

Kempsey - Armidale Road Restoration

Appendix J

NPWS Tree-Fall Hazard Letter



Your ref: ARC21/4742: AO/2023/03772
Our ref: DOC23/648287-2

Mr Alex Manners
Chief Officer - Assets and Services
Armidale Regional Council
PO Box 75A
ARMIDALE NSW 2350

By email: council@armidale.nsw.gov.au

Dear Mr Manners

Thank you for your letter of 22 June 2023 regarding Armidale Regional Council's recovery works along Kempsey Road, which includes advice that the main recovery works will require removal of potential tree-fall hazards outside the road reserve in the adjacent national park.

Any removal or pruning of trees within the national park is subject to approval from the NSW National Parks and Wildlife Service (NPWS). In the absence of that approval, it would be an offence under the *National Parks and Wildlife Act 1974*.

NPWS is not opposed to the management of tree-fall hazards. However, such removal is subject to our [Tree risk management policy](#) (available on the NSW Environment and Heritage website) and I require substantially more detail from Council before I can grant consent for this to occur.

Consistent with the policy, NPWS maintains records of hazardous trees on its land, and what management responses are implemented. Hence, we would need to be provided with a documented assessment of each individual tree identified as a tree fall hazard, along with its proposed treatment and follow-up reporting on completion of works.

When managing hazardous trees, NPWS prioritises the protection of life, consistent as far as possible with protecting the national park's natural, cultural and social values (including aesthetic and scenic values). NPWS focuses on tree-risk management in high use areas where exposure to people is greatest.

Consistent with previous approaches applied elsewhere in the state, NPWS supports clearing of trees that are of immediate risk to public safety where this is justified. NPWS would therefore require all trees identified as posing a tree-fall hazard to be assessed by a qualified arborist. The arborist's report, along with the Review of Environmental Factors (REF), must be provided to NPWS for consideration before any approval is granted for the removal of those trees.

I advise that, under our policy, corrective pruning is generally preferable to tree removal, with any pruning should be done consistent with the Australian standard (*AS 4373—2007 Pruning of amenity trees*). NPWS is unlikely to authorise any works that involve excessive clearing.

In summary, our assessment requirements would be:

- A comprehensive description of the scope of works in relation to each affected tenure, with the park's boundary accurately depicted on all maps. I understand that the road reserve is not correctly shown in the digital cadastre database (DCDB). Parish maps show the road reserve

for Kempsey Road as an unsurveyed public road, meaning that the road reserve is defined in relation to the original centreline of the road.

- The scope of works must identify ancillary areas that may be used to store equipment, vehicles or materials, any associated clearing, ground disturbance or other improvements associated with their use, and rehabilitation of those sites at completion of works. I refer to previous correspondence from GeoLINK requesting NPWS consider granting approval for the use of an existing clearing in Cunnawarra National Park adjacent to Kempsey Road, a short distance east of Styx River Forest Way.
- An assessment by an arborist must be used to identify those trees likely to pose a tree-fall hazard within a reasonable timeframe (e.g. in the next 18 months) and which therefore should be targeted for treatment. This arborist should have appropriate level of accreditation (at least Cert IV) and be independent of any contractor likely to be hired by Council to carry out the works.
- If removal of the tree posing the hazard is proposed, this must be justified following consideration of all other alternatives (including the 'Do Nothing' alternative). It is recommended the justification should be based on a risk assessment that considers the likelihood of serious consequence should tree fall occur. It should conclude that the proposed removal is the only appropriate means to address this risk.
- An assessment of each targeted tree by a suitably trained and experienced individual to determine:
 - if it is likely to be a culturally modified (scarred) tree, by a Land Council sites officer
 - if it provides important wildlife habitat (e.g. contains hollows or is a koala feed tree) or landscape connectivity for gliders, by an ecologist.
- Consideration of the extent (size, scope, intensity, duration) and nature (predictability, environmental resilience, reversibility, manageability) of impacts (direct, indirect and cumulative) on the national park and downstream areas in Georges Creek Nature Reserve, including any likely adverse impacts on:
 - soil stability and catchment values
 - threatened species, threatened populations or threatened ecological communities, as listed under the *Biodiversity Conservation Act 2016* or *Fisheries Management Act 1994* or their habitat
 - Aboriginal objects or places, as defined by the NPW Act
 - heritage items, relics or other evidence of non-Aboriginal origin more than 25 years old
 - any Matters of National Environmental Significance (MNES) as defined by the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, including migratory species, threatened entities listed under that Act, or National Heritage or World Heritage values.
- Appropriate safeguards and offsets for unavoidable impacts (e.g. minimising ground disturbance, a sediment and erosion control plan, replacement of any hollows lost through removal of hollow-bearing trees through installation of similar sized nest boxes, and installation of glider poles).

All assessments should be documented and presented as part of (or as attachments to) the REF. I request that NPWS is provided with the opportunity to review a draft of the REF before it is finalised and determined.

Lastly, It is unclear from your letter whether this was the required notification under section 2.15 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, or if that will follow once a scope of works has been developed. I suggest that notification occur once a preliminary draft REF is available for our comment.

If you have any further questions about this issue, please contact Kath Crowe, ranger, Coffs Coast Area, on 6652 0900 or at kath.crowe@environment.nsw.gov.au.

Yours sincerely



Glenn Storrie

**Manager, Coffs Coast Area
National Parks and Wildlife Service**

21 July 2023

cc: Sean Sample<sean@karrp.com.au>
Stuart Collett <scollett@armidale.nsw.gov.au>