



**ENVIRONMENT ADVISORY COMMITTEE
TO BE HELD ON MONDAY, 23 JUNE 2025 AT 6:30 PM
TEAMS / LEVEL 3 ANTE ROOM**

A G E N D A
**** ** ** ** ****

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

Minutes of Environment Advisory Committee

File: S13163

Meeting held 25 June 2024

Minutes numbered –Minutes not uploaded. Enter starting minute number here– to
–Enter ending minute number here–

GENERAL BUSINESS

GB.1 Information on the Code of Conduct

4

File: S14696

To provide newly appointed members of the Environment Advisory Committee with information on their duties under Council's Code of Conduct.

Recommendation:

That the Committee notes the information provided.

GB.2 Familiarisation with the Terms of Reference including meeting procedures

55

File: S14696

To provide newly appointed members of the Environment Advisory Committee with information on the Committee's Terms of Reference.

Recommendation:

That the Committee notes the information provided.

GB.3 **Determination of priority items for the current term of the Committee** **61**

File: S14696

To provide the Committee with the opportunity to discuss and determine priority items to be progressed or dealt with during the current term of the Committee.

Recommendation:

That the Committee notes the information provided.

GB.4 **Council's tree audit** **64**

File: S14696

To inform the Committee that a Tree Audit Report – Urban Forest Canopy Analysis in Kuring-gai, was undertaken by Council.

Recommendation:

That the Committee notes the information provided.

GB.5 **Field inspection opportunities** **110**

File: S14696

To present the Committee with the opportunity to consider scheduling field inspections of relevance to Committee business.

Recommendation:

That the Committee notes the information provided.

GB.6 **Member introductions** **113**

File: S14696

To provide newly appointed members of the Committee with the opportunity to introduce themselves to one another.

Recommendation:

That the Committee notes the information provided.

OTHER BUSINESS

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INFORMATION ON THE CODE OF CONDUCT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide newly appointed members of the Environment Advisory Committee with information on their duties under Council's Code of Conduct.

BACKGROUND:

All Committee members are required to abide by Council's Code of Conduct.

COMMENTS:

The Code of Conduct establishes rules around general conduct, dealing with pecuniary and non-pecuniary interests and personal benefits, and access to information and Council resources. Council's Code of Conduct is available on Council's 'Policies' webpage and will be sent by email to all Committee members.

RECOMMENDATION:

That the Committee notes the information provided.

(Refer to the full Recommendation at the end of this report)

PURPOSE OF REPORT

To provide newly appointed members of the Environment Advisory Committee with information on their duties under Council's Code of Conduct.

BACKGROUND

All Committee members are required to abide by Council's Code of Conduct.

COMMENTS

The Code of Conduct establishes rules around general conduct, dealing with pecuniary and non-pecuniary interests and personal benefits, and access to information and Council resources. Council's Code of Conduct is available on Council's 'Policies' webpage and will be sent by email to all Committee members.

INTEGRATED PLANNING AND REPORTING

Nil

GOVERNANCE MATTERS

Nil

RISK IMPLICATION STATEMENT

Nil

FINANCIAL CONSIDERATIONS

Nil

SOCIAL CONSIDERATIONS

Nil

ENVIRONMENTAL CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

Nil

INTERNAL CONSULTATION

Nil

SUMMARY

The Code of Conduct establishes rules around general conduct, dealing with pecuniary and non-pecuniary interests and personal benefits, and access to information and Council resources.

RECOMMENDATION:

A. That the Committee notes the information provided.

Sybylla Brown
Natural Areas Program Leader

Attachments: A1 Code of Conduct 2025/197172



Ku-ring-gai Council

Policy

Code of Conduct

Version Number 5

Effective: 16 November 2022

Adopted: 15 November 2022

Code of Conduct

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Related Legislation:	Local Government Act 1993 Section 440 Local Government (General) Regulation 2005 Section 193 Work Health & Safety Act Work Health & Safety Regulations	Requirement for Council's to adopt the Office of Local Government Model Code of Conduct
Related Policies (Council & Internal)	Public Interest Disclosures Policy Procurement Policy Fraud & Corruption Prevention Policy	
Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc	Advice of Pecuniary Interest Form Advice of Non pecuniary Interest Form Gifts and Benefits Disclosure Form Additional Employment Approval application	2019/087771 2019/087766 2019/087774 2019/087772
Other References		

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Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	1/12/2015	30/11/2015	Rod Kidd	This document existed before MyCouncil was implemented, it was added as a version during the initial data input process.
2	1/12/2015	9/4/2019	Rod Kidd	Version 1 transferred into MyCouncil policy template with no change to content.
3	10/04/2019	8/12/2020	Rod Kidd	New Code of Conduct issued by OLG on 14 December 2018 and approved by council resolution no. 68 on 9 April 2019.
4	9/12/2020	15/11/2022	Jennie Keato	Revised Code of Conduct issued by OLG on 14 August 2020 and approved by council resolution No.234 on 8 December 2020.
5	16/11/2022	TBA	Jennie Keato	Code of Conduct review within 12 months of ordinary election as required under Section 440 of the Local Government Act 1993. No Changes were made. Resolution 242.

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PART 1 INTRODUCTION

The Ku-ring-gai Council Code of Conduct is based on the Model Code of Conduct for NSW Councils, issued by the Office of Local Government, and is made under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2005 ("the Regulation").

This Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees). Ku-ring-gai Council has extended the application of parts of the Code of Conduct to include members of wholly advisory committees

A council's or joint organisations adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with Ku-ring-gai's code of conduct may give rise to disciplinary action.

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PART 2 DEFINITIONS

In this code the following terms have the following meanings:

Administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
Committee	see the definition of “council committee”
Complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
Conduct	includes acts and omissions
Council	includes county councils and joint organisations
Council Advisor	A person who at the request or with the consent of the council or a council committee gives advice on any matter at any meeting of council or committee
Council Committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
Council Committee Member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
Council Official	includes councillors, members of staff of a council, administrators, council committee members, members of wholly advisory committees, delegates of council, and, for the purposes of clause 4.16, council advisers
Councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
Delegate Of Council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
Designated Person	a person referred to in clause 4.8
Election Campaign	includes council, state and federal election campaigns
Environmental Planning Instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>

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General Manager	includes the executive officer of a joint organisation
Joint Organisation	a joint organisation established under section 400(O) of the LGA
LGA	the <i>Local Government Act 1993</i>
Local Planning Panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
Mayor	includes the chairperson of a county council or a joint organisation
Members Of Staff Of A Council	includes members of staff of county councils and joint organisations
The Office	Office of Local Government
Personal Information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
The Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
The Regulation	the Local Government (General) Regulation 2005
Voting Representative	a voting representative of the board of a joint organisation
Wholly Advisory Committee	a council committee that the council has not delegated any functions to

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PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. *(section 439).*

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

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Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or ‘initiation ceremonies’
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety

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- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

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- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code

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- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i. the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii. security for damage to footpaths or roads
 - iii. any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4 but includes your spouse or de facto partner.

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What disclosures must be made by a designated person?**4.8 Designated persons include:**

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.23, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest by completing the "Advice of Pecuniary Interest" form.**4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.****4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.****4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.****What disclosures must be made by council staff other than designated persons?****4.14 A member of staff of council, other than a designated person, must disclose in writing to the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest, by completing the "Advice of Pecuniary Interest" form.**

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- 4.15 The general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person, who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.30 and comply with clause 4.31.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

Note: A Council Committee member identified by Council as a 'Designated Person' for the purpose of clause 4.8(d) must also prepare and submit written returns of interest in accordance with clause 4.23

What disclosures must be made by a wholly advisory committee member?

- 4.20 A wholly advisory committee member must disclose pecuniary interests in accordance with clause 4.30 and comply with clause 4.31
- 4.21 For the purpose of clause 4.20, a "wholly advisory committee member" includes a member of staff of council who is a member of the committee

What disclosures must be made by a councillor?

- 4.22 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.23, and
 - (b) must disclose pecuniary interests in accordance with clause 4.30 and comply with clause 4.31 where it is applicable.

Disclosure of interests in written returns

- 4.23 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and

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- (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.24 A person need not make and lodge a return under clause 4.23, paragraphs (a) and (b) if:

- (a) they made and lodged a return under that clause in the preceding 3 months, or
- (b) they have ceased to be a councillor or designated person in the preceding 3 months.

4.25 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.26 The general manager must keep a register of returns required to be made and lodged with the general manager.

4.27 Returns required to be lodged with the general manager under clause 4.23(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

4.28 Returns required to be lodged with the general manager under clause 4.23(c) must be tabled at the next council meeting after the return is lodged.

4.29 Information contained in returns made and lodged under clause 4.23 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

4.30 A council official who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.31 The council official must not be present at, or in sight of, the meeting of the council or committee:

- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- (b) at any time during which the council or committee is voting on any question in relation to the matter.

4.32 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.30 and 4.31 where they participate in the meeting by telephone or other electronic means.

4.33 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

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4.34 A general notice may be given to the general manager in writing by a council official to the effect that the council official, or the council official's spouse, de facto partner or relative, is:

- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the council official's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

4.35 A council official is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the council official has an interest in the matter of a kind referred to in clause 4.6.

4.36 A person does not breach clauses 4.30 or 4.31 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.37 Despite clause 4.31, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.38 Clause 4.31 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.39 in relation to the interest before the commencement of the meeting.

4.39 A special disclosure of a pecuniary interest made for the purposes of clause 4.38(c) must:

- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

- 4.40 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.41 A council official with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.40, must still disclose the interest they have in the matter in accordance with clause 4.30.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, by completing the "Advice of Non-Pecuniary Interest" form and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter by completing the "Advice of Non-Pecuniary Interest" form. In the case of council official's other than the general manager, such a disclosure is to be made to the general manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

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5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.30 and 4.31.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

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- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council officials are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council meetings or committee meetings, or wholly advisory committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.30 and 4.31. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:

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- i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business, by completing an "Employment Approval Application" and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties

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- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the Electoral Funding Act 2018
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to an employee or councillor
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 Members of staff, must not;
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept a gift or benefit of any kind
 - d) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - e) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Council officials (other than members of staff) must not:
- a) seek or accept a bribe or other improper inducement

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- b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.8, accept any gift or benefit of more than token value as defined by clause 6.10.
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.14, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.7 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the general manager in writing by completing the ‘Gifts or Benefits Disclosure Form’. The general manager must ensure that, at a minimum, the following details are recorded in the council’s gift register:
- a. the nature of the gift or benefit
 - b. the estimated monetary value of the gift or benefit
 - c. the name of the person who provided the gift or benefit, and
 - d. the date on which the gift or benefit was received
 - e. the name of the recipient
- 6.8 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.9 Council officials (other than members of staff) may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.10 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.6 (d) and, subject to clause 6.8, must not be accepted.
- 6.11 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the

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general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

- 6.12 Council officials (other than members of staff), that have accepted a gift or benefit of token value from a person or organisation, must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.13 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.14 For the purposes of clause 6.6(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.15 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.16 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.

7.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
- b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
- c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of council must:

- a) give their attention to the business of the council while on duty
- b) ensure that their work is carried out ethically, efficiently, economically and effectively
- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

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Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

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Use of certain council information

8.9 In regard to information obtained in your capacity as a council official, you must:

- a) subject to clause 8.14, only access council information needed for council business
- b) not use that council information for private purposes
- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

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- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

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- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.

9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to bully, intimidate or harass another council official
- b) to damage another council official's reputation
- c) to obtain a political advantage
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under the Procedures
- g) to take reprisal action against a person for making a complaint alleging a breach of this code
- h) to take reprisal action against a person for exercising a function prescribed under the Procedures
- i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.

9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

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Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.23

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.23(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.23(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.23(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
- 4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

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Part 2: Pecuniary interests to be disclosed in returnsReal property

5. A person making a return under clause 4.23 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.23 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.23 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and

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- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.23 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.23 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.23 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.23 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.23 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.23 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

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27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.23 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.23 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:

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- (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
- (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.23

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Ku-ring-gai Council Code of Conduct.
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.23 of the Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.25 of the Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.23 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

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You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the Nature of interest
return date/at any time since 30 June

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
---------------------------	--	--

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
-----------------------------	-----------------------------

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June Name and address of donor

D. Contributions to travel

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Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)**G. Positions in trade unions and professional or business associations**

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

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SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.39

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.38(c) of the Ku-ring-gai Council Code of Conduct.

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). ☐ An associated person of the councillor has an interest in the land. ☐ An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	☐ The identified land. ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

¹ Clause 4.1 of the Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Code of Conduct has a proprietary interest.

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Controlled Document – Code of Conduct

Version 5 – 16 November 2022

Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

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Ku-ring-gai Council

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ACCESS TO SERVICES**KU-RING-GAI COUNCIL**

Address 818 Pacific Highway, Gordon NSW 2072
Mailing address Locked Bag 1006, Gordon, NSW, 2072
Office Hours Monday-Friday, 8.30am-5.00pm
Special arrangements are available for Telephone Interpreter and National Relay Service. Refer to Ku-ring-gai Website. All offices are wheelchair accessible.

Phone (02) 9424 0000
Fax (02) 9424 0001
TTY (02) 9424 0875
Email kmc@kmc.nsw.gov.au
Website www.kmc.nsw.gov.au

THE OFFICE OF LOCAL GOVERNMENT

Address 5 O'Keefe Avenue , NOWRA NSW 2541
Mailing address Locked Bag 3015, NOWRA NSW 2541
Office Hours Monday-Friday, 8.30am-5.00pm
(Special arrangements may be made if these hours are unsuitable), offices are wheelchair accessible.

Phone 02 4428 4100
Fax 02 4428 4199
TTY TTY 02 4428 4209
Email olg@olg.nsw.gov.au
Website www.olg.nsw.gov.au

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for OLG publications to be provided in large print or an alternative media format. If you need this service, please contact their Executive Branch on (02) 4428 4100.

FAMILIARISATION WITH THE TERMS OF REFERENCE INCLUDING MEETING PROCEDURES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide newly appointed members of the Environment Advisory Committee with information on the Committee's Terms of Reference.

BACKGROUND:

The Environment Advisory Committee is governed by its Terms of Reference.

COMMENTS:

The Terms of Reference set out the role of the Committee, the Committee's membership, delegations, voting arrangements, meeting arrangements, reporting structure, and Code of Conduct and confidentiality requirements.

The Environment Advisory Committee's Terms of Reference are contained within the Council Advisory and Reference Committee Guideline, which is available on Council's 'Policies' webpage and will be sent by email to all Committee members.

RECOMMENDATION:

That the Committee notes the information provided.

(Refer to the full Recommendation at the end of this report)

PURPOSE OF REPORT

To provide newly appointed members of the Environment Advisory Committee with information on the Committee's Terms of Reference.

BACKGROUND

The Environment Advisory Committee is governed by its Terms of Reference.

COMMENTS

The Terms of Reference set out the role of the Committee, the Committee's membership, delegations, voting arrangements, meeting arrangements, reporting structure, and Code of Conduct and confidentiality requirements.

