

# Public Tree Management Guideline Biosecurity Act 2015

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## 1. Purpose

The purpose of this guideline is to support implementation of Townsville City Council's (Council) Public Tree Management Policy.

This guideline is to be read in conjunction with the definitions in the Public Tree Management Policy, statutory requirements, applicable Australian Standards and form the basis for consistency among Council workers in decision making, resource allocation and overall tree management.

This guideline supports delivery of the Public Tree Management Policy through five key areas:

- 1. tree retention;
- 2. tree removal;
- 3. tree valuation and offset tree plantings;
- 4. tree maintenance; and,
- 5. pest and disease management.

## 2. Principles

Trees have a significant value to the Council, the community and Townsville visitors, providing:

- a cooling effect that can reduce energy consumption and Townsville's carbon footprint;
- screening for buildings, blending structures into the natural landscape;
- a means for reducing soil erosion and decreasing flooding;
- a filter for wind;
- reduction of noise and air pollution;
- aesthetic appeal and economic health; and,
- community identity.

Across Townsville's public tree network, Council's activities and resources shall be prioritised based upon the following order of principles:

- manage risks to public safety;
- manage risks to property or infrastructure;
- preserve and maintain the health and structural soundness of Townsville's public tree network including its significant trees;
- improve Townsville's image, liveability and the well-being of the community by prioritising the integration of public trees within the urban landscape; and,
- support the health of Townsville's ecosystems through investment in its public tree network.

# 3. Scope

This guideline applies to the management of all public trees on Council controlled land that are Council's direct responsibility.

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This guideline excludes:

- public trees within Council leased areas where vegetation management is explicitly stated as a responsibility of the lessee;
- trees on privately owned land;
- trees in State controlled road reserves maintained by Department of Transport and Main Roads (DTMR) or their contractors, but excluding areas maintained by Council under the Road Maintenance Performance Contract (RMPC);
- trees in National or State reserves managed by Queensland Parks and Wildlife Service (QPWS) or the Department of Resources (DR);
- trees in Council controlled bushland and natural reserves; or,
- any vegetation in drainage reserves and firebreaks.

# 4. Responsibilities

The Director of Infrastructure and Operations and the General Manager Construction, Maintenance and Operations (CMO) are responsible for ensuring this guideline and any supporting standards, guidelines or procedures are understood by all Council workers working on Council controlled land.

All Council workers and managers are responsible for ensuring this guideline are adhered to.

All inspected public trees on Council controlled land shall be recorded as non-financial assets on a register to be maintained by the Asset Custodian.

All Council workers and the community are encouraged to promptly report any public tree management concerns to Council's SERVE Centre.

# 5. Definitions

Asset Custodian - the section of Council nominated from time to time by the Director of Infrastructure and Operations as being responsible for ensuring that Council's public trees are managed and maintained according to Council's policies, guidelines and standards. Currently, Council's Open Space Team is the nominated Asset Custodian.

**Community** - in this guideline, refers to the broader Townsville population, and all groups (communities) that are part of it. It is important to note that people usually see themselves as belonging to one community of place but more than one community of interest or identity.

Consulting Arborist - means a person:

- with minimum Australian Qualifications Framework (AQF) Level 5 in arboriculture;
- that is insured for both public liability and professional indemnity in an amount that meets Council's standards; and,
- has extensive knowledge and experience in arboriculture principles and practices.

**Council Controlled Land** - in this guideline, refers to land under Council freehold ownership or Crown land or reserve managed by Council under trust. It also includes Council controlled road reserves and State controlled road reserves that are managed by Council under the Road Maintenance Performance Contract (RMPC). It does not include (1) State and Federal controlled reserves (E.g. National Parks, State Forests) or (2) bushland areas subject to Council's

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environmental management strategies.

**Delegated Officer** - is a suitably qualified person holding the delegated power to provide approval on behalf of Council. In this guideline, Delegated Officer refers to the Team Manager Open Spaces, General Manager CMO, Director Infrastructure and Operations or Chief Executive Officer within Council. These positions are responsible for providing strategic guidance and specialist technical advice on public tree management and assessment, with recommendations by the Principal Arborist

**Diameter at Breast Height (DBH)** - refers to the nominal trunk diameter at 1.4 metres (m) above ground level determined by dividing the circumference of the trunk by pi ( $\pi$ ).

