

POLICY NAME: URBAN VEGETATION ON PUBLIC LAND
POLICY REF: U04
MEETING ADOPTED: 26 February 2015 | Resolution No 260215/26
POLICY HISTORY: 260810/32



TABLE OF CONTENTS

OBJECTIVE2
BACKGROUND.....2
DEFINITIONS.....3
SCOPE OF POLICY.....3
RELATED DOCUMENTATION.....4
POLICY4
 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 topographies, 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

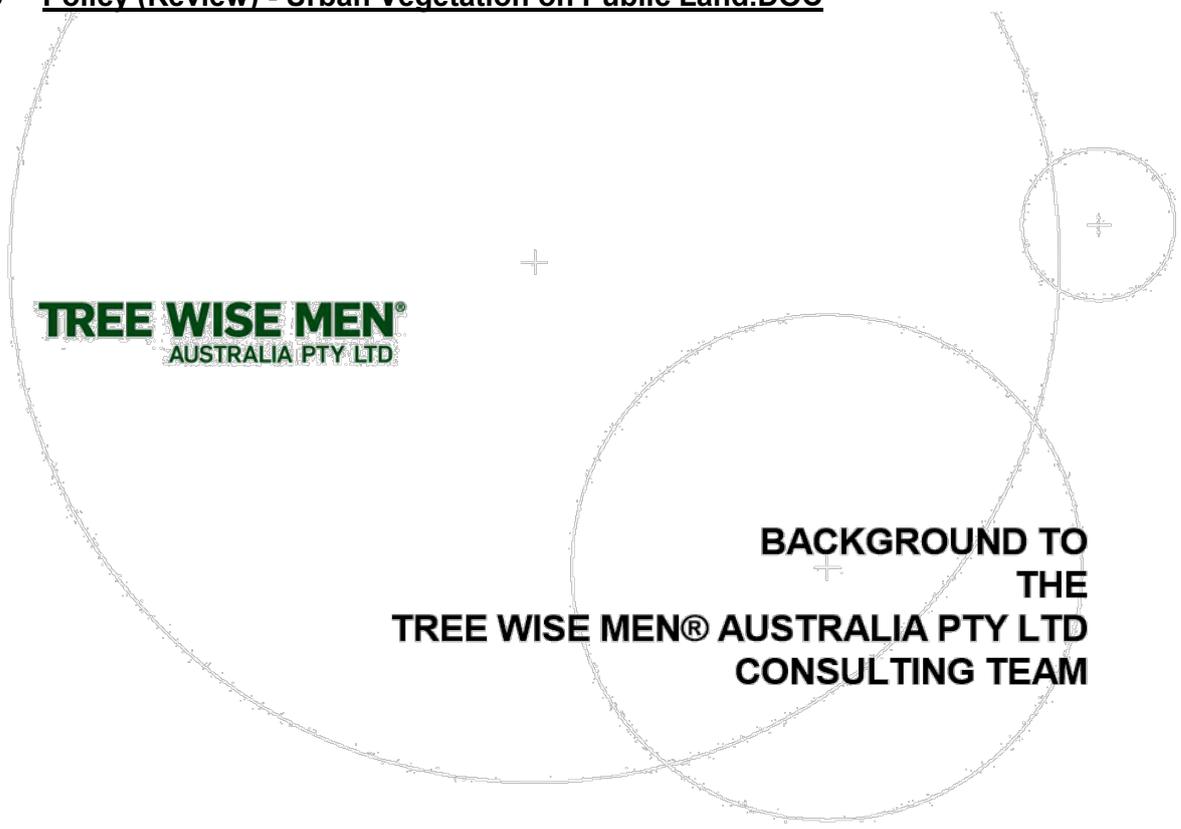
Council will require compensatory plantings be provided to replace the damaged tree or vegetation. The compensatory plantings will be of similar height, size and species with a 2 year minimum maintenance period to ensure establishment.

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.



