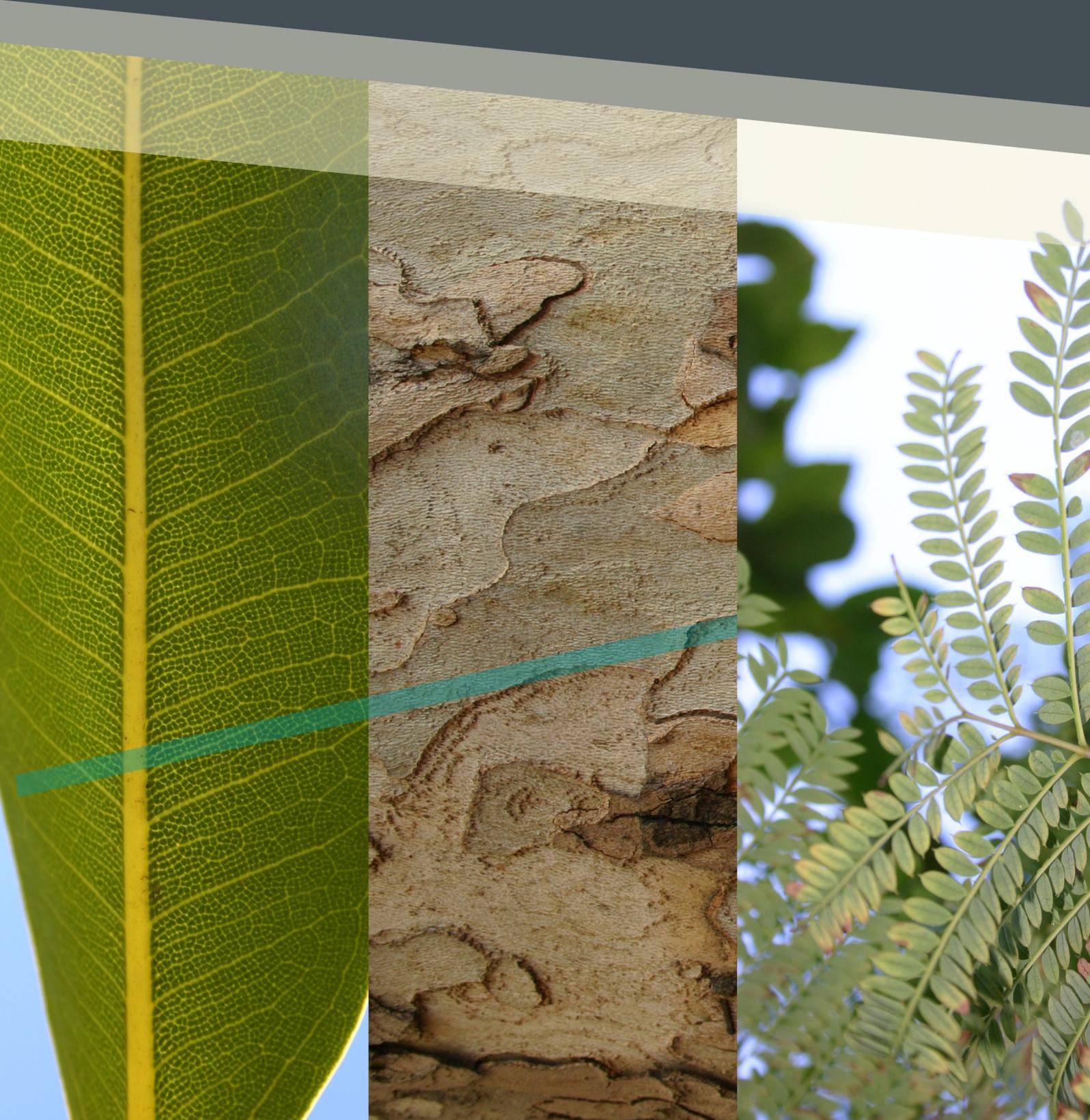


Tree Policy 2013

Draft



Contents

CONTENTS

Introduction	3
Vision statement	3
Policy aims and objectives	3
Where this policy applies	4
Legislative framework	4

Policies

Governance	6
Asset register	6
Planning and design	7
Community consultation	7
Maintenance	8

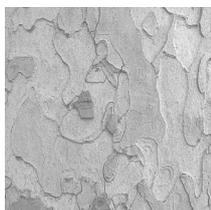
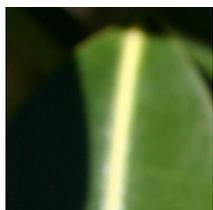
Removal of trees

