

Street Tree Management Policy

Policy Approval and Distribution

Approved by	Council resolution
Responsible Officer	Manager Waste Parks & Recreation
Council Service Unit	Parks & Gardens
Next Review Date	18 May 2020

Version Control

Ref	Date	Description	Resolution Number
0.1	28 May 2019	Presented to Council to facilitate public exhibition process.	171/2019
1.0	30 July 2019	Adopted.	237/2019

Purpose

To preserve and enhance the Region's attractive streetscapes and ecological sensitive systems whilst at the same time recognising the responsibility to minimise risk to the public, property, native vegetation and habitat.

To ensure that all actions relating to related street trees and vegetated areas as outlined in this policy, are professionally assessed and determined in association with Section Manager/s, delegated staff will be suitably qualified in the areas of the Plant and or Environmental Sciences. All assessments will be carried as determined and in accordance with the relevant Policies and or Regulations/Act.

To provide clear guidelines on the correct removal and pruning of trees located in/on streets, roads and open space/road reserves that are in the care and control of Council.

Scope

1. Section 124 of the Local Government Act 1993, Sections 88 and 107 of the Roads Act 1993, the Environmental Planning and Assessment Act 1979, the Native Vegetation Act 2003, the Threatened Species Conservation Act 1995, Biodiversity Conservation Act 2016 No.63 and Section 45 and 48 of the Electricity Supply Act 1995 are relevant to this policy.
2. The General Manager, Manager Facilities and or Manager Waste Parks & Recreation in association with the relevant Section Manager/s have the authority to determine applications and other matters under this policy;

3. All measures should be taken to retain trees in public places within the towns and villages. Council recognises that this may require a higher level of maintenance or replacement of infrastructure but it is considered that the conservation of trees should take precedence. Measures that may be adopted to ensure the retention of trees include the replacement of footpaths and road pavement on a more frequent basis where the tree is causing root damage or redesign of the project around existing trees.
4. Trees within the CBD's may only be removed or pruned for one or more of the following purposes where all alternate methods have been examined that would allow the retention of the tree:
 - The tree is dangerous (as determined by a risk assessment including consideration of the 'clear zone' as defined by RTA guidelines);
 - An emergency situation as declared by state of emergency under section 33 of the State Emergency and Rescue Management Act.;
 - Minor pruning shaping for street sweeper, garbage truck
 - As part of bushfire control or prevention in native vegetation areas both rural and urban areas;
 - The tree is limiting the field of vision of a motor vehicle, is obstructing traffic or is causing a traffic hazard;
 - For the purposes of constructing or maintaining roads, drains, buildings or any other asset that is owned and or maintained by Council as there are no considered appropriate alternatives;
 - Where Essential energy consider the tree to be a risk to power supply infrastructure;
 - For the purposes of preventing damage to any roads, drains, buildings or any other asset that is owned and or maintained by Council;
 - The removal or pruning of the tree is identified in an approved management strategy, environmental approval or decision of Council relating to the subject land.
 - Where the tree may be required to be removed to enable construction of a fence on a private property boundary providing that disturbance is kept to a minimum and an appropriate assessment by qualified Council Staff is undertaken. (Note that if a tree is located on the fence line it shall be taken to be within private land and not be subjected to this policy when clearing for fences).

The investigation of the alternate measures will need to be demonstrated as part of assessment of the tree removal application and approved by the Manager Waste Parks & Recreation, Manager Facilities and or relevant Section Manager/s.

5. Trees shall not be removed or pruned solely for the purpose of obtaining or retaining scenic views from residential, commercial or industrial properties. Nor shall trees be removed solely for routine road maintenance works or for the purpose of gaining access to a site.
6. Trees shall not be removed or pruned on Council owned or controlled land (including street trees) without permission under this policy and approval of the Manager Waste Parks & Recreation and or Manager Facilities in association with the relevant Section Manager/s.

Trees located in any heritage & or nature conservation zones within the LGA are to be managed in accordance with the Biodiversity Conservation Act 2016.

For those trees located on public land not requiring a DA, Council is bound to undertake an assessment under Part V of the EP&A Act 1979 which requires the preparation of a Review of Environmental Factors (REF). The REF will be completed in conjunction with the tree assessment for all tree removals.

