Council Policy

Council policy title:	**Street and Park Tree Management Policy 2020**
Council policy sponsor:	Director Environment, Recreation and Infrastructure
Adopted by:	Bayside City Council
Date adopted:	August 2020
Scheduled review:	No earlier than August 2023
Document Reference:	DOC/20/255099

(Council Policy is a high level public statement formally resolved by Council, which clearly states Council's requirements, intent or position with regard to a particular matter or issue. It is not intended to be procedural in nature.)

1. Policy intent

The Street and Park Tree Management Policy (The Policy) is intended to contribute to Bayside's liveability by protecting and enhancing the Council (public) trees of the municipality's urban forest. Bayside City Council manages approximately 66 000 Council trees. Council has established the service levels required for the management, protection, maintenance, removal, selection and replacement of Council-owned and managed trees.

Bayside City Council is committed to protecting and enhancing the benefits of urban trees and to managing tree-risk matters. Environmentally, tree benefits include removal of air pollutants, carbon dioxide removal, rainfall interception, shading, cooling, stormwater runoff reduction and habitat provision and connectivity for native fauna. Economically, healthy and aesthetically pleasing park and street trees have been demonstrated to increase property values. Urban trees also contribute to a sense of community, connect urban environments to natural areas and provide a visual connection between neighbourhoods.

2. POLICY OBJECTIVES

The objectives of this policy are to:

- maintain and enhance Bayside's urban forest;

- recognise the value and importance of public trees within Bayside which contribute to the character and amenity of Bayside, as well as providing habitat to native fauna;

- minimise risks to the community by cost-effectively managing and maintaining public trees using best-practice arboricultural practices;

- provide adequate protection for public trees during works and activities;

- minimise conflict between public tree roots and public and private infrastructure and manage any associated risks;

- develop best-practice management standards for pests and diseases that could threaten Bayside's trees;

- improve ecological resilience by diversifying tree species and providing habitat

- define the circumstances by which public trees may be removed or pruned by Council;

- provide guidance for the selection of street tree species and planting sites to preserve Bayside's leafy street character and contribute to mitigating climate change impacts by providing adequate tree canopy cover across the municipality;

- enhance neighbourhood character and streetscape amenity by improving Bayside's street tree quality and connectedness through integrated streetscape design;

- engage with the community on the importance of the municipality's trees and their management.

3. SCOPE

This Policy is applicable to all Council-owned and managed trees, which are referred to as 'Council trees'.

Privately owned trees in the municipality are covered under The Management of Tree Protection on Private Property Policy.

4. ROLES & RESPONSIBILITIES

The Manager Open Space, Recreation and Wellbeing is responsible for approving, implementing, complying with, monitoring, evaluating, reviewing and providing advice on this Policy.

Arborists in the Open Space team inform the Manager on best practices for managing Council trees and any identified associated risks.

5. MONITORING, EVALUATION & REVIEW

This policy will be evaluated and reviewed by the Manager Open Space, Recreation and Wellbeing, at a minimum of every three years.

Council tree health statistics and maintenance data are contained in Council's tree database.

In accordance with the *Bayside Tree Strategy 2011,* Council will regularly review its tree inventory data and use this information in tree management decision making. For example, Council will:

- track the number of trees it manages;

- analyse tree species composition and diversity;

- identify the location of remnant species and significant street-realm landscape trees;

- track tree failures;

- identify suitable vacant sites for future planting.

6. POLICY STATEMENT

6.1 TREE MANAGEMENT

Bayside City Council is committed to the protection and retention of its trees to improve the visual and environmental quality of streetscapes, open space and the foreshore areas within the municipality.

Version
November 20

TRIM DOC/17/240001

Page 2

Bayside
CITY COUNCIL

6.1.1   Protection of Council trees

Consistent with the *Bayside Tree Strategy 2011*, Council has developed a strategic tree management framework by developing policies and procedures; and, has established an internal process to determine the costs and benefits of street trees (*Tree Amenity Valuation Procedure 2017*) to develop criteria that avoid creating irreconcilable conflicts between trees and infrastructure.

