

1. SCOPE

- 1.1 This policy applies to all trees and vegetation under the care, control and management of Council. It ensures Council's approach to tree and vegetation management across the municipality:
- a) is undertaken in a consistent and transparent manner;
 - b) is fair and equitable to all parties involved;
 - c) achieves the best possible outcomes for council, community & environment; and
 - d) is consistent with Council's legislative obligations and with Council's strategic, corporate and financial directions.
- 1.2 The management of trees and other vegetation on private land, including the impact on neighbouring properties, is the responsibility of the landowner.

2. PURPOSE

- 2.1. Waratah-Wynyard Council recognises its responsibility to effectively and reasonably manage trees and vegetation located on Council managed land (owned or held under lease or licence), to maximise benefits and minimise risks on behalf of our community.
- 2.2. This policy provides a guiding framework for the planting, maintenance, conservation and removal of trees and vegetation on Council managed land, including parks, reserves, urban streets and rural roads.

3. POLICY STATEMENT

- 3.1. Council recognises the cultural, economic, social and environmental value of trees and vegetation. Council is committed to maintaining, and where appropriate increasing, the number and condition of trees across the municipality to contribute to community wellbeing, enhance biodiversity and address the impacts of climate change, as well as contributing to climate mitigation.
- 3.2. Where consistent with the function, character and amenity of the land in question, Council's tree and vegetation activities will aim to place emphasis on enhancing biodiversity and amenity by actively managing existing high value vegetation, as well as giving consideration to species selection, landscape connectivity, habitat availability, and where appropriate give priority to the use of local provenance plantings.
- 3.3. Council will adopt a proactive approach to climate change adaptation by reviewing its species planting lists and planting schedules to ensure the effects of climate change and extreme weather are considered, as well as the value of trees in reducing heat island effects and drawing down carbon.
- 3.4. Appropriate resources will be allocated to tree and vegetation management so that Council can meet its strategic and legislative obligations. Asset management principles and practices will underpin our approach to tree and vegetation management, to ensure that available resources are used effectively and efficiently to reasonably manage trees across the Council landscape, in a manner that also minimises risk to the Council and the community.
- 3.5. Council views the removal of healthy, established trees and vegetation as undesirable, but recognises it may be required on occasion. The removal of a living

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tree or other living vegetation will be viewed by Council as the option of last resort and must be justified.

- 3.6. Individuals or organisations are prohibited from poisoning, pruning, removing, defacing or any other interference of trees or vegetation on Council controlled land.
- 3.7. Council will aim to achieve the purpose and objectives of this policy by:
- 3.7.1. Ensuring new plantings are assessed for species and site suitability, taking into consideration the existing or desired character and use of the area, climatic conditions, biodiversity enhancement, existing management plans, potential impacts of infrastructure and public safety, and the minimisation of ongoing maintenance requirements.
- 3.7.2. Educating and involving the community on tree and vegetation plantings and management.
- 3.7.3. Permitting the removal of trees or other vegetation only when it:
- poses an appropriately assessed risk to public health and safety;
 - is considered a declared or environmental weed or has been appropriately assessed as an unsuitable species;
 - for public infrastructure and maintenance purposes where no practicable alternative is identified; or
 - where it is dead, damaged, or diseased and is not providing value to biodiversity or cannot be revived to a sustainable condition.
- 3.7.4. Permitting the significant modification of trees or other vegetation only to maintain or improve the health of the plant, or to enhance wildlife habitat.
- 3.7.5. Permitting tree and vegetation removal outside of the above criteria only when the vegetation is causing an extreme nuisance to public infrastructure.
- 3.7.6. Not permitting the removal of trees or other vegetation purely on the basis of litter or debris reduction, its shading on solar panels or gardens, or for the obstruction of views to adjoining land or advertising signage.
- 3.7.7. Addressing vandalism through a consistent approach involving public notification, education, remediation, and prosecution, where appropriate for the circumstances and in line with Council's Enforcement Policy.
- 3.7.8. Ensuring private developments which impact on trees and other vegetation on Council land actively recognise their value, and only modify or remove these, when all other practicable options prior to modification or removal are exhausted, and the cost of removal is borne by the developer in accordance with conditions placed by the Council.
- 3.7.9. Undertaking all activities in accordance with the adopted *Tree and Vegetation Management Guidelines*.

