

POLICY NAME: URBAN VEGETATION ON PUBLIC LAND
POLICY REF: U04
MEETING ADOPTED: 26 February 2015 | Resolution No 260215/26
POLICY HISTORY: 260610/32



TABLE OF CONTENTS

OBJECTIVE2
BACKGROUND.....2
DEFINITIONS.....3
SCOPE OF POLICY.....3
RELATED DOCUMENTATION.....4
POLICY.....4
 1. Tree Planting and Species Selection.....4
 2. Tree Asset Management6
 3. Bushland Reserves9
 4. Tree Protection9
REVIEW10

OBJECTIVE

The objective of this policy is to:

- Prioritise the maintenance and protection of existing vegetation on public land
- Broaden the emphasis on urban tree management to include urban forestry principles, with trees managed as a collective asset, to maximise the benefits canopy cover provides
- Improve the quality and increase the quantity of Ballina Shire's tree canopy cover
- Increase species diversity and improve the age spread of the urban forest
- Recognise and protect trees considered significant due to their heritage, cultural, social and/or ecological values
- Balance the protection of trees and bushland with management of public risk
- Increase awareness and to educate the community, developers and Council staff on the value of trees in the urban landscape
- Enhance Ballina Shire's reputation within the community as a good steward and manager of trees and significant vegetation.
- To clarify the delegated authority to the General Manager in respect of decisions regarding the removal of trees from public land.

BACKGROUND

Ballina Shire has urban zones covering an area of 2,975 Hectares. Land use is diverse and ranges from the central business districts to ocean and river foreshore edges. It includes coastal and plateau topographics, varying residential densities, industrial and commercial developments.

Council's urban forest is made up of a diverse range of species and age groups planted over a number of historic periods, creating a mosaic of plantings interwoven with remnant locally indigenous trees.

These trees provide many social, economic and environmental benefits. They beautify and soften streetscapes, provide wildlife habitat and play a significant role in determining the urban character of towns. Trees are critical in the maintenance of a healthy urban environment as they release oxygen, trap airborne pollutants and absorb carbon dioxide.

While trees play an important role in the urban landscape, it is also recognised that trees of the wrong type, or growing in the wrong place, can create problems and risks that are not reasonable in the urban environment.

Public authorities and property owners have certain obligations with respect to the protection of trees, and responsibility for any damage or injury associated with the presence, failure or growth of trees.

Tree management in the urban environment is about balancing the various risks against the benefits that trees provide, to ensure the best community outcome.

DEFINITIONS

AQF:	Acronym: Australian Qualifications Framework-a policy framework that defines all qualifications recognised nationally in post-compulsory education and training within Australia.
Arboriculture:	Practice and study of the care of trees and other woody plants in the landscape.
Arborist:	An industry professional with a minimum qualification of AQF III or equivalent in Arboriculture.
Hazard:	Anything with the potential to harm health, life or property
Pruning:	Is the removal of tree branches to predetermined points in accordance with Australian Standards 4373: 2007- <i>Pruning of amenity trees</i> .
Remediate:	For the purpose of this policy, this is to fully return a tree or ground to a state that is as close as reasonably possible to its original and previous condition.
Risk:	The likelihood of harm occurring as a result of exposure to a hazard
Tree:	A perennial plant having a height of more than 3m and which has a woody, self-supporting main stem/s or trunk/s.
Tree Damage:	Injury to a tree including lopping, topping, mechanical wounding, poisoning by way of herbicide or other construction material leachate and or residues, and includes compaction and or disturbance to the roots.
Vegetation:	All the plants or plant life of a place taken as a whole. This includes trees, shrubs, groundcovers and vines.
Urban:	Town areas with residential, commercial or industrial uses. These areas generally have speed limits of 60km/h or less.

