

Submissions and Responses Local Law for the Protection of Trees on Private Property		
	Submission	Recommended action taken
Submission 1	<p>I am looking for guidance in removing the dead dangerous branch on this tree. It is 125 cm circumference @ 1.5 high on the trunk and is over 8 meters high.</p> <p>According to proposed legislation I need an arborist at \$350 per hr. to do it.</p> <p>Does anybody think this stuff through?</p> <p>Please thoughtfully think through the response.</p>	<p>The proposed Local Law allows for regular maintenance on trees to occur without permit, especially if the part of the tree is dangerous, such as dead fronds or branches.</p> <p>This process is similar to many other Councils.</p> <p>The Local Law and Policy have been updated to include removal of dead fronds as an exemption for permit.</p>
Submission 2	<p>Clarification of what fruit trees might be included for protection and therefore require a permit to prune or remove.</p>	<p>All fruit trees of a height greater than 8m and with a trunk circumference of 125cm or greater at a height of 1.5m would be considered protected. This will apply to all trees on private property.</p> <p>This is outlined in the Policy, with no change recommended to the Local Law or the Policy.</p>
	<p>Thank you very much to Councillors and Council Officers who have worked to produce the considered and detailed proposed local law documents.</p> <p>My sincere hope is that this law will help protect the attributes of our urban canopy that we hold dear.</p> <p>To this end I would like to add some further comments for you to consider including in the proposal in an aim to better meet community expectations of the policy. At 8.1 on replacement trees; inclusion of a timeline for the replacement trees to reach the canopy required. That replacement trees be of a designated size on replacement so that we are not waiting a life time for them to reach the required size. This fits with the aims of the policy to protect, replace and increase the canopy.</p>	<p>Council has not specified any time frames for trees to reach canopy required, as this will vary for different species of tree and also with growing conditions present at each location.</p> <p>The Policy has been updated to include the wording “any tree planted as a replacement must be at least 1.5m high with a minimum (pot) size of 40cm”.</p>
	<p>Social considerations - There needs to be social considerations included in the criteria for assessment for non-removal. Neighbours should have a chance to object to the removal of a tree that they deem significant to the neighbourhood. There should be recognition in this policy of socially significant trees like a canoe tree or a commemorative tree planting.</p>	<p>Social consideration along the lines suggested can be problematic. As the tree is on private property consultation with neighbours could be seen as interference in a private matter.</p> <p>No change is recommended to the Local Law or the Policy.</p>

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	<p>The focus should include significance as well as canopy protection. I am concerned that there will still be no local law to protect significant trees other than for their age, size and canopy. We risk losing the stories of our history relating to this type of tree if we don't find a way to protect them.</p>	<p>No change is recommended to the Local Law or the Policy.</p>
	<p>It is necessary to include protection for trees that provide habitat for endangered species of animals e.g. grey headed flying fox, barking owl, powerful owl. We have seen threat and removal of trees significant to other species and would like a mechanism to ensure their protection in this policy. We have not seen protection of this type of vegetation so far through the Environmental Significance Overlay or the Vegetation Protection Overlay.</p>	<p>This is valid point. Council already assesses trees on public land and wildlife is considered in the final decision. Trees on private property can also be assessed. If there is evidence of native fauna options other than immediate removal could be considered.</p> <p>No change is recommended to the Local Law or the Policy.</p>
	<p>There should also be included protection for endangered species of flora.</p>	<p>If there is evidence of endangered flora options other than immediate removal could be considered.</p> <p>The policy covers all trees of a height greater than 8m and with a trunk circumference of 125cm or greater at a height of 1.5m.</p> <p>No change is recommended to the Local Law or the Policy.</p>
Submission 3	<p>I fully support the Proposed Tree Protection Local Law on Private Property. My landlord cut down a Lemon Scented Eucalyptus Tree in my back yard. He said he was going to prune it and he lied cutting down the tree at the roots. I now have no shade in my back yard and a large stump. The tree was perfectly healthy and posed no risk. I rang the council at the time before he arrived as he had wanted to cut it down and I had been telling him I didn't want that to happen. The Real Estate Agent told me there was nothing I could do. It was heartbreaking.</p>	<p>The submission is in support of the local law.</p> <p>No change is recommended to the Local Law or the Policy.</p>