LEGISLATIVE REQUIREMENTS/TERMINOLOGY:

- By-Law No 1 of 2016 Highway, Public Reserves, Parking and Stormwater
- Local Government (Highways) Act 1982
- Tasmanian Planning Scheme
- Crown Lands Act 1976
- Local Government Act 1993
- National Weed Strategy and Declared Weeds under the Tasmanian Weed Management Act 1999
- Threatened Species Protection Act 1995
- Environment Protection and Biodiversity Conservation Act 1999
- At the Waratah-Wynyard Council, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the Local

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Government Act 1993; and carries the same meaning for the purposes of the Local Government Act 1993 and all other legislation administered by or concerning the Council

RELATED DOCUMENTS:

- PR.007.1 Tree and Vegetation Management Guidelines
- Waratah-Wynyard Integrated Council Environmental Plan 2020-2030 (iCEP)
- Environmental Sustainability Policy
- Cemetery Strategy
- GOV.038 Enforcement Policy & Guidelines

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1. PURPOSE

- 1.1. The purpose of these guidelines is to provide direction in relation to the management of trees and other vegetation on Council land, including parks, reserves, urban streets and rural roads.
- 1.2. These guidelines are to be read in conjunction with the Tree and Vegetation Management Policy and any other documents developed or employed by Council that relate to the management of trees and vegetation on council land.

2. RISK MANAGEMENT AND RESOURCE AVAILABILITY

2.1 Asset Management, Risk Assessment and Resource Availability

Appropriate resources will be allocated to tree and vegetation management so that Council can meet its strategic and legislative obligations. Asset management principles and practices will underpin our approach to tree and vegetation management, to ensure that available resources are used effectively and efficiently to reasonably manage trees across the Council landscape, in a manner that also minimises risk to the Council and the community.

In addition to the high value of trees for contribution to biodiversity, culture and physical amenity, some trees also have the potential to present relatively high levels of risk to the community, largely due to their size. As such, Council shall undertake additional levels of risk management in accordance with the principles outlined in the below sections.

2.2 Tree Inspection and Management Program

As the stock of trees on Council owned or controlled land is large, and Council has limited resources, a practical approach to the establishment of an integrated management inspection program is to be undertaken.

Tree management and inspections shall be on the basis of an assessment of the relative value of trees in either recreational or key biodiversity settings, or by reported concern from a customer or Council staff. All complaints or notifications concerning the potential health of Council controlled trees will be investigated.

a) Asset and Risk Rating Through Tree Register

- i. Only trees that have been assessed with high levels of risk (life threatening or not) shall be recorded into Council’s Tree Register. Healthy trees will not be recorded into the register.
- ii. Council will develop a register to capture trees with a high asset value (such as those recognised as significant), including criteria for determining value of the tree or group of trees.
- iii. The register shall be accurately maintained and kept up-to-date. The register will be available to aid the prioritisation of works along with planning inspections. The register shall be kept electronically.

b) Risk Rating

- i. Upon inspection, a quantified risk assessment will be undertaken by a suitably qualified person, taking into consideration the trees health, size and the amount of pedestrian or vehicular traffic under the tree.

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- ii. Council will develop an asset and risk assessment methodology that will take into consideration the above, as well as the contribution of the tree to biodiversity and community amenity.
- iii. At the completion of the assessment arating will be identified. An example of the possible rating is included below:

