

Motion: (Macri/Passas)

That Council amend the [Tree DCP](#) policy to include the following:

1. The following new objectives:
 - a. To maintain and enhance the amenity of the Inner West Local Government Area through the preservation or appropriate trees and vegetation.
 - b. To ensure the cost burden of meeting tree canopy targets does not fall unreasonably on property owners and lower income residents in particular.
 - c. Encourage private property owners to plant new trees and replace inappropriate trees in order to meet Council's tree canopy targets.
2. Amend objective 3 to read "to ensure the safety of the community, private property and public infrastructure assets.";
3. Amend prescribed trees (2.20.3) to be 6 meters rather than 5 meters in height;
4. A schedule of tree species which are exemptions for the need of a tree permit as detailed in the tabled document;
5. Exempt work definition to be amended to:
 - a. Allow for canopy lifting to 2.5 meters above ground without limitation on branch diameter; and
 - b. Selective pruning to a 3 meter clearance above the roof or from the face of all structures that are being impacted.
6. Where replacement of trees is approved, Council prefers that trees that are removed are replaced on the site with a suitable replacement canopy tree and in a suitable location onsite. However, there may be circumstances when there is no suitable location on site (for example, in the case of small backyards); a financial contribution will be required to be paid to support public tree planting. Offset fees are to be established within Council's fees and charges schedule;
7. Council approval is not required to prune or remove trees within 3m of an existing dwelling or ancillary structure, which has been approved through a Development Application or Complying Development Certificate, within the same lot as the tree. The distance is to be measured from the face of the tree trunk closest to the dwelling or structure to the external wall or roof line of the dwelling or structure, the definition of which may include a garage, carport, studio, shed, workshop, swimming pool, spa or retaining walls with a height greater than 600mm;
8. Development consent is to be required for works or removal of trees only in the following circumstances (all other applications will be categorised as tree works permit applications or minor works requests):
 - a. Removal of trees identified on the Inner West Council heritage trees list;
 - b. The tree forms part of an Aboriginal object or that is located within an Aboriginal place of heritage; and

9. The following criteria for the assessment of applications will form the guidelines for tree applications with the assessment criteria in the DCP to be amended to match these:

Danger

Danger is assessed based on a number of factors including;

- The potential/likelihood of a tree or tree part to fail*
- A history of previous branch failure and*
- The size of the defective part of the tree and*
- The use and occupancy of the area that may be struck by a defective part and*
- The tree exceeds 15m in height and is within the strike zone of a habitable dwelling.*

Meeting the danger criteria gives significant determinative weight to the application to approve the removal and/or pruning of a tree.

Property Damage

The likelihood of the tree having an adverse effect on property including trees renowned for having extensive root systems, which cause damage to footings of houses or, trees that cause blockages to domestic sewer and drainage lines.

Condition of the tree

The structural integrity of the tree is assessed for any visible signs of decay or deterioration, this is usually indicated by a lack of foliage, dead branches evident in the canopy, presence of fungal fruiting bodies, excessive sap being exuded from the trunk and/or evidence of insect attack, particularly borer damage. Further, the likelihood the species displays toward branch failure and subsequent limb fall

Health of the tree

The species susceptibility to environmental changes, which may affect the longevity of the species survival in its current location. This would include, changes in soil level, excessive root damage caused during construction works, changes in water availability, competition for other vegetation (particularly climbing vines), and compaction of soil (particularly in high usage areas such as car parking areas).

Complying Development

The need for tree removal in order to allow for development that could otherwise be carried out under a Complying Development Certificate. A statement from the certifier confirming that tree removal is the only impediment to the issuance of a CDC must be submitted to support the application. These applications will be assessed based on the same criteria as a Development Application.

Significance to Streetscape

An assessment of the visual environment and the significance the specimen plays within the streetscape. Other criteria would include if the tree is an endangered or rare species, is of historical significance or, the link the tree provides between bushland and reserves (the connectivity of habitat).

Termites

*Each case of termite infestation will be investigated on its merit. Potential Future Damage
The potential for the tree to cause damage in the future is also considered in an assessment for removal. Extenuating*

Circumstances

Circumstances, such as the owner's capacity to undertake required maintenance of a tree and surrounds, whether the land owner planted the tree, or solar access for renewable energy systems and other like considerations.

10. The “criteria not considered” provisions are to be deleted;
11. Dangerous tree assessments are to be based on the safety risk in all weather conditions, not “normal” conditions;
12. A plain English Language explanation of tree pruning provisions is to be made available on Council’s website;
13. Council is to prepare a list of trees that are supported as replacement trees that property owners can choose from when required to replace trees;
14. A report be prepared identifying measures, outside of DCP provisions, which have been implemented in other local government areas to actively encourage the planting of trees by property owners; and
15. A review of the Tree DCP is to be conducted after 12 months and reported to Council.
16. After the determination of an application, applicants have the opportunity to seek a review of determination under Section 8.2 of the Environmental Planning and Assessment Act. If an application is refused or if the application is approved with conditions the applicant has the opportunity to request a review of determination that will be determined by the CEO. A review of determination must be completed within 6 months of the determination of the original application under Section 8.3(2) of the Act. Applicants need to ensure that they submit their application for review within 2 months of the determination in order to allow Council to conduct the review in most circumstances. Applicants must be informed at the time of the determination of their application of the review process available to them; and
17. There be no height requirement for the removal of exempt weeds.
18. Council increase the tree canopy in business zone to 25%;
19. To assist residents to plant trees in places that will ensure the health and vigour of the tree and to reduce risk, Council will provide information and advice on its website; and
20. To reflect the importance of trees in our community, a range of summary statistics to be reported by Council on a quarterly basis. This includes: applications by type, number of tree removals and tree plantings, and if possible, costs associated with this. Statistics should also be provided for the public domain: tree removals, tree plantings, total stock of trees and tree canopy.

Motion Carried

For Motion:

Crs Byrne, Iskandar, Macri, McKenna OAM, Passas, Raciti,
Stamolis and York

Against Motion:

Crs Da Cruz, Hesse, Kiat, Lockie and Steer