



SHIRE COUNCIL
Blayney

Street Tree Policy

Policy	25L
Officer Responsible	Director Infrastructure Services
Last Review Date	14/02/2023

Strategic Policy

INTRODUCTION

Trees perform many functions. Culturally, they contribute to the character of an area and add a sense of life and place. They instil a sense of community pride in residents and can even calm and inspire. Environmentally, they provide natural air conditioning, shade, habitat for native wildlife, soil restoration and shelter against noise and wind. Aesthetically, they add natural beauty and provide a necessary softening of the built environment.

Blayney Shire Council recognises the importance of trees and their role as a key contributor to a high quality urban environment. We are committed to maintaining the trees we have, improving their maintenance and protection and increasing the level of tree canopy cover by:

- acknowledging trees as vital urban infrastructure in our policy and strategic planning documents;
- emphasising the economic and financial benefits of trees to the community, staff, and developers;
- ensuring there is no net loss of urban canopy cover by increasing the number of trees planted;
- protecting trees potentially affected by development through regulated conditions and controls;
- educating and promoting the community of the benefits of trees;
- encouraging more planting through community awareness and special projects;
- planting, maintaining, protecting, and ultimately removing and replacing trees sustainably and systematically in line with Council policies and strategies.

POLICY STATEMENT

Blayney Shire Council:

- Recognises the significance of trees within the urban setting in terms of creating functional and aesthetic streetscapes and reserves and has the responsibility for the planning, establishment, care, control, and maintenance of all Council tree's and;
- Will plan for urban enhancement through the retention of suitable trees within proposed road reservations and public reserves.

SCOPE

The Policy applies to all trees that are owned or managed by the Council, such trees shall be referred to as the Council's trees. A Council tree includes any tree which has a majority equal to, or greater than 50% of its trunk growing from Council managed land. Council officers, residents/owners, builders, developers, contractors, representatives, and event organisers are all required to comply with this Policy.

BACKGROUND

The purpose of this Policy is to provide a framework for the development of high quality streetscapes that require minimal resource input, thereby increasing environmental values. The Policy will assist the Council in moving toward a greener, more liveable urban setting by increasing tree numbers and ultimately canopy coverage.

OBJECTIVES

To provide guidelines that assist Council and Council staff to comply with the *Best Practice Manual – Trees and Tree Roots* developed by Statewide Mutual.

To establish a framework and guidelines that assist in the development of a tree management program and enhance the aesthetics, the public amenity and safety of trees in public open space and minimise the exposure to public liability.

To provide a systematic procedure for the determination of appropriate tree species for specific planting locations on Council owned and maintained lands.

Strategic Direction

The Street Tree Policy is presented in the following key areas:

- Tree Protection
- Tree Planting
- Tree Management and Maintenance
- Tree Roots and Infrastructure
- Tree Removal
- Community Engagement

CONSULTATION WITH STAKEHOLDERS

The Council values its stakeholder's opinion and encourages consultation and communication in the improvement of its streetscape. In accordance with the Council's Community Engagement Policy's Key Values and Principles; namely:

- Encouraging participation of people who live, work, visit or support the Council and;
- Ensuring relevant information is readily available and that is accurate, comprehensive, and easy to understand.

The Council will apply the following practices:

- Internal consultation with the Council's relevant service units;
- Increase resident involvement in the ongoing care of its streets and reserves by hosting community planting events;
- Inform affected residents of street tree plantings and removals through various mediums;
- Encourage community consultation in programmed street tree plantings and removals by providing opportunities to comment; and

- Raise community knowledge about the benefits of trees and the place they have in our streetscapes through information leaflets, the Council's web-page, social and local media

GENERAL

Tree Selection

When planting trees, the species and proposed location shall be considered in relation to existing services and structures, to ensure that Council's exposure to public liability claims in streets, parks and reserves under Council's control is minimised.

Council staff shall initially assess each site and refer to the preferred species list provided in the guidelines.

