

DRAFT TREE POLICY



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DIRECTORATE: Planning & Compliance

BUSINESS UNIT: City Design & Public Domain

1. PURPOSE

The purpose of this Policy is to:

- 1.1 Address the tree related issues faced by Liverpool City Council (Council);
- 1.2 Establish *Council's* commitment and future strategic framework for the installation, protection, management, and maintenance of all *Protected Trees* located within the *Liverpool LGA* (Local Government Area);
- 1.3 Ensure the overarching *Tree Framework* (i.e., Tree Policy, Tree Management Strategy and Tree Management Technical Guidelines) is consistent with industry best practice and the priorities of *Council*, the NSW Government and the Community.
- 1.4 Acknowledge all *Protected Trees* on *Public Land* as public assets requiring ongoing protection, management, and enforcement;
- 1.5 Recognise *Trees* on *Private Land* as intergenerational resources that provide significant value to the community and warrant recognition, education, augmentation and conservation;
- 1.6 Acknowledge the need to increase *Tree* and *Tree Canopy* coverage throughout the LGA to proactively combat urban heat and climate change;
- 1.7 Strengthen *Council's* commitment to the creation of a healthy, inclusive, and engaging city and improve health and wellbeing, environmental and amenity outcomes for the community; and
- 1.8 Guide consistent and practical procedures for the installation, protection, management and maintenance of all *Protected Trees* within the *Liverpool LGA*, to the benefit of *Council* staff, residents, property owners, developers, other managing authorities and the environment.

In addition to the Liverpool Development Control Plan, the Tree Policy is one of three separate documents (i.e., *Tree Framework*) used to proactively manage *Trees* within the *Liverpool LGA*. The relationship between the *Tree Framework* documents is illustrated in Attachment A, the *Tree Management Strategy* and *Tree Management Technical Guidelines*.

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2. DEFINITIONS

Approval	<p>Any <i>Tree Related Works</i> proposal on <i>Public Land</i> and/or <i>Private Land</i> that has:</p> <ul style="list-style-type: none"> • A <i>Tree Removal Permit</i>; or • Consent from the <i>Native Vegetational Panel</i> under Part 2.4 of the Biodiversity & Conservation SEPP; or • Development Consent; or • Complying Development Consent.
Consultant Arborist	A professional in the practice of arboriculture, that holds an Australian Qualification Framework (AQF) Level 5, Diploma of Horticulture (Arboriculture).
Edible Fruit Tree	A woody perennial plant that is commonly accepted as being grown for edible fruits and nuts such as Lemon, Orange, Plums, Peach, Nectarines, Apple, Persimmon, Quince, Avocado etc.
Establishment period	The twenty-four (24) month period it takes for a newly planted woody perennial plant to establish and survive.
Council	Liverpool City Council (LCC).
Public Land	All land owned and/or administered by <i>Council</i> for public or non-public use.
Private Land	All land owned and administered privately by agencies, individuals, or authorities for public or non-public use.
LDCP	Liverpool Development Control Plan 2008.
Liverpool LGA	Liverpool Local Government Area.
LLEP	Liverpool Local Environment Plan 2008.
Lopping	The outdated and improper practice of cutting <i>Tree</i> branches or stems for directional growth and/or the removal of dead or dying parts, generally between unions or internodes and leaving stubs attached.
Native Vegetation Panel	An independent body established under Part 5A, Division 6 of the Local Land Services Act 2013, that has the function of objectively determining applications to clear native vegetation within NSW.
Natural Processes	Relating to leaves, twigs, small branches, flowers, pollen, fruit/seed drops, fauna, bird or bat droppings.