SCOPE OF POLICY

This policy applies to:

- Council employees, contracted staff and volunteers;
- Residents, property owners and developers;
- Commercial businesses and properties;
- Council owned businesses and or enterprises;
- Consultants and contractors;

RELATED DOCUMENTATION

Related documents, policies and legislation:

- Local Government Act 1993
- Crown Lands Act 1989
- Civil Liabilities Act 2002
- Dividing Fences Act 1991
- Trees (disputes between neighbours) Act 2006
- Threatened Species Conservation Act 1995
- National Parks and Wildlife Act 1974
- NATSPEC guide "*Specifying Trees – a guide to assessment of tree quality*"
- Relevant State controls such as State Environment Planning Policies (SEPP's)
- Rural Fires Act 1997
- Rural Fires Amendment (Vegetation Clearing) Act 2014.
- AS 4373-2007: Pruning of amenity trees
- AS 4970-2009: Protection of trees on development sites
- Statewide Mutual: Trees & Tree Roots Best Practice Manual Ver. 7, April 2013.
- Footpaths & Cycleways- Inspection, Evaluation & Maintenance Policy : No F01
- Ballina Local Environment Plan 2012
- Ballina Development Control Plan 2012
- Record Management Plan May 2013
- Work Near Overhead Powerlines – Code of Practice 2006

POLICY

1. Tree Planting and Species Selection

Ballina Shire Council will proactively identify opportunities to increase canopy cover across the local government area. Street trees play a critical role in establishing local landscape character because they are highly visible and help to offset the bulk of buildings. Through providing shading to roads and hard surfaces, street trees make a valuable contribution to controlling heat radiated from urban surfaces known as the "heat island effect". Trees also provide valuable habitat links amongst urban development.

The following policy principles apply to tree planting and species selection:

a. Tree Planting Program

Council will implement an annual street tree and reserve planting program across streets and reserves. This will include seeking new tree planting opportunities in appropriate locations to maximise canopy cover, age diversity and deliver ongoing environmental, economic and social benefit.

b. Tree Selection Criteria

Council will plant the most appropriate tree species based on site suitability, aesthetic, functional and biological attributes, performance and the potential to contribute to the landscape character. Tree species are preferably to be selected from the Ballina Shire Urban Garden Guide.

c. Nursery Tree Stock Specification

Council will only use quality nursery stock according to the latest best practice and standards. Developers will ensure the installation of advanced tree stock conforms to the NATSPEC guide "Specifying Trees – a guide to assessment of tree quality".

d. Nature Strip Landscaping

Nature strips are located within road reserves and consent from Council to undertake any nature strip landscaping is required. Council proactively supports the landscaping of nature strips to improve the streetscape however the services and access within the nature strips need to be protected.

Whilst there is an expectation residents will mow and maintain the nature strips a Nature Strip Landscaping Plan must be submitted for approval by Council prior to any landscaping. The resident must maintain the landscaped nature strip.

A Nature Strip Landscaping Plan Fact Sheet is provided on Council's website.

e. Community Involvement

Council will encourage community involvement in tree planting activities and regularly promote the benefits of trees to the community. Council will continue to support and supply trees and vegetation to the community through the following community programs:

- Landcare / Coastcare on Council managed lands
- Street Tree Planting Program
- National Tree Day and Schools National Tree Day
- World Environment Day
- Council's restoration projects

f. Tree Provision to Residents

Council can provide free trees to residents of Ballina Shire under the following programs. The trees will be propagated by Council and must be listed in the Ballina Shire Urban Garden Guide. Program and residency proof will be required. No plaques or other items/attachments can be placed with these trees on public land. Residents will need to maintain the trees until established and Council cannot accept any liability for maintenance, loss, damage or removal of the tree.

New Home Native Garden Gift

Council can provide fifteen trees and/or shrubs to Ballina Shire residents for landscaping private land. This is limited to within 12 months of when a new house is constructed or renovations are complete.

New Baby Tree of Life Gift

Council can provide one commemorative tree to Ballina Shire residents who have a new baby. The tree will be provided along with a certificate and may be planted on private property or could be planted in an appropriate Council approved location on a public reserve.