It is recognised that the species list will evolve over time, due to the dynamic nature of the horticulture industry, and the development of new cultivars and hybrids.

Trees located in an established "avenue" will be replaced with the same species where possible.

Tree Planting

Blayney Shire Council shall endeavour to plant a street tree outside each property zoned residential or rural residential within the Blayney Shire Council Local Government Area (LGA). When considering plantings council shall ensure minimal conflict with car parking spaces, driveway access points and potential traffic / pedestrian conflicts.

The planting of any tree or other plant by any person on public open space is prohibited without the written approval of Council.

Tree Maintenance

Council will maintain existing trees in a sound and healthy condition and where necessary, undertake pruning or removal of the tree to minimise public liability exposure in streets, parks or reserves resulting from Council trees.

The Street Tree Policy establishes a framework and guidelines to assist in developing tree management programs that will enable the creation of an ideal streetscape environment by enhancing the aesthetics, public amenity, and safety of trees in public open space and minimise Council's exposure to public liability. The Policy formalises current street tree management practices.

Tree Protection

Trees must be protected from construction works and other activities that threaten their health and stability. Council will ensure all construction, works, events and development activities in proximity to trees shown on endorsed plans to be retained must abide by the following:

- All strategic, development and construction work within the Shire is required to consider existing trees in the early stages of planning and design of the project to ensure protection in accordance with Australian Standard 4970 *Protection of Trees on Development Sites*;
- Removal of trees will not occur unless approved by Blayney Shire Council delegate and be consistent with the removal criteria within this policy;
- During all construction and development works, existing Council tree assets to be retained must be protected in accordance with the Australian Standard AS 4970–2009 *Protection of trees on development sites*;
- In accordance with AS 4970–2009, any works that would encroach by more than 10% into a tree's Tree Protection Zone (TPZ), or into its Structural Root Zone (SRZ), will require a consulting arborist to demonstrate, via a method consistent with this Australian Standard, that the affected tree would remain viable;
- An endorsed Planning Permit or Asset Protection Permit may require the preparation and submission of a Tree Protection Plan for Council approval. This plan must be developed by a qualified Arborist and consistent with the report requirements identified in AS4970–2009 Protection of trees on development sites. A bond, based on the tree(s), amenity value as calculated using the methodology in the Tree Valuation in Blayney Shire Council may be required and held for the duration of the works, which will be held against the Council approved Tree Protection Plan. Should any damage occur to any Council tree as a direct result of development works, Council may withhold part, or all, of the bond;
- Trees must not be pruned in any form and branches, or roots must not be cut or removed unless authorised by Council and/or an arborist. All pruning on trees must conform to AS 4373 *Pruning of Amenity Trees*;
- Trees identified and protected by relevant legislation for scientific, social, historical, heritage, horticultural or aesthetic reasons shall be recognised, protected, and retained in the landscape. This legislation includes the *Aboriginal Heritage Act 2006 (NSW)*, the *Heritage Act 2017 (NSW)*, and the *Planning and Environment Act 1987 (NSW)*

Inspection Program

Council staff shall inspect all trees planted within road shoulders, nature strips and developed open space on tri-annual basis. Reference will be made to the Blayney Shire Council document, "Street and Open Space Tree Management Guidelines" (the guidelines), when undertaking the inspection of road shoulders, nature strips and developed open space trees.

No inspection regime has been developed for naturally self-sown trees located within road shoulders and public recreation areas.

Evaluation Procedure

Blayney Shire Council shall evaluate the findings of the Inspection Program by using the analysis tools set out in the Statewide Mutual, *Best Practice Manual – Trees and Tree Roots*. Adoption of this technique will be the responsibility of Council's Supervisor Parks and Recreation.

Control Regime Philosophy

Blayney Shire Council shall endeavour to follow the order for risk control as follows:

- Eliminate the risk
- Reduce the risk
- Accept the risk

This task shall be undertaken and managed by the Supervisor Parks and Recreation.

