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## **T69. Tree Management Policy**

<b>Title:</b>	<b>Tree Management Policy</b>
<b>Policy No:</b>	<b>T69.</b>
<b>Policy Replaces:</b>	<b>T69, T70, T80, T85, T90, T100, and T110</b>
<b>Keywords:</b>	<b>Tree Management, Tree Removal, Root Damage, Ring barking, Trees Maintenance</b>
<b>Responsible Officer:</b>	<b>Divisional Manager – Civic and Urban Services and Deputy General Manger People Place &amp; Infrastructure</b>

### **1. PURPOSE AND AUTHORITY OF THIS POLICY**

This policy is intended to be the umbrella for a suite of related documents located under the *Manly Council Tree Management Strategy – Trees for a Sustainable Manly*. Note. This policy is inclusive of former separate policies T70, T80, T85, T90, T100, and T110.

This policy has been authorised by the General Manager and Council and is available to all Council officials, the general public and developers. It has been developed in consultation with staff and has been exhibited and consulted through the community and Precincts. Ownership of the policy rests with the Divisional Manager Civic and Urban Services, and Deputy General Manager, Landuse and Sustainability of Council who is responsible for administering the Council's tree and vegetation preservation regulatory controls or similar instrument under the State legislation requirements.

### **2. POLICY STATEMENT**

This policy directs actions required in respect of trees within the Manly local government area (LGA), within private and public land, and directs actions from the Tree Management Strategy, to be implemented as a process.

This policy supersedes and replaces various former separate tree policies referred to above.

### **3. PRINCIPLES**

1. Establish Manly Council's commitment to, and the future strategic direction for, tree protection, management, planting and maintenance for its streets and parks in the Manly LGA.
2. Provide a rationale for decision making to ensure consistency in the management of park and street trees in the Manly LGA.
3. Address issues related to the park and street tree management and maintenance faced by Manly Council. Provide for a strategy to improve the current 'tree environment' and pass on an improved heritage of trees to the future.
4. Provide direction to support Council's commitment to tree protection, management, planting and maintenance for trees in parks and on streets in the Manly LGA.
5. To consolidate existing tree related policy documents into a directional strategy.
6. Develop a succession planting plan for all Manly's mature tree stock in streets and parks, building on Manly's unique image.

The Strategy documents included in the tree management decision making process are:

- SEPP19- Bushland in Urban Areas;
- Tree Management Strategy;
- Tree Preservation Order;
- Street Tree Master Plan (to be further developed);
- Significant Tree Register (to be further developed);

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- Norfolk Island Pine Management Plan;
  - Trees Removal of “Ficus” Varieties;
  - Trees Ringbarking, Poisoning, Root Damage;
  - Nature Strip Garden Policy (to be developed by Natural Resources);
  - Manly Local Environmental Plan 2013 (cl. 5.9 and 5.9AA);
  - Manly DCP 2013.

Trees and vegetation listed as items of the environmental heritage include the following:

- Street trees;
- Vegetation within parks and reserves (exotic and endemic) and individual trees;
- Species listed under the Threatened Species Conservation Act 1995 (NSW);
- Species listed under the Noxious Weeds Act 1993 NSW);
- Endangered ecological communities/Eastern Suburbs banksia scrub/littoral rainforest.

This Policy and the associated Tree Management Strategy’ aim to balance the needs of our trees and our community, so as to:

- optimise the capacity of our urban forest to provide both present and future residents with environmental, economic, and social benefits;
- achieve a balance between minimising risks and liabilities to the community whilst delivering a sustainable urban tree cover;
- achieve target canopy cover, stocking levels and projected life spans for the LGA’s trees, including replacing removed trees and planning for deteriorating and ageing street and park trees;
- achieve efficient, cost-effective, and sustainable management of the LGA’s trees by coordinating efforts across Council and others’ programs;
- minimise tree interference with existing above and below ground services, signage, street lighting, and public and private structures;
- encourage space for street tree planting through design coordination between Council divisions/business units and utility organisations;
- minimise impacts on existing trees by providing clear approval processes and ensuring coordination across Council’s planning guidelines and improvement programs, and between Council and others in infrastructure development and management;
- uphold Council’s duty of care, and commitment to public safety, including a ‘good neighbour’ approach to managing trees adjacent to private property;
- engage the community, provide open and accountable decision making, and encourage stewardship and partnership;
- support sustainable development and management practices;
- preserve and enhance Manly’s tree heritage as it relates to iconic plantings, significant trees, and livability;
- provide shade cover for streets, public parks, and reserves;
- maintain diversity within the different Precincts of Manly;
- provide shade cover for users of our streets and public parks; and
- develop a succession planting plan for all Manly’s significant trees and major plantings in parks, reserves, and streets.