TREE WISE MEN®
AUSTRALIA PTY LTD

**BACKGROUND TO
THE
TREE WISE MEN® AUSTRALIA PTY LTD
CONSULTING TEAM**

FOR

**Arboricultural Review of Ballina Shire Council
"Urban Vegetation on Public Land" Policy**

James Brideson
Natural Resource Officer
Ballina Shire Council

Email: jamesb@ballina.nsw.gov.au

TWM TEAM

The following personnel will be deployed on the project:

Peter Castor

Peter has over 30 years experience as a consulting Arborist and was educated in Australia with a BSc (Forestry) from ANU, Canberra and a Certificate in Horticulture from Ryde College of TAFE. He has worked in both the public and private sectors preparing comprehensive analysis of amenity tree problems. Currently he is Director of Tree Wise Men® Australia Pty Ltd.

Peter is a member of the Planning Institute of Australia (PIA), Arboriculture Australia, Institute of Australian Consulting Arboriculturalists (IACA), Friends of the Botanical Gardens (Sydney), Local Government Tree Resources Association (LGTRA), International Society of Arboriculture (Australian Chapter), Urban Development Institute of Australia (UDIA). Peter is also a member of the prestigious UK based institution Academy of Experts, as an expert witness for international projects.

Full Name of Specified Person:	Peter Castor
Position Held:	Director
Percentage of Time on the Project:	Peter will be the Arboricultural Project Director and will undertake the aerial inspections and report writing.
Qualifications:	<p>2018 Tree Risk Assessment Qualification renewal (TRAQ)</p> <p>2014 Quantified Tree Risk Assessment (QTRA)</p> <p>2013 Tree Risk Assessment Qualification (TRAQ)</p> <p>2006 Certified Practicing Planner, Planning Institute of Australia</p> <p>2004 OHS General Induction for Construction Work in NSW</p> <p>2003 NSW Consulting Planners Bushfire Training Course</p> <p>1997 Environmental Management Law and Practice, UTS, Sydney</p> <p>1993 Timber Technology Certificate, Australian Environmental Pest Managers Association, Sydney</p> <p>1985 Certificate of Horticulture, Ryde School of Horticulture</p> <p>1981 Tree Care Certificate, United Pest Control Association, Sydney</p> <p>1979 B.Sc. Forestry, Australian National University, Canberra</p>
Level of Expertise:	Over 30 years of relevant experience.

Bronwen Castor

Bronwen has over 30 years experience as a social & marketing researcher. Educated in Australia with a BA from ANU, Canberra and a Certificate of Commercial Mediation she has worked in both the public and private sectors providing advice on critical social issues. Currently, she is Director of Tree Wise Men® Australia Pty Ltd, as well as Manager of Bronwen Castor & Associates, a social planning and mediation practice.

Bronwen is a member of Australian Market and Social Research Society, Planning Institute of Australia (Social Planning Chapter), Urban Development Institute of Australia (UDIA), Institute of Company Directors and Australian Disputes Resolution Association.

Full Name of Specified Person:	Bronwen Castor
Position Held:	Director
Percentage of Time on the Project:	Bronwen will take the role of Project Manager and/or QA Manager on this project.
Qualifications:	<p>2007 Certificate in Teaching English to Speakers of Other Languages TESOL (UNSW Institute of Languages)</p> <p>2005 Company Director's Course (Australian Institute of Company Directors)</p> <p>1996 Commercial Mediation Certification (ADRA)</p> <p>1983 Train the Trainer Certification</p> <p>1978 Bachelor's Degree in Anthropology, Sociology and Asian History from the Australian National University, Canberra</p>
Level of Expertise:	30 years of relevant experience.

OUR RESPONSE SUBCONTRACTORS

Subcontractors for this project will be selected as required from the following list depending upon their capabilities and experience. All have previous experience undertaking inspections for Council.

