

Name of Policy:	Tree Maintenance on Council Managed Land		
Adoption by Council:	9 November 2022	Minute number:	442/2022
Last review date:	October 2022		
Review timeframe:	2 years		
Next scheduled review date:	October 2024		
Related legislation:	<i>Local Government Act 1993</i> <i>Civil Liability Act 2002</i> <i>Roads Act 1993</i>		
Associated policies/documents:	Vegetation Management Policy MidCoast Greening Strategy		
Responsible division:	Liveable Communities		

Policy objective

Council takes reasonable measures, within available resources, to manage the risks associated with trees located on land managed and controlled by MidCoast Council.

Appropriate management requires a balanced assessment of potential risks to the safety of community members or damage to infrastructure, while acknowledging the significant aesthetic and environmental benefits provided by trees.

Policy statement

Council will:

1. Inspect, record and prioritise maintenance of existing public tree assets.
2. Utilise a programme of systematic assessment and best practise tree management to reduce risk to the community.
3. Remove trees where there are no other reasonable alternatives to manage the safety risk.

Coverage of the policy

This policy applies to all staff undertaking maintenance on Council's tree assets and covers all land under MidCoast Council management and control.

Strategic Plan link

Community Outcome 2: An integrated and considered approach to managing our natural and built environments.

Policy content

1. Council will respond to requests for tree maintenance and inspection as received through the customer service request system.
2. A qualified MidCoast Council officer or contractor of Council will inspect the tree and determine the most appropriate course of action based on community risk.
3. If a visual inspection reveals the need to do so, a detailed technical inspection/report of a tree will be undertaken by a qualified arborist (with an AQF Level 5 qualification or higher).
4. Following inspection, the following reasons will generally be sufficient justification for removal / or action:
 - the tree, or part/s of the tree, pose an unacceptable risk because of its poor condition;
 - action is required to improve tree health or structural integrity;
 - need to provide nominal clearances for pathways, roads, buildings and other essential infrastructure.

If a potential risk can be mitigated by the selective removal of individual limbs or branches, this option shall be given preference over total removal of the tree, but only where the remaining tree would remain an acceptable risk.

5. The following reasons will not provide sufficient justification for MidCoast Council to undertake inspection or any action:
 - The falling of vegetative debris associated with the normal characteristics of healthy trees, including leaves, flowers, fruit, bark, twigs and minor branches
 - To reduce the impact from bird / bat / other animal waste or noise
 - Pest or disease infestation not affecting the trees structural integrity
 - View creation or preservation
 - Solar access for energy efficiency devices
 - Shade creation and / or access to winter sun
 - Moist environments and associated slippery or mouldy conditions
 - Overhanging branches
 - Perceived unsightliness
 - Building roof gutter or stormwater drain blockages due to falling leaves, debris and roots.

6. In limited circumstances, consideration may be given to allowing the self-funded tree maintenance of vegetation on public land by concerned persons when tree maintenance by MidCoast Council is not currently justifiable based on risk and/or budgetary constraints.
- (i) Circumstances may include (but are not restricted to) the pre-emptive removal of vegetation that is highly likely to become a future risk to existing property or newly approved development (i.e. property access, driveway, fencing etc.) or the removal of vegetation that is of low environmental value. Written approval must be given in advance of work being commenced and may come with specific conditions.
 - (ii) Request to remove vegetation must be in writing stating the reasons for the request and accompanied by a report of a qualified arborist (minimum AQF level 5) that details support for the proposed removal. Such approval must be sought in advance of any removal and the cost of the report be borne by the applicant.
 - (iii) Tree contractor used must be a member of the MidCoast Council Tree Services Panel at the time of undertaking any approved tree maintenance or removal.
7. Removal of trees or significant pruning of trees on land under MidCoast Council management and control without the prior approval of Council may lead to fines and or prosecution.

Note: Essential Energy have statutory authority under the NSW Electricity Supply Act 1995 to prevent trees from impacting electricity network operations. Similarly, Telecommunication providers have statutory authority under the Federal Government Telecommunications Act 1997 to manage interference of trees with communications infrastructure.

Definitions

Arborist

A professional tree surgeon that practices in arboriculture with minimum AQF level 5.

Inspection

A visual examination of a tree or branch near specified targets to identify certain obvious factors or specified conditions.

Tree Contractor

tree maintenance professional that undertakes tree maintenance activities.

References and related documents

- AS 4373-2007 – Pruning of Amenity Trees
- Statewide Mutual's Best Practice Manual – Trees and Tree Roots

Responsible officer (position)

Manager Community Assets