7. Applications for removal or pruning of trees by other Government Authorities, the general public, businesses or ratepayers shall be made via the application form and works request attached either by lodging a works request or including with a letter/notice to Council. Any approvals will be subject to conditions as indicated on the form and as determined by the General Manager, Manager Facilities or Manager Waste Parks & Recreation in association with the relevant Section Manager/s. Tree removal for emergency purposes in streets and parks will not require a formal tree removal application. However, verbal permission from the Council (delegated staff member) or SES is required.

Essential energy is exempt from the application process only when there is a need to manage a tree/s which is considered as emergencies works and outside what is normal routine maintenance works.

8. When working/clearing of larger areas of native vegetation is required for the purposes of infrastructure construction, Council may require approval under the Biodiversity Conservation Act, 2016. In these instances, Council needs to consult with the branch of the local Land Services.
9. Vegetation removed should be replaced in a suitable location with appropriate numbers and species of vegetation as determined by Council's qualified staff (delegated staff member).
10. New and existing trees planted or maintained as of the adoption date of this policy on roadways, footpaths etc. are to have a clear zone around the tree base of no less than 1.5M from the Centre of the tree base. No sealing or hard surfaces are to join a tree truck.
11. Significant tree/s as determined by the Manager Facilities, and or Manager Waste Parks and Recreation in association with the relevant Section Manager that are causing structural damage to property/infrastructure as a result of root invasion are not to be touched until inspected by the Manager Facilities or Manager Waste, Parks & Recreation in association with the relevant Section Manager/s. The Manager Facilities or Manager Waste Parks & Recreation is to inspect and prepare a report on what measures can be undertaken to minimise the need to remove the tree/s. If there is no remedial action that can save the tree the Manager Facilities or Manager Waste Parks and Recreation in association with the relevant Section Manager/s is to authorise the trees removal in accordance with this policy.
12. If immature tree/s are to be removed they should be conserved if appropriate and practical and offered to the community for use if they are not to be transplanted by council
13. An assessment shall be completed by appropriately qualified persons (Arborist/Horticulturist) for all proposed tree removals or major pruning according to the procedures in Tree Rating Procedure for Trees on Council Owned or Controlled Land (TRP).

14. The following **notifications** shall apply to all tree removal or major pruning in:
- a) **Urban Areas:**
- Affected owners shall be notified in writing at least 7 days prior to work commencing (where practicable)
 - Where the works are classed as **Moderate impact removal**, the General Manager or Manager Waste Parks & Recreation in association with the relevant Section Manager/s will circulate a memo within 2 days of notice to all Councillors outlining details on the proposed works, providing a minimum of 7 days for feedback/comment. A Councilor may request to the General Manager for a hold on the works and seek submission of a report to Council.
 - If the tree/s is located in a heritage and or conservation zone compliance with the Biodiversity Conservation Act, 2016 must be observed.
 - Routine Street tree pruning or removal works by Essential Energy or Integral Energy shall be advertised in the local media by the relevant electricity supplier. Council is to be informed at least 2 weeks prior to the works commencing.
 - In accordance with Sections 45 & 48 of the Electricity Supply Act 1995.
- b) **Rural Areas**
- Notifications where managed by the Parks and Gardens Section in association with the relevant Section Manager/s of council will be undertaken when the works are classed as having a Moderate impact removal or High impact removal unless the removal is required for road construction purposes in which case the the relevant Section Manager/s where considered appropriate will circulate a memo to all Councillors & adjoining landowners outlining details on the proposed works, providing a minimum of 7 days for comment. A Councilor may request to the General Manager for a hold on the works and seek submission of a report to Council.
 - Street tree pruning or removal by Essential Energy or Integral Energy must seek council approval prior to any works commencing and shall be advertised in the **local** media by the relevant electricity supplier. Council is to be informed by the service provider at least 4 weeks prior to works commencing and provided with a copy of the programmed work schedule and utilities environmental impact assessment for consideration as a joint determining authority.
15. The General Manager, Manager Facilities or Waste Parks & Recreation in association with the relevant Section Manager/s will prepare a report for Urban **High impact removals** for submission to Council for consideration.
16. The General Manager, Manager Facilities, or Waste Parks & Recreation in association with the relevant Section Manager/s shall take into account any comments deciding whether or not to proceed with the work. If an agreement between all interested parties cannot be reached, the matter will be reported to Council for determination.

