

Policy 3.13 Trees and vegetation on Council managed public land in urban areas

Directorate	Community Environment and Planning
Responsible Officer	Manager Planning and Sustainability

Table of Contents

1	Introduction	3
1.1	Scope	3
1.2	Purpose	3
1.2.1	Benefits and value of trees and vegetation in urban areas	5
1.2.2	Issues and risks to manage	5
1.3	Definitions	5
2	Legislation and Related Information	6
2.1	Legislation	6
2.2	Related Information	6
3	Implementation	7
3.1	100-year vision statement	7
3.2	Council priorities and service standards	7
3.3	Future process improvements	10
3.4	Responsibilities	12
3.4.1	Elected Council	12
3.4.2	Chief Executive Officer (CEO), Leadership Executive Group (LEG)	12
3.4.3	Directorate or Section	12
4	Supporting documents	12
4.1.1	BVSC Procedures that relate to this Policy	12
4.1.2	BVSC Policies that Relate to this Policy	12

Record of Administrative Amendments

<u>Amendment Version No.:</u>	<u>Description of Administrative Amendment</u>	<u>Date Reviewed</u>
1.2	Version placed on public exhibition (D25/37327)	May 2025
1.1	Review of policy in accordance with Section 165 of the <i>Local Government Act 1993</i> Workshopped by Councillors on 9 April 2025	March 2025
1	Adopted by Council (D23/71587)	26/07/2023

1 Introduction

The purpose of this policy is to clarify Council's position in relation to trees and vegetation on Council owned land and Council managed Crown land in urban areas.

1.1 Scope

The scope of this policy is limited by the policy purpose.

This policy applies to trees and vegetation on Council managed public land and public road reserves in urban areas. For the purposes of this policy, urban areas are defined as areas with a road speed environment of 60km/hour or less.

This policy applies from the date of adoption by the Council.

This policy does not replace:

- Council's Tree and Vegetation Preservation controls detailed in Chapter 5.6 of Bega Valley Development Control Plan 2013 which gives effect to *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* by declaring trees and vegetation for which clearing is exempt or requires approval by Council or other agencies.
- Council's Procedure 1.07.1 Management of public reserves which among other matters details principles and procedures in relation to the protection of vegetation in Council managed reserves.
- Council's Procedure 3.02.2 Environmental Management – Tree Assessment which details the interactions between Council's Environmental Services Coordinator, Tree Management Officer (Contractor), Vegetation and Drainage Maintenance Coordinator and Urban Maintenance Coordinator to ensure that tree management is undertaken legally, in a way that minimises public risk and upholds the values and benefits of trees to the community.
- Council's Procedure 5.02.07 Private works on verges and road reserves which provides guidance for private works in the nature strip that require approval under the *Roads Act 1993*.

1.1.2 Purpose

The purpose of this policy is to clarify Council's position in relation to trees and vegetation on Council owned and Council managed land in urban areas. The policy commits Council to:

- Recognise the value of urban trees and vegetation to the current and future residents of the Bega Valley Shire as a community asset worthy of retention, protection and expansion
- Identify potential issues and risks associated with urban trees and vegetation
- Provide a consistent and transparent framework for Council officers and the public when managing trees and vegetation in the urban areas of Bega Valley Shire
- Define Council's priorities and commitments in relation to urban trees and vegetation with consideration of Council's resourcing limitations
- Continuously improve risk management of urban trees and vegetation
- Provide guidelines for planting shrubs and groundcovers in nature strips by residents

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- [Review subdivision guidelines to retain more habitat trees and ensure establishment of street trees in certain new road reserves](#)

1.1.3.1.2.1 Benefits and value of trees and vegetation in urban areas

Urban trees and vegetation are a public infrastructure asset. They contribute to natural beauty, micro-climate, shade and shelter, habitat, private property value, stormwater management and reduction in air pollution.

1.1.4.1.2.2 Issues and risks to manage

Urban trees and vegetation require ongoing management and maintenance. Sometimes the urban context changes and trees or vegetation that were previously thought to be appropriate become a financial burden on Council to manage or remove. Currently much of Council's resources and focus is taken up with managing risk resulting from inappropriate species and poorly sited trees.

Expertise associated with species selection, siting and planting of future plantings is necessary to prevent poor outcomes, cumulative maintenance obligations and risk for Council.