6.1.1.1   Working near Council trees

Any works, such as routine road openings by authorities or utilities installers, that require excavation within three metres of a tree must comply with the *Road Management Act 2004 Code of Practice, Management of Infrastructure in Road Reserves* to consult with Road Authorities and organise their works to '*minimise damage to street trees, including their root systems, and remnant vegetation where reasonably practicable'*;

Street trees and their root systems should be protected when undertaking any digging on the nature strip. A [road opening permit](#) is required for any excavation in the nature strip.

Council works with third party utilities services (i.e. water and gas) and civil infrastructure engineers to determine the most appropriate maintenance or management options to resolve tree and infrastructure conflict.

Council permits are issued with a condition to comply with the guideline document *Working near Council Trees: Your Responsibilities 2016*. Failure to comply with tree protection conditions will result in the permit holder being liable for penalties under the Local Law (*Bayside City Council Consolidated Local Law No. 2 'Neighbourhood Amenity').*

6.1.1.2   Tree Protection Management Plan (TPMP) for development sites

To preserve Bayside's leafy street character, Council requires all new developments to make allowances for the protection of adjacent Council-owned or managed trees during associated works.

Where development activity will occur within a Council tree's protection zone (TPZ), as defined in the Australian Standard AS 4970–2009 *Protection of trees on development sites,* Council requires that the property owner or representative submit a TPMP for endorsement during the planning phase of a development.

Consistent with *Bayside's Biodiversity Action Plan 2018–2027,* a bond may be imposed on developers to ensure that Council trees are protected during a development. Where a Council tree requires a bond for a Council-approved development, the bond is calculated using the methodology in Council's *Tree Amenity Valuation Procedure 2017.* The bond valuation consists of the tree's amenity value as well as removal and replacement costs. The bond shall be paid by the property owner, or representative, prior to the works commencing.

The bond may be held by Council for the duration of the development, against the Council-approved TPMP. Should any damage occur to Council tree(s) as a direct result of activities associated with the development, Council may withhold part, or all, of the bond depending on the extent of the damage.

6.1.1.3   Tree protection during community events

Trees that may be impacted by a community event also require a Tree Protection Management Plan (TPMP) for Council approval.

Bayside
CITY COUNCIL

A bond may be imposed on event organisers to ensure that trees are protected during an event as per Clause 6.1.1.2 (above). Event organisers shall contact Council's Open Space team for any relevant information.

6.1.1.4   Consideration of Council trees and their root systems during design

Council assesses planning and building permit applications for new developments on private and public land to ensure that potentially impacted Council tree(s) and their underground root systems have been considered and incorporated into the design process, consistent with AS 4970–2009 *Protection of trees on development sites*.

6.1.1.5   Tree vandalism

Any pruning, lopping, removal of branches, or poisoning of a Council tree by a member of the community is considered vandalism and is subject to prosecution under *Consolidated Local Law* No. 2 (s70) and the *Summary Offences Act 1966* s9 (1).

Consistent with its *Biodiversity Action Plan 2018–2027* and under its *Tree Reward and Vandalism Policy 2013*, Council offers a reward for information concerning the vandalism of all trees on public land that is Council-owned or managed land, including the foreshore where Council is the Committee of Management.

6.1.1.6   Pests and disease

Council requires that outbreaks of exotic and endemic pests or disease be reported to Council's Open Space team for appropriate action. Consistent with Bayside's *Biodiversity Action Plan 2018–2027*, Council will develop and implement best-practice management standards for minimising the spread of pests and disease, including pathogens such as Phytophthera.

6.1.1.7   Significant street tree register

All Public Trees that are currently on the Significant Tree Register will remain on the Register. The Significant Street Tree Register will adopt additional street trees not previously listed on the Significant Tree Register. Consistent with *Bayside's Biodiversity Action Plan 2018–2027*, every 3–5 years Council will review and update its Significant Street Tree Register, including a review of the assessment criteria.

6.1.1.8   Climate change impact

Consistent with the *Bayside Tree Strategy 2011,* Council will investigate the potential impacts of climate change on its Council trees and use this information to inform the next review of its *Street and Park Tree Selection Guide 2016*.

6.1.2   Tree root interactions with infrastructure

To avoid or manage potential conflict between tree roots and infrastructure, Council is committed to considering a range of strategies including infrastructure design solutions. If consideration of tree removal is requested, refer to Clause 0 of this Policy.

