

TREE MANAGEMENT POLICY

Purpose

Council aims to promote the safety and beautification of the streets, parks and reserves within the Broken Hill Local Government area.

The purpose of this policy is to provide a simple, yet effective, management approach for the long and short term future of trees within the Broken Hill Local Government area. The policy also provides an overview to the Tree Management Plan and an initial reference point for understanding how Council will manage its natural assets.

Maintaining existing trees in a sustainable manner and carefully planning future plantings of trees will have a tremendous and positive influence on the future of the Broken Hill community. This policy provides Council with clear objectives and updated guidance for the management of trees within Broken Hill local government area.

Council is committed to the maintenance and improvement of its “urban forest” environment including the proper management of trees and other vegetation growing on the lands over which it has control.

This policy provides for the planting, maintenance and, where necessary the removal, of trees and shrubs on Council controlled property and is consistent with the objective in its charter “to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development”

Council also recognises that there may be a need to exercise some management control over trees that are under the control of private persons on private land.

The provisions of the *Trees (Disputes Between Neighbours) Act 2006 No 126* may also require Council action from time to time.

Scope

This policy applies to residents, ratepayers, contractors, developers, Council officers and other service authorities.

This policy shall apply to all trees and shrubs that are growing on any property under Council’s control including operational land, community land, nature strips, road corridors, public reserves etc.

The health, safety and welfare of Council staff and the community, and the protection of public and private property is paramount, and these considerations shall take precedence in any determination regarding existing plantings, preferred or prohibited species selection or any individual tree.

General Principles

Detailed internal operating procedures are available to Council staff.

1. Existing Trees

A past Court ruling has defined a tree either planted by, or under control of Council, as an artificial structure, and consequently all necessary steps must be taken to eliminate or minimise exposures caused by the tree.

It is therefore necessary to establish a Tree Inventory (when resources permit) of all existing trees in the urban areas within the control of this Council.

The Tree Inventory shall include the following details:

- Tree Identifier
- Species of tree
- Location details (Street/Reserve Name etc. and GPS reference)
- Size or volume of tree
- Value of tree
- Approximate age of tree
- Health and condition of tree
- Comments column for complaints, actions or maintenance history record.

As trees are replaced, or new plantings occur, the new tree is added to the Tree Inventory and the existing tree is noted as removed or other relevant comment.

2. Tree Preservation Orders

Whilst Council endorses the philosophy of tree preservation in the urban environment, and other specified areas, where it is demonstrated that a particular tree presents a risk to persons and/or property, appropriate action will be taken to eliminate such risk, including removal of part or whole of the tree.

3. Existing Tree Risk Assessment

Council will examine the characteristics of all existing trees to establish if they conform to the current Preferred Species criteria, or if any complaints or problems have occurred in the past with individual trees, groups of trees or the species.

Any complaints or actions not previously recorded will be recorded against the relevant tree in the Tree Inventory.

Physical examination of individual trees will require the use of the Tree Inspection Checklist. The Inspecting Officer will complete the Hazard Rating calculation and submit the completed Tree Inspection Checklist to their Supervisor for Council Office action.

The Hazard Abatement Recommendation will be completed by a nominated officer within Council and a Tree Risk Assessment or the services of an Arborist may be required.

Following the examination of the existing trees an appropriate control strategy will be prepared to efficiently and effectively manage any risk associated with these trees. It is recognised that there may be some trees that are no longer appropriate for the current urban environment, but for historical or sentimental reasons need to be retained.

A Plan of Management, incorporating any or all of the tree hazard control measures shall be prepared. This Plan shall also include any relevant actions or recommendations resulting from Hazard Abatement Recommendations, Tree Risk Assessments or Arborist Reports. Replacement plantings for existing trees will also be considered as part of the Plan of Management, given that these trees will eventually have to be replaced for a variety of reasons.

The effectiveness of the Plan of Management for existing and significant trees will be periodically monitored, and where necessary reviewed and amended.

4. Road Reserve Trees and Vegetation

As previously stated Council, as the Road Authority under the Roads Act 1993, has a duty of care to the travelling public to, as far as possible, ensure that trees and vegetation in the road reserve do not present a risk to life or property.

In order to fulfil its duty of care it will be necessary for staff involved in road construction, maintenance and road inspections to be aware of trees and other vegetation that may present a risk to road users. This will be especially important following high wind or storm events.

The use of Tree Inspection Checklists and Tree Risk Assessment and associated procedures as detailed above will apply where appropriate. Budget and resource allocations will be made in accordance with usual Council processes and competing priorities. Funding for emergency actions will be allocated as the need arises.

5. Species Characteristics

To assist in the implementation of strategies to manage the risks associated with trees (new and existing) Council has a "Recommended Species of Tree and Shrubs".

This list provides the following tree characteristics details:

- Botanical Name
- Common Name

6. Tree Selection

Tree species will be selected for planting based on their suitability for the particular location, expected performance, life expectancy and the risks that the tree might pose to people and infrastructure including underground and aboveground services.