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<p>Submission 4</p>	<p>I think that a tree protection law is a good idea, I am wondering why the same law would not also cover the trees in the streets. I walk every morning and there have been teams of council operators brutalizing the street trees without any respect to the shape of what is left after they attack them to supposedly make it easier for the council trucks to collect rubbish etc. If you bothered to walk around Northcote area you would know that cars are always parked in the streets and the trucks get nowhere near the trees. They have no idea how to shape the trees or regard them in anyway. I think what they are doing is disgusting to our street scapes.</p>	<p>No change to the Local Law or Policy is recommended as Council already protects street trees through various strategies and policies such as the Urban Forest Strategy and Green Streets Strategy.</p> <p>Pruning is undertaken for several reasons-</p> <ul style="list-style-type: none"> • Electric Line Clearance. This is a regulatory requirement to ensure the safety of the system • Formative pruning • Safety reasons such as appropriate clearance of footpaths and roads.
<p>Submission 5</p>	<p>I commend Darebin City Council for considering the proposed Tree Protection Law.</p> <p>The new law is a progressive change to protect important habitat and biodiversity within the municipality.</p>	<p>This submission supports the introduction of the Local Law.</p> <p>No change to the Local Law or Policy is recommended.</p>
<p>Submission 6</p>	<p>Dear Darebin Council Regarding the proposed Tree Protection Law I have had had many discussions and comments from neighbours and other members of the community regarding this proposed new law and have several questions and comments-</p> <p>The majority of people are all in favour of more trees – me especially however there are concerns about the Local Laws provisions perhaps you may think some of these queries are without merit however, we would like them clearly clarified before the Law is passed please.</p> <p>Pruning without a qualified arborist. Community members are concerned about the cost of getting an arborist and also paying for a permit – especially low income earners I know there is some assistance provided but it is still restrictive</p>	<p>Pruning of large trees (protected trees) is usually undertaken by those with advanced skill and knowledge, with the ability and equipment to perform these works.</p> <p>Pruning of a protected tree by a suitably qualified person, as per Australian Standards does not require a permit, so the cost of maintaining these trees will not change with the introduction of the Local Law.</p> <p>The Policy has been updated to explain the above.</p>

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	<p>What is the definition of minor pruning? The community are concerned about this and fear a fine for pruning. What about in winter when a branch falls or needs to be trimmed back from the footpath or power lines? This should be allowed by owners comments are that the opportunity not to simply prune back in winter is too restrictive.</p>	<p>Minor or regular pruning for maintenance is defined in the Policy.</p> <p>The Local Law only applies to trees over 8m tall and with a trunk diameter greater than 125cm at a height of 1.5m.</p> <p>No change is recommended to the Local Law or the Policy.</p>
	<p>Power of Authorised Officers to enter properties. The community do not want the council to enter their property without their permission.</p>	<p>The Local Law states that “Council will not enter private property to inspect trees without the permission of the owner.”</p> <p>No change to the Local Law or Policy is recommended.</p>
	<p>The Local Law is for private properties. It is not clear that this also covers companies and also developers. I have been assured by Council that this is the case but many would like be reassured that they will be captured by this law and will not find ways around it.</p>	<p>The Local Law covers all trees on private land. The Law covers developers and companies who own land in Darebin.</p> <p>No change to the Local Law or Policy is recommended.</p>
	<p>The Local Law says if you may be required to pay \$486 to fund a tree for an open space if the tree is not replaced and also the fine for not adhering to the permit is \$2000. This amount is a lot for the ordinary community but is only a small amount for developers and they will simply pay the fine and cut down trees – What is to prevent this please?</p>	<p>The fine is the maximum that can be applied under the Local Government Act.</p> <p>Should a tree be removed Council can order the tree be replaced by one of a similar height and growth habit.</p> <p>Council can take the offender to court to recover costs Local Law officers can be requested to respond quickly to possible breaches of the Local Law.</p> <p>No change is recommended to the Local Law or Policy.</p>
	<p>Powers of the Authorised officers we are relying on the officers to be flexible and use common sense and not be too authoritarian</p>	<p>Authorised officers will take into account the situation of the resident and reasons for the application.</p> <p>No change to the Local Law or Policy is recommended.</p>
	<p>What about the paper work and administrative time and effort for the officers to follow up every enquiry from the public and examine each permit on its merit – Has the council thought about how this is going to work? How can the council officers meet with the community if they are at work and cannot easily take time off?</p>	<p>Council has considered and planned the implementation of the Local Law if adopted. Should the Local Law be adopted by Council it will be adequately resourced by appropriately qualified officer.</p> <p>No change to the Local Law or Policy is recommended.</p>