Planned removals	9
Emergency removals	9
Exempt removals	9
Noxious weeds	9

Management of significant trees

Level 1 – State Heritage Register	10
Level 2 – Local Heritage Register	10
Level 3 – Local Amenity Register	10

Glossary of terms and abbreviations	11
--	-----------



Policy created: 2006

Policy reviewed: 2009

Policy reviewed (draft): 2013

General

Introduction

In many ways the values of a city are reflected in the health and vigour of its trees. Trees lift the human spirit and improve the quality of life within an urban environment. Trees create amenity by providing shade and wind protection. Trees provide habitat for wildlife and improve environmental values. Trees may have heritage significance in themselves or create settings for heritage buildings or places. Trees are often taken for granted but are a living asset, embellishing the places in which we live and work.

The proactive management of trees in the public domain is an increasingly important role for all authorities. Trees are both an asset and liability in that while they contribute to improving the quality of life, they also create risks for property and for the safety of people. The community generally recognises and acknowledges the importance of trees in a sustainable environment. However, there is also concern by some in the community that trees can negatively impact property values and impinge on lifestyles.

The management of trees within a policy framework is thus essential to maximise their useful life and to plan for their eventual replacement, while reflecting community values and aspirations.

Vision statement

Sydney Harbour Foreshore Authority's vision is "to make unique places in Sydney that the world talks about". Its primary charter is to "enhance its areas as accessible, rich and diverse environments for all communities, while protecting their natural and cultural heritage".

To achieve the vision, the Foreshore Authority has developed a suite of policies, including this Tree Policy, to manage various aspects of the public domain. A healthy and well managed tree population will demonstrate to the community, the Foreshore Authority's commitment to social, environmental and economic sustainability in the way it manages its assets.

Policy aim and objectives

The Foreshore Authority's aim is to balance the heritage, amenity and environmental values of its tree assets, while ensuring a safe and sustainable public domain.

The objectives of this tree policy are to:

1. Establish strategic control for the planning of tree plantings, their life cycle maintenance and ultimate replacement or removal.
2. Respond to environmental issues identified in the Sydney Harbour Foreshore Authority Act 1998 and other relevant State and regional instruments applicable to lands owned and managed by the Foreshore Authority.
3. Demonstrate to the community and stakeholders that trees are managed in a sound and responsible manner.
4. Improve community awareness of trees and the contribution they make to the urban environment.
5. Manage safety and asset risks that trees bring to the public domain.
6. Set clear policies for the maintenance and removal of trees that impact on adjoining private and public property.
7. Encourage the preservation of existing trees and opportunities for the planting of new trees where suitable.
8. Guide tenants, developers and consultants on tree assets and potential impacts during redevelopment planning.
9. Identifying solutions to manage tree protection and maintenance where necessary.
10. Assess proposals for tree works in accordance with the provisions of the Environmental Planning Assessment Act 1979 as amended and other relevant environmental planning instruments.
11. Define acceptable technical standards for the maintenance of trees.

General

Where this policy applies

This policy applies to all land under the ownership of Sydney Harbour Foreshore Authority as defined by the State Environmental Planning Policy Major Development 2009. Refer to Figure 1.

The majority of trees are owned and maintained by the Foreshore Authority. A small number of trees directly associated with ground leased building sites remain in the care and control of the building owner. The removal, replacement or major maintenance works to any tree including privately owned trees, are subject to the Foreshore Authority's landowner consent.

This policy does not apply to land and thus trees which the Foreshore Authority does not own, but manages on behalf of another government agency. In this situation, and for tree removal or major maintenance works, landowner's consent would be sought from the owner and an application made to the relevant consent authority.

Legislative framework

The provisions of this policy are in addition to those contained in legislative instruments central to managing environmental issues for the Foreshore Authority, including:

- Environmental Planning and Assessment Act as amended (1979)
- Sydney Harbour Foreshore Act as amended 1998
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy (Major Development) 2009

If there is any inconsistency between this policy and these instruments, then the instruments will prevail.

The NSW Department of Planning and Infrastructure is the consent authority for Part 4 development consent under section 78A of the Environmental Planning and Assessment Act, for developments that require the Minister for Planning's consent.

