



General Manager  
Port Stephens Council

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## Port Stephens Council Tree Management

As you are aware, TRRA, EcoNetwork Port Stephens and many other environment groups in Port Stephens have had serious concerns for a long time about Council's tree management policy and related compliance monitoring and enforcement.

We briefly discussed these issues in our Zoom meeting with you on 8 September and promised to follow up with our concerns in writing. This letter does so, and we would welcome the opportunity to further discuss our ongoing concerns which relate to clearing on both private and public land.

The letter details our overall concerns, while the Attachment contains 3 case studies of recent clearing on public land.

### General Comments on Council's Tree Management Policy and processes

The tree management chapter of the Port Stephens Development Control Plan (DCP) was amended both in September 2015 and more recently in September 2020. TRRA have made several submissions and held discussions with staff over this period.

Whilst there have been some welcome improvements in the information on the web page and in the linked information sheets and forms, TRRA and EcoNetwork continue to have a number of major concerns.

Our starting point is an emphasis on the value of trees in the urban and rural landscape, with multiple benefits:

- Visual amenity
- Shading
- Cooling
- Native wildlife habitat
- A carbon store

While Council publicly acknowledges these values in many of its public statements, strategies and policies, we submit that it does not do nearly enough to respect them either in its own maintenance of public land, or in its promotion, monitoring and enforcement of controls over tree removal on private land.

### Extent of 'pruning'

The extent of lopping or pruning will always be a contentious issue, but there appears to be an increase in excessive pruning of tree limbs on public land, around powerlines and on private property.

Pruning and selective trimming will often be justified but particularly over the last 12 months and especially during 'lockdown' periods there seems almost a daily sound of chainsaws from lopping and associated shredding/mulching occurring in residential streets.

The general landscape especially around parts of the Nelson Bay/Corlette area has lost a noticeable number of trees.

We assume that most bona fide tree service contractors will have suitably qualified staff, although it is unclear whether there is any minimum requirement for staff with professional qualifications as AQF arborists. We also question what level of training is required for contractors' other employees when undertaking pruning on both public and private land and how frequently Council is checking that a qualified arborist is adequately assessing and monitoring lopping and felling work.

We expand further below on public education but emphasise the importance of Council having an ongoing education program with the tree lopping contractors operating in Port Stephens on expectations of what is considered acceptable pruning. Assuming most contractors are operating professionally it is even more important that Council ensures that those not operating correctly are sent a quick clear message that their behaviour will not be accepted. There must be consequences for unauthorised felling or lopping, with penalties sufficient to act as a deterrent.

When excessive pruning or clearing occurs on public or private land, some members of the public will falsely believe that it is OK for them to do the same.

## Public education

The opening statement on the **Tree Management page on Council's website** begins with...

***'Port Stephens is known for its incredible natural environment — an asset which makes living here and visiting so attractive.'***

The truth of this statement was clearly confirmed in the recent Liveability Index study.

The first of the Frequently Asked Questions '*Trees in the urban environment*' is an excellent summary of the importance and value of trees in the built up areas of Port Stephens. Unfortunately, this is only visible when the FAQ is expanded. We submit that this summary should be always visible on the webpage and included in the linked information sheets which do not even mention yet alone stress the importance of trying to maintain the viability of trees that require some lopping or pruning.

The **Tree Permit Application and Checklist** similarly have no mention of these objectives.

Since the 2020 amendments there has been limited publicity for the revised tree management policy and process, with little or no emphasis on the value of trees.

In contrast, following the extreme rain event in March 2021, Council was understandably quick to publicise the option of tree removal without prior permission, but unfortunately without any caveats or warnings against inappropriate use of the provisions. Also, the Council information about emergency tree removal is not sufficiently clear that it only

applies to trees on private land, and that any proposal for urgent removal of trees on public land must be referred to Council.

Figure 1 – screenshot of Council Facebook post 19 March 2021



### Public notice of tree removal or lopping on private land

While we understand that there is no statutory requirement for public notice or even neighbour notification of significant tree works on private land, we are not aware of any impediment to Council imposing some requirements through its DCP.