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	<p>What about people from non-English speaking backgrounds – How will they become aware of the new laws, how about Building Corporation owners – How are they being notified?</p>	<p>If the Local Law is adopted Council will use all available channels to communicate with all of Darebin’s diverse communities.</p> <p>No change to the Local Law or Policy is recommended.</p>
<p>Submission 7</p>	<p>Urgent problem with proposed Tree Protection Local Law: need for interim protection for trees of significance</p> <p>I am emailing to alert you of a pressing issue requiring your urgent attention: the need for you to bring in interim tree protection orders to preserve trees of significant in Darebin. While the lengthy process for the Tree Protection Local Law consultation takes place and then the equally lengthy local law and policy drafting process and enactment that will follows drags on, there are many trees of significance in Darebin that are unprotected under local laws. This gives anyone wanting to subdivide their property about a one-year head start to destroy trees of significance on the property so that they can then apply for planning permission and squeeze in even more town houses on the cleared land, further increasing our vulnerability to heat stress.</p> <p>Last week surveyors were a location in Reservoir preparing plans for an application to subdivide the land for townhouse development. At the front of the house there is an amazing, massively tall old Norfolk Island pine tree. It predates the house and is the home to an array of birds. This tree is listed as vulnerable on the IUCN Red List yet there is no protection order on this particular tree in Darebin. That means that at any time, the owners can simply have it chopped down to make way for even higher density living that won’t need to incorporate retaining the tree in the redevelopment application.</p> <p>As you can see from this case study, there is great economic incentive for people to pre-emptively act and destroy trees of significance before the lengthy local law review is complete.</p> <p>Anecdotal evidence shows that this has already happened in other local councils.</p>	<p>Council was concerned about the impact of announcing the Local Law to protect trees on private property and the lead in time for adoption but to date Council has not had any reports of significant trees being removed.</p> <p>Council are taking the quickest approach by adhering to the legislative minimum times for consultation under the Local Government Act.</p> <p>At this stage Council are not considering planning scheme amendments.</p> <p>Council cannot put interim controls in place as the same process would need to be followed as for a local law.</p> <p>If changes were to be made to the planning scheme it would take at least twelve months for it to be approved.</p> <p>No change to the Local Law or Policy is recommended.</p>

	<p>Solution Council needs to act urgently by enacting interim protection orders for trees of significance. Residents should be permitted by Council to nominate their local trees of significance. Trees that meet a defined criteria as trees of significance should then be placed on an interim protection order and any planning permission for redevelopment should only be granted where the proposal allows for the retention of the tree.</p> <p>Why is it imperative for Darebin to act? Darebin needs to take leadership and act on this issue because it is one of nine LGAs in Australia determined by the 2020 Vision as most vulnerable to heat stress. By failing to protect our most important, established iconic trees that we do have, and replacing them with high density concrete jungles, we are ensuring the impact of climate change in Darebin will be even more severe.</p>	
<p>Submission 8</p>	<p>May I please indicate my support for the new/proposed 'Tree Protection' Laws as summarised on the City of Darebin Website and advertised in our local paper this week.</p> <p>My support comes from the fact that I understand the value (economic, environmental, and aesthetic value) of Flora and Fauna (including large Trees such as River Red Gums and the like) within our community and environment, in particular out our way here in Macleod/Bundoora.</p> <p>My appreciation of large trees around our area resulted in an article I wrote which pays homage too, and celebrates the continued existence of many beautiful local trees in our surrounding area.</p> <p>However, in researching this article I became aware of how a number of 'so-called protected' trees have been removed over the past 18 or so years around here in the Estate, and of great concern to me was those trees that have just disappeared from private property without permits nor apparent consequence despite the best efforts of many in at the City of Darebin whom I have liaised with over time who clearly appreciate our local tree species as much, if not more than I do.</p>	<p>This submission supports the introduction of the Local Law.</p> <p>No change to the Local Law or Policy is recommended.</p>

