

URBAN TREE & BUSHLAND POLICY

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PREPARED BY:

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SUTHERLAND SHIRE

1. PURPOSE

Sutherland Shire Council and the community value the many environmental, social and economic benefits that urban trees and bushland provide. Sutherland has a diverse mix of tree species, age classes and condition that collectively needs to be managed to ensure a future canopy, manage risk and ensure the liveability of the Sutherland Shire.

The purpose of this policy is to provide appropriate direction that will address community concern regarding the loss of trees, the need for future trees and the consequences from an aging tree population in urban areas, by providing a holistic, integrated and consistent approach to the management of trees and bushland on both public and private land. This approach will retain a canopy of suitable trees, reduce the number of hazardous trees in streets and parks, and, with appropriate tree planting ensure the Shire's future urban canopy is established and risk reduced.

The policy is consistent with Council's key direction for 'Enhance and protect diverse natural habitats' and provides strategic direction for a consistent approach to the management of trees and bushland in Sutherland Shire. If applied, it will contribute to the achievement of Council's Community Strategic Plan Outcome 2 objective of "No Net Canopy Loss".

2. APPLICATION

This Policy applies to:

- All Council staff, contract workers, consultants and all people when dealing with all trees and bushland on public and private lands
- All Councillors
- All land within the Sutherland Local Government Area (LGA)

3. PRINCIPLES

3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

3.2 Address community concerns regarding trees through appropriate asset intervention levels

- To address community concerns about safety through management of current canopy cover and carry out strategic tree maintenance, removal and renewal.

- To balance the retention of trees and bushland with public risk considerations, with removal of hazardous trees that pose a foreseeable and preventable risk where there are no suitable remedial options.

3.3 Improve the quality and quantity of the urban canopy and bushland across Sutherland Shire

- Manage the Shire's overall structure of tree canopy to address and minimise and mitigate the future impacts of climate change.
- Protect and enhance important areas of remnant bushland from inappropriate development and use.
- Replenish tree canopy throughout the Sutherland Shire through planting of appropriately selected trees in streets and the public domain.
- Prioritise retention of trees in-situ over remove and replace where possible and practical also considering the need to enable the economic use and development of land.

3.4 Improve biodiversity and connectivity

- Enable the planting of appropriately selected trees and vegetation on public land to offset the loss or removal of existing trees.
- Increase the planting of appropriately selected trees and vegetation on private land as part of redevelopment.
- Recognise the importance of bushland and indigenous trees and the crucial role they play in providing habitat for native flora and fauna.

3.5 Integrated and system based tree asset management

- Develop standard procedures and systems for the consistent assessment, planting, maintenance and management of trees and bushland.
- Integrated planning and maintenance approach relating to trees in partnership with all business units of Council.

3.6 Community education on the benefit of trees and canopy cover

- Improve awareness of the importance of trees and bushland and to educate residents to address community concerns.
- Align Councils policies with State and Federal Government directions and canopy targets.

4. RESPONSIBILITIES

4.1 Responsible Officer

The Manager Environment Health and Building is the Responsible Officer for this Policy and is responsible for delivery of the objectives of this policy.

4.2 Council

In accordance with the Local Government Act 1993, Council is responsible for making strategic decisions in line with this policy.

4.3 Chief Executive Officer

Council has delegated the Chief Executive Officer the authority to exercise the responsibilities detailed in this Policy.

4.4 Directors

Directors are responsible for ensuring their Division adheres to the requirements of this Policy and provide guidance in respect of achievement of the strategic objectives of the Policy within their division and the organisation.

4.5 Employees

Employees must adhere to the requirements of this Policy and operate within its authorities.

5. POLICY COMPLIANCE

Measures to ensure compliance with this policy include:

- Canopy Cover. This will be monitored through:
 - Measuring if we are working towards meeting our Community Strategic Plan's Outcome 2 target of No Net Canopy Loss.
 - Prioritising high risk works.
 - Ensuring replanting occurs commensurate with removal within LGA.
- Tree audits and Vegetation analysis to confirm the quantity and quality of the urban canopy and vegetation.
- Improving the quality of the Shire's urban trees and bushland.

6. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Council adheres to and complies with the NSW State Records Act 1998 and Privacy and Personal Information Protection Act 1998 through its Access to Information Policy and Privacy Management Plan.

7. BREACHES OF POLICY

Breaches of this Policy will be dealt with in accordance with normal disciplinary procedures and will be advised to the Chief Executive Officer and / or Director Shire Planning, via the Manager Environment Health & Building where appropriate.

8. RELATED DOCUMENTS

- SSLEP Local Environment Plan 2015
- SSDCP Development Control Plan 2015
- South District Plan – Greater Sydney Commission
- Greater Sydney Commission’s Blue Green Grid
- Greener Places Policy – NSW Government Architect
- WKS014-05 Public Liability – Councils Liability in Respect of Trees 2004 report
- Sutherland Shire Council Compliance & Enforcement Guidelines 2021
- Sutherland Shire Council Community Strategic Plan
- Local Strategic Planning Statement
- Delivery Program
- Operational Plan
- Open Space and Recreation Strategy
- Environment and Sustainability Strategy
- Sutherland Bushfire Risk Management Plan
- Global Covenant of Mayors for Climate and Energy

9. RELEVANT LEGISLATION AND REGULATIONS

- Environmental Protection and Assessment Act 1979
- Biodiversity Conservation Act 2016
- AS 4373 Pruning of Amenity Trees (2007)
- AS 4970 Trees on Development Sites (2009)
- Civil Liability Act 2002
- The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Wide Best Practice Manual - Trees and Tree Roots (2018)

10. DEFINITION OF TERMS

Term	Meaning
Bushland	Any bushland vegetation, including mangroves. Vegetation which is either remnant of the natural vegetation of the land or, if altered, is representative of the structure and the floristics of the natural vegetation and includes trees of any size, shrubs and all herbaceous species.
Community Strategic Plan (CSP)	The Community Strategy Plan is a 10 year plan that is endorsed by Council on behalf of the community to outline the community's vision, priorities and aspirations, and strategies on how to achieve them.
Designated footpaths	A constructed path that Council has built and maintains for the purpose of pedestrian movement across a footway.
Development Control Plan (DCP)	A Development Control Plan (DCP) provides detailed planning and design guidelines to support the planning controls in the Local Environmental Plan (LEP) and is prepared and adopted by Councils. A DCP describes how to go about a land use.
Footway	The Council owned land between the private property boundary and the road.
Green Infrastructure	Green infrastructure is a network of multi-functional green space and other green features which can deliver quality of life and environmental benefits for communities.
Local Environment Plan (LEP)	A Local Environmental Plan (LEP) is a legal document prepared by Council and approved by the State Government to regulate and guide Council's planning decisions regarding land use and development. LEPs allow Council to regulate the ways in which all land, both private and public, can be used and protected through zoning and development controls.
Local Strategic Planning Statement (LSPS)	Each council is required to prepare a Local Strategic Planning Statement (LSPS) which will set out the 20-year vision for land-use in the local area, the special character and values that are to be preserved and how change will be managed into the future. The statements should be read in conjunction with relevant State and Regional planning policies and plans, which will continue to guide planning decisions and the preparation of development controls in local environmental plans.
Public Domain Design Manual (PDDM)	Public Domain Design Manual http://www.sutherlandshire.nsw.gov.au/Development/Public-Domain-Works
Tree	A single or multi trunked tree with a diameter of 100mm or more measured at 500mm above ground level
Urban Heat Island Effect	A phenomenon that occurs in developed areas where the replacement of natural land cover with paving, buildings, roads, and parking lots results in an increase in outdoor temperatures. The heat island effect can be mitigated by vegetation, green roofs, and light coloured materials that reflect heat.

