: none"> - Other department requests, Resident requests - Street and/or Park trees affected by development. |
| CIS – Development Services | Landscape Development Officer | 3 days per week. | Assess applications for development where it has been identified that trees and vegetation will be affected. Issue and enforce tree bonds on public trees. |

5 Financial Implications

By lowering the height threshold of trees and vegetation which require a permit to remove or prune from 10 metres to 5 metres it is logical to assume that there will be an increase in the number of inspections that will be required to be carried out by both the OSE Tree Preservation Officer (full time) and the CIS Landscape Development Officer (currently part time). The

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existing Officers' work-loads are at capacity under the current tree preservation policy height limits.

Until such time as the new height regime is implemented and an understanding is gained of the additional workload, it is difficult to give an estimate of the necessary budget to maintain the current high level of service that is provided to the community. By way of guidance, OSE Tree Preservation Officer total salary allocation is \$95K per annum. There is likely little cost increase on the development side as nearly all applications that involve any form of tree or landscape issue already get referred to the Landscape Development Officer.

The benchmarking survey details fees and charges levied by other Councils for Tree pruning or removal permits. This varies from \$69.50 to \$220.50.

The proposed changes to tree protection dimensions are quite significant and if adopted, will require a concerted effort to educate the community of the new requirements. This will include amending the Council website, many of Council's existing publications and actively promoting the changes through social media and other channels. The Urban Forest Strategy has a number of short-term actions and in addition to this review of tree protection policy it also identifies a need for a community education program and community incentives program. These programs will reflect new tree protection policies if adopted.

6 Discussion

The outcomes of Council's ongoing monitoring show that the greatest area of canopy loss is over private suburban land. It is an irreversible trend that housing design and housing pressure is reducing lot sizes and the available space for tree planting. Smaller spaces suggest that correspondingly smaller species of trees will be planted either by choice of the resident or by conditions imposed by Council. If the tree protection heights are not reduced accordingly, there will be no way to ensure the longevity of the canopy; no newly planted tree would be afforded protection if it is not a species that grows to 10m.

It is worth considering the existing and proposed dimensions in context:

- a 10m tree reaches the ceiling of a 3rd floor apartment. Trees of this height are generally quite mature.
 - a 5m tree is still quite substantial and reaches the roofline of a single-story building or the ceiling of a second-floor apartment.
-

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Jacarandas about 10m tall



Crepe Myrtles about 5m tall

7 Benefits to Council

A sustainable urban forest is one in which all sectors of the community share a vision for their forest and act to achieve that vision through specific goals and objectives. Attaining the vision requires that the community agrees on the benefits of trees and acts to maximize those benefits. The Urban Forest Strategy represents that shared vision and the actions that need to be taken to achieve it.

Council plays a crucial role in implementing the goals of the broader community when it comes to urban canopy. Tree protection policies are the cornerstone of this process. Council's ongoing canopy mapping clearly demonstrates that the existing tree protection height of 10m is no longer effective at protecting canopy cover across North Sydney.

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A benchmarking survey of other Councils has highlighted that the North Sydney tree protection thresholds should be reduced to bring North Sydney in line with other Sydney metropolitan local government areas. Reducing the tree protection height threshold down to 5m, the crown width threshold down from 10m to 5m and the trunk circumference down from 1m to 0.5m at ground level, should greatly improve North Sydney's capacity to achieve canopy cover goals, maximizing associated urban forest benefits to the community.

8 Recommendation

Council's existing tree preservation policy is less restrictive than other councils within the Sydney Metropolitan area and has likely resulted in the decline of the LGA's urban tree canopy. In order to prevent further reductions and enhance its urban tree canopy, it is recommended that the thresholds for which a permit is required to remove or prune trees and vegetation is amended to align more with industry standards.

Council's Strategic Planning Department has prepared a comprehensive review of NSDCP 2013, included in the Agenda for the 24 February 2020 Council Meeting (**refer Item 10 - North Sydney DCP Review 2020**).

It is therefore proposed that the proposed amendments to tree protection thresholds and any other amendments that may enhance Council's capacity to achieve documented canopy cover goals as outlined in this report, be included in this comprehensive housekeeping amendment and subsequent consultation undertaken in accordance with any legislative requirements for the new DCP.

In addition, Council staff will continue to implement the other remaining actions to the 2019 Urban Forest Strategy.

Q1 What Council do you work for?

Answered: 18 Skipped: 0

| # | RESPONSES | DATE |
|----|-----------------------------|--------------------|
| 1 | Newcastle | 9/5/2018 2:59 PM |
| 2 | Wingecarribee Shire Council | 8/24/2018 3:08 PM |
| 3 | Lane Cove | 8/23/2018 4:24 PM |
| 4 | City of Sydney | 8/21/2018 1:14 PM |
| 5 | woollahra | 8/21/2018 8:33 AM |
| 6 | Camden | 8/20/2018 1:55 PM |
| 7 | Wollongong City Council | 8/20/2018 12:12 PM |
| 8 | Ku-ring-gai Council | 8/20/2018 11:08 AM |
| 9 | Sutherland | 8/20/2018 9:35 AM |
| 10 | Ryde | 8/20/2018 9:23 AM |
| 11 | Burwood | 8/20/2018 8:54 AM |
| 12 | Randwick | 8/20/2018 8:28 AM |
| 13 | City of Parramatta | 8/20/2018 7:53 AM |
| 14 | Waverley | 8/20/2018 6:05 AM |
| 15 | Inner West Council | 8/18/2018 7:06 PM |
| 16 | City of Sydney | 8/18/2018 4:23 PM |
| 17 | Mosman | 8/17/2018 8:56 AM |
| 18 | Hornsby | 8/15/2018 11:17 AM |

Q2 At what Tree HEIGHT does your tree protection policy come into force? (please answer in metres)

Answered: 18 Skipped: 0

| # | RESPONSES | DATE |
|----|---|--------------------|
| 1 | 3 meters | 9/5/2018 2:59 PM |
| 2 | 6 | 8/24/2018 3:08 PM |
| 3 | 4m | 8/23/2018 4:24 PM |
| 4 | 5 | 8/21/2018 1:14 PM |
| 5 | 5 | 8/21/2018 8:33 AM |
| 6 | 3m | 8/20/2018 1:55 PM |
| 7 | 3 metres | 8/20/2018 12:12 PM |
| 8 | 5.0m or greater than 150mm at ground level | 8/20/2018 11:08 AM |
| 9 | 3m | 8/20/2018 9:35 AM |
| 10 | 5m | 8/20/2018 9:23 AM |
| 11 | 4m private property, Any size on council land | 8/20/2018 8:54 AM |
| 12 | 6 m | 8/20/2018 8:28 AM |
| 13 | five (5) metres | 8/20/2018 7:53 AM |
| 14 | 5 | 8/20/2018 6:05 AM |
| 15 | 5m | 8/18/2018 7:06 PM |
| 16 | 5 metres | 8/18/2018 4:23 PM |
| 17 | 5m | 8/17/2018 8:56 AM |
| 18 | 3 metres | 8/15/2018 11:17 AM |

Q3 At what Tree CANOPY WIDTH does your tree protection policy come into force? (In metres. If no canopy width specified, please put '0')

Answered: 18 Skipped: 0

| # | RESPONSES | DATE |
|----|---------------------|--------------------|
| 1 | 0 | 9/5/2018 2:59 PM |
| 2 | 4 | 8/24/2018 3:08 PM |
| 3 | 0 | 8/23/2018 4:24 PM |
| 4 | 5 | 8/21/2018 1:14 PM |
| 5 | 3 | 8/21/2018 8:33 AM |
| 6 | 3m | 8/20/2018 1:55 PM |
| 7 | 3 metres | 8/20/2018 12:12 PM |
| 8 | 0 | 8/20/2018 11:08 AM |
| 9 | 0 | 8/20/2018 9:35 AM |
| 10 | 0 | 8/20/2018 9:23 AM |
| 11 | 2m private property | 8/20/2018 8:54 AM |
| 12 | 4 m | 8/20/2018 8:28 AM |
| 13 | 0 | 8/20/2018 7:53 AM |
| 14 | 5 | 8/20/2018 6:05 AM |
| 15 | 3m | 8/18/2018 7:06 PM |
| 16 | 5 metres | 8/18/2018 4:23 PM |
| 17 | nil | 8/17/2018 8:56 AM |
| 18 | 0 | 8/15/2018 11:17 AM |

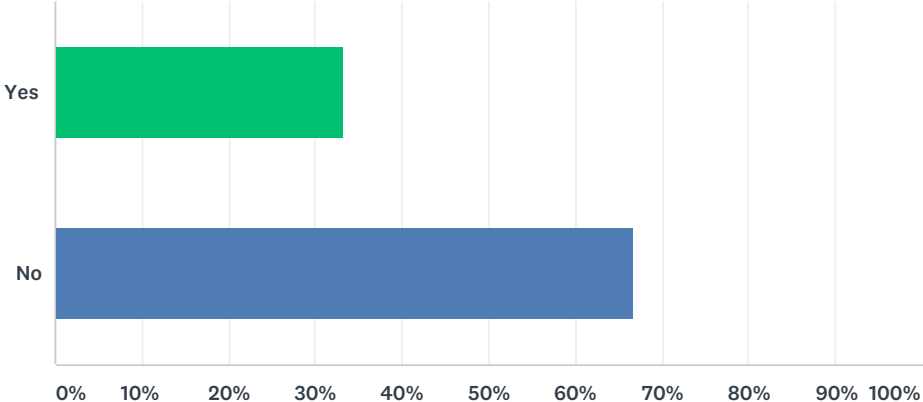
Q4 At what Tree TRUNK DIAMETER or TRUNK CIRCUMFERENCE does your tree protection policy come into force? (If no trunk diameter specified please put '0')

Answered: 18 Skipped: 0

| # | RESPONSES | DATE |
|----|--|--------------------|
| 1 | 450mm single or 300mm multistem | 9/5/2018 2:59 PM |
| 2 | TRUNK CIRCUMFERENCE 500mm | 8/24/2018 3:08 PM |
| 3 | 150mm diameter | 8/23/2018 4:24 PM |
| 4 | 300 at ground level | 8/21/2018 1:14 PM |
| 5 | 0 | 8/21/2018 8:33 AM |
| 6 | 100mm dia | 8/20/2018 1:55 PM |
| 7 | 200mm at 1 metre height above ground (currently under review to be worded at ground level) | 8/20/2018 12:12 PM |
| 8 | 150mm | 8/20/2018 11:08 AM |
| 9 | 100mm breast height | 8/20/2018 9:35 AM |
| 10 | 450 mm circumfrence - 150 mm diameter | 8/20/2018 9:23 AM |
| 11 | 150mm DBH | 8/20/2018 8:54 AM |
| 12 | 1m | 8/20/2018 8:28 AM |
| 13 | 0 | 8/20/2018 7:53 AM |
| 14 | 300mm | 8/20/2018 6:05 AM |
| 15 | 300mm | 8/18/2018 7:06 PM |
| 16 | 300mm diameter | 8/18/2018 4:23 PM |
| 17 | 350mm circumference | 8/17/2018 8:56 AM |
| 18 | 10 metres | 8/15/2018 11:17 AM |

Q5 Do you have different dimensions for protection of different species?