We request that Council investigate the possibility of requiring (a) notification of immediate neighbours and (b) display of a notice on a public facing boundary, in both cases with a minimum period (2 weeks?) to allow for enquiries, comments or objections. Criteria for 'significance' of proposed work would need to be set, but this should not be impossible.

## Council setting an example

The importance of Council setting the highest standard in approving and supervising work on public land is critical to be seen as a role model.

Large numbers of koala feed trees have recently been planted on public land in various parts of the LGA with the support of Council, and we welcome this initiative.

However cases of apparently unnecessary clearing such as near Bannisters (see Case study 1 in the Attachment), quickly erode the goodwill generated by Council's positive activities.

## Public notice of Council tree management works

In the information sheets, it is suggested that applicants discuss with neighbours before lodging a tree removal application or before work commences. We note that Council has in some cases provided an information sheet to neighbours on proposed works (for example the felling of spotted gums along Bagnalls Beach Road) but has not provided any wider public notice e.g. on the web site.

We submit that there is a broader community interest in most tree removals, which not only effects immediate neighbours but also the wider neighbourhood and all those travelling through the area. The cumulative effect on the character of a suburb of multiple tree removals must be considered.

We submit that any information sheets on specific tree removal works by Council in a locality should be included in public notices on the website for a minimum of 2 weeks prior to work commencing.

Detailed information of the need for the removal on the web page would not only provide the community with an explanation but also provide a transparent justification for Council significantly altering the landscape and spending ratepayers' funds. Information could also be provided on replacement planting wherever that is possible.

It appears that work behind Bannisters (see Case study 1 in the Attachment) was mentioned on Council's Facebook page, but there was no information sheet as far as we are aware. There was insufficient time for the community to understand the reasons and raise any concerns.

Posts on Facebook are necessarily brief and transient, and not well suited to conveying detailed information. While we encourage the use of social media, more detailed information also needs to be placed on the web page in a timely manner.

In this case it should have detailed the full scope of works proposed and explained the justification – if indeed there is one. These posts could offer a valuable education tool and if trimming/removal is done correctly set an example. False information or lack of explanation for the works only raises community outrage and diminishing trust.

You advised in our 8 September meeting that there is no statutory requirement for public notice of tree clearing by Council on public land. We submit that Council is not prevented from voluntarily adopting a policy of greater transparency and consultation on significant tree removal or trimming for which it is responsible.

### Tree replacement and replanting

Council can and should provide more guidance on preferred species for replanting, on both public and private land. It seems that many disputed cases arise from poor decisions in the past on tree species, and greater consideration of suitability for specific sites could avoid future problems.

Consideration should also be given for encouragement of planting replacement trees wherever possible, recognising that it may often not be practicable on smaller private residential lots. Free trees and even financial incentives could be considered. Planting on public land needs to involve consultation with interested parties – including koala experts in relation to habitat/feed trees.

### Heritage Trees

We note that there are relatively few trees in Port Stephens on the list of heritage items in Schedule 5 of the PS LEP 2013. We don't think the option of listing trees as heritage items is well known or understood in the community. The two 'flyers' currently available on Council's website 'Understanding Heritage Listing' and 'Heritage and your development' do not really feature or promote listing of trees or environments and habitats, and focus mainly on other heritage items - mainly places and buildings.

We submit that the option of heritage listing for significant trees and vegetation communities should be promoted better by Council, including through references and links in the Tree Management pages on Council's website, with appropriate references in the guidance about tree removal.

### Monitoring and Reporting

Council's six-monthly report against Delivery Program, tabled at the Council meeting on 27 July 2021, includes statistics on the number of tree removal applications (84 assessed) and 'after removal' notifications (43 assessed). No indication is given as to how many, if any, of these were 'problematic' and either refused, or questioned after the event, and no figures are given for the number of complaints received about tree removal.