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Practising Arborist	A professional who undertakes <i>Tree Related Works</i> .
Protected Tree	<p>A woody perennial plant requiring <i>Approval</i> for <i>Tree Related Works</i>, is either:</p> <ol style="list-style-type: none"> 1. A woody perennial plant on <i>Private Land</i> that meets Council's definition of a <i>Tree</i>, and not listed as an exempt species in Council's <i>Tree Management Technical Guidelines</i>; or 2. A woody perennial plant on <i>Public Land</i> (irrespective of size or species).
Pruning	To cut off living branches or roots (or portions of branches or roots) for specific outcomes (e.g., to reshaped or improve health) in accordance with accepted techniques contained within AS4373 Pruning of Amenity Trees (e.g., crown lifting, thinning, cleaning, and reduction).
Ringbarking	To cut through the bark and sapwood of the <i>Tree</i> , to disrupt the movement of water and nutrients between the roots and leaves and upper portions of the <i>Tree</i> , normally killing the <i>Tree</i> .
Removal	<p>To undertake either of the following:</p> <ol style="list-style-type: none"> 1. Completely cutting a <i>Tree</i> to the ground, taking away all limbs and the trunk; or 2. Taking any action that would lead to the death of a <i>Tree</i> or cause permanent damage that may compromise <i>Tree</i> health and stability.
Significant Tree	Any <i>Tree</i> that has been identified as having substantial value in a <i>Tree Report</i> (i.e., Arboricultural Assessment) by a <i>Consultant Arborist</i> or within the Legislative Requirements outlined in this Policy. This includes a heritage listed <i>Tree</i> or any <i>Tree</i> that has been included in <i>Council's Significant Tree Register</i> or the National Trusts of Australia Register of Significant Trees.
Significant Tree Register	Identifies <i>Trees</i> of environmental, cultural, heritage, historical or social significance within the <i>Liverpool LGA</i> , which affords extraordinary protection and preservation measures for consideration when being assessed for any potential <i>Tree Related Works</i> .
Topping	Reducing the height of a <i>Tree</i> through the inappropriate practice of lopping typically including the amputation of the top portion of a <i>Tree</i> including a section of its trunk.

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TMS	Tree Management Strategy
TMTG	Tree Management Technical Guidelines
TP	Tree Policy
Tree	A woody perennial plant greater than 5m tall and with a trunk diameter of at least 140mm when measured at a height of 1.4m above the ground or a canopy spread greater than 4m.
Tree Canopy	The above ground portion of the <i>Tree</i> containing leaves and branches, singular or interconnected with other trees, typically providing shade and cooling for the ground below.
Tree Management Framework	The Tree Policy (<i>TP</i>), Tree Management Strategy (<i>TMS</i>), Tree Management Technical Guidelines (<i>TMTG</i>) and Liverpool Development Control Plan 2008 (<i>LDCP</i>).
Tree Related Works	The <i>Removal</i> , <i>Pruning</i> or inappropriate <i>Lopping</i> severing or <i>Topping</i> of a <i>Tree</i> and/or its roots.
Tree Removal Permit	Consent under Chapter 2 of the Biodiversity & Conservation SEPP, that is granted by <i>Council</i> for <i>Tree Related Works</i> (i.e., without another form of <i>Approval</i>) located on <i>Private Land</i> and is obtained by submitting a <u>Prune or Remove a Tree on a Private Property Application Form</u> to <i>Council</i> . Submitting an application to <i>Council</i> for a <i>Tree Removal Permit</i> does not imply permission will be granted.
Tree Report	<p>A <i>Tree Report</i> or tree assessment is prepared by a <i>Consultant Arborist</i>, and includes one or more of the following documents:</p> <ul style="list-style-type: none"> • Arboricultural Assessment Report; • Tree Risk Assessment Report; • Tree Valuation Report; • Tree Protection Plan; • Tree Maintenance and Management Report; • An Arboricultural Impact Assessment; and/or • A Root Mapping Assessment. <p><i>Council</i> will only accept a <i>Tree Report</i> prepared by a suitably qualified <i>Consultant Arborist</i>.</p>

