



Environmental Sustainability and Trees Sub Committee

Terms of Reference

Adopted by Council: 28 November 2022 (0004/2022) Quorum wording amended 26 February 2024 (0597/2024)	Review Date: November 2026
---	-----------------------------------

1. Establishment

- 1.1 The **Environmental Sustainability and Trees Sub Committee** is established under section 41 of the *Local Government Act 1999* as a sub committee reporting to the **Urban Services Committee** for the purpose of making decision under delegated authority and providing advice to Council.
- 1.2 The Sub Committee will exist for the term of the Council or unless resolved otherwise by the Council.
- 1.3 The Sub Committee is established as a Committee within the Council's governance framework.

2. Functions and Responsibilities

- 2.1 The Environmental Sustainability and Trees Sub Committee has been formed to:
 - a. support the City of Salisbury in continuing its vision as a Sustainable City and oversee the implementation of Council's Environmental Sustainability Strategy particularly in regard to energy/water/biodiversity, vegetation and waste for current and future generations, and
 - b. ensure issues related to the maintenance and removal of street trees and trees that are in a reserve, immediately adjacent to private properties, are dealt with consistently across the City.
- 2.2 The purpose of the Sub Committee in relation to trees is to:
 - provide an avenue of appeal for persons who's request in relation to tree management and in particular specific tree removal has been refused by Council administration,
 - give consideration to the Tree Management Policy and the Tree Removal Procedure of Council,
 - provide advice on replacement tree types where a tree is approved for removal by it or the Council Assessment Panel (CAP),
 - exercise delegated authority to make decisions in relation to tree management appeals, with the exception of an appeal involving a tree classified as a 'Regulated or Significant Tree' in accordance with the *Planning, Development and Infrastructure Act 2016*, and
 - make recommendations to Council for the lodgement, if appropriate, of a Development Application to the Development Control Unit and subsequently CAP, in cases where an appeal involves a tree classified as a 'Regulated or Significant Tree' in accordance with the *Planning, Development and Infrastructure Act 2016*.
- 2.3 The Sub Committee will take into consideration both the risk and the opportunities of matters considered, so as to enable Council to act as an informed and responsible decision maker representing the interests of the community.



Environmental Sustainability and Trees Sub Committee

Terms of Reference

Adopted by Council: 28 November 2022 (0004/2022) Quorum wording amended 26 February 2024 (0597/2024)	Review Date: November 2026
---	-----------------------------------

3. Authority

- 3.1 The Sub Committee reports to the Urban Services Committee (USC).
- 3.2 The Sub Committee shall make whatever recommendations to the USC it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.
- 3.3 Recommendations made by the Sub Committee will be referred to the next scheduled meeting of the USC, and through presentation of recommendations to Council for final resolution.
- 3.4 The Sub Committee may provide advice and make a recommendation to Council via USC to lodge a Development Application for the removal of a Regulated or Significant Tree in alignment with the *Planning, Development and Infrastructure Act 2016*.

4. Membership

- 4.1 Membership of the Sub Committee comprises of six (6) Elected Members as determined by Council plus the Mayor ex officio.
- 4.2 Membership continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.
- 4.3 All members must attend meetings of the Committee and, where unable to do so, must provide an apology prior to the meeting.
- 4.4 Proxy membership is not permitted.
- 4.5 The appointment of the Presiding Member and Deputy Presiding Member will be made by the Council for a term determined by the Council.
- 4.6 Ward Councillors are invited to attend for matters to be considered that are in their ward and may request to address the Sub Committee on the matter, but are not voting members.
- 4.7 Members of the administration, including but not limited to the General Manager City Development and General Manager City Infrastructure, who are required to attend meetings of the Sub Committee will do so in an advisory capacity only.

5. Meetings

- 5.1 Meetings of the Sub Committee will be held in the Council Offices at 34 Church Street, Salisbury, in the Council/Committee Rooms. Meetings will occur monthly or as required.
- 5.2 In the event that a meeting falls on a public holiday, the meeting will convene on the next business day in that same week.
- 5.3 In accordance with section 87 of the *Local Government Act 1999* (the Act), a minimum of three clear days' notice of an ordinary meeting of the Committee will be provided to members of the Committee.