In response to a question from Clr Arnott at the Council meeting, staff were unable to say how many of the applications/notifications were for multiple trees, or whether any had been problematic. The previous six-monthly report (tabled at the 9 March meeting) noted 117 tree removal applications assessed, but did not make it clear how many, if any of these were in fact 'after the event' notifications.

Without further detail, and consistent reporting over time, it is impossible for the public to know if the revised tree management policy and process (the DCP amendments approved in August 2020) is working satisfactorily to ensure that tree removal only occurs in appropriate circumstances.

### Councils' resourcing of tree management

We are concerned that Council's inadequate resourcing of tree management reflects a low priority being accorded to the policy. Since the departure on long service leave of the AQF5 qualified arborist, the Vegetation Management Officer position has been filled on an acting basis by an officer without this qualification, and we are informed that Council is relying on a panel of qualified arborists that it can call on as required.

We question whether this is a practicable and effective arrangement, especially for urgent assessments and post removal notifications, and whether any of the arborists on-call do not have a conflict of interest as commercial tree lopping and removal contractors. We request further information about this arrangement and about the number of times a qualified arborist has been called in to advise on tree removal either on private or on public land in the six-monthly reporting time periods.

We submit that it is essential that Council should at all times have at least one AQF5 arborist on staff to be able to respond immediately to urgent applications and complaints, and to quickly review post removal notifications.

### Case studies

In the Attachment, we outline 3 recent case studies of tree removal, or severe lopping, of trees on public land on the Tomaree peninsula. The case studies illustrate various of the concerns set out above.

### Conclusion

We submit that preserving and wherever possible increasing tree cover throughout the LGA should be given much higher priority by Council - in particular:

- for greening of urban areas (for cooling, shading and visual amenity),
- in those areas of Port Stephens where the 'bushland by the sea' character is an important contributor to the tourist economy, and
- to protect and enhance native wildlife habitat and connecting corridors.

We request a further meeting with Council staff to explore in more detail the concerns we have raised in this letter (and previously)

Iain Watt  
President  
EcoNetwork Port Stephens

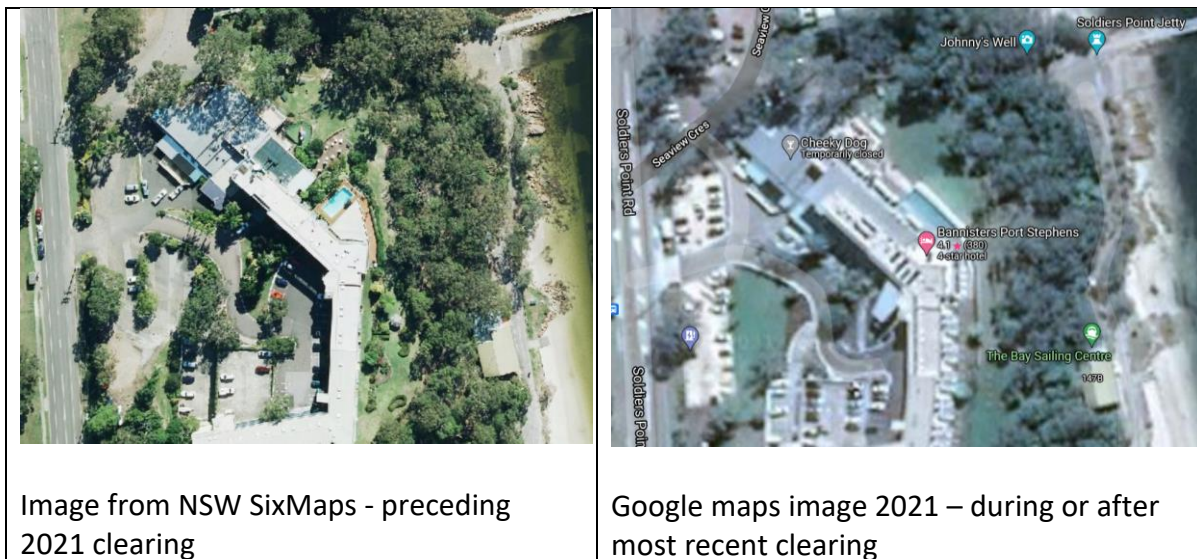
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Please reply to [secretary@trra.com.au](mailto:secretary@trra.com.au) and [secretary@econetworkps.org](mailto:secretary@econetworkps.org)