The Environment Advisory Committee's Terms of Reference are contained within the Council Advisory and Reference Committee Guideline, which is available on Council's 'Policies' webpage and will be sent by email to all Committee members.

INTEGRATED PLANNING AND REPORTING

Nil

GOVERNANCE MATTERS

Nil

RISK IMPLICATION STATEMENT

Nil

FINANCIAL CONSIDERATIONS

Nil

SOCIAL CONSIDERATIONS

Nil

ENVIRONMENTAL CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

Nil

INTERNAL CONSULTATION

Nil

SUMMARY

The Terms of Reference set out the role of the Committee, the Committee's membership, delegations, voting arrangements, meeting arrangements, reporting structure, and Code of Conduct and confidentiality requirements.

RECOMMENDATION:

A. That the Committee notes the information provided.

Sybylla Brown
Natural Areas Program Leader

Attachments: A1 Environment Advisory Committee Terms of Reference 2025/090744

ENVIRONMENT ADVISORY COMMITTEE

Role of the Committee

The Environment Advisory Committee is established to provide strategic advice and feedback to Ku-ring-gai Council on the preservation, management, enhancement, and recreational use of Ku-ring-gai's natural environment. The Committee's focus is to guide Council on ensuring ecological sustainability, promoting biodiversity, and fostering community engagement in the care of environmental areas.

The Committee will:

- Advise on the planning and management of environmental programs, excluding those related to bushfire and flood risk management.
- Support the design and planning of recreational facilities within natural areas, ensuring these align with sustainability and community needs.
- Contribute to the development and review of Council's biodiversity, urban greening, and environmental plans and policies, ensuring alignment with best practice.
- Guide the creation, engagement around, and implementation of, environmental education and sustainable recreation initiatives.
- Provide input on environmental monitoring and reporting to assess Council's efforts in protecting and enhancing the environment.

Membership

The Committee will consist of:

- Two Councillor representatives (voting members), appointed by Council as Chairperson and Deputy Chairperson.
- Up to eight community representatives (voting members), selected based on their expertise in environmental management, biodiversity conservation, urban forestry, sustainable recreation, or related fields.
- One representative from NSW National Parks and Wildlife Service (voting member).
- The following Ku-ring-gai Council staff will be available to attend the Committee meetings (non-voting), and will provide professional advice and administrative support:
 - Manager Environment and Sustainability
 - Environmental Programs Leader
 - Other staff as required for their expertise or specific knowledge areas.

Community representatives are to be appointed by resolution of Council following an Expression of Interest process with recommendations based on candidate merit and ensuring diverse representation across the relevant disciplines.

Term of membership

The term of office for committee members will be for the term of Council, plus up to 6 months to allow time for the incoming Council to make new appointments. At the expiration of the term, members will be eligible for re-appointment, subject to referral to Council for its consideration and resolution.

Chairperson

The Chairperson of the Committee is the Mayor, or a Councillor as nominated by Council.

The Chairperson is to be elected by Council for the same period as the term of office of the Mayor. If the Chairperson is not present at the time designated for the meeting, the Deputy Chairperson shall take the responsibilities of the Chairperson.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set out in the agenda.

The Chairperson has the discretion to exclude a member of the Committee if a member displays inappropriate conduct. If this occurs, the matter is to be reported to the next available Council meeting.

Deputy Chairperson

The Deputy Chairperson of the Committee will be a Councillor as nominated by Council.

Committee Facilitator

A Committee Facilitator (Convenor) shall be appointed by the General Manager. The Facilitator shall be a staff member of Council who will be responsible for coordinating the preparation of agendas, invitations and minutes of the Committee.

The Facilitator shall also be responsible for coordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee in consultation with the Chairperson and other staff.

Delegation

No delegation. The committee is an advisory body only and has no decision-making authority. It cannot commit Council to a course of action or direct Council staff.

Voting

Decisions will be made by a simple majority vote, with the Chair having the casting vote in the event of a tie.

Quorum

A quorum will be established by the presence of at least half the appointed members of the Committee, including at least one Councillor.

Meetings

The Committee will meet quarterly, or as determined by the Chairperson. The Chairperson has the authority to call meetings in accordance with the agreed meeting schedule. A proposed change to this meeting schedule, either ongoing or one-off, should give consideration to operational requirements, and be agreed upon by the majority of Committee members.

Agendas will be distributed at least five (5) business days before each meeting. Minutes of each meeting will be recorded and circulated to members for review and endorsement by the Chairperson.

Each meeting will start and finish at the scheduled time. The Chairperson may consider a motion to extend a meeting for up to 30 minutes. Matters listed on the agenda that are not dealt with by the conclusion of the meeting will be carried forward to the next meeting of the committee.

If an issue arises that requires the Committee's input before the next scheduled meeting (e.g., due to time constraints), the matter may be referred informally to committee members for their guidance or advice.

Attendance by audio-visual link

Members of the committee may attend meetings by audio-visual link, in accordance with the Council Advisory and Reference Committee Guideline.

Reporting Structure

Once approved by the Chairperson, the minutes will be put to an Ordinary Meeting of Council for adoption. The recommendations of the committee, so far as adopted by the Council at an Ordinary Meeting of Council, are resolutions of the Council.

The Committee will provide formal recommendations to Ku-ring-gai Council. Recommendations and progress reports will be submitted through the Director of Strategy and Environment for inclusion in relevant Council meetings and decision-making processes.

Code of Conduct

All Committee members are expected to adhere to the Ku-ring-gai Council Code of Conduct. Members must declare any pecuniary or non-pecuniary interests at the start of meetings where applicable. Conflicts of interest will be managed in accordance with Council policies.

All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Each Committee member shall be provided with Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

Confidentiality

Committee members may be privy to sensitive or confidential information, and they are expected to maintain confidentiality in line with Council's guidelines. Breaches of confidentiality may result in removal from the Committee.

DETERMINATION OF PRIORITY ITEMS FOR THE CURRENT TERM OF THE COMMITTEE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide the Committee with the opportunity to discuss and determine priority items to be progressed or dealt with during the current term of the Committee.

BACKGROUND:

The Committee’s Terms of Reference provides the Committee’s scope.

COMMENTS:

Committee members may discuss Council plans, policies, and initiatives etc. to determine which they would like the Committee to focus its efforts on during the current term.

RECOMMENDATION:

That the Committee notes the information provided.

[Refer to the full Recommendation at the end of this report]

PURPOSE OF REPORT

To provide the Committee with the opportunity to discuss and determine priority items to be progressed or dealt with during the current term of the Committee.

BACKGROUND

The Committee's Terms of Reference provides the Committee's scope.

COMMENTS

Committee members may discuss Council plans, policies, and initiatives etc. to determine which they would like the Committee to focus its efforts on during the current term.

INTEGRATED PLANNING AND REPORTING

Nil

GOVERNANCE MATTERS

Nil

RISK IMPLICATION STATEMENT

Nil

FINANCIAL CONSIDERATIONS

Nil

SOCIAL CONSIDERATIONS

Nil

ENVIRONMENTAL CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

Nil

INTERNAL CONSULTATION

Nil

SUMMARY

Committee members may discuss Council plans, policies, and initiatives etc. to determine which they would like the Committee to focus its efforts on during the current term.

RECOMMENDATION:

A. That the Committee notes the information provided.

Sybylla Brown
Natural Areas Program Leader

COUNCIL'S TREE AUDIT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To inform the Committee that a Tree Audit Report – Urban Forest Canopy Analysis in Ku-ring-gai, was undertaken by Council.
BACKGROUND:	Council’s Urban Forest Strategy has identified that tree removals are outpacing tree plantings across the LGA.
COMMENTS:	In order to better understand the drivers of tree removals, Council has undertaken an audit of a sample of canopy loss on private lands. Council is currently undertaking a review and update of the Urban Forest Action and Implementation Plan 2023, to incorporate the recommendations from the Audit.
RECOMMENDATION:	That the Committee notes the information provided.
(Refer to the full Recommendation at the end of this report)	

PURPOSE OF REPORT

To inform the Committee that a Tree Audit Report – Urban Forest Canopy Analysis in Ku-ring-gai, was undertaken by Council.

BACKGROUND

Council’s Urban Forest Strategy has identified that tree removals are outpacing tree plantings across the LGA.

COMMENTS

From 2020 to 2022, Ku-ring-gai experienced a 1.4%* decline in overall canopy cover, equating to the loss of approximately 1,240,000 m² of vegetation over 3 metres in height—most of which occurred on privately owned land. Analysis of 131 sample sites revealed 774 tree removals during this period, contributing to impacts on biodiversity, urban cooling, and overall liveability.

The Ku-ring-gai Urban Forest Canopy Loss on Private Land Analysis builds on the Urban Forest Strategy 2022 and examines this decline through canopy mapping, data analysis, and stakeholder interviews. It identifies key drivers of canopy loss and provides targeted recommendations to improve tree protection on private land.

The report emphasises the importance of refining State Government regulatory frameworks, strengthening enforcement, and encouraging community stewardship. It also outlines the limits of Council’s authority, as many relevant laws are set at the State level and can override local planning controls. The primary driver of canopy loss is development pressure, not Council’s DA processes.

Despite robust and proactive urban forest management practices, Council faces a significant challenge, that is, maintaining Ku-ring-gai’s high tree canopy standards while balancing urban growth. Current canopy cover on private land remains high at 45% (based on 2020 ArborCarbon data)—a figure that far exceeds national and international averages. However, the target of 49% set in the Urban Forest Strategy 2022 now appears ambitious given the recent rate of decline.

Ku-ring-gai’s challenge is unique, unlike many newer suburbs with canopy cover as low as 10–20% (2020 Vision: Where are all the Trees?), Ku-ring-gai is starting from a high benchmark. The task ahead is not just to plant more trees, but to stem the decline and achieve no net loss.

INTEGRATED PLANNING AND REPORTING

Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P1.1 Ku-ring-gai’s unique visual character and identity is maintained.	P1.1.1 Strategies, plans and processes are in place to protect and enhance Ku-ring-gai’s unique visual and landscape character.	P.1.1.1.7 Implement priority monitoring from the Urban Forest Strategy.

GOVERNANCE MATTERS

Nil

RISK IMPLICATION STATEMENT

Reputational risk – misinterpretation of data

There are several variables in the definition of ‘canopy’ and how it is quantified. Figures have the potential to be misconstrued without understanding the context of regulation. Permitted tree removals are subject to a rigorous assessment process on a case-by-case basis in line with Council policies and controls. If the request to remove a tree meets the allowable controls, there is no recourse to preclude it from occurring.

The report also highlights the complexity of examining the data. There were 131 locations examined, with 142 instances of tree removal totalling 774 trees being removed. This illustrates that on the majority of properties, multiple trees are being removed. It also articulates that this has occurred through different mechanisms – permit, DA, CDC and unregulated – in some cases on the same property.

This project seeks to thoroughly understand the mechanisms driving tree canopy loss, with a particular focus on identifying areas where operational and policy improvements can help mitigate future losses. By conducting an in-depth analysis of tree removals from a representative sample of properties, the report:

- Analysed tree loss data and assessed trends in tree canopy loss across various land zones (e.g., R2 Low Density Residential, C4 Environmental Living);
- identified the mechanisms behind removals, approved removals and including illegal removals; and
- provided recommendations for improvements in policy and Council operations to assist in reducing the loss of canopy in the Ku-ring-gai LGA.

The outcomes of this analysis highlight existing gaps in policy and processes but also offers strategic recommendations for enhancing the protection of trees on private lands. The results are expected to guide data-driven decision-making and inform future Council initiatives aimed at maintaining and improving canopy coverage, thereby contributing to the long-term environmental sustainability and quality of life in the Ku-ring-gai LGA.

The production of the external report has managed risk through ongoing cross-discipline reviews, and effective consultant management. An Urban Forest Strategy (UFS) Working Group was established, engaging with the consultants at regular review meetings, followed by collation of internal feedback delivered to the consultant to further develop and refine the documents.

The report is linked to both the Urban Forest Policy and Urban Forest Strategy. The Urban Forest Policy provides a framework which recognises and utilises the positive contribution provided by the Urban Forest. Including that management and protection be informed through use of relevant legislation, policies, strategies, standards, codes and approved guidelines.

The implementation of the Urban Forest Strategy is informed by the Urban Forest Strategy Implementation and Action Plan subject to risk assessments carried out by the relevant department prior to conducting any work.

To ensure effective utilisation of this external analysis report, a review of the final reports Actions and Recommendations was undertaken by the Urban Forest Strategy (UFS) Working Group. Enabling additional staff contribution and addressing report scope limitations (including a lack of detailed assessment of Council's existing forms and procedures, as noted within 'Limitations'. From this UFS working group review, alterations to the Urban Forest Strategy Implementation and Action Plan Feb 2023 have been proposed.

FINANCIAL CONSIDERATIONS

Nil

SOCIAL CONSIDERATIONS

This report recognises the social, health and well-being benefits that a healthy sustainable Urban Forest can provide to its community and the threats to these benefits from illegal tree activities and canopy loss.

The urban forest forms an important part of the cultural and social identity of Ku-ring-gai, where residents value vegetation and the natural landscape. As Phillip Matthews wrote in Ku-ring-gai – Living with Trees, *"More than anything else in Ku-ring-gai it is the trees...if a single bond draws Ku-ring-gai together, then surely it is the determination to protect the intrinsic value of the landscape"*.

Urban forests have a range of social benefits, including:

- Social connection. Urban forests improve social connection; they offer a sense of place and support community interaction through events, festivals and passive daily interaction. Parts of the urban forest can become closely linked with people's identities and sense of place.
- Community cohesiveness. Studies have also shown that green space in major Australian cities is unevenly distributed, with less green space in areas with a higher proportion of low-income residents. Improving the distribution of green space and urban forests in Ku-ring-gai may foster improved community cohesiveness and a sense of shared identity across the city.
- Aesthetic, recreational activity and mental health provided by gardens (including trees and Shrubs >3m), contributing to local liveability.

ENVIRONMENTAL CONSIDERATIONS

The Urban Forest Policy provides a foundation for the protection, enhancement, and sustainable management of trees and vegetation across Ku-ring-gai, supporting local biodiversity, habitat connectivity, and ecosystem health. However, ongoing tree loss—whether through approved removals, exempt activities, or development—poses a significant challenge to the long-term sustainability of the Urban Forest and the many benefits it provides.

It is important to recognise that while tree removals may have short-term impacts, the selective removal of dead, declining, or invasive species can contribute positively over time. When offset with appropriate replanting and long-term maintenance, these removals can improve species diversity, age distribution, and resilience within the Urban Forest.

Item GB.4

S14696

Trees deliver a wide range of ecosystem services, including air and water filtration, shade, habitat provision, oxygen production, carbon sequestration, and nutrient cycling. Just as importantly, the Urban Forest strengthens the connection between people and nature—supporting recreational opportunities, enhancing mental and physical wellbeing, and contributing to neighbourhood character and property value.

The environmental benefits of a healthy and extensive urban forest include:

- Greenhouse gas mitigation and carbon storage;
- improved air quality;
- enhanced water cycling and erosion control;
- biodiversity and wildlife habitat; and
- reduction of the urban heat island effect.

