

Public Tree Management Policy 2022



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

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Public Tree Management Policy

1.0 Purpose

This policy has been prepared to assist the community, volunteers, Council staff, contractors, consultants, and utility authorities in regard to the management, removal and replacement of trees in streets, parks, and reserves within the Kiama Municipal Council area.

This policy establishes Council's commitment to the enhancement, protection, management and maintenance of public trees and vegetation.

This policy also provides a consistent approach to deterring and responding to deliberate acts of vandalism to trees and vegetation on Council owned or managed land.

Note: For tree management on privately owned land refer to Development Control Plan 2020 Chapter 2 Topic 2.4 and Appendices 1-7.

2.0 Objectives

The objectives of this policy are:

- i. To improve local streetscapes by planting trees appropriate to the local environment and urban services
- ii. To pursue a planned and coordinated approach to the planting and replacement of trees throughout the Municipality in accordance with agreed tree selection criteria, and to provide direction to community and Council staff on the care and management of trees
- iii. To establish the procedural framework and requirements governing the pruning, removal and subsequent replacement of trees within Kiama Municipal Council area
- iv. To ensure all new tree planting proposals consider impacts on local amenity, existing view corridors, health and safety, solar access, and property and infrastructure except where natural areas have been vandalised and restoration to previous state is required
- v. Provide consistent effective outcomes in Council's deterrence, investigation and response procedures to tree and vegetation vandalism incidents as resources permit.
- vi. Promote and guide broader community involvement in the prevention of vandalism, and in the investigation and enforcement processes undertaken by Council when responding to such incidents
- vii. Provide guidance to Council's investigation officers in the legal use of covert surveillance cameras for the purpose of investigating and prosecuting tree and vegetation vandalism offences.
- viii. Ensure all revegetation planning, rehabilitation and management is based on science and established best-practice.

3.0 Land to which this policy applies

This policy applies to Council road verges, street trees, parks, reserves, natural areas, some beaches, dunes, vegetation, and other public places owned or under the management of Kiama Council. For tree management on privately owned land see Development Control Plan 2020 Chapter 2 Topic 2.4 and Appendices 1-7.

4.0 Planting trees

Council will request and encourage the local community to help in maintaining the trees planted in public areas by assisting with the watering and care of newly planted trees.

4.1 Tree planting by residents

Where a tree has been planted in any street or reserve by the community and Council's qualified staff is of the view that the species and/or site of the planting is contrary to this policy, then Council may take action for the removal or relocation of the inappropriate tree planting.

4.2 Annual tree planting program

Council will develop a tree planting program to replace trees that have been removed during the previous year and replacing any newly planted trees that have failed from the previous year.

4.3 Replacement of trees removed by Council

Trees that have died, been removed due to disease, causing root damage, health and safety factors or any other reason shall be replaced with an appropriate species for that site.

4.4 Requests by residents for trees

All requests from residents for trees to be planted will be considered by Council. Providing that the site is suitable for a tree, an appropriate species will be selected and planted by Council after consultation with the resident.

4.5 Selection of species – new plantings

Street tree and reserve species selection will be determined by a qualified Council officer after consultation with residents. Streets will be planted with a mix of species depending upon the existing or desired aesthetic outcome.

Tree species will be selected for planting in the various streets based on their suitability, performance, life expectancy and safety factors.

Preferred species will be trees native to the region although other native and non-native species may be used depending on the character of the street or reserve.

Bushfire resistant native species will be considered in bush fire prone areas.

4.6 Street tree placement

The positioning of street trees must consider many factors, the most important being vehicle sightlines for public safety and minimising damage to private and public infrastructure as the tree grows.

4.7 Parks and reserves tree placement

Trees planted in parks and reserves should be located so that the mature size of the tree will not damage any buildings/ fences or other property. The tree should be located so that the mature canopy spread does not overhang buildings, fences or other built forms except to provide shading of park benches, picnic tables and shelters.

4.8 Consideration of views and tree placement

Any tree planted in streets, parks or reserves, will consider the location of that tree, the role that tree serves in any particular location, as well as the view lines of nearby residents. In considering the impact on views the residents will be consulted as part of the process (Note – this does not apply to unauthorised tree removal or vandalism, or to trees that have died naturally of unknown causes).

4.9 Consideration of solar access and tree placement

Any tree planted in streets, parks or reserves must consider the impact on solar access to nearby residential properties and on existing solar panels and any other infrastructure adversely effected by shading. For more information see section 6.1.