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## RETAINING TREES

Keeping established trees, particularly in areas undergoing a change in land use, is the most cost-effective way as respects sustainability. Conditions of development consents will be used to ensure that, where appropriate, established trees are protected through all stages of a proposed development (*eg insertion of the 'Protection of trees on development sites' - AS 4970-2009*).

## TREE PLANTING

Planting new trees is important in enhancing and renewing urban tree cover. Council is directly involved in planting trees as well as requiring tree planting by others.

Tree species should be selected having special regard to the following matters:

- the purpose of the planting
- the available space
- the conditions of the site (including consideration of climate change effects)
- the related infrastructure.

While endemic tree species are the most appropriate for restoring habitat, some non-native species or exotics (*excluding pest plants*) such as Norfolk Pines are part of the landscape character and botanic history of the Manly ocean beach front, esplanades, streets, and parks.

The planting of street trees should:

- promote tree lined boulevards along arterial roads and major entry roads, including feature tree species iconic to the landscape of Manly;
- contribute to the local streetscape quality, storm water management;
- be guided by existing canopy cover density, urban 'hot-spots', and resident requests;
- favour whole-street plantings or blocks within streets in preference to individual plantings (this being more efficient as respects both establishment and ongoing maintenance);
- favour clear trunked, small to medium shade tree species under power lines in residential streets so as to minimise maintenance requirements;
- encourage high quality vistas;
- encourage community participation in street and park tree planting programs to promote ongoing stewardship;
- take into account and build on the historical and heritage plantings in individual streets and suburbs;
- enhance and protect habitats and walkways;
- promote shade and amenity at picnic areas, pathways, spectator areas, playgrounds, and carparks; and
- conserve historically significant tree plantings and designs and develop a succession of plans for existing heritage plantings to maintain the historic character of Manly.

## BUSHLAND FORESHORE AND BROAD SCALE AREAS

Tree planting in bushland and broad scale areas should:

- add to biodiversity by revegetating degraded land;
- assist the natural regeneration of desired species within significant conservation areas;
- favour endemic species so as to provide safe corridors for fauna and flora;
- improve biodiversity value of remnant vegetation by suppressing weeds species;
- contribute to the conservation of Manly's unique biodiversity and waterway health;

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- contribute to a native vegetation cover target;
  - eliminate tree pruning or removal of trees in bushland except for structural integrity or safety reasons; and
  - Discourage and prevent the pruning of trees in foreshore protection zones.

## **REMOVAL OR PRUNING OF TREES IN BUSHLAND**

The removal or pruning of trees in bushland (other than those listed below) is prohibited:

- dangerous trees;
- dead trees (subject to habitat evaluation);
- noxious weeds; and
- exempt species from Council Policies or undesirable trees.

## **BUSHLAND AND HABITAT CORRIDORS**

Bushland corridors are important to our natural areas. These linkages can be by way of natural existing corridors or via streets or private open space where an owner's agreement can be obtained. Council will endeavour to continue to create these corridors through its street tree planting programs, as well as by seeking private agreement to enhance corridor linkages throughout the Manly LGA.

## **TREE REPLACEMENT**

Council is committed to replacing any tree which has been removed, whether it has been removed according to the above guidelines or removed by way of a tree removal permit. Residents will be required to replace a tree on their property if one has been removed.

## **GOOD NEIGHBOUR APPROACH**

Council will adopt a 'good neighbour' approach to managing trees near property boundaries by undertaking tree maintenance works that address genuine 'nuisance' issues to the adjacent property owner. Where possible, significant trees nearing the end of their life expectancy will have succession planting carried out to allow for establishment of a new tree prior to any removal of an existing tree.

