



Vegetation Removal Offset Policy

POLICY OBJECTIVE

The objective of this policy is to ensure that effects of vegetation removal do not adversely affect the environment of Goulburn Mulwaree.

LEGISLATIVE PROVISIONS

Environmental Planning and Assessment Act 1979

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Biodiversity Conservation Act 2016

Local Land Services Act 2013

POLICY STATEMENT

Council and the community value the environmental and aesthetic contribution that individual trees, groups of trees and remnant native vegetation make to our natural and built environments. To protect existing vegetation Council restricts the removal of trees to only that which is necessary.

Trees provide a wide range of benefits for local residents and visitors. These benefits include increased comfort through shading and amenity values, habitat for birds and other wildlife, improved health and wellbeing for local residents, and increased property values. Trees achieve these benefits through ameliorating climate and environmental extremes (e.g. heat island effects, noise pollution, wind, airborne pollution); providing environmental benefits (e.g. carbon storage and sequestration, habitat and ecosystem restoration) and being pleasant to live near (providing benefits for mental health and wellbeing). The specific value of trees to urban residents may vary though, on average, the values are substantial.

The values of existing trees

Existing trees provide the following benefits:

- **Environmental** - improved water quality, improved soil health, increased biodiversity including fauna habitat and climate change mitigation.
- **Social** - increased social interaction, mental health and wellbeing through nature connection, amenity and comfort benefits, and physical health
- **Economic** - reduced energy consumption, increased property values, reduced costs from storms and floods, increased life of public infrastructure, and in some cases food or other products.

Retention preferred to removal

Because of the merits of existing trees and other vegetation as described above, retention of vegetation is preferred to removal and replacement. Approval for removal will only be given when retention is not an option due to poor health or structure, negative impacts or inappropriate location make retention not viable.

Apply the avoid, minimise, offset principle

Environmental impacts must first be avoided and minimised before any residual impacts are mitigated. Removal is to be the final option when considering vegetation management. This strategy meets the sustainability principle of “no net loss” of biodiversity by development as defined in the NSW State Government Biodiversity Assessment Method.

To achieve no net loss, developments/removal applications will avoid and minimise environmental impacts. Actions shall include modifying the proposal to avoid the removal of vegetation. Avoidance and minimisation measures can reduce, and potentially remove the need for removal.

The removal of hollow bearing trees is to be avoided. Hollow bearing trees provide nesting sites for birds and other native fauna. It takes 100 years plus for trees to develop hollows and they are an invaluable environmental resource.

Clearing of vegetation - when removal is unavoidable

Approval for removal of vegetation will only be considered by Council when all other means of avoiding the impacts of a development proposal on a site's environmental values have been exhausted.

An applicant must demonstrate that all alternatives for a development/removal proposal and all measures to mitigate impacts have been considered. If avoid or minimise principles have been demonstrated to not be possible, the need for removal has to be justified by the applicant.

Council approval is required prior to the removal of trees that are greater than 3.0 meters in height or width or with a trunk diameter that is greater than 0.2m when measured 1.2 metres above ground. Priority Weeds as set out in the *Biosecurity Act 2015* (formerly known as Noxious Weeds) and weeds identified as Environmental Weeds in *Goulburn Mulwaree Development Control Plan* section 3.9.7 are exempt from the need for approval prior to removal.

Clearing of vegetation refers to any act that results in the permanent loss of or irreversible damage to vegetation. Specifically it means to remove, cut down, ringbark, push over, poison, or destroy vegetation in any way including burning, flooding, draining or changing the ground level (cutting or filling) at the base of the vegetation.

This policy does not apply to developments that trigger State Government legislation such as the *Biodiversity Conservation Act 2016* or the *Local Land Services Act 2013*.

Development and vegetation replacement/offset

Council is seeking to link its program of tree and vegetation planting and maintenance to offset the loss of trees due to development.

Council will offset tree loss by planting and revegetation of Council owned and managed land. Funding for this program will be supplemented by:

- Tree removal fees that will be set at a scale dependent on the number of trees to be removed (for applications using the DCP pathway – not development applications).
- Planning agreements with developers
- Local Infrastructure Contributions Plan projects
- The identification of suitable sites for offset under *the Biodiversity Conservation Act 2016* (Biodiversity Conservation Trust: Biodiversity Stewardship Agreements).

Cost of removal applications

Council will apply a fee for vegetation removal applications under *Council's Development Control Plan 2009*. Refer to Council's Fees and Charges (note this policy is in relation to vegetation removal charges for tree/vegetation removals under the *Goulburn Mulwaree Development Control Plan 2009* – and does not apply to fees and charges associated with development applications).

Use of funds from removal applications

Council will plant trees, shrubs and ground covers on Council owned or managed land. Council will prepare the site, source and plant appropriate plant species, maintain the plantings and replace failed specimens.

How does this policy apply to Council projects?

Council undertakes a number of activities that involve the installation, operation and maintenance of public infrastructure such as roads, water/sewer services, recreational facilities such as parks, sports fields etc. Generally most Council activities do not require development consent and are undertaken either as routine exempt activities or are assessed under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) through a "Review of Environmental Factors" (REFs). Accordingly there are no "fees" for Council projects.

Council as a part of its activities will follow avoidance and mitigation principles for tree management where possible. When REFs are undertaken, the management of trees and native vegetation is a major consideration where avoidance and mitigation principles are also applied.

Notwithstanding the above, Council intends to also offset its activities where possible (where avoidance and mitigation cannot be feasibly achieved). Accordingly the following will occur:

- Where trees require removal in an urban setting (e.g. tree removal in parks or road sides), trees will be replaced at a ratio of 1:3. Where possible trees will be replaced on or near the site of the trees removed and will be replaced with native species. It should be noted that some parks and streetscapes (particularly within heritage conservation areas) have established plantings of exotic trees. These established character areas will generally be replanted with trees species consistent with existing plantings.

There may be instances where trees cannot be replaced in the same area, in these instances Council will offset the loss in a suitable alternate location.

- Where trees occur in non-urban/rural areas (primarily along rural roads) re-vegetation plans for disturbed areas of vegetation will be implemented as condition of the REF which may specify locally endemic species. Depending on the locality and the assessment of other factors this could be re-vegetation with a variety of species from native grasses, forbs (herbs) and shrubs through to trees where appropriate.

Other Relevant Information

- The EP&A Act via *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP). The Vegetation SEPP sets up a framework for the clearing of vegetation not associated with a development applications in certain areas and is applied through the *Goulburn Mulwaree Development Control Plan 2009* (refer to Council's web site).

The EP&A Act also has effect in relation to the provision of Part 7 of the *Biodiversity Conservation Act 2016* which contains additional requirements with respect to assessments, consents and approvals under this Act.

- The *Biodiversity Conservation Act 2016* requires Development Application proponents to offset vegetation removal where the vegetation is mapped or the area exceeds stated thresholds (and avoidance or mitigation cannot be achieved).
- The *Local Land Services Act 2013* places requirements on applicants in Rural Zones where vegetation is mapped as regulated land. Tree removal applications in rural zones are managed by Local Land Services.
- The Biodiversity assessment and approvals navigator is a useful tool to help determine the pathway for assessment under the various legislation. The navigator can be found on the Office of Local Government website.
- See also Council’s website for information on Vegetation Clearing.

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Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	15 June 2021	2021/248	15 June 2021	
2	7 September 2021	2021/408	7 September 2021	7 September 2021
3	3 May 2022	2022/146	3 May 2022	31 May 2022
All policies can be reviewed or revoked by resolution of Council at any time.				

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