Sub Contractor	Nature of Work	Qualifications
Blue Gum Consultancy and Tree Care (Alexis Anderson)	Consulting Arboricultural Assessment and Reporting	AQF Level 5
Plant Diseases Diagnostic Unit of RBG	Disease identification	Various
Tree Transplanters, Australia	Palm Transplant Advice	Various

Ballina Shire Council Significant Tree Register **Field Assessment Sheet**

				Tree ID ParkAvegr02	
		Summary of Scheduling Scored highly on natural/biodiversity/scientific values and visual/aesthetic values.			
GPS Waypoint 6809895.328 542848.376		Address/Location Park Avenue (near entrance to tennis club driveway), Alstonville			
Tree Common Name/Botanic Name Crow's Ash/ Flindersia australis			Within Tree Group (y/n) Y, pair of trees on road reserve		
Age Class M		Health good		Condition good	
Height 23m average		Crown Spread 14m average		DBH 80cm average	
Tree Value/s		Criteria		Y/N	Score
				Complete white space only	
Historic Values		commemorates a person(s), group, organisation, or institution that has made a significant contribution to Ballina Shire, NSW or Australia		N	
		commemorates, or is associated with, an event of historic importance to Ballina Shire, NSW or Australia		N	
		is listed or referenced as a heritage item in Schedule 5 of Ballina Local Environmental Plan 1987 or 2012		N	
		was planted as part of the historic development of the place			-
		shows influences by historic figures, events and patterns of development or predates European history			-
Cultural/Social Values		is associated with or evokes cultural, social, military, political, economic or spiritual sentiments; is strongly associated with recreational activities; or is a landmark the community identifies with			-
		has special symbolic, spiritual, commemorative, traditional or other cultural value; or demonstrates a custom, way of life or process that is now rare, is in danger of being lost or has been lost			-
Natural/Biodiversity/Scientific Values		is a remnant threatened species or an exceptionally rare or uncommon species		N	
		is representative of a threatened/endangered ecological community or is evocative of a local, ecological community			3
		is a fauna habitat tree offering substantial fauna food, shelter, breeding or other fauna resources; or is a species known to provide habitat for a threatened fauna species			3
		is exceptionally old, large or fine specimen in Ballina Shire; or has significant horticultural, scientific or educational values			3

11.9 Policy (Review) - Urban Vegetation on Public Land.DOC

Visual or Aesthetic Values	makes a significant visual contribution to, or has a strong visual connection to, the character of a landscape, townscape or vista		3
	represents a landmark or is visually prominent or striking		3
	has an outstanding aesthetic quality due to its size, shape or trunk		3
	has an unusual growth form, habit or appearance		-
	contributes to the visual character of a broader tree group		2
	is accessible to the public		3
<p>Notes Remnant rainforest trees. Small hollow branches.</p>			

SCORING

- 4 achieves to an exceptional level
- 3 achieves in a strong way
- 2 achieves in a moderate way
- 1 achieves in a minor way

CRITERIA	Total Possible Score	Scored Achieved	Did tree score > 50% in any one category, if yes scheduled
Historic Values	8	0	0% - no
Cultural/Social Values	8	0	0% - no
Natural/Biodiversity Values	12	9	75% - yes
Visual/Aesthetic Values	24	14	58.3% - yes

POLICY NAME: DRAFT Urban Vegetation on Public Land
POLICY REF: U04
MEETING ADOPTED: 29 September 2016
Resolution No 290916/17
POLICY HISTORY: 260215/26, 260810/32



TABLE OF CONTENTS

OBJECTIVE 1
POLICY 1

- 1. **Tree Planting and Species Selection** 1
- 2. **Tree Asset Management** 4
- 3. **Bushland Reserves** 10
- 4. **Urban Subdivisions** 10
- 5. **Tree Protection** 10

BACKGROUND 12
DEFINITIONS 12
SCOPE OF POLICY 15
RELATED DOCUMENTATION 15
REVIEW 15

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 that urban vegetation provides.
- Improve the quality and quantity of urban vegetation in Ballina Shire.
- Increase species diversity and improve the age range of urban trees.
- 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
- Enhance Ballina Shire's reputation within the community as a good steward and manager of trees and significant vegetation.
- Clarify the delegated authority to the General Manager in respect of decisions regarding the removal of trees from public land.
- Recognise the impact of climate change on the management and sustainability of urban vegetation.
- Increase awareness and educate stakeholders including the community, developers and Council staff of the value of trees in the urban landscape.
- Encourage community engagement and participation in management of public trees.

