



YOUNG SHIRE COUNCIL

TREE MANAGEMENT POLICY

NO 58

DATE ADOPTED: 21/8/13

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AIM:

To:

- Manage substantial risk associated with Council's tree assets by acting reasonably to address issues in rural areas and in urban areas by fulfilling Council's duty of care at law (the aim is NOT to eliminate all possible hazards).
- Educate and promote to external customers and Council staff correct arboricultural practices and the natural benefits of Council's tree assets.
- Preserve a healthy, low risk, aesthetically attractive and ecologically diverse population of Council managed trees through quality arboricultural practices and considered tree removal practices.
- Benefit the natural environment by the strategic removal and replacement (where required) of declared or environmental weed tree species, as well as the selection for future planting of tree species that have limited environmental weed potential.
- Enhance the Council's tree assets through quality tree planting, replacement planting, establishment and maintenance.

BACKGROUND:

Council needs to clearly and consistently communicate its tree management practices to interested parties as well as fulfilling its obligation in managing its tree assets. Hence the need for a comprehensive policy.

RELATED POLICIES: [Tree Preservation Order]

This policy supersedes 8.530 Tree Preservation Policy]

1 PURPOSE

- To the common benefit of all, promote, preserve and enhance the heritage, landscape and environmental values of the Young Shire Council managed tree assets in the Young Shire.
- To protect trees within the Young Shire Council area from inappropriate removal or damage.

2 AIMS**2.1 Risk Management**

To manage risk associated with Council's tree assets by acting reasonably to address issues in rural areas and in urban areas by fulfilling Council's duty of care at law (it is NOT the aim of the policy to eliminate all possible hazards).

2.2 Promotion/Education

To educate and promote to external customers and Council staff correct arboricultural practices and the natural benefits of Council's tree assets.

2.3 Preservation

To preserve a healthy, low risk, aesthetically attractive and ecologically diverse population of Council managed trees through quality arboricultural practices and considered tree removal practices.

To benefit the natural environment by the strategic removal and replacement (where required) of declared or environmental weed tree species, as well as the selection for future planting of tree species that have limited environmental weed potential.

2.4 Enhancement

To enhance the Council's tree assets through quality tree planting, replacement planting, establishment and maintenance.

3 DEFINITIONS

Arboricultural practices – For the purpose of this policy they are those practices involved in the planting and care of trees that are recognised by the International Society of Arboriculture, stated in Australian Standard 4373-2007 : Pruning of Amenity Trees and other relevant Council or recognised industry standards and practices.

Common benefit of all – A balanced approach considering the requirements of people (including risk management), the environment, endemic flora, endemic fauna and Council.

Declared weed tree – Pest tree species targeted for control under state legislation that have or could have serious economic, environmental or social impacts.

Environmental weed tree – Those trees in addition to those classified as declared weeds that Council identifies as having high potential to have serious environmental impact within the Shire.

Hazard – Something that could cause injury, damage or loss.

Natural benefits of trees - Include shade, reduction of "green house gases", habitat, amenity, wind buffering effect, improved water and air quality, decreased effect of salinity, psychological benefits, lowering surface temperature particularly in the built environment and erosion control.

Risk – The chance that something will happen resulting in injury, damage or loss.

Significant trees – Trees that are rare, culturally or naturally important and/or add to the overall landscape of the area in a special way and have been formally assessed by a Council authorised person.

Tree – For the purposes of this policy, a tree is defined as long-lived perennial plant with single or multiple self supporting woody stem(s).

4 SCOPE

This policy applies to trees naturally growing or planted on Young Shire Council managed land including Council owned or controlled parks and reserves, and Council controlled road reserves. It does not apply to private land within Young Shire. It supersedes policy no.: 8.530 Tree Preservation Policy.

This policy is presented in general terms to ensure its longevity. It is designed to be supported by “living” procedural documents and agreements.

5 COUNCIL’S COMMITMENT

The endorsement of this policy acknowledges Council’s ongoing commitment to fulfilling the purposes, aims and procedures outlined and providing the necessary resources for their application.