End of Document

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SCHEDULE A – Background

Trees and bushland provide social, environmental, economic and ecological benefits to the community.

Historically, tree preservation models were used as a means of preserving trees in the absence of any ongoing planting program. The preservation model in isolation was problematic as urban trees generally have a finite life expectancy of some 70 years and could not be retained indefinitely. This reduction in useful life is largely due to the impacts and limitations from installation, or maintenance of, surrounding infrastructure or development. The absence of an annual planting program meant that trees were kept well past their use by date and no longer fit for purpose.

The move to a tree management approach requires improved processes for tree assessment and intervention. This approach, when combined with a planting program provides the community with confidence in Council's response to managing tree risk, whilst simultaneously encouraging the development of a future biodiverse bushland and canopy across Sutherland Shire.

This policy is key to sustaining and enhancing the quality and quantity of the Shire's urban canopy by:

- removing hazardous trees that pose a risk to human life or property where no suitable remedial options are available,
- maintaining trees utilising suitable remedial options in line with contemporary arboriculture,
- improving local biodiversity through establishing and reinforcing green corridor links for wildlife across the Shire,
- ensuring the next generation of trees are planted to both maximise benefits and minimise risk, and
- providing an appropriate response in the event of tree vandalism.

This replaces the Urban Tree and Bushland Policy adopted in October 2011.

SCHEDULE B – Strategic Direction

Council's Urban Tree and Bushland Policy guides a number of Council's functions and responsibilities, so that all activities are focused on the common goal of establishing a sustainable urban tree canopy and bushland that enhance environmental benefits across the Sutherland Shire. The retention and planting of trees and vegetation in, or on the fringes of, urbanised areas must consider both existing and future risk as part of any assessment. The strategy is detailed in the following:

1. Tree and bushland protection and development control

All trees and bushland in Sutherland Shire on both private (unless otherwise exempt) and public land are protected from wilful damage by the provisions of the Sutherland Shire Local Environmental Plan 2015. A person cannot remove or wilfully damage a tree or bushland in Sutherland Shire without first having the consent of Sutherland Shire Council.

Note: Sutherland Shire Development Control Plan 2015 contains detailed assessment criteria on whether a tree may be removed.

2. Tree and bushland planting and tree species selection

Council will use indigenous and native species wherever possible as part of tree planting. There are times where deciduous trees are more appropriate to allow solar access, and these will be chosen to achieve the desired outcome, whilst minimising negative environmental outcomes. All trees planted by Council must meet the requirements of the current Australian Standard for Tree Stock.

Note: Council has made available a list of tree species for use in the public domain as well as tools (online Native Plant Selector) to assist with species selection.

3. Offset tree planting strategy

Council requires replacement planting to contribute to Council's Community Strategic Plan objective of 'no net canopy loss'. Planting is to be undertaken on site with suitable space allocated for tree planting. Where it is demonstrated that planting is not feasible, then offset plantings will be considered upon application through a deed of agreement. The required offsets are:

- 2:1 Tree Permits and Developments that do not trigger thresholds under the Biodiversity Conservation Act
- 4:1 Dual Occupancy/Subdivision, Illegally removed or Vandalised Trees and Council and Service Provider projects
- 8:1 Medium, High Density and Commercial/Industrial developments

4. Strategic tree management

Council strives to adopt a systematic process to progressively and proactively manage trees in the public domain. Through maintenance of existing canopy and Council's tree renewal program 'Green Streets', the quality and quantity of canopy cover of the Sutherland Shire will improve and increase over time. A strategic tree management process of tree removal and renewal will achieve this improvement in tree quality and reduce reactive maintenance whilst reducing risk to acceptable levels.

5. Greening strategies and initiatives

Council will continue to monitor and develop its tree replacement strategies to ensure the perpetual benefits of a healthy urban tree canopy and bushland are realised on an intergenerational basis.