The removal and planting of trees is considered 'development'. Refer to NSW Department of Planning and Infrastructure development application guidelines at website:

<http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=IPWkV92xZQ%3D&tabid=339>

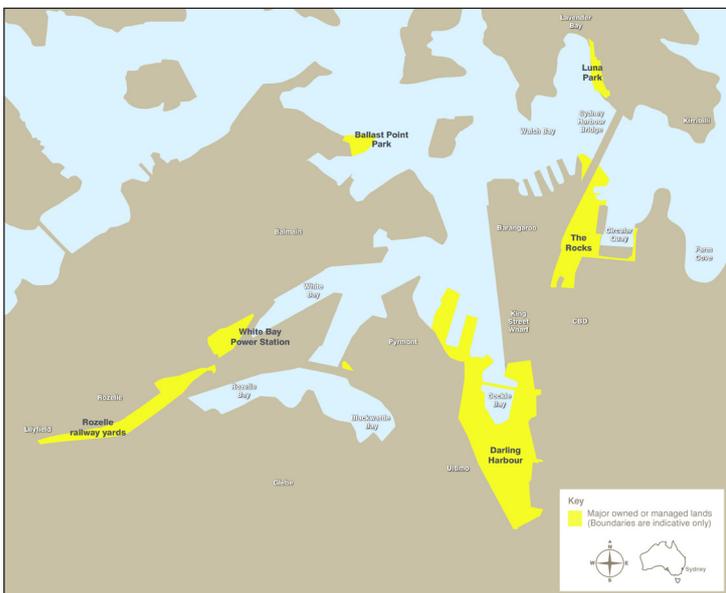


Figure 1
Foreshore Authority land ownership

On 1 May 2009 the NSW Department of Planning delegated responsibility for planning determinations within the City of Sydney local government area, and for projects with a capital investment value of less than \$5 million, to the City of Sydney. Refer to City of Sydney development application guidelines at website:

<http://www.cityofsydney.nsw.gov.au/development/application-guide>

The remaining Foreshore Authority sites including Ballast Point, Rozelle Bay, White Bay, Banks Street and Luna Park remain subject to the Minister's planning approval and therefore tree removals will continue to be subject to approval from the Department of Planning and Infrastructure.

The policy will be used by the Foreshore Authority in the assessment of landowner's consent applications prior to their lodging with the relevant planning authority.



Policy

The policy statement has been structured into five management areas with various individual policy provisions for each management area as follows:

- 1 Governance policies to manage administrative issues common across the Foreshore Authority lands.
- 2 Asset register policies to locate and describe the existing tree stock.
- 3 Planning and design policies to guide selection of new species appropriate to place and function.
- 4 Consultation policies to ensure the community has a means of representation in tree related matters.
- 5 Maintenance policies to create a systematic and consistent means of managing the asset over time.

1	GOVERNANCE
1.1	Sydney Harbour Foreshore Authority will ensure an informed approach to tree management throughout its precincts so that staff, tenants and the community can have confidence that the tree resource is being appropriately managed.
1.2	Sydney Harbour Foreshore Authority will ensure the policy reflects the key values of all applicable statutory documents.
1.3	Sydney Harbour Foreshore Authority will manage the removal of existing trees and the planting of new trees to ensure relevant stakeholders have the opportunity for comment.
1.4	Sydney Harbour Foreshore Authority will manage emergency situations where life or property is at immediate risk, by ensuring public safety takes precedence in tree removal determinations.
1.5	Sydney Harbour Foreshore Authority will delegate the role of administering approvals for the removal or major maintenance of trees to the Foreshore Authority's Manager Operations position.

2	ASSET REGISTER
2.1	Sydney Harbour Foreshore Authority will ensure it has current asset data so the tree resource can be holistically and proactively managed.
2.2	Sydney Harbour Foreshore Authority will specifically identify and manage trees that have particular significance such as special cultural, historic, aesthetic, social or environmental values.

3	PLANNING AND DESIGN
3.1	Sydney Harbour Foreshore Authority will ensure it maintains a consistent tree canopy across its precincts and expands the canopy cover where opportunities arise.
3.2	Sydney Harbour Foreshore Authority will be mindful of the impact of trees on important view corridors and vistas within the public domain.
3.3	Sydney Harbour Foreshore Authority will utilise endemic, native or exotic plant material as appropriate to location and function.
3.4	Sydney Harbour Foreshore Authority will continue to enrich the diversity of species across the precincts to improve native wildlife habitat.
3.5	Sydney Harbour Foreshore Authority will locate and plant trees being mindful of potential future impacts on in-ground and overhead utility services, vehicle and pedestrian sight lines, building and other infrastructure.