Answered: 18 Skipped: 0



| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|----|
| Yes | 33.33% | 6 |
| No | 66.67% | 12 |
| TOTAL | | 18 |

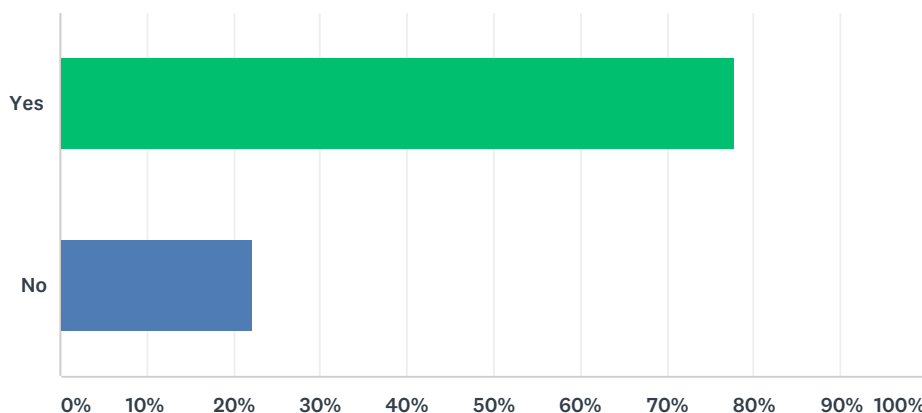
Q6 If you do not specify dimensions, how do you determine which trees are protected?

Answered: 11 Skipped: 7

| # | RESPONSES | DATE |
|----|--|--------------------|
| 1 | trees greater than 3m from principal building | 9/5/2018 2:59 PM |
| 2 | we specify dimensions | 8/23/2018 4:24 PM |
| 3 | 0 | 8/21/2018 8:33 AM |
| 4 | unless otherwise all trees are protected as per definition of prescribed vegetation 3m height or 3m spread or 200mm diam at 1 m above height | 8/20/2018 12:12 PM |
| 5 | NA | 8/20/2018 9:35 AM |
| 6 | All trees with the exemption of trees on exempt list | 8/20/2018 9:23 AM |
| 7 | Use formula in AS4870 | 8/20/2018 8:54 AM |
| 8 | na | 8/20/2018 8:28 AM |
| 9 | height only | 8/20/2018 7:53 AM |
| 10 | Dimensions | 8/18/2018 7:06 PM |
| 11 | Camphora Laurel <10m | 8/17/2018 8:56 AM |

**Q7 Do you allow a certain amount of pruning without requiring a permit?
 eg 10% of canopy or 20% of canopy. If yes, please provide details.**

Answered: 18 Skipped: 0



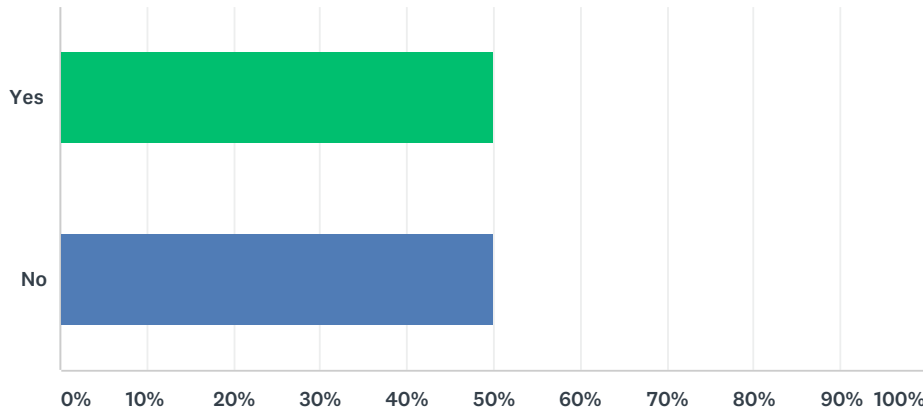
| ANSWER CHOICES | RESPONSES |
|----------------|-----------|
| Yes | 77.78% 14 |
| No | 22.22% 4 |
| TOTAL | 18 |

| # | OTHER (PLEASE SPECIFY) | DATE |
|----|---|--------------------|
| 1 | hedges and individual branches that overhang dwelling, formal path or driveway or any pruning that is specified by a qualified arborist | 9/5/2018 2:59 PM |
| 2 | Our pruning exemptions are complicated and messy, currently being reviewed. My approach is "minor" works is ok, "major" works needs consent where major is 1st order laterals. | 8/24/2018 3:08 PM |
| 3 | A permit or development consent to prune a tree on private land in accordance with provision (1) is not required provided the pruning: (a) provides clearances consistent with the Guideline for tree pruning, and where the branch size is less than the diameter size detailed in Table 3.4; and (b) does not remove more than 5% of a trees canopy; and (c) does not damage or affect the health or structural stability of the tree; and (d) is undertaken in accordance with the relevant Australian Standard for the Pruning of Amenity Trees, using a qualified Arborist (minimum Australian Qualification Framework (AQF) Level 2 Arboriculture). | 8/21/2018 1:14 PM |
| 4 | 2m building clearance - max 50mm diameter. More than 50mm dia needs a permit. | 8/21/2018 8:33 AM |
| 5 | Minor pruning no greater than 50mm diameter provided the works are undertaken in accordance with AS4373 | 8/20/2018 1:55 PM |
| 6 | any branches less than 50mm in diameter can be removed plus deadwood, limbs o'hanging roof line | 8/20/2018 11:08 AM |
| 7 | 10% | 8/20/2018 9:35 AM |
| 8 | 10% - no limitations. I have recommended that 60 mm diameter limit be introduced and limitation to neighbouring property pruning | 8/20/2018 9:23 AM |
| 9 | Not more than 10% of crown or branches with a diameter of not more than 100mm to reduce interference with roofs, gutters and walls of buildings only. Deadwood pruning is also exempt. | 8/20/2018 8:54 AM |
| 10 | Two (2) metre clearances to buildings only | 8/20/2018 7:53 AM |
| 11 | 10% (ex Leichhardt area only) | 8/18/2018 7:06 PM |

| | | |
|----|---|--------------------|
| 12 | 5% with a range of categories for clearances (eg buildings 1m, footpath 2.5m, services wires 0.5m etc) and branch diameters of 100mm max. | 8/18/2018 4:23 PM |
| 13 | 10% | 8/15/2018 11:17 AM |

Q8 Do you permit pruning for cosmetic purposes such as views, aesthetics (shaping), solar access etc? If yes, please provide details.

Answered: 18 Skipped: 0

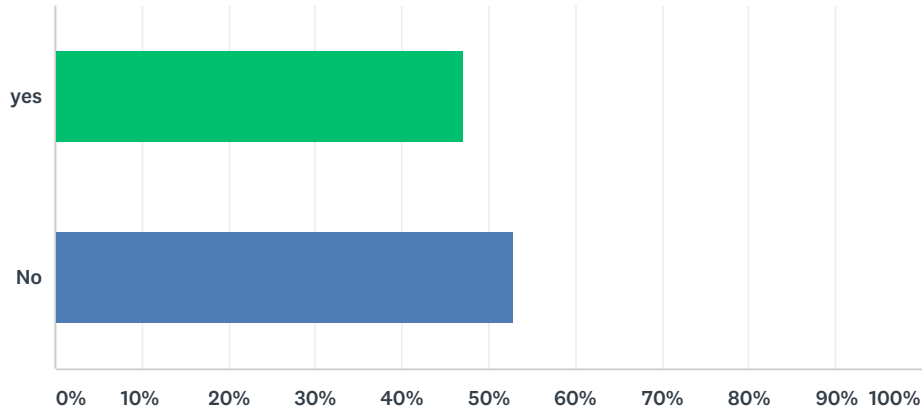


| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|-----------|
| Yes | 50.00% | 9 |
| No | 50.00% | 9 |
| TOTAL | | 18 |

| # | DETAILS(PLEASE SPECIFY) | DATE |
|----|--|--------------------|
| 1 | provided the pruning is specified and complies with AS 4373 | 9/5/2018 2:59 PM |
| 2 | Only if this work is deemed "major" | 8/24/2018 3:08 PM |
| 3 | 25% maximum for solar access and views. Must not be of detriment to the shape and aesthetic of tree (No lopping) | 8/23/2018 4:24 PM |
| 4 | views - guidelines must be satisfied. Shaping for amenity horticultural purposes of mostly small - medium trees. | 8/21/2018 8:33 AM |
| 5 | Yes/No - It is case by case. Sometimes pruning is permitted to retain tree rather than removal | 8/20/2018 1:55 PM |
| 6 | Solar access will be approved if the assessing officer determines that the pruning can be undertaken in accordance with AS4373-2007 and not to the detriment of the trees appearance and structural integrity. | 8/20/2018 12:12 PM |
| 7 | Assessed on merit as part of application | 8/20/2018 9:35 AM |
| 8 | all pruning specified by Council officer in accordance with Standards only | 8/20/2018 7:53 AM |
| 9 | Pruning/shaping for health of the tree but not to disfigure for views. | 8/20/2018 6:05 AM |
| 10 | Within permit specifications and AS allowances | 8/17/2018 8:56 AM |

Q9 Do you have any SPECIAL species or vegetation types that are specifically protected eg a particularly iconic local species or a locally rare or endangered species?

