



TREE MANAGEMENT POLICY

Adopted: 12 October 2016

TRIM: 273466.2016



TREE MANAGEMENT POLICY

1. PURPOSE/ OBJECTIVES

This policy is intended to:

- a) Maximise and promote the preservation of existing trees that provide a pleasant visual amenity and a naturally healthy environment within the City of Liverpool;
- b) Provide an overarching principle and framework for the procedures guiding the pruning, removal and replacement of trees located on private property or Council managed land.

2. LEGISLATIVE REQUIREMENTS

Environment and Planning Assessment Act 1979
Environment Protection and Biodiversity Conservation Act 1999
Heritage Act 1977
Local Government Act 1993
National Parks and Wildlife Act 1974
Roads Act 1993
Rural Fire Service Amendment (Vegetation Clearing) Act 2014
Threatened Species Conservation Act 1995
Trees (Disputes Between Neighbours) Act 2006

3. DEFINITIONS

Approved	Has Development Approval or Complying Development Approval
Canopy	The portion of the tree containing leaves and branches
CEO	Chief Executive Officer
Domestic Fruit Tree	Non indigenous trees that are commonly grown in backyards for their edible fruit
LDCP 2008	Liverpool Development Control Plan 2008
LLEP 2008	Liverpool Local Environment Plan 2008
Lopping	The incomplete removal of branches leaving stumps attached to the tree
Pruning	To cut off part or whole branches or roots of a tree

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Ringbarking	Cutting through the bark and sapwood of the tree so as to stop the flow of water and nutrients between roots and leave
Significant Tree	A significant tree is a heritage listed tree or any tree/s that has been adopted for inclusion on Council's Significant Tree register
Topping	The removal of the top portion of a tree including a section of the trunk
Tree	Any perennial plant that has a height greater than 3.5 m or a canopy spread more than 4.0 m or a primary trunk diameter greater than 400 mm when measured 1.0 m above existing ground level of the tree

4. LINKS TO THE COMMUNITY STRATEGIC PLAN

Council's tree management practices and programs will be driven by the following stated key directions in Growing Liverpool 2023, the ten year Community Strategic Plan for the City of Liverpool.

- a) Vibrant Prosperous City;
- b) Natural Sustainable City;
- c) Leading Proactive Council.

5. POLICY STATEMENT

Trees add many benefits to the environment including adding amenity to streetscapes, reducing climatic extremes, improving air quality and providing habitat for birds and other wildlife.

Trees soften and add appeal to urban areas improving property values and giving a sense of wellbeing to people who live in these areas.

This policy emphasises Council's commitment to protecting Liverpool's environment/ amenity by promoting the retention of healthy established trees and their renewal.

Anyone wishing to remove a tree or trees on private property must first obtain approval from Council except when clause 5.5 of this policy applies.

Council will require each tree that is removed to be replaced, as specified in the relevant tree management procedure attached to this policy.

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Any recommendation for the refusal of an application to remove tree/s on privately owned property will be referred to Council for resolution.

This policy provides a link to relevant Directions of Council's Community Strategic Plan "*Growing Liverpool 2023*" and is pertinent to the 10 year strategy to reduce environmental impacts. The policy is part of a range of documents relating to tree and vegetation protection, planting and management in the Liverpool LGA. These documents are listed in the references set out at the end of this policy.

5.1. *Land to which the policy applies*

This policy applies to all land being either public or privately owned within the Liverpool Local Government Area (LGA) except where overridden by legislation.

5.2. *Prohibition*

A person must not ring bark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which Council's relevant Development Control Plan (DCP) applies without a development consent or an authorisation permit from Council.

5.3. *Definition of a Tree*

A tree is defined as any perennial plant that has a:

- a) Height greater than 3.5 metres; or
- b) Canopy spread greater than 4.0 metres; or
- c) Primary trunk diameter greater than 400 millimetres when measured 1.0 metre above existing ground level of the tree.

This clause does not apply to:

- a) A tree or other vegetation that Council is satisfied is dead dying or dangerous and is not required as the habitat of native fauna.

