

PURPOSE OF THIS POLICY

- To provide a framework for effective tree management within Wollondilly Shire. To acknowledge and protect the remnant and diverse native vegetation and important trees throughout the Shire.
- The Tree Management Permit process, provides advice and effective assessment for the pruning, clearing and removal of trees.

Always read this policy in conjunction with the Related Procedures identified below.

<p>Policy Statement</p>	<p>The objectives of this policy are:</p> <p>To promote and recognise the value of trees and significant vegetation as essential assets for current and future generations.</p> <p>To maximize the preservation, protection, maintenance and management of trees, especially those with environmental, heritage, social and cultural significance. This will contribute to the amenity, visual quality, climate resilience and healthy environment of the Shire.</p> <p>To recognize the importance of tree canopy and increase the extent of tree canopy throughout the Shire through the planting of appropriately selected trees in streets, bushland and public open space</p> <p>To effectively manage existing and potential threats to public safety and Council assets and infrastructure.</p> <p>To outline the responsibilities of Council and others in managing trees and vegetation.</p> <p>To provide guidance for the management of trees on public land, including monitoring, pruning, removal and subsequent replacement.</p>
<p>Scope</p>	<p>Councillors, Officers, Employees, General Public</p>
<p>Related Procedures</p>	<ul style="list-style-type: none"> • <i>Nil</i>
<p>Related Documents <i>(include Policies, Protocols & Resources)</i></p>	<ul style="list-style-type: none"> • <i>Biodiversity Strategy 2004</i> • <i>Australian Standard AS4373-2007 Pruning of Amenity Trees</i> • <i>Australian Standard AS4970-2009 Protection of Trees on Development Sites</i> • <i>Australian Standard AS2303-2018 Tree Stock for Landscape Use</i> • <i>Bush Fire Environmental Assessment Code (Rural Fire Services 2016)</i> • <i>Endeavour Energy Tree Management Plan 2014</i> • <i>Wollondilly Tree Risk Management Plan 2010</i>

Compliance Requirements	<ul style="list-style-type: none"> • <i>Biodiversity Conservation Act 2016</i> • <i>Biosecurity Act 2017</i> • <i>Civil Liability Act 2002</i> • <i>Crown Land Management Act 2016</i> • <i>Electricity Supply Act 1995</i> • <i>Environment Planning and Assessment Act 1979</i> • <i>Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i> • <i>Heritage Act 1977</i> • <i>Local Government Act 1993</i> • <i>Protection of the Environment Operations Act 1997</i> • <i>Roads Act 1993</i> • <i>Rural Fires Act 1997</i> • <i>State Emergency and Rescue Management Act 1989</i> • <i>Trees (Dispute Between Neighbours) Act 2006</i> • <i>10/50 Vegetation Clearing Code of Practice for New South Wales</i>
Policy Owner	<i>Manager Environmental Outcomes</i>
Adoption Date	<i>17 November 2020</i>
Next Review Date	<i>17 November 2023</i> <i>Every 3 years unless legislative requirement differs</i>

1 PRINCIPLES

1.1 Tree Definition

Wollondilly Council defines a Tree in clause 5.9(3) of the Wollondilly Local Environmental Plan and clause 10.2 of the Wollondilly Development Control Plan 2016 as:

- Greater than 3 metres in height; or
- The trunk has a circumference of 450mm or more at a height of one metre from the ground level; or
- Having a branch span of 3 metres or more.

In addition to the above the tree(s) having the potential to achieve the above specifications.

1.2 Tree Assessment

1.2.1 Visual Tree Assessment of trees within Wollondilly Shire are conducted from ground level and do not include specialised assessments, such as sonic tomography or resistograph tree decay tests, aerial inspections, or pathology diagnosis of any pests or diseases.

1.2.2 Visual Tree Assessment (VTA) is a world-wide arboricultural industry standard of assessing a tree from ground level to look for any external signs of decay, physical damage or growth related structural defects. Council may apply a risk management approach to Hazard Assessment such as Quantified Tree Risk Assessment (QTRA) and Tree Risk Assessment Qualification (TRAQ).

- 1.2.3 The VTA method ascertains whether there are grounds for removal, pruning or if there is a need for a more detailed inspection of any part of the tree, which may include specialist reports or tests. All tree inspections are to be carried out by an AQF (Australian Qualification Framework) Level 5 (Diploma) Consulting Arborist.