Answered: 17 Skipped: 1

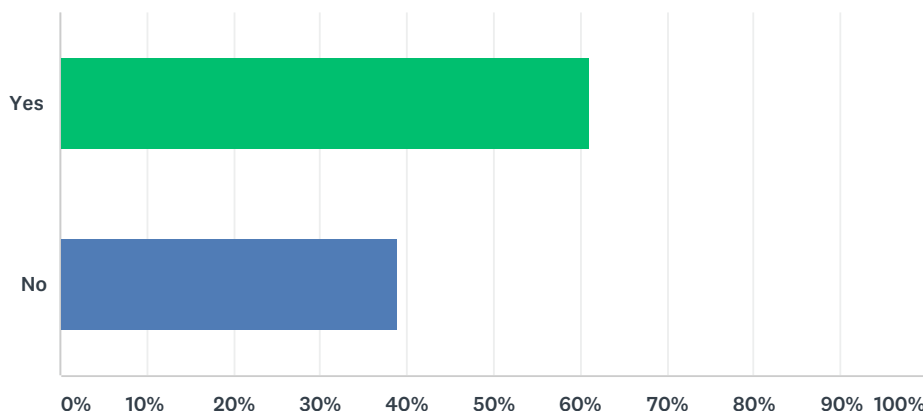


| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|----|
| yes | 47.06% | 8 |
| No | 52.94% | 9 |
| TOTAL | | 17 |

| # | IF YES, PLEASE PROVIDE BRIEF DETAILS BELOW | DATE |
|---|--|--------------------|
| 1 | Whilst trees above 4m are protected, we do use a remnant indigenous vegetation map | 8/23/2018 4:24 PM |
| 2 | Critically endangered species | 8/20/2018 1:55 PM |
| 3 | Endangered ecological communities such as Blue Gum High Forest & Heritage trees, | 8/20/2018 9:23 AM |
| 4 | All palm, cycad or tree fern | 8/20/2018 8:28 AM |
| 5 | We have areas of EEC which we consider of great value | 8/20/2018 7:53 AM |
| 6 | Eastern Suburbs Banksia Scrub but it is low shrubs | 8/20/2018 6:05 AM |
| 7 | We're not species racist | 8/18/2018 4:23 PM |
| 8 | Vegetation within Heritage Areas required Development Application | 8/17/2018 8:56 AM |
| 9 | Heritage CEEC | 8/15/2018 11:17 AM |

Q10 Does your Council have a significant trees or heritage trees register

Answered: 18 Skipped: 0

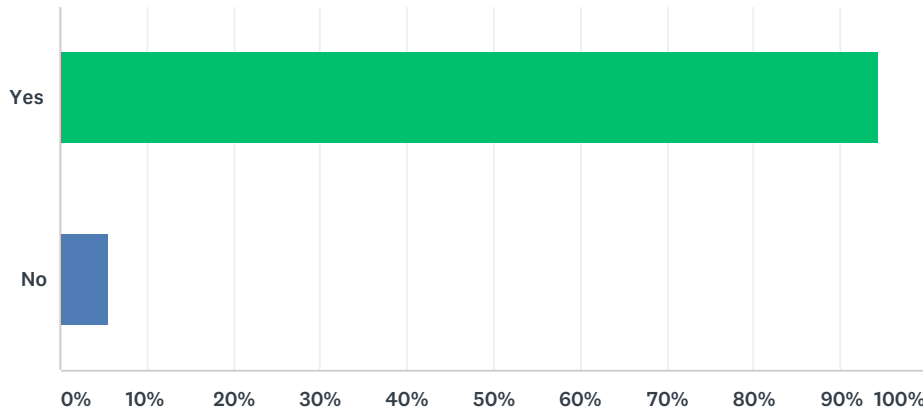


| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|-----------|
| Yes | 61.11% | 11 |
| No | 38.89% | 7 |
| TOTAL | | 18 |

| # | IF YES, HOW DOES THIS AFFECT APPLICATIONS FOR PRUNING OR REMOVAL? | DATE |
|----|--|--------------------|
| 1 | requires a permit for pruning or a minor works permit for removal | 9/5/2018 2:59 PM |
| 2 | Will require an arborist risk assessment of tree, unless tree has glaring structural fault/decay and has suffered ongoing large branch failures | 8/23/2018 4:24 PM |
| 3 | Heritage considerations mainly - and wether a DA is required. | 8/21/2018 1:14 PM |
| 4 | We have a STR and trees which are on an environmental heritage list (LEP). Removal of these requires a DA. Pruning is dealt with under a permit. | 8/21/2018 8:33 AM |
| 5 | Generally internal use only and applications reviewed case by case | 8/20/2018 1:55 PM |
| 6 | Certain trees are heritage listed. A significant tree register is currently being discussed for development. Heritage listed trees or trees within a curtilage of a heritage item are managed through the tree management permit system in conjunction with the heritage officers at WCC. In accordance with the Vegetation SEPP, minor pruning may be undertaken via a tree permit where the pruning will not impact on the heritage item. Exempt tree species, where required to be removed on a heritage item sometimes get processed through the issuance of a heritage exemption order. | 8/20/2018 12:12 PM |
| 7 | Pruning is assessed under a regular application. removal must be by heritage DA or significant trees must have Council approval | 8/20/2018 9:23 AM |
| 8 | DA for tree works to be lodged and higher fee paid. | 8/20/2018 8:28 AM |
| 9 | Development application is required for significant trees or prominent trees in heritage conservation areas | 8/20/2018 6:05 AM |
| 10 | Only difference is neighbour notification required for applications seeking removal of significant register tree | 8/18/2018 4:23 PM |
| 11 | Nil needs an overhaul | 8/17/2018 8:56 AM |

Q11 Do you have an EXEMPT SPECIES list (over and above the declared noxious weeds list)

Answered: 18 Skipped: 0



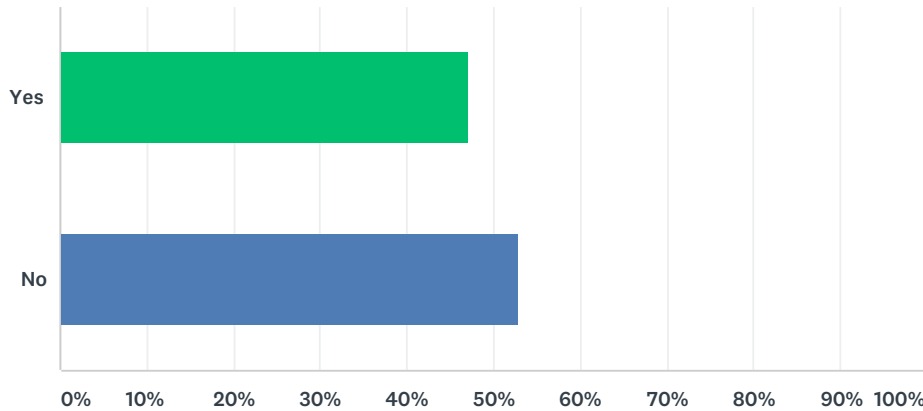
| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|----|
| Yes | 94.44% | 17 |
| No | 5.56% | 1 |
| TOTAL | | 18 |

| # | IF YES, PLEASE LIST SPECIES BELOW | DATE |
|---|--|-------------------|
| 1 | We have an Environmental Weeds list which includes tree species which are locally problematic but not declared noxious e.g. Radiata Pine | 8/24/2018 3:08 PM |
| 2 | Acer negundo Ailanthus altissima Alnus jorlulensis Cinnamomum camphora Cotoneaster species Celtis sinensis Celtis australis Citrus species Erythrina species Ficus elastica Grevillea robusta Jacaranda mimosifolia Lagerstroemia indica Lagunaria patersonia Ligustrum species Liquidambar styraciflua Morus species Musa species Nerium oleander Olea africana Populus nigra Italica Prunus species Schefflera actinophylla Syagrus romanzoffianum Toxicodendrum succedaneum X Cupressocyparis leylandii | 8/23/2018 4:24 PM |
| 3 | (a) Ailanthus altissima (Tree of Heaven); (b) Bamboo sp (all species and cultivars); (c) Citrus sp (all varieties); (d) Cotoneaster sp (Cotoneaster); (e) Ficus elastica (Rubber Tree); (f) Gleditsia triacanthos – not cultivars (Wild Honey Locust); (g) Lagunaria patersonia (Norfolk Island Hibiscus); (h) Ligustrum sp (Privet); (i) Melia azedarach (White Cedar); (j) Morus species (Mulberry); (k) Musa species (Banana); (l) Olea europaea var. Africana (African Olive); (m) Robinia pseudacacia –not cultivars (False Acacia); (n) Salix babylonica (Willow); (o) Schefflera actinophylla (Umbrella Tree); and (p) Syagrus romanzoffianum (Cocos Palm). | 8/21/2018 1:14 PM |
| 4 | Ailanthus altissima Nerium oleander Cupressocyparis leylandii Olea europea var. africana Erythrina spp Salix spp Ficus elastica Rhizomatous (running) bamboo Gleditsia triacanthos Schefflera actinophylla Lagunana patersonii Strelitzia nicolai Musa cavendishii Syagrus romanzoffianum | 8/21/2018 8:33 AM |
| 5 | Cocos Palm with the others known as weeds | 8/20/2018 1:55 PM |