6.1.3   Tree roots impacting private infrastructure

When tree roots are reported to be impacting private infrastructure, Council's Open Space Arborist will respond in accordance with the Council's *Tree Root Investigation Procedure 2016.*

Bayside
CITY COUNCIL

Where Council's root investigation shows that public tree roots are impacting private infrastructure, Council will consider implementing best-practice arboricultural mitigation measures, such as root pruning. If mitigation measures are deemed ineffective, the tree will be assessed in accordance with the *Tree Removal Guideline 2018* to determine whether the tree meets the criteria for removal.

Council will not remove Council trees for unjustified claims of pipe or sewer damage from tree root growth. Cracked pipes or drains leaking moisture provide an ideal entry point and growth environment for any plant roots in the area. It is the responsibility of the asset owner to maintain pipes so they are fully sealed and do not leak.

6.1.3.1 Root barriers

Tree-root barriers have been trialled in Bayside with limited success, owing to the municipality's sandy soil profile. Root barriers can also be rendered ineffective where holes are made for the installation of utilities such as water, gas and telecommunications. Therefore, installation of root barriers in Bayside's nature strips will be considered only in exceptional circumstances and at the discretion of the Manager Open Space, Recreation and Wellbeing.

6.1.3.2 Raised tree roots in nature strips

Street trees sometimes develop raised tree roots within the nature strip. Raised tree roots will not be considered for pruning or removal unless pedestrian access is obstructed and no alternative pedestrian access is available.

Where Council does not provide a footpath for pedestrian access on either side of a street and it is reported that tree roots are obstructing pedestrian access, the Open Space Arborist will inspect the site. If required, the matter will then be referred to Council's Sustainability and Transport department for review.

6.1.4 Bayside tree database

The Open Space Tree Database contains records for all council-owned and managed trees. All trees are given an individual identification number against which all inspection details and works undertaken are recorded.

Consistent with Bayside's *Biodiversity Action Plan 2018–2027*, Council's tree data will be monitored to inform decision making, including analysis of the net loss/gain of public tree canopy cover, with the aim of increasing cover.

6.2 TREE MAINTENANCE

Bayside City Council is committed to providing the resources required to proactively maintain its tree assets so that Council: complies with all relevant legislative requirements (e.g. electrical line clearance); decreases potential property damage; maintains clearance for pedestrians, vehicles and utility lines; and protects and maintains tree condition to a high standard and low level of risk.

6.2.1 Tree maintenance service levels

All Council tree maintenance services are delivered through the contract for *Civil Infrastructure and Open Space Maintenance Contract* (Contract No.18/159). This contract complies with Bayside City Council's *Electric Line Clearance Management Plan* and defines the service levels and standards to be met including those determined by national and state legislation and industry best practice.

Tree maintenance services are delivered under this contract as:

Bayside CITY COUNCIL

- Scheduled Maintenance and Inspection Services; and/or
- Customer-initiated Inspection Service Requests.

Council requires that all tree maintenance works by its contractors comply with the Australian Standard AS 4373–2007 *Pruning of amenity trees.*

In response to Bayside's declared climate emergency, requests for pruning over property boundaries will be assessed on a case by case basis. Pruning will be undertaken where there is significant impact on private infrastructure.

6.2.1.1   Scheduled maintenance and inspection services

Scheduled Maintenance and Inspection services are carried out by the Open Space Contractor in accordance with the contract for *Open Space and Infrastructure Contract Maintenance* (Contract No), which includes:

- Periodic tree health inspections (12 month or 26 month) or as reasonably acceptable thereafter;
- Power line clearance inspections and pruning to ensure compliance with Bayside City Council's *Electric Line Clearance Management Plan;*
- Canopy clearance inspections over driveways, roads and footpaths in compliance with VicRoads Road Management Plan and Manuals;
- Deadwood removal;
- Mature tree watering program;
- Structural and formative pruning;
- Tree risk assessment.

6.2.1.2   Customer-initiated inspection requests

Residents may contact Council to request inspection of a particular tree that they believe requires attention. Upon receipt of a customer enquiry, the tree will be inspected by a qualified arborist as required. Any required works will be scheduled and the customer will be notified of the inspection outcome as required under the Civil Infrastructure & Open Space Service Contract.