POLICY

1. Tree Planting and Species Selection

Ballina Shire Council will proactively identify opportunities to plant suitable trees in the urban environment 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 and scale of buildings. Street trees also provide shading to roads and hard surfaces and make a valuable contribution to controlling heat radiated from urban surfaces. They provide a significant cooling effect and also create more aesthetically pleasing living spaces. Trees provide valuable habitat links throughout urban environments for a wide variety of wildlife.

The following Policy principles apply to tree planting and species selection for trees on public land.

a. *Tree Planting Program*

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

Council will ensure that new tree planting does not risk potential damage to infrastructure, community safety or increase exposure to third party claims.

To increase street tree species diversity and reduce the effects of broad scale tree decline or death due to pests and diseases, Council will encourage planting a diversity of tree species within the urban environment excluding Council endorsed streetscape projects whereby particular species may be selected.

To improve the general health and longevity of street trees in built up areas the use of contiguous tree pits, structural soils and or vaulted tree pits will be considered to maximise the soil volume available to the trees.

All suitable available spaces for new street tree plantings are to be mapped and scheduled for new plantings as resources allow.

The tree planting program is to be guided by the Risk Management Control Strategies listed at 3.4.6 of the Statewide Mutual: Trees and Tree Roots Best Practice Manual V7, April 2013.

b. Tree Selection Criteria

Council will plant the most appropriate tree species based on site suitability, functional and biological attributes of the species, known performance and the potential to contribute to the landscape character. Tree species are preferably to be selected from the Ballina Shire Urban Garden Guide. The guiding principle of "the right tree in the right place" is to be used when selecting new tree plantings.

c. Nursery Tree Stock Specification

Council and other stakeholders such as developers must only use quality nursery stock according to the latest best practice and Standards. Developers must ensure the installation of tree stock conforms to AS2303:2015. Certification of compliance with this Standard will be required for all developments including subdivisions.

d. Nature Strip Landscaping

Nature strip landscaping within public road reserves requires consent from Council. Council supports the landscaping of nature strips to improve the streetscape; however the services and access within the nature strip need to be protected.

It is accepted practice that residents maintain and mow nature strips. A Nature Strip Landscaping Plan must be submitted for approval by Council prior to landscaping works being undertaken. The resident must maintain the landscaped nature strip in good order following completion of the Council approved works.

Water sensitive urban design (WSUD) principles are to be incorporated into all new and refurbished nature strips. This should include the capacity of trees and vegetation to mitigate stormwater impacts and improve water quality flows to waterways.

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
- "Benefits of trees" community education program

f. *Tree Provision to Residents*

Council can provide free trees to residents of Ballina Shire under the following programs:

- New Home Native Garden Gift
- New Baby Tree of Life Gift
- Memorial Tree Gift

The trees will be propagated or sourced by Council and should be listed in the Ballina Shire Urban Garden Guide.

Program and proof of residency 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 for 24 months or until established.

Council will not accept any liability for planting, maintenance, loss, damage or removal of the tree.

- *New Home Native Garden Gift*

Council can provide up to fifteen trees, shrubs or groundcovers 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 and evidence of an Interim or Final Occupation Certificate must be provided.

Council can provide advice at the time of plant selection as to species suitability and planting requirements if suitable plans and site information is provided.

- *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. The tree may be planted on private property or in an appropriate Council approved location on a public reserve. Evidence of the Baby's birth certificate must be provided.

- *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 will be provided along with a Certificate. The tree may be planted on private property or in an appropriate Council approved location on a public reserve. Evidence of the resident's death certificate must be provided.

g. *Sponsor a Tree Program*

Notable trees on public land can be "sponsored" by individuals, families, community groups or businesses and sponsors provide annual donations to support their maintenance.

Tree "sponsorship" will be acknowledged by a Certificate and on Council's website.