| | | |
|----|--|--------------------|
| 6 | Olea europaea subsp. cuspidata Alnus species Prunus spp Pommes spp Persea americana Musa spp Robinia pseudoacacia Morus nigra Acer negundo Cinnamomum camphora Phoenix canariensis Radermachera sinica Triadica sebifera [Sapium sebiferum] Cumquat, Grapefruit, Lemon, Lime, Mandarin, Orange (edible species) Arundinaria spp Syagrus romanzoffiana Celtis occidentalis Erythrina x sykesii Cotoneaster species Cupressus macrocarpa 'Brunniana' Koelreutaria paniculata Gleditsia triacanthos Harpephyllum caffrum Liquidambar species Eriobotrya japonica Lagunaria patersonii Nerium oleander Schinus areira Populus species Ligustrum species Pinus radiata Bambusa spp Ficus elastica Grevillea robusta Schefflera actinophylla Salix species | 8/20/2018 12:12 PM |
| 7 | Common Name Botanical Name Cootamundra Wattle Queensland Silver Wattle Golden Wreath Wattle Box Elder Tree of Heaven Evergreen Alder Cocos Palm Nettle tree Celtis spp. Cotoneaster . Loquat Common Coral Tree Indian Coral Tree Coral Tree Rubber Tree Liquidamber Liquidambar styraciflua (only if less than 12m in height) African Olive Crested Wattle Lombardy Poplar Firethorn Black Locust Golden Robinia Umbrella Tree Broad-leaf pepper tree Rhus | 8/20/2018 11:08 AM |
| 8 | Golden Robina, Golden wreath Wattle, Celtis sinensis, Acer negundo & Alnus jorulensis (unsure why) | 8/20/2018 9:23 AM |
| 9 | Bamboo, privet, Rubber tree, Loquat, Rhus, Umbrella, Willow, Populus, Robinia, Cocos, Mulberry, Banana, Citrus, Fruit trees excluding natives. | 8/20/2018 8:54 AM |
| 10 | Celtis sinensis; Citrus spp; Ligustrum sinense; Ligustrum lucidum; Nerium oleander; Olea africana; Salix spp; Syagrus romanzoffianum & Toxicodendron spp | 8/20/2018 6:05 AM |
| 11 | Too many to list. NB - no such this as noxious weeds list anymore | 8/18/2018 4:23 PM |
| 12 | Acacia baileyana Acacia saligna Acer negundo Alianthus altissima Alnus jorullensis Eriobotrya japonica Gleditisa tricantha Lagunaria patersonii Robinia pesudosoacia | 8/15/2018 11:17 AM |

Q12 Do you have any specific distances from structures that allow exemption? eg trees less than 3m from a building are exempt

Answered: 17 Skipped: 1

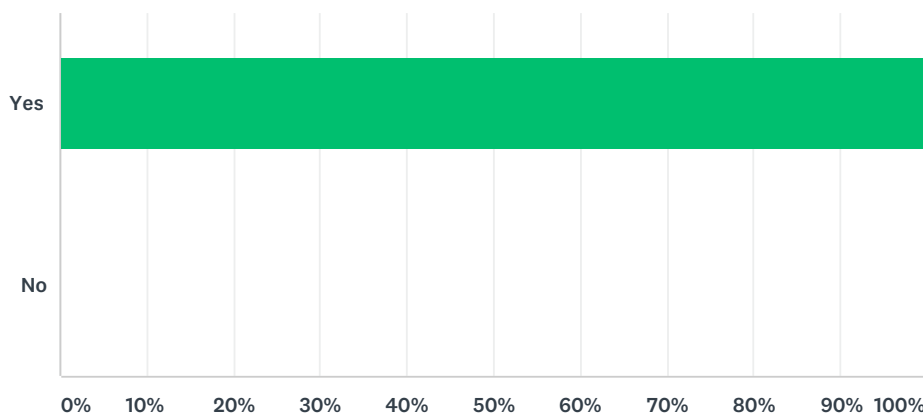


| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|-----------|
| Yes | 47.06% | 8 |
| No | 52.94% | 9 |
| TOTAL | | 17 |

| # | IF YES, PLEASE PROVIDE DISTANCE AND FROM WHAT (FOUNDATION, ROOFLINE, ETC) | DATE |
|----|--|--------------------|
| 1 | 3m from principal building | 9/5/2018 2:59 PM |
| 2 | 3m from foundation walls of approved habitable building or inground pool | 8/24/2018 3:08 PM |
| 3 | 3m | 8/20/2018 11:08 AM |
| 4 | 3m still requires appln but are approved. We do this so we can condition replanting | 8/20/2018 9:35 AM |
| 5 | 4m - no arboricultural reasoning. this was an Engineering decicion | 8/20/2018 9:23 AM |
| 6 | However, we have consideration of 3m when assessing an application | 8/20/2018 8:54 AM |
| 7 | 2m from building | 8/20/2018 8:28 AM |
| 8 | three (3) metres from legally constructed building, carport footings or swimming pool coping | 8/20/2018 7:53 AM |
| 9 | 1m (ex Ashfield area only) | 8/18/2018 7:06 PM |
| 10 | 3m | 8/15/2018 11:17 AM |

Q13 Do you charge a fee for Tree Inspections/Tree applications on sites that are not Development Sites?

Answered: 18 Skipped: 0

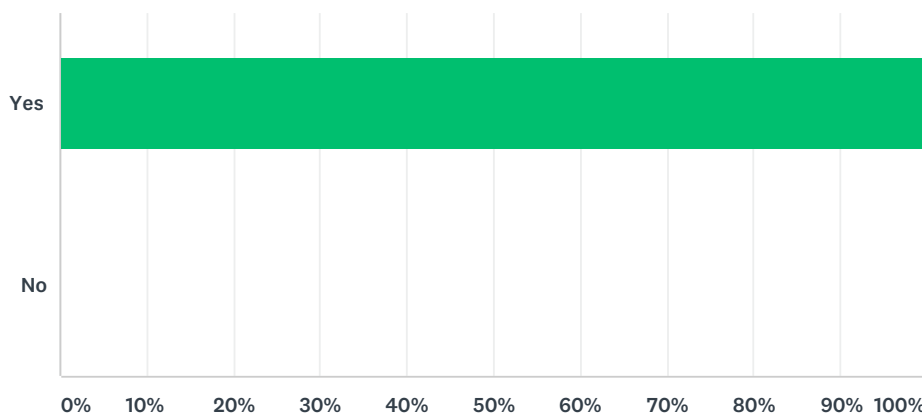


| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|-----------|
| Yes | 100.00% | 18 |
| No | 0.00% | 0 |
| TOTAL | | 18 |

| # | IF YES, PLEASE INCLUDE COST BELOW | DATE |
|----|---|--------------------|
| 1 | \$85 | 9/5/2018 2:59 PM |
| 2 | \$100 base fee for 1 tree, \$50 for each additional tree up to a max of \$400 total fee. We are currently reviewing what fee to charge for vegetation patch clearing | 8/24/2018 3:08 PM |
| 3 | prune 1-4 trees \$80 Prune 5+ \$90, Remove 1-4 \$120 Remove 5+ \$200 | 8/23/2018 4:24 PM |
| 4 | If you need to apply for a permit, you will need to lodge a prune/remove tree application, including the \$70 application fee. | 8/21/2018 1:14 PM |
| 5 | \$75 first tree. \$25 every other tree. Half of the original cost for any review of determination. | 8/21/2018 8:33 AM |
| 6 | Approx. \$145.00 | 8/20/2018 1:55 PM |
| 7 | \$75.50 upto 5 trees (currently under review with a view to increase fee and reduce initial trees per application i.e. 2 trees then additional fee for additional trees) | 8/20/2018 12:12 PM |
| 8 | \$84 for removal, \$42 for pruning | 8/20/2018 11:08 AM |
| 9 | 150 | 8/20/2018 9:35 AM |
| 10 | 69.50 1 tree residential, 139 2 trees residential, 174 3 Trees residential \$23.00 for extra tree. Half for the relevant rate for pensioners. Strata -138 1 tree, 276 2 trees, 349 3 trees 93.50 per extra tree. Urgent tree application \$465 assessed in three days | 8/20/2018 9:23 AM |
| 11 | \$105.50 for 1-5 trees. \$158.50 for 6-10 trees. \$211 for 11-20 trees. \$317 for >20 trees. No fee for pensioner concession card holders. | 8/20/2018 8:54 AM |
| 12 | \$74 | 8/20/2018 8:28 AM |
| 13 | \$120 for first tree, \$100 for every thereafter (25% discount for pensioners) | 8/20/2018 7:53 AM |
| 14 | \$75. \$30 each additional tree | 8/20/2018 6:05 AM |
| 15 | \$220.50 | 8/18/2018 7:06 PM |
| 16 | \$70 | 8/18/2018 4:23 PM |

Q14 Do you impose replanting conditions where consent for removal has been granted? (private trees)