COMMUNITY CONSULTATION

The Urban Forest, canopy and the loss of canopy is an area of interest for many within the community. This report will be placed on Council's website in the Urban Forest section along with the monitoring and aerial mapping analysis reports.

Additionally, this report will be utilised within Council's participation of the Urban Forest/Tree Canopy Group working group, established under the Northern Sydney Regional Organisation of Councils (NSROC) Environmental Sustainability Professional Officers Group (ESPOG), addressing the issue of loss of canopy, especially through tree vandalism, illegal felling/clearing, excessive pruning.

INTERNAL CONSULTATION

Staff from the Strategy & Environment, Development & Regulation, and Operations departments who are involved in the management of the urban forest have been consulted on the update to the Urban Forest Action and Implementation Plan 2023.

SUMMARY

The Urban Forest Canopy Analysis in Ku-ring-gai report was an extension of the urban forest monitoring program and seeks to thoroughly understand the mechanisms driving tree canopy loss, with a particular focus on identifying areas where operational and policy improvements can help mitigate future losses. A representative sample of properties was selected and tree loss data analysed. Mechanisms behind removals were identified. Council staff are currently formulating recommendations for improvements in policy and Council operations to assist in reducing the loss of canopy in the Ku-ring-gai LGA.

Key findings of the Urban Forest Canopy Analysis in Ku-ring-gai, include:

- A high incidence of unregulated removals (36.62% of removal instances);
- development pressure accounting for 63.31% of all trees removed; and
- concentrated removals in R2 Low Density Residential Zones, linked to development.

Council is currently undertaking a review and update of the Urban Forest Action and Implementation Plan 2023, to incorporate the recommendations from the Audit.

RECOMMENDATION:

That the Committee notes the information provided.

Sybylla Brown
Natural Areas Program Leader

Jacob Sife
Manager Environment and Sustainability

Andrew Watson
Director Strategy & Environment

Attachments: A1 Ku-ring-gai Caniopy Loss Analysis 2025/097237

Ku-ring-gai Urban Forest Canopy Loss on Private Land Analysis



Final Report February 2025

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Prepared for: Ku-ring-gai Council
Prepared by: Good Canopy Company

Revision	Description	Date	Author/s
Revision 1 v1	Draft report structure (contents) for approval	23.09.2024	Gwilym Griffiths
Revision 1 v2	Draft report for review and comment	22.10.2024	Gwilym Griffiths
Revision 1 v3	Draft report for final review and comment	20.11.2024	Gwilym Griffiths
Revision 2	Final report	18.02.2025	Gwilym Griffiths

(cover page image source: Ku-rin-gai Urban Forest Strategy 2022)

1 Definitions

Canopy cover:

An indicator of the quantity of urban forest often used as a measure of an urban forests general capacity to provide economic, social, environmental and aesthetic benefits.

Complying development:

Complying development is a fast-tracked approval process for straightforward residential development that does not require a development application (DA). Approval is sought from a private certifier.

Development application:

Development that is not classed as Exempt or complying must be assessed through a formal development application (DA) through council.

Exempt Development:

Minor works, such as a small deck, fencing or kitchen renovations that may not require development consent.

Urban Forest:

All of the trees, other vegetation as well as the soil, seedbank and water that support these. It includes the network of vegetation within both public and private ownership, encompassing the spectrum of vegetation growing within:

- Natural soils that exists independent of human involvement
- Altered soils, including gardens, bio-retention basins, raingardens
- Engineered structures such as tree cells / vaults, vertical and roof top gardens

Urban Forest Strategy (UFS) 2022:

Ku-ring-gai's Urban Forest Strategy defines how Council is currently managing its urban forest and will outline a pathway to facilitate improved urban forest outcomes, so that the benefits of a healthy urban forest can be maximised for current and future generations.

Tree:

A tree is defined by minimum height and canopy spread thresholds. Section 3.2.2 highlights the different thresholds, according to various planning instruments, used in this report.

2 Introduction

2.1 Executive Summary

This report builds upon and extends the work of the *Ku-ring-gai Urban Forest Strategy 2022*. It presents an analysis of canopy loss on private land in the Ku-ring-gai Local Government Area (LGA) over a two year period between 2020 and 2022 for vegetation over **3m in height**. Through canopy mapping, data collection, and Council stakeholder interviews, the study identifies key drivers of canopy loss and provides actionable recommendations to improve tree preservation on private land. The findings emphasise the importance of advocating for improvement to State Government regulatory frameworks, strengthening enforcement mechanisms, and fostering community stewardship to mitigate canopy decline.

As part of this discussion on tree protection and canopy loss it is crucial to understand the scope of Council's authority regarding tree protection and the areas where its influence is limited. A significant portion of tree protection and development related legislation is established by the State Government, which in many instances has the power to override Council level planning regulations. Development pressures, not Council's DA processes, are the primary driver of canopy loss.

Ku-ring-gai Council have a very high standard in tree protection and managing development-related impacts on the urban forest. The Council has implemented robust, sustainable tree management practices that reflect a proactive approach to preserving canopy cover while balancing urban development with tree protection.

Despite these efforts, from 2020 to 2022, Ku-ring-gai experienced a 1.4% decline in overall LGA canopy cover, resulting in the loss of approximately 1,240,000 m² of tree cover. The majority of this decline was seen on privately owned land. The analysis revealed that, of the 131 locations analysed, 774 trees had been removed over this two-year period. Council's current canopy cover for private land is 45%* which is extremely high by national and even international standards. The canopy target set for private land is 49% (Urban Forest Strategy 2022) which given the decline experienced over this two year period currently seems ambitious.

The key drivers and mechanisms for canopy loss in Ku-ring-gai include:

- 1 High incidence of unregulated removals** (36.62% of removal instances).
- 2 Development pressure** accounting for 63.31% of all trees removed.
- 3 Concentrated removals in R2 Low Density Residential Zones**, linked to development.

Ku-ring-gai's unique challenge is that it is starting from a high benchmark of canopy cover, whereas most Councils, particularly with newer suburbs, have only 10-20% or

even less (Source: 2020 Vision 'Where are all the Trees'). Ku-ring-gai's task will be to stem this decrease to achieve no net loss.

Recommendations and actions are provided in this report focus on enforcement, policy improvements, community engagement, and ongoing monitoring. By following these recommendations, Ku-ring-gai Council can work towards balancing canopy loss and achieving sustainable urban tree coverage in the future.

2.2 Project Purpose and Context

2.2.1 Project purpose

This project is an extension of the urban forest monitoring program and seeks to thoroughly understand the mechanisms driving tree canopy loss, with a particular focus on identifying areas where **operational and policy improvements** can help mitigate future losses. By conducting an in-depth analysis of tree removals from a representative sample of properties, this study will:

- **Analyse tree loss data and assess trends** in tree canopy loss across various land zones (e.g., R2 Low Density Residential, C4 Environmental Living),
- **Identify the mechanisms** behind removals, approved removals and including unregulated removals, and
- **Provide recommendations** for improvements in policy and Council operations to assist in reducing the loss of canopy in the Ku-ring-gai LGA.

To strengthen the robustness of the analysis, the project incorporates a randomised selection of properties and includes **multiple levels of data verification** (GIS, permits, approvals, aerial imagery), ensuring that the findings are accurate and comprehensive. Additionally, the engagement of key Council stakeholders (e.g. tree management officers, development assessors) will provide practical insights into current challenges and opportunities for improvement in urban canopy protection.

The outcome of this analysis will highlight existing gaps in policy and processes and offer **strategic recommendations** for enhancing the protection of trees on private lands. The results are expected to guide **data-driven decision-making** and inform future Council initiatives aimed at maintaining and improving canopy coverage, thereby contributing to the long-term environmental sustainability and quality of life in the Ku-ring-gai Local government area (LGA).

2.2.2 Contextual Overview

Urban forest and tree management is inherently complex and multifaceted, shaped by a range of drivers, challenges, and opportunities. Within the Ku-ring-gai LGA, urban canopy loss has emerged as a critical concern, particularly on private land where regulatory oversight is inherently limited. Over the two-year period analysed in this report (2020–2022), **Canopy cover in Ku-ring-gai declined 1.4%*** equating to a loss of approximately 1,240,000 square metres of canopy area. To contextualise this loss, it is equivalent to about 174 soccer fields. This significant reduction has undoubtedly

* Reference: ArborCarbon Report: Aerial Measurement of Vegetation Cover 2022 and ArborCarbon Report: Aerial Measurement of Vegetation Cover 2020 "Canopy (vegetation 3m and above) covered 51.4% of the Council, or 4389 ha 2020... Canopy (vegetation 3m and above) covered 50% (4265 ha) of the Council 2022"

impacted the local environment, with adverse effects on biodiversity, urban cooling, and the overall liveability of the area.

Private land plays a pivotal role in Ku-ring-gai's urban forest, contributing 48.6% of the total canopy cover (excluding Zone C1 – National Parks and Nature Reserves) while making up 49.8% of the LGA, see image 01 below. However, this vital resource is vulnerable due to gaps in regulatory controls and the prioritisation of development objectives, mostly from state level environmental and planning policy. Council-owned land contributes 43.3% of canopy cover and benefits from stronger regulatory protections, but it cannot compensate for the scale of loss occurring on private land. This imbalance underscores the importance of engaging private landowners in tree management and ensuring that development frameworks align with urban forest preservation goals.

While canopy cover provides a useful indicator of urban forest health, it offers only a partial view of the dynamics at play. It reveals the extent of coverage but does not fully capture the processes driving loss or the effectiveness of actions designed to promote canopy gain. For example, the decline in canopy is not solely a matter of individual behaviour but is also shaped by systemic issues within the development framework. Addressing these challenges requires a more integrated approach that aligns urban planning and environmental policies to support both development and tree retention.

This report acknowledges these influencing factors while aiming to provide a clearer picture of the natural and human-driven dynamics affecting canopy cover. By understanding both the scale and the underlying drivers of canopy loss, Ku-ring-gai Council can identify targeted strategies to mitigate further declines and promote canopy restoration in a way that balances environmental, social, and economic objectives.

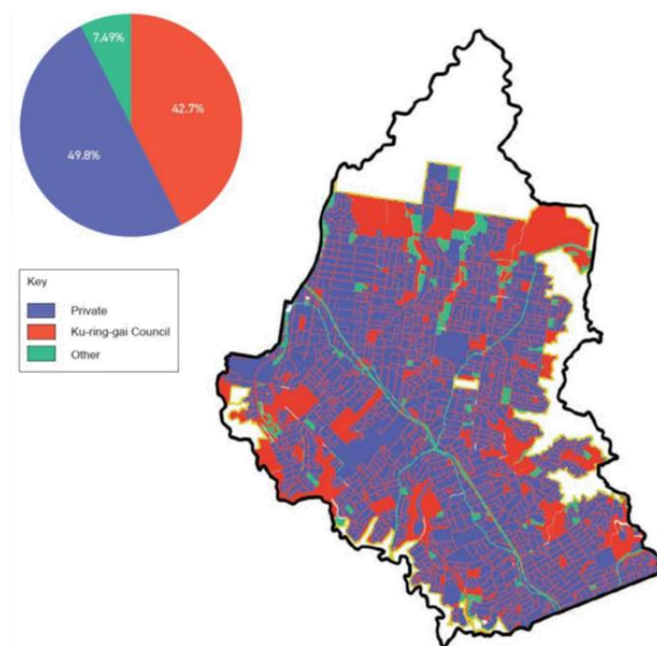


Image 01. Map showing the proportion of private land to public land in the Ku-ring-gai LGA. (Source: Ku-ring-gai Urban Forest Strategy – map created by ArborCarbon)

3 Data Collection and Analysis

3.1 Methodology

Analysis was undertaken on an initial sample of 150 properties, several properties were eliminated from assessment due to boundary changes in bushfire prone land zoning and detailed analysis concluding they involved exempt removals. This resulted in a total of **131** properties across **6** different land zones forming part of the analysis.

The randomised sampling method involved identifying and selecting sample locations within an LGA where tree canopy loss has been detected (red zones). Using the Canopy Loss GIS map layer, sample sites were randomly chosen across different suburbs to provide a representative and unbiased spatial analysis of canopy decline within the region.

3.1.1 Data sets

The following GIS data sets were provided by Council to facilitate the analysis;

- Kur-ring-gai LGA Aerial Imagery 2022
- Kur-ring-gai LGA Aerial Imagery 2020
- Kur-ring-gai LGA Canopy loss layer 2022
- Cadastral land parcels layer
- Bushfire prone land layer 2024
- Tree inventory point data 2020
- LEP zoning layer

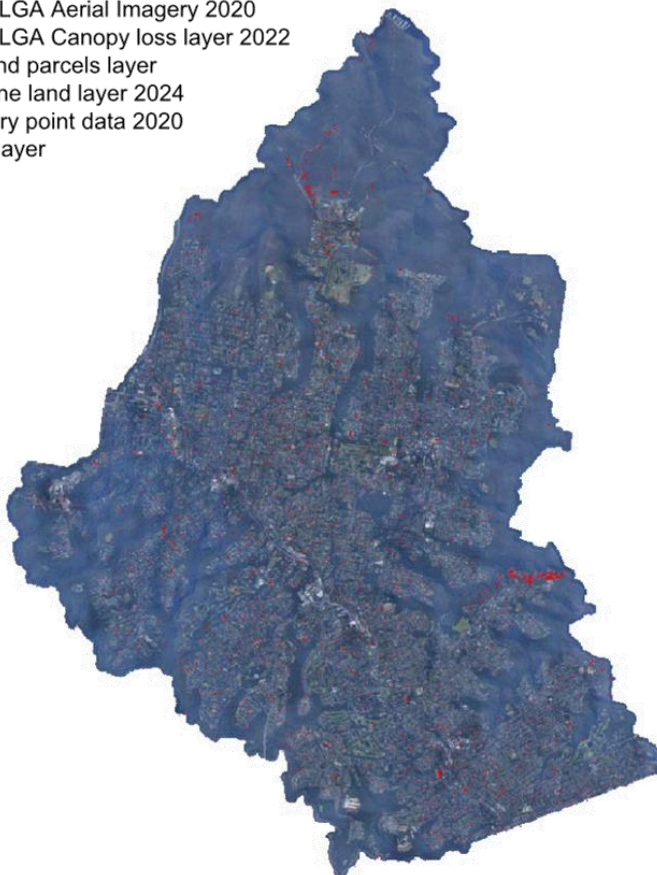


Image 02. Map showing the GIS imagery used for the LGA analysis. Red areas indicate tree canopy loss.

3.1.2 Mechanism Category Definitions

The analysis identified the mechanisms under which each tree or groups of trees had been removed. The following tree removal mechanisms were identified for the project;

- **Development Application (DA)** – Approval granted as part of development, this can be permitted under various Council Development Control Plan (DCP) parts and State provisions provided by the NSW Environmental Planning and Assessment Act. Trees located in Heritage Conservation Areas (HCAs) are subject to approval via DA rather than a permit and can have different approval requirements

All trees counted as removals within this category are deemed 5m in height as defined by the DCP 'Tree and Vegetation Preservation'.