Rating 1:	Life threatening – tree condition is life threatening
Rating 2:	Potentially life threatening – trees that are not currently life threatening but have the potential to become life threatening in the future
Rating 3:	Some danger but not life threatening – trees that are not life threatening but present some safety or health hazard
Rating 4:	No apparent danger – trees that present no apparent danger but could require general maintenance for the health of the tree
Rating 5:	Trees that have caused or are likely to cause significant damage to public infrastructure

c) Prioritisation of Works

- i. Works will be prioritised based upon the level of asset protection or risk associated with the tree. Trees with higher asset value and risk ratings shall be programmed for works ahead of lower ratings.
- ii. For trees with a risk rating of 1 or 2, the works shall be undertaken as soon as possible in order to manage the asset and/or risk associated with them. Other asset and risk ratings shall be programmed for works pursuant to the assigned rating however will be dependent upon the level of resources available within the financial year.
- iii. Trees that have caused or are likely to cause damage to public infrastructure, shall be assessed by a suitably qualified person engaged by Council. The level of works required, and the priority of the works shall be determined on a case-by-case basis taking into factors such as the asset value of the tree, the extent of damage and the possible disruption to the intended function of the infrastructure as a result of that damage.
- iv. To summarise the prioritisation of works against the risk rating, refer to the below table:

Rating 1:	Life threatening	Urgent works required – maintenance or removal works shall be initiated as soon as practicable
Rating 2:	Potentially life threatening	Works required – maintenance or removal works shall be initiated as soon as practicable
Rating 3:	Some danger but not life threatening	Maintenance or removal works shall be scheduled but are limited to the available budget and other works priorities
Rating 4:	No apparent danger	If maintenance is required, works shall be scheduled as part of a general tree maintenance program
Rating 5:	Potential damage to public infrastructure	Tree removal or maintenance works is assessed on a case-by-case basis

3. PLANTING

3.1 Species Selection

- a) Species and site selection for new plantings shall be guided by the existing or desired character and use of the area, climatic conditions, existing management plans, potential impacts of infrastructure and public safety, and the minimisation of ongoing maintenance requirements.
- b) Where appropriate, and especially in areas with natural settings such as parklands dominated by native vegetation, along coastal dunes and areas in proximity to nature reserves and parks, Council will prioritise the use of local provenance species for new plantings.

3.2 Consultation

- a) Where the planting of trees or other vegetation may have significant impact on local residents, nearby businesses or other stakeholders, Council will endeavour to engage with all stakeholders through a consultation process in accordance with its *Public Consultation Policy*.

3.3 Authorisation for Third Parties

- a) Trees or other vegetation **must not be planted** on Council land or road reservations without prior written approval from Council. Individuals wishing to plant trees or other vegetation on Council land must seek Council permission by detailing the proposed species and location. The proposal will be assessed for species and site suitability and approval or otherwise given to the applicant in writing.
- b) Where clause 4.1.3 (a) has not been complied with, the vegetation will be inspected by Council staff for risk management, natural values and suitability. If the assessment identifies the plantings as inappropriate, Council may direct the individual or organisation responsible to remove the planting(s) or Council may remove as part of its standard operations in consultation with the original planter where practicable. In this context, inappropriate plantings are considered as those that:
 - i. are a high risk to public safety;
 - ii. creates damage to significant public infrastructure;
 - iii. create a negative impact on the biodiversity of the area
 - iv. create a negative impact to the amenity value or public use of the area;
 - v. are inconsistent with neighbouring properties;
 - vi. Environmental or declared weeds;
 - vii. contain unsuitable plants for the area; or
 - viii. have high ongoing resource implications for Council.

4. REMOVAL, DESTRUCTION AND PRUNING

4.1 Requests for Removal

- a) The removal of any tree or other vegetation from Council land without prior written approval from Council is strictly prohibited.
- b) In accordance with Council's *Highway, Public Reserves, Parking Areas and Stormwater By-Law*, an individual must not wilfully destroy, pluck, remove or injure any tree, shrub, flower or other vegetation growing on a highway except in accordance with a permit to do so. Penalties can apply for non-compliance of this clause.
- c) Individuals or organisations seeking the removal of trees or other vegetation from Council land must submit a formal request to Council. All requests will be

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considered and assessed prior to appropriate action being undertaken in accordance with established priorities and legislative requirements.

- d) Council may require a person requesting the removal of trees or other vegetation from Council land to provide written evidence from an independent and qualified expert about the cause and extent of the risk, damage, or health problem given as the reason for requesting removal.