6 LEGISLATION AND LAW

A summary of the various legislation affecting tree management in the Young Shire Council area includes:

- Young Shire Local Environmental Plan 1993
- NSW Native Vegetation Conservation Act 1997
- NSW Threatened Species Conservation Act 1995
- NSW Water Management Act 2000
- NSW Environmental Planning and Assessment Act 1979
- NSW SEPP 44 Koala Habitat, and
- Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
- National Parks and Wildlife Act 1974
- Rivers and Foreshores Improvements Act 1948

7 RECOMENDED SUPPORT DOCUMENTS

The following supporting procedural documents, agreements, inventories and forms will be developed (and others as they are required and endorsed by Council):

7.1 Procedural documents

- Flowchart of Councils risk management process for trees and the associated documentation process;
- Tree risk management for road reserves (including: tree or tree part removal procedures and practices;
- documented procedure for conducting inspections and dealing with requests in rural and urban areas and tree clearances);

- Tree risk management for parks and reserves (including: tree removal procedures and practices, documented procedure for conducting inspections and dealing with requests in rural and urban areas, and tree clearances);
- Recommended tree species characteristics and list for tree planting on road reserves;
- Recommended tree species characteristics and list for tree planting in parks and reserves;
- Tree planting guidelines for roads;
- Tree planting guidelines for parks and reserves;
- Tree root management (including process for dealing with complaints about tree root systems);
- Environmental weed tree species list;
- Dealing with illegal tree poisoning; and
- Dealing with unauthorised interference with a tree or tree part

7.2 Agreements

- Powerline Vegetation Management Agreement (Country Energy)

7.3 Inventories

- Inventory of urban tree assets (rural areas to be prioritised then considered for inventory where reasonable).

7.4 Forms

- Application for tree work/removal (Council managed land);
- Application for tree planting (Council managed land);
- Visual tree risk assessment form; and
- Adopt a Street Tree.

8 PRIORITY PROCEDURAL ISSUES

There are some procedural issues that need to be addressed within this policy in addition to their inclusion in procedural documents.

8.1 Hazardous tree reporting

Council will document and investigate all new reports by customers of potentially hazardous trees on Council managed land and provide a response and corrective action (if required) in a reasonable timeframe. With the exception of severe/high risk situations that require immediate attention, requests for tree work should be submitted to Council by completing an “Application for Tree Work/Removal (Council Managed Land)”.

For insurance and management purposes, each new customer request for inspection will be permanently recorded and investigated by a suitably qualified

and duly authorised Council officer (hereinafter “the officer”). The officer will perform or obtain a minimum of a visual written tree risk assessment that will be captured on Council’s electronic data management and records system. Risk associated with a tree will be gauged by examining tree health, tree characteristics, site conditions, target tree defects, likelihood and consequences of failure, and other relevant information. Should the officer’s report prove uncertain as to the risk, or the potential risk is high to severe, then a second opinion will be sought from a reputable, qualified and experienced arborist.

8.2 Responsibilities/delegation

In the situation of requests with regard to Council tree management, the Council Manager for the land in question or delegated officer is to be responsible for determining the requirement for tree hazard reduction and the priority which it is to be allocated based on the associated risk.

In determining what action (if any) will be taken in response to tree risk assessments, the Land Manger or delegated officer will have regard to the content of the tree risk assessment, the health of the tree at the time of inspection, heritage or historic value, aesthetic or landscape value, environmental or wildlife value, alternatives to removal of the tree or part of the tree, site character, available budget and the nature of the perceived hazard.

Should a customer not be satisfied with the priority and timeframe given for the work to be performed, they may apply to Council in writing to have the work carried out at their own expense in accordance with arboricultural practices. They also need to demonstrate that they are utilising a reputable, suitably qualified and insured arborist or tree contractor, who is willing to have their work be subject to Council direction and inspection (a bond commensurate with the potential for damage may also be requested).

Applicants will be required to notify Council at least seven (7) working days prior to the work taking place, so if required, a Council inspection of the work can be arranged at a mutually agreeable time.

Should a customer not be satisfied with the decision resulting from the tree risk assessment they may obtain a risk report on the tree from an independent, reputable, suitably qualified arborist at their own expense and submit the report to Council for further consideration.

Should exceptional circumstances occur where a request for tree work appears justified yet is contrary to the clauses outlined in “When Council will (or will not) prune or remove a tree” then this matter should be submitted as a report to the Director Operations for consideration and a possible exemption.

8.3 Pruning and Tree removal practices

Accepted arboricultural practices are to be adhered to no matter who is paying for the work, commissioning the work or doing the work. This will assist in alleviating poor pruning practices that compromise the health, integrity and structure of the tree.

Council is committed to training staff in safe, quality tree pruning and removal practices (and hiring staff with arboricultural skills and qualifications).

Council is also committed to using proven work health and safety compliant, reputable, tree contractors and arborists who have extensive experience in correct arboricultural practices quality pruning and tree removal. Council acknowledges that short term apparent cost savings often attributed with using contractors without these skills are not justified considering the potential for compromised safety and tree health.