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3. POLICY STATEMENT

3.1 Background & Context

- 3.1.1 The *Liverpool LGA* has a population of over 230,000 people, with an expected increase of 60% by 2036. It covers some 305 square kilometres, 43 suburbs and stretches 33 kilometres from Georges River in the east to the Nepean River in the west.
- 3.1.2 The *Liverpool LGA* is part of the South-West Sydney growth corridor, and home to the new Western Sydney International Airport and the Holsworthy Army Barracks. With the Liverpool City Centre as its main hub, the *Liverpool LGA* includes over 500 open spaces and a diverse array of land uses that range from native bushland through to high and low density residential, agriculture, including world class recreation, entertainment, and tourism facilities.
- 3.1.3 The *Liverpool LGA* has approximately 23% *Tree Canopy* coverage, with 37 of the 43 suburbs having less than the average and two thirds having below 15%. When compared to 33 other Local Government Areas within Greater Sydney, the *Liverpool LGA* is placed 17th. However, large expanses of natural and rural areas (i.e., the Holsworthy Defence site at 62% canopy cover) impact the data. Excluding Holsworthy, the *Liverpool LGA's* estimated average canopy coverage is much lower at around 15%.
- 3.1.4 As such, The *Liverpool LGA* (and Western Sydney in general) experiences higher temperatures than most other urban areas in Sydney and is subject to the impacts of the urban heat island effect, which negatively affects the community and environment. The increasing temperatures and limited *Tree Canopy* cover is placing increasing importance on *Trees* and their role in our community and the urban environment.
- 3.1.5 The benefits of *Trees* and the importance of *Trees* to the *Liverpool LGA* are detailed in the *TMS*.

3.2 Scope

- 3.2.1 This Policy applies to all *Protected Trees* located on *Public Land* (i.e., land owned and/or administered by *Council*) and *Private Land* (i.e., land not owned and/or administered by *Council*) within the *Liverpool LGA*, except where specified or overridden by legislation.
- 3.2.2 This Policy, the *TMS* and *TMTG* do not cover broad scale land clearing matters or vegetation that does not fit *Council's* definition of a *Protected Tree*. These matters may be the subject of other legislative requirements, such as under the Biodiversity Conservation Act 2016;
- 3.2.3 This Policy applies to the Mayor, Councillors, all *Council* staff, the public, community organisations and all landowners in the Liverpool LGA except where overridden by legislation.

3.3 Objectives

3.3.1 Tree Protection and Preservation

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- a) Prioritise the protection and preservation of the existing *Protected Tree* population;
- b) Prescribe protection and preservation responsibilities for all *Protected Trees* and standards for *Council* staff, private developers, contractors, and the community;
- c) Recognise the social, economic, and environmental benefits that *Trees* provide the community and prioritise this in all aspects of *Council's* activities;
- d) Pursue measures to relocate infrastructure away from *Trees* to reduce the need for excessive *Pruning* and/or *Removal*;
- e) Acknowledge the economic and non-economic value of *Trees* to support their protection and preservation throughout the *Liverpool LGA*.
- f) Recognise *Trees* on *Public Land* that contribute to the environmental, cultural, heritage and social character of the *Liverpool LGA*, and establish a *Significant Tree Register* for extraordinary protection and preservation measures; and
- g) Ensure development applications include all necessary information to allow a full and accurate assessment of the potential impacts on *Protected Trees* (i.e., *Tree Report/s*).

3.3.2 Tree Planting and Species Selection

- a) Improve the quality and quantity of the *Liverpool's Trees* and *Tree Canopy* cover;
- b) Increase species diversity, age spread and environmental resilience of *Liverpool's Protected Trees*;
- c) Identify opportunities to increase *Tree Canopy* cover throughout the *Liverpool LGA* and adhere to the 'right tree for the right location' principle;
- d) Ensure development proposals are achieving the *Tree Canopy* cover targets set out in the *TMS*;
- e) Identify species and pot sizes that are suitable and resilient within the local climate and prioritise the installation of indigenous trees;
- f) Ensure all removed *Protected Trees* are replaced at a minimum 3:1 ratio (where feasible) using appropriate pot sizes, and provide guidance on the implementation of offset planting;
- g) Prescribe tree selection and installation procedures and standards for *Council* staff, private developers, contractors, and the community; and
- h) Ensure the use of quality nursery stock in accordance with current best practice and industry standards.

