



Ku-ring-gai Municipal Council

Tree Management Policy

Adopted by Council 20 April 1999

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Introduction

Ku-ring-gai's beautiful landscapes, diverse plant and animal habitats, healthy and clean environment, outdoor lifestyles and higher property values, are all to some extent made possible because of the substantial presence of trees- on private and public land.

It is not always obvious, and some may not appreciate the values, but overall there are many benefits for everyone in living with trees.

- Trees are a major influence on streetscapes, contributing greatly to the appearance and value of property.
- Trees filter out nutrients, and soil or water contaminants, improving water quality.
- Trees consume carbon dioxide and produce oxygen for us to breathe, helping reduce the greenhouse effect and slowing global warming.
- Trees provide food and shelter for animals and plants, helping them survive in urban areas and preserving bio-diversity.
- Trees hold the soil together, preventing soil erosion and reducing siltation of streams.
- Trees produce nutrients for other plants and themselves, and produce compost for water conservation and soil protection.
- Trees provide shelter for property and people, reducing the risk of health problems and asset damage.
- Trees have intrinsic values that make people feel closer to nature and remind them they are a part of it.
- Trees reduce noise and dust, and help reduce heat radiation.

It is also recognised that Trees, of the wrong type or growing in the wrong place, can create problems and risks that are not reasonable in the urban environment and therefore removal reduction or replacement may be appropriate in these circumstances. Property owners and public authorities have certain legal rights and obligations with respect to protection of trees, and for the consequences of any damage or injury associated with the presence, failure or growth of trees.

Tree management is all about managing the various risks and benefits of trees in the environment to achieve the best community outcome. With this in mind is worth remembering the established appreciation of trees in Ku-ring-gai, which is expressed very well in the following quote by Phillip Mathews in 'Ku-ring-gai – Living with Trees' (1978).

"More than anything else in Ku-ring-gai it is the trees. More than the green folds of hills and gullies; more than the affluence of the homes that pepper them; more than the shiny threads of creeks and watercourses; more than the quiet. Trees dominate Ku-ring-gai's skyline, its slopes and the banks of its water-courses... . If a single bond draws Ku-ring-gai together, then surely it is the determination to protect the intrinsic value of the landscape"

A resident survey by the Hunter Valley Research Foundation in April 1998, identified that 'greening and tree preservation' is still an issue of high importance to the Ku-ring-gai community.

The Policy

The aim of documenting Ku-ring-gai's Tree Management Policy is to: establish a framework, outline a philosophy, and define strategies and directions for the management of trees on both private and public land.

Interpretation of this Tree Management Policy is meant to be undertaken in the philosophical context in which it was created. Therefore the following focus should be understood and respected.

A focus for status recognition (in non-development situations) that assumes all trees are significant, unless there is substantial evidence to indicate that they are not (Note: substantial evidence will be defined in Guidelines approved by Council based on arboricultural and ecological principles).

A focus for works and removal decisions that retains and protects trees, unless there is strong justification for removal (Note: a strong justification will be determined through decision-making consistent with Guidelines approved by Council).

A focus for assessment and reporting that assumes the safety and resilience of trees, unless there are significant signs to indicate this is not so (Note: significant signs would be defined in Guidelines approved by Council based on arboricultural and risk management principles).

A focus for tree review and appeals that places personal safety before community aesthetics, and community aesthetics before private convenience (Note: safety, aesthetics, and convenience issues will be determined by subjective and objective assessment by Senior Officers based on Guidelines approved by Council).

A focus for development proposals that emphasises the value of significant trees and recognises them as a legitimate constraint (Note: significant trees would be defined in Guidelines approved by Council based on arboricultural, heritage, and landscape principles).

A focus for development that requires it to occur in harmony with the natural character of an area rather than trying to dominate it (Note: character of an area would be as defined by local studies approved by Council).

A focus for tree planting that takes every reasonable opportunity to replenish the existing spaces unless there are sound reasons not to (Note: existing spaces means private and public land and refers to species suitable for the site as defined in Master Plans or Guidelines approved by Council).

A focus for tree selection that appreciates the diverse range of tree habits and species, unless these trees are significant pest plants (Note: significant pest plants would be defined according to government notice and local Policy).

A focus for tree decision-making generally that recognises the proprietary rights of owners and legal obligations (Note: the law provides some protection of rights that may conflict with tree conservation objectives).

A focus for tree protection that prefers a preventative approach and recognises the special attention required for construction and demolition sites.

