

B1.5 Trees and Vegetation

Background

Trees and vegetation contribute to local amenity and help make our urban environment liveable by ameliorating climatic extremes, improving air quality, providing habitat, reducing erosion and salinity. Future development in the Camden LGA will place significant pressure on existing trees and space for new trees as available land becomes increasingly scarce. This subsection aims to prevent unnecessary tree and vegetation removal and poor tree and vegetation management.

Objectives

1. Protect the trees and vegetation that contribute to the ecological, botanical, cultural, heritage and aesthetic amenity of the Camden LGA.
2. Provide guidance on recommended tree species for the Camden LGA based on ecological, cultural, botanical, heritage, aesthetic and local/regional relevance.
3. Provide criteria for permitting removal and appropriate ongoing management of prescribed trees and vegetation.
4. Establish exemptions that may apply under certain circumstances.
5. Ensure that stakeholders are notified where proposals involving tree removal are likely to impact on local amenity.
6. Ensure where appropriate tree removals are offset by replacement planting so that overtime there is no net loss of Camden's biomass.

Controls

Note: Clause 5.9 of LEP 2010 refers to the preservation of trees and vegetation within the Camden LGA. Reference should be made to this clause in addition to this section for matters concerning when consent is or is not required for the removal of trees and vegetation.

1. In Clause 5.9(2) of LEP 2010 a tree or vegetation is prescribed as being any tree, sapling or shrub which meets or exceeds one of the following:
 - (a) is 3 metres or more in height;
 - (b) has a circumference of 300mm (100mm diameter) or more at a height of 1 metre above natural ground surface; or
 - (c) has a branch span of 3 metres or more.

Note: If a tree(s) or vegetation is, or forms part of an identified threatened species, endangered ecological community or habitat of a threatened species (flora or fauna) within the Camden LGA, consideration of their size is irrelevant. The preservation of the threatened species community takes precedence.

2. Clause 5.9(3) of LEP 2010 extends to a public authority except in relation to the pruning of a tree growing on, overhanging or encroaching onto land owned by the Council or under its care, control and management.
3. If the Council receives an application to remove a tree, it must notify owners or occupiers of the land adjoining the land to which the application relates if, in Council's opinion, the enjoyment of the adjoining land would be detrimentally affected by the proposal.
4. Council must specify in the notice a period within which written submissions may be made and must not determine the application until that period has expired and it has considered any submission received.
5. This DCP does not apply to or in respect of:
 - (a) a tree that is confirmed dead by a qualified arborist, provided that the tree does not contain hollows or habitat resources;
 - (b) a tree that harbours fruit fly;
 - (c) the following trees:

- (i) Privet (*Ligustrum sp.*)
- (ii) African Olive (*Olea africana*)
- (iii) Honey Locust (*Gleditsia triacanthos*)
- (iv) Lantana (*Lantana camara*)
- (v) Cocos Palm (*Syagrus rhomanzofianum*);

Note: Where it is proposed to remove any of the above species from land determined to be State Protected Lands, the Guidelines for the Clearing of Exotic Trees and Dead Native Trees on State Protected land must be followed.

- (d) the destruction or removal of a tree, within 0.5 metre of the boundary between land owned or occupied by different persons, for the purpose of enabling a survey to be carried out along that boundary by a registered surveyor.
 - (e) Minor pruning of branches no greater than 50mm diameter provided that:
 - (i) the pruning is undertaken to promote good plant health (AS 4373 Pruning of amenity trees).
 - (ii) if the tree is located on a neighbouring property, the permission of the owner has been sought prior to pruning work.
6. Council must not grant consent unless it has taken into consideration:
- (a) the aesthetic, botanical, ecological, cultural and heritage importance of the tree (refer to chapter B3 for more information).
 - (b) whether the tree presents or is likely to present a health or safety hazard to persons.
 - (c) where action is required to restrain or prevent damage to property.
 - (d) the extent to which the tree overshadows habitable rooms in buildings and outdoor areas.
 - (e) whether the tree obstructs or would be likely to obstruct accessways, footpaths, roads, utility services, drainage lines or the like or would otherwise cause a nuisance to, or endanger the movement of, persons or their vehicles.
 - (f) the impact of the action or work on the appearance, health or stability of the tree and the general amenity of the surrounding area.
 - (g) in the case of an application for consent to remove a tree:
 - (i) whether the pruning of the tree would be a more practical and desirable alternative.
 - (ii) whether a replacement tree or trees should be planted.
 - (h) guidelines, plans and policies adopted by the Council on the preservation and protection of trees, including:
 - (i) "Camden Significant Tree and Vegetated Landscape Study".
 - (ii) plans of management or vegetation plans.
 - (iii) tree management policies.

Note: For further information please refer to Camden Council's General Indicative Tree Listing

Further Information:

- *Tree principles and dispute resolutions adopted by the Land and Environment Court.*
- *Council's General Indicative Tree Listing*
- *The Guidelines for the Clearing of Exotic Trees and Dead Native Trees on State Protected Land*
- *Camden Significant Tree and Vegetated Landscape Study*