2. Tree Asset Management

Trees require specialised care and management and a comprehensive inventory of trees is essential for timely and cost effective management.

Council is committed to a maintenance regime that provides adequate resources for the long term health and sustainability of its urban vegetation. The following Policy principles will apply to tree asset management:

a. *Tree Inventory*

Council will establish and maintain a Tree Inventory of all street trees, park trees and trees with crowns overhanging private property to quantify the tree assets of Ballina Shire. This will prioritise the tree pruning, removal and replacement works, allow effective resource allocation and manage the risks associated with urban vegetation.

b. *Significant Tree Register*

Council will maintain a Significant Tree Register for trees on public and private land. Significant trees are assessed using rigorous criteria addressing historic, social/cultural, natural/biodiversity and visual/aesthetic values. This Policy applies to Significant Trees on public land only with separate legislation applying to private trees.

The Significant Tree Register will be displayed on Council's website and is reviewed annually enabling trees to be added or removed from the Register. Residents may apply to Council to have trees included or removed from this Register.

c. Tree Maintenance

Council will ensure that suitable tree management is applied across all street and reserve trees. Council will undertake tree audits and inspections as resources allow. Council will ensure concise and timely coordination between the various divisions within Council for efficient tree management. All tree works will be prioritised to ensure delivery standards are maintained.

d. Risk Management

Council will manage tree risks on a prioritised basis whilst acknowledging that no tree is absolutely safe but that acceptable levels of risk are to be sought.

Tree risk assessment will be undertaken by suitably qualified and experienced Council Arborists. When required, suitably qualified and experienced independent Consulting Arborists will be engaged to undertake the tree risk assessment.

Tree risk assessment should incorporate systematic, best practice method(s) (e.g. Tree Risk Assessment Qualification (TRAQ) or Quantified Tree Risk Assessment (QTRA). All tree management information will be stored as per Council's Record Management Plan May 2013 and the (recommended) Tree Inventory.

Council's risk abatement methods will be guided by the methods listed at Table 3: "Risk Management for Existing Trees" of Statewide Mutual Trees and Tree Roots Best Practice Manual V7 April 2013.

Improvements to buildings or structures are to be undertaken before root pruning interventions are to be undertaken. It should be acknowledged that tree roots are opportunistic and are concentrated wherever soil conditions are favourable.

Stormwater drainage and sewer pipes which have not been designed, installed or maintained to exclude tree roots should be replaced with Council specified pipes with water-tight joints. Stormwater drainage repair works must comply with AS4970:2009.

e. *Tree Pruning and Removal*

Council will undertake tree and vegetation pruning to improve tree health, habit and to provide nominal clearances for pathways, roads, buildings and other essential infrastructure. All tree pruning works are to comply with AS4373:2007. Tree pruning, removal and replacement works will be limited by resources as shown in Council's annual budget.

The public are not permitted to prune or remove trees or vegetation on Council managed lands including footpaths and reserves without Council consent.

Council's Table 1 "Acceptable and Unacceptable Reasons for Removal or Pruning of Trees on Public Land" in this Policy apply for tree pruning and removal works.

In requesting the pruning or removal of trees on public land or claiming that public trees are causing damage to private property or infrastructure, a Tree Works on Public Land Application must be provided to Council. Written evidence supporting the application may be required and is likely to include some or all of the following:

- Arborist Report as per AS4373:2007 or AS4970:2009
- Site Survey indicating location of subject tree
- Engineer's Report
- Stormwater Plan
- DNA Tree Root Identification Report

Council will use its tree assessment procedures to ensure consistency in the approach to determining tree pruning, root pruning and tree removal. Tree removal will be guided by general cost-benefit analysis principles where most costs occur at planting and at removal, with most benefits occurring as the tree approaches a mature age and size.

Some of the Council 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. Councillors should not be expected to advocate on behalf of the community.

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

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.

Representations by the media will not be taken into consideration.

