

Urban Tree Policy

Policy – CP027

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1. The purpose of this policy is

This document sets out the Mildura Rural City Council's policy for the establishment, protection and management of vegetation situated on Council owned or managed property comprising:

- Residential streets, medians, roundabouts, carparks, tree bays and nature strips.
- Central Business Districts.
- Gardens, neighbourhood parks, sporting reserves, linear reserves and greenbelts.

2. Policy Statement

- To provide a consistent, sustainable approach to establishing, protecting and managing vegetation on Council property throughout the municipality.
- To reduce the instance of inappropriate plantings.
- To provide appropriate control and protection mechanisms for new plantings and vegetation under Council control.
- Reducing inappropriate or unauthorised removal of trees.
- To adopt and promote recognised best practice pruning and vegetation maintenance methods.

3. Principles

3.1 Tree Establishment

3.1.1 Tree Planting

Tree planting is undertaken by Council in urban streets each year for a number of reasons including:

- Increased amenity
- Increased biodiversity
- Increased habitat for native fauna
- Combat the Heat Island Effect
- Maintain the integrity of themed streets or avenues (where there is an existing tree species or planned species for a street or avenue)

- Provide shade for pedestrians and parked vehicles

3.1.2 Targeted planting

Trees are established within a wide range of areas including parks, reserves, central tree bays, medians and nature strips.

In developing its annual tree planting program, Council will focus on establishing new trees in areas where the largest number of vacant tree sites have been identified. This may include new residential subdivisions or existing residential streets, parks or reserves. In this way Council can focus its resources on establishing larger numbers of trees within smaller concentrated areas and improve establishment rates in a more cost effective manner.

When planting trees within nature strips, Council's aim is to establish at least one tree in front of each property and to ensure the right tree species is chosen in consideration of limitations associated with the planting site, including:

- Nature strip width
- Proximity to drive ways
- Property access requirements
- Overhead services
- Underground services
- Existing landscaping
- Proximity to intersections
- Building offset

Where space exists within a nature strip to establish more than one tree Council will plant additional trees at appropriate intervals.

3.1.4 Residents establishing trees on Council property

Residents must obtain approval from Council to establish any trees on Council land including nature strips and road reserves.

Where residents plan to supply and plant trees themselves, they will be subject to the same conditions as an individual request and will be required to contact Council to discuss and gain approval for the proposed works.

Council will not be responsible for the replacement or reimbursement for trees purchased by the resident that have failed are damaged or vandalised.

3.1.5 Unauthorised tree establishment

Council's aim is to establish tree species that are suited to the local environment and their planting location and to maintain the integrity of existing avenues or street themes. In order to ensure these aims are achieved, residents must ensure they contact Council to discuss tree planting requirements on Council land. Council will then work with the residents to achieve the best possible outcomes in accordance with this policy.

Council is constantly reviewing the suitability of plants and updating its plant data base. From time to time plants will be removed from the data base where they are no longer considered suitable or where there have been issues identified with a particular species.

In cases where a plant has been removed from the list of recommended plant species, Council may request removal of new plantings despite there being existing established plants of the same species on Council land. Therefore residents should not assume that plants already established on Council land are on the approved species list.

Where residents fail to gain approval from Council to establish trees on Council land and the plantings fail to meet Council's requirements, the resident may be notified to remove the plantings.

If the resident does not undertake the removal works within 14 days of notification, Council may remove the plants and charge the resident the associated costs.

3.1.6 Opposition to tree planting

The establishment of trees within urban streets can sometimes require Council to plant trees on Council land against the wishes of adjoining residents. Whilst the reason not to have a tree can vary substantially, Council must make a judgment regarding the benefits to the wider community over the individual resident.