Implementation

Blayney Shire Council shall implement the policy in accordance with the guidelines.

Resourcing

Funding and physical resources shall be considered each year as part of Council's Operational Plan.

Identification of resources and incorporation into the Draft Operational Plan will be the responsibility of Council's Supervisor Parks and Recreation and Director Infrastructure Services.

Performance

Council's Operational Plan will incorporate annual performance targets based upon the inspection program. These targets will be reported as part of the six monthly Delivery Program progress report and annually as part of Council's Annual Report.

Tree Pruning under Powerlines

The Council (or contractor) shall undertake the pruning of all street trees affected by powerlines on a programmed basis. Programmed street tree pruning shall include trees on the side of the street affected by overhead powerlines as well as trees affected by electrical feeder lines to individual properties on the opposite side of the street. Programmed pruning shall not normally include trees on the opposite side of the street to powerlines. Programmed pruning is to be planned each year, on an as needs basis. Programmed street tree pruning shall address at least one of the following requirements to:

- Clear the canopy from interference with overhead powerlines and other essential services;
- Remove overhanging branches considered hazardous to traffic, buildings or structures;
- Under prune low growing branches considered hazardous to traffic or pedestrians;
- Form the shape of developing trees;
- Re-define the framework of mature trees;

- Rejuvenate vigour from undesired growth;
- Reduce crown density or to redistribute growth to lateral branches; or
- Remove dead, dying, diseased or pest infested limbs and branches.

Residents/Occupants may seek to have a street tree under powerlines pruned in advance or out of the programmed schedule and requests for the Council's approval must be submitted in writing to the Council for consideration.

Tree Pruning were Unaffected by Powerlines

The Council shall crown thin, under prune, property line prune (upon request) and remedial prune selected street trees unaffected by power lines, this pruning will be undertaken in the interests of:

- Public safety;
- Reducing structural risk to the tree; or
- Removing growth abnormality or disease, from the tree.

Requests from residents for the pruning of street trees not located under powerlines to reduce their height (therefore reducing leaf/fruit drop or improving light penetration), shall be made in writing to the Council.

Requests will be assessed in consideration of the following criteria:

- Species of tree;
- Location;
- Reasons highlighted by Resident;
- Health and condition of tree;
- Value of tree in overall streetscape; and
- Potential for significant nuisance or damage to property. Where residents/occupants contact the Council with a request to prune a tree unaffected by power lines, the following procedures is implemented:
 - The tree is physically inspected by Council. An inspection report is completed, containing relevant statistical details;
 - The resident/occupier will be advised of the Council's decision concerning their request; and
 - In the event of a specific issue relating to pruning of significant trees, unaffected by power lines not being adequately covered by this policy/procedure, the matter is referred to Council for consideration and determination.

Tree Removal

Local Government Property Local Law 2016 prohibits the damage or removal of a street tree, or part of a tree without a licence. Any unauthorised person who removes/prunes/damages a street verge tree commits an offence for which an infringement notice may be issued. Street tree removals shall generally be on a "remove and replace" basis. Adjoining residents will be advised prior to removal, outlining reasons for such removal(s).

Circumstances where trees may normally be removed

The Council will normally undertake the removal of street trees under the following circumstances:

- The tree is diseased and beyond remedial treatment, or dead;
- The tree has been assessed by the Council as structurally weak and/or dangerous, placing the public at risk or jeopardising safety;
- The tree has been irreparably damaged (e.g. by a storm, vehicle accident);
- The tree is hazardous to motorists/pedestrians owing to interference in suitable sightlines presented by the tree's alignment or spacing;
- The tree is affected by road widening, service modification/relocation or other infrastructure works and all other options to retain the tree have been deemed by the Council to be inappropriate;
- The tree is dangerously in contact with overhead power lines or distributor wires to properties and where, for reasons of growth habit pertaining to the variety, selective pruning is not practical with the only option being severe lopping;
- The tree precludes reasonable development of an adjoining property and there is no reasonable alternative to removal; or
- The tree is not an approved specie/variety and is unacceptable to the Council.