1.3 Public Tree Pruning and Removal

- 1.3.1 For trees on public land, residents may apply to have a tree(s)/vegetation pruned or removed. Residents will need to contact Council with the location and reason for why the tree(s)/vegetation needs to be pruned or removed.
- 1.3.2 The tree or trees/vegetation shall be assessed by Council's Tree Management Officer as outlined in section 1.2.
- 1.3.3 All works carried out on trees in public spaces shall be carried out by Council or a Council appointed contractor. These works must be completed by a minimum AQF3 Arborist and comply with AS4373-2007 Pruning of Amenity Trees, where practical.

1.4 Unauthorised Pruning or Removal

- 1.4.1 No pruning, removal or damage to trees or vegetation on Council managed land is to be undertaken without prior approval by an authorised Council officer.
- 1.4.2 Anyone found to have damaged, disturbed or removed a tree or vegetation without consent may be fined or prosecuted, which may result in penalties and a civil action in accordance with *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979* or *Protection of the Environment Operations Act 1997*.

1.5 Non-Valid and Valid Tree Removal Considerations

1.5.1 Non valid tree removal considerations

The following are generally not considered to be adequate reasons for the pruning or removal of a tree:

- Improving views.
- Leaf, seed, bark, flower or pollen drop.
- Shading of lawn or property.
- Dislike for particular tree(s).
- Agistment of animals.
- Exposed roots.
- Possible future development.

1.5.2 Valid Tree Removal Considerations

Council will take into account any one or more (but not limited to) of the following when assessing a tree for pruning or removal, (this however does not guarantee the removal or pruning of the tree or vegetation):

- Public safety
- Species unsuitability for location
- Location of tree to buildings, amenities, structures, sight lines for traffic and pedestrians
- Heritage or cultural significance
- Tree significance

- Whether the tree(s) or vegetation is remnant, endemic, an endangered population or threatened species
- Location or proximity to an endangered ecological community
- Tree health, structural stability and vigour
- The useful life expectancy (ULE) of the tree or vegetation
- Tree risk rating using QTRA or TRAQ methods
- Structural damage to infrastructure or dwellings
- Any relevant development consent conditions
- Pedestrian access
- Motorists vision from vehicles in driveways
- Habitat value
- Amenity value
- Bushfire hazard reduction
- Solar panel shading - assessed on a case by case basis.

1.6 Appeals

- 1.6.1 If an applicant is dissatisfied with Council's assessment of their tree application, the applicant can submit an application for Review of Tree Determination. The applicant shall provide a report from an AQF Level 5 (Diploma) Consulting Arborist with any additional reports requested by Council relevant to the stated problem e.g. a structural engineer or licensed plumber report.
- 1.6.2 The review of the original application determination will then be conducted by another Council official or consent authority. Should the review uphold the original determination, there is a right to appeal the decision in the Land & Environment Court.

1.7 Arborist Reports

Property owners may seek advice and/or reports from independent arborists to assist in planning, assessing, monitoring, species selection and other tree management decisions. The level of qualification for any report submitted to Council is to be from a minimum AQF Level 5 (Diploma) Consulting Arborist. This will then be reviewed by Council's Tree Management Officer and Environmental Team.

1.8 Habitat Trees

Where the opportunity exists to reasonably and safely remedially prune a tree into a habitat stag, then retention of a tree for future use by native animals within the local area will be priority. A sign may be placed onto tree to identify the habitat stag tree.

1.9 Storm Events

Where a storm event occurs resulting in significant clean up requirements in respect to trees and vegetation, Council will prioritise the works on Council-owned land in the following order:

- Clearance of roads
- Matters of public safety
- Danger to property
- Street trees
- Parks and reserve trees.

1.10 Tree Roots in Underground Pipes

- 1.10.1 Tree root tips are very small and cannot break, drill, crack or destroy pipes from the root tip as the root grows. Tree roots grow in response to available moisture and nutrients in the soil.
- 1.10.2 When tree roots enter pipes it is often a plumbing fault caused by poorly sealed, joined or previously damaged pipes, particularly in older terracotta pipes. Council does not accept liability when a tree root enters a pipe where there is a plumbing fault.
- 1.10.3 If a property owner believes that a plumbing fault is not the cause, then the pipes need to be exposed by the property owner for inspection by Council.

1.11 Pests in Trees

- 1.11.1 Council will address matters of pests in trees on a case-by-case basis with priority of treatment given to significant trees and residential areas for treatment. Trees posing imminent failure will be assessed and appropriate action will be taken.
- 1.11.2 Trees containing pests in rural areas are generally not considered for treatment.