3.3.3 Tree Maintenance and Removal

- a) Ensure the retention of *Protected Trees* is a significant priority in all *Council* activities;
- b) Enable the replacement of any *Protected Trees* removed, in accordance with the *TMTG*;

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- c) Prescribe tree maintenance, removal procedures and standards for *Council* staff, private developers, contractors, and the community;
- d) Ensure all trees on *Public Land* are maintained in accordance with the *TMTG*;
- e) Provide consistency in the approach to determining Prune or Remove a Tree on a Private Property Application's and responding to other tree related matters;
- f) Ensure *Tree Approvals* are not to facilitate views, signage, off-street parking, solar panels and/or to minimise the impacts of *Natural Processes* and/or because of unsubstantiated property damage claims.
- g) Implement regular *Pruning* programs to improve the health and structure of *Trees* on *Public Land* and to provide nominal clearances for essential infrastructure.
- h) Facilitate the *Removal* and replacement of underperforming trees and trees listed in the *TMTG* exempt species list; and
- i) Monitor and treat pest and disease issues (where technically and financially feasible), using best practice control techniques as part of *Council's* ongoing maintenance program for trees on *Public Land*.

3.3.4 Risk and Asset Management for Trees

- a) Actively manage the risk of trees on *Public Land* in accordance with the *TMTG*, relevant legislation and *Council's Enterprise Risk Management Policy 2017*;
- b) Incorporate trees on *Public Land* within *Council's* asset management processes and tree asset database to ensure thorough monitoring, protection, and enforcement;
- c) Enhance *Council's* reputation as a steward and manager of trees;
- d) Improve *Council's* internal resources to appropriately manage enforcement and compliance of *Protected Tree* related matters;
- e) Enable appropriately qualified *Council* staff to enforce the compliance of *Protected Tree* related matters in accordance the relevant legislation;
- f) Actively manage *Council's* tree population (i.e., *Trees on Public Land*) and the risk that all trees may pose to persons, property, surrounding assets and public safety in accordance with best practice tree risk and assessment methodology (The Quantified Tree Risk Assessment Method is preferred by *Council*);
- g) Consider all reasonable tree risk management controls to ensure public tree risk within the *Liverpool LGA* is within the accepted range as identified through an appropriately recognised tree risk assessment system;
- h) Proactively minimise the potential impacts of trees on *Public Land* (i.e., roots and branches) to public and private infrastructure;
- i) Keep abreast of new technology and innovation in the field of arboriculture and investigate opportunities for integration within *Council's* asset management programs; and
- j) Prescribe tree risk procedures and standards for *Council* staff, private developers, contractors, and the community.

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3.3.5 Community Consultation and Involvement

- a) Promote community involvement in planting activities including the protection, preservation, selection, installation, and maintenance of trees on *Public Land*;
- b) Increase awareness and educate the community, developers, and *Council* on the on the benefits and value of *Trees*;
- c) Notify the community of illegal works and undertake site specific responses following illegal *Tree Removal*, poisoning, *Lopping*, *Topping* and/or *Pruning*;
- d) Recognize the benefits of *Trees*, in providing shade, cleaner air, and cooler environments, thereby contributing to reducing the impacts of the urban heat island effect and supporting healthy lifestyles within the community;
- e) Inform the community of scheduled notable *Tree Removals* on *Public Land* and reasons for *Removal*, prior to *Removal* occurring;
- f) Notify and educate the community of new street trees planted on *Public Land* within proximity of their residence; and
- g) Provide the community the opportunity to comment or request information on proposed *Tree Removals* on *Public Land* and utilise appropriate notification methods in accordance with *Council's* standard procedures;

4. COMPLIANCE

4.1 Tree Disputes with Neighbours

Council does not deal with disputes between neighbours regarding tree matters on private property. *Council* can advise individuals on the available resources and processes available to assist them with such disputes. Refer to the legislation outlined in this Policy.

4.2 Prohibition

A person must not ringbark, cut down, fell, uproot, kill, burn, prune, top, lop or remove a substantial part of the vegetation, remove, injure, poison or willfully destroy any tree to which *Council's* relevant definition of a *Protected Tree* applies, without *Approval*.

4.3 Enforcement action and penalties for removing or damaging a *Protected Tree* without *Approval*

Any individual or corporation that carries out work (i.e., lop or remove a substantial part of the vegetation, ringbark, cut down, fell, uproot, kill, burn, remove, injure, poison, or willfully destroy) on a *Protected Tree* without *Approval* or carries out the work not in accordance with *Approval* will be dealt with in accordance with the relevant legislation.