The cleaning of roofs and gutters form part of the ordinary level of maintenance required in urban environments, therefore Council will not prune or remove a Street or Park tree on the basis of naturally occurring shedding, including: leaves, flowers, fruit, seed, twigs or bark.

6.2.1.3   Wildlife habitat provision.

Consistent with Bayside's *Biodiversity Action Plan 2018–2027* and where assessed as suitable under Bayside's *Method for Assessing Tree Habitat*, Council will preserve hollow-bearing trees as habitat, as well as install suitable nesting boxes or nest logs for bats, possums and birds. To protect habitat trees, these boxes and trees will be regularly monitored and appropriately maintained.

6.3 TREE REMOVAL

All management options of Council's trees will be explored before tree removal is considered, following Council's *Tree Removal Guideline 2018* and Procedure for the *Street and Park Tree Removal for Development 2020*.

A Council tree may be considered for removal if:

- removal is the only option to mitigate a high or extreme risk posed by a tree with a structural fault, as assessed by a Council Arborist who is qualified to use international best-practice tree risk assessment methodologies*;

- the tree is dead, dying, damaged, or in irreversible decline, with 80% or greater crown loss from natural causes, and further remedial action is unlikely to be effective in saving the tree or retaining it as a habitat tree* ;

- in the case of development, all possible design solutions have been considered to retain the tree and deemed exhausted by Council and has met all criteria provided in the *Procedure for Street and Park Tree Removal for Development 2020.** ;*

- emergency repairs to utilities*;

- the tree is substantially impacting private property and there is no reasonable option to otherwise resolve the issue (e.g. the cost of repairs outweighs the amenity benefits provided by the tree as valued using the 'Bayside City Council Tree amenity valuation method')*;

- a Council arborist identifies a tree as unable to be maintained to meet road clearance or powerline clearance regulations*;

- the tree produces pollen that is proven to directly cause a severe allergy that substantially diminishes quality of life*;

    the applicant must supply medical evidence from a specialist dermatologist or clinical immunologist/allergy specialist demonstrating the cause and effect between the tree and the allergy. The Australasian Society of Clinical Immunology and Allergy website advises a skin prick test and/or blood allergen specific IgE test can be undertaken to determine an allergy link;

    It must also be demonstrated that the tree is the sole cause of the allergy and the removal of the tree would prevent the reaction;

- the tree is defined by Council's Arborist to be a poor arboricultural specimen that contributes little amenity or ecological services to the landscape*;

- a development project results in an improvement to green space/infrastructure that would not be possible without the removal of existing trees**; and

- the removal of trees may be required to facilitate renewal of the streetscape, which will be guided by the Large Scale Street Tree Replacement Procedure 2018*.

    *In these instances, removal of a public native tree in Bayside's Vegetation Protection Overlay 3 (VPO3) **does not** require a permit.*

    ** In these instances, removal of a public native tree in Bayside's VPO3 **does** require a permit.*

Removal of a Council tree will **not** be considered:

- if there is a safe and practical means for the tree's retention, including habitat provision;

- to minimise obstruction of views, advertising or signage;

- to reduce leaf or fruit debris;

- for solar access;

- for unjustified property damage claims;

- for causing minor allergenic or irritant responses;

- for providing habitat for insects and mammals;

Version
November 20

TRIM DOC/17/240001

Page 7

Bayside
CITY COUNCIL

- for potentially harbouring termites;
- for hindering the growth of nearby vegetation; or
- for potentially causing future damage.

6.3.1   Requests for tree removal to facilitate development

Council will consider a developer's request to remove a council-owned tree to facilitate development on an adjacent site only after all possible design solutions have been considered to retain the tree(s) and deemed exhausted by Council's Development Services department; and has met all the criteria outlined in the procedure: *Street and Park Tree Removal for Development 2020.*

6.3.2   Criteria for tree removal to facilitate development

Approval for removal of a Council tree may be granted subject to the request meeting the following criteria for removal under Council's procedure *Street and Park Tree Removal for Development*:

1. The tree has a value of less than $20,000 calculated using the *Tree Amenity Valuation Procedure* (PR/ESOS/TM/001);
2. The applicant agrees to pay for costs associated with lost amenity and the tree's removal, replacement and re-instatement, as explained in Clause 6.3.1 (above); and
3. The applicant applies for a planning permit if the tree is native and in Bayside's VPO3.