17. In rural areas where trees do not pose any possible threat to dwellings and it is ascertained that a tree is dead, has a precarious lean or is burnt out, it may be removed only if there is a real possibility of it causing damage to persons or property (this does not include rural fencing).
18. Any council controlled tree that is considered may have cultural value/significance e.g. Scare Trees etc. must be inspected by a qualified Arborist/Archeologist prior to removal.
19. Council does not undertake routine inspections of trees in rural areas for the purpose of identifying trees that may require removal. If a resident has concerns about a specific tree, on land under council control, are to provide council with specific location details (road name, distance from nearest cross road, side of road, species, etc.). Council staff will then undertake an assessment and if removal is required will program removal when time and resources permit. Council will not be held accountable for compensation and or repairs for rural trees located along road reserves that fall and or drop limbs onto adjoining landowners fencing for whatever reason.
20. Notification and assessment requirements will not apply to: -
 - Minor Pruning;
 - Emergency works;
 - Works authorised by the Fire Control Officer in accordance with the Bush Fires Act 1949, dependent on scale and location;
 - Pruning and regrowth removal in regularly maintained gardens or regularly cleared easements and road reserves
 - A tree that must urgently be removed or pruned that is obstructing traffic, is causing a traffic hazard or is creating a dangerous situation where persons or property are likely to be damaged or at risk.
21. During tree removal or pruning, WH & S requirements shall be observed and reasonable care taken to avoid any damage to persons, property or any adjacent infrastructure e.g. water mains, sewerage lines, power lines Telstra cables gas services etc.
22. Only those trees which are under Essential Energy or Integral Energy power lines, which constitute a traffic / pedestrian hazard, or for the health of the tree require pruning, are to be pruned. A list of proposed trees and/or streets to be pruned by external parties is to be provided to Council at least 2 weeks prior to pruning. The Contractor performing the pruning shall comply with this policy.
23. To minimise council risk of litigation, the requirements of AS 4373 – 2007” Pruning of Amenity Trees” shall be observed for all pruning activities. Trees shall only be pruned and or supervised by persons (Arborist/Horticulturist) with recognised skills and qualifications that ensure they are capable of complying with this standard.
24. The costs associated with removal or pruning shall be determined as follows:
 - If a tree is dangerous or dead or leaning badly it is to be removed at Council cost;
 - If a tree is causing asset damage it is to be removed at Council cost (exempt rural fence lines);
 - If a tree is on an approved street program in future years but a resident wishes to

have the tree removed earlier, then the resident pays 50% of the cost associated with advancing it on the program;

- If a property owner requests the removal of an apparently healthy tree which, in the opinion of the property owner, represents a threat to a dwelling, and where Council concurs with the removal of the tree, the removal of the tree may be if considered appropriate by council be at the expense of the property owner, unless Council, upon the advice of the General, Manager Facilities, or Manager Waste Parks & Recreation in association with the relevant Section Manager/s determines otherwise.
- All tree management works undertaken by an Energy authority e.g. Essential energy is to be at the full cost of that energy authority. No tree/s are to be removed without first notifying council and council approval.
- That council and the relevant power authority enter into an agreement whereby a 10 year strategic plan is prepared and approved by both parties with the objective to remove all trees located under power lines that are no longer considered appropriate, with the aim that after 10 years there will be no need to prune or a best minimal pruning required of trees located under power lines. That the Strategic Plan include the identification, pruning/removal and planting of new appropriate species with the costs shared between the two parties. The costs are also to include a 3 year new tree establishment period.