1.12 Tree Planting

Council's Tree Planting and Maintenance Program

- Council's Tree Planting program aims to develop the urban tree canopy within Council owned land including parks, reserves and streetscapes. Tree planting by persons other than Council officers in roads and public land requires authorisation by Council.
- Resident requests for a tree to be planted on public land will be considered on its merits within the context of this policy.
- Where a tree has been planted on public land and an appropriately qualified or experienced officer from council is of the view that the species and/or site of the planting is inconsistent with this policy, the officer, after consulting a manager, may remove the tree.

Tree Species Selection

- Tree species selected for planting will be reviewed periodically to ensure species selection remains up-to-date via the introduction of new tree species. Non-performing species or species where undesirable attributes have become apparent will be withdrawn from use.
- Council will consider the following characteristics and values when selecting tree species:
 - Habitat value.
 - Amenity value.
 - Remnant or endemic species.
 - Part of an endangered threatened ecological community or threatened species.
 - Species suitability for location and climate.
 - Potential damage to infrastructure and properties.
 - Excessive leaf, seed, bark, flower or branch drop which may cause public safety concerns.

1.13 Trees on Private Property

1.13.1 Determining Tree Ownership

If a tree is growing near a common property boundary, ownership will be determined by identifying which side of the boundary the majority of the trunk's diameter exists at ground level.

1.13.2 Fallen Trees onto Public Land

Where a tree on privately owned land is felled or falls and obstructs a public road or land resulting in the fallen tree to be removed by Council, Council may seek to recover the cost of such removal from the owner of the property from which the tree originated. Such cost may include:

- Labour charge
- Cartage
- Chipping/Disposal
- Damage to public property (such as street trees and infrastructure)
- Cost of any contracts.

1.13.3 Trees on Neighbouring Properties

- Council does not mediate neighbourhood disputes regarding trees on private property.
- Property owners should consult with neighbours prior to any works on trees or significant vegetation. The *Trees (Disputes Between Neighbours) Act 2006* allows the owner of an adjoining property(s) to seek legal resolution, if necessary.
- All tree works must comply with AS4373-2007 Pruning of Amenity Trees, where practical.

1.13.4 Removal of Trees Posing Imminent Danger

- In situations where a tree on private property poses an immediate and obvious threat of injury to persons or damage to privately owned land, the tree(s) may be pruned or removed to make safe without a current Tree Management Permit.
- The land owner must still lodge a Tree Management Application with Council within 72 hours of emergency works, inclusive of documentary evidence in the form of an AQF Level 5 (Diploma) Consulting Arborists report with images which proves that the tree was dangerous to human life or property.
- Note that minimum works are permitted (refer to point 4.4.5 of this policy) without prior approval by Council, persons undertaking excessive works may be guilty of an offence under the *Environmental Planning & Assessment Act 1979* and a penalty notice or court proceedings may apply.
- Remedial pruning can be carried out to make a tree(s) safe by Council, State Emergency Service, Rural Fire Service or other emergency service authorities in response to an emergency event on public land.

1.14 External Authorities/Agencies

Other authorities/agencies have responsibility for managing their own infrastructure on public land including the management of trees and services.

1.14.1 Public and Private Power Line Clearance

- Council is not responsible for maintaining appropriate distances for tree branches to public or private power lines. Approval is granted for this pruning in accordance with the energy supplier's specifications - Section 48 of the *Electricity Supply Act 1995* and AS4373-2007 Pruning of Amenity Trees.
- Pruning works within 3m of power lines can only be carried out by suitably qualified personnel.

1.15 Significant Trees and Significant Roadside Vegetation

- Council will develop a Significant Tree Register to recognise those special trees which contribute to the environmental, cultural and social character of the area. Council will prioritise the retention and protection of these significant trees, and will only prune or remove a significant tree under advice by a qualified arborist, and with consideration of existing and potential threats to public safety, private property and Council assets and infrastructure

1.16 Trees on Development Sites

- Trees on development sites please refer to Council Development Control Plan (DCP) and Development Application (DA) process on Councils website.