- **Tree Permit** – A Tree Permit is a formal approval required for the removal or pruning of protected trees, issued by Council under the Ku-ring-gai DCP 'Part 13 Tree and Vegetation Preservation' via powers provided by the Biodiversity and Conservation SEPP 2021. The DCP prescribe what trees and works required a permit and works that are exempt from approval. All trees counted as removals within this category are deemed 5m in height as defined by the DCP 'Tree and Vegetation Preservation'.
- **Complying Development Certificate (CDC)** - A CDC is a combined planning and construction approval. This pathway does not require a Council issued Development Application they are issued by private certifiers under the State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008. Council must be notified of works undertaken via CDC in their LGA but has no oversight of conditions or outcomes. Trees counted under this category are subject to exemptions based on the type of development, with removal allowances ranging from trees over 6 metres in height for additions to 8 metres for new builds, depending on the CDC provisions.
- **Unregulated** – These are removals that have occurred without a DA, permit or CDC approval. Removals in this category can include trees that have been removed because they are exempt from the DCP, namely they are identified weeds, are located within 3m of a dwelling, or do not meet the height definition of a Tree under the DCP but meets the height defined during the mapping process (3m in height upwards) used within the mapping process. Trees removed illegally are also represented in this category.

3.1.3 Process

The following 5 steps were undertaken during the data analysis;

Step 1 - GIS Analysis and Identification of Locations

- Importing of GIS layers into the spatial view (QGIS).
- Use of a **randomised sampling approach** to select approx. 150 properties that indicate canopy loss between 2020 and 2022. Ensuring a representative sample of the LGA for analysis.
- **Tree Inventory Data:** Utilisation of tree point data using GIS mapping tools and aerial imagery to accurately identify tree locations and canopy loss.
- **Compiling of data** into the spreadsheet to allow for further analysis.
- **Verification Step:** Cross-check GIS data with on-ground or street-level imagery to verify accuracy, ensuring the dataset reflects current conditions.



Image 03. Image of the canopy loss map layer. This map layer provided the basis of identifying locations for further analysis. Red indicates canopy that has been removed during 2020 and 2022.

Step 2 - Data Collection and Initial Preparation

- **Administrative Data:** Collection data from Council records, including DAs, tree permits, and other regulatory approvals or exemptions.
- **Document Review:** This step required the review of individual document records (DAs, permits etc) for each location to determine whether appropriate approvals were in place for each tree removal.
- **Tree Numbers:** Actual tree removal numbers were determined based on available Council records and mapping.

Step 3 - Data Analysis

- **Tree Removal Counts:** Calculate the total number of trees removed, focusing on both legal and unregulated removals.
- **Removal by Mechanism:** Break down tree removals by the type of approval (DA, permit, CDC) and by unregulated removals, highlighting trends in compliance.
- **Land Zone Distribution:** Analyse tree removals by land zone (R2, C4, R4, etc.) to assess where canopy loss is most concentrated.
- **Verification Step:** Perform a manual check on a subset of locations to verify if the removal figures align with the identified documentation.

Ku-ring-gai Canopy Loss Analysis

Address	Land Zone	Number of trees removed	Removal mechanism	Applicable legislation	Notes
	R2 Low Density Residential	1	Permit	Development control Plan Part 13 Tree & Vegetation Preservation	Complying Development Certificate for demolition of existing dwelling, construction of new dwelling and retaining walls. 2022/139268. -Page 35: Inspection prior to issue of complying development certificate. Will No. 3 trees assessed in Arborists report: not recommended for removal. -2 trees assessed for driveway construction. Liquidambar styraciflua (Reten (Retention value A1) both recommended to retain and protect. -1 tree assessed for dwelling and verandah construction. Eucalyptus salign and protect. -Landscape plan on page 230 has no trees planned for removal. -Demolition notes on page 241 states: this CDC approval does not authorize vegetation. A separate council tree pruning/removal permit is required prior to vegetation. -Tree team response to arborists reports: 2022/084708
	R2 Low Density Residential	1	Permit	Development control Plan Part 13 Tree & Vegetation Preservation & Threatened species licence under Part 2 of the Biodiversity Conservation Act	1 Black butt tree (Eucalyptus pilularis) assessed by council. Tree has signifi removed. 2021/137274, 2021/164121 2021/164143. Threatened species li DPIE 2021/177316. replacement planting of one blackbutt in a suitable loca (2021/177316) DA approved for swimming pool in backyard. no trees approved for removal 2020/133685
	R2 Low Density Residential	2	DA	SEPP (Vegetation in Non-rural Areas) 2017 Part 3.	DA approved for new house, pool, front fence and landscaping. 2020/31887 2021/345078. The proposed development will require the removal of one exotic Fraxinus. referral 2020/003390. Landscape Plan 2020/137607, vegetation managem report 2019/350122.
	R2 Low Density Residential	2	Illegal Removal/ weed	Part 4 of the Environmental Planning and Assessment Act & Clause 134 of the Environmental Planning and Assessment Act regulation.	Complying Development certificate for new swimming pool and Alterations: reference to tree removal - Site plan states no trees impacted by proposed v of property - tree removal at front of property. 2021/044832 2021/013219

Image 04. Image of the spreadsheet (addresses redacted) showing the data collection process.

Step 4 - Qualitative Data Review

- **Trend Analysis:** Explore trends such as higher removal rates in development-heavy areas or residential zones, identifying patterns that affect urban canopy.
- **Verification Step:** Validate identified trends with interviews from key staff (e.g., arborists, development officers) to confirm that the reasons for removal are consistent with on-the-ground realities.

Steps 5 - Data Verification and Validation

- **Verification Across Multiple Datasets:** Cross-validate data between different sources, such as GIS, tree inventory data, permit databases, and aerial imagery, to ensure consistency.
- **Field Verification:** Conduct site visits or review ground-level imagery for randomly selected locations to confirm the accuracy of reported removals and conditions.
- **Data Gaps:** Look for missing or inconsistent data points, such as unrecorded tree removals or permits not linked to specific removals.

3.2 Limitations and clarifications

This report is specifically focused on identifying canopy loss and does not consider canopy gain. While both loss and gain are important for understanding urban forest dynamics, this study aims to provide clarity on the extent and causes of canopy decline within the Ku-ring-gai LGA during the reporting period. Future analyses could incorporate canopy gain to provide a more holistic view of changes to the urban forest.

3.2.1 Exclusion of Bushfire-Prone Areas

Bushfire-prone land and areas within the 10/50 vegetation clearing entitlement zones were excluded from the study area. These zones permit vegetation clearing for bushfire protection without requiring Council approval, resulting in limited oversight or record-keeping for tree removals in these locations. Consequently, tree loss in these areas

could not be reliably assessed and is not included in the findings. See Image 05 below for the delineation of these areas.

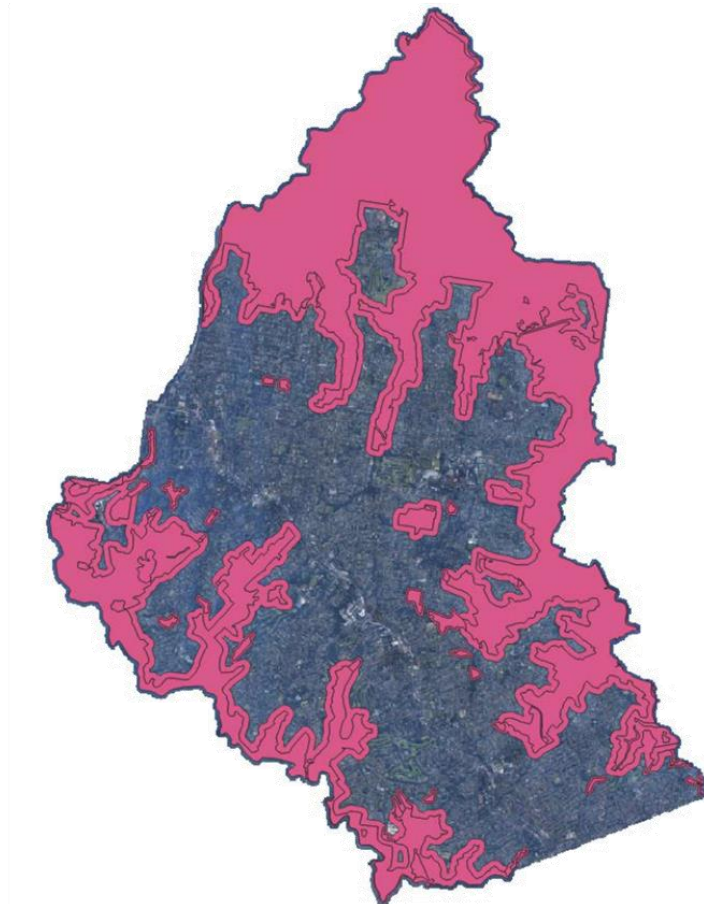


Image 05. Image showing the extent of land zoned 'bushfire prone' which was excluded from the analysis.

3.2.2 Tree Stratification and Height Definitions

The heights of trees and the definition of what constitutes a tree were integral to this study. There are differences with tree height definitions across state and local government and they are not consistent across all planning instruments. A "tree" is typically defined by minimum height and canopy spread thresholds, which vary across different planning instruments. For instance, under Council's DCP 'Tree and Vegetation Preservation' which regulates DAs and permits a tree is defined as exceeding 5 metres in height or 150mm diameter trunk at ground level, while under CDCs, the threshold 6 metres for alterations/ additions and 8m for new dwellings. The mapping layer used for this canopy loss analysis sets tree height as being **3m**, this aligns with state planning definitions and the *Ku-ring-gai Urban Forest Strategy 2022*.

These discrepancies highlight a lack of consistency in how trees are classified, creating challenges in standardising data collection and reporting. Additionally, public perception of what constitutes a tree can vary significantly, adding another layer of complexity.

3.2.3 Variability in Tree Characteristics

Not all trees contribute equally to the urban forest. Variations in size, species, and ecological value mean that the loss of one tree may have a significantly different impact compared to the loss of another. Larger, older trees often provide critical habitat, greater shade, and carbon sequestration benefits, whereas smaller or less ecologically valuable species may have a reduced contribution to the urban forest.

This study acknowledges these differences but does not assess the specific ecological or functional value of individual trees. Therefore, this study is a largely as quantitative assessment not a qualitative assessment. That is the result is based on tree numbers and does not assess the respective area of tree canopy loss compared to number of trees removed, species of tree (weed, exotic or native), size of tree or the trees health (including condition and structural integrity) expected longevity.

3.2.4 Data Capture and Classification

Instances of tree removal were documented as individual records to ensure accurate data collection. In some cases, multiple trees were removed from a single property through different mechanisms, each captured as a separate "instance" in the dataset. For exempt versus unregulated removals, locations without corresponding approval records in Council's system were assumed to be unregulated removals. However, these could include exempt removals permitted under the DCP such as the removal of weed species or trees within 3 metres of a dwelling. A verification process was undertaken to minimise errors, including measuring distances from aerial images and cross-referencing with additional imagery sources like Google Street View when possible.

Tree pruning, as opposed to full removal, was another area where false positives could occur. To address this, the dataset was cross-referenced with tree canopy loss inventory data, and irregular shapes - such as partial canopy reductions—were excluded to ensure accuracy. Both data sets were acquired over the summer months therefore eliminating any variability with deciduous species.

3.2.5 Capturing CDC Tree Removals

Tree removals under CDCs were identified through CDC approval documentation issued during the two year study period. While CDCs bypass Council's approval process, they permit tree removals within specified height thresholds (e.g. 6 metres for additions, 8 metres for new builds). These thresholds were factored into the analysis to distinguish CDC-related removals from other mechanisms. If a site identified as having a CDC issued for the removal of a specific number of trees does not align with the number of trees removed as identified in the mapping layer, the additional trees were classified as unregulated tree removals.

3.2.6 Exclusion of Species Data

Tree species specific information could not be incorporated into this analysis due to the lack of detailed species records for unregulated removals (species data is documented for DAs and permits). As a result, the study focuses solely on canopy cover for all species (including weed and exempt species) and does not assess the ecological implications of tree species diversity or loss. Future studies may address this gap to provide a richer understanding of the urban forest's biodiversity.

3.2.7 Accounting for Natural Canopy Loss and Gain

Natural canopy loss and gain occur as trees are planted and are removed over time. Processes like tree growth, natural regeneration, and mortality from age, disease, or environmental stress all contribute to changes in canopy cover. The 'net canopy change

index' integrates these dynamics, with gains offsetting losses, creating a relatively stable canopy in natural systems over the long term.

For this analysis, it is assumed that natural canopy loss and gain are in equilibrium, resulting in no net change to overall canopy cover. This simplification allows the report to focus on canopy changes driven by external factors, such as human activity, development, and tree planting efforts.

3.2.8 Limitations in Data and Interpretation

The data analysis is based on the accuracy and availability of Council records and categorisation of tree removal mechanisms within specific land zones. Limitations include potential gaps in data collection, inconsistencies in reporting, and the possibility of unreported removals. The analysis is for interpretation purposes only and does not fully represent all tree removal activities in the area. While every effort has been made to ensure accuracy, any errors or omissions are unintentional, and the information should be considered as a guide rather than a definitive source.

4 Findings

A total **131** locations (addresses) were analysed as part of this project. Many locations had removed multiple trees under several different types of mechanisms (ie. some tree removed via permit and some via DA). Each of the individual removals is referred to as an 'instance' in the analysis below.



131 locations identified for analysis



142 instances of tree removal



774 individual trees removed (Includes trees at 3m height and above)

4.1 Instances vs total number of removals

Instances of removal refer to the number of events in which trees are removed, under a combination of permits, DAs, CDC or unregulated removals. This metric is valuable for understanding compliance and enforcement, showing how often removals occur (frequency), but it doesn't account for the full environmental impact if each event involves varying numbers of trees. There are **142** instances of tree removal.

On the other hand, the **total number of trees removed** measures the actual quantity of trees removed, providing a more direct understanding of the environmental consequences, such as canopy loss and its effect on air quality, biodiversity, and urban heat (magnitude). While this metric shows the magnitude of impact, it doesn't reflect how frequently removals happen. There are a total of **774** trees removed.

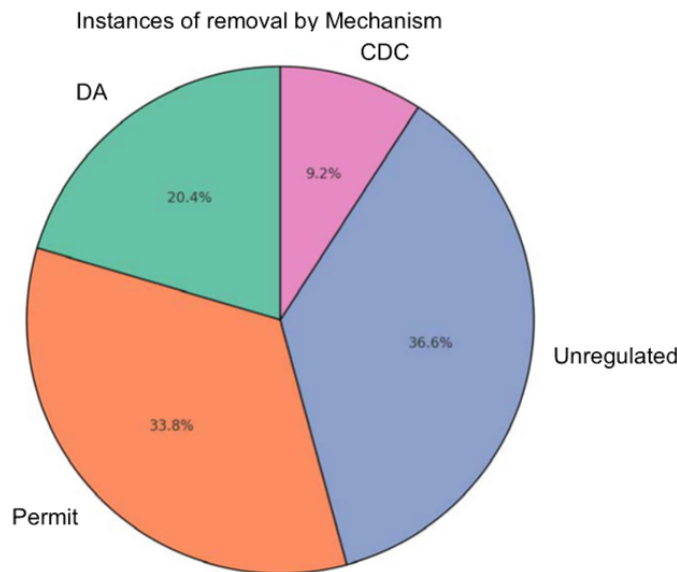
4.2 Total Number of Trees Removed

A total of **774** trees have been removed across the surveyed areas. This total reflects removals via all identified mechanics, providing insight into the overall canopy loss in the region.