An individual or corporation may also be vicariously liable for engaging or allowing another person or corporation to undertake *Tree Related Works* on a *Protected Tree* without *Approval*.

Where there is sufficient evidence, *Council* may issue an Order and/or a Penalty Infringement Notice to an individual for \$3,000 and to a corporation for \$6,000 or

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prosecution action taken in the Local Court or the Land and Environment Court. In the Land and Environment Court, the maximum penalty is \$1,000,000 for an individual and \$5,000,000 for a corporation. In the Local Court, the jurisdictional limit is \$110,000.

To confirm whether *Approval* is required before undertaking works to a *Tree* or *Trees* or clearing vegetation, an applicant or property owner can contact *Council's* Customer Service Centre on 1300 362 170.

4.4 Where Approval is not required

All *Tree Related Works* for trees on *Public Land* are administered by *Council* and/or other government authorities. *Approval* is not required for *Trees* on *Private Land* in the following instances:

- a) The *Pruning* of branches within one metre of power lines servicing the property;
- b) The elimination of dead branches;
- c) The *Removal, Pruning, Lopping* or *Topping* of a *Tree* listed in the *TMTG* exempt species list; and
- d) *Tree Related Works* on *Trees* permitted to be removed or pruned under the Rural Fire Service 10/50 Code of Practice NSW. All 10/50 *Tree Related Works* must be in accordance with the code and take place within a designated 10/50 vegetation entitlement clearing area and as per the stipulated conditions.

The *Pruning, Topping* or *Lopping* of a *Protected Tree* is not permitted to facilitate views, signage, off-street parking, solar panels and/or to minimise the impacts of *Natural Processes* and/or because of unsubstantiated property damage claims.

Council will consider a *Tree Removal Permit* for the removal of a *Tree* (i.e., through the Prune or Remove a Tree on a Private Property Application process) where the main supporting trunk or stem is within three metres of an approved dwelling, garage or in ground swimming pool.

4.5 Council's Prune or Remove a Tree on a Private Property Application Form Process

Council considers a variety of factors/issues as part of the application assessment process before determining the permissibility of a *Tree Removal Permit*, these include:

- a) Damage to service pipelines or structures;
- b) *Tree* health, vigour and structural integrity;
- c) Target area (the area under the tree and frequency of use);
- d) Visual prominence (the impact *Removal* is likely to have on the visual amenity of an area);
- e) Historical significance;
- f) Habitat significance;
- g) Practical alternatives to *Removal* and cost;

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- h) Potential for effective *Pruning*;
- i) Whether the *Tree* was planted by the current owner of the property and not as a condition of any development consent having been approved by *Council*.

5. RELEVANT LEGISLATIVE REQUIREMENTS

5.1 Federal legislation

Environment Protection and Biodiversity Conservation Act 1999.

5.2 NSW Legislation and Planning

Western Parkland City SEPP 2021;

Biodiversity & Conservation SEPP 2021;

Biodiversity Conservation Act 2016;

Environmental Planning and Assessment Act 1979;

Environmental Planning and Assessment Act 1979 (as amended);

Environmental Planning and Assessment Amendment (Avoided Land) Regulation 2022;

Heritage Act 1977;

Local Government Act 1993;

Roads Act 1993;

Rural Fire Service Amendment (Vegetation Clearing) Act 2014; and

Trees (Disputes Between Neighbours) Act 2006.

5.3 Local Council Planning Controls

Liverpool Local Environment Plan 2008;

Liverpool Development Control Plan 2008;

Growth Centre Precinct Development Control Plan 2021;

Edmondson Park South Development Control Plan 2012; and

Western Sydney Aerotropolis Development Control Plan 2022.

6. RELATED POLICIES & PROCEDURE REFERENCES

6.1 Referenced Australia Standards

AS4373-2007, Pruning of Amenity Trees; and

AS4970-2009, Protection of Trees on Development Sites.