25. This Policy does not include trees located on private lands or any other lands not under the trusteeship or maintained by Council.
26. The Policy applies to all Council activities, all Council's staff & contractors and consultants, the general public and ratepayers.
27. This policy excludes weeds declared as Priority Weed under the Noxious Weeds under the Biosecurity Act 2016.
28. Should the requester disagree with the tree assessment by the council nominated qualified person, the requester may obtain a secondary opinion from a qualified arborist (at the requester's expense). This assessment will be reviewed and considered before a final decision is made. The General Manager, Manager Facilities, or Manager Waste Parks & Recreation in association with the relevant Section Manager/s reserves the right to make the final decision.
29. Council **may** direct property owners, who have planted trees within the road reserve or council property, and where these trees represent an obstruction or risk as defined in this policy, to remove or prune the tree at their cost. If said works are not completed within one month of notification, Council will remove or prune the tree and recover costs from the owner. This includes overhanging branches that obstruct/obscure footpaths, signs etc.
30. Trees that are removed or poisoned on Council controlled lands (including street trees) may incur a fine from Council. Under the Local Government Act 1993 (Section 629) it is an offence to remove Plant / Animal / Rock / or Soil from a public place without lawful excuse. This offence attracts a minimum fine of \$220.00
31. Private trees that have roots that have invaded council's underground services **may** be

held responsible for the full cost, associated with the servicing/repairing of said services where council considers appropriate e.g. water and sewerage mains.

TREE RATING PROCEDURE FOR TREES ON COUNCIL OWNED OR CONTROLLED LAND INSPECTION REQUESTS

“Requests for Service” (inspections) will be processed as follows:

1. All requests originating from the public or internal sources will be received and processed by the Waste, Parks & Recreation and or Facilities Sections of council.
2. The qualified person will carry out an initial inspection and will complete a “Tree Inspection” form substantially in the form of the attachment to this policy.
3. Trees will be assessed and rated as per the procedures below.

Definitions

Affected Owners	Means the owners of properties abutting the location of the tree(s), and includes all other owners the qualified person or appropriate staff deems to be affected.
Appropriate Staff	Means the General Manager, Manager Waste Parks & Recreation, Section Manager/s or delegated staff member, Parks Supervisor, Parks & Gardens Arborist/Horticulturist or any other staff that is a qualified Arborist/Horticulturist or equivalent and any staff as assigned by the General Manager or Manager Waste Parks & Recreation. Councils qualified staff members are: Manager Waste Parks & Recreation (Degree in the Plants & Environmental Sciences) Steve Lowe (Horticulture) & Stuart Moorby (Arborist)
Scar Trees	Are trees which have had bark removed by indigenous Australians for the creation of bark canoes, shelters, shields and containers, such as coolamons. They are among the easiest-to-find archaeological sites in Australia.
Qualified Person	A person working for or contracted by Cootamundra Gundagai Regional Council that provides advice on tree removal, tree diagnosis or pruning and has appropriate qualifications and or experience in performing an assessment (Minimum Trade “Level 4” Certificate in Arboriculture) from a recognised institution. For sensitive or legislative issues the assessor must have at minimum a degree in one of the Plant Sciences and or Environmental sciences. Councils qualified staff members are: Manager Waste Parks & Recreation (Degree in the Plants & Environmental Sciences) Steve Lowe (Horticulture) & Stuart Moorby (Arborist)