The community has a vested interest in urban trees and vegetation. As custodian, it is essential that Council manages urban trees transparently and sustainably, and in relation to high-value trees engages with the community where appropriate.

Areas with higher urban densities warrant investment in shade tree establishment to address emerging issues associated with climate change such as urban heat island effect, increased number of hot days, and increased erosion from intense storms.



1.1.3 Definitions

Word or Terminology	Description
Aboriginal culturally modified tree	Aboriginal culturally modified tree means a tree that, before or concurrent with (or both) the occupation of the area in which the tree is located by persons of non-Aboriginal extraction, has been scarred, carved, or modified by an Aboriginal person by: <ul style="list-style-type: none"> (a) the deliberate removal, by traditional methods, of bark or wood from the tree, or (b) the deliberate modification, by traditional methods, of the wood of the tree.
Heritage tree	As listed in Schedule 5 of <i>Bega Valley Local Environmental Plan 2013</i> .

High-value tree	A tree with special significance because of size, beauty, prominence, maturity, longevity, rarity, habitat-value to threatened or vulnerable species, siting or planting circumstance (such as memorial trees) and includes heritage trees, hollow-bearing trees and Aboriginal culturally modified trees.
Hollow-bearing tree	A tree (living or dead) containing naturally formed hollows, holes or cavities in the branches or trunk critical to the survival of 'hollow-dependent' species that require hollows as a key component of their habitat. Also known as "habitat trees".
Public land	As defined in the <i>Local Government Act 1993</i> , public land means any land (including a public reserve) vested in or under the control of the council, but does not include— (a) a public road, or (b) land to which the <i>Crown Land Management Act 2016</i> applies, or (c) a common, or (d) a regional park under the <i>National Parks and Wildlife Act 1974</i> .
Public road	As defined in the <i>Local Government Act 1993</i> , public road means a road which the public are entitled to use.

1.2 Legislation and Related Information

1.2.1 Legislation

Biodiversity Conservation Act 2016

Biosecurity Act 2015

Civil Liability Act 2002

Electricity Supply Act 1995

Electricity Supply (Safety and Network Management) Regulation 2014

Environmental Planning and Assessment Act 1979

Local Government Act 1993

National Parks and Wildlife Act 1974

Roads Act 1993

Rural Fires Act 1997

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Bega Valley Local Environmental Plan 2013

1.2.2 Related Information

- Australian Standards 4373 and 4970 Austroads Guide to Road Design Part 6B: Roadside Environment
- Bega Valley Shire Climate Resilience Strategy 2050
- Bega Valley Shire Community Engagement Strategy
- Bega Valley Shire Council Procedure 5.02.7 Private works on verges and road reserves
- Bega Valley Development Control Plan 2013
- Essential Energy Vegetation Management Plan
- Government Architect NSW Greener Places: An urban green infrastructure design framework for New South Wales

- NSW Rural Fire Service Standards for Asset Protection Zones
- NSW Walking Space Guide: Towards Pedestrian Comfort and Safety
- RMS Landscape Design Guideline 2019

1.3 Implementation

1.3.1 100-year vision statement

Policy Statement 1: 100- year vision statement

Council managed land in Bega Valley towns and villages supports vegetation that contributes to ecological, social, economic and landscape functions. It is well established, actively managed, resilient, safe and sustainable.

1.3.2 Council priorities and service standards

Policy Statement 2: Trees and vegetation on Council managed land

Council manages all aspects of trees and vegetation on Council managed land within the resource it has available. Council will integrate ecological, social, landscape, financial, risk and economic considerations in its management of urban vegetation.

Policy Statement 3: Tree and vegetation maintenance

Council will abide by the legislative context that applies to the protection of native vegetation, protection of Aboriginal objects and protection of heritage items.

Council's highest priority is to manage risk to life and personal injury associated with existing trees.

Council will prioritise works on a risk basis within available resources. Council will prioritise and sequence tree and vegetation maintenance:

- to manage risk, where the highest risk situation will be prioritised regardless of the timing of the request,
- in high-visibility, high-use commercial areas such as main streets,
- in areas of high concentrations of high-value parkland trees.

When deciding whether to manage or remove a tree, Council will consider the risk and overall value and replacement cost of the tree based on an arborist's report. High-value trees with low-medium risk assessment

will be retained and managed where possible. Low-value, medium-high risk trees will be removed rather than managed, pending available resources.

