

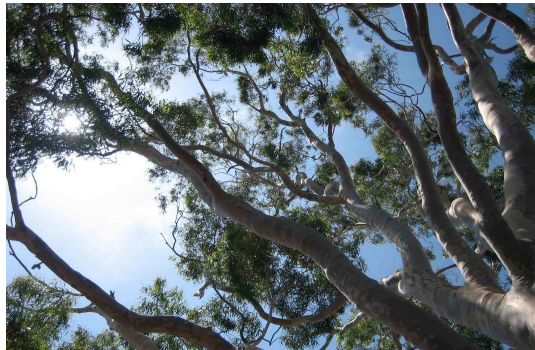


Management of Tree Protection on Private Property Policy 2008

Bayside City Council
Corporate Centre
76 Royal Avenue
Sandringham Victoria 3191
Telephone (03) 9599 4444
Facsimile (03) 9598 4474
Email: enquiries@bayside.vic.gov.au
Website: www.bayside.vic.gov.au

Contents

1. Definitions	3
2. Statement of intent	3
3. Policy objectives.....	4
4. Policy statement.....	4
4.1 Maintenance recommendations.....	4
4.2 Pruning trees on private property.....	4
4.3 Branches overhanging properties	5
4.4 Applications to remove trees on private property.....	5
4.5 Fee reduction or waiver	5
4.6 Decision making	5
4.6.1 Guidelines	5
4.6.2 Quantified Tree Risk Assessment (QTRA).....	5
4.6.3 Other considerations	6
4.7 Review of decision to refuse permit.....	6
4.8 Tree pruning / removal in emergency circumstances	7



1. Definitions

Any word in this policy has its meaning as defined in *Local Law No. 2 – Environment* or its ordinary meaning unless otherwise defined.

Dead tree: A tree with no live vascular tissue.

Flush Cutting: Flush cutting refers to an incorrect cut that damages or removes the branch collar or branch bark ridge and damages stem tissue.

Lopping¹: Lopping refers to the indiscriminate cutting of branches or stems between branch unions or at internodes on young trees. The indiscriminate removal of trunks or leaders at internodal points.

Pruning: Removal of branches or trunks at natural target pruning points; i.e. at collar.

Qualified arborist: An arborist who holds a minimum qualification of National Certificate IV in Arboriculture (AQF).

Structural engineer: An engineer with qualifications and experience adequate to admit to membership of the Structural College of Engineers Australia.

2. Statement of intent

Bayside City Council is committed to protecting, promoting and improving its highly valued tree canopy.

Council encourages the retention of tree canopy within the municipality. Council also promotes the retention of Bayside's native vegetation particularly within the designated Vegetation Protection Overlay (VPO3) areas of Black Rock, Beaumaris, south of Park Road, Cheltenham, and the south side of Edward Street, Sandringham.²

The existing vegetation is one of the primary features of Bayside, contributing to the amenity of the residential environment and established land values.

Council acts to preserve and maintain trees where practicable within the municipality, whether on Council land or on private property. Tree protection controls apply to the whole of the tree including its root system.

Tree protection in Bayside is supported by two legal instruments:

- Bayside Planning Scheme (incorporates controls under the Vegetation Protection Overlays, potential controls under the Heritage Protection Overlays and potential planning development permit conditions)

¹ Lopping also refers to 'topping'.

² 'Native vegetation' is defined in the Bayside Planning Scheme VPO3 as any vegetation that is indigenous to Australia, including trees, shrubs, herbs and grasses.

- *Local Law No. 2 – Environment* (clause 36 – Tree Protection)

3. Policy objectives

- To provide guidance on the application of the provisions of *Local Law No. 2 – Environment* that relate to tree protection.
- To provide for the assessment of applications to consider an appropriate balance between the sometimes competing considerations relating to: extension to or replacement of single family dwellings, damage to structures or unacceptable risk of harm to occupants; and the retention and replacement of the tree canopy.
- Promote the retention and replacement of tree canopy in order to enhance local amenity and urban character.
- To encourage all tree pruning works to comply with the appropriate Australian Standard.

4. Policy statement

This policy is limited in its application to trees that are protected under *Local Law No. 2 – Environment*. It does not apply in any instance where the Bayside Planning Scheme applies. This includes exemption provisions provided within the scheme.

4.1 Maintenance recommendations

Lopping, topping or flush cutting are not promoted practices as the indiscriminate removal of trunks or leaders at internodal points in the crown may lead to the development of poorly attached epicormic growth.

Pruning should be carried out by a qualified arborist in accordance with the relevant Australian standard (the current standard is *Australian Standard 4373:2007 Pruning of Amenity Trees*). This standard encourages pruning practices and procedures that reduce the potential for a tree hazard developing, branch failure, fungal infection or premature tree death.