Answered: 17 Skipped: 1



| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|----|
| Yes | 100.00% | 17 |
| No | 0.00% | 0 |
| TOTAL | | 17 |

| # | IF YES, DO YOU CONDUCT FOLLOW UP INSPECTION? PLEASE PROVIDE DETAILS IN COMMENTS BELOW | DATE |
|----|--|--------------------|
| 1 | no | 9/5/2018 2:59 PM |
| 2 | No follow up on most approvals due to resourcing issues, however contentious removals or where significant removal has occurred will be inspected. | 8/24/2018 3:08 PM |
| 3 | Unfortunately we do not have time or resources to monitor consistently. A list of significant or multiple removals is kept on a register for re-inspection. A clause is also on our work authorities that they "must replant" and send a photo to our tree officer email address | 8/23/2018 4:24 PM |
| 4 | Sometimes | 8/21/2018 1:14 PM |
| 5 | no. We only respond if we receive an enquiry form a third party. We do however ask that the applicant provide a proof or replanting with an e-mail. We sometimes ask the applicant to sign replanting statement before we issue the permit. | 8/21/2018 8:33 AM |
| 6 | If resources are available, follow up is undertaken | 8/20/2018 1:55 PM |
| 7 | No, currently under review for potential of deed of agreement/offsetting scheme | 8/20/2018 12:12 PM |
| 8 | no | 8/20/2018 11:08 AM |
| 9 | 2:1 normal , 8:1 on DA's | 8/20/2018 9:35 AM |
| 10 | yes A letter is sent out to the property owner following after permit has expired (12 Months) they must provide proof of purchase and supply photo of planted tree. Inspection may be held for non compliance. | 8/20/2018 9:23 AM |
| 11 | Due to limited resources, follow ups are not done. If conditions are not been complied with, all future applications are deferred pending compliance with previous conditions. | 8/20/2018 8:54 AM |
| 12 | No | 8/20/2018 8:28 AM |
| 13 | No - don't have the resources | 8/20/2018 7:53 AM |
| 14 | Follow up letter is sent within 12 months asking resident to send in photo of replacement tree/s | 8/20/2018 6:05 AM |

| | | |
|----|--|--------------------|
| 15 | Occasional phone calls to check if we know they are reluctant. | 8/18/2018 7:06 PM |
| 16 | Only if we receive a complaint | 8/18/2018 4:23 PM |
| 17 | Yes we audit each year minimum 50% tree removal approvals | 8/17/2018 8:56 AM |
| 18 | based on current resources it is problematic to follow up on every consent | 8/15/2018 11:17 AM |

Q15 What procedure do you follow if replanting conditions have not been met?

Answered: 18 Skipped: 0

| # | RESPONSES | DATE |
|----|---|--------------------|
| 1 | nil | 9/5/2018 2:59 PM |
| 2 | Serve Notice to comply with conditions of consent or issue fine for same | 8/24/2018 3:08 PM |
| 3 | A warning letter advising on potential action | 8/23/2018 4:24 PM |
| 4 | Compliance letter | 8/21/2018 1:14 PM |
| 5 | corespondence, discussions and pursuasion. | 8/21/2018 8:33 AM |
| 6 | Letter | 8/20/2018 1:55 PM |
| 7 | N/A at present | 8/20/2018 12:12 PM |
| 8 | send another letter and sound threatening | 8/20/2018 11:08 AM |
| 9 | Warning then fines - Development not in accordance with consent | 8/20/2018 9:35 AM |
| 10 | Site meeting. Donate a tree of given species and size to Council we will plant in a park. we are also looking at charging a nominal fee so we can procure quality stock | 8/20/2018 9:23 AM |
| 11 | All future applications are deferred pending compliance with previous conditions. | 8/20/2018 8:54 AM |
| 12 | NA | 8/20/2018 8:28 AM |
| 13 | Nil due to lack of resources | 8/20/2018 7:53 AM |
| 14 | A further reminder letter and if unwilling they can participate in offset planting done by Council nearby | 8/20/2018 6:05 AM |
| 15 | Forwarded to compliance section as a breach of consent | 8/18/2018 7:06 PM |
| 16 | Liaising with property owner. Otherwise permit conditions cannot be enforced so bugger all can be done really. Except trying to convince owner | 8/18/2018 4:23 PM |
| 17 | PIN | 8/17/2018 8:56 AM |
| 18 | issue an order to replant under local government act | 8/15/2018 11:17 AM |

Q16 Approximately how many tree pruning or removal applications do you receive per annum on private property? (ie not relating to a development)

Answered: 18 Skipped: 0

| # | RESPONSES | DATE |
|----|-------------|--------------------|
| 1 | 250 | 9/5/2018 2:59 PM |
| 2 | 400 | 8/24/2018 3:08 PM |
| 3 | 535 in 2017 | 8/23/2018 4:24 PM |
| 4 | 550 | 8/21/2018 1:14 PM |
| 5 | 560 | 8/21/2018 8:33 AM |
| 6 | 300-500 | 8/20/2018 1:55 PM |
| 7 | 1500 | 8/20/2018 12:12 PM |
| 8 | 1,500 | 8/20/2018 11:08 AM |
| 9 | 2500 | 8/20/2018 9:35 AM |
| 10 | 500 | 8/20/2018 9:23 AM |
| 11 | 300 | 8/20/2018 8:54 AM |
| 12 | 340 | 8/20/2018 8:28 AM |
| 13 | around 800 | 8/20/2018 7:53 AM |
| 14 | 360 | 8/20/2018 6:05 AM |
| 15 | 1000 | 8/18/2018 7:06 PM |
| 16 | 500 | 8/18/2018 4:23 PM |
| 17 | 650 | 8/17/2018 8:56 AM |
| 18 | 1000 | 8/15/2018 11:17 AM |

Q17 Approximately how many Development Applications does your Council receive per annum? (including complying development through private certifiers)

Answered: 17 Skipped: 1

| # | RESPONSES | DATE |
|----|--|--------------------|
| 1 | unknown | 9/5/2018 2:59 PM |
| 2 | 1600 -1800 | 8/24/2018 3:08 PM |
| 3 | unsure, but in the hundreds | 8/23/2018 4:24 PM |
| 4 | about 2000 | 8/21/2018 1:14 PM |
| 5 | 145 (CDC) and 450 (DA | 8/21/2018 8:33 AM |
| 6 | ? | 8/20/2018 1:55 PM |
| 7 | Approx. 6500/annum | 8/20/2018 12:12 PM |
| 8 | not sure doesn't affect us | 8/20/2018 11:08 AM |
| 9 | Unsure | 8/20/2018 9:23 AM |
| 10 | 300 | 8/20/2018 8:54 AM |
| 11 | 787 | 8/20/2018 8:28 AM |
| 12 | 1150 (not including complying development) | 8/20/2018 7:53 AM |
| 13 | 300 | 8/20/2018 6:05 AM |
| 14 | 1000 | 8/18/2018 7:06 PM |
| 15 | 3000 | 8/18/2018 4:23 PM |
| 16 | 250 | 8/17/2018 8:56 AM |
| 17 | 2500-3000 | 8/15/2018 11:17 AM |

Q18 Approximately how many Development Applications receive input from a Tree Officer/Council Arborist?

Answered: 18 Skipped: 0

| # | RESPONSES | DATE |
|----|---|--------------------|
| 1 | 50% of what is recieved | 9/5/2018 2:59 PM |
| 2 | 60-70% | 8/24/2018 3:08 PM |
| 3 | As I am aware, all require the input of council arborist now | 8/23/2018 4:24 PM |
| 4 | About 300 - not including public domain referalls, hoarding requests etc | 8/21/2018 1:14 PM |
| 5 | about 300 | 8/21/2018 8:33 AM |
| 6 | Majority that in pact upon existing canopy or for landsacpe review (Sub-division) | 8/20/2018 1:55 PM |
| 7 | 0 | 8/20/2018 12:12 PM |
| 8 | none - have a landscape team | 8/20/2018 11:08 AM |
| 9 | 1000 this was a big year, previous year 800 | 8/20/2018 9:35 AM |
| 10 | 250 comment on street trees only | 8/20/2018 9:23 AM |
| 11 | 150 | 8/20/2018 8:54 AM |
| 12 | NA | 8/20/2018 8:28 AM |
| 13 | All across the counter to determine if arborist input is required | 8/20/2018 7:53 AM |
| 14 | 40% either as comments on trees or landscape plans | 8/20/2018 6:05 AM |
| 15 | 50% | 8/18/2018 7:06 PM |
| 16 | 500-600 | 8/18/2018 4:23 PM |
| 17 | 30% | 8/17/2018 8:56 AM |
| 18 | 50-70% | 8/15/2018 11:17 AM |

Q19 How many tree assessment officers does your Council have for assessment of trees on development sites.

Answered: 18 Skipped: 0

| # | RESPONSES | DATE |
|----|--|--------------------|
| 1 | equivalent to half a full time role | 9/5/2018 2:59 PM |
| 2 | 1 | 8/24/2018 3:08 PM |
| 3 | 1 | 8/23/2018 4:24 PM |
| 4 | 2 + casual | 8/21/2018 1:14 PM |
| 5 | two full time, one part time and one team leader | 8/21/2018 8:33 AM |
| 6 | 3 | 8/20/2018 1:55 PM |
| 7 | 3 Landscape architects | 8/20/2018 12:12 PM |
| 8 | 5 | 8/20/2018 11:08 AM |
| 9 | 3 | 8/20/2018 9:35 AM |
| 10 | 2 | 8/20/2018 9:23 AM |
| 11 | One, just me. | 8/20/2018 8:54 AM |
| 12 | 1 | 8/20/2018 8:28 AM |
| 13 | four (4) | 8/20/2018 7:53 AM |
| 14 | 1 | 8/20/2018 6:05 AM |
| 15 | 4 (development sites and permits) | 8/18/2018 7:06 PM |
| 16 | 2 | 8/18/2018 4:23 PM |
| 17 | 1 | 8/17/2018 8:56 AM |
| 18 | 4 | 8/15/2018 11:17 AM |

Q20 How many tree assessment officers does your Council have for assessment of trees on private land (ie not development sites)?

Answered: 18 Skipped: 0

| # | RESPONSES | DATE |
|----|---|--------------------|
| 1 | Nil physical assessment of trees rather part of 1 role is assessment of application and private arborist report | 9/5/2018 2:59 PM |
| 2 | 1 - same person as Q19 | 8/24/2018 3:08 PM |
| 3 | 1 | 8/23/2018 4:24 PM |
| 4 | same staff as above | 8/21/2018 1:14 PM |
| 5 | as above. same team work on private DAs and tree works applications | 8/21/2018 8:33 AM |
| 6 | 2 | 8/20/2018 1:55 PM |
| 7 | 1 | 8/20/2018 12:12 PM |
| 8 | 2 | 8/20/2018 11:08 AM |
| 9 | 3 | 8/20/2018 9:35 AM |
| 10 | 2 | 8/20/2018 9:23 AM |
| 11 | One, just me. | 8/20/2018 8:54 AM |
| 12 | 2 | 8/20/2018 8:28 AM |
| 13 | four (4) | 8/20/2018 7:53 AM |
| 14 | 1. Same one | 8/20/2018 6:05 AM |
| 15 | 4 (development sites and permits) | 8/18/2018 7:06 PM |
| 16 | 2 (same 2 officers that assess DAs) | 8/18/2018 4:23 PM |
| 17 | 1 | 8/17/2018 8:56 AM |
| 18 | 4 (same that do DA assessments) | 8/15/2018 11:17 AM |

Q21 Does the tree officer responsible for trees on Development sites sit within the Planning team or the Open Space/Parks team?