Note: Any dead trees that form a component of any species, populations or communities listed under the provisions of the *Threatened Species Conservation Act* (TSCA) 1995; or their habitats are not to be removed without gaining the necessary approvals under that Act;

- b) Any plant that is on the noxious weeds register for the Liverpool LGA or is listed as an exempt species in Council's LDGP 2008.

5.4. *Penalties for removing trees without approval*

Councils in NSW have successfully prosecuted unauthorised removal of trees and substantial penalties and legal costs have been awarded to Councils for offences where trees have been removed without approval.

Any individual or entity that removes or lops a tree or trees without approval may be liable for a significant fine or legal action.

The *Environmental Planning and Assessment Act 1979* provides for a maximum penalty of \$1.1 million for illegal tree removal or destruction in breach of the Act.

A person may also be liable for a penalty for engaging or allowing another person to remove, prune or lop a tree or trees without Council consent.

To confirm whether Council permission or Development Consent is required before removing a tree or trees or clearing vegetation, a property owner can contact Council's Customer Service Centre on 1300 362 2170.

5.5. *Where approval is not required*

Council approval is not required for the following:

- a) The pruning of branches directly above roof lines;
- b) The pruning of branches within one metre of power lines servicing the property;
- c) The removal of dead branches;
- d) The removal of domestic fruit trees grown specifically for their edible fruit;
- e) The removal of any tree on private property where the main supporting trunk or stem is within three metres of an approved dwelling, garage or in ground swimming pool;
- f) The pruning or removal of trees listed by Council as being exempt in LLEP 2008; and
- g) The removal or pruning of trees permitted to be removed or pruned under the Rural Fire Service 10/50 Code of Practice for NSW.

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AUTHORISED BY

Council Resolution

EFFECTIVE FROM

12 October 2016

DEPARTMENT RESPONSIBLE

Infrastructure and Environment (Technical Support)

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

City Presentation

Corporate Services (Governance and Legal Services)

Executive Management Team

Planning and Growth

VERSIONS

Version	Amended by	Date	TRIM Number
1	Adopted by Council Resolution	25 July 2011	205345.2011
2	Council Resolution	27 March 2013	046661.2013
3	Council Resolution	30 March 2016	297950.2015
4	Council Resolution	12 October 2016	273466.2016

REVIEW DATE

Every two years from date of adoption of this policy

REFERENCES

Liverpool Biodiversity Management Plan 2012

Liverpool Development Control Plan 2008

Liverpool Environment Restoration Plan 2012

Liverpool Local Environment Plan 2008

Liverpool Street Tree and Landscape Strategy

ATTACHMENTS

Attachment A: Tree Management Procedure for Private Property and Land Not Managed by Council

Attachment B: Tree Management Procedure for Property and Land Managed by Council

Attachment A



**TREE MANAGEMENT PROCEDURE FOR
PRIVATE PROPERTY AND LAND NOT
MANAGED BY COUNCIL**



TREE MANAGEMENT POLICY

1. PURPOSE

- 1.1 This procedure is intended to guide Council staff in assessing applications to prune or remove trees on private property and is to be read in conjunction with Council's Tree Management Policy.

2. TREE APPLICATION ASSESSMENT PROCESS

- 2.1 A tree removal/ pruning application is lodged with Council with the application fee as approved in Council's fees and charges along with any supporting documentation or photos and so on.

- 2.2 The application is then assessed as soon as possible by suitably qualified staff member. A rudimentary visual assessment of the tree or trees is then carried out taking into account the following factors:

- a) Damage to service pipelines or structures;
- b) Tree/s health, vigour and structural integrity;
- c) Target area (the area under the tree and frequency of use);
- d) Visual prominence (the impact removal is likely to have on the visual amenity of an area);
- e) Historical significance;
- f) Habitat significance;
- g) Practical alternatives to removal and cost;
- h) Potential for effective pruning;
- i) Whether the tree was planted by the current owner of the property and not as a condition of any development consent having been approved by Council.

- 2.3 When assessing applications, members of Council staff shall, at all times, seek to provide a reasonable balance between the interests of the land owner in solving a problem and the interests of the wider community in ensuring the amenity and environment is preserved.

