



Preservation of Trees and Public Open Space (Miscellaneous Legislation Amendment) Bill 2017

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Environmental Planning and Assessment Amendment (Addressing Climate Change) Bill 2017*.

Overview of Bill

The objects of this Bill are:

- (a) to encourage the preservation of trees in urban areas:
 - (i) by requiring urban councils to consider the impact of proposed development on the maintenance or enhancement of the mature tree canopy, and to consider the health of a tree that is proposed to be removed or damaged, and the environmental, social, health and financial benefits of preserving the tree, when determining development applications or other applications, and
 - (ii) by requiring the Greater Sydney Commission to include in its district plans specific targets to increase the urban tree canopy, and to monitor the progress of councils in achieving those targets, and
 - (iii) by providing for the regulations to create guidelines about suitable plantings to increase the urban tree canopy, and
- (b) to provide for the preservation of public green open space by allowing Parliament to disallow any sale, lease or other dealing with public green open space by a council, or any vesting of Crown land that is public green open space in a council, and by requiring any Crown land vested in a council to be retained as public green open space, or for the existing proportion of public green open space to be maintained.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of legislation

Schedule 1.1 amends the *Crown Land Management Act 2016*:

- (a) to provide that either House of Parliament may disallow a proposal by the Minister to vest transferable Crown land that is public green open space in a council, and
- (b) to ensure that any vesting of transferable Crown land that is public green open space in a council is subject to a reservation that any part of the land transferred that is existing public green open space must be retained as public green open space, or that the land must be managed in such a manner that the existing proportion of public green open space on the land is maintained.

Schedule 1.2 amends the *Environmental Planning and Assessment Act 1979*:

- (a) to include in the objects of that Act the object of encouraging the maintenance and enhancement of the mature tree canopy in urban areas, and
- (b) to require a council or other consent authority considering a development application relating to land in an urban area to consider whether the development maintains or enhances the mature tree canopy, and
- (c) to require district plans prepared by the Greater Sydney Commission to specify targets to increase the urban tree canopy by at least 10% in 5 years and to provide for the monitoring of those targets, and
- (d) to provide for the making of guidelines for suitable plantings to increase the urban tree canopy, with a focus on the extent of tree cover, encouraging the choice of native flora and asset protection.

Schedule 1.3 amends the *Local Government Act 1993* to provide that either House of Parliament may disallow a proposal by a council to sell, exchange or otherwise dispose of, or grant a lease or licence of, operational land that is public green open space.

Schedule 1.4 amends the *Standard Instrument (Local Environmental Plans) Order 2006* to prohibit the ringbarking, cutting down, topping, lopping, removal, injuring or wilful destruction of any tree in an urban area without development consent or a council permit and to provide that such a development consent or permit cannot be granted unless the council or consent authority has considered both the health of the tree and the environmental, social, health and financial benefits of preserving the tree.

Schedule 1.5 amends the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to ensure that a complying development certificate for a one or two-storey dwelling house is only taken to satisfy a requirement under the Policy for a separate permit or development consent authorising the removal of a tree if the tree is less than 3 metres in height (at present the threshold is 8 metres).