



# **URBAN FOREST MANAGEMENT POLICY**

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## Purpose

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To provide a consistent and transparent framework for Council administration officers and the public when managing trees in the Mosman Local Government Area (LGA).

Tree management in Mosman seeks to achieve a balance between the many benefits the Urban Forest provides to the urban landscape and surrounding infrastructure including the desires of local residents to protect the investment they have made in their property.

Trees within developed urban areas form a large part of what is now regarded as the Urban Forest. Urban Forests are internationally recognised as significant community assets worthy of retention, protection and expansion as they contribute significantly to the amenity and aesthetics of an urban area and to the well-being of its residents and visitors. Trees also create a natural beauty that is important to the character of the Mosman LGA.

The Urban Forest includes the totality of trees and shrubs on all public and private land in and around urban areas. The Urban Forest provides benefits such as natural beauty, visual interest, and softening rigid lines and harsh textures (aesthetics); micro-climatic influence, reduction in glare and the effects of wind and solar radiation (climatic); reducing cooling costs, asset protection and increased property values (economic); stormwater management, reduction in air pollution, and improving biodiversity (environmental); and public and private amenity (social).

This policy outlines the management of both public and private trees and the systems and processes required to manage these in the Mosman LGA.

## Scope

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This policy applies to all persons within the Mosman LGA who propose to undertake works in relation to:

1. Vegetation and trees on private land which:
  - Are 5m or more in height; or
  - Have a circumference of 450mm (150mm in diameter) or more measured 300mm above ground level; or
  - Are 2m or more in height, located in a heritage conservation area; or
  - If they are a heritage item or form part of a heritage item.
2. Private tree ferns (*Cyathea australis* and *Cyathea cooperi*) which are 2m or more in height.
3. Vegetation and trees on public land including dead material.

## Exemptions

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This policy does not apply (Council consent is not required) when managing trees and vegetation which are:

1. On private land and one of the following:
  - Camphor Laurel, *Cinnamomum camphora* (with height < 10m)
  - Citrus Trees, *Citrus spp.*

- Cocos Palm, *Syagros romanzoffiana*
  - Coral Tree, *Erythrina x sykesii*
  - Cotoneaster, *Cotoneaster spp.*
  - Cypress, *Cupressus Spp.*
  - Giant Bird of Paradise, *Strelitzia nicolai*
  - Hackberry, *Celtis australis*
  - Hibiscus, *Hibiscus spp.*
  - Leyland Cypress (Leighton Green) and its cultivators, *xCupressocyparis Leylandii*
  - Mulberry, *Morus spp.*
  - Norfolk Island Hibiscus, *Lagunaria patersonii*
  - Oleander, *Nerium spp.* and *Thevetia spp.*
  - Paw Paw, *Carica papaya*
  - Privet, *Ligustrum spp.*
  - Prunus, *Prunus spp.*
  - Rubber Tree, *Ficus elastica*
  - Umbrella Tree, *Schefflera octinophylla*
  - Wild Olive, *Olea europaea subsp. cuspidata*
  - Willow, *Salix spp.*
2. Vegetation or tree that is on private land and is a declared noxious weed in the control area of Mosman Council under the *Biosecurity Act 2015*
  3. Vegetation or tree that the Council is satisfied is dead and is not required as the habitat of native fauna
  4. Vegetation or tree regarding which the Council has received written confirmation from a qualified arborist AQF5 stating that it (and to which Council agrees) is a high risk to human life or property
  5. Vegetation or tree within the 10/50 Vegetation Clearing Entitlement Area for private land. To see if this law applies to a property and vegetation please visit <http://www.rfs.nsw.gov.au/plan-and-prepare/1050-vegetation-clearing>
  6. Power line clearances. Vegetation and trees on public and private land affecting power lines within the Mosman LGA are managed by Ausgrid and works under direction of this authority do not require Council consent. For further information please call 13 13 65.

## **Tree Permit Application Process**

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Consent for non-exempt tree works on private and public land is administered through the Tree Permit Application Process.