Circumstances where street trees will NOT normally be removed

The following are not considered sufficient reasons for the removal of street trees:

- The tree obscures or potentially obscures views (other than traffic/pedestrian sight lines);
- The tree variety is disliked;
- The tree variety causes nuisance by way of leaf, fruit and/or bark shedding or the like;
- The tree causes allergies;
- The tree is in the way of a non-essential crossover or verge paving option;
- The tree shades private gardens; or
- The unsubstantiated 'potential' damage if the tree fails or from growth damage

Existing Street Trees adjacent to a development

Where a new or altered crossover or driveway is proposed such that it will require the removal of a street tree or be located within 1.0 metre of an existing street tree, the Council or nominee shall also assess the tree to determine whether a street verge tree is likely to be adversely affected as a result of the proposed development or whether the street tree can be removed.

If the street tree removal is not approved, the Council shall advise the applicant, in writing, that retention of the street tree is required and that the development access be redesigned. If removal of the street tree is approved, the officer shall advise the applicant that the street tree will be removed by the Council at the applicant's expense and a replacement tree to be planted by the Council, at the applicant's expense.

Crossovers shall be located a minimum of 1.0 metre from a street tree. Reduction to 0.5 metre may be considered, depending on availability of alternatives, tree species and location, sight lines and traffic safety.

Where approval is given to remove a street verge tree, the removal costs as determined by the Council.

Where approval for the removal of an existing street verge tree has been granted, a suitable replacement tree will be assessed, and planted by Council at the applicant's expense. In both instances such payment must be received prior to the works being carried out.

Should an existing street verge tree be damaged as a result of development works, the applicant/builder shall reimburse the Council for any arboriculture works required to ensure its survival. The extent/cost of this work shall be determined by the Council. Where an existing street verge tree is pruned/removed without authorisation, legal action may be taken at the discretion of the Council.

Tree Protection at Adjacent Development Sites

Council trees need to be protected at development sites in order to preserve the amenity of streetscapes and neighbourhoods.

Tree Protection Zone (TPZ) Requirements at Development Sites

For all demolition and construction works the developer/owner is responsible for the protection of all Council trees that are to be retained on Council managed land adjacent to the property by adhering to the following guidelines:

- A fence must be installed to create a TPZ at the cost of the applicant;
- The type of fencing must be in line with the Australian Standard for Protection of Trees on Development Sites;
- At minimum, the TPZ will cover two metres by two metres around the trunk – any lesser exceptions must first be approved by the Council; and
- The TPZ should not obstruct roads or footpaths unless approved alternatives are in place.

Community Engagement

Council's Community Engagement regarding management and maintenance of township street trees.

- The community will be informed and consulted about all major projects involving tree removal and planting and any other specialised projects that involve township street trees and park trees;
- The type and extent of consultation will vary depending on the impact of the works on the local community and will be determined in accordance with a number of factors including the prominence of the location, the significance of the tree(s), the size of the tree(s), the number of the trees and the visual impact of the proposed works;
- Community engagement may include direct contact with the customer, letters to immediately adjacent residents, signage on site and information on Council's website.

Legislative Context

Acts, Regulations, Standards and Environmental Planning Instruments relevant to this policy:

- *Environmental Planning and Assessment Act (1979)*
- *State Environmental Planning Policy (Vegetation in Non-Rural Area) 2017*
- *Waverley Development Control Plan (2012)*
- *Roads Act (1993)*
- *Work Health and Safety Act (2011)*
- *Electricity Supply Act (1995)*
- *Australian Standard AS4373 – Pruning of Amenity Trees*
- *Australian Standard AS 4970 – Protection of Trees on Development Sites*
- *Workcover Code of Practice – Tree Industry (1998)*

End of Policy

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