Where trees are to be established within urban streets, the option for residents not to have a tree planted will only be considered where establishing the tree will cause a significant nuisance and will not include reasons such as:

- A need or desire by residents to park on the nature strip
- A dislike for the particular tree species
- Perceived ideas around limb failure
- Potential nuisance by way of leaf litter, bark or nut drop
- Potential shading of private property
- Perceived ideas around damage to underground services or property
- Conflict with landscaping design within the adjoining private property
- Potential blocking of advertising signage
- Potential blocking of future solar panel installation
- Perceived links to allergies

Where a residence has existing solar panels in place, an alternate tree planting location and species will be adopted to avoid overshadowing of solar panels.

Where a gap exists within an avenue of trees or a strong consistent planting theme is required to maintain neighborhood character or identity, trees will be planted to fill the gaps despite opposition from adjacent residents.

In all other instances a decision regarding planting will be made by the Parks and Gardens Coordinator or a delegated officer.

3.1.7 Plant Procurement

Council obtains trees from a range of sources including its own plant nursery. All tree planting material is to comply with AS 2303:2015 Tree stock for landscape use.

3.2 Tree Inspection and Maintenance

3.2.1 Risk Assessment Methodology

Council has adopted Quantified Tree Risk Assessment (QTRA) as its risk assessment methodology for trees.

QTRA quantifies the risk of significant harm from tree failure in a way that enables tree managers to balance safety with tree values and operate to predetermine limits of tolerance or acceptable risk.

By quantifying the risk from tree failure as a probability, QTRA enables a tree owner or manager to manage risk in accordance with widely applied and internationally recognised acceptable levels of risk.

Risk assessments where QTRA is to be applied may only be completed by trained and licensed QTRA users.

3.2.2 Tree Pruning and Removal

Because street trees provide considerable benefit to the broader community by way of improved amenity and reduction in the urban heat island effect, Council will not support individual requests to have trees removed, or subjected to additional pruning in order to:

- Reduce or eliminate leaf litter or other tree debris
- Reduce insect or bird activity
- Provide improved amenity to private property
- Improve television signals
- Preserve or create lines of sight to commercial signage
- Potential blocking of future solar panel installation
- Provide unnecessary access
- Alleviate concerns around limb failure or perceived risks to private property
- Perceived links to allergies

If in the opinion of the Parks Services Team Leader – Trees, the vegetation meets the following criteria, pruning or removal will not be permitted.

- Vegetation poses a low risk
- Vegetation is in reasonable to good condition
- Vegetation exhibits reasonable to good shape or form
- Vegetation is causing minimal nuisance to Council assets or public utilities
- Vegetation is causing minimal nuisance to the adjoining owner
- Other options are available i.e. installation of root barrier, removal of target, alternative access

The pruning or removal of vegetation will be considered if one or more of the following criteria exists.

- Fruit bearing trees cannot be efficiently managed
- Vegetation poses a significant public danger

- Significant damage is being caused to infrastructure including footpaths, curb, roads, public utilities or underground services
- Vegetation is dead or in an advanced state of decline
- Vegetation is an unsuitable species for under power lines
- Vegetation is a potential fire risk
- Vegetation is causing significant nuisance to the adjoining owner
- Vegetation is not suited to the location
- Vegetation exhibits poor shape or form and remedial pruning cannot rectify
- Vegetation significantly restricts views at intersections, rail crossings or when exiting driveways creating a risk to safety
- Access to property is unreasonably restricted
- A formal agreement is reached between council and the adjoining property owner to establish replacement vegetation that provides a significantly improved outcome such as greater number of trees, more appropriate species, and reduced long term risk to infrastructure
- Pruning will be considered if there is significant overshadowing of existing solar panels and the structure and integrity of the tree will not be compromised.

For residents living in urban environments, it is appropriate to expect that some degree of house exterior and grounds maintenance will be required in order to retain the aesthetic and environmental benefits of having trees in such an urban environment. In particular, it is reasonable to expect people living in such an environment might need to clean the gutters and the surrounds of their houses on a regular basis. The dropping of leaves, flowers, fruit, seeds or small elements of deadwood by urban trees ordinarily will not provide the basis for ordering removal of or intervention with an urban tree.