Significant Trees	<ul style="list-style-type: none"> ➤ The tree is a large tree in good condition and good vigour that dominates the local landscape normally with longer life expectancy. ➤ A large tree or tree of substantial age that is botanically rare ➤ A large tree or tree of substantial age that is remnant or indigenous to the location and important to the local ecology. ➤ A medium or large tree that is listed as threatened or endangered species by legislation ➤ Heritage Listed tree ➤ A tree that has noted cultural or heritage values ➤ A group or patch of smaller trees or large shrubs that are listed as threatened or endangered species by legislation. ➤ Significant trees typically take many decades and in many cases a hundred years or more to replace. Enhanced efforts and resources to preserve these trees is required.
Dbh	Means the diameter of the tree taken at 1M height from the ground.
Habitat	A tree which is occupied, periodically or intermittently occupied by a species population or ecological community including biotic or abiotic components. (i.e. biotic – living, abiotic – non-living)
Habitat Tree	Refers to any tree providing a niche supporting the life of a plant or animal.
Impacts:	
Low Impact Removal:	Means the removal of small trees and shrubs up to ten (10) meters in height (refer to small tree) that only affects the adjacent neighbours and will have little or no detrimental impact on the appearance and/or ecology of the area.
Moderate Impact Removal:	Means the removal of a single or multiple trees greater than eleven (11) meters in height (refer to medium tree) and recognizes that the proposed work may affect the appearance and/or ecology of the area.
High Impact Removal	Means the removal of a single or multiple trees that would impact the general neighbourhood and includes park and trail users and recognizes that the proposed work may affect the appearance and ecology of the wooded area. This could include removals along major travel routes, removals in recreation areas, removals of large numbers of trees, and removals of large trees or specimen trees.
General Manager/ Manager Waste Parks & Recreation Or Delegated Staff Members	Means the Cootamundra Gundagai Regional Council General Manager / Manager Waste Parks & Recreation in association with the relevant Section Manager/s can authorise an appropriate member of staff to authorise the removal of trees.
Large Tree	Refers to a tree greater than 20 m in height or crown spread greater than 20m at maturity.
Leaning Trees	A tree where the trunk grows or moves away from upright position. A lean may occur anywhere along the trunk influenced by a number of contributing factors, e.g.: genetically predetermined characteristics, competition for space or light, prevailing winds, aspect, slope or other factors. (Refer to Dictionary for managing trees in urban environments for degrees of leaning graph).

Medium Tree	Refers to a tree with a height of 10-20m or crown spread of 10-20m at maturity
Topping	Branches specifically pruned to reduce crown height or spread by pruning to reduce the length of a branch.
Small Tree	Refers to a tree with a height less than 10m or a crown spread less than 10m at maturity.
Specimen Tree	Refers to a tree planted, retained or occurring usually as an isolated feature and not part of a stand, promoting its characteristics as an individual tree
Timber	Includes trees of any age or description, whether growing or dead.
Tree	A woody perennial plant which is long lived. Height greater than 3 metres with one or more trunks. For the purpose of this policy, it excludes Priority Weeds.
Priority/Noxious Weed	A weed is declared as Priority Weed under the Biodiversity Act 2015. Treatment and control of priority weeds are prescribed by the legislation.
Potential Habitat Tree	Refers to any tree that develops a niche suitable to provide support for the life process of a plant or animal.
Protected Lands	Generally defined as any land within 20m of a river, creek or watercourse.
Minor Pruning	Removal of dead or dangerous limbs and / or removal of less than 20% of the growing canopy.
Major Pruning	Removal of between 20 to 40% of the growing canopy.. Note removal of more than 40% of the canopy is considered as removal of the tree and as such is subject to the relevant provision of this policy.
Dangerous Tree	A tree or tree part that presents a danger or has previously caused damage to persons or property.
Reduction Pruning	Refers to the removal of the ends of branches to lower internal branches or stems in order to reduce the height and/or spread of the tree
Remedial (restorative) pruning	Removal of damaged, diseased or lopped branches back to undamaged tissue in order to induce the production of shoots from latent or adventitious buds, from which a new crown will be established.
Requester	The person or persons seeking removal of a tree on council owned or controlled land
Topping	Branches specifically pruned to reduce crown height or spread by pruning to reduce the length of a branch.

Review of Environmental Factors (REF)

A Review of Environmental Factors (REF) is an environmental assessment under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act), which is required as part of the assessment of activities needing approval under NSW legislation. A REF is a document that examines the significance of likely environmental impacts of a proposal, and the measures required to mitigate any adverse impacts to the environment.

A REF serves two purposes:

1. it assists and documents the determining authority’s determination of whether an activity should be approved, taking into account to the fullest extent possible all matters affecting or likely to affect the environment (s.111 EP&A Act); it further assists in the development of appropriate conditions should approval be given and,
2. it assists the determining authority’s determination of whether the activity is likely to have a significant effect on the environment or significantly affect threatened species, populations or ecological communities or their habitats, in which case an environmental impact statement (EIS) and/or species impact statement (SIS) will need to be prepared and considered before approval may be granted (s.112 EP&A

Legislative Framework

- Environmental Planning and Assessment Act 1979
- Biodiversity Conservation Act 2016 No.63.

LOCAL GOVERNMENT ACT 1993

124 Orders (Section 629)

A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following Table if the circumstances specified opposite it in Column 2 of the Table exist and the person comes within the description opposite it in Column 3 of the Table.