Council will replace trees where it is appropriate and in alignment with this policy. In some instances, it may be inappropriate to replace a tree and removed trees will not be replaced. In the case of a high-value tree that is providing important habitat-value to threatened or vulnerable species, Council will ensure that a replacement tree is established in the nearest suitable location in alignment with this policy.

Where a tree (living or dead) is providing habitat value in the form of hollows or roosting habitat, wherever possible, attempts will be made to retain the hollows or roosting habitat.

Pruning of trees or vegetation for private views or in response to claims of nuisance due to overshadowing or falling leaves and sticks is not supported. It is expected residents manage the assets they own appropriately considering the surrounding environment.

Council will remove trees on public land and public roads where the tree:

- is causing ongoing and unmanageable damage to private or public infrastructure,
- is listed as a biosecurity risk,
- is declared by a Council appointed suitably qualified arborist to be an imminent risk to human life or property and is beyond practical management strategies,
- is required to be removed to facilitate civil works undertaken by Council,
- is an inappropriate species for the location and likely to become a future financial burden on Council.

To manage the risk of potentially disturbing items of Aboriginal heritage, removal of trees will exclude removal of the root system below ground level where possible. Tree stumps will be left at ground level.

Tree and vegetation maintenance will:

- be planned and scheduled with a view to avoiding the need for higher-risk, unplanned maintenance,
- seek to identify and prevent future issues through preventative maintenance including pruning and mulching,
- be adequate to ensure the successful establishment of new plantings including watering and weeding,
- consider opportunities for succession planting so that as vegetation matures, removals and replacements take place in a planned and predictable way.

Policy Statement 4: Community engagement and participation

Tree removal or significant pruning

In accordance with Council's Community Engagement Strategy, Council will undertake the following levels of engagement in relation to tree removal or significant pruning:

- Where Council will remove or significantly prune a high-value tree on public land or public road reserve, Council will place a sign on or near the tree in a clearly visible location to ensure the tree is clearly identified and providing reasons for the pruning or removal. The standard notification period is 14 days.
- In addition, where memorial trees are required to be removed, attempts will be made to contact a family member to advise them of the imminent removal of the tree and to enable collection of any associated plaques.

Exceptions to these requirements are:

- if the tree needs to be urgently removed or pruned due to being a hazard to life or property, or
- for heritage listed trees and Aboriginal culturally modified trees, in which case Council's Strategic Planning Team must be consulted before removal and an appropriate consultation process will be determined.

Council staff will consider any submissions received during the notification period and whether there are any suitable alternatives to removing or pruning the tree, and submitters will be advised of how their feedback influenced the final decision. In exceptional cases, it may be appropriate for Councilors to be briefed, and this shall be decided at the Director's discretion.

Tree or vegetation planting on public land or public roads

Residents are not permitted to plant trees or vegetation on public land or public roads unless complying with a Council procedure or guideline. Residents can help by watching out for newly planted trees and vegetation by watering them and carefully weeding around them, and letting Council know if a plant needs attention.

Residents are permitted to plant in nature strips in urban areas, subject to complying with Council's Nature Strip Planting Guidelines and Council's Procedure 5.02.07 Private works on verges and road reserves.

Community group participation

Council will consider:

- through the process of a Community Project Proposal, supporting community groups to provide tree/avenue plantings where they align with Council's policy,
- permitting community groups to take over the maintenance responsibilities of particular gardens through the process of a written request.

Policy Statement 5: Qualified person to design all new tree plantings

Council will ensure that all urban tree plantings on Council managed public land or public road reserves are designed by a person with horticultural or environmental management qualifications.

1.33.3 Future process improvements

Policy Statement 6: Endorsed tree species list

Council will develop an endorsed list of tree species to use for Council or Council-endorsed urban plantings on Council managed public land and public road reserves, to mitigate future risk to Council by:

- identifying tree species not to use,
- excluding species that require regular pruning or hedging,
- integrating climate resilience research,
- considering flammability, root invasiveness, leaf drop and other potential debris (including cumulative impacts of airborne pollen), biosecurity risk, likelihood of limb drop, longevity, maintenance requirements, and attractiveness to nuisance species.