Where a tree is to be removed from a residential nature strip, if requested, Council may agree to wood generated from the works being taken by the immediate property owner on the provision that the timber is suitable for use and removed from the nature strip as soon as possible. Where the timber has not been removed by the agreed timeframe, Council will arrange for the collection of any timber from the nature strip. This clause will be determined on a case by case basis.

Where a tree is considered for pruning or removal it will be assessed against the above criteria and QTRA assessments by Council's Parks Services Team Leader – Trees or suitably qualified persons.

Where a tree poses an immediate risk to public safety the decision for pruning or removal can also be made by members of the Parks Services Tree Maintenance Team, Parks and Gardens Coordinator or Parks Services Emergency On-call Officer..

3.2.3 Tree Removal Authorisation

In all cases, where removal of a tree is planned it should be documented on a Tree Removal Authorisation Form (TRAF). The TRAF should include at least two photos, one being of the entire tree and one of the issue warranting the removal. The Parks Services Tree Maintenance Team are authorised to remove trees that are dead or pose an immediate risk to the public or property without written authority. In these cases a TRAF must be completed retrospectively to record works undertaken.

A TRAF is generally completed by the investigating officer as a result of a request from a resident, community member or developer. However a TRAF may also be completed by other internal Council staff where tree removal is being considered as part of proposed construction or maintenance works.

In all cases a request for tree removal must be investigated by Council's Parks Services Team Leader – Trees, who will provide justification for either retention of the tree or its removal via the TRAF. In making the assessment, the Parks Services Team Leader – Trees may engage an independent external arborist or other internal or external professionals for advice.

The TRAF shall then be forwarded to the Parks and Gardens Coordinator and Manager Parks and Waste Services for information or comment and approval pending the justification for removal.

Where tree removal may have significant impact on the community approval may be escalated to a higher level including General Manager Development, CEO or Councillors.

The outcome of the TRAF process will be communicated back to the customer by the Parks Services Team Leader – Trees.

Where it is suspected that a tree has been poisoned, that tree will be pruned to a reasonably safe state and/or height and retained as habitat.

3.2.4 Programmed Tree Inspection and Maintenance

Council undertakes programmed street tree maintenance within urban areas to individually assess the condition of each tree, and to undertake pruning to maintain required clearances for footpaths, roads and drive ways and to formative prune young trees.

Council has divided the urban areas of all townships into tree maintenance zones and progressively works through each zone.

Where a pruning need has been identified, works will be undertaken by Council's Tree Maintenance Team and recorded against the tree asset.

Where a defect has been identified, the tree is referred to Council's Parks Services Team Leader – Trees for further assessment. The

result of the assessment will then be managed in accordance with the pruning and removal process.

Council will notify residents within the maintenance zones via a letter drop prior to commencing works within the designated area.

3.2.5 Defect Inspection

Where a defect has been identified, the tree is referred to Council's Parks Services Team Leader – Trees for further assessment. The result of the assessment will then be managed in accordance with the pruning and removal process.

3.2.6 Condition Inspection

A condition inspection is undertaken by a qualified arborist often resulting from a defect inspection where a defect is believed to pose a risk to the community if un-actioned. The condition assessment will often result in a condition report that can be used to justify either retention of the tree or its removal.

3.2.7 Electric Line Clearance Pruning

The pruning of trees around overhead electrical lines is a necessity to ensure continued electricity supply and to prevent damage to assets as a result of trees contacting live wires.

Council is responsible for the maintenance of vegetation around overhead electrical wires in two declared areas. These areas exist within parts of Mildura and Red Cliffs.

Outside of these declared areas the responsibility for maintenance of vegetation around overhead electric lines is the responsibility of the asset owner (Powercor).

In accordance with the Electric Line Clearance Regulations (2020), Council is responsible for preparing an annual vegetation management plan prior to 31 March each year.

The plan outlines the processes that are engaged by Council to ensure compliance with the Electric Line Clearance Regulations.

Council undertakes an annual audit within the declared areas to identify any vegetation that has encroached within the minimum clearance distances to overhead power lines. These trees are then assigned a clearance rating based on the species and rate of regrowth to determine the overall pruning clearance. In this way Council can regulate the required clearance for each individual tree instead of pruning all trees to the same degree. This reduces the impacts of pruning on both the health and amenity of the tree.