Note: This section does not affect the power of a council to give an order (or a notice or direction) under the authority of another Act. For example, some of those Acts and the orders (or notices or directions) that may be given include:

- A person who fails to comply with an order is guilty of an offence—see sec 628.

Orders requiring the protection or repair of public places

Column 1	Column 2	Column 3
To do what?	In what circumstances?	To whom?
To remove an object or matter from a public place or prevent any object or matter being deposited there	The object or matter: (a) is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any Act, or	Person causing obstruction or encroachment or owner or occupier of land from which the object or matter emanates or is likely to emanate.

	(b) is causing or is likely to cause danger, annoyance or inconvenience to the public	
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ROADS ACT 1993

88 Tree felling

A roads authority may, despite any other Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard.

107 Obstructions and encroachments

(1) A roads authority may direct:

- (a) any person who causes an obstruction or encroachment on a public road, or
- (b) the owner of any land that is used, or is able to be used, in connection with an obstruction or encroachment on a public road, to remove the obstruction or encroachment.

(c) A direction under this section may specify the period within which the direction must be complied with.

(2) In the case of an obstruction or encroachment that was created before the alignment of the road, or that is situated on a road that has not been aligned, the period specified in the direction must be at least 60 days.

(3) This section does not apply to an obstruction or encroachment on a public road if its presence on the road is authorised by or under this or any other Act.

(4) However, this section does apply to an obstruction or encroachment on a public road if its presence ceases to be authorised by or under this or any other Act.

ELECTRICITY SUPPLY ACT 1995 - SECT 45

Erection and placement of electricity works

45 Erection and placement of electricity works

(1) This section applies to work connected with the erection, installation, extension, alteration, maintenance and removal of electricity works.

(2) For the purpose of exercising its functions under this or any other Act or law, a network operator:

- (a) may carry out work to which this section applies, and
- (b) in particular, may carry out any such work on a public road or public reserve.

(3) Work to which this section applies is exempt from the requirement for an approval under the Local Government Act 1993 except in relation to buildings.

(4) However, no such work (other than routine repairs or maintenance work) may be carried out unless:

- (a) notice of the proposal to carry out the work has been given to the local council, and
 - (b) the local council has been given a reasonable opportunity (being not less than 40 days from the date on which the notice was given) to make submissions to the network operator in relation to the proposal, and
 - (c) the network operator has given due consideration to any submissions so made.
- (5) Subsection (4) does not apply to the carrying out of work to cope with emergencies.

ELECTRICITY SUPPLY ACT 1995 - SECT 48

Interference with electricity works by trees

48 Interference with electricity works by trees

(1) This section applies if a network operator has reasonable cause to believe that a tree situated on any premises:

- (a) could destroy, damage or interfere with its electricity works, or
- (b) could make its electricity works become a potential cause of bush fire or a potential risk to public safety.

(2) In those circumstances, a network operator:

- (a) may serve a written notice on the owner or occupier of the premises requiring the owner to trim or remove the tree, or
- (b) in an emergency, may, at its own expense, trim or remove the tree itself.

(3) A notice under subsection (2) (a):

- (a) must specify the work to be carried out, and
- (b) must specify a reasonable time within which the work is to be carried out, and
- (c) must include an undertaking by the network operator to pay the reasonable cost of carrying out the work.

(4) Subsection (3) (c) does not apply in either of the following circumstances:

- (a) if, after the electricity works were first laid or installed, an owner or occupier of the premises planted the tree, or caused or permitted the tree to be planted, in circumstances in which the owner or occupier ought reasonably to have known that destruction of, damage to or interference with the works would result,
- (b) the land in or on which the tree is located, and on or over which the works are located, was the subject of an easement in favour of the network operator (or a predecessor of the network operator) when the tree was planted.

(5) If the work is not carried out as required by the notice, the network operator may carry out the work itself.

(6) The cost of carrying out the work may be recovered by the network operator in a court of competent jurisdiction as a debt owed to it by the owner of the premises on which the tree is situated, but only in the circumstances referred to in subsection (4).