4	COMMUNITY CONSULTATION
4.1	Sydney Harbour Foreshore Authority will consult when appropriate with the community on proposals to remove or relocate trees within the public domain.
4.2	Sydney Harbour Foreshore Authority will consult with the community when appropriate on new planting proposals within the public domain, particularly those trees that will have a direct impact on tenants or adjoining landowners.



5	MAINTENANCE
5.1	Sydney Harbour Foreshore Authority will manage trees on a 'whole of life' basis recognising that tree decline is a natural process and tree removal and replacements need to be proactive in order to provide a sustainable tree population for future generations to enjoy.
5.2	Sydney Harbour Foreshore Authority will establish ongoing inspection and maintenance practices for trees owned and managed by the Foreshore Authority, to minimise public risks arising from the natural decline of a tree or from damage caused by human impacts.
5.3	<p>Sydney Harbour Foreshore Authority will permit:</p> <ul style="list-style-type: none"> • the pruning of trees to ensure sightlines and removal of branch hazards for pedestrian and vehicular traffic • the removal of trees that are recognised weed species in accordance with the Noxious Weeds Act 1993 • the removal of a tree or trees that are presenting a demonstrable physical risk of failure and potential public injury arising.
5.4	<p>Sydney Harbour Foreshore Authority may permit:</p> <ul style="list-style-type: none"> • the removal of trees considered within the normal property development approval process • the pruning of trees to ensure sightlines for closed circuit television coverage. • the removal of trees that are within three metres of a building and demonstrably damaging the building structure or fabric • the removal of trees that are damaging footpaths and creating unacceptable hazards for pedestrians • the removal of trees that are demonstrably damaging essential in-ground services • the removal of maturing trees that will in time affect significant views to or from the public domain.
5.5	<p>Sydney Harbour Foreshore Authority will not permit:</p> <ul style="list-style-type: none"> • the removal of trees to provide or improve views from either tenancies or private adjoining lands • the removal or pruning of trees to reduce the inconvenience of native animal habitat that might be considered annoying or disruptive • the removal or pruning of trees to reduce or eliminate inconvenience of fruit or leaf-drop, however in special circumstances the Foreshore Authority may agree to the removal of fruit before it drops and becomes a nuisance • the altering of soil levels within the canopy drip line of a tree • the removal of trees to facilitate the construction of hoardings or other construction-based impacts.

Removal of trees

Planned removals

The planned removal of trees will be managed by a normal development application process to the relevant consent authority. Key documentation requirements for an application include:

- A report from a suitably qualified arborist detailing the current condition of the tree or trees, pending impacts and recommendations for removal arising.
- Statement of Environmental Effects (SEE) describing the reasons for the removal and defining the actions intended to replace the trees or ameliorate the site.
- Heritage Impact Statement (HIS) where relevant, describing the impacts arising from the removal of the tree and defining the actions intended to replace the trees or ameliorate the site.

Emergency removals

In rare situations where a tree is an immediate risk and danger to the community, the removal process will be managed as follows:

1. If the tree is creating an immediate disruption to the public domain and police, fire brigade or emergency services are involved, they will make determination to remove or stabilise the tree.
2. In situations where the tree is not creating an immediate disruption to the public domain but is a potential ongoing safety risk, the area around the tree will be cordoned off from public access, and the process managed as follows:
 - a certified arborist will provide a report confirming the structural integrity of the tree, with a recommendation for removal or other treatment
 - the Foreshore Authority's Manager Operations will advise the Executive Director Precinct Activation and Visitor Services that the tree poses a public risk and seek approval to proceed with the removal
 - the relevant planning authority is to be advised and seek their concurrence to proceed with the removal

- the Foreshore Authority's Place Manager and Corporate Secretary are notified
- tree removed as soon as possible
- all details regarding the removal are recorded in the Foreshore Authority's Customer Request Management System.

Exempt removals

Applications for removal are not required for the following situations:

1. The removal of trees that are demonstrably dead will be managed as follows:
 - a report from a certified arborist confirming the tree is dead
 - the report is to be lodged with the Foreshore Authority's Manager Operations and approval given before work commences.
2. The removal or major maintenance of trees lawfully conducted in accordance with:
 - Telecommunications Act 1997.
 - State Emergency and Rescue Management Act 1989.
 - Electricity Supply Act 1995.
 - Noxious Weeds Act 1993.

