



**BAW BAW  
SHIRE COUNCIL.**

# **Tree Management Policy.**



# Tree Management Policy

## Purpose

The Tree Management Policy responds to the Community vision of being Sustainable, Healthy and Thriving. The Policy outlines Council's position and legal requirements on the management of trees within the Urban and Rural Maintenance Areas within Baw Baw Shire. This Policy summarises the systematic, measurable and quantifiable approach for the management and maintenance of trees and from a risk and public safety perspective, outlines the basis for responding to customer enquiries.

The management and maintenance of trees on public land is often complex and requires careful consideration when managing tree related issues concerning public safety, as trees provide substantial ecological and landscape value throughout Baw Baw Shire.

Council must also manage trees within its limited financial resources in such a way as to limit Council's potential liability and provide equity between people seeking action to address concerns in respect of public safety relating to trees.

The Tree Management Policy is supported by a Tree Management Plan (TMP), providing a detailed description of how Council plans and manages its tree population in both Urban and Rural Maintenance Areas. The Plan demonstrates that all reasonable steps will be considered to manage public trees for community safety and potential damage to surrounding infrastructure, balanced against preserving the significant benefit of trees within the landscape to the social, environmental, economic and cultural wellbeing of the Baw Baw community.

## Definitions

Define key terms and acronyms.

**Customer Request Management:** Known as a CRM, these are requests made by members of the Community. Council may conduct reactive inspection(s) and/or works upon notification of a CRM. CRM's can be lodged by the following means; phone, email, in person at Civic Centres, via Council's website, by social media or the Snap Send Solve application on smart phones.

**Declared Areas:** The area in which Council undertake Electric Line Clearance works as required by Electricity Safety Regulations. Council undertakes these works within Warragul and Drouin only. Other townships are the responsibility of and are completed by other outside agencies.

**Hazard:** Any agent, (specific to this policy a tree) which may cause harm or damage to people, property or to the environment.

**Inspection:** The assessment of a tree to assess any potential hazards posed, depending on the assets surrounding the tree.

**Proactive inspection:** Scheduled inspections undertaken in a systematic fashion to a defined timeline.

**Public Road Register:** As defined in the *Road Management Act*. This document lists all roads that are required for general public use. The Public Road Register (PRR) is a Council document available on Council's website which is updated annually and identifies the maintenance zone as either Urban or Rural.

**Reactive inspection:** Inspection works undertaken in a reactive manner in direct response to a CRM.

**Rural Maintenance Area:** All roads which Council provide road maintenance activities through its Roads Maintenance Team and road maintenance contract. This team is responsible for

routine road maintenance activities including vegetation management (including trees) on all roads designated rural for maintenance purposes in the PRR.

**Tree Management Plan:** Outlines Council's direction for decision making on how the tree population is managed within the Shire.

**Urban Maintenance Area:** The area in which Council's Infrastructure Maintenance staff are responsible for providing maintenance on Council owned or managed properties. This includes roads that are identified as Urban in the PRR.

## Scope

This Policy relates to anyone managing or maintaining trees on Council land or under Council's responsibility as road authority including undertaking activities in proximity to Council managed trees. Including, but not limited to, Council Officers, residents, contractors, builders, developers, event organisers, Council Facility tenants.

The Tree Management Policy takes into consideration the affordability, available resources and management of risks and has determined the 'levels of service' that meet the community's 'reasonable' expectations of 'day to day' maintenance and ongoing asset performance.

It is essential to note that the Tree Management Policy is only applicable to land that council directly controls and actively manages, it does not apply to other reserves or private property. In the case of roads controlled by VicRoads, Council has no responsibility for the control of the roadside vegetation (including trees and adjacent paths) adjacent to these roads. A planning permit may be required for removal of native vegetation on roadsides.

*Section 83 of the Wrongs Act 1958* makes allowance for Council's ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions.

### Legislative context

- Baw Baw Planning Scheme;
- Electricity Safety (Electric Line Clearance) Regulations 2020;
- Environmental Protection & Biodiversity Conservation Act 1999;
- Flora & Fauna Guarantee Act 1988;
- Local Government Act 2020;
- Privacy and Data Protection Act 2014;
- Road Management Act 2004;
- Road Safety Act 1986; and
- Wrongs Act 1958.

### Policy principles

The Tree Management policy is underpinned by the following principles associated with Council managed trees:

- Acknowledge the importance and value of trees, both economically and environmentally;
- Provide a workable framework for managing and decision making;
- Using the framework to reduce the risk to the public associated with trees;
- Enhancing the Shires' tree canopy by planning for trees and planting trees; and,
- Adhering to Legislative requirements.

## Policy detail

The Tree Management policy outlines how Council manages tree inspections, tree works, works in the vicinity of trees and recognising that trees have an amenity value. Council's policies and requirements for tree management on Council land or under Council's control will be readily accessible and understandable to the public. Issues relating to trees not on Council land or land under Council's control will be directed to the correct authorities, where appropriate.

Electrical Line Clearance within declared urban areas defined under *Section 81 of the Electricity Safety Act 1988*, are annual inspections mandated by Electricity Safety Regulations 2020 (Electric Line Clearance) undertaken by Council in which tree hazards are factored within the evaluation. Any additional works associated with the initial inspection will then be carried out in accordance with the Tree Management Plan.

The policy is underpinned by the following details.

Tree Inspection:

- Inspection and assessments will be undertaken in accordance with an integrated framework for the management and maintenance of tree(s) on Council land or land under Council's control;
- Service levels defined for the Urban and Rural maintenance zones, determine the occurrence and frequency of Reactive and Proactive Tree inspections;
- The manner in which Council manages hazards relating to tree(s) will be objective, consistent and transparent;
- Appropriate steps are taken to ensure a balance between managing the community's safety and infrastructure, whilst acknowledging the significant benefit trees provide within the landscape towards the social, environmental, economic and cultural wellbeing of our community; and,
- The integrated tree inspection and assessment framework factors in the health of trees and any risk to the local environment from the removal of the tree, as well as, to the risk impacts on life and property.

Tree Works:

- Determination of works required on trees is dependent, although not limited to, the inspection and level of risk mitigation the works will achieve;
- Balancing the customer request for pruning, where works requested are not required to mitigate risk, with the environmental and amenity value of the tree, for the community; and,
- Requests for tree removal or 'non-risk' based pruning should not be assumed to be automatically approved, as each tree is assessed on its own merits by Council's Arborist or appropriate qualified contractor or Officer. ;

Works in the Vicinity of Council Trees:

- Internal and third parties are required to complete works in a manner that will not affect the long term health and stability of the tree; and,
- The works must be completed in accordance with Australian Standards 4970-2009 – Protection of Trees on Development Sites and or with a planning permit.

#### Amenity Tree Valuation:

- The customer who requested the removal or is impacting the tree to the degree that the tree requires removal is required to compensate for the loss of the tree by paying Council for the amenity value of the tree; and,
- The amenity value will be calculated, for a tree(s) approved for removal for reasons apart from its deteriorating health and condition, such as to accommodate a development, including crossover widening and installation.

Further detail of how Council's manages its trees, is outlined in the Tree Management Plan document.

Council will continue to periodically review and develop its Tree Management Policy and Tree Management Plan, enacting its responsibilities accordingly.

Approval date	3rd July 2024
Approval authority	Council
Effective from	4th July 2024
Review term	Council term
Next review date	July 2028
Responsible position	Manager Infrastructure Maintenance
Responsible Director	Director Community Infrastructure
Version	1