## **DEAD TREES**

Dead trees on public land will **not** be notified for removal but will be removed during the course of the cyclic works program, unless any such tree is dangerous in which case it will be removed as soon as possible. Dead trees on private property do not require a permit for removal but must be technically dead (that is, no green vegetation present and not a deciduous species).

## **COSTS OF TREES IN THE URBAN ENVIRONMENT**

Trees are major community assets, and considerable sums of public money are invested in their establishment and management, usually through local government or other public funding.

A priority for Council is to identify the mitigation of damage caused by trees to infrastructure and services. A maximum cost (generally around \$10,000) will be outlined in order to keep a tree that is creating infrastructure issues or related claims for damage. *Ficus microcarpa* var. Hillii (Hills Weeping Fig) and *Populus* sp. (Poplar) have been identified as species that are particularly problematic within Manly LGA in relation to underground pipelines and surrounding infrastructure damage. Where conflict occurs between trees and infrastructure, the cost of damages to either the tree or infrastructure will be considered carefully by Council. Action will be taken to remove trees causing damage to infrastructure only after careful consideration.

## **TREE SELECTION CRITERIA**

As most trees in the streets and parks of the Manly LGA will occupy their planting sites for a significant length of time, a carefully considered selection of site and appropriate tree species is vital. Established trees within the streetscape will influence the choice of future new trees to be planted, trees which are performing

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well will continue to be used within the Council region where appropriate. Trees which perform poorly or are particularly damaging to pavements, kerbs, gutters, or underground services are more likely and eligible to be replaced, taking the opportunity to introduce additional tree species or cultivars.

There is a range of issues that Council will consider when selecting the type of trees to plant across the LGA, including, but not limited to the following:

- climate;
- geology and soils;
- topography;
- wildlife habitat;
- native versus exotic tree selection;
- drought tolerance;
- tolerance of pests and diseases;
- tolerance of atmospheric pollution;
- performance record;
- provision of shade to pavement and road;
- safety and visibility;
- availability at advanced size;
- acceptable leaf and fruit fall characteristics;
- low risk of becoming environmental weed;
- proneness to major limb shear;
- life expectancy;
- capacity to lift pavements and kerbing;
- low maintenance;
- solar access;
- relationship with distinctive landscape characters;
- ultimate size of tree canopy;
- historic and cultural associations;
- form of tree canopy;
- corridor potential and value to natural fauna;
- overhead power lines;
- narrow footpaths;
- related issues with the tree species;
- consistency and visual uniformity for each street;
- reinforcement of major features such as gateways and foreshore areas of Manly; and
- enhancement of key cultural and commercial areas.

## **TREE MAINTENANCE AND REMOVALS**

### **Tree Maintenance**

Council recognises that trees are an important community asset with value to Council. Understanding this value helps Council make decisions about aiming to achieve proactive rather than reactive maintenance activities, including the following:

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## Inspection

- Council will routinely carry out visual inspections of large trees in high visitation areas of parks (eg over paths, playgrounds, carparks, playing fields, and areas adjacent to private property boundaries).
- Council will prioritise visual inspections of street trees during annual maintenance programs.
- Council will carry out additional visual and technical inspections in response to community concerns or suspicion of a tree's health or safety.
- Where appropriate, Council will prune young trees to encourage strong and functional tree growth patterns, and periodically prune branches to address structural weaknesses and prevent foliage from obstructing street signs, traffic, street lighting, power lines, rooflines, and pedestrians.
- All pruning will be done by suitably trained and qualified staff.
- Removal of any tree is considered an action of last resort. The intention is to maintain or increase the tree canopy of the whole of the LGA. Therefore removal of a tree must be followed by replacement planting.
- Appropriate watering and fertilising of trees will be carried out where trees identified by technical staff as to be in decline.

## Tree Removal

Trees will only be removed after careful consideration of a number of factors including, but not limited to, the following:

- Risk to public safety;
- Significance and value;
- Life expectancy and condition (health and structure);
- Damage to structures and or ongoing maintenance costs in relation to surrounding infrastructure and services; and
- Exempt or weed species.

The consideration to remove a tree may be in response to a customer request or routine inspections and maintenance. The decision will be made by a suitably qualified Council officer or contracted arborist.

