

**TO: hsc@hornsby.nsw.gov.au
rstephens@hornsby.nsw.gov.au
dsheils@hornsby.nsw.gov.au
pruddock@hornsby.nsw.gov.au
councillors@hornsby.nsw.gov.au**

Submission for Draft Amendments Hornsby Development Control Plan 2013 Tree and Vegetation Preservation

January 2018

I support the Draft Amendments to the Hornsby Development Control Plan 2013 with regard to Tree and Vegetation Preservation on the following grounds:

- Hornsby Shire has had a rapid decline in its mature tree canopy over the past six years. A Council spokesperson was quoted in the local press on November 2017 as saying that *"If the current tree protection measures in the development control plans are not changed and no other initiatives are deployed, it is calculated that at the current rate of tree loss in urban areas there would be no trees at all in 34 years' time"*. 15,000 mature trees were lost in one year alone.
- It is commendable that Council aims to plant more trees in parks and streets. However there is a long wait for these trees to mature, the cost burden falls onto Council and in many public places it is not appropriate to plant large trees. To reverse the rapid decline in Hornsby Shire's mature tree canopy Council must protect the existing mature trees which can be done by Council's proposed amendments which protects all tree species except those nominated as weed species.
- I therefore support the proposed amendment to the HDCP to include protection of all trees (excluding the listed weed species) as all trees make a valuable contribution to the mature tree canopy. While it is commendable to preserve Australian native trees, the inclusion of exotic species is also necessary. I would not support simply increasing the number of native species protected as it would not stop the rapid decline in Hornsby's tree canopy. Exotic species are often more suitable for suburban gardens with the trend to smaller lot sizes. Exotic trees have the following advantages -
 - there is a wide range of species with smaller growth potential
 - exotic trees with deciduous characteristics offer shade in summer and light in winter, providing significant energy savings for households
 - exotic species don't have the same growth characteristics as many natives, in particular eucalyptus, which shed large limbs making them unpopular with many people
 - native wildlife depends upon exotic species as a food source when native vegetation is not flowering or in fruit. Species such as the Powerful Owl in turn depend on native wildlife
 - while some people don't like cleaning up leaves, twigs and blossoms, it is no different to the maintenance needed for a swimming pool. If someone doesn't want a pool they either don't buy a house with a pool or they buy the house and maintain the pool
- Mature trees are essential if Hornsby Shire is to preserve and increase its wide diversity of native wildlife as they provide habitat and breeding nests and hollows.
- There has been widespread damage to and loss of mature trees on and adjacent to development sites where trees are supposed to have been retained. I therefore support the proposed amendment to include the provisions of Australian Standard AS 4970 Protection of Trees on Development Sites, for all trees that are to be retained on and adjacent to development sites.
- Unskilled tree pruning work can cause long term and irreversible damage to trees. I therefore support the proposed amendment that all tree pruning work must be carried out in accordance with Australian Standard AS 4373 Pruning of Amenity Trees.
- I support the proposed amendment to replace removed trees with trees of like habit of any species.
- I support the use of the word "must" in regard to the application of these Australian Standards.

However there are some inconsistencies in the Draft HDCP amendments. To ensure consistency in the Hornsby Council Tree & Vegetation Protection measures and with the NSW Vegetation SEPP, the following references must be consistent across all clauses:

Reference to:

- the Australian Standards AS 4970 Protection of Trees on Development Sites and AS 4373 Pruning of Amenity Trees must be consistent across the Tree and Vegetation clauses of the HDCP
- the definition of Tree Protection Zones must include reference to the relevant clause of AS 4970 with regard to determining the TPZ
- the definition of indigenous tree should be removed as it is no longer relevant and may be confusing
- evidence required "*by Council in writing and shown by recorded photographic evidence or written evidence provided by a qualified Arborist (AQF.5)*" must be included in all applicable clauses
- the period of time in which the likelihood of damage from trees may occur must specify "*in the near future*" which is consistent with Land and Environment Court Yang v Scerri [2007] NSWLEC 592
- species protected under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) must still be given adequate protection and therefore specific reference to these species must be included in the Tree and Vegetation Clauses
- trees being "*significant*" must be amended to "*to be retained*" to ensure consistency with the proposed amendments approved at the Council meeting on 13th December 2017 which I support. All references to only trees that are of "*significance*" or "*significant*" must be amended
- prescribed vegetation must include "*vegetation within a Hornsby Shire Council heritage conservation area*" and "*vegetation that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance*" to ensure consistency with the new State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, otherwise known as the Vegetation SEPP 2017
- "*land within a Heritage Conservation Area*" must be included in the table of types of tree application required. All clauses that refer to a "*heritage item*" must also refer to a "*Heritage Conservation area*" which is consistent with the Vegetation SEPP 2017
- pruning of neighbour's trees with neighbour's consent must be included to ensure consistency with the Hornsby Tree Application form which references the HDCP
- a method whereby residents can check online as to whether a tree application has been lodged and approved should be included to act as a deterrent to illegal tree loppers and illegal tree removal
- inclusion of irrigation systems on development sites to ensure new plantings survive and thrive.

CONCLUSION

Hornsby Shire Council is to be commended for proposing amendments to its HDCP to ensure that Hornsby Shire's mature tree canopy is preserved and enhanced. **Congratulations to all Councillors and staff that have enabled these changes to be put forward.** I sincerely hope that these amendments come into force at the earliest possible time.

After many years of substantial losses of mature trees in Hornsby Shire, it is now a matter of utmost urgency that the rapid decline in the mature tree canopy is both halted and turned around.

I therefore strongly support the Draft Amendments to the Hornsby Development Control Plan 2013 with regard to Tree and Vegetation Preservation, together with the additional points made above that will ensure consistency in the HDCP Tree and Vegetation Clauses as well as with the new biodiversity laws which includes the SEPP (Vegetation in Non-Rural Areas) 2017.