Answered: 18 Skipped: 0

| # | RESPONSES | DATE |
|----|---|--------------------|
| 1 | within the Tree management team | 9/5/2018 2:59 PM |
| 2 | Planning | 8/24/2018 3:08 PM |
| 3 | Sits in bushland area | 8/23/2018 4:24 PM |
| 4 | open space / parks | 8/21/2018 1:14 PM |
| 5 | open spece / parks. I think we are more in line with strategic. | 8/21/2018 8:33 AM |
| 6 | Sport, Recreation & Sustainability Department | 8/20/2018 1:55 PM |
| 7 | Environmental Strategy and Planning | 8/20/2018 12:12 PM |
| 8 | Planning | 8/20/2018 11:08 AM |
| 9 | 3 | 8/20/2018 9:35 AM |
| 10 | parks | 8/20/2018 9:23 AM |
| 11 | Neither. TMO sits with Engineers. | 8/20/2018 8:54 AM |
| 12 | not sure | 8/20/2018 8:28 AM |
| 13 | All tree officers are withing the Planning Team | 8/20/2018 7:53 AM |
| 14 | Open Space/Parks | 8/20/2018 6:05 AM |
| 15 | All 4 sit within the Urban Forest section | 8/18/2018 7:06 PM |
| 16 | Parks teams | 8/18/2018 4:23 PM |
| 17 | Open Space | 8/17/2018 8:56 AM |
| 18 | Parks and recreation team | 8/15/2018 11:17 AM |

Q22 How long does it take to process an application for tree pruning or removal on private land? (ie from lodgement of application to determination being delivered to applicant)

Answered: 18 Skipped: 0

| # | RESPONSES | DATE |
|----|---|--------------------|
| 1 | 7-11 days | 9/5/2018 2:59 PM |
| 2 | 40 - 60 days | 8/24/2018 3:08 PM |
| 3 | currently <10 days | 8/23/2018 4:24 PM |
| 4 | average of 21 days | 8/21/2018 1:14 PM |
| 5 | 4 weeks for a simple application. We have stop the clock mechanism for when we ask for additional informtion. | 8/21/2018 8:33 AM |
| 6 | 1 to 5 days generally. Longer if neighbour notificaion reuired | 8/20/2018 1:55 PM |
| 7 | currently 10 days but under review to be alligned with vegetation SEPP i.e. 28 days | 8/20/2018 12:12 PM |
| 8 | 8 | 8/20/2018 11:08 AM |
| 9 | median 21 days | 8/20/2018 9:35 AM |
| 10 | up to 21 days work load depending | 8/20/2018 9:23 AM |
| 11 | Statutory requirement is 28 days but usually done in 14. | 8/20/2018 8:54 AM |
| 12 | 14 days | 8/20/2018 8:28 AM |
| 13 | 21 days | 8/20/2018 7:53 AM |
| 14 | Two weeks unless further information is required from applicant | 8/20/2018 6:05 AM |
| 15 | Approx 50% under 21 days | 8/18/2018 7:06 PM |
| 16 | 28 days max. Average turn around time at moment is 10days | 8/18/2018 4:23 PM |
| 17 | 10 days | 8/17/2018 8:56 AM |
| 18 | varies current SLA is 28 days | 8/15/2018 11:17 AM |

North Sydney Development Control Plan 2013**Tree & Vegetation Management****SECTION 16 TREE & VEGETATION MANAGEMENT****16.1 INTRODUCTION**

Vegetation, particularly mature trees, can contribute significantly to an area's character. In particular, they have exceptional value visually, culturally, economically and intrinsically. North Sydney has a leafy character, established through the interconnection of many canopy trees distributed across road reserves, parks, bushland areas and private property.

The quality of the vegetation has an enormous impact on the quality of life of all those who live or work in North Sydney. The obvious aspects of aesthetics, oxygen production and pollution reduction are supported by many other more subtle functions, such as traffic calming, privacy, reduced energy consumption, recreation, habitat and shade.

New development provides opportunities to reinforce this leafy character and embellish North Sydney's strong "sense of place" by planting appropriate trees as part of a development. It is the responsibility of the developer to provide appropriate landscaping to achieve these objectives.

This section of the DCP also identifies those instances where a permit is required to remove or prune trees and vegetation. Council also enforces a long established policy regarding the unlawful damage to or removal of existing trees and vegetation within the LGA, regardless of whether they are located on public or private land.

16.1.1 General objectives

The objectives of this Section of the DCP are to:

- O1 ~~Prescribe~~ Declare trees and vegetation for the purposes of ~~cl.5.9 of NSLEP 2013~~ Part 3 of SEPP (Vegetation in Non-Rural Areas) 2017.
- O2 Maintain the visual, social and environmental amenity of the area through the preservation of trees and other vegetation.
- O3 Maintain and increase the totality of trees and vegetation across the North Sydney area by embracing the principles of Urban Forest Management, green (habitat) corridors and Continuous Cover Arboriculture.
- O4 Ensure the planting of adequate numbers of appropriate trees in association with new development in the North Sydney area.
- O5 Promote the value of and the need for the protection of trees and vegetation to the community, developers and Council staff and encourage the reporting of tree vandalism.
- O6 Protect existing trees and vegetation during construction of development.
- O7 Minimise the risk of injury to people or damage to property from trees and vegetation.
- O8 To recognise the financial value of trees and vegetation.
- O9 Ensure that vegetation does not result in the unreasonable reduction in amenity of adjoining properties in terms of access to sunlight and views.

16.1.2 When does this section of the DCP apply?

This Section of the DCP applies when intending to prune, remove or replace trees or vegetation on their own or as part of undertaking a development or action that will impact on trees and vegetation, when Development Consent or a Tree Management Permit is required. These controls apply to trees and vegetation on all land within the LGA whether it is in public or private ownership.

This Section also provides advice with respect to maintaining of vegetation on adjoining properties where existing vegetation has unreasonably reduced the amenity of a property through the reduction of access to sunlight or views.



North Sydney Development Control Plan 2013

Tree & Vegetation Management

16.1.3 Relationships to other sections

This section of the DCP needs to be read in conjunction the following Sections of the DCP:

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 1 – Residential Development;
- (c) Part B: Section 2 – Commercial and Mixed Use Development;
- (d) Part B: Section 3 – Non-residential Development in Residential Zones;
- (e) Part B: Section 4 – Child Care Centres; and
- (f) Part B: Section 15 – Bushland Areas.

16.1.4 Relationship to other documents and planning policies

Where relevant, this section of the DCP should be read in conjunction with the following:

- (a) **~~SEPP (Vegetation in Non-Rural Areas) 2017~~ ~~NSLEP-2013~~**

In particular, consideration should be given to [Part 2 – Authority to clear vegetation in non-rural areas and Part 3- Council permits for clearing of vegetation in non-rural areas. <https://www.legislation.nsw.gov.au/#/view/EPI/2017/454>](#)

~~(i) Clause 3.1 Exempt development (also refer to Schedule 2 Exempt Development); and~~

~~(ii) Clause 5.9 Preservation of trees and vegetation.~~

~~(iii) Clause 5.9AA Trees or Vegetation not prescribed by development control plan~~

- (b) **North Sydney Council Street Tree Strategy**

A management document that provides the framework and guidelines to ensure that all street trees are managed in accordance with industry best practice, such that they maximise their benefits to the North Sydney community.

- (c) **Council's Infrastructure Specification Manual for Roadworks, Drainage & Miscellaneous Works**

This document provides technical specifications regarding the supply, installation and establishment of trees and vegetation in the North Sydney Council area.

- (d) **North Sydney Council Urban Forest Strategy**

A strategic document developed to maintain and increase the level of canopy cover across the North Sydney area to maximise all of the known benefits that trees provide to the wider community.

- (e) **North Sydney Tree Vandalism Policy**

A policy document that sets out the procedures to be followed when an instance of tree vandalism is identified, including such things as investigations, letterbox drops, signage, rehabilitation and prosecutions.

- (f) **North Sydney Natural Area Survey ~~2010~~**

A survey undertaken to identify all significant vegetation types located on public and private land throughout the LGA and their quality. The survey data has been subsequently mapped and is available on Council's website (www.northsydney.nsw.gov.au www.northsydney.nsw.gov.au). [This survey gets updated from time to time.](#)

- (g) **Australian Standard AS4373-2007 - Pruning of amenity trees**

This Standard provides arborists, tree workers, government departments, property owners, and contractors with a guide defining uniform tree pruning procedures and practices in order to minimize the adverse or negative impact of pruning on trees.

- (h) **Australian Standard AS4970-2009 – Protection of trees on development sites**

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This Standard provides guidance for arborists, architects, builders, engineers, land managers, landscape architects and contractors, planners, building surveyors, those concerned with the care and protection of trees, and all others interested in integration between trees and construction. It describes the best practices for the planning and protection of trees on development sites. The procedures described are based on plant biology and current best practices as covered in recently published literature.

16.1.5 Additional permits

Where an applicant seeks to plant trees on public property, they may also be required to obtain additional permits under s.68 of the [Local Government Act 1993](#) and/or s.138 of the [Roads Act 1993](#). Inquire with Council to ascertain if the permits are required.