5.0 Tree maintenance

5.1 Preventative maintenance

Council does not have a preventative maintenance tree management program. Once Council is notified, it will carry out maintenance of street trees and trees in parks and reserves. Tree maintenance work will be done by Council's staff or designated contractors. All work on trees will be in accordance with Australian Standard AS 4373-2007 Pruning of Amenity Trees.

5.2 Liability

Generally, under Civil Liability Act, there is no liability for Council if a public tree causes damage to infrastructure, pipes or driveway cross-overs located in road reserves.

The Civil Liability Act, Roads Act & Dividing Fences Act provide some limitations for Council in the event of public tree damage to private property. Any claim for damage must be assessed on its individual merits.

Council's maintenance of trees will consider the risk management and hazard abatement strategies for existing trees as set out in Attachment 1.

6.0 Tree removal and pruning

Requests for the removal or pruning of street trees and trees in parks or reserves will be inspected by Council's qualified staff using a Visual Tree Assessment (VTA) which is a widely accepted arboricultural method for assessment and defect analysis.

6.1 Tree removal or pruning considerations

Council will base any decision to remove or prune a public tree or trees on one or more of the following criteria:

- i. Public safety hazard posed by the tree, which is considered significant (based on likelihood and consequence of any impacts) and which cannot be overcome by any other reasonable and practicable means
- ii. The condition of the tree
- iii. The ecological significance of the tree, including the tree's habitat value
- iv. The local significance of the tree
- v. Public infrastructure damage being caused by the tree, which is considered significant and which cannot be overcome by any other reasonable and practicable means
- vi. Damage caused by the public tree to significant structures on private land where mitigation of the damage cannot be overcome by any other reasonable and practicable means
- vii. Where solar access is less than 3 hours a day between 9am and 3pm on June 22 on at least 50% of habitable room windows on a private residence where the shadowing is caused by public trees
- viii. Any other reason at the discretion of Council's staff, which can be justified on either technical or legal grounds.

If a tree is causing problems for a particular resident, a variety of solutions will be explored to resolve the problem where possible before considering the need for removal of the tree. Residents will be advised on steps they can take to minimise the undesirable traits of a tree.

In general, Council will use the risk management and hazard abatement strategies for existing trees as set out in Attachment 1.

6.2 Reasons trees will not be removed or pruned

Council will not consider the following as valid reasons for the removal or pruning of public trees or vegetation:

- i. shedding of leaves, bark, fruit, flowers, sticks which is part of the normal life cycle of the tree and animal and bird droppings and noise

- ii. street lighting (except in circumstances where inadequate street lighting adversely impacts crime prevention and/or public safety such as obscuring pedestrian paths of travel)
- iii. maintaining, improving or creating of private views
- iv. for the sole purpose of enhanced solar access to solar appliances. However, Council will consider applications for pruning of public trees in accordance with AS4373-2007 Pruning of Amenity Trees. In these situations, Council's assessing officer will determine the amount of pruning permitted to address performance concerns relating to solar appliances
- v. improved communication signals
- vi. facilitation of off-street parking or minor lifting of driveways and paths by tree roots
- vii. an existing public tree that is now considered a weed species or has been planted in a location that does not conform to this policy.

6.3 Decision making and review process

Requests to remove or prune a public tree are assessed by Council's Tree Management Officer or a Council appointed qualified arborist. Council will generally only remove or prune public trees on the recommendation of these qualified persons.

Where an applicant is not satisfied with the recommendation to remove or not remove a public tree, the applicant can seek a review of the decision by Council's Director Engineering & Works. This review must be made in writing and is for the purposes to ensure that the recommendation has been made consistent with this Policy.

All decisions regarding tree removal will be made in accordance with this policy, unless otherwise resolved by Council.

6.4 Tree removal register

Trees authorised for removal from public places shall be listed on council's website detailing location, species, approval date and reason for removal.

6.5 Emergency situations

In emergency situations, risks to public safety and property will take priority in public tree pruning and removal decisions, where the action is carried out by Council, State Emergency Services, Rural Fire Service or other emergency service authority.

7.0 Tree and vegetation vandalism

Council is committed to deterring and responding to deliberate acts of vandalism to trees and vegetation on Council owned or managed public land.

For the purpose of this document, tree and vegetation vandalism means the unlawful ringbarking, cutting down, topping, lopping, pruning, removal, injuring, poisoning, burning, mowing over or wilfully destroying any tree (regardless of height, trunk diameter or branch spread) or other vegetation on Council owned or managed land. Unauthorised removal, damage and poisoning of public trees and vegetation are prohibited acts and penalties are in place for breaches.

