



DATE ADOPTED: 25 FEBRUARY 2020

VERSION: 3.0

POLICY OBJECTIVES

The objective of this policy is to:

- Provide a framework for the long term management of trees on Council's road reserves, parks and reserves, and other public land under Council's control;
- Provide guidelines for future tree plantings that enhance landscapes and streetscapes, but with appropriate species that minimise Council's exposure to high levels of maintenance and liability;
- Provide guidelines for the maintenance or removal of trees growing on public land under Council's control.

POLICY SCOPE

This policy applies to all trees growing on public roads, recreation reserves, open space and public land under Council's control within the Maitland City Council Local Government Area.

TREES LOCATED WITHIN PRIVATE PROPERTY ARE MANAGED UNDER COUNCIL'S DEVELOPMENT APPLICATION – TREES.POLICY STATEMENT

Council manages the city's trees to ensure:

- The amenity value of these assets is maintained
- Any possible damage these trees may cause to the built environment are identified and managed
- Health or safety risks the trees may cause to the community are identified and managed.

Where it is necessary for Council to remove or prune any tree or other vegetation that is on or overhanging a public road for the purpose of carrying out road work or to remove a traffic hazard, it is done so under the provisions of the Roads Act 1993.

Any proposed plantings will be appropriately considered by Council's relevant officer(s) to ensure that a safe, healthy and attractive landscape and/or streetscape are maintained for the future.

1. ASSESSMENT OF TREES

Whether as part of a routine inspection or as a result of a request from a resident/landowner for maintenance of a tree growing on public land, trees will be assessed by a suitably qualified officer or contractor of Council to determine the most appropriate course of action. Tree assessments will be based on community health and safety, liability risks, its significance and/or heritage value, impact on its surrounding landscape, its condition and Council's available resources.

Tree maintenance will not, generally, be carried out on a tree that is:

- In a healthy condition with no predictable tree or branch failure
- Not interfering with utility services
- Not impeding motorists' line of sight
- Not causing major damage to public or private property
- Not causing risk to public safety or amenity.

The following reasons will not be considered when assessing trees for removal/pruning:

- Leaf, fruit, flower, seed, twig, bark or other litter build-up on private buildings or yards
- Enhancement of views
- Improvement of street lighting to private property
- Increase of sunlight to a dwelling, this includes solar panels. However, consideration will be given to allowing the thinning of the canopy of a tree on public land to improve the amount of sunlight into dwellings or onto solar panels where:
 - Any thinning of the canopy of the tree will not affect the amenity of the road or recreation space in which the tree is growing
 - The approved percentage reduction in the canopy of the tree will not adversely impact on the health and vigour of the tree
 - All work on the tree is undertaken by a contractor approved by Council
 - The cost of the work by the contractor is paid by the applicant directly to the contractor.
- Reduction in bird droppings or resin falling from the tree (except where there is a significant health risk associated with the issue)
- Disturbance to private infrastructure by tree roots (see section 1.3 of this policy)
- Proposed erection of a fence or because the tree causes, or will cause, damage to a fence
- Unidentified bushfire hazard.

1.1 Trees Growing on Public Land but Encroaching on Private Property

Permission must be obtained from Council by contacting the Recreation & Tree Works Coordinator prior to pruning any tree limbs overhanging private property from trees growing on Council Property. This is to ensure the removal of limbs does not unbalance the tree thus creating a potential hazard on the Council property.

Permission must be obtained from Council prior to cutting tree roots on private property from trees growing on Council property. This is because a significant cause of tree failure is previous root damage. Thus, if tree roots are damaging paths, paving or fencing, then repair/replacement of the structure must be considered before the tree's removal.

Council will not normally undertake repairs to private infrastructure, e.g. retaining walls, buildings etc, where damage is suspected to have been caused by trees growing on public land under the control of Council. However, enquiries may be referred in writing to Council's Officer Professional Services for Council's insurers to consider.