Environmental Sustainability and Trees Sub Committee

Terms of Reference

Adopted by Council: 28 November 2022 (0004/2022) Quorum wording amended 26 February 2024 (0597/2024)	Review Date: November 2026
---	-----------------------------------

- 5.4 Public notice of meetings will be given through publication of the meeting schedule on the City of Salisbury website. A copy of the Notice of the Meeting will be displayed publicly at the Council's Community Hub.
- 5.5 Members of the public are able to attend all meetings of the Sub Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of section 90 of the *Local Government Act*.

6. Quorum

- 6.1 The quorum shall be determined by dividing the total number of Members of the Committee (excluding the Mayor if ex officio) by two (ignoring any fractions) and adding one. For example, a Committee comprising of six (6) members (excluding the Mayor in the count if ex officio), the quorum is four (4).

When the Mayor as an ex officio member is in attendance, the Mayor will be included in the count towards achieving the required quorum number.

- 6.2 Elected Members who are granted a leave of absence under Section 55A of the *Local Government Act 1999* and Elected Members who are suspended or removed from office, are not counted in the total number of Members of the Committee when calculating the number of members that constitutes a quorum.

7. Meeting Procedures

- 7.1 All meetings will be held in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and the *City of Salisbury Code of Practice for Meeting Procedures*.
- 7.2 Where the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the Sub Committee, the Sub Committee may determine its own procedure.

8. Voting

- 8.1 All members of the Sub Committee have equal voting rights and each member of the Sub Committee present at a meeting will have one vote.
- 8.2 Each member must vote on a question arising for decision, except when a conflict of interest is declared.
- 8.3 The Presiding Member has a deliberative vote only and does not, in the event of an equality of votes, have a casting or second vote.
- 8.4 In the event of an equality of votes, the Sub Committee has not made a decision on that item, which will then be referred to the Council for decision.
- 8.5 An appeal will only be upheld where there is a majority vote to do so by the Sub Committee. Where the vote is tied, the appeal is dismissed and the original recommendation of Council Administration will stand.



Environmental Sustainability and Trees Sub Committee

Terms of Reference

Adopted by Council: 28 November 2022 (0004/2022)
Quorum wording amended 26 February 2024
(0597/2024)

Review Date: November 2026

9. Minutes and Documents

- 9.1 Minutes and documents will be managed in accordance with the Regulation 25 – *Local Government (Procedures at Meetings) Regulations 2013* and the *City of Salisbury Code of Practice for Access to Meetings and Documents*.
- 9.2 Minutes will be kept of the proceedings at each Sub Committee meeting. Members of the Sub Committee will be provided with a copy of all minutes of the proceedings of the Sub Committee within (5) five days after a Sub Committee meeting.
- 9.3 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting.
- 9.4 Members of the public are entitled to access all documents received at a meeting of the Committee unless it is resolved to be confidential under the *Local Government Act 1999*.

10. Reporting

- 10.1 Recommendations made by the Sub Committee will be referred to the next scheduled meeting of the USC, and through presentation of recommendations to Council for final resolution.

11. Procedure for matters to be heard by the Environmental Sustainability and Trees Sub Committee

Before an appeal is heard by the Sub Committee the following process must be followed:

- an on-site meeting is convened with relevant staff, the person requesting to appeal the administration decision and affected stakeholders (such as but not limited to the property resident/tenant/owner), and relevant Ward Councillors to establish an understanding of the site and relevant issues,
- where relevant, consultation will occur with the tenant/owner of the property adjacent to the tree, when the request for removal has been submitted by a nearby resident,
- where the request for removal of a tree is from a tenant, it will be determined that the owner of the property agrees with removal of the tree and supports the appeal of the decision,
- where a tree removal request has been refused and the applicant, aggrieved by the decision, requests a review of the decision by the Sub Committee, Administration will prepare a report to Environmental Sustainability and Trees Sub Committee
- where a request for appeal is to be submitted to the Sub Committee, the relevant Ward Councillors will be provided an opportunity to make representations to the Sub Committee when the matter is considered, and
- where a request for appeal is to be submitted to the Sub Committee, the resident or property owner may nominate a representative for them to attend and advocate on their behalf at a meeting of the Sub Committee; this may be, subject to their agreement, a Ward Councillor, the Deputy Mayor or the Mayor
- the Environmental Sustainability and Trees Sub Committee has the ability to waive the removal fee for verge trees to concession card holders.