Council does not encourage the ad-hoc planting of trees on public land by individuals however a "Streets Alive" community greening program is in place. This program allows residents to plant and maintain vegetation on public land under the approval and guidance of specialist Council officers. The residents are provided free of charge with horticultural expertise, plants, soils, mulch and any other necessary materials in return for their labour to install and maintain the vegetation. Planting of shrubs and trees in and around public bushland areas is a regular activity under Council's "Bushcare" program, where over 50Ha of remnant bushland and buffering habitat is under active rehabilitation.

16.2 CONTROLS FOR THE MANAGEMENT OF TREES AND VEGETATION

North Sydney Council has adopted a tree and vegetation management policy which aims to prevent the unlawful removal, pruning or destruction of trees and vegetation in the North Sydney LGA. This policy is enforced through [Part 2 - Authority to clear vegetation in non-rural areas and Part 3- Council permits for clearing of vegetation in non-rural areas clause 5.9 of NSLEP 2013 of SEPP \(Vegetation in Non-Rural Areas\) 2017](#) and this section of the DCP.

The policy requires a property owner to first obtain *Development Consent* or a *Tree Management Permit* prior to the removal or pruning of ~~prescribed-declared~~ trees or vegetation. However, the requirement to obtain Development Consent will normally only be required where ~~the proposed works are not limited to only, other than~~ the removal or pruning of ~~prescribed-declared~~ trees or vegetation ~~is proposed~~ (e.g. construction works). Some trees and vegetation may be removed or pruned without the need for Development Consent or a Tree Management Permit (i.e. those works permitted [by SEPP \(Vegetation in Non-Rural Areas\) 2017 and this DCP as exempt development under cl.3.1 of NSLEP 2013 or without consent under cl.5.9AA of NSLEP 2013](#)).

Before removing, pruning or proposing development within 5m of a tree in North Sydney, residents and/or contractors are advised to contact Council to determine whether they need to obtain a Tree Management Permit or Development Consent.

Where a Tree Management Permit is required, once Council has received a completed application form an appointment will be made for an on-site tree inspection of the relevant tree(s) or vegetation by one of Council's Tree Preservation Officers. If the application is approved a Tree Management Permit will be sent to the applicant. ~~Inspections and permits are free of charge.~~

Where a Development Consent is required, the applicant will be advised by one of Council's Planning Officers as to what information will be required.

16.2.1 Objectives

- O1 To maintain the visual, social and environmental amenity of the area through the preservation of trees and other vegetation.
- O2 To identify when Council approval is required under the provisions of [NSLEP 2013 SEPP \(Vegetation in Non-Rural Areas\) 2017](#) to prune, remove or replace trees or vegetation.



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- O3 To identify ~~declared~~~~prescribed~~ trees and vegetation for the purposes of Part 3- Council permits for clearing of vegetation in non-rural areas under SEPP (Vegetation in Non-Rural Areas) 2017~~clause 5.9(2) of NSLEP 2013~~.
- O4 To make the community aware of the implications for the unlawful removal, pruning or wilful destruction of trees and vegetation within the ~~local government area~~LGA.

16.2.2 Provisions

Approvals General

- P1 Pursuant to ~~Clauses 3.1, 5.9(2) and 5.9AA of NSLEP 2013~~ Part 2 Authority to clear vegetation in non-rural areas and Part 3- Council permits for clearing of vegetation in non-rural areas under SEPP (Vegetation in Non-Rural Areas) 2017, Development Consent or a Tree Management Permit **is not required** for removal or pruning any of the following:
- non-~~prescribed~~~~declared~~ trees or vegetation;
 - trees or vegetation that are adequately justified ~~declared~~ to be dead or dying as confirmed by Council in writing and where the tree or vegetation is not required as the habitat for native animals;
 - pruning of deadwood from a tree;
 - noxious weeds as prescribed by the ~~Noxious Weeds Act, 1993~~Biosecurity Act, 2015, other than mature canopy trees;
 - trees or vegetation that are being maintained or removed by North Sydney Council staff (or their sub-contractors) on land under Council's ownership or care and control;
 - trees that have been authorised to be removed or pruned pursuant to a Development Consent issued under the ~~EP&A Act~~Act, but not prior to the issue of a Construction Certificate relating to that Development Consent;
 - Cocos Palms (*Syagrus romanzoffiana*); or
 - African Olive Trees (*Olea Africana*);
 - ~~trees or vegetation located on public land, but only if work is carried out by a person engaged by Council to do such work.~~
- P2 Development Consent or a Tree Management Permit **is required** in accordance with ~~Clause 5.9 of NSLEP 2013~~SEPP (Vegetation in Non-Rural Areas) 2017 for the removal or pruning of a ~~prescribed~~~~declared~~ tree or vegetation. The **following trees and vegetation are ~~prescribed~~~~declared~~ for the purposes of this DCP**:
- Any tree or vegetation on public land, regardless of size;
 - Any tree or vegetation with a height of ~~10m~~5m or more, or a crown width of ~~10m~~5m or more, or a trunk circumference of ~~1.5m~~500mm or more measured at 1m above ground level (existing); or
 - Any tree that is declared a noxious weed and comprises a mature canopy tree;
 - ~~Any tree or vegetation more than 5 metre tall on land identified as a heritage item;~~
 - ~~(d)~~(d) Any tree or vegetation that is declared a noxious weed on land identified as a heritage item under cl.5.10 of NSLEP 2013 regardless of size~~;~~.
- P3 Council ~~is~~ in determining an application for development consent or a Tree Management Permit under SEPP (Vegetation in non-rural areas) 2017~~clause 5.9(3) of NSLEP 2013~~, must have regard to:
- the health or condition of the tree or trees, whether the tree is dead or dangerous, proximity to existing or proposed structures, interference with utility services, interference the amenity of any person or property;

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- (b) necessity for action in order to construct improvements to the property the subject of the application to achieve reasonable development;
- (c) effects in the nature of erosion, soil retention or diversion or increases to overland flow;
- (d) the number of trees in the surrounding area and the effect on the amenity of that area;
- (e) the number of healthy trees that a given parcel of land will support; ~~and~~
- ~~(f)~~ whether the trees or vegetation in question provide habitat for fauna and/or canopy connectivity; ~~and~~
- ~~(f)(g) any potential impacts to heritage items and or heritage conservation areas:~~
- P4 In determining its approval under P2 and P3 Council may request the applicant to submit additional supporting documentation (e.g. an arborist or engineering report) to justify the removal of the tree or vegetation.
- P5 Council does not support the removal of trees or vegetation as a result of:
- (a) leaf, fruit, flower, bark, cone or twig drop; or
- (b) blocked water, sewer or stormwater drainage pipes; or
- (c) cracking of driveways, footpaths, paving or fences.
- P6 Despite P5 above, Council may consider on merit the removal of trees or vegetation which result in the blocking of water, sewer or stormwater pipes or the cracking of driveways, footpaths and paving if there are no permanent repair solutions available (e.g. where tunnelling or re-sleeving of pipes, or removal of roots is not feasible). Council must not determine an application to which this clause applies, unless it has considered additional supporting documentation (e.g. an arborist or engineering report) supplied by the applicant to justify the removal of the tree or vegetation.
- P7 Branches of trees and vegetation located on private property that overhang public footpaths and roadways should be pruned back to the property boundary to a height of 2.4m (8ft) above ground level (existing). Pruning of these trees is the responsibility of the property owner. Where the tree or vegetation to be pruned comprises a prescribed declared tree or vegetation, Council consent must be obtained prior to pruning.
- P8 Where Council approves a development application or a Tree Management Permit in accordance with this Section and SEPP (Vegetation in Non-Rural Areas) 2017-cl.5.9 of NSLEP 2013, Council may impose a condition which requires:
- (a) the replanting of replacement trees or vegetation on the land the subject of the application; or
- (b) where there is insufficient space on the development site:
- (i) the replanting of replacement trees or vegetation in a specified location on public land; or
- (ii) payment of a fee from the applicant to fund Council's planting of such trees on public land.
- Replacement tree species will be specified by Council and will be of a type suitable for the site.
- P9 All work must be carried out in accordance with Australian Standard *AS4373-2007: Pruning of Amenity Trees* and Council may condition that the work be carried out by a suitably qualified arborist.
- P10 Any development consent or approval issued by Council will be valid for the described work only, provided it is carried out within a 12 month period from the date of issue and may be subject to such conditions as required by Council.
- P11 Where a development application is lodged after a Tree Maintenance Permit has been issued but prior to approved tree work taking place, that Permit becomes null and void



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and application for pruning/removal of the tree(s) or vegetation must be made through the development assessment process.

Approvals for non-essential pruning work

- P12 Council may approve a request from the public to prune trees located on private or public land for 'cosmetic' or non-essential pruning for such purposes as aesthetics, increased sunlight or views, but only where such pruning:
- will not affect the health or integrity of the tree; or
 - will not have an adverse impact on the streetscape; or
 - will not have an adverse impact on general safety of the public.
- P13 Non-essential pruning work will not be permitted on any vegetation growing on land zoned *E2 Environmental Conservation* or other public land managed by Council as bushland.
- P14 Council will not support applications for tree or vegetation removal for the sole purpose of facilitating solar access to new solar photovoltaic or hot water systems. However, Council may consider applications for pruning trees or vegetation to enable solar access to existing solar photovoltaic or hot water systems to be maintained on a case by case basis, provided the proposed works are carried out in accordance with Australian Standard *AS4373-2007 - Pruning of Amenity Trees*.

