

Advice Note

Responsible Officer: Director Technical Services

Date of Meeting: 20 April 2021

Meeting of the: Ordinary Meeting of Council

Item: Response to Motion with Notice – Amendment to CP-029 Tree Policy

DETAIL

The Notice of Motion regarding the above proposes:

1. That the third last dot point in clause 3.3 of the Tree Policy CP-029 be amended to include the words underlined below to enable a verge tree to be removed at the resident's sole cost for removal and replacement by a minimum of one tree:

When agreed by any three out of the following four persons: the Mayor, the relevant Ward Councillors and Director of Technical services in writing.

2. That the second last dot point in clause 3.3 of the Tree Policy CP-029 be amended to include the word underlined below:

If majority agreement cannot be reached between any three out of the following four persons: the Mayor, the relevant Ward Councillors and Director of Technical services, a report which outlines the advantages and disadvantages of removing the tree is to be presented to the Council in order for the Council to determine whether or not the tree will be removed. This report is to include the results of notification of local residents seeking feedback on request for tree removal as part of the City's community consultation process.

3. This tree policy CP-029 shall be reviewed by Council at the April 2022 Ordinary Meeting of Council to assess the effect of the above amendments, if any, on the number of tree removal requests over the next 12 months.

In regards to officer advice regarding the above motion, it is relevant to draw the Electors Members attention to a number of factors outlined below in consideration of this matter.

2.

Governance and Legal

Given the issues raised related to delegations and decision making, the City sought legal advice which has been circulated to Elected Members under separate confidential cover.

Asset management

The motion as written would result in the removal of a City asset (mature tree with amenity value of potentially thousands of dollars) which goes against sound asset management principles related to looking after existing assets before considering asset renewal or new assets.

The analogy of the motion making reference to the Releaf program as being relevant to tree removal requests is not considered applicable. The Releaf Program is enabling an opt out option for residents in the establishment of trees on verges where there are currently no verge trees as part of a long term planting program aimed at increasing tree canopy across the City.

The tree removal request process is in response to residents seeking to remove existing City owned tree assets for reasons that the City may not agree with, thereby reducing tree canopy and effectively removing an existing healthy tree asset.

Community consultation and transparency

The current process requires the City to gain the views of the local community on the tree removal request and publically report this to Council as an input into the decision making process. This community consultation and feedback opportunity related to tree removal requests would be removed and there is potential for community backlash over tree removal not supported by the community.

This would also run contrary to the City's Urban Forest strategy which is about increasing tree canopy cover and would place the City in a hypocritical position where trees being planted through Council adopted strategies and budget are being undermined by trees removed through a delegated process where the City has limited control. There is also considered reputational risk for the City and is likely to attract adversarial media that will impact on both the Councillors and the City. The outcomes of the motion also goes against Clean and Green which the community has said is their highest priority.