Table 1 Acceptable and Unacceptable Reasons for Removal or Pruning of Trees on Public Land

Acceptable Reasons	Unacceptable Reasons
Part A	
Dead trees or dead branches	Improve or allow a private view.
Storm or wind damaged trees.	Allow solar access or for solar panel installation clearance.
Trees with unacceptable Public Risk ratings using the TRAQ or QTRA risk assessment methods of assessment.	For construction hoardings and scaffolding.
Branches in contact with adjoining buildings/structures.	Reduce leaf, bark or fruit fall (except Coconuts), and release of pollen and sap droppings.
Maintain pedestrian, bicycle and vehicle clearances (e.g. lower branches).	Reduce wildlife waste and noise and to deter wildlife (e.g. termites, flying foxes).
Maintain vehicle sight lines as per RMS requirements and signage.	Aesthetic, amenity, ecological or cultural heritage values.
Part B	Canopy pruning cannot be undertaken in compliance with AS4373:2007.
Listed weed species	Root pruning in the Structural Root Zone cannot be undertaken in compliance with AS4970:2009.
For installation or maintenance of a dividing fence – maximum 0.5 metre branch clearance.	Root presence and pruning adjacent to under-engineered structures.
Managing views for public benefit and safety at Council approved locations.	To allow secondary access to properties across public land except for approved dwellings and approved accesses to that dwelling.
Root prune to prevent further damage to built structures (excluding segmental paving) that have been appropriately engineered in the first place, where practicable.	Insufficient supporting evidence is lodged with the Tree Works on Public Land Application.
Structural damage to private or public structure is significant and ongoing and cannot be feasibly mitigated by root pruning.	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
Formative pruning of young and developing trees.	
To comply with other Planning Legislation and Council endorsed Vegetation Management Plans.	
Issued a Hazard Reduction Notice by the Rural Fire Service.	
Tree to be removed is over-mature and in poor condition.	
The tree to be removed has no overriding botanical, ecological, heritage or cultural value.	

f. Notification of Tree Removal and Pruning Works

Council's Table 2 "Notification for Tree Works" in this policy applies for tree removal and pruning works. Where immediate tree hazard situations cannot be safely mitigated, notifications for tree works, may not be able to be provided in time.

Table 2 Notification for Tree Works

Tree Works Type	Notification
• Tree pruning	No notification.
• Tree removal	<ul style="list-style-type: none"> • A painted cross (X) and a written notice placed on the subject tree trunk. • Notification on Council's website.
• Significant Tree pruning complying with Part A of Table 1 "Acceptable Reasons"	<ul style="list-style-type: none"> • No notification.
<ul style="list-style-type: none"> • Significant Tree pruning complying with Part B of Table 1 "Acceptable Reasons" • Significant Tree removal 	<ul style="list-style-type: none"> • Provide a written Arboricultural Assessment. • Provide letters to street property owners adjoining the Significant Tree. • Notification on Council's website. • A minimum exhibition and comment period of 14 days.

g. Resident Funded Tree Pruning and Removal

Council may provide consent for a resident to have tree works undertaken on public land trees at the resident's expense. The resident will be required to lodge the Tree Works on Public Land Application and comply with Table 1 of this Policy. The following circumstances will be:

- Low risk trees encroaching onto properties.
- Weed tree species removal.
- Council priorities and resources prevent works occurring in the immediate future.

Resident funded tree work will require all the following:

- With the exception of listed weed species, the resident providing a (brief) written Arboricultural Report by a Consulting Arborist with the application on the subject tree outlining the tree condition, vigour, location and reasons for tree works.
- The resident must engage an Arborist who has been pre-approved under Council's Contractor Management System verifying their qualifications, experience, safety management systems and insurances.
- The Arborist must hold and maintain \$20 million Public Liability insurance and provide Council upon request with a Certificate of Currency and Policy for the same.
- Pruning works must comply with AS4373:2007.
- Adhere to Council approval addressing; site safety, industry practices, reserve access and debris management.

h. Tree Root Management

As part of Council's risk management strategy where root encroachment hazards and damage are identified, a number of practices in accordance with Table 1 may be employed.

- Flexible, permeable and non-standard footpaths and tree pit surrounds provided near trees so as to reduce the likelihood of uplifting and trip hazard formation.
- 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).