8.4 Lopping/Topping of Trees

Lopping or topping of trees is an unacceptable practice that leads to unsafe trees and is contrary to arboricultural practices. The Australian Standard 4373 Pruning of Amenity Trees indicates that lopping or topping is an unacceptable practice.

The resultant epicormic growth from lopping or topping is vigorous, generally vertical, weakly attached and dense. The end result is a tree with an unnatural habit that is predisposed to decay and storm damage.

The only exception where lopping may be considered is if a Council qualified and duly authorised officer assesses a hazardous tree as being suitable for long term retention as a habitat tree. This then requires the heavy pruning of the hazardous material back to stable low risk branch stubs and or trunk and if not dead the application of herbicide to prevent inappropriate regrowth.

8.5 When Council will prune or remove a tree

The pruning or removal of a tree requires appropriate justification. Pruning of a tree places stress on the tree through direct injury, by reducing the photosynthetic potential and impacting overall vigour. When removal is considered, it is essential to take into account that trees take a long time to develop and they are not easily replaced especially in terms of size or canopy spread. Because of the many benefits associated with trees and their significant asset value, Council will generally not remove a healthy tree. However Council will typically remove a tree or part of a tree on Council managed land that:

- 8.5.1 substantially obscures essential vision or obstructs access for traffic, pedestrians or essential maintenance vehicles;
- 8.5.2 is dead, burnt out or damaged and has a high associated risk;
- 8.5.3 is structurally unsound;
- 8.5.4 prevents essential construction and maintenance of Council assets (where there is no reasonable alternative);
- 8.5.5 has a high associated risk; and
- 8.5.6 is deemed to be a declared or environmental weed tree (see section 8.7 Weed species removal).

Any mature tree removed in accordance with the above guidelines is to be replaced with 2 trees in the urban area and 5 trees in the rural area. Tree planting is to be carried out in accordance with Council's 'Tree Planting Guidelines for Council Owned or managed Land'.

With regard to a property owner constructing a fence on the property boundary with Council managed land where a tree or tree part needs to be removed, then an "Application for Tree Work/Removal (Council Managed Land)" needs to be submitted to Council for consideration. If permission to perform the tree work is granted, it is to be carried out at the property owner's expense in accordance with

accepted arboricultural practices utilising a reputable, suitably qualified and insured arborist or tree contractor. Significant trees located on the property boundary will need to be retained and the fence located around the tree on the private property with no attachment or injury to the tree.

Prior to any physical removal of a tree or group of trees, the following will occur:

1. *Tree(s) within a road reserve – Council’s arborist will consult with the affected property owner(s) and the Environmental Initiatives Committee (EIC) about the affected tree(s) before taking any action;*
2. *Tree(s) within a Council controlled park / reserve (other than a road reserve) – Council’s arborist will consult with the EIC in the first instance and then more broadly the community should this be required by the EIC about the affected tree(s) before taking any action; and*

Should a tree or group of tree(s) be determined to pose an immediate risk to life and property then, where practical and possible, the EIC and affected property owner(s) will be advised prior to the event, otherwise in this instance Council will rely upon the professional judgment of the arborist to determine the relative threat posed by a tree or trees and take action accordingly.

It must be emphasised that the intention of the policy is not for the removal, wholesale or otherwise of the existing vegetation in the Shire, unless such is posing a threat to life and/or property.

8.6 When Council will not prune or remove a tree

With the exception of the clauses discussed previously, Council will not remove or approve removal of a tree or part of a tree on Council managed land:

- 8.6.1 that is in good health;
- 8.6.2 that has heritage, landscape or environmental value that outweighs associated risk;
- 8.6.3 on the basis that it drops leaves, berries, twigs, needles, flowers, sap, fruit or nuts;
- 8.6.4 where the removal of part of the tree is considered to be a suitable alternative;
- 8.6.5 to enhance views;
- 8.6.6 to increase natural light;
- 8.6.7 to improve street lighting of private property;
- 8.6.8 to reduce animal droppings from being deposited on personal property;
- 8.6.9 to address concerns that there is potential for damage to underground services (unless supported by written expert advice and only where reasonable alternatives are not feasible);
- 8.6.10 for the reduction of bushfire risk (unless it is substantiated to the satisfaction of the Council Land Manager or delegated officer);
- 8.6.11 because of minor lifting of driveways and paths; and
- 8.6.12 because of the presence of white ants unless they have caused structural damage with a high associated risk.

8.7 Weed Species removal

Commensurate with resources, Council will plan and systematically remove noxious and environmental weed tree species (see developed weed tree species list) growing in roadsides, parks and reserves. Where required, new desirable species will be planted and established prior to removal of the weed trees or if this is not possible as soon as possible after their removal.

Date Reviewed: 21/8/13

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