To seek consent from Council, applicants must complete and submit a Tree Permit Application Form for Council assessment. Forms are for private and public land and are available on Council's website at <http://mosman.nsw.gov.au/residents/property/trees/> or at Council Administration Offices.

All applications require the vegetation or tree owners consent.

### **Applications for Tree Works on Private Land**

Upon receipt of a completed tree permit application form for private land the following process will be followed:

- A delegated Council Officer will carry out an onsite inspection and review the applicant's request for works detailed on the private tree permit application form.

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- Applicants can request to be on site to discuss tree permit application with the Council Officer.
- Once assessed Council will provide the applicant with a completed Tree Permit Assessment Form which details any approved works or reasons for refusal. The form can be either sent by Council as an email attachment or by post.
- The applicant has 12 months to carry out the work listed on the tree permit assessment form
- If an applicant is unsatisfied, they are able to appeal by completing the form 'Application to Appeal a Tree Assessment'.

### Applications for Tree Works on Public Land

- A delegated Council Officer will carry out an onsite inspection and review the applicant's request for works as listed on the public tree permit application form.
- Applicants can request to be on site to discuss the public tree permit application with the Council Officer.
- Once assessed Council will provide the applicant with a completed tree permit assessment form which details approved works. The form can be either sent by Council as an email attachment or by post.
- Where an applicant is seeking to remove a high amenity tree on public land and staff agree with the proposal Council will notify surrounding residents within 50 metres. Notification will be in writing and will advise the reasons for proposed removal. A sign will also be placed on the tree so the general public is aware of the proposed removal and the tree is clearly identified. Notification period is 14 days.
- Should Council receive less than three written submissions against the removal staff will provide the applicant with a completed tree permit assessment form which details approved works.
- For all approved works the applicant has 12 months to carry out the work listed on the tree permit assessment form.
- For approved works applicants are only able to use Council's preferred tree contractors.
- All costs of approved works are to be met by the applicant.
- Removal consent for trees on public land will require a suitable replacement tree being planted in a similar location to the one removed also at cost to the applicant.
- Should Council receive three or more written submissions against the removal staff will provide the applicant with a completed tree permit assessment form which details refusal of works.
- If an applicant is unsatisfied, they are able to appeal by completing the form 'Application to Appeal a Tree Assessment'.

### Appeal Process

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- If an applicant wishes to appeal a tree assessment, they are required to complete the form 'Application to Appeal a Tree Assessment' and provide additional information supporting their request.
- Additional information should accompany the form including relevant professional advice from one of the following; a consultant arborist (AQF 5 level), a qualified engineer or a licensed plumber.
- Staff will review the 'Application to Appeal a Tree Assessment' form and additional information and if satisfied staff will issue an amended tree permit assessment form.
- If the supporting information is considered insufficient, staff will report the matter to Council and Council will determine the application and direct staff in regards to assessment provision/s. Staff will then issue an amended tree permit assessment form to the applicant that replicates the Council resolution.
- In exceptional circumstances the Director Environment and Planning (DEP) will consider reporting an appeal to Council. This is possible where an appeal cannot provide additional supporting information as mentioned above.

- In such cases the appeal must be accompanied by a statement outlining the special circumstances of the request. DEP considerations will include; length of ownership of property, broader benefits provided by the tree/s and relevance to the future development of the site.

## **Assessment and Application Guidelines**

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### **Pruning and Removal of Trees on Private Land**

Residents can apply to either prune or remove trees on private land. This includes pruning an overhanging tree from an adjacent property.

When considering applications for pruning or removal of vegetation or trees on private land, Council will give consideration to:

- Tree characteristics - Age, Vigour, Form, Size and Deadwood
- Value of tree to the area and locality - Visual, Natural, Cultural and Botanical
- Environmental and Habitat contribution to the local area

Generally Council will not permit the removal of healthy trees unless there is significant and proven damage to public or private infrastructure.

As a condition of approval for removal Council will usually require the planting of a suitable replacement.

Trees identified on development sites are assessed through Council's Development Application Process and cannot be considered under the tree permit application and assessment process.