In accordance with requirements within the Electric Line Clearance Regulations, Council will notify residents of its intention to prune trees within the declared areas each year by placing an advertisement in the local media or via a letter drop.

3.2.8 Palm Tree Pruning

Council is responsible for a large number of palm trees of various species located on Council managed land. In order to preserve the natural appearance of palm trees and to reduce health effects from over pruning Council will only prune palm trees located in urban areas where:

- Dead fronds may fall and injure pedestrians
- Dead fronds may fall and damage passing or parked vehicles
- Seeds from palm trees are falling onto path ways and creating a tripping hazard or obstruction access for mobility impaired residents
- Dead fronds may blow onto adjacent overhead power lines

Where palm trees are located in semi-urban areas or rural roadsides, they will not be pruned, however dead fronds that have fallen will be collected periodically where there is a potential fire risk or access to properties is being unreasonably restricted.

3.2.9 Tree Bay Trees

Tree bays are often located within the centre of urban streets or within designated locations between parking bays in central business districts.

Tree bays are provided as additional locations for the establishment of trees in urban areas and are often used as a traffic calming device in residential streets. Trees are also planted in tree bays located with central business district to provide additional shade for parked vehicles and pedestrians and to improve the aesthetics of these areas.

Any request for removal of a tree bay tree is to be directed to the Parks Services Team Leader – Trees. Request for removal of a tree will be managed in accordance with the tree removal process.

Any request for the removal of a tree bay is to be directed to the Parks Services Team Leader – Trees. In considering the application for removal, the Parks Services Team Leader - Trees may engage Council's Engineering Services or Road Safety Officer for advice. Where the tree bay is not significantly impacting on the safety of road users it will be retained.

3.2.10 Significant Trees

Council has developed a significant tree register which identifies significant trees or groups of trees located on Council owned or managed land. These trees have been identified as significant for reasons including:

- Significant heritage value
- Rare or endangered species
- Unique to the local environment
- Historical significance

- Contribution to landscape
- Cultural significance
- Exhibits unusual appearance or shape
- Form part of a significant avenue or group

Many of these trees are protected under planning or heritage overlays and will be managed in the same manner as any other tree asset taking into consideration the reasons behind their significance and the requirement to obtain planning approval.

3.2.11 Stump Removal

Where a tree is removed by Council and the stump is to be removed at a later date, it shall be identified using marking paint. The stump will then be placed on a stump removal list and removed within 28 days.

3.2.12 Telecommunication Cables and Signals

Council often receives requests to prune vegetation clear of telecommunication service cables which is generally as a result of residents not being aware that these cables do not carry electricity. As there is no requirement for Council to maintain clearances around these cables, excessive pruning will not be undertaken.

Where Council receives requests to heavily prune or remove vegetation to improve television signals, the resident will be required to investigate other options as pruning or removal will not be considered in these cases.

3.2.13 Installation of Additional Driveway Crossover

Should vegetation require removal for the purpose of constructing a new or additional property access, the applicant must apply to Council in writing.

If removal is approved, a written agreement shall be sought in relation to replanting of the vegetation and on-going maintenance of the nature strip or road reserve. Approval for a driveway cannot be given until this process has been completed. Council will require the applicant to meet the cost of removal and replacement of any vegetation. Where re-establishment of vegetation cannot be met due to site restrictions, the applicant will still be required to meet the cost of off-set plantings which will be undertaken by the Parks Services Team at an alternative location.

3.3 Tree Root Management

Where a request is received in relation to a tree on Council managed land suspected of causing damage to property or infrastructure, a Tree Root Risk Assessment will be completed by Council's Parks Services Team Leader – Trees. The Tree Root Risk Assessment is to be completed and submitted to the Councils Governance and Risk team within 3 weeks of the initial request being received.