Penalties

- P15 Pursuant to s.629 of the [Local Government Act 1993](#), an on-the-spot fine may be imposed for the injury or unnecessary disturbance of trees and vegetation on public land including road reserves without a lawful Development Consent or Tree Management Permit. This specifically relates to street trees, foreshore reserves, bushland and public open spaces.
- P16 Pursuant to s.9.37~~125~~ and s.126~~125~~ [Division 9.6](#) of the [EP&A Act](#), an on-the-spot fine or court proceedings may be imposed for the injury, unnecessary disturbance or removal of trees and vegetation on private land without a lawful Development Consent or Tree Management Permit.
- P17 Breaches of the requirements to P15 and P16 above, may result in prosecution with maximum penalties of \$1.1million. Fines may be imposed on the resident, property owner, anyone ordering the work or contractors employed to undertake the works if they do not have a lawful Development Consent or Tree Management Permit.
- P18 The resident, applicant, property owner and any contractor involved in the cutting down or pruning of any tree protected by this DCP, must have a copy of the current and valid Tree Management Permit or Development Consent displayed in a publicly accessible location of the site during the undertaking of those works.
- P19 Rehabilitation and maintenance of tree vandalism sites is to be carried out in accordance with Council's Tree Vandalism Policy.

Note: *The extent of the penalty that may be imposed is set out within Council's Tree Vandalism Policy.*

16.3 MANAGEMENT OF TREES AND VEGETATION ON ADJOINING PROPERTIES

Property owners generally have the ability to plant any type of trees or vegetation they like upon their property. Most species of trees and vegetation can be planted without development consent.

Whilst this is not normally a problem in itself, trees and vegetation on adjoining properties have the ability to result in damage to property or have the potential to cause damage to property or injury of persons utilising adjoining land. In addition, some property owners have been known to plant trees or vegetation to purposely obstruct sunlight or views to adjacent properties, often known as "hedge rage" or "spite hedges".

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Provisions under the [Tree \(Disputes Between Neighbours\) Act 2006](#) provide adjoining land owners in certain circumstances the ability to commence proceedings at the Land and Environment Court to have the subject trees or vegetations removed or lopped, amongst other remedies.

Affected persons are advised to consult the [Tree \(Disputes Between Neighbours\) Act 2006](#) to determine the most current criteria as to when proceedings can be commenced or what matters need to be considered.

16.3.1 Trees that cause or are likely to cause damage or injury

Part 2 of the [Tree \(Disputes Between Neighbours\) Act 2006](#) generally enables proceedings to commence. The Court must be satisfied that the subject tree has caused, is causing, or is likely in the near future to cause, damage to the applicant's property, or is likely to cause injury to any person.

Prior to the Court determining whether to issue orders or not, it must consider:

- If the applicant has made a "reasonable effort" to reach agreement with the owner of the land on which the trees are situated; and
- 13 individual matters for consideration under s.12 of the [Tree \(Disputes Between Neighbours\) Act 2006](#), including but not limited to issues pertaining to location, biodiversity, heritage, social value, impacts from pruning and contribution to amenity.

The Court has broad remedial powers ranging from remedying any damage, payment of compensation for damage or injury, requiring actions to prevent injury to persons, requiring the tree (or parts of it) to be removed entirely, to having it lopped and maintained, to replacement of the tree/s, and includes the payment of costs for carrying out such works.

16.3.2 High hedges that obstruct sunlight or views (spite hedges)

Part 2B of the [Tree \(Disputes Between Neighbours\) Act 2006](#) generally enables proceedings to commence, but only where:

- It applies to two or more trees that are planted so as to form a hedge (i.e. does not apply to a single tree);
- The hedge has a minimum height of 2.5 metres above ground level (existing);
- The hedge does or will result in a "severe obstruction" of:
 - o sunlight to a window of a dwelling situated on adjoining land, or
 - o any view from a dwelling situated on adjoining land,

Prior to the Court determining whether to issue orders or not it must consider:

- If the applicant has made a "reasonable effort" to reach agreement with the owner of the land on which the trees are situated; and
- 19 individual matters for consideration under s.14F of the [Tree \(Disputes Between Neighbours\) Act 2006](#), including issues pertaining to biodiversity, heritage, sunlight, views, privacy, location and length of time the hedge has existed.

The Court has broad remedial powers ranging from requiring the hedge (or parts of it) to be removed entirely, to having it lopped and maintained at a certain height, to replacement of the trees with another specified species, and includes the payment of costs for carrying out such works. These potential solutions should be kept in mind when making "a reasonable effort" to reach agreement with a neighbour, because in some instances it may not be "reasonable" to insist on full removal of trees/hedges if other solutions are available which are more appropriate and equally effective.



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16.4 PROTECTION OF TREES DURING CONSTRUCTION

16.4.1 Objective

- O1 To ensure that all trees in the public domain and on private property (both the site of development and neighbouring properties) are adequately protected during construction of developments.

16.4.2 Provisions

Where applicable, development applications are required to detail the location and type of any tree or vegetation to be removed and any effect on the landscape and streetscape the development may have. Refer to the development application form for further information.

General

- P1 Existing trees should be retained and incorporated into proposed developments wherever the existing trees are of appropriate species and have an adequate life expectancy.
- P2 Where trees are identified to be retained, they must be protected during construction in accordance with Australian Standard *AS4970 - Protection of trees on development sites* and best practice.
- P3 An arborists report is required to be submitted with any development application where works are proposed within the structural root zone of a tree or where Council deems the vegetation on site is significant enough to warrant such a report.
- P4 Where an existing tree(s) are approved for removal as part of a development, adequate space in the landscaped area is to be provided for an equivalent replacement canopy tree(s) appropriate to the site and scale of development.
- P5 Where insufficient space is available on the development site and significant canopy has been removed as part of the development, Council may require the planting of equivalent canopy replacement trees on public land or require payment of a fee to enable Council to undertake equivalent canopy replacement planting on public land.

Bonds

- P6 A tree bond may be required if street trees are located in close proximity to a proposed development.
- P7 The bond shall be lodged with the Council for each street tree likely to be affected by the development, the bond amount to be forfeited if the identified tree is removed, destroyed or damaged. A minimum bond of \$1,000.00 per tree will be applicable.
- P8 Bonds must be lodged prior to any work commencing on site and will generally be held for a period of 12 months after completion of the development.
- P9 Bonds will be refunded upon receipt of a tree condition report from a suitably qualified arborist confirming that the tree is in good health, prior to issuing an Occupation Certificate.

Construction Hoardings

- P10 When giving consideration to the issue of a Permit for the erection of a hoarding on Council property, Council will consider the likelihood of damage to trees, both on public and private property.
- P11 Hoarding applications are to be accompanied by a plan(s) accurately locating any adjacent trees within 10m of the proposed hoarding.
- P12 A tree bond may be required, if a tree(s) is located in close proximity of a proposed hoarding, the bond amount to be forfeited if the tree is removed, destroyed or damaged.

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- P13 Hoardings should be designed and erected to protect existing trees to clearances approved by Council and/or any conditions imposed by Council.

Works in Association

- P14 Works in association are Council funded tree works on public property that may be combined with developer funded tree works for the purpose of integrating the streetscape. Council may contribute money to the developer to build works in association subject to it being in the public interest.
- P15 Where two or more adjoining developments are under construction simultaneously, Council may offer to plant trees and/or install protection works for all developments in the interests of achieving an integrated and coordinated streetscape subject to the developer contributing money to Council to build these works. This is seen as adding value to the community dollars spent.

16.5 NEW TREE PLANTING

16.5.1 Objectives

- O1 To ensure that the current level of canopy cover in North Sydney is maintained and enhanced over the long term.
- O2 To ensure that sustained amenity is achieved by establishing a range of age classes within the urban tree population.
- O3 To ensure a species diversity that maintains or enhances the current urban character of North Sydney.
- O4 To enhance biodiversity through the strategic connectivity of canopy and habitat plantings between areas of bushland remnants (i.e. wildlife corridor creation).

16.5.2 Provisions

Species Selection

- P1 Species should be chosen after carefully evaluating the site constraints and the desired function of the tree (e.g. habitat, shade, safety, privacy or aesthetics).
- P2 When planting is to take place on public land, Council's arborists will advise the appropriate species in accordance with the **North Sydney Street Tree Strategy**.
- P3 When planting is to take place in bushland or bushland habitat areas, Council's Bushland Management Staff will determine appropriate species in accordance with the *North Sydney Natural Area Survey 2010* and relevant Bushland Rehabilitation Plans.
- P4 When planting on private property Council strongly recommends the use of a qualified arborist when selecting species.
- P5 When selecting a species, the physical, ecological and horticultural characteristics should be considered.
- (a) Physical characteristics include: mature dimensions (height, spread, trunk diameter) foliage density, evergreen or deciduous, tree shape or form.
- (b) Ecological characteristics include: climatic durability, water efficiency, fauna habitat, invasivity in bushland.
- (c) Horticultural considerations include: fruit/flower/seed drop, suitability to the site growing conditions, poisonous or allergic qualities, weed potential, suckering, root vigour, structural soundness, and longevity in the urban environment.

Planting Locations

- P6 New trees should be located where there is adequate space for the chosen species to grow to its natural mature dimensions, survive in the long term and make a positive contribution to the amenity of an area.



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P7 Any new street trees should be located in accordance with the *North Sydney Council Street Tree Strategy*.

P8 Any new trees on private property should be located in accordance with the objectives of the landscaping provisions throughout this DCP and the *North Sydney Urban Forest Strategy*.

Planting techniques

P9 All planting must be carried out in accordance with the detailed specifications appropriate to the site as set out in Council's *Infrastructure Specification Manual for Roadworks, Drainage & Miscellaneous Works*.

P10 Planting trees in footpaths adjacent to heavily trafficked streets may need:

- (a) To be undertaken outside of peak hour traffic times.
- (b) The approval of the RMS if it involves a state or arterial road.
- (c) A Traffic Management Plan and/ traffic control depending on the road.

Plant Establishment and Maintenance

To ensure the long term survival of any new vegetation a condition may be imposed on a Development Consent outlining a minimum landscape maintenance period. The length of the landscape maintenance period shall vary according to the specific works carried out and will be generally a minimum of 13 weeks.

P11 Erosion and sedimentation controls may need to be provided subject to the scale of the planting work proposed and the potential of causing pollution. These devices must be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.

P12 It is the responsibility of the developer/applicant to comply with the terms of any Development Consent issued by the Council in respect of maintenance requirements of trees or vegetation within the time stated in the consent.