## Attachment: Case Studies of recent tree removal/lopping on public land on the Tomaree peninsula

### Case study 1 - Bannisters - Tree clearing near Bannisters Hotel, Soldiers Point

TRRA are aware that at least four local community groups from the Soldiers Point/Salamander area and other concerned residents have contacted Council about the clearing of trees and undergrowth in the waterfront reserve adjoining Bannisters Hotel at Soldiers Point.



The validity of the fire risk to the hotel as an apparent justification for the removal has been questioned, given that the RFS apparently raised no concerns in an inspection as recently as March 2021, and that the cleared and grassed APZ is already larger than required.

We question why there would be an increased serious fire risk on the eastern side of the hotel. General fire risk theory would suggest that cooler moist easterly winds coming from the sea/bay would make it very difficult to reach a heightened fire rating index to justify clearing to the extent that Council apparently approved.

It appears that the work east of Bannisters was mentioned on Council's Facebook page, but there was no information sheet as far as we are aware. There was insufficient time for the community to understand the reasons and raise any concerns.

Posts on Facebook are necessarily brief and transient, and not well suited to conveying detailed information. While we encourage the use of social media, more detailed information also needs to be placed on the web page in a timely manner.



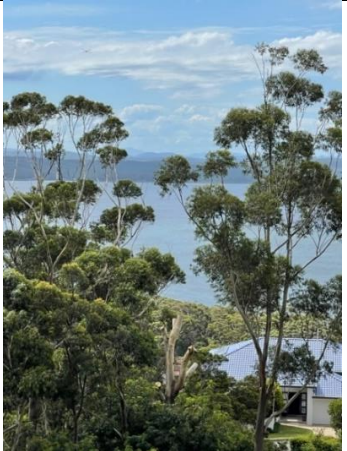
In this case public information should have detailed the full scope of works proposed and explained the justification – if indeed there was one.



Several other significant issues have already been raised by the other groups which we will not repeat but we look forward to Council’s response.

### Case study 2 – Canomii Close, Nelson Bay

One such example is a large (45m) mature Blackbutt tree on Council land adjacent to 17 Canomii Close, Nelson Bay which was severely lopped in February 2021. We refer Council to its files on this matter which gave rise to several complaints and subsequent correspondence between TRRA and Council.

		
<p>Google earth image - before lopping in February 2021 – Trees in gully to west of 17 Canomii</p>	<p>Crown of 45m Blackbutt tree before lopping – from 12 Canomii</p>	<p>Remnant trunk of Blackbutt (centre) after severe lopping – from 12 Canomii</p>

TRRA has seen the ISA assessment dated 13 January 2021, which appears to accept that the tree provided habitat (Council was informed that a threatened species – the Powerful Owl had been observed in the tree) and appears to suggest ‘trimming’ as an appropriate action. Assurances were given onsite to this effect. TRRA cannot understand why all branches needed to be removed, rather than just the one main branch which may have been a threat to the adjoining property, with only minor trimming if necessary to ‘balance’ the tree. The total removal of branches sends the wrong message to the public and to property owners who may wish to see trees removed for a variety of reasons.

### Case study 3 – Irambang St, Corlette

Another recent example is the clearing of a significant tree in the Council reserve in the middle of Irambang street, Nelson Bay, north of No1 Irambang St near the intersection of Taree St.



Google map image – before removal



Image taken 31/8/21 after removal

We don't know if the nearby neighbours were notified of the removal but the rest of the community who regularly use Galoola Dr, Taree and Irambang Streets have no idea why another significant street tree has been removed.

The tree did not appear to pose any safety risk, and if any particular branches posed a risk then could selective lopping have been carried out. We seek an explanation of how and why the decision was made to completely remove this tree, and whether a replacement tree will be planted?