4.3 Most Common Mechanisms for Removal

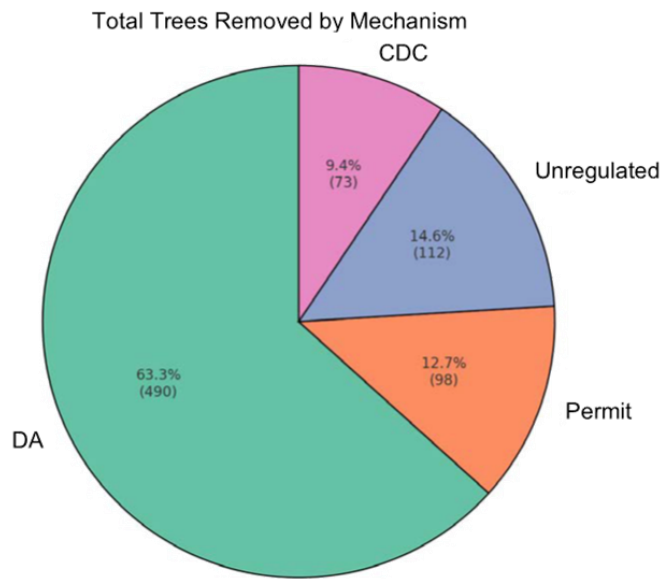
Instances:

The most frequent removal mechanism from instances is **unregulated removal**, accounting for **52 instances (36.62%)**, followed by permits (48 instances, 33.80%) and DA removals (29 instances, 20.42%). CDC removals accounted for 13 instances (9.15%). Unregulated removals are a key issue, highlighting an issue with unregulated tree removal.



Total Trees Removed:

DA-related removals contribute the largest proportion of total trees removed, with **490 trees (63.31%)**, while unregulated removals account for **113 trees (14.60%)**. Permit-related removals accounted for **98 trees (12.66%)**, and CDC removals for **73 trees (9.43%)**. The high proportion of unregulated removals (in both instances and total numbers) raises concerns about unregulated canopy loss.



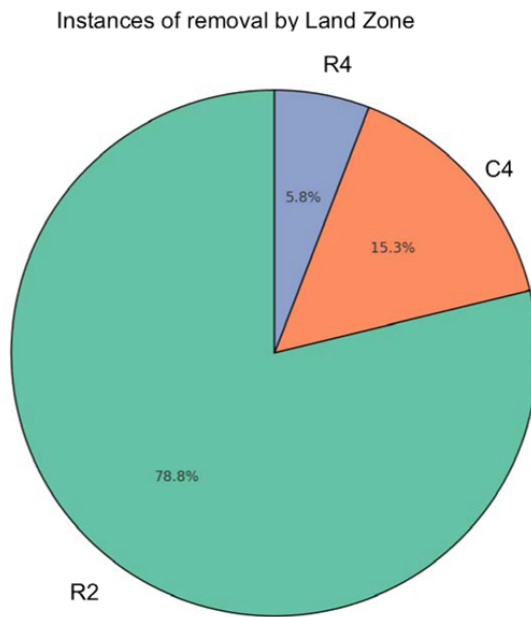
4.3.1 Table: Mechanism Analysis

Mechanism	Instances	Percentage (Instances)	Total Trees Removed	Percentage (Total Trees Removed)
DA	29	20.42%	490	63.31%
Permit	48	33.8%	98	12.66%
Unregulated	52	36.62%	113	14.6%
Exempt Development (CDC)	13	9.15%	73	9.43%

4.4 Most Common Land Zones for Removal

Instances:

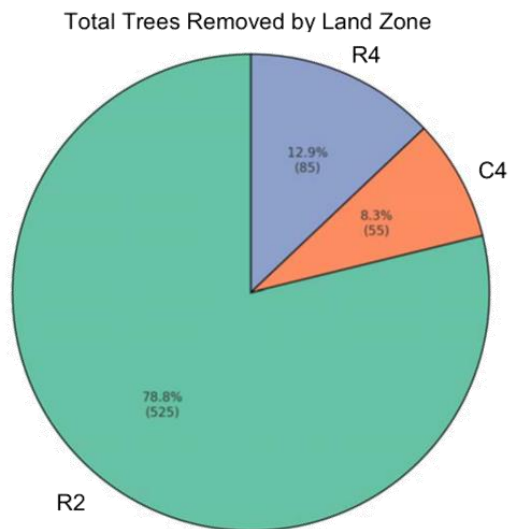
The majority of tree removals occurred in the **R2 Low Density Residential** zone, accounting for **108 instances (76.06%)**. C4 Environmental Living had 21 instances (14.79%), and R4 High Density Residential had 8 instances (5.63%). The concentration of removals in residential zones suggests that residential development pressure is a primary driver of tree removal, however R2 is the largest land zone in the LGA.

**Total Trees Removed:**

A large proportion of trees were removed from the R2 Low Density Residential zone (525 trees, 67.83%). In comparison, 55 trees were removed from the C4 Environmental Living zone (7.11%), and 86 trees from the R4 High Density Residential zone (11.11%).

The high number of removals in R2 zones reflects the current impact of urban development on canopy loss (with higher prevalence of development within this zone during the study period (as supported by Table 4.4.1).

These figures are further influenced by the larger proportion of R2 in comparison to other zones within the sample area. As well as the fact that development within R4 zones have largely been undertaken prior to 2020 (as advised by Council), whilst C4 zones are larger sites with more ability to avoid tree impacts.



4.4.1 Table: Land Zone Analysis (Instances & Total Trees Removed)

Land Zone	Instances	Percentage (Instances)	Total Trees Removed	Percentage (Removed)
C4 Environmental Living	21	14.7%	55	7.1%
E1 Local Centre	2	1.4%	4	0.5%
E3 Productivity Support	1	0.7%	85	11.0%
R2 Low Density Residential	108	76.0%	525	67.8%
R3 Medium Density Residential	1	0.7%	16	2.1%
R4 High Density Residential	8	5.6%	86	11.1%

4.5 Unregulated Removals

Instances:

Unregulated removals accounted for **52 instances (36.62% of total removals)**. These unregulated activities were concentrated primarily in residential zones, highlighting a need for improved enforcement.

Total Trees Removed:

The total number of trees removed without regulation was **113**, which represents **14.60%** of total tree removals. This is a significant portion and raises concerns about the protection of trees in both residential and environmental zones.

4.6 Cross-Tabulation of Land Zone and Mechanism

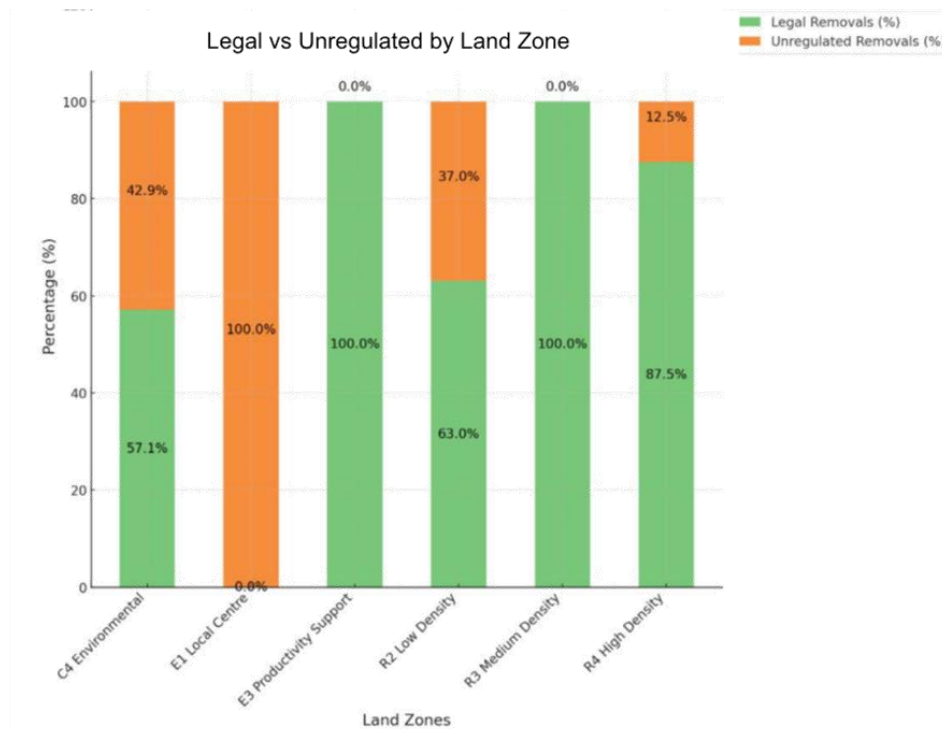
The table highlights that R2 Low Density Residential has the highest number of tree removals, particularly for permit-based and unregulated removals. In contrast, other zones, such as E1 Local Centre and E3 Productivity Support, show minimal tree removal activity, reflecting different land use dynamics.

4.6.1 Table: Cross-Tabulation of Land Zone and Mechanism

Land Zone	DA	Permit	Unregulated	Exempt (CDC)
C4 Environmental Living	3	7	9	2
E1 Local Centre	0	0	2	0
E3 Productivity Support	1	0	0	0
R2 Low Density Residential	19	38	40	11
R3 Medium Density Residential	1	0	0	0
R4 High Density Residential	4	3	1	0

4.7 Comparative Percentage of Legal vs. Unregulated Removals

This chart compares the percentage of legal and unregulated tree removals across the different land zones. Legal removals include those conducted under permits, development applications, or exempt development certificates, while unregulated removals represent instances without formal approval. Percentages for zones E1, E3 and R3 are over exaggerated due to their only being one mechanism identified for each of these zones. C4 is proportionally the highest zone for unregulated tree removals.

4.7.1 Percentage legal vs unregulated based on land zone

5 Key Issues and Data Trends

5.1 High Proportion of Unregulated Removals

One of the most significant findings from the analysis is the high proportion of **unregulated removals**, accounting for 52 instances (36.62%) and representing 113 trees (14.6% of total trees removed). This is particularly concerning as unregulated activities undermine Council's efforts to manage urban canopy strategically. However, this does not recognise that some of this unregulated tree removal will have been weed species which is a desirable thing. The large number of unregulated removals highlights the need for better education, incentives and enforcement measures (including replacement checks and penalties). By volume most of these unregulated removals occur in the R2 Density Residential area, however proportionally the highest zone for unregulated tree removals is C4 Environmental Living.

5.2 Development-Driven Tree Loss

Another clear trend is the impact of urban development on tree canopy loss. **DA** removals account for 29 instances (20.42%) but result in the removal of 490 trees (63.31% of total trees removed). This shows that while DA removals are less frequent than other mechanisms, they involve the removal of more trees per instance, reflecting the extent of development projects underway in these areas. This is particularly noticeable in **R2 Low Density Residential** zones, which are bearing the brunt of canopy loss due to development pressure.

5.3 Permit-Based Tree Removals

Permit-based removals account for 48 instances (33.80%) and 98 trees (12.66% of the total removed). This shows that a considerable number of tree removals are happening through regulated channels, allowing the Council to manage and approve tree removals on a case-by-case basis. Several factors may be contributing to this high number, including Kur-ring-gai's aging tree population.

5.4 Concentration of Canopy Loss in R2 Low Density Residential Zones

The analysis shows that **R2 Low Density Residential** zones account for 108 instances (76.06%) of tree removals and 525 trees (67.83% of total trees removed). It indicates that private property development is one of the primary drivers of tree canopy loss, and it is happening at a much higher rate in these low-density residential areas compared to other zones. It should be noted that the R2 zone represents the highest proportion of land with the LGA with 50.9% private land being zoned R2, see map below.

5.5 Comparison of size of land zones

The distribution of land zones within the Ku-ring-gai LGA reflects a diverse mix of urban types. Residential zones dominate the area, with R2 Low-Density Residential covering an extensive 3,453.3 hectares, making it the largest land use by far. In contrast, R3 Medium-Density Residential (43.4 hectares) and R4 High-Density Residential (191.9 hectares) occupy much smaller areas and are concentrated near major transport corridors and urban centres, where higher density living is more feasible.

Environmental zones also account for second highest portion of the landscape, with C2 Environmental Conservation spanning 1,250.4 hectares and C4 Environmental Living

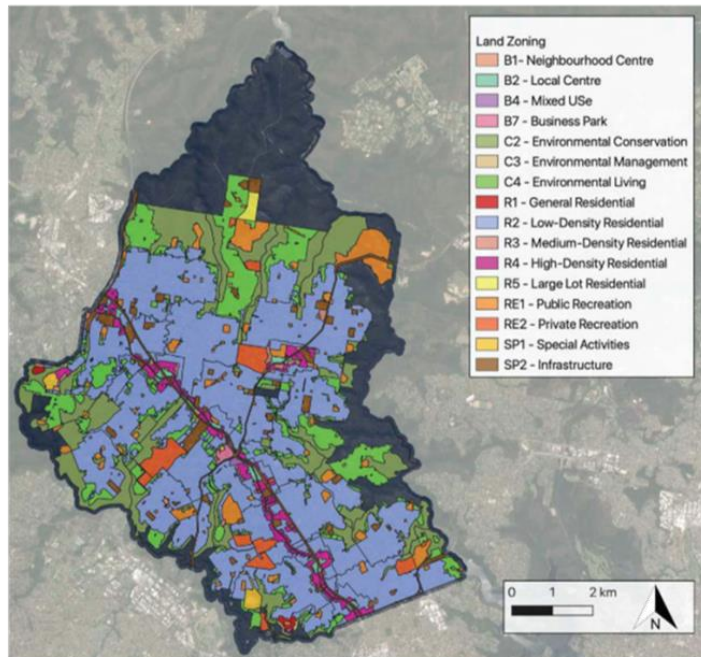
covering 866.1 hectares. These zones reflect the area's substantial natural bushland and conservation priorities.

Commercial and business zones, such as B1 Neighbourhood Centre (12.3 hectares), B2 Local Centre (36.8 hectares), and B4 Mixed Use (5.2 hectares), are relatively small and strategically located near urban hubs to support local economic activities.

The clear predominance of R2 Low-Density Residential and environmental zones demonstrates the Council's emphasis on maintaining a balance between urban development and preserving the area's natural environment, which significantly contributes to the region's liveability and ecological health.

