Mornington Peninsula Shire

Tree Management Policy

Council Policy

ECM ref #7316977

1. Authority

- Road Management Act 2004
- Electricity Safety Regulations 2020
- Mornington Peninsula Shire Community Amenity Local Law 2022
- Local Government Act 2020
- Occupational Health & Safety Act 2004
- Disability Discrimination Act 1992
- Environmental Protection Act 2017
- Planning and Environment Act 1987

2. Intent

The purpose of this Policy is to define the Shire's roles and responsibilities regarding trees located on or encroaching upon Shire-owned or managed land.

3. Definitions

Arborist	An individual with a recognised qualification in arboriculture working directly for the Shire or a Shire contractor.
Assessment faults **Inspection**	Visual and physical examination of a tree to identify potential or defects and assess the long-term health condition of a tree.
Leaf, fruit, or flowers, **flower drop**	The natural or stress-induced shedding of foliage (leaves or needles), buds, or nuts from a tree.
Our Urban Forest Strategy (UFS)	The Shire's Council-adopted strategy to manage and improve our urban forest through better tree, storm water and vegetation management.
Private vegetation	Vegetation where the base of the plant is originating on private land.
Right of Abatement	The right of a landholder to prune a tree belonging to a neighbour that is encroaching the landholder's property to the property boundary at the landholder's expense.
Suitably qualified	Level IV certificate or higher in arboriculture **arborist**

Third Party Tree	Third Party Trees are any trees not considered to be Shire assets or Shire managed trees. This will include trees such as private trees (e.g. those owned by members of the public and growing on their land) or trees managed by other authorities (e.g. state or federal government departments and utilities).
Tree	Long lived, woody, perennial plant greater than (or usually greater than) 3m in height with one or relatively few main stems or trunks.

4. Scope

This policy applies to the management of council trees on council-owned or managed land and defines the Shire's responsibilities for managing third party trees.

5. Governance Principles

Under the *Local Government Act 2020*, Council must give effect to the following overarching governance principles:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- the municipal community is to be engaged in strategic planning and strategic decision making;
- innovation and continuous improvement is to be pursued;
- collaboration with other Councils and Governments and statutory bodies is to be sought;
- the ongoing financial viability of the Council is to be ensured;
- regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- the transparency of Council decisions, actions and information is to be ensured.

6. Policy Statement

6.1 Tree Management Policy Statement

The Shire recognises the benefits provided by a thriving and well-managed forest, in both the urban and rural areas of the peninsula. Where possible, trees should be protected to safeguard the natural environment and benefit our residents, tourists, and ecosystems. As outlined in the Urban Forest Strategy, Biodiversity Conservation Plan, Integrated Water Management Plan, draft Integrated Transport Strategy, draft Open Space Strategy and many others, these benefits include:

- Biodiversity and ecosystem health
- Urban cooling and greening
- Climate resilience
- Health and wellbeing benefits
- Flood risk and water management
- Amenity and neighbourhood character

6.2 Reactive

6.2.1 The Shire will inspect trees that are reported by the community within a scheduled response time.

6.2.2 Inspections will be undertaken by a suitably qualified arborist (as determined by the Shire) and a response will be provided on the outcome of that inspection to the customer, if requested by the customer.

6.2.3 All decisions to program works will be based on the Shire's preferred risk assessment tool, to be undertaken by the arborist representing the Shire. The Shire will periodically review the risk assessment tool against best practice.

6.2.4 Works identified relating to Electrical Safety Regulations or the Road Management Act associated programs may, at the Shire's (or Shire representatives') discretion, be deferred to those programs rather than referred to Response works depending on scheduling.

6.3 Proactive

Trees assessed by a suitably qualified arborist as requiring ongoing assessment and/or maintenance will be recorded in the Shire's tree database, where they will receive regular inspections on a scheduled program.

6.4 Response

6.4.1 Any works programmed as a result of reactive or proactive inspections will be undertaken by the Shire's Tree Response Team.

6.4.2 These works will be scheduled based on their risk profile as assessed by the arborist representing the Shire.

6.4.3 Works that are identified through an assessment will consider management options to retain the tree. Removal will be considered as a last resort.

6.4.4 Leaf, flower, fruit, or other general small debris drop will not be remediated by default as this is a natural process for mature trees, however the Shire may determine in some instances to undertake remediation.

6.4.5 Trees managed by a different authority (such as state government departments) will not be inspected or programmed, without a formal agreement, for works under Reactive/Response programs.

6.5 Roadside Vegetation

The Shire has a cyclical inspection program of townships for roadsides, paths and reserve cutbacks of trees and vegetation. All pruning and removal of trees will be compliant with the requirements under the Road Management Act 2004 and the Australian Standard for Amenity Tree Pruning (AS4373-2007).

6.6 Electrical Safety Vegetation Management

The Shire has a scheduled program for inspections of powerlines for trees and vegetation clearance where the Shire is the managing authority. These assets will be assessed and programmed tree pruning will occur to keep all Shire-managed powerline assets compliant with the current Electricity Safety (Electric Line Clearance) Regulations.

6.7 Council Trees impacting Private Property

6.7.1 Shire will remove trees or branches fallen from Shire-managed land onto private land at Shire's cost, provided that the private land provides a safe workplace (subject to Shire risk assessment) and landowner and/or resident consent is provided through Shire's access agreement.

6.7.2 Shire may install root barrier within private land where it is deemed to be the appropriate treatment by a Shire Arborist to mitigate damage to assets on private land caused by roots from Shire-managed land. This work is subject to the same safety and consent requirements as above.

6.8 Tree Planting

The Shire has a scheduled allocation for tree planting/watering program for each financial year. Specific targets and outcomes have been outlined in the Shires Urban Forest Strategy.

6.9 Third Party Trees

6.9.1 Third Party Trees are any trees not considered to be Shire assets or Shire managed trees. This will include trees such as private trees (e.g. those owned by members of

the public and growing on their land) or trees managed by other authorities (e.g. state or federal government departments and utilities).

6.9.2 The Shire has no obligation to inspect or prune third party trees.

6.9.3 Third party trees non-compliant with Electrical Lines Clearance regulations may be referred to the appropriate responsible authority.

6.9.4 Third party trees relevant to other roadside vegetation management programs will be dealt with on a case-by-case basis. The Shire maintains the right to prune third party trees overhanging council owned or managed land to the property boundary without the private landholder's prior knowledge under the "right of Abatement". This will be done to maintain road, footpath, and mowing zone clearance for ease of use by the public and to remain compliant with legislative obligations.

6.9.5 Where it is the responsible authority for an impacted asset (e.g. road), the Shire may respond to immediate risks involving third party trees (i.e. a tree failed across a Shire-managed Road) and will undertake works to restore the proper function of that asset e.g. clear the roadway of the tree debris).

7. Human Rights Charter Compatibility

This policy has been assessed as being compatible with *the Charter of Human Rights and Responsibilities Act 2006 (Vic).*

8. Associated Documents

- Road Management Plan
- Shire Electrical Lines Clearance Management Plan 2025
- Our Urban Forest Strategy
- Biodiversity Conservation Plan
- Draft Open Space Strategy

9. Policy Sponsor

The Manager Infrastructure & Waste Services is responsible for overseeing the application and review of the Tree Management Policy.

10. Document Control

Council will review the Councillor Gift Policy within four years or earlier as required.

10.1 Document Version Table

Summarise the key changes made to the document to provide a quick understanding of the updates.

Version	Section	Revision Description	Date Revised	Approved by