The Outcome Sought

Implementation of the Tree Management Policy seeks to achieve **an outcome which maintains trees as the dominant feature in the landscape, and preserves trees as an essential component of the local ecology- for the benefit of people and the environment, present and future.**

1. Tree Management Policy

1.1 Appreciation of Trees

- 1.1.1 Take priority account of the special value of trees in the environment, and how the presence of trees makes a substantial contribution to the quality of residents lives, and the integrity of the natural environment.
- 1.1.2 Assume that all trees are an important part of the environment unless there is substantial evidence – as defined in approved Guidelines – to indicate that they are not.
- 1.1.3 Ensure tree related decisions support the retention and protection of trees unless there is strong justification – as defined in approved Guidelines – to prefer substantial works or removal.
- 1.1.4 Assess and report on tree situations presuming that they are safe and resilient unless there are significant signs – as defined in approved Guidelines – to indicate hazard or decline.
- 1.1.5 Encourage an understanding and appreciation, throughout the community, of the value and benefits provided by the presence and protection of trees.
- 1.1.6 Recognise and properly take into account the negative implications of having unsafe trees or Inappropriate species of trees in the area.

1.2 Tree Protection & Replenishment

- 1.2.1 Protect as many of the *Substantial* remnant trees as possible and progressively direct more effort into engaging in replenishment efforts.
- 1.2.2 Respect the special value of *Substantial* trees in heritage landscapes regardless of species, while taking steps to address concerns associated with any pest plant characteristics.
- 1.2.3 Recognise and respond to the opportunities within large open space areas to establish and replenish the larger species of trees, particularly those that may not be suitable in other areas.
- 1.2.4 Maintain an up-to-date Street Tree Master Plan that sets out the suitable species for each street and considers the diversity of soils, local climate, remnant communities, utility services, landscapes objectives, and local character.
- 1.2.5 Progressively increase planting of suitable canopy trees and other smaller trees in all appropriate spaces in accessible nature strips. *Where pest tree species are significant landscape components they are to be replaced through a planned and staged process.*
- 1.2.6 Ensure the streetscape master plan reflects the visual character of each area and responds to environmental and infrastructure issues.
- 1.2.7 Trees on roadsides and open space area, in the vicinity of construction or demolition sites will be protected by appropriate methods which will include defining an appropriate exclusion area around them, and by physically excluding all construction operations and materials from this exclusion area.
- 1.2.8 Identify a standard of tree density for each property and progressively endeavour to have each property support the minimum number of trees.
- 1.2.9 Encourage replanting by providing a *range* of incentives for ratepayers *at preparatory, planting, and establishment stages.*
- 1.2.10 *Where tree removal is intended within road reservations (for other than safety reasons) and the removal will have a significant impact on the streetscape, the works should be co-ordinated as part of a 'whole of street' replenishment plan.*

1.3 Tree Assessment, Review, Reporting & Notification

- 1.3.1 Have an initial tree assessment undertaken by appropriately qualified staff, for each and every tree related Development Application received, in an objective manner according to approved Guidelines.
- 1.3.2 Have a subsequent tree assessment undertaken by either a more senior staff expert, or an external consultant, only in circumstances where a second opinion is deemed necessary to resolve uncertainty.
- 1.3.3 Require the cost of a subsequent assessment to always be organised by and at the cost of the landowner.
- 1.3.4 Process all tree removal and tree works *proposals within 'zoned land' under the Ku-ring-gai Local Environment Plan* as Development Applications under Part IV of the Environmental Planning & Assessment Act 1979.
- 1.3.5 Provide the opportunity for 'formal review' of a *Development Application* determination on a tree removal or works application according to *Section 82A of the Environmental Planning and Assessment Act 1979*.
- 1.3.6 Provide an opportunity for an 'informal review' of a *Development Application relating to a tree removal or works situation*, only where the original circumstances have changed and a fresh application has been lodged, according to approved Guidelines.
- 1.3.7 Have 'informal reviews' of tree related decisions made solely by an authorised senior officer, who is independent of the original decision, according to Guidelines approved by the Council.
- 1.3.8 As far as possible individual tree related matters not be reported to Council, instead being dealt with by authorised staff according to Policy and Guidelines approved by the Council.
- 1.3.9 Provide notification for tree related Development Applications according to the requirements of Council's notification Policy.
- 1.3.10 *Provide notification for a tree removal or works proposals on Council managed land according to the general requirements of Council's notification and specifically the approved tree works Guidelines.*

