

Vegetation Management - Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019 and Subordinate Local Law No. 49.1 (Protection Of Important Vegetation) 2019

Local Law No. 49 (Vegetation Management), (Subordinate Local Law No. 49A (Permitted Damage) and Subordinate Local Law 49B (Management Policies))

This document relates to Council's current *Local Law No. 49 (Vegetation Management)*, (*Subordinate Local Law No. 49A (Permitted Damage)*) and *Subordinate Local Law 49B (Management Policies)* where the objectives relate to providing appropriate protection for significant vegetation; management of protected vegetation; powers to enforce vegetation protection orders; powers to require action to reinstate vegetation damaged in contravention of the local law; and the necessary power to require removal of vegetation which is a danger to life or property.

Have your say

Council has reviewed the existing laws and is seeking your feedback on the proposed amendments.

The consultation period will be from 6.00 am on Wednesday 17 July to 6.00 am on Wednesday 7 August.

To have your say a written submission must be received supporting or objecting to the proposed local laws on or before the last day of the consultation period stating:

- your personal details
- The grounds for your submission (if you support/object to the proposed amendments)
- The facts and circumstances relied on in support of the grounds (the reasons why you support/object the proposed amendments)

The submission can be made by visiting ipswich.qld.gov.au/locallawreview and

- electronically using the 'Have Your Say' link which will be available from 6.00 am on Wednesday 17 July to 6.00 am on Wednesday 7 August
- or completing the form provided and
 - delivering to council's Administration Building at 45 Roderick Street, Ipswich during office hours
 - send to council at PO Box 191, Ipswich QLD 4305

All submissions must be formally received at Council no later than 6.00 am on Wednesday 7 August.

To review a copy of *Local Law No. 49 (Vegetation Management)*, (*Subordinate Local Law No. 49A (Permitted Damage)*) and *Subordinate Local Law 49B (Management Policies)* and the amending laws please visit ipswich.qld.gov.au/locallawreview or collect a copy from council's Administration Building at 45 Roderick Street, Ipswich during office hours.

Note: you will need to read the amending laws in conjunction with the existing laws.

Local law review

The local law review has resulted in the preparation of *Local Law (Amending) Local Law No. 49 (Vegetation Management) 2019* and the preparation of a brand new *Subordinate Local Law No. 49.1 (Protection of Important Vegetation)* which includes repealing provisions for the existing subordinate local laws 49A and 49B. It is noted that there have been no anti-competitive provisions identified in the laws.

The proposed amendments are based on two primary aspects, which are:

- The fine-tuning of the focus and wording of the local law to improve its transparency. The fine-tuning delineates the intent from broad vegetation management to specifically centering on protecting important vegetation.
- References through-out the laws to the term "significant and significance" have been removed and the term "important" has been used. This is to reduce potential misunderstanding or misperception that the local law deals with the same or similar matters as the Commonwealth and State environmental legislation and Local Government land-use planning legislation which uses significant/significance terminology. These legislative mechanisms extensively use significant/significance terminology which have associated triggers and approval requirements.

Background to council's current vegetation management local laws

- The laws set clear direction and robust criteria relating to protecting vegetation for environmental purposes. It differentiates between a tree and vegetation's importance for environmental and to a lesser extent, cultural reasons.
- The laws were introduced at a time when there were limited protective mechanisms for vegetation.
- Its implementation to date (late 1990's to now) has essentially been reactionary to community requests.
- Since its introduction, many Commonwealth, State and local planning scheme mechanisms have also been introduced to protect certain types of vegetation. This has been predominately for their different values and relate to achieving different outcomes.
- Since its introduction, the laws have protected three individual trees, predominately for their character values. The last was in 2003. Six Interim Protection Orders were registered, however did not proceed to permanent Vegetation Protection order status.
- These three trees are also listed in the Ipswich Planning Scheme as Schedule 2 – Character Places. The listing affords it a level of protection and recognition, particularly during development assessment.
- Protection of individual trees or vegetation primarily for their conservation or environmental values is currently not one of the principal drivers for Schedule 2. The schedule relates to mainly protecting character values in comparison to conservation values.

- The laws provide Council a protection mechanism, generally for smaller, more isolated individual trees or vegetation. The mechanism is used in a situation where the tree or vegetation has been either missed or not protected as part of a broader vegetation community that is recognised as significant under Commonwealth, State or local planning scheme mechanisms.
- The laws have also used in situations where trees or vegetation are under perceived threat of removal and are not currently protected. It has been interpreted that through Section 12 of the law Council can immediately put an Interim Protection Order and simultaneously a Stop Order under Section 27B.

Proposal for amended local law and new subordinate local law

- Based on the above the review is recommending to retain and amend the current Local Law 49 (Vegetation Management) as well as combine the intent of the current subordinates (49A and 49B) into one new subordinate local law for the foreseeable future while clarifying better protection mechanisms under Council's Planning Scheme. Additionally, the local law's stop order provisions are more enhanced than the current Planning Scheme if Council had to manage pre-emptive removal of tree/vegetation.
- Change "Vegetation Management" to "Protection of Important Vegetation". This would better reflect the intent of the local law to "protect" rather than "manage" vegetation.
- Change the use of the word "significance" to "important". This avoids any misperception of a relationship with Commonwealth or State Government legislation.
- The proposed laws will not be used to protect trees/vegetation on public owned/managed land. Existing internal measures protect trees/vegetation in these locations.
- Council may wish to pro-actively call for community nominations to protect important vegetation through the Planning Scheme. This process should assist with identifying any trees or vegetation Council has missed previously. Promotion of nominations would celebrate important trees of the city's urban and rural forest.
- Once Council has adequately identified and protected the important trees/vegetation through the Planning Scheme the Local Laws could be repealed in the next review.