All tree selected for planting on public land within the Broken Hill Council area will be selected from an approved list of trees following a site inspection by an authorised Council Officer.

It is intended that a combination of exotic and native trees will be maintained within the city's streetscapes and design and planning developments, however, Council will encourage consistent vegetation themes to reduce the diversity of tree species selected so as to maintain street integrity and unity.

Council's "Recommended Species of Tree and Shrubs" list which details the approved list of trees suitable for planting on public land within the Broken Hill area is included in the Tree Management Plan.

7. Tree Planting

New street plantings will be undertaken by Council from time to time when there are opportunities to do so and Council resources permit.

- 1) Council will provide suitable trees to plant on nature strips and authorise residents to plant trees provided that:
 - a) a written application is made for such plantings containing an agreement from the applicant that the trees, once planted, will be watered and otherwise maintained by the applicant;
 - b) the trees provided shall be in accordance with Council's Tree Management Plan.
 - c) the total number of trees on any section of nature strip (including existing trees) does not exceed two (2) for each property frontage, except where the General Manager may determine that additional trees are warranted, where the property frontage is significantly longer than normal or other unusual circumstances exist.

- 2) Residents or land owners may provide and plant additional trees on nature strips at their own cost provided that the trees are listed on Council's "Preferred Species" list and provided that such plantings are located so as to minimise future problems in regard to Council's and other Utilities facilities (such as kerb and gutter, water mains, electrical mains, telecommunication etc.) or with the consideration of the safety of pedestrians and traffic.

An application for the provision and planting of street trees is the Tree Management Form.

Subject to funding, Council will participate in the annual National Tree Planting Day. The location and type of trees to be planted will be determined by Council.

8. Illegally Planted Trees

Trees planted without the prior approval will be deemed to be illegally planted trees.

Council may direct a ratepayer or resident to remove or relocate any tree or shrub that may:

- a) cause damage to water mains, sewer mains, drainage lines, footpaths, kerb and gutter or other Council facilities or utilities, or
- b) cause fouling of power lines, or
- c) cause a safety hazard to pedestrians or vehicular traffic.

Council reserves the right to remove such trees at the expense of the person who authorised the planting of those trees.

9. Tree Maintenance

Council will, in line with its allocated resources, maintain trees on public or Council owned land within the Broken Hill Local Government area, to a healthy and safe condition. Tree maintenance activities may include watering, pruning, fertilising or removal of unsuitable trees.

Residents are encouraged to promote the health of trees in the vicinity of their residences by watering when required however tree trimming and pruning may not be carried out without the prior written approval of Council.

Tree trimming requests are to be made either by completing the appropriate form or by contacting Customer Service at Council's Administration building.

Maintenance and trimming of trees growing in and around powerlines is to be undertaken by Essential Energy in consultation with Broken Hill City Council.

Council will endeavour to inspect a tree within five working days of a request for the tree to be inspected and will endeavour to notify the requester of any action to be taken within ten working days of the request being made.

Council will endeavour to meet the following response times for approved actions:

- Priority 1: Remove / prune immediately
- Priority 2: Remove / prune within 2 weeks of approval date
- Priority 3: Remove / prune within 2 months of approval date
- Priority 4: Remove / prune within 3-4 months of approval date
- Priority 5: Remove / prune on a triannual basis.
- Priority 6: Remove / prune when resources allow
- Priority 7: Do not maintain.

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Tree trimming requests are to be made either by completing the appropriate form or by contacting Customer Service at Council's Administration building.

10. Tree Removal

Street trees are normally only removed at the end of their useful life or if they are creating a public risk or any undue damage to assets. However, Council may approve the removal of trees where a ratepayer is able to demonstrate a valid reason for the removal of the tree. In such circumstances, the cost for removal will be met by the ratepayer. Leaf debris or shading of solar panels are not considered valid reasons for the removal of street trees.

Utility authorities will be expected to work around existing trees but where this is not possible Council will consider an application to remove the tree(s).

The removal of trees and shrubs on Council controlled property shall be undertaken, where possible, by Council staff. Council staff shall ensure that appropriate techniques and equipment are used for these activities, and that Council's Work Health and Safety provisions are adhered to.

Should the consideration of the above factors place the tree removal activities outside of Council's abilities or expertise, Council shall engage the services of a contract arborist.

11. Illegal Tree Removals

For any unauthorised tree removal, Council will seek reimbursement for all costs associated with the reinstatement and establishment costs (such as watering, fertilising and formative pruning) of illegally removed or damaged trees or shrubs.

12. Trees that conflict with Development Proposals

Any development proposal that involves a conflict with or a need to remove a tree is subject to Council approval.

Street trees impacted by the proposed development should be marked on plans that are submitted for Building/Development Approval.