**Emergency Public Tree Works** - means public tree works that need to be completed urgently to mitigate imminent public risk. Emergency tree works include but are not limited to:

- public tree works on a leaning tree with soil upheaval;
- public tree works on a tree with open or active splits or cracks within the tree trunk or canopy branches;
- public tree works to enable emergency access or emergency work;
- public tree works in response to an accident or emergency;
- public tree works in response to a storm event or other types of natural disasters; or,
- public tree works on a private tree / branch that is a declared community safety hazard impacting on Council controlled land.

**Interference with a public tree** - means to carry out an activity that damages, disfigures, mutilates, or otherwise interferes with the growth and health of a tree. Interference includes but is not limited to:

- ringbarking or removing bark from a public tree;
- lopping, modifying or removing a public tree;
- applying a substance to the public tree or its roots that is harmful and adversely affects its health;
- damaging a public tree with heat, including by burning, scorching or singeing part of the tree;
- damaging a public tree protection zone by any means, including excavating, filling, compacting or applying a harmful substance;
- cutting or tearing branches, roots or the trunk of a public tree; or,
- permanently or temporarily, fixing any object to, or inserting object into, any living tissue or surrounding bark of the public tree.

**Manager** - an individual responsible for overseeing and coordinating specific functions, departments, teams or projects within Townsville City Council.

**Offset Tree Planting** - refers to new public tree plantings intended to offset the tree canopy lost from a previous public tree removal. Offset tree plantings are intended to achieve no net canopy loss within three (3) years of the approved public tree removal.

Private Tree - means any tree located within the boundaries of privately owned property.

**Public Open Space** - refers to publicly accessible land that is set aside for informal and formal community use. The land typically supports a variety of civic, cultural, recreation and sporting activities whilst also providing stormwater management, amenity, and environmental benefits.

**Public Tree** - in this guideline, refers to any tree within the local government area that has any part of its trunk growing from Council controlled land.

**Public Tree Network** - is the network of public trees on Council controlled land within the local government area.

**Public Tree Works** - means approved activities such as pruning, removing, (re)planting or tree care activities that are undertaken on a public tree by approved officers in order to achieve a specified tree management objective. In accordance with Local Law 3, Part 5, Section 17(c), public tree works can also be undertaken on a private tree that is a declared community safety hazard.

**Risk** - the likelihood that a harmful consequence (death, injury or illness) might result when exposed to the hazard. This will include the level of use of the areas surrounding trees, and the proximity of roads, buildings and other structures. In the context of trees, risk combines with the likelihood of a conflict or tree failure occurring and affecting a target with the severity of the associated consequences - personal injury, property damage or disruption of activities.

**Road Reserve** - refers to areas of land set aside for road purposes, extending from property boundary to property boundary. It includes not only the area covered by the actual road formation (carriageway) but encompasses the entire area of land dedicated for the use of the travelling public as indicated on the registered survey plan. This includes any areas of public open space within or adjacent to the carriageway where public trees, gardens and grass are planted.

**Root Damage - Direct -** refers to the direct damage or distortion of a built structure resulting from pressure exerted by a tree root. Direct damage from tree roots is typically limited to light built structures including footpaths and low walls. Direct damage may also occur in larger structures with sub-standard footings.

**Root Damage - Indirect -** refers to indirect damage or distortion of a built structure due to soil movement or compaction, associated with changes in soil moisture. Tree root growth is rarely the sole contributor to soil movement and changes in soil moisture - as there may be multiple contributing factors, claims of indirect damage need to be thoroughly investigated.

**Significant Public Tree or Highly Significant Public Tree -** means a public tree that is recorded in the Significant Public Tree Asset Register and has been classified in accordance with the Public Tree Hierarchy Classification Table (Annexure 1).

**Tree** - Trees are long lived woody perennial plants usually greater than three (3) metres in height; and have one, or relatively few, main stem or trunk. Tree includes palms for the purposes of this guideline. Public trees are either owned or managed by Council.