1.17 Removal or Pruning of Native Vegetation

Please see table below (figure 1)

1.17.1 Removal of Dead Trees

Under the provisions of the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP), approval is not required to remove a tree that is dead if Council is satisfied that:

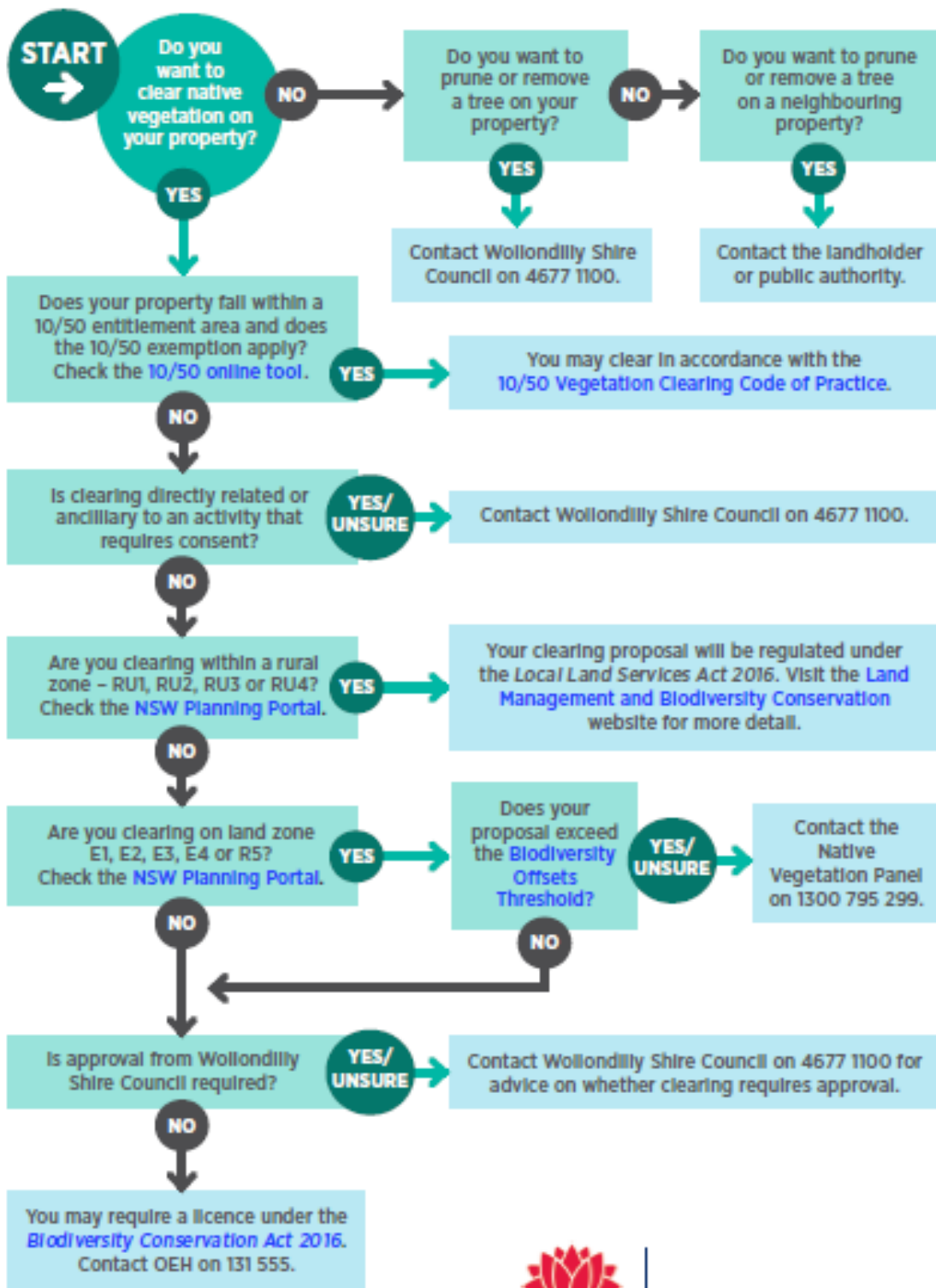
- The tree or vegetation is dead or dying.
- The tree or vegetation is not required as habitat for native animals.

1.18 Tree Pruning Works

- 1.18.1 Tree pruning works must be undertaken by a minimum AQF Level 3 arborist and all pruning works must comply with Australian Standard AS4373-2007 Pruning of Amenity Trees.
- 1.18.2 Selective pruning of up to a total of 10% of the crown of an indigenous tree and up to a total of 20% of the crown of an exotic tree species over a 12 month period is allowed. Branches no greater than 150 mm in diameter may be pruned without approval from Council.
- 1.18.3 Council is not responsible for maintenance of trees and vegetation on land not owned or managed by Council.

Figure 1

Native Vegetation Clearing in Wollondilly Local Government Area



2 ROLES AND RESPONSIBILITIES

Role	Responsibility
MANAGER	<ul style="list-style-type: none">• Manger Environmental Outcomes
STAFF	<ul style="list-style-type: none">• Open Space Team Leader• Tree Management Officer