4.2 Pruning trees on private property

Local Law No. 2 requires that a permit is required for a tree described in clause 36(1) of that local law to be cut, trimmed, lopped or pruned. Applications should be in the standard form and be adequately supported with relevant information.

Where the cutting, trimming, lopping or pruning will:

- be carried out by a qualified arborist in accordance with *Australian Standard 4373 – Pruning of Amenity Trees (2007)*; and
- only remove dead wood and/or not more than 10% of live foliage mass;

the application fee will be waived. This type of application will be assessed without inspection by Council arborists.

In all other cases, the application will be assessed with inspection by Council arborists.

4.3 Branches overhanging properties

Where a permit is required to cut, trim, lop or prune limbs that overhang a property boundary, the owner of the tree (if not the applicant) will be provided with a copy of any permit issued.

It is noted that a permit does not change any common law rights and obligations relating to overhanging branches.

4.4 Applications to remove trees on private property

Local Law No. 2 requires that a permit is required for a tree described in clause 36(1) of that local law to be removed. Applications should be in the standard form and be adequately supported with relevant information.

If the application claims a tree needs to be removed because it is dangerous or hazardous, evidence should be supplied in the form of a report from a qualified arborist.

If the application claims a tree needs to be removed to prevent further damage to structures, evidence should be supplied in the form of a report from a structural engineer.

Any application for removal should be accompanied by a plan for planting suitable replacement canopy tree or trees to the satisfaction of Council arborists where this is possible.

4.5 Fee reduction or waiver

The relevant manager has the authority to reduce or waive a permit application fee. Situations where a fee may be reduced or waived include the following.

- Permit application fees for pension-card holders may be reduced by 50%.
- Permit application fees for the removal of dead trees / tree stumps may be waived.
- Permit application fees may be refunded if the tree inspected is undersize.

4.6 Decision making

4.6.1 Guidelines

The Chief Executive Officer will cause such guidelines to be prepared as is considered necessary to assist staff in the application of this policy.

4.6.2 Quantified Tree Risk Assessment (QTRA)

As part of the assessment of a tree removal application, Council's arborists will use the Quantified Tree Risk Assessment (QTRA) criteria to determine the hazardous nature of a tree. If a tree is assessed using the QTRA and an unacceptable risk of harm is identified that cannot be managed using standard pruning practices, a permit to remove the tree will be issued.

For a tree-failure hazard to exist there must be potential for failure of the tree and potential for injury or damage to result. The assessment will consider the likelihood of a combination of tree failure, harm to people and property, and the likely severity of the harm.

The QTRA system enables tree assessors to apply numerical estimates of risk, which can be compared with a generally accepted level of risk.

The system quantifies three components of the tree failure risk.

- 1) Target;
- 2) impact potential; and
- 3) probability of failure.

The product of these probabilities is referred to as the 'risk of significant harm'.

4.6.3 Other considerations

Consideration of applications are to have full regard to on-site impacts of the tree under consideration.

When assessing applications for the purpose of removing or pruning trees to accommodate an extension to, or replacement of, a single family dwelling, to prevent further damage to structures or to remove an unacceptable risk to occupants, consideration is to be given to balancing these purposes with the desire to retain the tree canopy. Officers assessing applications are to take into consideration all relevant matters, and specifically, any evidence supplied in the form of:

- a) a report by a qualified arborist where the report assesses the tree as dangerous or hazardous; and/or
- b) a report by a structural engineer where the report assesses that the tree is the primary cause of damage to the structure; and
- c) a landscaping proposal that includes suitable canopy tree replacements for trees proposed to be removed. Approved replacement trees will be subject to inspection by Council officers after planting and failure to plant or removal shall be considered a breach of this permit. If the subject site is shown to be too small for a suitable replacement canopy tree, then a charge for planting and maintaining such a tree, off site, shall be levied to enable a replacement planting elsewhere in the area.

Consideration may also be given to any report by a qualified arborist commissioned by officers assessing an application.

4.7 Review of decision to refuse permit

If an applicant is dissatisfied with the decision in relation to the application, the applicant may apply in writing for an internal review of the decision.

If the applicant remains dissatisfied after the internal review, the rights of submission to Council under *Local Law No. 2 – Environment* remain available.

4.8 Tree pruning / removal in emergency circumstances

If severe storms cause widespread damage to trees on private property or in other emergency circumstances, if requested, Council's arborists will, as soon as is practicable, inspect storm-related tree damage and provide advice on:

- the condition of the trees;
- the work needed (removal or pruning); and
- priority of the work.

Normal application and approval processes and fees may be varied. For example, verbal permission may be granted to either prune or remove a damaged tree.