1.4 Tree Works & Removal

- 1.4.1 Recognise that most pest and disease problems affecting trees are caused by past mechanical damage, or changes made to the local environment, and require action to be undertaken to minimise future impacts on trees from this source.
- 1.4.2 Require hand digging for all excavation works within 2 metres of the trunk of any tree and where ever tree roots of greater than 25 mm found or expected.
- 1.4.3 Prohibit the storing of any construction materials or waste, or the parking or operation of machinery which is greater than 500KG in gross mass, within the drip-line of established trees.
- 1.4.4 Prefer competent and experienced arborists, with a record of responsible work achievements, for all tree assessments and works under Council's influence.
- 1.4.5 Encourage alternative technology solutions, such as thrust/directional boring rod pushers, Aerial Bundle Cabling (ABC), in preference to tree removal where utility services and trees occur near each other.
- 1.4.6 Take action to minimise the potential damage to trees from works by Government and private activity, on roadsides and within open space areas, through the monitoring of activities and the provision of guidance and direction.
- 1.4.7 Improve liaison with authorities to provide up-to-date information regarding service locations and future plans for upgrading or maintenance of services.
- 1.4.8 Require all service authorities, *and their contractors or agents, involved with* excavation and construction works around trees to strictly observe the set guidelines.

1.5 Trees on Development Sites

- 1.5.1 Ensure development applications are assessed with an emphasis on the value of *substantial* trees, and in recognition of the legitimacy of trees as a constraint on development options no less than any other natural or constructed feature.
- 1.5.2 Prefer developments that occur in harmony with the natural character of an area rather than trying to dominate it.
- 1.5.3 Progressively balance the resources and effort going into the assessment of applications and the setting of conditions, with the monitoring enforcement, replacement and additional planting requirements of Development Approval Conditions.
- 1.5.4 Ensure that all Development Conditions imposed by Council are fully and completely enforced, where: commencement of development projects have been advised, where commencement is reported, or where by virtue of location or circumstances commencement ought to *be* known.
- 1.5.5 Have systems and checks in place to monitor development approvals where development conditions related to *substantial* trees or significant communities, and respond to development commencements with prompt review and enforcement of tree protection conditions.
- 1.5.6 Require the existence, and occasional review, of Guidelines for Council staff with respect to the proper implementation of the Tree Management Policy.
- 1.5.7 *Collect and present accurate information relating to existing trees and consider their future* according to the Safe Useful Life Expectancy method.
- 1.5.8 Require proper identification of all trees and vegetation on a *site as part of the site analysis before* development plans are prepared. Where Significant trees exist *they should be preserved. Where Substantial trees exist on a site the proportion of the total site they occupy should be retained for tree protection or replenishment.*
- 1.5.9 All development sites must clearly identify the trees and *vegetation thereon conditioned* for retention. Plans must address how the new development will be integrated with the trees *that are* to be retained. The position for the erection of *tree protection devices* is to be *identified* on plans.
- 1.5.10 Retained trees on development sites will be protected by appropriate methods which will include defining an appropriate exclusion area around them, and by physically excluding all construction and materials from this exclusion area.
- 1.5.11 *Require* all retained trees *on a development site to be* re-examined by an arborist *before final certificates are issued by Council.*

1.6 Tree Related Planning Instruments

- 1.6.1 Make specific reference to the Significant Tree Register in tree preservation instruments, and the degree of protection provided.
- 1.6.2 Ensure tree work controls facilitate a wide range of 'normal horticultural practices' without the need for *further* Council approval.
- 1.6.3 Ensure the areas of Blue Gum High Forest and Sydney Turpentine Ironbark Forest communities are clearly (and pro-actively) identified and within these areas the communities are appropriately protected.
- 1.6.4 Exempt identified pest plant species from protection and encourage their removal and a suitable replacement program.
- 1.6.5 Incorporate tree protection regulations and controls in the Local Environment Plan to strengthen Council's enforcement ability.
- 1.6.6 Identify and require a reasonable standard of tree density for each property- based on area- which would provide the desirable total number of trees required to maintain the tree dominated landscape of Ku-ring-gai.
- 1.6.7 Allow for the possible conflict between the need for tree numbers on a property and the proximity to built structures, by a system (*as a last resort only*) for 'tree site compensation' to ensure the community tree targets are achieved albeit the trees may not always be planted on the responsible property.
- 1.6.8 Recognise that the tree removal / works applications made under a Tree Preservation Order or Local Environment Plan are Development Applications under Part IV of the Environmental Planning & Assessment Act 1979, and will be dealt with accordingly.
- 1.6.9 As far as possible introduce specific criteria that contractors must comply with prior to undertaking certain types of substantial tree works or works near trees.
- 1.6.10 Introduce a system for pre-qualification of tree assessors and tree work contractors whom shall be given preference in Council works or referrals.
- 1.6.11 *Have a "Good Design Manual" which includes reference to the Council's policy and requirements relating to trees on development sites.*