- 2.4 On completion of the visual assessment the Council assessing officer shall issue a Council notice of determination to the applicant. The Council assessing officer may request further information from the applicant at this stage, if it is appropriate in their opinion to do so. Such requested information may include a report from a registered Australian Qualification Framework (AQF) level 5 qualified consulting

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arborist, plumber or structural engineer, depending on the nature of the problem.

- 2.5 Once further information is received, by Council, the application shall be assessed and approved as soon as possible or, if appropriate, the application shall be referred to Council recommending refusal as required by Council resolution, Item No. DIRS 18 Minutes of Ordinary Meeting 27th March 2013.
- 2.6 If the application is refused, the reasons for the refusal will be shown on the determination letter.
- 2.7 Where an application is approved, Council will, where appropriate, require each tree that is removed be replaced with another tree at a minimum purchase size of 15 litres. Where appropriate, use of suitable Australian native trees will be encouraged.

3. GENERAL NOTES

3.1 *Appeals*

- 3.1.1 Applicants have a right of appeal if they believe:
 - a) Council has erred in its judgement; or
 - b) Council's decision is harsh or unreasonable; or
 - c) Additional information has become available since Council's inspection.
- 3.1.2 An appeal must be lodged within 30 days of the date of Council's decision and must be justified with reports from appropriately qualified consultants.

3.2 *Exemptions*

When the residents are exempt from requiring to seek Council approval to remove trees under clause 5.5 (e) of the Tree Management Policy, Council encourage the residents to replace the trees with appropriate species in an appropriate location within the property where practical.

3.3 *Standard of work*

Council shall, at all times, require that tree pruning is to be carried out in accordance with Australian Standards AS4373-2007 or current best practice.

3.4 *Heritage trees and trees of Aboriginal significance*

Trees having heritage and/ or Aboriginal significance shall be assessed in accordance with this procedure and other relevant legislation such as the *Heritage Act 1977*.

3.5 *Trees and development*

Tree removal on development sites shall be assessed in accordance with Council's Development Control Plan 2008 and other relevant legislation. For controls relating to the protection of trees on development sites, refer to Australian Standards AS4970-2009 and LDGP 2008.

3.6 *Trees and neighbours*

Council will not become involved in any disputes between neighbours. Where a dispute does arise, the following advice shall be provided to the customer, if appropriate:

- a) Discuss the problem with the neighbour in a friendly/ non-confrontational manner. Should the neighbour agree to fix the problem, allow a reasonable time (this will depend on the urgency of the problem) for the neighbour to act;
- b) Should the neighbour not agree to address the problem, or, after a reasonable time frame has lapsed, concerns can be put in writing to the neighbour. A written document outlining the problem may make the neighbour more inclined to act and can serve as a record of steps taken to have the problem addressed. Any written document should be politely worded and not give a feeling of hostility and may include photographs of the problem;
- c) At any stage during the negotiating process a resident may choose to contact a Solicitor and/ or the South West Legal Centre 9601 7777 or the Legal Aid Commission on 96011200 where free legal advice can be obtained or to explore the option of obtaining professional help in mediating with the neighbour;
- d) At any stage during the negotiating process a resident may choose to use the prescribed process set out in the *Trees (Disputes Between Neighbours) Act 2006* (TTA2006) the Land and Environment Court. TTA2006 provides a process for resolving disputes between neighbours about trees and hedges. The TTA2006 can be viewed at the following web page or by searching the Land and Environment Court website: http://www.lec.justice.nsw.gov.au/lec/your_legal_problem/trees_and_hedges.html;

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- e) Council will not become involved in any disputes between neighbours and will not inspect any tree on private land, unless a tree pruning/ removal permit application has been lodged that is signed by the owner of the tree.

Attachment B



**TREE MANAGEMENT PROCEDURE FOR
PRIVATE PROPERTY AND LAND
MANAGED BY COUNCIL**



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1. PURPOSE

This procedure is intended to guide members of Council staff in assessing requests to prune or remove trees on Council managed land and planting trees on Council managed land. The procedure is to be read in conjunction with Council's Tree Management Policy.