Every attempt will be made to avoid conflict between the development and the existing tree(s). Where this is not possible Council will consider allowing the removal of the tree(s) to enable the development to occur.

The cost for the removal of trees to make way for an approved development will be determined by quotation and will include the cost of the assessment, removal and disposal of the tree, any applicable traffic control planning, reinstatement of the road reserve and the establishment of replacement tree(s).

Ratepayers are not bound to use Council for authorised tree removal and may choose to use a Council approved contractor.

13. Tree Root Encroachment

Should tree roots from a tree planted on public or Council owned land encroach into a private residence, the ratepayer will be required to submit a report of the alleged damage so that a Council Officer can assess the situation and determine an appropriate course of action. Such action may include tree root extraction or, where there is no other option, removal of the tree.

Tree root excavation criteria and procedure can be found in the Tree Management Plan.

Any claim for damage to private property from tree roots will, in the first instance, need to be submitted to the property owners insurer.

14. Tree Vandalism

For the purpose of this policy, tree vandalism includes the unlawful destruction, damage or injury to trees and vegetation on Council community / public land. Examples include (but are not necessarily limited to) poisoning, mowing (of young trees), pruning, ringbarking or removal.

Trees are an asset valued by the community. Whilst there are sometimes undervalued, they should be maintained and protected just like other Council assets such as roads and buildings. As such, the vandalism of trees on public or Council owned land will not be tolerated by Council.

Council will investigate any instance of tree vandalism (including suspected poisoning) and will pursue reimbursement for any costs involved in investigation, removal and reinstatement of any tree that has been shown to have been vandalised and the perpetrator can be identified.

Potential approaches to managing and responding to tree vandalism are included in the Tree Management Plan.

15. Street Tree Inspection

All trees listed in the Tree Inventory will be inspected by either Council staff with appropriate arboriculture qualifications or contract specialists.

Council has developed a Tree Inspection Checklist to guide staff conducting routine inspections. The Checklist requires the following sections to be inspected and noted by the Inspecting Officer:

- Tree characteristics and health
- Site conditions
- Target
- Tree defects
- Hazard Rating calculation
- Hazard Abatement measures

It is recognised that ground level inspections may not identify some conditions that may

render the tree as hazardous. Above ground inspections will be conducted where considered appropriate. The provisions of NSW WorkCover Code of Practice for the Amenity Tree Industry and Council's Working at Heights procedure will apply to these operations.

Hazards and weaknesses that are identified will be noted and recommended actions will be prioritised and actioned in accordance with the response times outlined in this policy.

16. Tree Risk Assessment

As a consequence of the Tree Inspection it may be necessary to conduct a Tree Risk Assessment. This Assessment can only be conducted by a suitably qualified person.

17. Significant Trees

Broken Hill is fortunate to have several trees considered as significant due to their age, heritage and uniqueness.

A list of significant trees will be developed as part of the "Tree Inventory", to protect the City's outstanding specimens and allow the community to appreciate their qualities. This may include trees that have significant heritage and cultural value.

18. Resident and Ratepayer Responsibilities

Council request and encourage the local community to help maintain the trees planted in their street by assisting with the watering of newly planted and small trees.

Residents and ratepayers are responsible for preventing the encroachment of trees and other vegetation planted within their properties onto footpaths and nature strips.

Where such encroachment occurs, Council will issue the ratepayer with a request that the encroachment be removed within a seven day period.

If the encroachment is not removed, Council will remove the encroachment with costs to be recovered from the ratepayer.

Encroachments that pose a credible risk to the public will be removed by Council as a matter of priority.

19. Consultation with the Community

Council will endeavour to inform all residents/stakeholders that may be affected by works that are planned on their nature strip prior to the works being undertaken. Such consultation will be in accordance with Council's Community Consultation Policy.

20. Procedures and Information

Detailed internal operating procedures are available to Council staff.

Associated Policies & Documents

Community Consultation Policy
 Inspection Checklists
 Risk Management Policy
 Tree Management Plan
 Tree Management Form

Relevant Legislation

Local Government Act 1993
 Trees (Disputes Between Neighbours) Act 2006 No 126
 Work Health and Safety Act 2011

Quality Control

Key Direction:	3 Our Environment		
Objective:	3.2 Natural Flora and Fauna Environments are enhanced and protected		
Function:	Our Community		
Strategy:	3.2.1 Protect and enhance regeneration areas for the benefit of the City 3.2.2 Increase awareness and understanding of the natural environment 3.2.3 Increase involvement in actively protecting the natural environment 3.2.4 Manage the impact of pests and weeds on Broken Hill's natural environment		
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Type of Policy			
Responsible Officer:	Manager Infrastructure Strategy Asset Planner Buildings and Open Spaces		
Review Date:	September 2016 - This policy will be reviewed at the start of each term following the Local Government Elections, or as required.		
Date	Action	Minute No.	
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28/01/2015	Policy Adopted	44850	