Zone	Area (ha)
B1	12.3
B2	36.8
B4	5.2
B5	1.2
B7	12.8
C2	1250.4
C3	5.7
C4	866.1
R1	14.0
R2	3453.3
R3	43.4
R4	191.9
R5	21.4 5
RE1	358.8
RE2	176.4
SP1	33.9
SP2	302.5
W1	4.9

Image 06. Map showing land zones in the Ku-ring-gai LGA, note the high proportion of R2 zoned land. (Source: Ku-ring-gai Urban Forest Strategy)



5.6 Environmental Zones and Unregulated Removals

Although fewer tree removals are occurring in **C4 Environmental Living** zones, with 21 instances (14.79%) and 55 trees removed (7.11%), a notable portion of these removals are unregulated. The unregulated removal of trees in ecologically sensitive areas raises concerns about the long-term preservation of biodiversity and ecosystem health. It is critical to address these unregulated activities with focused enforcement efforts, as the loss of canopy in these areas can have increased effects on environmental sustainability.

5.7 Urban Density and High-Impact Removals

While there are fewer removals in **R4 High Density Residential** zones, they involve the removal of 86 trees (11.11% of the total). This suggests that even though the number of instances is lower, when removals do occur in these areas, they are often more

impactful. This could be due to the scale of developments in these zones, which often require the clearing of larger portions of land to accommodate high-density buildings, see image 07 below. As urban areas become more densely populated, balancing development with the preservation of tree canopy becomes increasingly important.

5.8 Conclusions from data analysis

The key issues and trends highlight the pressing need for stronger enforcement of unregulated removals, particularly in residential and environmental zones. While DAs account for the largest number of trees removed, permit-based and unregulated removals are contributing significantly to overall canopy loss. The concentration of removals in **R2 Low Density Residential** and **C4 Environmental Living** zones suggests an opportunity for stricter regulations and greater incentives to preserve trees in these areas.

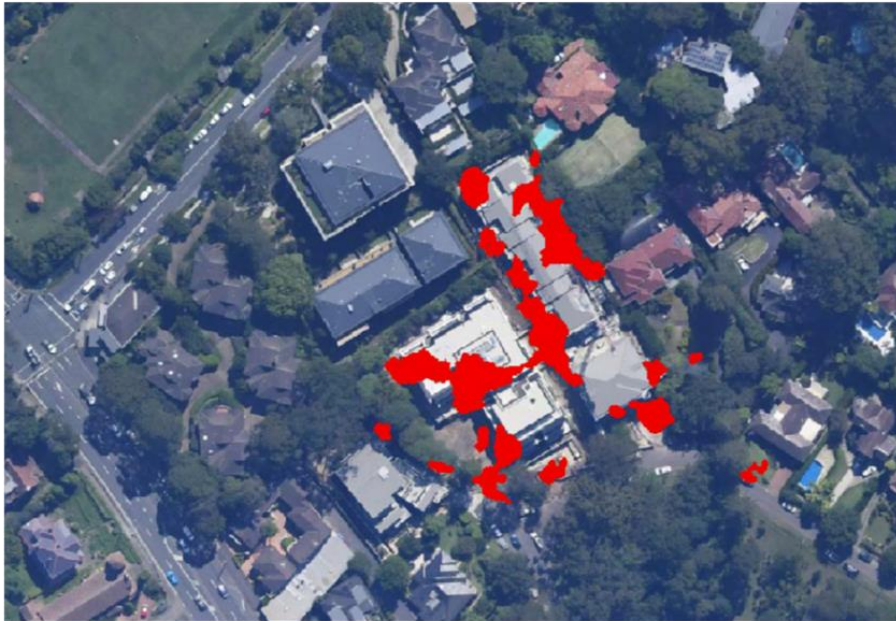


Image 07. Example of a large volume of trees being removed on a R4 High Density Residential zoned site.

6.1 Current State

Ku-ring-gai Council is widely regarded as a leader in tree protection and in managing the impacts of urban development on the urban forest. Through robust and sustainable tree management practices, the Council demonstrates a forward-thinking approach to preserving canopy cover while attempting to carefully balancing the pressures of urban growth and development.

One of the key pillars of Ku-ring-gai's success is its stringent DA controls, particularly around detailed assessments, requirements for deep soil zones, mandatory tree planting, and replacement ratios for removed trees. The Council's deep soil requirements, which mandate 40% to 50% of a site to remain as deep soil, far exceed the State Government's Apartment Design Guide (ADG) standard of 7%. These stricter controls ensure that urban development occurs in a way that maintains sufficient green infrastructure and promotes long-term environmental sustainability.

6.1.1 Advocacy and Strategic Leadership

Ku-ring-gai Council continues to demonstrate its leadership in urban forest management by actively opposing state-led planning reforms that threaten tree canopy cover across the LGA. Two significant challenges have recently arisen from the NSW Government's **Transport-Oriented Development (TOD) SEPP** and proposed **changes to R2 Low-Density Residential zones**, both initiatives could dramatically increase urban density in Ku-ring-gai, undermining the Council's tree protection efforts and the ecological integrity of the urban forest.

The TOD SEPP mandates higher-density housing near transport hubs, proposing developments with increased building heights. While these plans aim to address Sydney's housing supply challenges, the associated intensification of land use places Ku-ring-gai's established tree canopy at significant risk. The Council has voiced strong opposition to these reforms, launching legal action to challenge the policy and exploring alternative density scenarios that protect its heritage conservation areas and urban greenery. For example, Council's proposed density adjustments relocate higher-density housing to commercial zones near train stations while preserving low-density residential areas rich in canopy cover.



Image 09. A Council initiative to increase awareness of planning changes impacting trees in the community.

Similarly, changes to the R2 zone allowing increased dual-occupancy developments further exacerbate the pressures on tree retention. These reforms could see increased tree removals on private land to accommodate additional dwellings and infrastructure, eroding Ku-ring-gai's critical canopy cover. Council has raised concerns about these changes, highlighting the potential for widespread loss of significant trees that provide essential biodiversity, shade, and climate benefits.

6.1.2 Challenges with Complying Development Certificates (CDCs)

A significant challenge for Ku-ring-gai's urban forest management arises from development under CDCs, where Council has no jurisdiction. CDCs are frequently misused, with developers exploiting loopholes or submitting incomplete or misleading plans. For example, a house built under a CDC may include a driveway that impacts a street tree. Instead of triggering a DA, which would involve Council oversight, the builder may later apply separately for tree removal, bypassing the proper approval pathway. In some cases, CDC plans omit trees or underground services entirely to avoid scrutiny. These practices undermine tree protection efforts and create gaps in oversight, leaving mature trees vulnerable to removal without adequate checks.

6.1.3 Replacement Planting and Long-Term Effectiveness

The effectiveness of replacement planting and landscaping requirements over time is an area that warrants further discussion. While Ku-ring-gai requires replacement planting for every tree removed, the long-term success of these measures depends on factors such as species selection, post-planting care, and follow up compliance to ensure these replacement trees are planted. Replacement planting must be viewed as a long-term strategy, with an emphasis on sustaining the urban forest for future generations rather than merely addressing immediate canopy loss.

6.1.4 Quality vs Quantity

Ku-ring-gai prioritises the retention of tall, mature canopy trees, recognising their significant ecological and aesthetic contributions. Mature trees offer far greater benefits than younger or smaller trees in terms of biodiversity, shade, and carbon sequestration. The Council invests substantial effort in retaining these valuable trees within the landscape, understanding that the loss of even a single mature tree can have a disproportionate impact on the urban forest's overall health and functionality.

6.1.5 Enforcement of Illegal Works

A key strength of Ku-ring-gai's strategy is its proactive enforcement of illegal works, with a high rate of penalties issued for unauthorised tree removals compared to other Councils. The Council employs a dedicated officer to investigate reports of unauthorised tree removal or damage, ensuring that violations are swiftly addressed. This includes conducting site inspections and issuing penalty infringement notices where appropriate. By maintaining strict enforcement measures, the Council not only holds offenders accountable but also reinforces the importance of tree preservation across the community. These efforts are supported by a robust reporting system and community awareness campaigns (see image 10 below), which encourage residents to report suspicious activity. As a result, Ku-ring-gai sets a benchmark for compliance and demonstrates its commitment to protecting the urban forest from unlawful activity.



Image 10. Council community awareness program to reduce illegal tree works.

In summary, Ku-ring-gai Council's proactive leadership and stringent policies set a benchmark for urban forest management. However, challenges like the misuse of CDCs and the need for more effective replacement planting highlight areas for ongoing improvement to ensure the resilience and sustainability of the urban forest over the long term.

6.2 Challenges Faced with Managing Tree Applications

6.2.1 Issues with Tree Applications

The interviews identified several challenges faced by Council staff in managing tree applications. One significant difficulty highlighted was the pressure to make decisions based on incomplete or inadequate information, such as insufficient arboricultural reports. This lack of quality information leads to uncertainty and often escalates applications unnecessarily to advanced assessment stages. Additionally, participants noted that many applicants lack an understanding of the requirements needed for Council to make informed decisions, leading to tension between the Council and the public, who may perceive the Council's requirements as overly burdensome.

Another key challenge discussed was the polarised views regarding tree retention and removal, particularly concerning tree risk. Many interviews participants observed that the public believes Council is more lenient with approving tree removals for developments and Council-managed trees compared to private applications. This perception contributes to mistrust in Council's decision-making and complicates efforts to balance development needs with tree preservation goals.

6.2.2 Enforcement and Regulatory Issues

The interviews also identified issues related to enforcement and regulatory challenges. Council's processes for assessing tree applications are generally well-defined, with clear guidelines for determining whether a tree meets the criteria for removal. There is a strong emphasis on enforcement, with replacement conditions frequently imposed on approved removals. However, participants noted that ensuring compliance with replanting orders remains an ongoing challenge.

Enforcement issues are particularly prevalent in the context of illegal tree removals. The increasing frequency of unauthorised work, coupled with insufficient enforcement mechanisms, makes it difficult for staff to quantify the problem. The current system of issuing penalty infringement notices (PINs) relies on burden of proof which often results in them being dismissed if contested. Additionally, interviews participants mentioned that some developers and contractors factor the cost of PINs into their project budgets, treating fines as just another business expense, which undermines the intended deterrent effect.

Political intervention was also highlighted as a complication in tree management, leading to inconsistent outcomes when policies and processes change due to external pressures. Furthermore, the lack of support from regulatory bodies, such as the Department of Planning, particularly in relation to compliance with Endangered Ecological Communities (EECs), exacerbates these challenges. Certifiers pose additional issues as they often act independently, making it difficult to enforce standards in complying development certificates (CDCs).

6.2.3 Ageing Tree Population and Community Engagement

Participants in the interviews discussed the challenges related to an ageing tree population in a highly urbanised environment. Older trees are often more susceptible to removal requests due to perceived risk or declining health. This challenge is compounded by limited public awareness of the value of urban trees, with some community members demonstrating "tree phobia." Such attitudes make it challenging to foster broad community support for urban canopy preservation and management efforts.

Engaging the public to increase awareness of the benefits of urban trees and address misconceptions about tree management was identified as crucial for overcoming these challenges. Improved education on replanting and tree protection guidelines could help bridge the gap between public perception and Council's urban forestry objectives.

6.3 Balancing Development and Canopy Targets

6.3.1 Canopy Targets

The interviews identified challenges in balancing development and canopy targets for Ku-ring-gai, which has a canopy target of 49%, an increase from the previous 45%. Balancing development and increasing tree canopy presents significant challenges for Council. Although urban planning prioritises tree retention, unless classified as high value, many trees are removed to accommodate development. Participants noted that Ku-ring-gai has traditionally led the way in environmental protection, with policies supporting tree retention for over 30 years. However, inconsistencies between state-level and local policies complicate tree protection efforts. For example, Council's requirement for 40% deep soil contrasts sharply with the Apartment Design Guide's 7% requirement, which affects DA outcomes.

Land Zone	Current Canopy (%)	Canopy Target (%)	Trees* required to achieve target
B1	23.2	27.7	86
B2	16.6	17.6	57
B4	12.4	12.4	0
B5	25.4	35	14
B7	22.6	35	229
C2	83.4	86.1	4914
C3	67	67	0
C4	41.3	46.7	6786
R1	29.1	40	114
R2	35.8	40	22400
R3	32.2	40	514
R4	32.9	40	1943
R5	26.8	40.1	400
RE1	40.9	45	3329
RE2	38.3	47.4	2314
SP1	37.1	37.1	0
SP2	29.6	31.7	929
W1	42.3	44	14
Total	45	49	44043

Image 11. Table showing canopy targets for each private land zone. (Source: Ku-ring-gai Urban Forest Strategy – data created by ArborCarbon)

6.3.2 Economic and Regulatory Pressures

Economic considerations and regulatory frameworks were also identified as significant challenges during the interviews. Larger houses and increased floor space in new developments often leave less space for trees. While DA conditions aim to reduce impacts on the urban canopy, the scale of new developments can make it difficult to retain sufficient space for trees, leading to the removal of valuable vegetation.

Participants also highlighted that tree replacement and protection provisions during development are often ignored. Despite policies requiring tree retention or replacement, developers sometimes submit misleading plans that omit trees or underground services, complicating compliance and reducing accountability.

6.3.3 Inconsistencies in Tree Protection Policies

The interviews discussed the disparities between local and state policies, which further complicate tree protection. While Council has stringent requirements for deep soil areas and canopy, state policies such as the Housing SEPP and TODD SEPP provide exemptions that undermine tree protection efforts. These inconsistencies prevent adequate compensatory measures for lost canopy and make enforcing tree replacement orders difficult.

Participants provided examples where developers use state policy to maximise development footprints without leaving space for trees, particularly in CDCs where mandatory canopy cover is not enforced. Addressing these challenges requires better alignment between state and local policies, stronger compliance mechanisms, and clearer guidelines to protect the urban canopy.

6.4 Collaboration with Property Owners

6.4.1 Incentives

The interviews identified providing incentives to property owners as a key strategy to enhance tree canopy retention and growth on private land. Financial incentives, such as rebates for maintaining trees, property rate discounts, and subsidies for tree replacement, could help reduce the burden on property owners and promote long-term tree care. Offering free trees and services like dead-wooding could further encourage participation in urban greening efforts.

6.4.2 Education and Awareness

Education was highlighted as crucial for engaging property owners, particularly those who influence tree removal, such as real estate agents and developers. Interviews participants suggested workshops for residents on tree application processes, risk management, and tree protection during development to improve awareness and understanding. Broader community initiatives, such as tree giveaways and promoting Council tree planting programs, could also foster a positive attitude towards urban trees.

6.4.3 Improving Arborist Standards

The quality of arborist reports submitted to Council was flagged as an issue during the interviews. Ensuring high-quality arborist reporting is critical to effective tree management. The Institute of Arboriculture Consultants Australia (IACA) plays an important role in maintaining professional standards through an accreditation scheme for arborists. Collaborating with accredited arborists can help improve the quality of tree applications and support better decision-making.

Participants also suggested working with tree removal companies to improve their understanding of tree protection laws and the consequences of illegal removals. Council could offer workshops and educational programs to ensure companies are aware of fines, penalties, and the legal frameworks protecting significant trees. By fostering better communication and understanding among contractors, Council could reduce illegal removals and improve compliance.

