



Tree DCP amendment

Summary

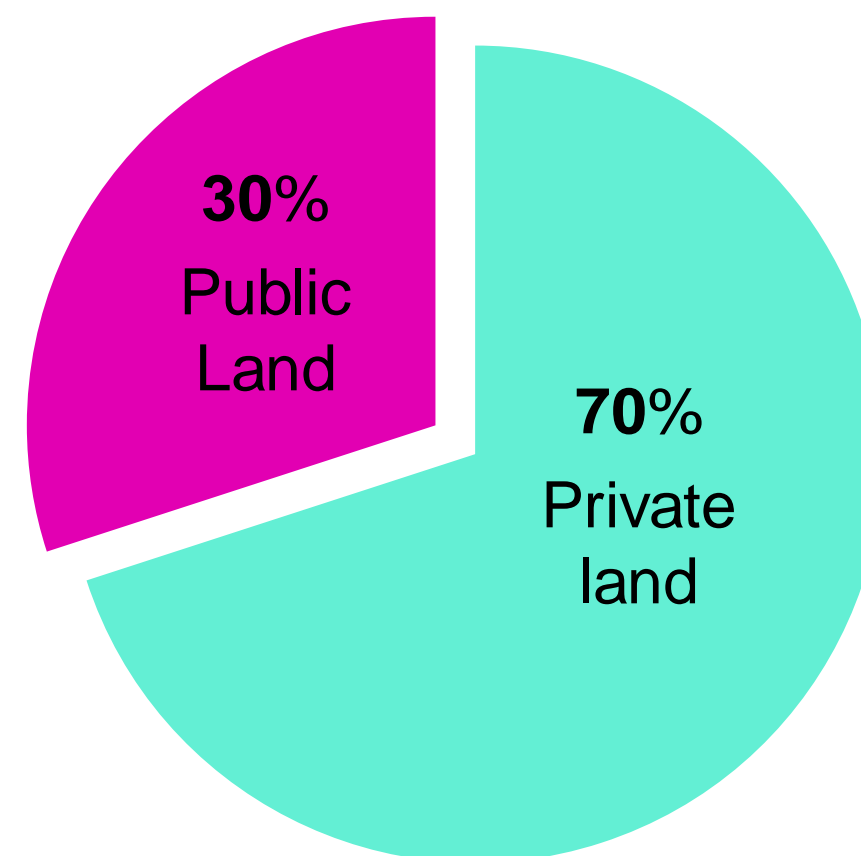
Why are we here?

At the 13 February 2018 Council Meeting (C0218 Item 11), it was resolved that Council:

Urgently review the DCP controls on trees relating to issues arising around damage to residents and properties and the financial burden to residents of tree retention ie. The requirement to obtain engineers and arborist reports and bring forward and expedite the harmonisation of Council DCP relating to tree preservation and replacement.

The objective of the Discussion Paper is to provide information on the principles which will inform the DCP amendment and outline options for proposed changes to how trees on **private** property are managed.

Private trees are a vital part of this Urban Forest as private land ownership makes up **70 per cent** of the Inner West local government area.



Broader context

Trees are essential green infrastructure assets and they are critical in creating healthy liveable cities.

The Inner West's canopy cover is currently just under **20 per cent** and faces many existing challenges to avoid further decrease.



Greater Sydney
Commission

The NSW Department of Planning and Environment have recently announced the '5 million trees' program which is tasked with the objective of increasing Greater Sydney's tree canopy to **40% by 2030**.

The importance of trees in the urban environment is also reinforced by the Greater Sydney Commission as part of '*Our Greater Sydney 2056 A metropolis of three cities*'

Objective 30
Urban tree canopy cover is increased

Principles

1.0 Public safety

**2.0 Protection of
property**

**3.0 Equity/ financial
burden**

**4.0 Increased urban
canopy**

1.0 Public safety

Expanded principal points

1.1 Trees on private land are managed to ensure public safety.

1.2 Risk is assessed in accordance with industry best practice.

DCP amendment options	
O1. Adjust the assessment criteria for tree removal on the basis of risk.	<ul style="list-style-type: none">• Risk management is about managing risk to an acceptable threshold.• Include a requirement that tree risk is to be assessed by an arborist qualified in risk assessment.
O2. Introduce a simplified “Informal” Tree Application for dead or dying trees.	<ul style="list-style-type: none">• Where a tree appears to be dead or dying, the applicant may submit a free “informal” tree application with photographs of the tree. Where the photographs provide sufficient information and staff do not have to attend the site, confirmation of approval to remove dead trees is confirmed via email or letter by staff.