6.2 Referenced Industry Standards and Guides

NSW Government - Greening Our City Program (Urban Greening);

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Government Architect NSW - Greener Places: An Urban Green Infrastructure Design Framework;

NSW Government - Sydney Green Grid Spatial Framework and Project Opportunities (Introduction & South West District);

NSW Government – Greener Neighbourhoods Guide (Guiding Strategic Planning for Urban Forests);

Western Sydney Regional Organisation of Councils - Urban Heat Planning Toolkit;

Arboriculture Australia – Minimum Industry Standards (MIS);

QTRA – Quantified Tree Risk Assessment;

TRAQ – Tree Risk Assessment Qualification Application Guide; and

VALID – Tree Risk Assessment Protocol.

6.3 Related Liverpool City Council Policies & Plans

Enforcement Policy 2022;

Tree Management Policy 2016;

Climate Change Policy 2023;

Enterprise Risk Management Policy 2017;

Liverpool City Centre Public Domain Master Plan 2020;

Draft Liverpool City Centre Public Domain Technical Manual 2024;

Recreation, Open Space and Sports Strategy 2018-2028;

Delivery Program 2022-2026 and Operational Plan 2023-2024; and

Climate Action Plan Report 2022.

6.4 Referenced Policies by Other Council's

Sutherland Shire Council – Urban Tree & Bushland Policy 2021;

City of Sydney – Tree Management Policy 2013;

City of Ryde – Tree Management Policy 2012;

City of Melbourne – Tree Policy 2021;

Ku-ring-gai Council – Urban Forest Policy 2020; and

Georges River Council – Tree Management Policy 2019.

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

TBC (This is the date the policy is adopted by Council resolution)

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REVIEW DATE

TBC (This Policy is to be reviewed every 2 years)

VERSIONS

Version	Amended by	Changes Made	Date	TRIM Number
1	Council Resolution		25 July 2011	205345.2011
2	Council Resolution		27 March 2013	046661.2013
3	Council Resolution		30 March 2016	297950.2015
4	Council Resolution		12 October 2016	273466.2016
5	TBC	Policy updated to align with new TMS and TMTG	TBC	194258.2024

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Council staff from the following directorates and respective departments, that are involved in the planning, implementation, maintenance, protection, management, approvals and/or enforcement of *Tree* related matters within the *Liverpool LGA*:

Operations

- City Works;
- Environment;
- Facilities; and
- Project delivery.

Community and Lifestyles

- Recreation and Community Outcomes.

Corporate Support

- Legal Services & Governance; and
- Procurement.

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Customer Experience & Business Performance

- Insurance & Claims; and
- Work, Health & Safety.

Planning and Compliance

- City Planning;
- Community Standards;
- Development Assessment;
- Development Engineering; and
- Planning & Transport Strategy.

ATTACHMENTS

Attachment A: Tree Management Framework

STRATEGIC FRAMEWORK		
<p>Tree Policy (TP)</p> <p>Establishes the overarching framework and objectives for the implementation of <i>Council's</i> Tree Management within the <i>Liverpool LGA</i>.</p>		
OPERATIONAL DOCUMENTS		
<p style="text-align: center;">Liverpool Tree Management Strategy (TMS)</p> <p>Outlines <i>Council's</i> tree management vision including establishment of strategic directions required to fulfill the policy objectives, including canopy coverage targets, tree risk management, tree planting, tree maintenance, implementation, & community engagement.</p> <p style="text-align: center;">LINK TO DOCUMENT</p>	<p style="text-align: center;">Liverpool Tree Management Technical Guidelines (TMTG)</p> <p>Outlines requirements, procedures and standard specifications for <i>Council</i> staff, land managers, contractors, the community, and developers for the management of trees within the Liverpool LGA, relating to Protection & Preservation, Planting & Selection and Best Practice Management & Maintenance.</p> <p style="text-align: center;">LINK TO DOCUMENT</p>	<p style="text-align: center;">Liverpool Development Control Plan (Various) - Tree Related Controls</p> <p>Provides objectives and provisions for all development that may have impact on the health or structural stability of a tree. Identifies tree management controls for all development, the land to which the controls apply, the trees to which the controls apply, any exemptions and the applicable planting requirements.</p> <p style="text-align: center;">LINK TO DOCUMENT</p>