TREE PROTECTION DURING PROPERTY DEVELOPMENT POLICY

COUNCIL POLICY NO: 100
Responsible Directorate | Infrastructure and Works
Responsible Section | Parks and Natural Environments
Responsible Officer | Manager Parks and Natural Environment

OBJECTIVE:

The objectives of the Street Tree Protection Policy are to:-

1. Ensure that street trees are suitably protected during the development process of an adjacent land property/lot;
2. Ensure the long-term health of trees in streetscapes; and
3. Raise community awareness that it is an offence in terms of the Town of Cambridge ('the Town”) Local Government and Public Property Local Law 2017 to destroy any tree on any Local Government property.

SCOPE:

This policy applies to all trees that are owned or managed by the Town. Residents, owners, builders, developers, contractors, representatives and event organisers are all to comply with this Policy.

POLICY STATEMENT:

The Town will achieve these objectives through:

(a) All applications for planning approval or a building permit must be accompanied with a detailed plan which includes the following information:-

(i) Location and species of all existing trees on the verge adjacent to the proposed development site;
(ii) Approximate height and width of tree canopy;
(iii) Girth (circumference) of tree trunk at a height 1.0 metres above the natural ground surface; and
(iv) Condition of all existing trees on the road reserve adjacent to the proposed development; and
(v) Confirm if the street tree is currently being irrigated by the adjacent property owner/resident

(b) Non-compliance with the provision of the above assessment and drawings shall result the application being held in abeyance until such time as the information has been provided; and

(c) Ensuring that development activity on the verge area is minimized in order that the street trees are protected.
1. APPLICATION OF THIS POLICY

1.1 The Council retains the right to implement the Council’s Management of Street Trees Policy No: 098, and this Policy as it deems necessary to protect street tree assets;

1.2 Any costs associated with the implementation of the protection measures shall remain the responsibility of the Applicant/builder/landowner/developer;

1.3 Non-compliance with the implementation of the appropriate preservation/protection strategy as per Council's requirements shall incur penalties; which will be determined by the Manager Compliance, dependant on the extent of damage to the tree; and

1.4 The Town may also decline to refund the Secured Sum (bond).

2. APPLICATION COMMENCEMENT DATE, FEES AND CHARGES

Effective from 1 July 2015, all applications lodged after this date for planning approval or a building permit will be required to pay the prescribed Fees and Charges as adopted by the Council as part of the Annual Budget.

3. STREET TREE PROTECTION

The Applicant/builder/land owner/developer is to implement the following to protect the Town's street tree from any unnecessary damage occurring:-

3.1 To protect the tree during the development phase, the Town may request an approved independent suitably qualified Arborist report to guide the management practices during the development;

3.2 A tree protection zone is to be established around the trunk of the tree. The tree protection zone shall include temporary fixed rigid barricade/fencing of at least 2 metres by 2 metres where practicable, with a minimum height of 1.5 metres (preferably with appropriate signage), erected around the tree to protect the structural root zone and tree during the construction works. These are available from private hire companies. Depending on tree size, a larger tree protection zone may be required and directed by the Town in accordance with Australian Standard AS 4970-2009 'Protection of Trees on Development Sites.';

3.3 It is also recommended the use of a suitable mulch - a saucer is to be installed around the base of the street tree and within the protection zone to assist with watering the tree.

3.4 Building materials, building rubble and/or debris shall not be placed or stored against the barricade or within the tree protection zone;

3.5 Vehicles shall not be parked within the tree protection zone under any circumstances;

3.6 The use of appropriate sized machinery is to occur so that contact with the upper canopy of a street tree does not occur at any time. Any branches requiring removal for clearances to facilitate the development works shall only be undertaken by a qualified Arborist or Town approved Officer, after written approval is obtained from the Town of Cambridge Infrastructure Parks. All tree works shall be in accordance with Australian Standards AS 4373 (1996) ~ Pruning of Amenity Trees, and/or Street Tree Technical Guidelines section 5;
3.7 All building contractors engaged on the development are to be made aware of the importance of protecting the Town’s street tree, and that any damages occurring to the tree, wilful or otherwise will be subject to prosecution under the Town of Cambridge Local Government and Public Property Local Law 2017;

3.8 Where a Verge permit has been issued, the conditions shall be strictly complied with at all times; and

3.9 The tree must be adequately and regularly watered during the construction phase. When requested by the Town, the Applicant/builder/landowner/developer must install a temporary irrigation system to deliver an adequate and regular supply of water to the tree, to the satisfaction of the Town.

4. EXEMPTIONS

A Secured Sum (bond) will not be required for any Development Application or an Application for a Building Permit in the following circumstances:-

(a) where the subject land which does not have a street tree; or

(b) if the building construction is of such a ‘minor nature’ (eg patio) and does not involve, impact or interfere with the street tree; or

(c) where access is via a laneway that it does not involve, impact or interfere with the street tree.

5. FEES AND CHARGES

The Applicant/builder/landowner/developer shall pay the fees and charges (Secured Sums - Bonds) for Verge Street Tree Preservation, as adopted by the Council in the Annual Budget - Fees and Charges.

6. ENFORCEMENT

6.1 The Town will take all possible measures to deter damage of street trees.

6.2 The Town will take legal action (eg issue an infringement notice or prosecute persons) where there is prima facie evidence of damage to street trees. This includes unauthorised application of herbicides to the tree or to the drip line of the tree and unauthorised pruning and removal of street trees.

6.3 Where the Town has prima facie evidence of illegal damage to a street tree, to such an extent that the tree significantly declines in health or dies, the Town may erect a sign of approximately 1500mm x 2500mm in front of the property where the tree was located, with the following wording:-

TOWN OF CAMBRIDGE
A street tree at this location has been illegally damaged/destroyed and the area is now being monitored. This sign will remain in place for a period of Twelve (12) Months. If you have any information regarding this matter or other acts of illegal damage to street trees, please contact the Town of Cambridge on Ph: 9347 6000
DEFINITIONS:

‘Prima facie’ is a term used in Australian/English law (including both Civil and criminal law) to signify that upon initial examination, sufficient corroborating evidence appears to exist to support a case. In common law jurisdictions, prima facie denotes evidence that, unless rebutted, would be sufficient to prove a particular proposition or fact.

**tree** is any plant over 4 metres in height with a distinct single main trunk that has at least 50% of its base located on public land.

**verge** is the section of the road reserve between the private property boundary and the road kerb.

**road reserve** consists of the road and the verges, on both sides of the road, up to the private property boundary. The road reserve is crown land under the control of the Town.

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