



STREET TREE POLICY

Policy No: 3.6.11 (v4)

Date Adopted: 28 March 2023

Resolution No: 2023/40

Supersedes: 3.6.11 (v3) Street Tree Policy

Adopted: 26/11/2019

Resolution Number: 159/2017

Proposed Review Date: March 2025

Responsible Officer: Manager Works

Verified by General Manager..... Verified by Mayor.....

1. Intent

This policy will guide decision making and assist in the management of street trees located in Bourke Shire.

Street trees enhance the amenity and streetscape but can create hazards for road users and restrict access to properties and services within the road reserve. In addition, they can cause damage to footpaths and other assets on roads and to private property, (which may cause further hazards), drop leaves, berries and branches and damage vehicles.

Whether planted by Council or others, street trees become the responsibility of Council. As such it is essential that Council maintains control of the selection, planting, maintenance and removal of street trees.

OBJECTIVES

The objectives of this policy are to: -

- To improve the amenity and to maintain the integrity of the landscape through appropriate plantings and management.
- To promote the establishment of street trees throughout the towns and villages.
- To ensure safe access to properties and safe use of the street.
- To minimise impact on services
- To detail the responsibility and legal position of Council and others in relation to street trees.
- To support the Bourke Street Tree Masterplan.
- To provide staff guidance in dealing with street tree issues.

2. Scope

This policy applies to:

- All plantings of street trees in the urban areas, of both town and villages in the Bourke Shire Council area.

3. Procedure

General Street Tree Policy

- A street tree is defined as any bush or tree with the potential to reach 2 metres or higher in height
- Council will promote the establishment of street trees throughout the shire

- Council will establish a street tree inspection and treatment regime to mitigate the hazards that can be created by street trees.
- Council's Manager of Works will be responsible for the maintenance of street trees.
- Council will provide an annual budget for the effective management of street trees.
- Council will establish and maintain a complaint system for street trees.
- Council will establish and maintain a Street Tree Masterplan which will guide the effective management of all existing and new street trees.

Selection of New Trees / Street Tree Planting

- The selection of tree species for new or replacement street trees will be in accordance with Council's Street Tree Masterplan and replacement program.
- A private landowner may be granted permission to plant a street tree of an approved variety adjacent to his property, with approval from Council.
- Requests to plant street trees of a variety not contained in the Street Tree Masterplan shall be referred to Council for decision.
- Trees under power lines must be treated in accordance with Essential Energy's "Vegetation Management Agreement" CE/BSC.
- Consideration must also be given to existing infrastructure in the selection and placement of trees.

Street Tree Removal

- Trees shall only be removed when they are posing a danger to people or infrastructure or they are in poor health or dead.
- Where a resident requests the removal of a tree that is said to be posing a danger to people or infrastructure or a tree that is in poor health, Council's Manager of Works will initially undertake a visual inspection of the subject tree.
- Where the Manager is of the view that the tree does not meet the criteria of posing a danger to people or infrastructure or being in poor health, the resident is advised accordingly. Should the resident wish to pursue removal of the tree, they can fund at their expense a risk assessment by a qualified arborist for submission to Council for determination in respect of the request.
- Where the Manager of Works is in agreement as to the veracity of the request for removal, a risk assessment by a qualified arborist will be arranged and funded by Council. Subject to the recommendation of such assessment, Council will then arrange for the removal of the tree, having regard to the availability of funds in Council's tree budget and the urgency of doing so as provided in the assessment report.

- Notwithstanding the above, street trees that are deemed by Council's Manager of Works as being either dead, or as causing danger or a hazard to persons and /or traffic such that they require expeditious removal, the General Manager is specifically authorised to take the necessary action in respect of the removal of such tree, having regard to the NSW Work, Health and Safety Act 2011 and Work, Health and Safety Regulations.
- On an annual basis, Council will identify trees that evidently require removal, including Queensland Figs. These will generally be determined by an annual risk assessment which will prioritise the worst trees for removal. These will be reported to Council for determination in respect of potential removal.
- If an adjacent landowner wishes to have a tree, including a Queensland Fig, removed ahead of the annual schedule adopted by Council, then this can only be achieved if the landowner obtains the consent of Council, including assessment by a qualified arborist and meets the full cost of such report and removal, where approved.
- Prior to removal of all trees, excepting dead trees, a report shall be provided to a meeting of Council and following Council's determination of such removal, a notice of intention to remove the trees will be placed in local media and on Council's website with a 21-day exhibition period being applicable. A notice of "Proposed Street Tree Removal" shall be provided to adjacent landowners providing them with an opportunity to comment on the proposed removal. In the event of no objections being received following the exhibition period, removal of the respective shall proceed. In the event of an objection(s) being received, a further report shall be submitted to Council for determination.

Street Tree Pruning

- Pruning of street trees may only be carried out by Council or by those authorised by Council.
- Pruning work must be carried out in accordance with AS 4373 "Pruning of Amenity Trees" and the Safework Code of Practice "Amenity Tree Industry".
- Any request for pruning is to be issued on the BSC "Application form to remove or Prune a tree" to be authorised by Manager of Works and completed when budget allows and work can be programmed.
- Council encourages the local community to help in maintaining the trees planted in their street by assisting with watering of trees adjacent to their property.

Street Tree Overhanging Private Property

- When a request from a property owner seeking removal or lopping of street trees (which overhangs their property) is received, the request shall be investigated by the Manager of Works. The work will be risk assessed and work

programmed accordingly in line with the existing program and budgetary provisions.

Legal Issues

- Council may seek reimbursement from residents if they kill, remove or damage a Council owned tree or make the tree structurally unsound.
- Council in its decision-making process is mindful of its legal liability that may arise out of the planting and maintenance of street trees.

4. Linkages

4.1 Applicable Legislation

This policy is to be read in conjunction with the following:

- Statewide Best Practice Manual “Trees and Tree Root Management”
- Essential Energy “Vegetation Management Agreement” CE/BSC
- Safework Code of Practice “Amenity Tree Industry”
- AS 4373 – “Pruning of Amenity Trees”
- Bourke Street Tree Masterplan
- Resolutions of Council
- BSC Application form to remove or Prune a tree

4.2 Related Policies and Procedures

There are no related Policies.

5. Review

This Policy will be reviewed every three (3) years or as required in the event of legislative changes. Any amendment to the Policy must be by way of a Council Resolution or the approval of the General Manager.

5.1 Policy Amendments

Version	Date Approved	Description of Changes
v3	26/11/2019	
v4	28/03/2023	Review and update of Procedures

5.2 Variation

Council retains the right to review, vary or revoke this policy at any time. The General Manager has the right to review or vary these procedures.

Presented to MANEX on: 08/03/2023