6.5 Effectiveness of Enforcement Mechanisms

6.5.1 Challenges in Enforcement

The interviews identified several challenges limiting the effectiveness of enforcement. One key issue was Council's reluctance to take tree-related offences to court due to high costs and the risk of reputational damage. Current penalties often fail to reflect the severity of the offence, leading to community frustration and insufficient deterrence. Compliance officers are responsible for investigating unauthorised removals, but limited resources and lack of delegation make effective follow-up difficult.

Participants noted that Council relies on the penalty infringement notice (PIN) system, but fines are often seen as too lenient or factored into project budgets. Certifiers also frequently change tree protection conditions without seeking Council approval, complicating enforcement.

To improve capacity for enforcement, Council has recently established a dedicated 'Tree Investigation Officer' role to follow up on unregulated works and enforce conditions of consent. However, many challenges identified in this report are beyond Council's control, which limits the effectiveness of enforcement.

6.5.2 Accountability and Education

Compliance and exempt development (CED) were identified as significant enforcement issues during the interviews, as Council has little oversight of this process, and many unregulated removals occur through it. Improving certifier accountability is essential for enhancing enforcement. Without proper oversight, certifiers can disregard or alter tree protection conditions, leading to unregulated removals.

Participants also noted that public perception is an issue, as many believe current penalties are insufficient to deter non-compliance. Education programs targeting certifiers, contractors, and private landowners are necessary to ensure all stakeholders understand their responsibilities and the consequences of unauthorised actions.

6.6 Suggested Improvements to Processes and Policies

6.6.1 Advocacy to State Government

The interviews participants identified several areas where advocacy to the state government is necessary to strengthen tree protection measures and improve urban forest management. Legislative reforms are needed, including amendments to the Complying and Exempt Development (CDC) regulations to protect trees and introduce stricter penalties for unauthorised removals. Mandatory arboricultural impact assessments (AIA) should be introduced for CDC applications to ensure thorough consideration of tree protection in development proposals.

Advocacy efforts should also focus on raising penalties for non-compliance and improving monitoring and enforcement mechanisms. State-level regulation of the tree industry, including a licensing scheme for tree workers, would raise industry standards and ensure compliance with tree protection laws.

6.6.2 Improvements to Council Processes and Culture

Participants suggested several improvements to Council processes to enhance internal capabilities in managing tree protection effectively. Streamlining the tree application process, making it easier for applicants while maintaining a focus on tree retention, was a key recommendation. Improvements could also be made by creating an online tool that integrates property attributes with recommendations for the relevant application process.

Fostering a culture that values trees within Council was seen as essential. Ongoing education for Council staff, planners, and decision-makers about the importance of integrating urban forest targets into planning frameworks is needed. Council projects should set a strong example by adhering to high standards of tree protection and prioritising canopy retention. Internal audits and better reporting mechanisms would help enforce these standards.

6.6.3 Resource and Support Enhancements

Participants suggested increasing funding for tree planting projects and creating a dedicated Tree Planting Officer role to improve tree management initiatives. Council recognises the need for quality canopy data to inform decisions. The reallocation of PIN revenue to fund tree replacement projects or a tree rebate/ grant scheme is also recommended to enhance enforcement efforts and contribute directly to urban greening.

6.6.4 Professional Standards and Industry Regulation

The interviews participants supported the introduction of mandatory arboricultural impact assessments (AIA) for CDC applications. Improved regulation of the tree industry, including licensing requirements, would enhance the quality and compliance of tree-related works. Council's ability to recommend qualified contractors would further ensure professional standards are upheld across tree-related activities.

7 Benchmarking Review and Feasibility

7.1 International Private Tree Initiatives

Many of the challenges Ku-ring-gai faces in managing tree canopy loss on private land are not unique. Local governments, both nationally and internationally, struggle not only to maintain but also to increase canopy coverage on private land. A specific challenge for Ku-ring-gai is that it starts from a high benchmark of 45% canopy cover, whereas many councils, especially in newer suburbs, have only 10-20% or even less. Ku-ring-gai's goal is to prevent further decline and achieve no net loss.

In examining best practices for retaining tree canopy on private land, several international initiatives stand out both nationally and internationally, with notable successes in maintaining and increasing urban tree cover on privately owned properties. One effective approach is the **Urban and Community Forestry Program (UCF)** in the United States, which focuses on retaining tree canopy on private land through partnerships and community-driven efforts. The program includes grants specifically allocated to support private landowners in retaining trees and establishing new planting areas. Its emphasis on funding projects in disadvantaged communities and promoting equitable access to green spaces is particularly noteworthy, as it creates incentives for tree retention in areas most at risk of canopy loss. (source: <https://www.fs.usda.gov/managing-land/urban-forests/ucf>)

A key example of such success is the **Philly Tree Plan** in Philadelphia, which provides a ten-year strategy that engages both public and private landowners in preserving existing canopy and planting new trees. The plan includes targeted incentives for private homeowners, such as rebates for tree planting and a proactive yard tree giveaway initiative, allowing property owners to contribute to urban canopy coverage. The plan also addresses barriers to tree planting and retention, such as lack of knowledge and resources, by offering free consultation and educational support, ensuring private land contributes meaningfully to overall canopy targets. (source: <https://www.phila.gov/programs/philly-tree-plan/>)

The **Office of Forest Management (OFM)** in Los Angeles also plays a critical role in maintaining the city's urban forest, including trees on private properties. The OFM is responsible for developing, implementing, and tracking urban forestry goals using an integrated and data-driven approach. One key initiative is the **Urban Forest Management Plan (UFMP)**, which provides a vision for growing and maintaining the urban forest. The UFMP includes strategies for preserving mature trees, improving tree canopy equity, and setting guidelines for tree maintenance to ensure longevity, particularly on private properties.

The OFM also focuses on improving the Tree Preservation Policy by coordinating early intervention in development projects to identify and protect significant trees. The Tree Disclosure Statement and Tree Report Template, developed by the Department of City Planning, require developers to provide detailed assessments of trees impacted by development activities. These tools help ensure trees are retained or that mitigation efforts, such as compensatory planting, are effectively planned and implemented during development. (source: [Department of Public Works, Los Angeles](#)).

Another impactful initiative is **Boston's Tree Alliance**, developed in collaboration with community groups, which focuses on enhancing tree canopy retention on private land. The Tree Alliance is a partnership between the City of Boston and community-based

organizations aimed at coordinating tree planting and maintenance on private properties, non-profits, and community centres. The program provides resources and support to help landowners successfully plant and maintain trees, including grants, maintenance assistance, and educational initiatives, particularly in Environmental Justice communities that have historically faced lower levels of green infrastructure. Following the recommendations of **Boston's Urban Forest Plan (UFP)**, the Tree Alliance ensures over 60% of Boston's existing tree canopy—located on private property—receives the attention needed to thrive and expand, playing a crucial role in the city's overall urban greening strategy. (source: <https://www.boston.gov/departments/climate-resilience/boston-tree-alliance-program>).

Ku-ring-gai can draw valuable lessons from these international case studies to enhance its urban canopy retention strategies on private land. One significant opportunity lies in adopting grant-based incentive programs similar to the Urban and Community Forestry Program (UCF) in the United States. Introducing financial support mechanisms for private landowners could incentivize tree retention and planting. The Philly Tree Plan provides a further model for targeted incentives, such as rebates and tree giveaways, aimed at reducing barriers to tree planting on private land. Implementing similar incentives in Ku-ring-gai could encourage residents to participate actively in increasing canopy cover while addressing challenges like cost and lack of expertise.

Similarly, Boston's Tree Alliance demonstrates the potential of community-driven approaches, where partnerships with local groups support coordinated planting and ongoing tree maintenance on private properties. The dedicated urban forestry workforce in Boston shows the importance of ensuring trees on private land are not only retained but also properly maintained to increase survival and growth rates. Implementing a similar program in Ku-ring-gai could improve outcomes for tree retention by addressing maintenance needs in a timely manner, reducing the risk of removal due to poor health or perceived hazards. By fostering similar alliances in Ku-ring-gai, the Council can improve community engagement and create a sense of shared responsibility for canopy preservation.

7.2 Benchmarking Against Ku-ring-gai's DCP

While Ku-ring-gai faces unique challenges related to maintaining its high level of canopy on private land (45%), development pressures in residential areas and canopy loss are common issues faced by many urban councils globally.

Benchmarking of Ku-ring-gai's initiatives reveals both strengths and opportunities for growth. Ku-ring-gai has developed a rigorous approach to protecting tree canopy on private land. A key strength of Ku-ring-gai's strategy is its proactive enforcement of illegal works, with a high rate of penalties issued for unauthorised tree removals compared to other councils. However, despite these efforts, the high rate of unregulated removals suggests that penalties alone may not be an effective deterrent. Ku-ring-gai could benefit from increasing community awareness of the fines for illegal tree removal and Council's commitment to enforcing them.

Ku-ring-gai's DCP Section A Part 13 - Tree and Vegetation Preservation provides a framework for preserving trees and vegetation within the local government area. The benchmarking analysis of tree DCPs across various NSW councils highlights both commonalities and significant differences in approaches to tree protection, replacement, and compliance.

7.2.1 Table: Benchmarking table comparing DCP provisions across NSW Councils

Council	Protected Tree Height	Offset Distance Exemption	Replacement Ratio	Unique Provisions
Ku-ring-gai	5 metres	3 metres	1:1 (permits) DAs vary based on lot size as per DCP for min. 10-13m high replacement trees	High focus on penalties for unauthorised removals; Requires arboricultural reports for most developments.*
City of Sydney	5 metres	Trees protected regardless of distance	Not specified	Requires arborist reports for all DAs. Requires replacement planting by not mandated.
Willoughby	4 metres	Trees protected regardless of distance	3:1 (in DCP)	DCP has emphasis on ecological value of trees, arborist reports required with all applications where there are potential impacts on trees.
Northern Beaches	5 metres	2 metres	Not specified	Requires arborist reports for trees being removed based on risk.
Ryde	4 metres	Trees protected regardless of distance	3:1 mandatory for significant trees	Requires arboricultural reports for all developments where there are potential impacts on trees, 3:1 replacement policy enforced.
Lane Cove	4 metres	Trees protected regardless of distance	1:1 (DAs and permits)	DCP includes a provision "that all new developments shall attain no net canopy loss".
Hornsby	Any tree capable of growing to 3 metres	3 metres	Not specified	Arborist reports required for tree removal permits and for DAs.
North Sydney	5 metres	Trees protected regardless of distance	Not specified	No mandatory arborist reports or replacement ratios.

* Ku-ring-gai requires reports for certain development types and where trees are proposed to be removed and /or works proposed are within the canopy spread or Tree Protection Zones of existing trees on or adjacent the site. Certain development types / categories (indicated in Council's DA guide) require arborist reports as a mandatory requirement.

The benchmarking analysis highlights several key aspects of Ku-ring-gai's DCP that distinguish it from other councils' approaches to tree protection, while also identifying

areas where improvements could enhance the council's leadership in urban forest management.

7.2.2 Offset Distance Exemptions

A prominent feature of Ku-ring-gai's DCP is the **3-metre offset exemption rule**, which permits tree removal without approval if the tree is located within 3 metres of a dwelling or structure. As indicated in the benchmarking table, this exemption is also utilised by councils such as Hornsby. However, the higher the offset exemption distance, the greater the number of trees eligible for removal based solely on their proximity to buildings, without consideration of their arboricultural value or risk level. This policy can lead to the loss of significant trees that might otherwise contribute to biodiversity, shade, and canopy cover.

In contrast, many NSW councils, including neighbouring Willoughby, protect trees regardless of their distance from structures, ensuring that decisions on tree removal are guided by robust criteria such as health, maturity, risk, and ecological value rather than proximity alone. Adopting a similar approach could allow Ku-ring-gai to strengthen its commitment to canopy retention and ensure that exemptions are granted only where tree removal is justified by clear and relevant factors.

7.2.3 Protected Tree Heights

The current **5-metre height threshold** for tree protection in Ku-ring-gai also limits the number of trees that qualify for preservation. This threshold excludes many younger or smaller trees that, while not yet mature, are vital for future canopy coverage. By comparison, councils such as Hornsby adopt a broader definition, protecting any tree capable of growing to 3 metres. Lowering Ku-ring-gai's threshold would align with this inclusive approach and promote a more diverse age structure within the urban forest. Protecting younger trees not only ensures that future canopy needs are met but also mitigates the risk of significant gaps in coverage as mature trees age or are removed. Establishing protections for smaller or developing trees could be particularly effective in addressing the cumulative impacts of urban development on tree loss.

While lowering Ku-ring-gai's tree protection threshold may enhance future canopy coverage, it is important to consider potential unintended consequences. Many trees under 5 metres in height within urban gardens are likely to be smaller ornamental species, often exotic, that may not contribute significantly to long-term canopy cover. Expanding protections to include these smaller trees could impose additional regulatory burdens on property owners, potentially discouraging tree planting due to permit requirements. Practical considerations, such as the increased resource demands for processing additional tree removal applications and compliance monitoring, should also be carefully evaluated before adjusting the height threshold.

7.2.4 Comparative Strengths and Opportunities for Improvement

Ku-ring-gai excels in several areas, including its focus on enforcement and penalties for unauthorised tree removals. Its approach to tree replacement in development applications and permits is based on site area and requires the replacement of tall trees (13 to 18 metres minimum, depending on soil type), rather than a fixed 1:1 ratio.

While Ku-ring-gai's approach to replenishing canopy considers site-specific factors, benchmarking against other councils reveals opportunities for refinement. Policies such as Ryde's 3:1 replacement ratio and Lane Cove's "no net canopy loss per development

site" demonstrate alternative strategies for canopy retention. However, these policies apply a quantitative rather than qualitative approach, which may not fully account for factors such as site capability for replenishment, existing vegetation, and bushfire management constraints. Moreover, a strict "no net loss" approach may overlook instances where a site could achieve a net canopy gain through landscaping requirements, particularly in new dwellings and larger developments.

Similarly, Ku-ring-gai's enforcement policies are supported by its requirement for arborist reports in most developments, ensuring that tree removal decisions are based on expert assessments. However, its offset exemption and height thresholds could be revised to address gaps that currently limit tree protections. By integrating criteria such as arboricultural value, risk assessment, and tree maturity into its exemption framework, Ku-ring-gai could further refine its approach to urban forest management.

While Ku-ring-gai's Development Control Plan (DCP) sets a strong foundation for tree protection, aligning offset exemptions and height thresholds with best practices from other NSW councils could enhance its effectiveness. Ensuring that policies balance canopy replenishment with site-specific constraints would strengthen Ku-ring-gai's leadership in sustainable urban forest management.

7.3 Feasibility of achieving canopy target for private land

The Urban Forest Strategy sets an ambitious target for Ku-ring-gai to increase overall canopy cover from **45% to 49%**, which, given the recent trends in canopy decline, presents a significant challenge. The loss of canopy highlights the considerable pressures facing the urban forest, especially within R2 Low Density Residential Zones, where development pressures are highest. These factors make achieving the stated canopy target particularly challenging unless a significantly more proactive and multi-pronged approach is adopted.