6.3.3   Tree removal costs to facilitate development

Where a Council tree is approved for removal by Council to facilitate development, the asset value shall be paid by the property owner, or representative, prior to the development commencing. The asset value is calculated using the methodology in *Council's Tree Amenity Valuation Procedure 2017*, and consists of the tree's amenity value as well as removal and replacement costs.

6.4   TREE PLANTING & ESTABLISHMENT

Council aims to have 100% of suitable sites within Bayside planted with a tree to contribute to the municipality's leafy character and canopy cover. Most property frontages in Bayside can accommodate at least one tree within the nature strip.

Where possible, additional tree(s) may be planted where there is appropriate space and site conditions. Therefore, some properties may have more than one adjacent street tree.

Where possible and practical, new street tree plantings will be subject to an integrated streetscape design to meet Council's objective of improving streetscape amenity and continuity.

The community will be consulted and informed about major tree-planting projects, following the procedure *Community Engagement for Council Tree Management 2010*. During community engagement, Council will raise awareness of the importance of biodiversity, concordant with its *Biodiversity Action Plan 2018–2027.*

New trees will be selected, planted and maintained using best-practice arboricultural standards, as outlined in the Tree Planting and Establishment Procedure 2019.

6.4.1   Selection of planting sites in streets and parks

Reflecting Bayside's *Open Space Strategy 2012*, *Climate Change Strategy 2012* and *Biodiversity Action Plan 2018–2027*, Council will identify locations suitable for new Street or Park Council tree plantings in the next planting season (April/May to September each year).

Version
November 20

TRIM DOC/17/240001

Page 8

Bayside
CITY COUNCIL

To achieve this aim, Council will identify suitable vacant planting sites; identify new planting opportunities; and review its planting program.

Where appropriate, Council will develop and implement a greater range of planting designs and engineering solutions, such as greater use of engineered planting pits and in-road cut-outs or pits for planting, where nature strip conditions limit planting; and, in key streets explore alternatives to standard powerlines, such as Aerial Bundled Cabling or undergrounding of power.

6.4.2   Selection of tree species for streets and parks

Where possible, practicable and consistent with the *Street and Park Tree Selection Guide 2016,* Council will plant drought-tolerant and large-canopy tree species that: increase the connectivity of remnant vegetation areas within the municipality; enhance links from parks and reserves to adjoining streets and other open space; maintain and enhance biodiversity and ecological processes to increase resilience; enhance habitat diversity and wildlife corridors; provide sun protection; add to carbon sinks; and increase the use of indigenous species.

6.4.2.1   Tree selection within Vegetation Protection Overlay 3 (VPO3)

As part of the Planting Program, tree planting on Council-owned and managed land within Vegetation Protection Overlay 3 (VPO3) will consist of a minimum 50% of trees indigenous to Bayside.

6.4.2.2   Tree selection between VPO3 and south of Highett Road

As part of the Planting Program, public tree planting between VPO3 and south of Highett Road will consist of a minimum 25% of trees indigenous to Bayside.

6.4.3   Tree planting near conservation reserves

To minimise the risk of non-indigenous trees invading Council's Conservation Reserves Protected Conservation Reserve Zone (PCRZ), no Street or Park tree that could become a weed in a Conservation Reserve will be planted within 150 metres of that reserve.

Nature strips immediately adjacent to Conservation Reserves must be planted with indigenous species of local provenance.

6.4.4   Resident planting on nature strips

Consistent with Council's *Nature Strip Planting* Policy *2014* residents are not permitted to plant trees in the nature strip. Council may require a tree planted by a resident to be removed by the resident or arrange the removal of any trees not planted by Council.

6.5 COMMUNITY ENGAGEMENT REGARDING COUNCIL STREEET OR PARK TREES

Community engagement regarding the communication of maintenance, removals and planting of trees in streets follows the *Community Engagement for Park and Street Tree Works Procedure (PR/ESOS/TM/002).*

Bayside City Council's *Community and Stakeholder Engagement Policy 2017* sets out goals and objectives for engaging with the community for all other matters regarding Council's Street or Park Council trees.