(7) This section applies despite the existence of a tree preservation order or environmental planning instrument (other than a State environmental planning policy), but does not apply to any tree within a protected area or to any tree that is the subject of or is within an area that is the subject of:

- (a) an interim heritage order, or a listing on the State Heritage Register, under the Heritage Act

1977 , or

(b) an order in force under section 136 of the Heritage Act 1977 , or

(c) an interim protection order under the National Parks and Wildlife Act 1974 , or

(d) a protection conferred by any similar law.

(8) Nothing done for the purpose of carrying out the work required by a notice under this section constitutes an offence against any law under which a tree preservation order or environmental planning instrument (other than a State environmental planning policy) relating to the land is made.

(9) In this section:

"protected area" means an area that is within:

(a) a national park or nature reserve within the meaning of the National Parks and Wildlife Act 1974 , or

(b) land that is reserved or zoned for environmental protection purposes under the Environmental Planning and Assessment Act 1979 , or

(c) a public reserve within the meaning of the Local Government Act 1993 . "tree" includes shrub and plant.

References:

Dictionary for managing trees in urban environment – Author: DB Draper & P A

Richards Australian Standards (AS 4373-2007) Pruning of Amenity Trees

Local Government Act

1993 Roads Act

Tree Removal Assessment & Approval Form

Location & Details	
<input type="checkbox"/> Cootamundra <input type="checkbox"/> Gundagai <input type="checkbox"/> Stockinbingal <input type="checkbox"/> Coolac <input type="checkbox"/> Nangus <input type="checkbox"/> Tumalong <input type="checkbox"/> Frampton <input type="checkbox"/> Muttama <input type="checkbox"/> Wallendbeen <input type="checkbox"/> Brawlin	
Location:	
Reason for request / assessment:	
Botanical name (attach photos):	
Common Name:	
Number of Trees:	
Height/s:	
Surrounding Trees and the assessed tree(s) place in the landscape:	
Assessment (Visual)	
Trunk diameter 1 metre above ground:	
Signs of ground movement or heaving	<input type="checkbox"/> Yes <input type="checkbox"/> No
Visible Defects	

Broken limbs	<input type="checkbox"/> Yes <input type="checkbox"/> No
Unusual lean	<input type="checkbox"/> Yes <input type="checkbox"/> No
General health	<input type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Poor / Fair
Existing / Potential to Damage Infrastructure	
Safety Risks to pedestrians / traffic	
Removal Impact:	<input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High
Assessment (Other)	
Details of any other measures taken to determine health / risk of tree	
Recommendations	
Priority Ranking	
Action Recommended (including replacement trees):	
Date:	Inspector:
Approvals	
Approved Course of Action	<input type="checkbox"/> Remove <input type="checkbox"/> Retain <input type="checkbox"/> Monitor
Notifications Required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Notes:	
Date:	General Manager / Manager Waste Parks & Recreation

Related CGRC Policies

- CGRC WH & S Policy
- The General Manager or Manager Waste, Parks & Recreation have the authority to determine applications and other matters under this policy;

PROCEDURES

Inspection procedure

The tree assessment will consider the following aspects:

- The aesthetic, botanical and historic/archeological importance of tree/s
- Safety hazards posed by tree/s
- Substantial property damage caused or in Council's opinion likely to be caused by the growth of the tree/s
- Obstruction of footpaths, roads, utilities, drainage lines, sewer lines and other public infrastructure

- Whether pruning or other botanical treatment of a tree branches or roots would provide satisfactory relief from any nuisance being caused by the tree/s
- Whether replacement tree/s could be planted
- If any permits are required; and
- Where, in Council's opinion, the retention of the tree is causing unjustifiable hardship to the owner. Criteria for assessment in these circumstances are at the discretion of the Section Manager and may include age and disability, medical practitioner certification and Council's administration costs. These criteria will only be taken into account in extreme circumstances.

During the assessment of trees located on public land for which Council is responsible, Council is bound to undertake an assessment under Part V of the EP&A Act 1979. This is completed by Council suitably qualified staff when undertaking the assessment.

Visual Inspection

- If the ownership of the tree is in doubt, a survey may be conducted to determine ownership
- 360 degree, walk around, visual inspection of the tree from ground level. This inspection does not include any practice that is intrusive to the tree.