One key factor that must be addressed is the high incidence of unregulated removals, which accounted for **36.62%** of all removal instances, with **113 trees** removed during the study period. This emphasises the need for enhanced enforcement mechanisms to prevent unapproved removals and better regulate tree protection on private land. By enhancing enforcement, Ku-ring-gai can deter illegal activities and encourage compliance.

A significant contributor to canopy loss is the impact from Development, which, while only accounting for **20.42%** of removal instances, contributed to **63.31%** of all trees removed, reflecting the large-scale impact of development-driven tree losses. To address this challenge, Ku-ring-gai must review its proactive retention measures, continuing to seek improvements and requirements for developers to explore alternative options for tree retention, especially for significant and mature trees.

Incentive-based programs, like those seen in Philadelphia's Philly Tree Plan, which provides rebates to private property owners, could support tree retention on private land, encouraging landowners to protect mature trees and engage in active canopy restoration efforts.

The target to increase tree canopy on private land is critical to Council for enhancing the urban forest and its associated benefits. However, based on current findings, achieving this stated canopy gain on private land presents significant challenges. The scale of development activity and associated tree loss can often outweigh the cumulative impact of replanting efforts required through conditions of consent. While these conditions aim

to mitigate canopy loss by mandating replacement planting, the benefits of replanting will not be realised in the short term due to the time it takes for trees to mature.

Tree canopy growth is a long-term process, often requiring several decades for newly planted trees to reach maturity and provide comparable ecological, social, and aesthetic benefits to those of mature trees being removed. Compounding this issue is the current rate of development, which shows no signs of slowing and is likely to increase under ongoing urbanisation and state-driven housing policies. This rapid pace of development places further strain on the ability to meet canopy targets, particularly when mature trees are lost more quickly than they can be replaced.

For the stated canopy targets to be achieved, a multi-pronged approach will be necessary. This could include stricter enforcement of tree retention policies, more robust replacement planting ratios, and a stronger focus on protecting smaller or younger trees that have not yet reached maturity but are crucial for the urban forest's future resilience. Additionally, broader community engagement and incentives for private landowners to retain and enhance tree cover on their properties will be essential to complement regulatory measures. Without these combined efforts, achieving canopy targets on private land within the desired timeframe may prove unrealistic.

Achieving no net canopy loss in the short term may be feasible for Ku-ring-gai, but it will require building on existing strengths, such as rigorous permit requirements, while urgently incorporating changes to policy and increasing community-focused strategies. Offering financial incentives, improving community education on the value of urban canopy, and expanding the urban forestry workforce to support tree maintenance are all critical components. By combining strict regulation, proactive assessment, community incentives, and consistent enforcement, Ku-ring-gai can move towards achieving its ambitious canopy targets and ensure a thriving and resilient urban forest for future generations.

8 Actions and Recommendations

Mitigating canopy loss in Ku-ring-gai requires a multi-pronged approach, combining regulatory reform, enhanced enforcement, and community collaboration - a balance of a 'carrot' and 'stick' approach should be used to achieve meaningful results.

To achieve Ku-ring-gai's ambitious canopy cover target and address the challenges associated with canopy loss on private land, the following recommendations and actions are proposed.

8.1 Focus Area 1 Advocacy to State Government

Overview

This focus area is aiming to:

- Advocate for legislative and policy changes to improve urban tree protection at the state level.
- Collaborate with state government agencies to ensure stronger tree protection measures are incorporated into planning and development processes.

- Enhance professional standards and regulations within the tree management industry to improve outcomes.

Action Plan for Focus Area 1 - State Government Advocacy

Action	Outcome
1.1 Continue involvement with the NSW Government on the current review of Biodiversity and Conservation SEPP 2021 and advocate for higher penalties PINs on a sliding scale.	Improved legislative tools for stronger enforcement and better biodiversity outcomes in urban environments.
1.2 Advocate for changes to the Exempt and Complying Development Code (CDC) including mandatory Arboricultural Impact Assessments (AIA) for CDC applications, replacement planting requirements and site specific canopy targets.	Enhanced tree protection measures integrated into development, ensuring that significant trees are considered during the planning phase.
1.3 Advocate to NSW Government or applicable regulatory body for improved professional standards and industry regulation for tree workers and private certifiers (CDC) including licensing requirements, to improve the quality and compliance of tree-related work.	Higher standards of practice across the tree management industry, reducing instances of poor-quality or non-compliant work impacting urban canopy health.

8.2 Focus Area 2 Strengthen Council Enforcement and Compliance Mechanisms

Overview

This focus area is aiming to:

- Enhance enforcement measures to deter unauthorised tree removals.
- Ensure compliance with tree protection policies.
- Improve the number of trees protected in Ku-ring-gai

Action Plan for Focus Area 2 - Strengthen Council Enforcement and Compliance Mechanisms

Action	Outcome
2.1 Review the Tree and Vegetation Preservation DCP (Part13) to remove the 3m exemption rule and replace with a risk based criteria for tree removal.	Increased number of trees protected leading to better canopy retention.
2.2 Review the Tree and Vegetation Preservation DCP (Part13) to reduce the height of a protected tree from 5m to 4m. Define the height of a protected tree in Part 13 (currently not included).	Increased number of trees protected leading to better canopy retention.
2.3 Review of DA standard conditions of consent for tree protection to ensure they meet industry	To improve the protection of trees on development sites and reduce the number of tree removals.

best practice (Protection of Trees on Development Sites - AS 4970-2009).	
2.4 Highlight importance of seeking court penalties for illegal works, CDC breaches and DA non-compliance to strengthen enforcement. Increase Council's willingness to take matters to court. PINs do not compensate for loss of canopy.	Established reputation that Council takes illegal tree works seriously and reduce the number of illegal tree works.
2.5 Transfer tree compliance functions from Council's 'Tree Team' to the 'Compliance Team' to ensure correct legal procedures are followed. Provide additional staff resourcing to achieve this.	Improved procedural outcomes to enable successful issuing of PINs and collection of evidence to take to court.
2.6 Review enforcement of replacement plantings, particularly for tree permits	Increased capacity to maintain future no net loss of canopy.

8.3 Focus Area 3

Integrate Proactive Development Assessment and Processes

Overview

This focus area is aiming to:

- Reduce the impact of development on tree canopy.
- Ensure adequate compensation for canopy loss during development.
- Promote a balanced approach between urban growth and tree conservation.

Action Plan for Focus Area 3 – Integrate Proactive Development Assessment and Processes

Action	Outcome
3.1 Implement a minimum 2:1 tree replacement ratio for any unavoidable tree removals (DAs and Permits). For trees that cannot be replaced on the site investigate the establishment of a tree offset scheme. Determine a monetary value for individual trees and have funds generated by this scheme fund tree rebate/ incentive scheme (see action 4.1 below)	Effective compensation for canopy loss through new plantings, supporting the goal of no net canopy loss.
3.2 Create standard requirements for arboricultural reports and continue to enforce mandatory arboricultural reports for all tree removals linked to development.	Comprehensive assessment and mitigation of tree removal impacts during development.
3.3 Streamline tree permit application process to ensure applications are vetted before being allocated to Tree Officer.	Improved efficiency and reduced impact on Tree Officers time.
3.4 Produce a factsheet for Council's minimum standards required for tree reports on development sites in line with Protection of Trees on Development Sites – AS 4970-2009.	To improve quality of reporting and establish expectation of standards.

8.4 Focus Area 4**Incentivise Tree Retention and Planting on Private Land****Overview**

This focus area is aiming to:

- Provide financial incentives to encourage private landowners to retain and plant trees.
- Increase community participation in urban forest growth.

Action Plan for Focus Area 4 – Incentivise Tree Retention and Planting on Private Land

Action	Outcome
4.1 Investigate the feasibility of Introducing a Council rebate program or grant scheme for retaining trees of high value on private land. (Refer action 4.2.2 of Urban Forest Strategy)	A financial values placed on trees leading to increased tree retention on private land, contributing to overall canopy goals.
4.2 Establish a tree giveaway initiative linked to tree permit replanting conditions.	Financial barrier removed to encourage tree planting and increased replanting rates.
4.3 Develop a range of tree selection and tree care factsheets for residents to help guide to planting efforts on private land.	Improved canopy outcomes and survival rates for newly planted trees.
4.4 Establish a tree giveaway program to provide trees to residents to plant on their land.	Improved opportunities to engage with residents on tree canopy and increased tree planting on private land. Financial barrier removed to encourage tree planting and increased replanting rates.

8.5 Focus Area 5**Expand Engagement and Urban Forestry Workforce****Overview**

This focus area is aiming to:

- Foster community stewardship and active participation in urban forestry.
- Expand council's capacity to support private landowners in tree care.

Action Plan for Focus Area 5 – Expand Engagement and Urban Forestry Workforce

Action	Outcome
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5.1 Develop community education and stewardship programs to raise awareness of the value of urban canopy.	Increased community involvement in tree retention and planting efforts.
5.2 Partner with local community groups to organise tree planting events and educational workshops.	Improved community engagement and sense of shared responsibility for canopy retention.
5.3 Investigate engagement of the community through citizen science reporting using apps.	Increased community involvement and improved understanding of the urban forest.
5.4 Retain the 'Tree Investigations Officer' position within the Tree Team to provide referral support to compliance team, manage rebate scheme and educational initiatives.	Increase capacity to deliver engagement programs and achieve compliance efforts.
5.5 Continue internal promotion and awareness on the value of trees to ensure ongoing understanding of tree value among Council staff, planners, and decision-makers.	Continued understanding and support for tree retention to drive increased in canopy.
5.6 Undertake further studies into the barriers and opportunities that exist with trees within CALD communities. Ensure engagement programs are culturally appropriate and communication is aimed at engaging with Ku-ring-gai's diverse range of cultures and backgrounds.	Improved understanding of cultural barriers to achieve a higher tree retention within a range of cultural backgrounds.

8.6 Focus Area 6 Monitor and Manage

Overview

This focus area is aiming to:

- Improve data collection and automation to enhance monitoring of tree canopy changes.
- Establish robust systems for ongoing monitoring and community reporting to maintain urban canopy health.

Action Plan for Focus Area 6 – Monitor and Manage

Action	Outcome
6.1 Automate data input from development applications and permits into council systems to facilitate data collection for future monitoring of tree removal information	Streamlined tracking of tree removals figures, mechanisms and replacement numbers.
6.2 Make the tree loss data map layer publicly available on Ku-ring-gai council online resources.	Community aware of tree loss occurring in the area and improved accountability.
6.3 Continue the 'tree removal hotline' and promote the service more broadly to ensure	Improved monitoring of illegal removals

illegal removals can be captured as they are occurring.	
6.4 Continue canopy cover monitoring and undertake GIS analysis of private and public land canopy changes.	Improved understanding of changes in tree canopy over time to assist in monitoring effects of Council's efforts. (Including Councils efforts to reduce clearing on private land as well as to offset this loss by planting on public land).
6.5 Prepare an updated Canopy Analysis Report in 2025, once the revised DPHI canopy data becomes available. This report should analyse both tree canopy loss and gain and include a stratification of the data to quantify changes across defined tree height categories.	Greater understanding of where tree loss is occurring and the mechanisms that are causing it.

END OF REPORT

FIELD INSPECTION OPPORTUNITIES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present the Committee with the opportunity to consider scheduling field inspections of relevance to Committee business.

BACKGROUND:

Priority items for the Committee may have environmental implications at the site scale.

COMMENTS:

Committee members may discuss their interest in and availability to attend field inspections. Field inspections may be useful to the Committee in gaining a deeper understanding of sites of interest.

RECOMMENDATION:

That the Committee notes the information provided.

[Refer to the full Recommendation at the end of this report]

PURPOSE OF REPORT

To present the Committee with the opportunity to consider scheduling field inspections of relevance to Committee business.

BACKGROUND

Priority items for the Committee may have environmental implications at the site scale.

COMMENTS

Committee members may discuss their interest in and availability to attend field inspections. Field inspections may be useful to the Committee in gaining a deeper understanding of sites of interest.

INTEGRATED PLANNING AND REPORTING

Nil

GOVERNANCE MATTERS

Nil

RISK IMPLICATION STATEMENT

Nil

FINANCIAL CONSIDERATIONS

Nil

SOCIAL CONSIDERATIONS

Nil

ENVIRONMENTAL CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

Nil

INTERNAL CONSULTATION

Nil

SUMMARY

Committee members may discuss their interest in and availability to attend field inspections. Field inspections may be useful to the Committee in gaining a deeper understanding of sites of interest.

RECOMMENDATION:

A. That the Committee notes the information provided.

Sybylla Brown
Natural Areas Program Leader

MEMBER INTRODUCTIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide newly appointed members of the Committee with the opportunity to introduce themselves to one another.
BACKGROUND:	Membership of the Environment Advisory Committee is governed by the Committee’s Terms of Reference. Community representatives were recruited to the Committee through an Expression of Interest process. Councilors and community representatives were appointed to the Committee at the April 2025 Ordinary Meeting of Council.
COMMENTS:	The report details the Councillors, community representatives, NPWS representative, and staff appointed to the Environment Advisory Committee.
RECOMMENDATION:	That the Committee notes the information provided.
[Refer to the full Recommendation at the end of this report]	

PURPOSE OF REPORT

To provide newly appointed members of the Committee with the opportunity to introduce themselves to one another.

BACKGROUND

Membership of the Environment Advisory Committee is governed by the Committee's Terms of Reference.

Community representatives were recruited to the Committee through an Expression of Interest process. Councilors and community representatives were appointed to the Committee at the April 2025 Ordinary Meeting of Council.

COMMENTS

Membership of the Environment Advisory Committee is as follows:

- Councilor Alec Taylor (Chairperson)
- Councilor Kim Wheatley (Deputy Chairperson)
- David Brennan (community representative)
- Sally Eriksen (community representative)
- Jill Green (community representative)
- Valerie Holland (community representative)
- Simon Kean (community representative)
- Michael Mathias (community representative)
- Dominic Sivertsen (community representative)
- Greg Taylor (community representative)
- Greg Kirby, Manager, North Western Sydney Area (National Parks and Wildlife Service representative)

The following Ku-ring-gai Council staff will be available to attend the Committee meetings (non-voting), and will provide professional advice and administrative support:

- Jacob Sife, Manager Environment and Sustainability
- Sybylla Brown, Environmental Programs Leader
- Other staff as required for their expertise or specific knowledge areas.

All other Councillors may attend committee meetings in a non-voting capacity and as observers only.

INTEGRATED PLANNING AND REPORTING

Nil

GOVERNANCE MATTERS

Nil

RISK IMPLICATION STATEMENT

Nil

FINANCIAL CONSIDERATIONS

Nil

SOCIAL CONSIDERATIONS

Nil

ENVIRONMENTAL CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

Nil

INTERNAL CONSULTATION

Nil

SUMMARY

Two Councillors, eight community representatives, and one National Parks and Wildlife Service representative have been appointed to the Environment Advisory Committee. Two staff members have been appointed in a non-voting capacity.

RECOMMENDATION:

A. That the Committee notes the information provided.

Sybylla Brown
Natural Areas Program Leader