Noxious weeds

Noxious weeds are managed by the Noxious Weeds Act 1993 (NWA). The NWA is administered by NSW Department of Agriculture, with Local Control Authorities (LCAs) responsible for implementing the noxious weed control functions of the Act.

Further information can be found on the NSW Agriculture website under 'pests, diseases and weeds'. The website includes a searchable noxious weeds database for each local government area.

(<http://www.agric.nsw.gov.au/noxweed/>).

Management of significant trees

A Register of Significant Trees 2013 was created to manage trees or groups of trees that help shape the character of our precinct's natural and cultural landscapes. These special trees are inextricably linked to the quality of 'place'. In a practical sense, the register provides for a range of policy measures to manage the maintenance of these special trees through their lifecycles.

Management controls:

Level 1 – State Heritage Register

Proposed removals or major maintenance works require two independent arborist reports, an approved Section 60 application from the NSW Heritage Branch and a development application to the appropriate approval authority. Minor maintenance works will be managed by an arborist report, a Section 57 Heritage Exemption and reference to the Foreshore Authority's Director Precinct Activation and Visitor Services for approval to proceed.

Level 2 – Local Heritage Register

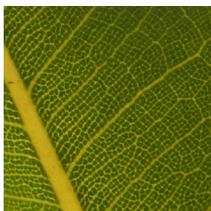
Proposed removals are subject to a normal development application to the appropriate approval authority. Major maintenance works will require an arborist report and reference to the Foreshore Authority's Executive Director Precinct Activation and Visitor Services for approval to proceed. Minor maintenance works are subject to the Foreshore Authority's Manager Operations for approval to proceed.

Level 3 – High Local Amenity Register

Proposed removals are subject to a development application to the appropriate approval authority. Major maintenance works will be subject to an arborist report and referenced to the Foreshore Authority's Manager Operations for approval to proceed. Minor maintenance works do not require management approvals.

The Register of Significant Trees can be found at:

<http://www.shfa.nsw.gov.au/content/library/documents/443D6509-E21D-891A-4EC531463B715FFD.pdf>



Glossary of terms and abbreviations

Tree

For the purpose of this policy a tree is defined as:

- A perennial plant having a woody, self supporting main stem or trunk and recognised as a tree species
- Palms that meet the criteria below will also be considered as trees under this policy
- A plant that is either native, endemic or exotic
- A plant with a height of at least 5m or a trunk of 300mm in circumference, 1200mm from the ground or a canopy exceeding 4m in diameter
- All plants regardless of dimensions which are identified as rare or threatened or listed on the Register of Significant Trees.

Planning instruments

Means any act, policy, order or regulation that protects trees or regulates tree removals.

Development application

Refers to the process by which the Foreshore Authority determines the appropriateness or otherwise of a development proceeding and the conditions of development which will apply to an approved application.

Pest plants

Means noxious weeds as defined by the Noxious Weed Act 1993 and as declared by the NSW Minister of Agriculture as nuisance plants and urban environmental weeds.

Public domain

Means all publicly accessible land and places including parks, urban spaces, road corridors, bushland and commercial/retail spaces.

Arborist

Means a suitably qualified / experienced specialist in the assessment, care and maintenance of trees. The arborist and team will hold Australian Qualifications Framework Certificates (AQF) levels relevant to their work. As a minimum, the ground worker will have an AQF level 2 certificate, the tree worker will have an AQF Level 3 Certificate and the consultant arborist will have a Diploma of Horticulture (Arboriculture) and an AQF level 5 certificate.

Emergency

Refers to a situation arising where a tree's structure has substantially failed and the tree is in imminent danger of collapse. The tree and its immediate surrounds cannot be reasonably secured to prevent ongoing occupational health and safety risks to the public or Foreshore Authority staff.

Pruning

Refers to the process of trimming or cutting away branches or shoots in order to train the plant, maintain its health, improve the quality of its flowers, fruit or foliage or to restrict its growth.

Maintenance

Refers to the planned actions and works (human resources, materials and technology) needed to ensure the ongoing appearance, health and vigour of a tree.

Major maintenance

Refers to maintenance actions and works that will impact on more than 20% of canopy or root formation over a two year period.

Minor maintenance

Refers to maintenance actions and works that will impact on less than 20% of canopy or root formation over a two year period.



Planning & Infrastructure
Sydney Harbour Foreshore Authority

Level 6, 66 Harrington Street, The Rocks, NSW 2000
PO Box N408, Grosvenor Place NSW 1220
T 02 9240 8500 F 02 9240 8899
www.shfa.nsw.gov.au