DNA tree root identification may be needed to assist when tree root ownership is disputed.

i. Fungal Disease Management

Fungal disease can kill trees or cause trees to fail unexpectedly. *Armillaria luteobubalina*, *Phytophthora cinnamomi*, *Phellinus* sp and numerous other fungi are common causes of tree death and tree failure.

Expert advice is to be obtained to assist in fungi management.

j. Pest Management

Trees can be impacted by various pests. Expert advice is to be obtained to guide tree pest management.

Use of synthetic chemicals should be minimised or avoided.

k. Weed Management

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

l. Tree Management around Utilities

Council does not support the planting of trees under powerlines. All tree and vegetation clearance works around non-Council utility services will be referred to and conducted by the service provider.

m. 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 roadways. The management of these trees is addressed in Council's Footpaths & Cycleways – Inspection, Evaluation & Maintenance Policy.

n. Tree Information Systems

Council will keep abreast of new technology in the field of Arboriculture and urban forestry and incorporate best practice management. This will include the mapping of Council's public trees for the Tree Inventory.

o. 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 with Council approved Vegetation Management Plans and/or all legislative requirements.

4. Urban Subdivisions

Future land development and urban subdivision designs must consider the proximity of structures to adjacent vegetation and in particular listed Endangered Ecological Communities and Critically Endangered Ecological Communities as defined by the Biodiversity Conservation Act 2016. These considerations are to be made in relation to Council owned land/public reserves and land that is to be dedicated to Council as part of land development or urban subdivision.

To reduce hazards, tree health impacts and maintenance costs being transferred to future generations, Table 4 identifies minimum vegetation buffer requirements between structures (excluding fences) and existing/proposed vegetation.

Table 4 Urban Subdivision Minimum Vegetation Buffer Requirements

Vegetation Type	Minimum Vegetation Buffer Requirements
Urban bushland	The larger of either: 6m from centre of tree trunk or the Tree Protection Zone as per AS4970:2009. Other environmental buffers may also apply as part of the development application process.
Fig tree	40m from centre of tree trunk

5. 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 best practice tree management 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 must be protected from construction works and other activities/events that threaten tree health and stability. Tree sensitive design, management, construction including construction hoardings and scaffolding around trees must adhere to AS4970:2009.

The Council Arborist or qualified staff will be consulted to review all Development Applications where works are within the Tree Protection Zone (TPZ) of trees on public land.

Development works within the TPZ of public trees are to include a Preliminary Arboricultural Report followed by an Arboricultural Impact Assessment as per AS4970:2009. These reports are to be prepared by a Consulting Arborist with no affiliation to firms undertaking the tree pruning or removal works.

b. *Bonds on Public Trees*

Council will impose bonds where public trees are at risk during development to ensure protection of existing trees. The bond will be used to rectify any damages to public trees 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, similar replacement, establishment and traffic control.

c. *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.

Where overhead electrical conductors conflict with major tree plantings consideration will be given to the "bundling" of low voltage wires to minimize harsh crown clearance pruning.

All new subdivisions should have underground rather than pole to pole electrical services.

d. *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.

Measures Council may use include:

- community notification and education
- installation of public sign highlighting vandalised vegetation area

- installation of large view screen at the vandalised area until vegetation replacement occurs
- compensatory actions
- compliance actions

e. *Development Replacement Measures*

Council will require compensatory plantings to replace any damaged and/or newly planted trees or vegetation.

The compensatory plantings will comply with AS2303:2015 and be of similar height, size and same species with a two year minimum maintenance period to ensure establishment.

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 the ocean and river foreshore edges. It includes coastal and plateau topographies, 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.

The value of this range of species and age class cannot be understated from species protection, carbon sequestration or community wellbeing. Council's public 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 within the LGA. Trees are also essential 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.

All Stakeholders including public authorities and property owners have obligations and responsibilities with respect to the protection and management of trees on public land.