2. TREE REMOVAL/ PRUNING

2.1 Where a tree or trees located on a Council footpath or in a Council reserve is dead, dying or potentially dangerous, requires pruning or is causing some other problem, Council's Customer Service Centre can be notified on 1300 362 2170. A Council officer with appropriate tree management qualifications will assess the tree and any related concerns and will organise for necessary action to be carried out.

2.2 The following factors are taken into account while assessing the request:

- a) Damage or potential damage to private property, service pipelines or structures;
- b) Tree/s health, vigour and structural integrity;
- c) Remaining useful life expectancy;
- d) Safety;
- e) Compliance with current streetscape policy or management plan;
- f) Target area (the area under the tree and frequency of use);
- g) Visual prominence (the impact removal is likely to have on the visual amenity of an area);
- h) Historical significance;
- i) Habitat significance;
- j) Practical alternatives to removal and cost;
- k) Potential for effective pruning.

2.3 Any of the above factors will not on its own guarantee the removal of subject tree. When reviewing the request/ notification, members of Council staff shall at all times seek to provide a reasonable balance between the interests of the immediate neighbourhood in solving a problem and the interests of the wider community in ensuring the amenity and environment is preserved.

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- 2.4 Where a request to prune or remove a tree or trees on Council land is found to be valid and reasonable, or where Council during its own inspections finds that urgent pruning or tree removal needs to be carried out to maintain public safety, Council will organise for that work to be carried out as soon as possible. A risk assessment will be undertaken to determine the priority of the work when arboricultural works are required.
- 2.5 Council will, where possible and practicable notify property owners on either side of the property/ footpath location where the tree is situated, either by letter or telephone prior to the work being carried out.
- 2.6 The trunk of any tree deemed not to be dangerous to be removed shall be clearly painted with a large (X) at least 21 days prior to the possible removal as far as practicable. The tree shall have an A4 sign detailing reasons for removal with a contact number. If there is any safety concern, the process can be accelerated.
- 2.7 Where possible, tree stumps shall be removed within 24 hours of tree removal or as soon as possible where stump grinding equipment is not immediately available. If there is any safety concern, the process can be accelerated.
- 2.8 A replacement tree of a minimum 15 litre pot size shall be planted by Council within close proximity of the removed tree as far as practicable. The replacement tree shall be of the species identified in the Council's Street Tree Master Plan (STM).

3. TREES DAMAGED AS A CONSEQUENCE OF STORMS

- 3.1 Where a tree/trees located on a Council footpath or in a Council reserve has been damaged by a storm event, Council's Customer Service Centre can be notified on 1300 36 2170.
- 3.2 Council Officers in conjunction with the Liverpool SES Unit will inspect the tree/s and take action to make the area safe.
- 3.3 Following the storm event the tree/s will be assessed in accordance with Section 2 TREE REMOVAL/PRUNING of this policy.

4. GENERAL NOTES

4.1 Standard of Work

Council shall at all times require that tree pruning is to be carried out in accordance with Australian Standards AS4373-2007 or current best practice.

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4.2 Heritage trees and trees of Aboriginal significance

Trees having heritage and/ or Aboriginal significance shall be assessed in accordance with this procedure and other relevant legislation such as the *Heritage Act 1977*.

5. COUNCIL TREE PLANTING

5.1 Council's objectives are to maintain, replenish and, over time, increase the tree canopy on Council land by seeking to:

- a) Maintain and improve the local amenity;
- b) Maintain and enhance the local biodiversity;
- c) Ensure planting next to bushland does not include weed species;
- d) Consider the need for solar access and wind protection where appropriate;
- e) Create and/ or reinforce a distinctive streetscape character;
- f) Enhance the appearance of the built environment;
- g) Provide planting which requires minimum maintenance;
- h) Ensure planting is appropriate for the climate and soil conditions of the site;
- i) Ensure planting is selected which considers Council's long term maintenance obligations; and
- j) Ensure planting near property does not increase the bushfire threat.

5.2 Any person wishing to have a tree planted on Council's nature strip or have suggestions for Council's winter tree planting program in Council's Parks and Reserve, can contact Council's Customer Service Centre on 1300 362 2170.