7.1 Prevention

Council will use targeted prevention measures for vandalism areas or areas of high sensitivity. This may include:

- Targeted community education in a localised area
- Increasing Council Officer presence in the area
- Implementing CCTV surveillance
- Monitoring site condition through photographs and aerial photographs
- Engage community groups in the targeted area

- Developing, reviewing and implementing plans of management for high risk or sensitive areas
- Installation of signage
- Liaise with NSW Police.

7.2 Monitoring

Council will record tree/vegetation vandalism incidents and its response in Council's existing customer request management system and will use this system to:

- Ensure job is delegated to appropriate council officer
- Allow an assessment of the cumulative impacts of vandalism
- Identify high risk areas
- Monitor the effectiveness of rehabilitation
- Provide community education as required.

The following details about each tree/vegetation vandalism incident will be recorded as a minimum:

- The location of the offence
- The area that has been impacted upon
- Whether the vandalised tree(s)/vegetation was/were planted for amenity reasons, or was/were planted as part of a Landcare site, or was/were planted as part of contracted restoration works, or form(ed) part of a native vegetation community
- Method of vandalism (e.g. cut, poisoned, burnt or unknown).

Council does not have the resources to monitor all areas within the Municipality, therefore monitoring and incident reporting by community members is an integral part to reducing and acting upon acts of vandalism.

7.3 Response

7.3.1 Low impact incidents

Examples may include; unauthorised pruning of small limbs, repeated removal/damage of recently planted seedlings/trees or landscaping/ removal/damage understorey vegetation.

Response measures may include but not limited to:

- Post letters to surrounding properties notifying residents of the vandalism and requesting information
- Investigate and interview relevant persons
- Install small temporary signs (A1) at the site pointing out the damage and requesting information from the public. Signs are to remain until replacement trees have been restored to council's satisfaction
- Rehabilitate the site or re-plant trees at a ratio of up to five replacement trees for every tree damaged
- Issue infringement notices where appropriate
- Implement CCTV to the affected area for large scale and persistent cases of vandalism or in highly sensitive areas.

7.3.2 High impact incidents

Examples may include; poisoning, ringbarking or removal of mature trees or significant understorey vegetation, removal/damage to large areas of native vegetation, vandalism to highly sensitive areas or the vandalism has a significant visual impact to other residents and the public.

Response measures may include but not limited to:

- Post letters to surrounding properties notifying residents of the vandalism and requesting information
- Investigate and interview relevant persons as they are identified and / or provide this information to NSW Police
- Place a notice regarding the vandalism in the local media
- Erect a sign on the ground and/or install banners in the tree canopy/ground level of an appropriate size to the site (signs or banners are to remain until replacement trees have been restored to Council's satisfaction)
- Where large trees have died from poisoning, the tree will be labelled with a yellow "Poisoned" stencil
- Retain dead trees once safety concerns are satisfied by Council
- Re-plant replacement trees at a ratio of up to five replacement trees for every tree damaged
- Offer an appropriate reward up to \$500, for information leading to a successful prosecution
- Consider legal proceedings if sufficient evidence exists
- Implement CCTV to the affected area for large scale and persistent cases of vandalism or in highly sensitive areas
- Covert surveillance cameras may be used as a response measure for high impact vandalism incidents at the discretion of the Chief Executive Officer.

7.4 Regulation and enforcement

Council becomes aware of tree and vegetation vandalism in a variety of ways, from the proactive actions of Council staff to the receipt of notifications from members of the public. Neighbouring residents and property owners are crucial for providing evidence that may lead to the identification and/or prosecution of vandals.

Complaints or requests alleging tree and vegetation vandalism will be recorded confidentially in Council's records management system. The request will be investigated, and the impact of the incident (either low or high) will be determined using Council's Tree / vegetation vandalism assessment procedure. The assessment will include consideration of the number of trees and/or the size of the area of established understory that is involved, whether the tree(s) is/are part of a heritage item, whether the tree(s)/established understory is/are a part of an endangered ecological community and whether the location where the vandalism of trees or damaged understory vegetation has a significant visual impact on other residents and the public.

Penalty infringement notices will be issued by Council for minor offences, while more serious acts of vandalism may result in further action being taken through the Local Court or the Land and Environment Court.

This policy aims to cover responses to the most common and serious forms of vandalism within the local government area however, if the response measures outlined in this policy are not deemed sufficient the Council's Chief Executive Officer may give approval for alternate measures.