Physical Inspection

If, after the visual inspection, there is a question about the structural integrity of the tree, then the following options are available for further inspection.

- The inspector may have the tree climbed to inspect potential areas of concern.
- The tree may be bored to determine soundness of the bole
- The root crown may be excavated to inspect the roots

After inspection, the tree will be rated according to the criteria outlined below.

TREE RATING PROCEDURE

The following table summarises the Tree Ratings and corresponding Work Schedule.

Tree Rating	Work Schedule
Priority 1	Sent immediately to contractor for mitigation
Priority 2	To be mitigated through the next monthly tree work contract.
Priority 3	To be mitigated through the next or subsequent monthly tree work contract as the workload allows.
Priority 4	Work may be deferred due to workload and /or budget considerations.
Priority 5	Work may be deferred due to workload and /or budget considerations.

Priority 1

This is a tree that has one or more of the following visible characteristics:

- Signs of ground movement or heaving
- Recent cracking on the bole of the tree,
- Hung-up tree

- Broken limbs hanging over a moderate to high frequency target
- Failed tree lying on property or road
- Dead tree with extensive decay visible to the inspector and a high frequency target.

Trees with this rating have the first priority for removal or pruning. The inspector will immediately send the required work to a contractor for mitigation. These trees shall be dealt with as soon as practical within work schedule limits. "Priority 1" trees will not invoke the requirement for Public Notification as prescribed in this policy.

Priority 2

This is a tree that has one or more of the following characteristics:

- Visible fruiting bodies of known heart-rots
- Unusual lean
- Visible defect that could result in catastrophic failure of tree
- The tree is determined to be unsound after physical inspection
- Structural integrity of root system determined to be compromised after physical inspection
- Dead with minor decay visible to the inspector and a high frequency target.
- Obstruction of traffic signs *
- Interference with distribution or transmission lines **

Trees with this rating have second priority for removal or pruning.

Priority 3

Trees in this category have one or more of the following characteristics:

- Dead tree with a target of moderate to low frequency and minimal visible decay.
- Encroachment of branches onto house and/or roots incurring some form of damage to boulevards or private property.
- Limbs obstructing driver visibility
- Limbs interfering with residential utility feed
- Visible defect that could result in partial failure of tree with a moderate to low frequency target.
- Excessive wind loading on trees with a high frequency target.

Trees with this rating have third priority for removal or pruning, but may be dealt with as the workload allows. Trees assessed as "Priority 3" will be documented for mitigation.

Priority 4

Trees in this category have one or more of the following characteristics:

- Minor Limb and or root encroachment to private property or structures
- Excessive wind-loading on trees with a moderate to low frequency target.
- Trees that are growing near or beginning to encroach into private property causing no visible damage

Trees with this rating have fourth priority for removal or pruning. Trees in this category may eventually develop into a "Priority 3" in the future. The annual budget allotted by Council for tree and the work load will be the limiting factors in the determining when this work is completed. If deferred, these trees will be documented and filed for review near the financial year-end and completed as budget and priorities allow.

Priority 5

Trees in this category have the lowest priority and can be attended to as the annual budget allotted by Council for tree and as the work load allows.

Examples of Priority 5 are:

- Thinning of immature trees for stand management
- Inappropriate volunteer trees on boulevards, in road ends or right of ways
- Trees with none of the characteristics in the assessments for “Priority 1, 2, 3 or 4”

The annual budget allotted by Council for tree work and the work load will be the limiting factors in the determining when this work is completed. If deferred, these trees shall be documented and filed for review near the fiscal year-end and completed as the budget and priorities allow.

Review Period

This Policy will be reviewed annually. The Manager Waste, Parks & Recreation will report to Council on the outcome of the review and make recommendations for amendment, alteration or substitution of a new Policy if considered necessary.

Policy Statement

This Policy will be available for inspection at Council’s principal office during ordinary business hours and at Council’s website, mail@cgrc.nsw.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council’s Schedule of Fees and Charges.

References

- Development Act 1993
- Electricity Act 1996
- Local Government Act 1999
- Road Traffic Act 1961
- Sewerage Act 1929