

DRAFT LOCAL LAW GUIDELINE

DIVISION 2 - YOUR TREES

21. TREE PROTECTION- GUIDELINES

The provisions of clause 21 of the Local Law will be administered in accordance with these Guidelines.

In determining whether a tree is protected under the Local Law, whether a tree-protection offence has occurred and/or whether to issue a permit for removal or pruning of a tree, the Authorised Officer or Delegated Officer must have regard to the following matters:

- (1) When measuring whether or not the single or combined tree trunk circumference is 155 centimetres or more at one metre above ground level, the instrument used for measuring the trunk circumference or combined trunk circumference should be placed at a 90 degree angle to the growth direction of the trunk;
- (2) Any tree is exempt from protection if it is of a species which is a declared noxious weed species;
- (3) In an emergency, any tree that is an immediate threat to life and or property may be removed without a permit;
- (4) A permit for pruning is not required if the pruning is to be carried out by a qualified arborist, in accordance with Australian Standard No.4373. *2007 Pruning of Amenity Trees*, who certifies his or her work and provides photographs before and after the work;

Permit Application Considerations:

Note: An objective of Council's Urban Forest Strategy seeks to ensure we maintain our existing canopy cover across the Bayside municipality and avoid further decline.

When assessing a permit application to remove, cut, trim, lop or prune a protected tree or significant tree, the following must be taken into consideration:

- (5) Whether a building permit has been issued under the Building Control Act 1993 and the permitted building(s) and/or construction works:
 - (a) are located in such a position that the subject tree is within the envelope of the permitted buildings or works;
 - (b) encroach on the tree protection zone of an existing tree by more than 40%; or
 - (c) encroach on the structural root zone of an existing tree.

- (6) Verifiable evidence of structural damage to a building, services or infrastructure which can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the amenity value of the tree;
- (7) Tree risk assessment using an industry standard tree risk assessment methodology undertaken by a minimum AQF Level 5 arborist or equivalent, who is formally trained in a tree risk assessment method and holds a current qualification or licence from that training;
- (8) The retention value of the tree as defined in Appendix 5 of Council's Landscape Guidelines;
- (9) The useful life expectancy of the tree as defined in Appendix 5 of Council's Landscape Guidelines;
- (10) The habitat value of the tree;
- (11) Evidence from Council staff indicating the tree has a detrimental impact on the surrounding environment or public health;
- (12) Special circumstances including medical conditions, disability, access safety or financial hardship, where there is no other reasonably practicable way to manage issues directly related to the tree; following referral to the Manager Community Care or responsible delegate to determine if assistance or supports are available, reasonable and proportionate.
- (13) Any permit granted may contain a condition stipulating that upon removal of a tree, one or more new trees, which may also include suitable middle-story or under-story planting where appropriate, must be planted and maintained to Council's satisfaction in accordance with Council's Landscape Guidelines and area Precinct Plan, or as otherwise required by the permit.