The Tree Root Risk Assessment utilises a tool to assign a final risk score to each situation. This risk score is determined by considering the trees structural root zone, proximity of the trunk to any damaged asset, presence of visual signs of root related damage in close proximity to the asset, the maturity of the tree and suitability of the species for the location. An additional criteria relating to soil reactivity is only considered if the first five criteria score highly.

Where the final score of the Tree Root Risk Assessment is above 16 Council must take action to mitigate the risk within 3 months. For a score between 10 and 16 further investigation may be required. This could include excavation with an air spade or hydrovac or the use of ground penetrating radar. For a score under 10 it is unlikely the tree is the cause and often no further action is required. In all cases the complainant must be responded to in writing detailing the outcome of the investigation and any proposed works including timeframes.

3.4 Pest and Disease

Most trees have natural defense mechanisms that protect them from minor infestations of pest and diseases. Where a pest or disease is present and is causing minimal impact on the trees condition or causing minimal nuisance to adjoining property owners, no action will be taken.

Where a pest or disease significantly impacts the health of the tree or is causing a significant nuisance, the infestation will be investigated by the Parks Services Team Leader – Trees or suitably qualified persons and suitable action taken to minimise the impacts on either the tree or the adjoining owner.

Where a tree is affected by termites yet exhibits good health and structural integrity, the tree shall be treated by a licensed pest controller and retained.

Where the structural integrity of a tree is affected, it will be managed in accordance with the tree removal process. In most cases the tree will be treated for termites prior to removal to minimise spreading of the pest to other targets.

Where bees are foraging or swarming around a flowering plant or tree, no action will be taken unless the swarm develops into a hive.

Where a bee hive develops, the Parks Services Team Leader – Trees or other Council officer may engage a pest controller to remove or treat the hive if in the view of the officer the hive presents an immediate risk to the public.

Where bees are located within other structures such as power poles or telecommunication pits, the issue will be referred to the relevant authority.

3.5 Consultation

Council recognises all community members as stakeholders in tree establishment and maintenance, and to ensure adequate levels of communication and consultation the following table has been developed.

Council also recognises community groups within the municipality that may have a direct interest in tree pruning, removal or establishment. As part of the consultation process these groups will be notified of any tree works that significantly affect their communities.

Consultation will be consistent with the Mildura Rural City Council Community Engagement Policy CP020.

Residents will be advised or consulted in advance as per the below table, except in instances where trees deemed to present immediate risk to members of the community and property require urgent attention.

Street trees - individual request from adjoining resident for minor tree pruning	Consult with adjoining resident via customer request system
Street tree/s - to be removed and replaced adjacent to single property	Consult with adjoining resident
Street tree/s - to be removed and replaced adjacent to multiple properties within a street	Consult with adjoining residents where trees are to be removed and notify affected residents
Street tree/s - to be pruned or removed affecting identity or character of entire street or neighborhood	Consult with all affected residents. Notify community interest groups
Programmed street tree pruning	Notify all residents within maintenance zone, consult with residents who respond to notification
Power line clearance program within declared areas	Notify affected residents via a notice published in a local newspaper and letter drop to residents in the area
Subdivision street tree planting and annual tree planting program - tree species pre-determined or themed street	Consult with the adjoining residents/business owner about the planting with the aim to encourage ownership and care of the planted tree
Subdivision street tree planting and annual tree planting program- tree species options available	Consult with the adjoining residents/business owner about the planting, including species selection, with the aim to encourage ownership and care of the planted tree
Removal of significant tree – tree listed on Council’s Significant Tree Register	Check planning overlay’s and gain necessary permits. Notify affected residents. Notify community interest groups
Project tree planting	Consult with all affected residents where there is an opportunity to have input into tree species. Notify community interest groups
Planting of trees within parks and reserves	No consultation required
Establishment of trees within CBD or tree bays to maintain adopted themes in accordance with Urban Tree Strategy or CBD plans	No consultation required
Development of new tree establishment strategies or projects within parks and reserves	Consult with affected residents and community interest groups. Engage Community Development Officers

3.6 Standards and Qualifications

Council engages both its own internal Tree Maintenance Team and external Tree Maintenance contractors to undertake tree pruning and removal.