Trees identified for retention on development sites are to be protected from development and other activities that threaten their health and appearance in accordance with AS 4970.

Council considers disputes between neighbours and trees on private land a civil matter and will not become involved or mediate same.

Council does not carry out hazard assessment of trees on private land. If this information is required for private trees residents need to engage their own professional advice. Should a tree be deemed a risk to property or human life by an independent AQF 5 consultant arborist, upon Council's agreement it will be immediately approved for removal.

### **Pruning of Trees on Public Land by Residents**

Council assesses applications for pruning of trees on public land by residents to maintain views, reduce overhang / encroachment, improve solar access and to reduce nuisance.

One of the key considerations in adopting this process is to discourage residents from taking matters into their own hands and participating in uncontrolled and unsupervised vandalism of vegetation on public land to restore and maintain views from their properties.

When assessing a public tree permit application, staff are limited by the following:

- The tree/s must be considered healthy and are able to tolerate pruning as assessed by a suitably qualified and delegated Council Officer
- Applications are limited to a maximum of 10% pruning of the live canopy for each tree. Pruning will be in accordance with AS 4373 and must be undertaken by a Council approved contractor as specified on the relevant tree permit assessment



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- Applications for no more than three trees on public land per application. This will maintain the balance of resident wishes for views and the preservation of trees on public land
- No more than one application per 12 month period will be considered for individual trees on public land

Any other trees whether subject of an earlier application or not, will not be considered for assessment within the vicinity (20 meters from trunk of tree) of trees assessed within a 12 month period.

Any approved works are at the applicant's expense, and as per conditions on the Council Public Tree Permit Assessment.

### Pruning of Trees on Public Land by Council

Council actively manages all trees on public land where each tree is monitored and pruned on an annual basis. It does not include trees (and shrubs) within unmade roads or bushland areas except the portion of a tree (or shrub) which impacts on a private or public asset. Trees within unmade road reserves and bushland areas are maintained over walking paths and on a reactive basis where required.

Council will prune a tree on public land to ensure the following is met:

- Arterial Roads - Military Road (west of Spit Road) and Spit Road and traffic lanes, including kerbside traffic lanes, bus stops to a height have adequate clearances
- Establish a minimum free passage for all footpaths
- Residential dwellings, commercial buildings and other buildings. Establish clearances of canopy from residential buildings of 1.5 metres and overhang of buildings of no greater than 3 metres. Establish clearances of canopy from commercial buildings, including awnings, and of 1.5 metres overhang of no greater than 5 metres.
- Lines of sight for traffic signs, traffic signals, pedestrian signs, parking signs and driveways
- Establish adequate clearance from street lights for effective lighting.
- Removal of all deadwood greater than 50mm on an annual basis
- Removal of dead palm fronds on an annual basis.

Further trees are removed by Council on a priority basis if they are defective (beyond management strategies) or are an exempt species as per Clause 4.5 of the Mosman Residential Environmental Plan 2012 when resources allow.

### Removal of Trees on Public Land by Council and Residents

Council will remove trees on public land that are causing unreasonable nuisance or on-going and unmanageable damage to private or public infrastructure. Tree removal will occur in these instances when the cost to Council to rectify the problem or undertake any future on-going maintenance is not warranted. Trees on public land may also be removed by Council where:

- The tree/s is a high risk to persons and property and is beyond practicable management strategies.
- Tree removal is required to facilitate civil works undertaken by Council.
- The benefits of the removal are clearly demonstrated by a suitably qualified person for reasons relating to bushland management/ regeneration or environmental project works.

Residents are able to apply to remove a tree on public land by submitting to Council a public tree permit application form. Please refer to 'Applications for Works on Public Trees' Section of policy for details.

It is noted that Council is not responsible for the maintenance of private assets on public land and Council will not remove a tree if private assets on public land can be repaired or moved at cost to the asset owner. Council is not responsible for private assets running through public land.

## **Fees and Charges**

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There are application fees which are set out in Council's Schedule of Fees and Charges in accordance with the Pricing Policy.