Memorial Tree

Council can provide one memorial tree to Ballina Shire residents who wish to plant a tree in memory of a deceased loved one. The tree may be planted on private property or could be planted in an appropriate Council approved location on a public reserve.

2. Tree Asset Management

Trees are a major asset, and play an important role in making Ballina Shire a livable, attractive and healthy location. They require specialised care and management.

Council is committed to a high quality maintenance regime that provides adequate resources for the long term health of its urban forest. The following policy principles will apply to tree asset management:

a. Tree Maintenance

Council will ensure that suitable tree management is applied across all street and reserve trees. Council will be proactive and reactive with tree audits and inspections as resources allow. All tree works will be prioritised and ensure high quality delivery standards are maintained. Arborist's reports must be written by individuals possessing the AQF Level V Diploma of Arboriculture.

b. Risk Management

Council will proactively and reactively manage tree risk issues on a prioritised basis. Suitable tree risk management will be limited by resources as shown in Council's annual budget. All tree management information will be stored as per Council's Record Management Plan May 2013

c. Tree Pruning

Council will undertake tree and vegetation pruning to improve tree health, and structure and to provide nominal clearances for pathways, roads, buildings and other essential infrastructure. The public are not permitted to prune or remove trees or vegetation on Council managed lands including footpaths and reserves, unless prior consent is issued. All tree pruning works are to comply with AS4373 Pruning of Amenity Trees and will be implemented as resources allow.

The following permissible and non-permissible reasons for tree and vegetation pruning and removal apply:

Permissible Reasons	Non-Permissible Reasons
Hazardous branches or tree	Improve or allow a view
Branches in contact with adjoining buildings/structures	Aesthetic, amenity, ecological or cultural heritage values
Issued a Hazard Reduction Notice by the Rural Fire Service	Allow solar access or for solar panel installation clearance
Maintain pedestrian, bicycle and vehicle access (lower branches)	For construction hoardings and scaffolding
Maintain sight lines as per RMS requirements and signage	Reduce leaf, bark or fruit fall, release of pollen and sap droppings
For installation or maintenance of a dividing fence – maximum 0.5 metre clearance	Reduce wildlife waste and noise and to deter wildlife
Root prune to prevent further damage to built structures that have been appropriately engineered in the first place, where practicable.	Whether the Council tree or vegetation is within an adjacent private properties 10/50 Vegetation Clearing Entitlement Area as identified by the NSW Rural Fire Service
Managing views for public benefit at Council approved locations	To allow secondary access to properties
To comply with other planning legislation and Council endorsed vegetation management plans	
Formative pruning	

d. Tree Removal and Replacement

Tree removal is a last resort option with public safety always taking priority. Selective tree removal and replacement, over many years, is however vital in managing urban canopy cover for future generations.

Council will use its tree assessment procedures to ensure consistency in the approach to determining tree pruning, root pruning and removal. The retention of significant trees is a priority. Tree removal and replacement programs will be undertaken as required and as resources allow.

Some of these decisions can result in complaints to Council and to individual Councillors. These complaints can involve concerns about a decision not to remove a tree as well as complaints about tree removal. While the number of complaints are small relative to the number of operational decisions that are made, the potential change to the amenity of an area can be significant and therefore be sensitive to some community members. In this situation, Councillors are often asked to advocate on behalf of the community, and with each case being different and determined on its merits, it is important there is clear authority in respect of making a final decision and which matters should be referred to Council.

As most situations are best managed by following tree assessment procedures, each case will be decided under delegated authority by the General Manager.

For tree removal cases, this delegation is subject to notification to the affected community being undertaken (when it is safe to take this time) and appropriate compensatory planting and site rehabilitation is undertaken. Typically, information advice will be provided via the Councillor bulletin of major operational decisions or items known to be particularly sensitive within the community. These arrangements do not limit staff electing to refer a matter to Council for determination, or a Councillor requesting a report, or a Notice of Motion as ways to review a decision.

e. Resident Funded Tree Pruning and Removal

In certain cases, Council may provide consent for residents to have tree works undertaken on Council owned trees. Council's Arborist will need to first assess and determine the permissible reason before consent may be provided. The circumstances will be low priority and include:

- Low risk trees encroaching onto properties
- Weed tree species removal
- Council priorities and resources unable to undertake the works in the short term.