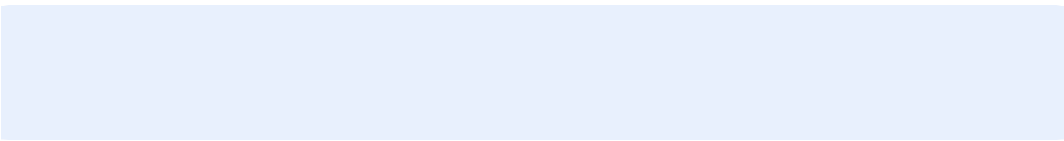
8.0 Attachments

- Attachment 1 – Risk management and hazard abatement strategies for existing trees
- Attachment 2 – Tree / vegetation vandalism sample signs

9.0 Document control

Date reviewed	Date adopted	Amendment
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Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

10.0 Signature

Name: Click or tap here to enter name.	Date: Click or tap to enter a date.
Signature: 	

Attachment 1 - Risk management and hazard abatement strategies for existing trees

Strategy	Description
Monitor trip points	Where no other practical method can be employed to prevent this occurring, a regular trip point inspection program should be instigated and pavement replaced or repaired as necessary.
Flexible pathways	Use of flexible material such as bitumen, paving or rubber compounds for footpaths and tree surrounds will reduce the occurrence of trip points and is less expensive and easier than concrete to maintain or replace when necessary.
Re-direct pathways	Where space allows, pathways should be re-directed away from trees/tree roots. It may also be beneficial to reduce the newly directed pathway width.
Bridging footpaths	Self-supporting construction methods such as pier and beam could be used to raise pathways above the roots, allowing for root expansion without damaging the pavement. Timber bridges are an effective option.
Root pruning	Non-structural roots could be pruned on a predetermined basis under the guidance of a qualified arborist. This practice could be combined with installation of root barriers where appropriate.
Root barriers	Where future problems are perceived, barriers could be installed to deflect roots away from pavement or services.
Tunneling for services	Tunneling (directional boring) rather than open trenching for Services underground services will greatly reduce public risk as well reducing injury to tree roots. If located deeply, root contact with the pipeline may be minimised as the majority of roots of most species will remain within the top 1 metre of soil (based on a soil with medium texture).
PVC welded piping	Replacement of old porous clay pipe mains with PVC or polyurethane mainlines will significantly reduce the potential for tree root entry.
Raising pathways	Where appropriate, pathways could be raised to reduce direct root pressure on the pavement. Care must be taken not to build up soil against the trunk of a tree. Aeration piping, in conjunction with geotextile fabric and gravel should be installed between root zone and new pavement to aid with gas exchange to roots. Care should be taken to shape the new surface to drain water away from the trunk of the tree.
Insulated (ABC) cabling	Replacement of uninsulated overhead powerlines with insulated and bundled cables will reduce both the clearance needed and the pruning costs and severity.



Sample sign: For low impact incidents and/or sites under monitoring.

Note: Depending on the site and incident, size of sign and wording may vary to suit the site.

TREE/VEGETATION VANDALISM SITE

THIS AREA HAS BEEN SUBJECT TO
TREE/VEGETATION VANDALISM. THIS
VEGETATION PROVIDES HABITAT FOR
NATIVE ANIMALS, EROSION PROTECTION
AND AMENITY FOR THE COMMUNITY.
THIS AREA IS UNDER CCTV
SURVEILLANCE.

HEAVY FINES APPLY

Please be vigilant and report
any damage or clearing of
vegetation to Kiama Municipal
Council on 4232 0444



Sample Sign: For high impact incidents and/or sites under monitoring.

Note: Depending on the site and incident, the size of the sign and wording may vary to suit the site.

TREE/VEGETATION VANDALISM SITE

THIS AREA HAS BEEN SUBJECT TO TREE/VEGETATION VANDALISM.
THIS VEGETATION PROVIDES HABITAT FOR NATIVE ANIMALS,
EROSION PROTECTION AND AMENITY FOR THE COMMUNITY. THIS
AREA IS UNDER CCTV SURVEILLANCE.

HEAVY FINES APPLY

Please be vigilant and report any damage or clearing of
vegetation to Kiama Municipal Council on 4232 0444



Sample Banner: For high impact incidents and/or sites under monitoring.

Note: Depending on the site and incident, the size of the sign and wording may vary to suit the site.

How to contact Council

Post

Chief Executive Officer
Kiama Municipal Council
PO Box 75
KIAMA NSW 2533

Telephone

+61 2 4232 0444

Online

Email: council@kiama.nsw.gov.au

Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)