1.7 Tree Species

- 1.7.1 Focus tree species selection to appreciate the diverse range of: tree habitats, species characteristics, their contribution to the landscape, contribution to ecosystems and impact on urban amenity.
- 1.7.2 Progressively replace tree species or seek / encourage alternative technology solutions where the current species substantially conflict with authorised utility service installations.
- 1.7.3 Provide advice regarding the selection of local tree species for planting that are consistent with the geology, soils and terrain of the area.
- 1.7.4 Identify serious pest tree species in order of priority removal and develop a program that aims to assist with their removal and provide replacement established trees where the removed specimen was a significant component of the local landscape.
- 1.7.5 *Recognise that some non-pest tree species are less desirable than others and encourage the most appropriate species for the local environment.*
- 1.7.6 *Promote the selection of local tree species for planting to replace less desirable species where this is consistent with other objectives of this Policy.*

1.8 Tree Issues Administration

- 1.8.1 Recognise the proprietary rights of property owners and any relevant legal precedents and obligations in decision-making.
- 1.8.2 Have all decisions, reviews, and implementation guidelines, to give decreasing weighting important to: personal / public safety; then environmental / bio-diversity contribution; then asset / property protection; then community aesthetics and landscape; then private convenience or preference – with respect to ‘significant trees’.
- 1.8.3 Continue to seek compensation for trees lost or damaged due to poor maintenance of services or careless developments.
- 1.8.4 Ensure conditions and standards in Development Control Plans, and development conditions imposed are adhered to at all times.
- 1.8.5 Any breach of tree protection conditions should be seriously addressed and legal advice sought to discourage similar or repeat offence.
Prosecution under available legislation is preferred where success is probable.
- 1.8.6 Deny liability for damage alleged *to have resulted* from tree roots or limbs interacting with utility services, where there is evidence that either natural growth habits or inadequate infrastructure design *are considered to have contributed*.
- 1.8.7 Maintain a register of all tree removal and works applications in accordance with the requirements of the Environmental Planning & Assessment Act 1979, and in addition maintain details of species involved, reasons for request, replanting conditions imposed, and the results of condition monitoring.
- 1.8.8 Have Policy implementation Guidelines approved by the Council where they relate to they may significantly impact on the outcomes sought.
- 1.8.9 Recognise the role of Council as the occupier of land in relation to road reserves and act accordingly.
- 1.8.10 Develop and implement a ‘Tree Risk’ management strategy for roadside reserves and public open space areas managed by Council. Based on a tree being considered hazardous if it has both a structural defect that predisposes it to failure and a significant target that would be struck if it was to fail.
- 1.8.11 That, notwithstanding any other requirement of this Policy, where a tree is considered by a authorised senior member of staff to be an immediate risk to life or significant property, appropriate works or approvals are to be provided as soon as practical.
- 1.8.12 Identify highly significant trees, identified in the Significant Tree Register, on Section 149 Certificates.

1.9 Education About Trees

- 1.9.1 Articulate the whole range of values associated with trees through appropriate means to the diverse membership of the community.
- 1.9.2 Provide information and sources of technical and practical advice for people who have genuine concerns about tree situations they perceive as problems but Council does not.
- 1.9.3 Endeavour to develop opportunities and practical alternatives for people who have genuine concerns about tree problems – without compromising the community interest in trees.
- 1.9.4 Develop ways of promoting responsible tree management and encouraging the use of properly 'qualified' arborists for approved and exempt tree works.
- 1.9.5 Undertake community education and identification programs to assist in the reduction of weed species, increase community awareness of the effect of these weeds on bushland and the importance of controlling the seed source and encourage replanting of appropriate indigenous locally occurring species.
- 1.9.6 Increase community awareness by consulting and informing the community about major projects involving tree removal, tree planting and pest disease management.
- 1.9.7 Seek / encourage community involvement in open space and street tree planting and maintenance activities to increase the sense of ownership.
- 1.9.8 Recognise that additional resources would be required to implement a full and proper tree management policy.
- 1.9.9 Improve current staff awareness of the intent of Council's tree policy and guidelines, and the importance of tree protection and planting requirements in Ku-ring-gai.
- 1.9.10 Promote awareness of tree issues and the importance of tree protection measures to external contractors and authorities, and provide guidelines / details of work requirements that are to be adhered to.
- 1.9.11 Undertake ongoing collection and recording of tree and vegetation data to improve management of the tree resource.