These resident funded tree work requirements will apply:

- The resident engaging an individual with minimum AQF level 3 qualification
- The individual/business having current \$20 million public liability insurance
- Works must comply with AS 4373 Pruning of Amenity Trees
- All reserve access conditions as provided by Council must be complied with.

f. Tree Root Management

As part of Council's risk management strategy where root encroachment hazards are identified, a number of root management practices may be employed as resources allow. These include:

- Installation of root barriers where practicable.
- Root pruning where practicable and not likely to have an adverse impact on tree health
- Tree removal (where no remediation of root encroachment issues is possible).

g. Termite Management

Termites are classified as wildlife and Council will not act upon or be liable for their activities.

h. Weed Species

Council will undertake the prioritised and staged removal and replacement of trees and vegetation classified as noxious or environmental weed species as resources allow. The impacts to canopy cover will be a key consideration in this process.

i. Tree Management Around Utilities

All tree and vegetation clearance works around non-council utility services will be referred to and conducted by the service provider.

j. Tree Clearance Around Roadways, Bike Paths and Footpaths

Trees in the urban environment often grow in close proximity to bike paths and footpaths, as well as overhang our roadways. The management of these trees is addressed in Council's Footpaths & Cycleways – Inspection, Evaluation & Maintenance Policy.

k. Tree Information Systems

Council will keep abreast of new technology in the field of Arboriculture and urban forestry and incorporate technical tools into management and maintenance techniques where appropriate.

l. Emergency Situations

Risk to public safety and property will take priority in tree pruning and removal decisions in emergency situations.

3. Bushland Reserves

Many bushlands exist within the urban environment and have forest edges adjacent to other land uses. All urban bushlands on Council land are protected and most are of significant ecological value. The provisions in this policy also apply to urban bushlands. All tree and vegetation works within urban bushlands must comply to Council approved Vegetation Management Plans and/or all legislative requirements.

4. Tree Protection

Council recognises the social, economic and environmental benefits that the urban forest provides. The protection of trees and vegetation will therefore be given high priority in all aspects of the Shire's activities. Council technical staff will use tree assessment procedures to ensure a consistent approach to tree and vegetation protection.

The following policy principles apply to tree and vegetation protection:

a. Management of Trees during Development Activities

Trees will be protected from construction works and other activities/events that threaten tree health and stability. All management of trees on development sites must adhere to Australian Standard 4970-2009: *Protection of Trees on Development Sites* to achieve consistency in tree protection requirements. Appropriate tree protection measures must be implemented.

Construction hoardings and scaffolding are to be built in such a way to protect trees and trees are not to be pruned or removed.

b. Overhead Power Lines and Utilities

Council may pursue measures to relocate infrastructure away from trees in certain circumstances, to reduce the need for excessive canopy pruning, reduce root damage, and to increase new opportunities for tree planting.

c. Unauthorised Works / Vandalised Trees

Council will not tolerate unauthorised works or vandalism upon trees and will take site specific responses following notification of illegal works and tree vandalism. Council will investigate unauthorised tree works, poisoning and removal and pursue enforcement action where appropriate. Other measures Council will use include community notification and education, compensatory actions and deterrent (sign/view screen) installation at the vandalised area until restoration/replacement occurs.

d. Development Replacement Measures

Council will require compensatory plantings be provided to replace the damaged tree or vegetation. The compensatory plantings will be of similar height, size and species with a 2 year minimum maintenance period to ensure establishment.

e. Bonds

Council will impose bonds where trees are at risk during development to ensure protection of existing trees. The bond will be used for damages and refunded upon completion of the construction and/or maintenance period should no damage occur. This is to include all foreseeable costs including rehabilitation, removal, clean up, replacement, establishment and traffic control.

REVIEW

This policy is to be reviewed every four years.