4.2 When will removal of trees and other vegetation occur?

- a) When a request for removal has been made, the only circumstances in which Council may approve the removal is where the tree or vegetation:
 - i. Poses an unacceptable risk to public safety;
 - ii. Is part of an existing planting program such as the replacement of annual flowers in accordance with the adopted service level;
 - iii. Is causing substantial damage to public or private property or infrastructure and alternative methods for minimising the impact will not be effective;
 - iv. Is dead, diseased or damaged and cannot be revived to a sustainable condition (subject to 5.1.1 (c));
 - v. Restricts vision for safe vehicle movement or unreasonably restricts access to property and other alternatives such as relocation of access points of effective pruning cannot be achieved;
 - vi. Is detrimentally affecting the health of a nearby resident, the request is supported by evidence from a medical specialist, the species is uncommon in vicinity of the applicant's residence and alternative options for managing the issue are not feasible;
 - vii. Is a species listed as either Weeds of National Significance under the National Weed Strategy or Declared Weeds under the Tasmanian Weed Management Act 1999, and removal is consistent with Council's established budgetary priorities for the management of noxious weeds on Council land;
 - viii. Has been assessed by Council staff and is considered an inappropriate species for the location on the basis of climatic conditions, plant characteristics or other reason as per section 4.1.1;
 - ix. Is not of Aboriginal Heritage significance; or
 - x. Removal is required to facilitate improvements to Council infrastructure and the infrastructure cannot be practicably redesigned so as to avoid the need for removal.
- b) Dead, diseased or damaged trees that are structurally sound and located within urban biodiversity reserves, rural reserves or rural roadsides may be retained for fauna habitat at Council's discretion.
- c) A resolution of Council may authorise the removal of a tree or other vegetation on Council land in circumstances where it does not meet any of the removal criteria listed above and is causing an extreme nuisance to community infrastructure.

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4.3 When won't removal of trees and other vegetation occur?

Trees and other vegetation that do not meet any of the removal criteria specified in Section 5.1.1 will not be removed or substantially pruned for any of the following reasons:

- a) Shading of a private garden or solar panel installation;
- b) Causes nuisance by way of leaf, fruit or bark shedding;
- c) Provides habitat to wildlife that causes nuisance by way of noise, droppings or litter;
- d) Obscures or potentially obscures advertising signage; or
- e) Obscures or potentially obscures views.

4.4 Private developments

Where proposed private development (including driveway crossovers) gives rise to a request for removal of a tree or significant vegetation on Council land:

- a) All other practicable options (including the relocation of services and access points or pruning rather than removal) shall be explored prior to Council granting approval for the removal of the tree.
- b) If approval to remove is granted, the cost of removal shall be borne by the developer.

5. MAINTENANCE AND REPLACEMENT

5.1 Replacement

- a) Council will plant replacement trees and other vegetation as part of Council's annual planting program during the appropriate planting season, to offset the removal undertaken in previous year(s).
- b) Increased plantings on Council land will occur in line with the availability of resources and Council's capacity to maintain all trees and vegetation planted to acceptable standards.

5.2 Maintenance

- a) Council will develop and implement proactive maintenance standards and programs including inspections for our urban and rural trees and vegetation.
- b) Pruning and maintenance will be undertaken to manage risk, maintain plant health and longevity, and enhance amenity through establishing a structure amenable to the species, site location and planting purpose.
- c) Pruning and maintenance will be assessed and undertaken in accordance with established priorities and subject to available budget and resources.

6. VANDALISM

6.1 Council will adopt a consistent approach to the deterrence and investigation, and response to, tree and vegetation vandalism incidents, which includes poisoning, pruning, removing, defacing or other unauthorised interference. This approach will include one or more of the following:

- a) Public notification of the vandalism via letter drops, signage and media engagement;
- b) Remediation works including replacement plantings; and/or
- c) The prosecution of offenders where appropriate.

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At the Waratah-Wynyard Council, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the Local Government Act 1993; and carries the same meaning for the purposes of the Local Government Act 1993 and all other legislation administered by or concerning the Council.

RELATED DOCUMENTS:

- PR.007 Tree and Vegetation Management Policy
- Waratah-Wynyard Integrated Council Environmental Plan 2020-2030 (iCEP)
- ENV.001 Environmental Sustainability Policy
- Cemetery Strategy
- GOV.008 Public Consultation Policy

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