2. Administration

2.1 General Interpretation

- 2.1.1 Interpret the Tree Management Policy with a 'conservation of tree-scape'; '*development of tree-scape quality*'; and 'preservation of trees' focus.
- 2.1.2 Implement the Tree Management Policy strictly according to any Guidelines approved by the Council or authorised officer at all times.
- 2.1.3 Interpret the words and terms and expressions included in the Tree Management Policy or associated Guidelines or according to the meaning assigned in the definitions section of the Policy or as defined in the Interpretation Act 1987.

2.2 Responsibilities

- 2.2.1 *The Director Open Space Services is responsible for review of this policy, auditing compliance and guiding the development of procedures and guidelines, design and commissioning of tree works in open space areas and road reserves in compliance with policy requirements.*
 - 2.2.1.1 *No tree related Development Applications relating to Council managed land (open space and road reserves) are to be processed unless 'owners consent' has been provided by the General Manager or Open Space Services.*
 - 2.2.1.2 *No tree removal or substantial tree works are to be undertaken on Council managed land (open space and road reserves) unless formal approval has been given by the General Manager or Open Space Services or it is an emergency.*
- 2.2.2 *The Director Development Control is responsible for assessment of tree related Development Applications within all land zoned under the Kuring-gai Local Environment Plan and imposition and enforcement of Development Application conditions.*
- 2.2.3 *The Director Infrastructure is responsible for designing and commissioning works, that may impact on trees, within road reserves in compliance with policy requirements.*
- 2.2.4 *The Group Manager Operations is responsible for undertaking works, that may impact on trees, in road reserves and open space in compliance with policy requirements.*
- 2.2.5 *The Director Urban Environment is responsible for incorporating these policy provisions into the Local Environment Plan and providing available tree related information on Section 49 Certificates.*

3. Definitions

- 3.1 “Substantial” when referring to trees means generally those trees that are significant because of *all or any of the following*; prominent in the landscape; healthy and stable; a trunk diameter of more than 250mm; or a rare or uncommon species.
- 3.2 “Planning Instruments” means any act, policy, order or regulation that protects trees or regulates tree removals.
- 3.3 “Pest Plants” means noxious weeds as declared by the Minister of Agriculture, nuisance plants and urban environmental weeds.
- 3.4 “Tree/s” means specimens above a height of 5 metres, covered by the Tree Preservation Order.
- 3.5 “Open Space” with respect to tree matters means all community land owned and managed by Council including parks, bushland and properties.
- 3.6 “Roadsides” means the areas of road reserves, excluding the road pavements and footpath *pavements*.
- 3.7 “Significant Tree Register” means a register of *substantial* trees that have been identified and assessed by a qualified panel of horticulturists that are deemed highly significant specimens. *‘Significant’ trees are those trees included in the register.*
- 3.8 “Arborist” means a qualified / experienced specialist in the assessment, care and maintenance of trees.
- 3.9 “SULE” – is the length of time that an arboriculturist assesses an individual tree can be retained with an acceptable level of risk based on the information available at the time of inspection. (SAFE USEFUL LIFE EXPECTANCY).
- 3.10 “Normal” with respect to normal horticultural practices means all those practices and activities listed in a schedule approved by Council as updated from time to time.
- 3.11 “Inappropriate” with respect to inappropriate tree species means all those trees and situations listed in a schedule approved by Council as updated from time to time.

4. Legislation

Statutory Obligations

Council has statutory obligations with respect to tree management under the following legislation:

- Environmental Planning & Assessment Act, 1979 as amended.
- Local Government Act 1993.
- Occupational Health & Safety Act, 1991.
- Electricity (Overhead Line Safety) Regulation 1991.
- Electricity Supply Act 1995.
- Electricity (Tree Preservation Regulation 1995)
- Roads Act (1993)
- Threatened Species Conservation Act (1995).

4.1 Environmental Planning and Assessment Act, 1979 as amended.

The Environmental Planning & Assessment Act 1979 allows (through a provision in the Local Environment Plan) for the making of a Tree Preservation Order. A Tree Preservation Order is a planning instrument used as a tool for protecting and preserving trees- though it is clearly intended for the purpose of amenity NOT nature conservation.