Fees are applicable for the following applications:

- Tree permit application form for pruning/removal of tree/s on private property
- Tree permit application form for pruning/removal of tree/s on public property
- Appeal of permit assessment for pruning/removal of trees on private property

## **Compliance**

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Council staff will conduct ongoing random audits to ensure compliance with the conditions of tree permit assessments including tree replacement conditions. Council staff will also investigate incidences of tree vandalism on private and public land to ensure compliance with Councils Local Environment Plan. Non-compliance will be assessed using Council's tree breach form by weighing environmental, amenity and site factors for a final breach rating / score. If there is clear evidence of, or admission by, the relevant offenders the score of the breach rating will provide direction to staff for appropriate actions. This includes:

- A low breach rating score will result in a warning letter
- A mid-range breach rating will result in the issuing of a Penalty Infringement Notice (PIN)
- A high breach rating score will be reported to the General Manager where concurrence will be sought from the Mayor to seek legal advice with the view of prosecution.

For breaches where there is no evidence of the relevant offender/s Council will take the following actions:

- Write to surrounding residents requesting information regarding the breach
- If breach has been assessed in the mid-range staff will install a banner and shrouding in the effected tree. A banner and shrouding will remain in the tree until the tree becomes hazardous and the banner and shrouding can no longer be supported. In the event that the tree cannot support a banner and shrouding (or tree has been removed) poles will be installed in close proximity of the tree to support a banner and shrouding.
- For a high breach rating score the matter will be reported to Council for further action such as the installation of a large sign and supporting structures.

## **Tree Planting on Council Land**

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To ensure Mosman maintains its natural environment and provides a suitable canopy across the LGA Council has in place tree planting strategies and programs on public land. These include:

- Councils Street Tree Master Plan for all street tree planting
- Conditions on residents to replace any tree removed through the public tree permit application and assessment process or development application process
- Replacement of poor performing trees
- Planting of trees where spaces are available in parks and reserves
- Assist in natural regeneration of bushland areas in regards to canopy species
- Promote and run tree planting days such as National Tree Day and Trees for Mum Day

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- Allow residents to plant memorial trees on public land. Those people that wish to do so will be aware of the significance of the plantings themselves, however, there are no formal plaques or tree surrounds unless approved by Council and the plantings will be managed under the relevant Open Space maintenance programs. Council will not guarantee the success of memorial tree plantings in public areas considering environmental factors and vandalism. Persons who participate will be advised of same prior to planting and all requests to Council are to be received in writing. Council reserves the right to remove or relocate for operational purposes.

### Related Information/Glossary

- *Preservation of Trees or Vegetation, Clause 4.5 of Mosman Residential DCP 2012*
- *Street Tree Master Plan*
- *Contract for Tree Management and Associated Works*
- *Bushland Management Program including Bushland Management Contracts, Volunteer Bushcare Program and Unmade Road Strategy.*
- *Mosman Local Environmental Plan 2012*
- *Mosman Residential, Business Centres and Open Space and Infrastructure Development Control Plans 2012.*
- *Public Tree Defect List*
- *Unauthorised Tree Work Procedures - Flow Chart*
- *Tree Hazard Evaluation Form*
- *Tree Breach Form*

### Legislation and Planning Instruments

*State Environmental Policy (Biodiversity and Conservation) 2021*  
*Environmental Planning & Assessment Act 1979*  
*Roads Act 1993*  
*Section 100R of the Rural Fires Act 1997*  
*Native Vegetation Act 2003*  
*Electricity Supply Act 1995*  
*Biosecurity Act 2015*  
*Australian Standards 4373 and 4970*

### Review

This policy will be reviewed every four (4) years unless otherwise directed by Council.

### Contact

Enquiries should be directed to the Manager Environment and Open Space on 9978 4025.

### Amendments

| Date             | Amendment                                                                                  | Reference                                                                   |
|------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 10 March 2021    | Updating of relevant legislation and addition of exempt species as per Council resolution. | EP/28 2017                                                                  |
| 24 February 2022 | Updating of relevant legislation                                                           | <a href="https://legislation.nsw.gov.au">https://legislation.nsw.gov.au</a> |