For a tree to be removed on the basis of risk it needs to be demonstrated, based on evidence, to Council that the level of risk is unacceptable.

2.0 Property safety

Expanded principal points

2.1 Trees on private land are managed to ensure protection of property.

DCP amendment options	
O3. Adjust the assessment criteria for tree removal around property damage.	<ul style="list-style-type: none">• Include in assessment criteria a requirement for the consideration of future structural damage.
O4. Allow for trees to be removed that are within 500mm of a primary dwelling.	<ul style="list-style-type: none">• Trees located within 500mm of a primary (main dwelling) structure may be removed without application to Council if the root system of the tree is clearly demonstrated to be causing damage*.• Only applicable to trees less than 300mm diameter at the base. 500mm is measured from the centre of tree trunk.• This does not apply to non-primary dwelling structures such as verandas/ patios, carports, detached garages, and ancillary buildings, cantilevered and pier supported structures such as balconies and decks. <p>*provided the owner of the land on which the tree is located is in agreement and gives written consent.</p>

Council currently allows for removal of trees that are damaging private property where that damage is clearly demonstrated, based on evidence, to be directly caused by the tree and when remediation of that damage cannot be achieved by reasonable means.

3.0 Equity/ financial burden

Expanded principal points

3.1 Trees are there for the benefit of the community. The costs incurred by residents to maintain trees should be reduced.

3.2 Requirement for specialist reports (arborists and engineers).

DCP amendment options	
05. Remove mandatory requirement for Arborist reports in HCA's and Items.	<ul style="list-style-type: none">• Arborist reports will only be required of applicants when there is the need to demonstrate a technical aspect of the application.
06. Council develop a funding program for maintenance of trees on private property.	<ul style="list-style-type: none">• A grants scheme could be considered where Council provides funding to residents who have valuable canopy trees on their property and require assistance to maintain those trees.• This would be offered on a co-contribution basis and would be for pruning and maintenance works, not removal or building maintenance.
07. Reduce the cost burden for those on lower incomes.	<ul style="list-style-type: none">• Pension card holders are offered a 50% discount on tree assessment applications.
08. Remove notification fees and consolidate notification process.	<ul style="list-style-type: none">• There is currently a notification fee of \$220 for the ex Leichhardt area when a private tree is to be removed. This includes web, letter to surrounding residents and a physical notice on the property.• There is no notification for private tree removal in the Marrickville and Ashfield areas.• Propose to remove the fee, letter and physical notice components and expand web notification to whole LGA.

Maintaining a tree asset has costs associated with it as does maintaining any other asset such as a dwelling

4.0 Increased urban canopy

Expanded principal points

4.1 Trees are essential for creating healthy livable cities.

4.2 Existing mature trees on private land are a vital part of our urban forest.

4.3 New trees are planted when trees are removed

What is council doing to increase canopy?

- Plant 900-1000 trees per year
- Manage trees to allow maximum useable life expectancy
- Implement new planting technologies to maximum tree planting benefits

DCP amendment options	
09. Set minimum targets in the LEP and DCP for canopy coverage based on land zoning ie. residential, commercial, industrial.	<ul style="list-style-type: none">• Canopy percentage targets for new development areas will provide a nexus for increased tree planting based on land zoning.• Town centres (B1 to B7) 15%• Medium to High density and industrial (R3, R4, IN1 and IN2) 25%• Low density and general residential (R1, R2) 40%
10. Set compulsory replanting requirements. (3 x existing DCP's already have compulsory replanting controls)	<ul style="list-style-type: none">• Compensatory planting is a critical consideration when deciding whether consent should be granted. Applicant to nominate tree for replacement with their application.• General residential development for properties that exceed 300sqm shall have a minimum of two (2) trees. Properties that have less than 300sqm shall have minimum of one (1) tree.

4.0 Increased urban canopy