The list should provide useful detail to future users including (but not limited to): preferred soil conditions and aspect, full height and width at maturity, appealing and unappealing features, longevity, habitat value, tolerance to extreme conditions (wind, frost, salinity, drought, heat and water logging), limitations of use and siting considerations including overshadowing, public risk and recommended siting distance from buildings and other infrastructure (above ground and underground).

The tree species list will be made publicly available as a community resource.

Policy Statement 7: Criteria for natural areas revegetation programs

Council will develop criteria to determine which new revegetation programs in natural areas Council takes on, that considers the long-term maintenance obligations for Council.

Policy Statement 8: Tree register

Council will improve risk management in association with urban trees and vegetation on Council managed public land and public road reserves by:

- developing a spatial register of trees in an appropriate electronic record-keeping system, inclusive of:
 - identified medium-high-risk trees,
 - heritage trees,
 - new Council or Council-endorsed (including by development consent) tree plantings (excluding natural areas),ordered by level of risk, available to all asset managers to inform tree maintenance,
- undertaking routine-inspections of high-risk trees in the register.

Subject to resource availability, the tree register will be expanded to include high-value trees.

Policy Statement 9: Design and placement procedure

Council will develop a procedure for tree and vegetation plantings on public land and public road reserves that includes design and placement considerations, including:

- planting procedure for tree health and longevity, including root barriers, minimum pot size, and minimum soil volumes,
- potential cumulative impacts of leaf litter,
- proximity to infrastructure including buildings, roads, kerb and gutter, footpaths, underground infrastructure, roof gutters and powerlines,
- the requirements of Essential Energy Vegetation Management Plan,
- vehicle and pedestrian lines of sight,
- vehicle collision risk mitigation (reference RMS Landscape Design Guideline 2018 and Austroads Guide),
- bushfire risk (reference: NSW RFS Standards for Asset Protection Zones),
- species selection that complements the existing character of the area,
- species selection that includes locally indigenous native plants and contributes to local habitat value,
- consideration of final mature size,
- overshadowing,
- interference with street lighting,
- impact on private and public views,
- exclusion of hedges and high maintenance plantings.

Policy Statement 10: Tree and vegetation planting

Future Council projects will incorporate native plantings and aim to integrate tree plantings as part of the design of all infrastructure development, in accordance with the design and placement procedure.

Policy Statement 11: Trees in new subdivisions

Council will review its Development Control Plan to:

- provide clear guidance for new subdivisions to preserve and manage high-value trees on private land and in Council reserves and road reserves,
- provide guidance around the incorporation of natural areas into new subdivisions,
- consider opportunities to get better environmental outcomes including succession planting of locally endemic species with the aim of habitat replacement,
- amend subdivision standards and road specifications to require streets wide enough to accommodate street tree plantings,
- require street tree planting in new subdivisions, with medium-term establishment and maintenance responsibilities for developers, and long-term management plans,
- encourage private shade tree planting on private land in association with new development.

1.3.3.4 Responsibilities

Several areas of BVSC are responsible for implementation of this policy.

1.3.4.3.1 Elected Council

Adoption and review of policy.

1.3.4.3.2 Chief Executive Officer (CEO), Leadership Executive Group (LEG)

Ensure appropriate resourcing is in place to enable implementation of the policy.

1.3.4.3.3 Directorate or Section

Position Title	Responsibility
Environmental and Sustainability Services	Lead implementation of the policy in relation to Policy Statements 6 - 9 Provide support to CRM decision-making
Parks, Aquatics and Recreation	Support implementation of the policy in relation to: Policy Statement 7 (support Environmental and Sustainability Services Team)
Asset Managers	Recipient of CRMs for relevant asset Uphold the policy
Strategic Planning	Lead implementation of the policy in relation to Policy Statement 11

1.4 Supporting documents

1.4.1.1 BVSC Procedures that relate to this Policy

Procedure No.:	Procedure Name	External or Internal Procedure
3.13.01	Nature strip planting guidelines	External
1.07.1	Management of public reserves	Internal
5.02.7	Private works on verges and road reserves	External

1.4.2.1.2 BVSC Policies that Relate to this Policy

Policy No.:	Policy Name
1.07	Public Reserve Management
3.02	Environmental Management
3.07	Climate Change

5.02	Transport Services
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Note: Policy details may change from time to time. To ensure you are viewing the most recent version please view Council's adopted Policies and Procedures on Council website