A Tree Preservation Order applies to all private citizens and government bodies, including Council and Council employees- subject to the following mandatory exemptions- State Forestry Act, 1916; the Overhead Line Construction & Maintenance Regulations, 1962; and all telecommunications networks. A Tree Preservation Order can be amended by a resolution of the Council subject to certain procedural requirements.

An application under a Tree Preservation Order falls within Section 76 (2) of the Act and is therefore to be considered by way of a Development Application and assessed under Part IV of the Act.

Section 82A of the Act provides that an applicant may request Council to review a determination, and allows Council to do so according to certain procedures (this in practice replaces the previous use of Section 100 of the LGA).

4.2 Local Government Act 1993.

The Local Government Act (1993) requires Council to identify and classify all community land and categorise all these lands as: either a natural area, sportsground, park or general community use land. The act requires these areas to be responsibly managed- including the management of vegetation.

Section 629 of the Local Government Act (1993) provides that it is an offence for any person to wilfully or negligently or unnecessarily disturb or remove any plants in a public place (without Lawful excuse).

Section 100 of the Local Government Act (1993) provides that an applicant may request Council to review a determination, and allows Council to do so according to certain procedures.

4.3 The Occupational Health & Safety Act, 1991.

The Occupational Health & Safety Act requires Council to consider the health, safety and welfare of all staff and voluntary personnel carrying out Council approved activities in relation to urban tree management.

4.4 Electricity (Overhead Line Safety) Regulation 1991.

Clause 23 of the Electricity (Overhead Line Safety) Regulation 1991 provides:

- (1) 'where contract between any aerial conductor of an overhead line and any tree or flora might reasonable be expected to result in consequential injury from electric shock to any person or damage to property, the owner of the line must ensure that the tree or flora is trimmed or other measures are taken to prevent contact with the aerial conductor.
- (2) If tree trimming is undertaken, provisions must be made for the expected regrowth of trees or flora prior to the next planned inspection'.

4.5 Electricity Supply Act 1995.

Section 48 of this Act refers to 'Interference with electricity works by trees'. This section sets out an electricity distributor rights and obligations to require the owner of a premises to trim or remove a tree (on those premises) which could interfere with that distributor's electricity works.

Under emergency, or failing action of the owner of the premises, the electricity distributor may carry out the tree trimming work itself.

Other than for trees on easements or trees planted in a way that would interfere with electricity works, the electricity distributor must meet reasonable costs.

The requirement for the work to be carried out safety by qualified persons always applies.

4.6 Electricity (Tree Preservation) Regulation 1995.

"5. (1) An electricity distributor must not remove any tree, or trim any tree in a way that substantially damages the tree, unless: it is of the opinion that it is necessary to do so to protect its powerlines or the safety of persons or property under or near its powerlines; and it has considered alternative methods and is of the opinion that none of those methods are feasible in the circumstances (including economically feasible); and the distributor is acting in accordance with a tree management plan.

(2) Alternative methods include, but are limited to, the use of aerial bundled cables, the controlled trimming of trees and the appropriate location or relocation of powerlines (including placing them underground)."

4.7 The Roads Act

The Roads Act (1993) Division 3, Clause 8, provides that a 'roads authority' may, despite any other Act or law to the contrary, remove or lop any tree ... on or overhanging a public road ... if it is necessary to do so for the purpose of carrying out road works or removing a traffic hazard.' Given that Council is the main 'roads authority' for most of Ku-ring-gai, it is in a position to substantially control how the powers in this provision are exercised.

4.8 The Threatened Species Conservation Act

The Threatened Species Conservation Act (1995) lists in its schedules a number of species, populations and ecological communities which are either Endangered or Vulnerable.

According to the Act a Species Impact Statement is required if an activity or development is going to have a significant effect. Even if it is considered that there will be no significant effect, a licence is still required to pick plants of threatened species, populations, or threatened communities.

4.9 The Water Board (Corporatisation) Act

The Water Board Corporatisation Act 1994 provides Sydney Water with powers to give notice that it believes a tree is damaging, destroying, or interfering with infrastructure and required the removal of the tree.

The Corporation must prove certain things in order to not bear the cost of any required works, and an owner may with the Corporations consent address the issue through alternative means other than tree removal.

The Corporation may take its own action if a notice is not properly acted upon, and may recover costs of doing so.

These provisions in the Act override any protection provisions of a Tree Preservation order or a Local Environment Plan.