In order to minimise the impact of pruning on trees, all pruning will be completed in accordance with AS 4373:2007 Pruning of amenity trees.

The pruning and removal of trees and roadside vegetation on Council managed land will be undertaken by suitably qualified staff.

For maintenance of small trees (mature height less than 5 meters) and shrubs, staff will be required to hold a Certificate II Horticulture including a unit related to pruning shrubs and small trees.

Senior staff working as part of Council's Tree Maintenance Team must have successfully completed Certificate III Horticulture (Arboriculture).

On occasions where staff are being trained and do not hold the appropriate qualifications, they may carry out pruning under the direct supervision of staff who have successfully completed the relevant certificates.

In order to complete tree risk assessments and/or prepare tree reports the inspecting officer must have successfully completed the Diploma of Arboriculture including the units Assess Trees and Prepare Reports.

3.7 Tree Protection

Where development is to occur adjacent to or on Council Land where vegetation exists, the requirements contained within Australian Standard "Protection of trees on development sites" AS 4970-2009 shall apply.

3.8 Bushfire Mitigation

Council's Bushfire Mitigation Plan aims to mitigate the risk of bushfire to seven townships within the municipality, predominantly along the Mallee track. Townships detailed within the Plan are considered most at risk to a bushfire.

Implementation of this policy will not compromise any actions or recommendations documented in the Bushfire Mitigation Plan.

4 Who is responsible for implementing this policy?

Manager Parks and Waste Services
Parks and Gardens Coordinator
Parks Services Team Leader – Trees

5 Definitions

Vegetation	Means any tree, shrub or groundcover including naturally occurring individuals or communities
Remnant Vegetation	Includes all indigenous vegetation on any Council property that is under Council management on urban or rural roadsides
Avenue	Means a continuous planting of one or several plant species
Pruning	Means to cut branches, twigs and roots
Dead Vegetation	Means a plant that is no longer capable of photosynthesizing and cannot produce new growth
Significant Tree (Not Listed)	Locally significant tree not listed by the MRCC Planning Scheme or the National Trust
Significant Tree (Listed)	Significant tree listed by the MRCC Planning Scheme and/or the National Trust

6 Legislation and other references

6.7 Legislation

For further information related to this policy see:

- Electricity Safety (Electric Line Clearance) Regulations 2020
- Code of Practice for Electric Line Clearance
- Environment Protection and Biodiversity Conservation Act 1999 (Cth)
- Planning and Environment Act 1987 (Vic)
- Heritage Act 2018 (Vic)
- Aboriginal Heritage Act 2006 (Vic)
- Mildura Planning Scheme (Vic)
- Community and Council Plan 2017-2021 (or as updated)
- Local Law 2
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6.8 Documents

This Policy is implemented in conjunction with the following documents:

- AS 4373:2007 Pruning of amenity trees
- AS 4970:2009 Protection of trees on development sites
- AS 2303:2015 Tree stock for landscape use
- MAV Insurance Tree Root Risk Assessment Tool
- OP199 – Roundabout Landscaping Policy

- MRCC Urban Tree Strategy 2021-2026
- MRCC Significant Tree Register 2020
- MRCC Urban Nature Strip Policy CP068, April 2021
- MRCC Urban Nature Strip Guidelines 2021
- MRCC Land Manager's Consent Policy CP061
- MRCC Roundabout Landscaping Policy OP199
- MRCC Public Open Space Strategy 2021
- MAV Tree Root Assessment Tool
- National Trust Australia (2022) Heritage Register Online (Vic)
- National Trust Australia (Victoria) 2008, Register of Significant Trees
- Source doc for the Quantified Tree Risk Assessment System
- Mildura Urban Forest Strategy (under development)

6.9 Risk Assessment Reference

Please tick the corporate risk(s) that this policy is addressing.

Risk Category	✓	Risk Category	✓
Asset Management	✓	Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	
Corporate Governance		Project Management	
Environmental Sustainability	✓	Public Image and Reputation	✓