## Trees and Vegetation Preservation Regulatory Controls

The relevantly applicable provisions of *Manly Local Environmental Plan 2013* (see, especially, cl. 5.9 and 5.9AA), together with the relevantly applicable provisions of any development control plan, will constitute the main tool for the regulation and assessment of applications made to Council for permission to prune or remove trees in the Manly LGA.

Trees are also to be provided protection from construction activities and other activities such as major events that are likely to have an adverse effect on their stability, health, long term viability in line with Australian Standard AS 4970/2009 Protection of Tree on Development Sites.

## Manly Norfolk Island Pine Management and Conservation Plan

Council has previously identified the significance and heritage value of its *Araucaria sp.* population along the Ocean Beach, East West Esplanade and those within the vicinity of the Manly Lagoon at Queenscliff.

Council is committed in its efforts to continue to maintain, enhance, protect and improve this community asset by way of the *Plan for the Management and Conservation of Coastal Norfolk Island Pines within Manly Council Region*.

## Significant Trees on Private or Public Land

Council has previously identified Significant Trees on public land and these identified trees have been listed in the Significant Tree Register. Any new trees or tree stands that develop into Significant Trees will be

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included in the future. Council intends to identify Significant Trees within private property and include these within the Significant Trees Register. Council resolution 337/2005 of Ordinary Meeting 15 August 2005 clarified private property owners will be notified but their permission will not be required.

The Significant Tree Register is to be used to record all significant trees or tree stands that should be preserved, detailing their form and character. Generally, permission will be given under Council's regulatory controls on trees and vegetation for what are reasonably considered by Council to constitute remedial maintenance works only.

In determining development applications Council will seek to give priority to the preservation of significant trees. A development, to be acceptable, must aim to maximise the preservation of significant trees, with the development application including strategies for the maintenance of their long term health.

The Significance Criteria for trees listed will be encapsulated on a 'statement of significance' which involves interpretation and analysis of comparative points of importance.

The Significance Criteria are in the opinion of Council that the tree or tree stand are:

- remnant of the indigenous tree cover of the area;
- have visual and/or sensory appeal and/or landmark qualities;
- have a major role contributing in establishing a distinctive and highly valued landscape or townscape within Manly LGA;
- has recognition for, and is, of value for its growth habit or physical features i.e. is a good representation and typical of, its species or has a curious growth habit;
- part of the curtilage of a historic garden or park;
- holds a historical/cultural association or is a Commemorative tree;
- is associated with a public figure and/or ethnic group;
- holds horticultural or scientific value;
- an old/mature specimen that is at the upper scale of longevity and/or size of recognised limits for that species on a regional basis.

Scheduling of significant trees under the provisions of *Manly Local Environmental Plan 2013* (see, in particular, Schedule 5) establishes clear recognition of heritage values and facilitates improved protection, particularly with respect to development. For this reason, **all** scheduled trees (including individuals and groups) in the Significant Tree Register are to be listed as heritage items (trees) in the LEP. Of particular importance is the scheduling of trees assessed as significant at the LGA and/or regional level (i.e. excluding local level listings).

Where possible, significant trees that are nearing their natural life span will be identified in a timely manner and a succession plan developed in consultation with the community.

Council will facilitate the protection of public and private trees through the relevantly applicable tree and vegetation preservation regulatory controls.

A Schedule of Exempt Species is stated under the provisions of *Manly Development Control Plan 2013* identifies undesirable and nuisance species (see in particular Schedule 4, Part A), which are not caught by the tree and vegetation preservation regulatory controls. Furthermore, trees declared as noxious species under the *Noxious Weeds Act 1993* (NSW) are also excluded from the tree and vegetation preservation regulatory controls.

**Permission for removal of trees/pruning of trees will not to be granted in certain cases:**

Falling leaves, twigs, fruit and flowers are normal expected tree behaviour and are not, in and of themselves, valid reasons for tree removal or pruning whether under this policy or otherwise. Similarly, it is Council's policy, as well as the law, that no individual exclusively owns a view. Therefore, Council will not give consent to remove a street tree's canopy simply for view enhancement.

Council will not prune trees to create a new view nor will Council prune trees in areas classified (by Council) as "Bushland" (Note: long-standing view pruning relationships/services on trees in 'Bushland' classified areas may be maintained if not detrimental to a tree's health).