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	<p>So any increased protection of our beautiful large trees is support and appreciated, and I would add that it would be ideal if these new/improved/strengthened local laws be delivered to each and every home owner each year (or at very least across this next year) with their Rates Notice if that is at all possible.</p> <p>In this way educating the community and potentially avoiding the 'but I wasn't aware' defence no doubt offered by some AFTER they have chopped down a beautiful tree.</p>	
Submission 9	<p>I commend Councils efforts to finally attempt to discourage the removal of large trees in our Darebin neighbourhoods. But in my view, this initiative should have been implemented years ago before the housing boom commenced that would have been an early discouragement.</p> <p>My response to the detail in this local law is: Fines to developers should be much more to be effective or developers will simply include the \$2500 as another cost. In Stonnington, apparently the fine is like \$20,000 - a real deterrent that would impact their margins.</p>	<p>The fines are the maximum allowed under the Local Government Act.</p> <p>The Stonnington figure is not a fine associated with the Local Law, but a tree protection bond as part of the Planning permit process.</p> <p>No change to the Local Law or Policy are recommended.</p>
	<p>To me, it is inconsistent to allow canopy trees to be removed from a site on the condition that new trees are planted elsewhere offsite. It means that leafy parts of Darebin and where trees are regarded as neighbourhood character, could potentially be denuded!</p>	<p>The first option under the local law is for the tree to be planted on the same site. If this is not possible the tree will be planted in public open space as close to the original site as possible.</p> <p>No change to the Local Law or Policy are recommended.</p>
	<p>The effectiveness and success of this local law will depend on its enforcement and the speed in which officer's act. Will officers be available on weekends and after hours to catch offenders who will inevitably commit the offence when there is little likelihood of getting caught?</p>	<p>Local Laws Officers are on duty at weekends to carry out investigations when reported or identified by the Local law Officer.</p> <p>No change to the Local Law or Policy is recommended.</p>
	<p>Another question pertaining to a real situation; If a branch of a tree on my property is overhanging the neighbour's house; does he need a permit to lop or is he still within his right to lop branches overhanging the fence?</p>	<p>If the tree is over 8m tall and has a trunk diameter of 125cm or greater at a height of 1.5 m, the owner of the property will require a permit and your permission when applying.</p> <p>No change to the Local Law or Policy is recommended.</p>
Submission 10	<p>We are writing to support the introduction of the proposed Tree Protection Local Law on private property.</p>	<p>Funding for a position to implement the Local Law has been applied for in the 2019-2020 draft budget.</p> <p>Permit fees will also assist with implementation costs.</p>

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	<p>However we would like to see it come with its own enforcement budget, since it has to change existing practices by landholders in Darebin.</p>	<p>No change to the Local Law or Policy is recommended.</p>
Submission 11	<p>I am writing to object to the proposed Tree Protection Local Law, I object on the following grounds: In its current form the new law places an unacceptable financial impost on property owners in that it requires payment of a \$200 fee to council and then the additional burden of having to pay a qualified arborist to perform any work on a tree that falls under the guidelines.</p>	<p>Pruning of large trees (protected trees) is usually undertaken by those with advanced skill and knowledge, with the ability and equipment to perform these works.</p> <p>Pruning of a protected tree by a suitably qualified person, as per Australian Standards does not require a permit, so the cost of maintaining these trees will not change with the introduction of the Local Law</p> <p>The Policy has been updated to include the above statement.</p> <p>The cost of a permit is a consideration for Council.</p>
	<p>It makes no distinction between trees of significance and those that in other jurisdictions are considered weeds e.g. pine trees, Pittosporum etc</p>	<p>The Policy refers to noxious weeds and that a permit is not required for their removal.</p> <p>No change to the Local Law or Policy is recommended.</p>
	<p>It is an unacceptable interference in the rights of property owners to manage their property as they see fit, if I have the right to plant trees on my property I surely have the right to remove or replace them without council dictating what I can and cannot do.</p>	<p>Council does consider the rights of all people but also places a high value on canopy trees and the benefits they provide for the neighbourhood.</p> <p>This is considered a high priority in a time of climate emergency.</p> <p>No change to the Local Law or Policy is recommended.</p>
	<p>This council has for many years now failed to ensure that any new developments implement the vegetation plans provided with the planning permit applications, Council have been contacted numerous times in the past to get them to enforce the planting the specified in the application. I contend that council would achieve far better outcomes if they actually enforced the vegetation plans put forward by developers.</p>	<p>This is a planning issue and not related to the Tree Protection Local Law.</p> <p>Council will work with the key stakeholders to review this process.</p> <p>No change to the Local Law or Policy is recommended.</p>