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AGENDA

Hearing of Submissions Committee Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 25 March 2019
at 5.30pm.

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Agenda

1. MEMBERSHIP

Cr. Susan Rennie (Mayor) (Chairperson)

Cr. Susanne Newton (Deputy Mayor)

Cr. Steph Amir

Cr. Gaetano Greco

Cr. Tim Laurence

Cr. Kim Le Cerf

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Julie Williams

2. APOLOGIES

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF THE PREVIOUS HEARING OF SUBMISSIONS COMMITTEE MEETING

Recommendation

That the Minutes of the Hearing of Submissions Committee Meeting held on 20 August 2018 be confirmed as a correct record of business transacted.

5. CONSIDERATION OF REPORTS

5.1 LOCAL LAW FOR THE PROTECTION OF TREES ON PRIVATE PROPERTY

Author: Manager Parks and Gardens

Reviewed By: General Manager Operations and Capital

PURPOSE

To receive and hear public submissions on the draft City of Darebin Tree Protection Local Law as per the requirements of sections 119 and 223 of the *Local Government Act 1989*.

EXECUTIVE SUMMARY

On 4 February 2019 Council endorsed the draft Tree Protection Local Law 2019 and Management of Tree Protection on Private Property Policy 2019 for public submission under section 223 of the *Local Government Act 1989* for the statutory 28 day period from 14 February 2019 to 15 March 2019.

At the close of business on 15 March 2019, Council had received 11 submissions.

Council is required to receive, hear and give consideration to any submissions ahead of adopting the draft City of Darebin Tree Protection Local Law.

Recommendation

That Council:

- (1) Notes that pursuant to Council's resolution made at its Ordinary Meeting of Council on 4 February 2019, the draft City of Darebin Tree Protection Local Law has been on public exhibition for written submission as per the requirements of sections 119 and 223 of the *Local Government Act 1989* for a period of 28 days.
 - (2) Receives, hears and gives consideration to the public submissions made in regard to the draft City of Darebin Tree Protection Local Law.
 - (3) Notes that a further report on the draft City of Darebin Tree Protection Local Law will be presented at the Ordinary Meeting of Council on 8 April 2019.
 - (4) Thanks all submitters and presenters for addressing the Committee in support of their written responses.
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BACKGROUND / KEY INFORMATION

At the Council Meeting of 4 February 2019 Council endorsed the draft Tree Protection Local Law 2019 and Management of Tree Protection on Private Property Policy 2019 for public submission under section 223 of the *Local Government Act 1989* for the statutory 28 day period from 14 February 2019 to 15 March 2019.

Previous Council Resolution

At its meeting held on 4 February 2019, Council resolved:

- (1) *'That Council endorses the draft Tree Protection Local Law 2018 and Management of Tree Protection on Private Property Policy 2018, attached at Appendix A and B for public submission.*
- (2) *Undertakes a public consultation process in accordance with Section 223 of the Local Government Act 1989. Public submissions can be made for a period of 28 days. Any person who makes a written submission in relation to the draft Tree Protection Local Law 2018 and requests to be heard in support of the written submission, will be heard by the Hearing of Submissions Committee at a date and time to be fixed no earlier than 7 days after the submission closing date.*
- (3) *Notes officers will give notice in the Government Gazette and public notice in accordance with sections 223 of the Local Government Act 1989 of Council's intention to adopt, the Tree Protection Local Law 2018 at an Ordinary meeting of Council.'*

COMMUNICATIONS AND ENGAGEMENT

Consultation

The communications and community consultation has been in accordance with the requirements of the *Local Government Act 1989*:

- Public Consultation - Minimum of 28 days.
- Public consultation process is undertaken in accordance with section 223 of the *Local Government Act 1989* (28 day minimum consultation process).
- Public Notice with intention to make Local Law is given in the Government Gazette and placed in the Age, copy of advertisement to be placed in the Preston and Northcote Leaders.
- Hearing of Submissions to be held on 25 March 2019.

Communications

The communications plan is included in the consultation section.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 1 - A sustainable city

The introduction of tree protection on private land is an action of the Urban Forest Strategy.

Environmental Sustainability Considerations

Introduction of tree protection will greatly assist in achieving Council's goal of preserving and enhancing the urban forest.

Equity, Inclusion and Wellbeing Considerations

There are no equity, inclusion and wellbeing considerations relevant to this paper

Cultural Considerations

There are no cultural considerations relevant to this paper.

Economic Development Considerations

There are no economic development considerations relevant to this paper.

Financial and Resource Implications

Management of a tree protection local law for trees would require additional staff resources. A full time Planning arborist authorised officer would be needed to administer the local law. Approximate salary cost would be \$80,000 per year. An additional \$40,000 for set up costs would also be required. This would be partially offset with the application of a \$200 per application fee. If the Local Law is adopted by Council, funding will be sort as part of the development of the 2019/20 Council Budget.

Legal and Risk Implications

A number of possible risks are addressed by the proposed Local Law. The first relates to ensuring that the risk to the urban forest by unregulated tree removal is minimised. Another risk is addressed by providing a means of regulating tree removal where development is to occur.

As a result of risks that arise from threats to public safety because of the health, condition or location of a tree, the requirement for a permit may be waived providing the owner has contacted Council's arboriculture department.

DISCUSSION

There have been ten submissions made to Council on the Draft Tree Protection Local Law.

A future report will provide a detailed response and analysis of the submissions including issues raised, and recommendations for if/how these concerns may be addressed, should Council decide to proceed with the proposed local law. The purpose of the Hearing of Submissions is not to analyse or respond to concerns raised in submissions; rather, its role is for the Committee to hear the concerns of submitters.

A confidential copy of all submissions received is in **Appendix A**

OPTIONS FOR CONSIDERATION

The option available to Council at this stage is to receive, hear and give consideration to the submissions ahead of the adoption of the draft Tree Protection Local Law 2019.

IMPLEMENTATION STRATEGY

Details

Hearing of Submissions will take place on 25 March 2019. Following the Hearing of Submissions a report will be presented to Council on April 8 2019

Communication

Each person who has lodged a submission will be notified in writing, thanking them for their submission and advising of the time date and place of the Council meeting to consider submissions.

Timeline

Following consideration of the submissions received and made in relation to the draft local law, a further report will be prepared for consideration by Council to consider adoption of the local law

RELATED DOCUMENTS

- Council Meeting Minutes 4 February 2019
- Urban Forest Strategy

Attachments

- Combined emails - submissions for the Tree Protection Local Law (**Appendix A**)
Confidential - enclosed under separate cover

DISCLOSURE OF INTEREST

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

6. CLOSE OF MEETING