Tree management in the urban environment is about balancing the various risks against the benefits that trees provide, to ensure the best community outcome. A realistic Budget needs to be included in Council's Strategic Plan specifically for the effective management of this important public tree resource.

DEFINITIONS

AQF: Acronym: Australian Qualifications Framework-a policy framework that defines all qualifications recognised

	nationally in post-compulsory education and training within Australia.
AS4970:2009:	Australian Standard: AS4970:2009 Protection of trees on development sites (or current version).
AS4373:2007:	Australian Standard: AS4373:2007 Pruning of amenity trees (or current version).
AS2303:2015:	Australian Standard: AS2303:2015 Tree stock for landscape use (or current version).
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 Level 3 or above in Arboriculture or equivalent recognised and relevant experience.
Arboricultural Impact Assessment:	The review of the impact of construction (including cut or fill) on trees in accordance with AS4970:2009.
Consulting Arborist:	An industry professional with a minimum qualification of AQF Level 5 or higher or equivalent in Arboriculture, also referred to as the Project Arborist in AS4970:2009.
Emergency:	A serious, unexpected, and often dangerous situation requiring immediate action.
Hazard:	Anything with the potential to harm health, life or property.
Hazardous Branch or Tree:	As determined by Council's Arborist or independent Consulting Arborist.
Pest:	A destructive insect or other animal that has a harmful effect on trees/vegetation (excluding native wildlife).
Pruning:	The removal of tree branches to predetermined points in accordance with AS4373:2007.
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
Risk Assessment:	Tree risk assessment incorporating systematic best practice method(s) (e.g. Tree Risk Assessment Qualification (TRAQ) or Quantified Tree Risk Assessment (QTRA)) and be undertaken by suitably qualified Consulting Arborists.

Significant Tree Register:	A database of trees which are defined as having cultural or arboricultural significance in the landscape.
Structure:	Any building or structure approved by Council or other relevant approval authority and includes carparks, detached garages, outbuildings, swimming pools and essential infrastructure.
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 Asset Management System:	A database which numbers and provides details of trees on public land. Information would include but not be limited to: location, species, common name, DBH, height, age class, vigour, condition, pruning history, pest and disease management.
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.
Urban Bushland:	Land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

SCOPE OF POLICY

This Policy only applies to trees on public land.

This Policy applies to the following Stakeholders:

- Council employees, contracted staff and volunteers;
- Residents and residential property owners;
- Developers;
- Commercial businesses and properties;
- Council owned businesses and or enterprises;
- Consultants, Contractors; builders, engineers;
- Contracting and Consulting Arborists.

RELATED DOCUMENTATION

Related documents, policies and legislation:

- AS2302:2015: Tree stock for landscape use
- AS4373:2007: Pruning of amenity trees
- AS4970:2009: Protection of trees on development sites
- Ballina Development Control Plan 2012
- Ballina Local Environment Plan 2012
- Biodiversity Conservation Act 2016
- Biosecurity Act 2015 NSW
- Civil Liabilities Act 2002
- Code of Practice: Amenity Tree Industry 1998 (WorkCover NSW)
- Crown Land Management Act 2016
- Dividing Fences Act 1991
- Electricity Supply Act 1995
- Footpaths & Cycleways - Inspection, Evaluation & Maintenance Policy No.F01
- Greener Places Policy (Draft for Comment) 2018 – Government Architect NSW
- Guide to managing risks of tree trimming and removal work (July 2016) – Safe Work Australia
- Local Government Act 1993
- National Parks and Wildlife Act 1974
- Record Management Plan May 2013
- Relevant State controls such as State Environment Planning Policies (SEPP's)
- Rural Fires Act 1997
- Rural Fires Amendment (Vegetation Clearing) Act 2014.
- State Environmental Planning Policy 19 - Bushland in Urban Areas
- Statewide Mutual: Trees & Tree Roots Best Practice Manual Ver. 7, April 2013
- Trees (Disputes between neighbours) Act 2006
- Work Near Overhead Powerlines – Code of Practice 2006

REVIEW

The **Urban Vegetation on Public Land** Policy is to be reviewed every four years.