It is the responsibility of the property owner to maintain their underground sewer/stormwater pipes. If there is evidence of tree roots growing into pipes from a tree growing on adjacent Council land and the pipes cannot be repaired/replaced without seriously damaging the tree consideration will be given to the removal of the tree.

Council may cover the expense of having tree roots cleaned from the sewer and/or stormwater pipe(s) between the residence and the main. This will be at the discretion of Council's relevant officer who may require a qualified plumber's report to identify the root source. Council reserves the right to have a sample of the roots taken and analysed to verify the source of the roots.

1.2 Possible termite / pest activity in trees

Council will not always undertake the treatment of termites/pests in trees within parks, roads or bushland reserves as the treatment of termites/pests in trees will not stop them invading from other sources or properties. It is the landowner's responsibility to take the appropriate action to adequately protect their property from the invasion of termites/pests.

Council may consider the treatment of termites/pests in trees in some circumstances based on a risk assessment and at the discretion of the Council's relevant officer. Factors to be considered include:

- Location of the tree
- Target area under the tree
- Significance of the tree.

2. PLANTING OF NEW TREES

2.1 Approval

Approval must be granted by Council, prior to the planting of any trees or shrubs on Council owned/controlled land. All requests for new tree plantings will be considered by Council, provided the site is suitable for a tree or shrub as per Council's "Management of Trees on Public Land" Procedure located on Council's website.

Where Council is in receipt of a written request a site inspection will be carried out by Council's relevant officer to determine the appropriateness of the proposed new planting, including the site suitability and species to be planted.

Once approved, the resident can undertake the tree planting. Watering of the planted tree will be the resident's responsibility until the tree is established.

2.2 Species selection

All new species planted are to be selected from Council's preferred species list (available on Council's website) and be complementary to the existing landscape or streetscape.

A species not included on the preferred species list may be planted provided a thorough investigation of the species is undertaken by Council staff and it is determined that the planting will be suitable at the proposed location, not create a public safety issue, undue maintenance work or liability to Council. This will be at the discretion of Council's relevant officer.

2.3 Requests for Street Tree Planting

Requests for Council to undertake a street tree planting program will be considered subject to site suitability and funding being available. When planning new plantings, consideration will be given to planting avenues of trees in streets where there are site restrictions such as insufficient space or there is a preferred course of management in place; such as the existence of an overall street tree planting program for that street or area.



2.4 Privately Planted Trees

Where a tree has been planted in any street or reserve by a resident without Council approval and Council's relevant officer is of the opinion that the species and/or site of the planting is contrary to this policy or Council's Management of Trees on Public Land procedure, the officer may take appropriate action to have the tree removed or relocated.

POLICY DEFINITIONS

Prune: To cut away overgrown, decayed or damaged limbs and deadwood to improve safety, structure and the health of a tree

POLICY ADMINISTRATION

BUSINESS GROUP:	Infrastructure and Works
RESPONSIBLE OFFICER:	Group Manager Infrastructure and Works
COUNCIL REFERENCE:	Ordinary Council Meeting – 28 January 2020
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	122/938
RELEVANT LEGISLATION	<ul style="list-style-type: none">• <i>Local Land Services Act 2013</i>• <i>Biodiversity Conservation Act 2016</i>• <i>Environmental Protection and Biodiversity Conservation Act 1999 (Cth)</i>• <i>Maitland Local Environmental Plan 2011</i>• <i>Environmental Planning and Assessment Act 1979 (NSW)</i>• <i>National Parks and Wildlife Act 1974 (NSW)</i>• <i>Roads Act 1993 (NSW)</i>
RELATED POLICIES / PROCEDURES / PROTOCOLS	<ul style="list-style-type: none">• Management of Trees on Public Land Procedure• <i>Roads Act 1993 – Division 3 Miscellaneous – s 88 – Tree Felling</i>

POLICY HISTORY

1.0	9 October 2012	New policy adopted
2.0	23 August 2016	Policy reviewed
3.0	25 February 2020	Policy reviewed