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Council will only prune a tree to maintain a previously established view, where the tree, in the opinion of Council:

- has been inspected and has received approval by Council for view pruning within the last two years; OR
- In instances where a growing tree encroaches on a previously uninterrupted view by more than 75 percent or 2/3, the applicant must provide photographic evidence to show the previous existence of a view\*;
- The tree is centrally located in the view corridor of the principal living area and within approximately 50 metres of the viewing point. (Note: long-standing view pruning relationships / services on trees not centrally located to the principal living area may be maintained if not detrimental to a tree's health);
- Pruning will not be generally permissible greater than 20 percent of the total live canopy of a tree. Pruning will only be approved if it will not disfigure the tree. The term "disfigure" will generally mean pruning beyond the guidelines of the Australian Standard for the Pruning of Amenity Trees (AS 4373-2007);
- A Tree Permit Application is lodged with Council with the appropriate application fee paid, additionally all costs of view pruning are to be borne by the applicant, the applicant will be notified in writing of the costs. Payment of these monies is required before any works are scheduled;
- View pruning work will only be carried out by Council preferred/approved tree contractors;
- Council will only consider a request to undertake view pruning of a tree once in any 12 month period however fast growing trees should be inspected regularly (e.g. approximately every two years) to avoid harsh pruning.

\* Evidence of the previous existence of a view will not be accepted from new owners of a property applying for a view prune if these residents bought the property with the tree of a similar size at application time. An application will only be accepted by property owners of 5 years or more. Council will not consider zoomed or real estate photographs.

Council reserves the right to refuse an application to view prune a tree, even where all the criteria have been met, if the requested pruning would be detrimental to the health or structure of the tree. Refusal on one occasion will not preclude the applicant from making another application up to 2 years from the date of the original refusal.

#### **4. SCOPE**

This policy applies to all persons that have any relationship to the management of trees in Manly, including residents, other stakeholders, and developers in the Manly LGA.

Council will use principles and guidelines in this policy as well as those contained in the relevantly applicable tree and vegetation preservation regulatory controls so as to ensure that trees are planted, protected, maintained and ultimately removed or replaced in a way that is sustainable, economically sound, and socially acceptable.

#### **5. DEFINITIONS**

**Private land** - any land **not** owned or controlled by Council or some other public authority.

#### **6. IMPLEMENTATION**

This policy will be implemented through Council staff and actions taken with respect to tree preservation and management within the Manly LGA.

Council and/or the General Manager, may during a civil emergency only, set aside any policy terms to ensure public safety.

#### **7. MONITORING AND BREACHES**

Penalties apply for breaches under this policy through either the Local Court or the Land and Environment Court. Penalties of up to \$1,100,000 apply in the Land and Environment Court.

In addition, where a person is guilty of an offence involving the destruction of or damage to a tree or vegetation, the Court dealing with the offence may, in addition to or in substitution for any pecuniary penalty imposed or liable to be imposed, direct that person:

- (a) to plant new trees and vegetation and maintain those trees and vegetation to a mature growth, and
- (b) to provide security for the performance of any obligation imposed under paragraph (a).

Council will pay (at its sole discretion) up to \$1'000 as a reward for information leading to a successful prosecution of a person or persons who wilfully damage trees protected by Council's tree and vegetation preservation regulatory controls.

## 8. REPORTING

NIL

## 9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Department of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

## 10. RELEVANT REFERENCE & LEGISLATION

*Threatened Species Conservation Act 1995 (NSW)*  
*Noxious Weeds Act 1993 (NSW)*  
*Australian Standard AS4970/2009*  
*Australian Standard for the Pruning of Amenity Trees (AS43737/2007)*

## 10. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
		Draft Policy prepared	Manager Parks & Reserves	Divisional Manager Civic and Urban Services
119/11	18/07/11	Placed on Public Exhibition for 28 Days.	Manager Parks & Reserves	Divisional Manager Civic and Urban Services
PS128/11	7/11/11	Adopted the draft Tree Management Policy	Council	
	11/11/11	Added Policy to Policy Register	OM Corporate Services	Manager Administration
	September 2013	Comprehensive Policy Review and incorporation of old policies	T70, T80, T85, T90, T100, and T110	Governance and Legal
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance