



WEDDIN SHIRE COUNCIL

POLICY NUMBER: 5.1.5

POLICY FOR TREE PRESERVATION, REMOVAL & REPLACEMENT PLANTING

Adopted: 20 April 2017

POLICY FOR TREE PRESERVATION, REMOVAL & REPLACEMENT PLANTING (NO. 5.1.4)

1. **Title:** Policy for Tree Preservation, Removal & Replacement Planting
2. **Number:** Policy Number 5.1.4
3. **Purpose:**
The purpose of this policy is to both secure and preserve the amenity, environment and safety of the localities where the plan applies.
4. **Application:**
This Order applies to the following land within Weddin Council area:
 - a) all land within the confines of Zone R1 of the town of Grenfell, and including Zones B2 and IN1.
 - b) all land within Zone RU5 of the villages of Bimbi, Quandialla, Caragabal and Greenethorpe, and
 - c) all reserves vested in Council's control including road and recreational areas within the Weddin Shire.
5. **Associated Legislation and Other References**
Weddin Shire Council LEP 2011
Trees (Disputes Between Neighbours) Act 2006
Australian Standard 4373 – 1996
Roads Act 1993
Environmental Planning and Assessment Act 1979
Threatened Species Conservation Act 1995
Native Vegetation Act 1997
Weddin Shire Council Roadside Vegetation Management Plan
6. **Definitions:**
In this Order

"Council" means the Council of Weddin Shire or any Officer authorised to act on behalf of the Council.

"Endemic Species" means that it occurs naturally only in that place. It is a native to an exclusive or limited area.

"Height" means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree which is immediately above ground and the horizontal plane of the uppermost point of the tree.

"Indigenous Species" a species is defined as indigenous to a given region or ecosystem if its presence in that region is the result of only natural processes, with no human intervention.

"Injuring" includes the administering of a chemical or other artificial substance to a tree or any other part of a tree, the tree root system, mechanical damage or the alteration of ground level or water table which causes damage to the tree or part of the tree, including the root system or removal of tree roots within the drip line of the tree.

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"Pruning" means any act or acts of severing any part of a tree so as to cause the reduction by more than 10% of the air space occupied by the branches and foliage, or removal of the tree root system within the drip line of the tree over a period of twelve (12) calendar months.

- a) "Lopping" shall be defined as reducing the height or pollarding (branch spread) of the tree by more than 10 per cent which shall require the issue of a permit.
- b) "Owner" has the meaning ascribed to it in the Local Government Act 1993 (as amended).

"Replanting" means replacing lost trees with suitable species in an appropriate location (and it is noted that a current policy for this isn't yet in place).

7. Policy:

7.1 Trees to which this Order applies

Any tree including a shrub, whether an endemic, indigenous, exotic or introduced species which has

- a) a height exceeding 3 m or
- b) a branch spread width exceeding 2 m

7.2 Prohibition

Except as otherwise provided in this Order, a person shall not cut down; prune; lop; remove or wilfully destroy any tree except with the consent of Council under this Order and in accordance with any consent and any conditions thereof.

7.3 Consents

This work must be carried out in accordance with the Australian Standards 4373-1996 "Pruning of Amenity Trees" and in accordance with the Electricity Supply Act 1995.

- a) Any application for consent to cut down, prune, remove, or transplant a tree or trees shall be made on Council's Tree Preservation Order Application must be signed by the owner of the land and be accompanied by the appropriate fee.
- b) Any consent issued under this Order, other than a consent referred to in clause 7.3, is only valid for a twelve (12) month period from the date of the application.
- c) Any consent issued under this Order in conjunction with a subdivision approval granted under the Environmental Planning and Assessment Act, 1979, shall lapse if the subdivision approval or development consent lapses or becomes invalid or void.

Any consent issued under this Order shall be subject to the condition that the subject works shall not be carried out unless the consent or a copy of the consent is available on demand by a Council Officer.

7.4 Guidelines for Considering Applications

In considering an application the Weddin Shire shall make an assessment of the tree(s) importance in relation to:-

- Potential tree danger to persons, property or public infrastructure
- Tree health
- Scenic and environmental amenity
- Habitat for threatened species

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- If the tree has local historic or heritage value
- The ecological value of the tree, whether by itself or as part of a community
- Potential for the tree to be managed in the future

7.5 Replacement Planting

In granting approval to remove a tree/s, the Council may require replacement plantings to be undertaken. The species, location and number of trees shall be determined through a Review of Environmental Factors or similar process. Council's Roadside Vegetation Management Plan, or relevant Landscape Plan shall be considered in this process. In some situations Council may require a landscaping concept to be submitted for the site.

7.6 Guidelines for Trees on Public Land

With respect to 4(c) only,

- An Arborist will be required to assess the structural, safety and health of the tree/s that are being considered for removal.
- A Risk Assessment shall be completed on danger to persons, property and public infrastructure, as well as an assessment of the landscape, environmental and habitat significance.
- If a tree is found to have significant structural defects and deemed to be High risk, Council reserves the right to remove or lop trees to ensure public safety. The public will be notified of Council's intentions, 7 days prior to removal of the tree.
- If a tree is found to have minor or no structural defects and deemed to be Low or at no risk, the report will be published and a public consultation period of 14 days will be undertaken. Any submissions made during the public consultation period, along with the Arborist's report, the Risk Assessment and the landscape, environmental and habitat significance of the tree/s will form the basis of a report for consideration by Council.
- The resulting Council resolution shall be notified publically.

7.7 Exemptions

The owner of any land, or any person with the consent in writing of that owner, may without the consent of the Council, carry out the work of cutting down, pruning or removing a tree where the tree is:

- 1) Growing within the area of a proposed public work approved by Council.
Note: Whilst every effort will be made to retain trees of significance, Council still maintains the ability to remove or lop trees for the public safety in accordance with Section 88 of Roads Act 1993 and other relevant legislation.
- 2) Damaged, dying or dead and/ or which has become an imminent danger to persons, property and public infrastructure and deemed to be an Extreme Risk. Documentation in the form of photos and a written report shall be submitted to Council to certify that the immediate removal of the tree was the only option. Such documentation is to be submitted to Council as soon as practicable after the removal of the tree.
- 3) Because of its location, would prevent the erection of a building
- 4) A fruit tree
- 5) Pruned for regeneration
- 6) A species of tree that has been proclaimed as a "noxious plant" within the area of the Weddin Shire.

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- 7) Likely to present a danger to human life, buildings or other property from imminent danger from a bush fire burning in the vicinity of the land on which the tree was situated; or
- 8) In a fuel free zone within the meaning of the document entitled "Planning for Bush Fire Protection" published by the Department of Bush Fire Services; and
 - a. That, if the Council has classified species of trees as being likely to present a significant fire hazard, the tree was of such a species; or
 - b. That written notice about the proposed action was given to the Council. A period of not less than 14 days occurred after the notice was given (and before the action was taken) and the Council did not advise the person during that period that it opposed the action being taken.

In this subclause, "Notice" means a notice that includes the name and address of the person who gives it and that explains that a tree of a named species situated in a specified position on land described in the notice is intended to be ring-barked, cut down, topped, lopped, removed, injured or willfully destroyed for the purpose of bush fire hazard reduction.

Council shall determine the need to replace any tree removed under the provision of this order with a suitable tree in an alternative position.

8. Review and Amendment

- This policy shall be reviewed by September 2021 and thereafter at four (4) yearly intervals, to ensure it meets all statutory requirements and the needs of Council.

9. Adoption

- This policy commences as from the date of adoption by Council, being 20 April 2017 and replaces any previous policy.

10. History

Version	Details
5.1.1	Adopted 16 February 2006
5.1.2	Adopted 17 September 2009
5.1.3	Adopted 21 June 2013
5.1.4	Adopted 18 February 2016
5.1.5	Adopted 20 April 2017