Consistent with the *Bayside Tree Strategy 2011,* Council will:

- where possible and practicable, form partnerships with other public authorities and external stakeholders to encourage and implement initiatives to improve Bayside's Street or Park Council trees (urban forest);

- investigate the potential for developing partnerships with the community to provide more flexible services that meet specific needs, such as tailored maintenance regimes and whole of street tree upgrades;

- provide information for residents living adjacent to wildlife corridors and bushland reserves to promote local native trees.

6.6 APPEAL PROCESS

Should there be a disagreement with the application of this Policy, the Manager Open Space, Recreation and Wellbeing may review a decision. If required, the matter may be referred to the Director, Environment, Recreation and Infrastructure for a final decision.

However, an appeal process is not available where proof of evidence is required e.g. allergy testing or tree has been approved for removal as a condition on a Council permit.

RELATED DOCUMENTS

This list of related documents is current at the time of publication of this policy. Where documents have been updated, this policy refers to the most-recent version (www.bayside.vic.gov.au/policies).

State and local laws	° *Bayside City Council CONSOLIDATED LOCAL LAW NO. 2 'Neighbourhood Amenity' April 2012*
	° *Bayside Planning Scheme Vegetation Protection Overlays 2 & 3*
	° *Electricity Safety (Electric Line Clearance) Regulations 2020*
	° *Road Management Act 2004 Code of Practice, Management of Infrastructure in Road Reserves 19 (c)(i)*
	° *Victoria Summary Offences Act 1966 s9 (1)*
Plans and strategies	° *Bayside Tree Strategy 2004 (reviewed 2011)*
	° *Biodiversity Action Plan 2018–2027*
	° *Climate Change Strategy 2012*
	° *Electric Line Clearance Management Plan 2018*
	° *Open Space Strategy 2012*
Policies	° *Community and Stakeholder Engagement Policy 2017*
	° *Nature Strip Planting Policy 2014*
	° *Tree Reward and Vandalism Policy 2019*
Guidelines	° *Bayside Street and Park Tree Selection Guide 2016*
	° *Guideline Document: Working near Council Trees: Your Responsibilities 2016*
	° *Tree Removal Guideline 2018*
Procedures	° *Community Engagement for Public Tree Management 2010*
	° *Community Engagement for Park and Street Tree Works Procedure (PR/ESOS/TM/002)*
	° *Large Scale Tree Replacement Procedure 2018*
	° *Street and Park Tree Removal for Development 2020*
	° *Tree Amenity Valuation Method 2017*
	° *Tree Root Investigation Procedure 2016 – under review*

Bayside
CITY COUNCIL

	° *Methods for Assessing Tree Habitats 2019 TRIM DOC/16/195004*
Australian standards	° *AS 4970–2009 Protection of trees on development sites*
	° *AS 4373–2007 Pruning of amenity trees*
	° *AS 2303:2015 Tree stock for landscape use.*

DEFINITIONS

Term	Meaning
Endemic disease	A disease caused by a pathogen currently existing in Australia.
Exotic disease	A disease caused by a pathogen that does not currently exist in Australia.
Local provenance	Bayside is part of the 'Sandbelt' region of south-eastern Melbourne. This region has similar soil types, associated climate and drainage characteristics that influence the vegetation communities that naturally occur (*Indigenous plants of the Sandbelt* – R Scott, N Blake, J Campbell, D Evans, N Williams, 2005). The 'Sandbelt' region extends from Melbourne to Frankston bounded by the Princes and South Gippsland Highways.
Lopping	The indiscriminate cutting of branches or stems between branch unions or internodes resulting in decay and structurally weak branch development.
Powerline clearance	Pruning of branches away from powerlines to a distance specified by the Electric Line Clearance Regulations.
Scheduled maintenance	The periodic inspection and pruning (when required) of every street and park tree in the Bayside municipality.

Please note: This policy is current as at the date of approval. Refer to Council's website (www.bayside.vic.gov.au) to ensure this is the latest version.

Bayside
CITY COUNCIL