6. Community consultation

Council will consult with the community on policy changes, trends in urban tree performance and tree planting projects to ensure that Council's services is meeting community expectation within the legislative framework.

7. Climate change resilience

Revegetation and individual tree planting perform important environmental and amenity functions that improve the quality of urban life. Tree planting has an important role in addressing climate change.

Whilst the vegetation within urban areas is vital to reduce urban heat island effects, all future plantings will have to consider the frequency and intensity of storms under climate change models. This will result in a structured urban canopy over time and the need to undertake informed species selection and planting locations.

The securing of space for future tree planting on both public and private land is critical to achieving climate change resilience.

8. Enforcement and vandalism

Council's planning pathways and development assessment processes provide for trees and bushland to be considered as part of legitimate development. Where appropriate, a development consent may allow for removal and replanting of trees, whereas the tree permit process allows for the pruning, removal and replacement of trees that are not associated with development.

All trees outside of these planning processes are protected from wilful damage unless specifically exempt. Council will undertake lawful action where trees are illegally removed or damaged that may include orders, fines, court action, tree marking and physical barricades where trees have been removed for views. All compliance matters will be determined in accordance with the Sutherland Shire Council Compliance & Enforcement Guidelines 2021.

9. Public liability and risk

Trees are living structures that have a finite life span and are prone to disease, damage and death. Changes in their lifecycle, condition or environmental conditions can result in failures that can cause damage to people or property. Council manages tree risk in accordance with industry best practice and related principles which include, but not limited to, magnitude of the risk, competing priorities, interactions with service providers.

SCHEDULE C – Review Process

There are two separate review of determination processes, one for private trees and one for public trees. The review process is only for trees where Council has declined removal under a permit application; or retained a public tree where the customer had requested removal. A review is not limited to considering just the health or significance of the tree, it will also involve a holistic review of the site and the circumstances that may be contributing to the customer's concerns. The private and public land processes are outlined below. The expert panel will draw on senior officers and managers comprise of the following:

Tree Review Panel	Role
Community Services	Voting Member
Risk Management	Voting Member
Asset Services	Voting Member
Tree Management	Voting Member

Private Trees Review

There are three options available to apply for a review of an issued tree permit on private land:

1. A customer can engage their own AQF 5 Consulting Arborist to inspect the tree and complete a pro-forma called TRAQ (Tree Risk Assessment Qualification). This pro-forma compiles all of the relevant site and tree information and includes a comprehensive risk assessment matrix. The Consulting Arborist must be an independent consultant and have no affiliation with any tree contracting company. Council will accept the outcome of the TRAQ assessment and reissue the permit approving works where removal is recommended. A nominal fee as per Council's Fees and Charges applies.
2. The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 provides for a customer to make application to the NSW Land & Environment Court to appeal the outcome of a tree permit application that has been refused.
3. A customer can apply to Council for an independent panel review by application. The steps below outline the process:
 - The customer completes an application for review.
 - The Panel will review the information, the tree and, if required, speak to the resident to reach a decision.
 - The customer will be advised of the Panel's decision in writing.

Public Tree Review

The review of public tree decisions is not facilitated through the Land & Environment Court due to the parameters of the legislation *Trees (Disputes between neighbours) Act 2006*. The TRAQ review process is not suitable for trees located on Council managed land given they are a community asset and any works are an expenditure of public money.

To provide a mechanism that accounts for the above limitations, and to facilitate review of tree removal decisions, the process for Council managed trees on public land is as follows:

- The customer completes an application for review.
- A neighbour consultation process is enacted.
- The Panel will review the information and provide a determination.

The key steps are:

- Customer completes a written application.
- The immediate neighbours will receive written notice of the proposed removal and given the opportunity to provide written submissions.
- The Panel will review the information, inspect the tree and, if required, speak to the interested residents to reach a decision.
- The customer will be advised of the Panel's decision in writing.

End of Document

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