



PRESERVING OUR HERITAGE

PO Box 85, Hunters Hill, NSW 2110
www.huntershilltrust.org.au

General Manager
Hunters Hill Council
22 Alexandra Street
Hunters Hill NSW 2110

11 January 2023

cc Mayor & Councillors

Dear General Manager

We are writing to suggest that Council strengthens its current Trees and Vegetation Management Policy in light of the continuing loss of trees in our municipality on both private and public land. The cumulative impact is becoming more and more noticeable with the loss of our mature canopy resulting in less shade and a sense that the general green amenity within our garden suburb is changing. Residents are increasingly frustrated by Council's diminishing capacity to counteract this problem.

The Trust is therefore proposing that Council's existing information regarding Tree and Vegetation Pruning and Removal is urgently reviewed to include clear rules as to what is, and what is not, allowed with regard to removal of trees on private land, including the requirements under the NSW Housing Codes regarding Complying Development (see below). This would help to ensure a comprehensive policy that reflects Council's stated commitment to protecting and enhancing tree canopy within our much admired leafy municipality.

In the year to November 2021, 68 trees were lost and to date another 94 trees have been approved for removal - a total of 162 trees over two years. That is without the addition of multiple trees currently not notified under Complying DAs which do not need to specify if, or how many, trees are being removed.

There is no doubt that trees need to be removed for genuine reasons such as disease or serious damage to infrastructure where more than just pruning is required, but it appears that some removals are 'engineered' because those trees are deemed undesirable in a specific location.

In addition, the rise of large individual and multi-density homes built under Complying Development on former single home sites, is having a dramatic effect as mature trees and established gardens are cleared to build to the fence lines. We realise that Council has little power to influence Complying Development projects but under the NSW Housing Codes for Complying Development, there are conditions that need to be followed which we believe are not currently being implemented under Council's DA process.

Homeowners or developers using Complying Development **need approval to remove any trees that are over a height of 6m (8m in the case of new homes)** that are not within 3m of a building more than 25m².

The Significant Tree Register must also be checked but as this has not been updated since 2015, it is obviously critical that this Register is now updated urgently.

The full NSW Housing Codes directive which we believe Council must clearly publicise and manage is as follows:

Section 3.33 Setbacks of dwelling houses, attached development and detached development from protected trees:

(1) Pruning and removal of trees A complying development certificate for complying development under Division 1 is taken to satisfy any requirement under this Policy for a permit, approval or development consent to remove or prune a tree or other vegetation on the lot if—

- (a) the tree is not listed on a register of significant trees kept by the council, and
- (b) the tree or vegetation will be within 3m of any building that has an area of more than 25m², and
- (c) the tree or vegetation has a height that is less than—

- (i) for development that is the erection of a dwelling house—8m and is not required to be retained as a condition of consent, or
- (ii) in any other case—6m.

The process could be relatively easy to control at the time the application is received for a Complying Development DA. We understand there is a new appointee on Council staff inspecting these projects who could arrange to assess and establish a record of existing trees on site prior to DA approval and inspect thereafter. This would ensure that tree removals under Complying Development are monitored and managed in accordance with the Dept of Planning requirements and a greater number of healthy trees would be preserved.

We would also request that Council strengthens their policy on Tree Vandalism and Poisoning as currently, where poisoned trees are deemed unsafe, they are allowed to be removed under the Development Control Plan with no further consequences or penalty. This anomaly must be examined by Council in the DCP review but in the meantime we would suggest that if trees have been poisoned, they are made safe but are mandated to remain in situ to develop wildlife hollows. Where possible, banners stating the trees have been poisoned should be erected onsite to deter future vandalism.

We hope these suggestions can be incorporated into a more comprehensive Tree & Vegetation Policy and look forward to your reply as we believe residents need to feel confident that Council is doing whatever is in its power to preserve our mature tree canopy on both private and public land.

Yours sincerely



**Alister Sharp
President
Hunters Hill Trust**