

Management of Trees on Public Land Policy

Date Adopted: 26 March 2024

Version: 4.1

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. 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/bat droppings, nuisance animals or resin/sap 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.
- Pruning of trees contrary to the Australian Standards AS4373/2007 – Pruning of Amenity Trees.
- ‘Topping’, ‘Lopping’ or tree height reduction.
- Pruning for visibility of commercial signage.
- Claimed to cause allergies

1.1. Trees growing on public land but encroaching on private property

Permission must be obtained from Council by contacting the Council Customer Experience team and lodging a request 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 email address info@maitland.nsw.gov.au

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 give consideration to the expense of having tree roots cleaned from the sewer and/or stormwater pipe(s) between the property boundary and the service 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 pest and disease activity in trees

Council will not always undertake the treatment of pests and disease (such as but not limited to termites/bees/pests) in trees within parks, roads or bushland reserves as the treatment of pests and disease 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 pests and disease.

Council may consider the treatment of pests and disease 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. Requests for street tree planting

Requests for Council to undertake street tree planting are to be lodged with the Council's Customer Experience Team, which is then assessed by Council's qualified officer. All requests will be considered subject to site analysis/suitability and current street tree planting programs.

2.2. Approval

All requests for new tree plantings from property owners will be considered by Council, providing the site is suitable for a tree as per Council Officers assessment which includes suitability but not limited to topography, underground/overhead services, sight distances, footpath widths, existing infrastructure and amenities in the area.

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

Once approved, Council will conduct the planting as part of the street tree planting schedule. Council encourages residents to take ownership of the establishment of the tree once planted, this includes watering, fertilising and general care.

2.3. Species selection

All species planted will be determined by Council staff and selected from Council's preferred species list and be complementary to the existing landscape or streetscape and availability at the time of planting.

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.

2.4. 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, the officer may take appropriate action to have the tree removed or relocated.

3. Development and project planning

To prevent damage occurring to trees on public land through the construction of developments and infrastructure projects, and to maintain good ongoing tree health, the following conditions apply:

- Any trees growing on public land within ten (10) metres of a construction site are to be identified on any design or architectural plans. The trees shall be protected in accordance with AS4970/2009 – Protection of Trees on Development Sites.
- Developments and projects should be designed to take into consideration the following suggested clearances:
 - Structure and earthworks are located outside of the Tree Protection Zone as defined in Australian Standard 4373/2007 - Pruning of amenity trees.
 - Driveways should be located no less than three (3) metres from an established tree located on public land or in line with the Tree Protection Zone whichever is greater.
 - 1.5m from newly planted tree (for example new build estate)
- Council may require the applicant or project planner to engage a suitably qualified arborist to provide an arboriculture impact statement and associated tree protection and tree management plans, in accordance with AS4970/2009 – Protection of Trees on Development Sites and AS4373/2007 – Pruning of Amenity Trees.
- Council will consider and may favour alternatives to removing the tree/s which may result in increased costs for the applicant.
- No pruning or removal of trees located on public land is to be undertaken without prior consent being issued in writing by a suitably qualified council officer.
- Where a request for removal, pruning or alternative treatments of a tree located on public land is related to construction of a new private structure or driveway and Council approves the works, the applicant may be responsible for any associated cost.

- All tree planting shall be undertaken in accordance with Council’s standard drawings and industry best practice.

4. Vandalism

Various legislation provides for an offence where a person who, without lawful excuse, wilfully or negligently injures, damages or removes any tree in a public place.

Council may implement actions relative to the severity and scale of the environmental vandalism.

Such actions may include:

- notifying surrounding residents
- installing temporary signage or banners at the site
- placing notifications on various media platforms available to Council.
- investigating and interviewing relevant persons
- issuing infringement notices
- retaining dead trees if safety concerns have been satisfied by Council
- re-planting replacement trees at a ratio of up to five replacement trees for every tree damaged
- considering legal proceedings if sufficient evidence exists
- offering an appropriate reward for information leading to a prosecution.

Policy Statement

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:	City Services
Responsible officer:	Manager Works
Council reference:	Council Meeting 26 March 2024 - Item 11.3
Policy review date:	Three (3) years from date of adoption
File number:	122/938
Relevant legislation	Local Land Services Act 2013 Biodiversity Conservation Act 2016 Biosecurity Act 2015 Environmental Protection and Biodiversity Conservation Act 1999 (Cth)

	<p>Maitland Local Environmental Plan 2011</p> <p>Environmental Planning and Assessment Act 1979 (NSW)</p> <p>National Parks and Wildlife Act 1974 (NSW)</p> <p>Roads Act 1993 (NSW)</p>
Related documents	<p>Management of Trees on Public Land Procedure</p> <p>Roads Act 1993 – Division 3 Miscellaneous – s 88 – Tree Felling</p>

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	9 October 2012	New policy adopted
2.0	23 August 2016	Policy reviewed
3.0	25 February 2020	Policy reviewed
4.0	26 March 2024	Policy reviewed
4.1	-	Updated to new branding and alignment to organisation structure. No change to content.