**Tree owner** - the person who owns the land on which the tree is growing (or from which it has grown).

**Tree Protection Zone (TPZ)** - is a specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

**Urban Forest** - is the combined network of private and public trees and associated vegetation located in urban and peri-urban areas. Urban forests are managed for the purpose of improving the urban environment and provide many ecosystem services.

**Workers** - includes employees, contractors, volunteers and all others who perform work on behalf of Council.

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# 6. Guideline

Tree management in urban areas requires a balanced approach to risk management whilst maximising benefits to the local community. This section clarifies the responsibilities and operational details relating to tree management on public land, as well as the principles for decision making around the following key areas:

- 1. tree retention and preservation;
- 2. tree removal;
- 3. tree valuation and offset tree planting;
- 4. tree maintenance; and,
- 5. pest and disease management.

## 6.1. Tree Retention and Preservation

Council is committed to preserving and maintaining the health, structural soundness and resilience of our public tree network. Trees are an integral element to Townsville's ecosystem meaning the health and management for long-term viability of the Townsville's public tree network are essential for current and future environmental sustainability. Council shall, wherever practicable, protect public trees from all activities that can impact their health, structure and/or longevity.

#### 6.1.1 Tree Preservation Requirements

All development activity, construction works or any other activities on Council controlled land in proximity to public trees shall meet the following requirements:

- All approved public tree removals shall be consistent with Council's Public Tree Management Policy, this guideline and legislation.
- All public trees are to be protected as per the Australian Standard AS4970-2009, Protection of Trees on Development Sites (2009) and by the mitigation strategies identified by Council's tree management officers.
- All development activity, construction works or any "other" activity requests that can/will impact Townsville's public tree network shall include:
  - An arborist's report which contains a pre-development assessment detailing impacts on public trees (as per the Australian Standard AS4970-2009).
  - Landscape plans to show all proposed public tree removals and public tree works which are approved for removal by Principal Arborist or Delegated Officer.

#### 6.1.2 Significant Public Trees Register

Some trees found in Townsville's parks, gardens and streetscapes have significant aesthetic, botanic, cultural and/or historical importance. Council seeks to identify, assess and register trees with significant conservation value on land owned, managed or under the control of the city. The Register of Significant Public Trees recognises the value of trees and the need to protect significant public trees within the local government area for the ongoing benefit of the community.

Through the Significant Public Tree Register, Council will store the identification, assessment, nomination, protection and management of each identified significant public tree. Council is

Electronic version current uncontrolled copy valid only at time of printing. Document No. 26890875 Authorised by - Director Infrastructure & Operations Document Maintained by - Construction, Maintenance & Operations responsible for this register, ensuring the long-term health, vitality, and safety of these trees through regular maintenance and risk mitigation.

Council will develop a Significant Public Tree Asset Register, as resources permit.

On the recommendation of Council's Principal Arborist and Team Manager Open Space, the General Manager CMO may approve or deny any public tree works on Council's significant public trees.

Where a significant public tree is proposed for removal by Council, the Principal Arborist will provide a report for the consideration of the General Manager CMO, prior to removal.

Refer to Annexure 1: Public Tree Hierarchy Classification Table.

### 6.2. Tree Removal

Council is committed to a public tree removal assessment process where:

- All public tree removal requests shall be assessed by the Principal Arborist or delegated officer who will assess, and if requested by the General Manager, prepare a report or brief.
- The public tree removal assessment shall explore all feasible options to resolve the identified issues and avoid the public tree's removal.
- Removals as part of emergency public tree works shall be assessed by the Principal Arborist or a Consulting Arborist and can bypass the public tree removal assessment process. The identified hazardous public tree shall be made safe and/or removed immediately. All photos and assessment documentation shall be forwarded to the Principal Arborist and recorded. All photos supplied must show the hazard and reason for removal.
- All approved public tree removals shall be coordinated by Council.
- Approved public tree removals shall be prioritised within Council's annual Public Tree Works Programs and delivered subject to funding and resource availability.
- Any public tree removals or tree works that have not been Council approved will be investigated as a breach of Council's Local Law and referred to the Regulation Team for investigation.
- The removal of significant public tree will be a notified process, informing the community of the planned tree removal and the reasons why it is necessary.

#### 6.2.1 Criteria for Tree Removal

Council can consider the removal of public tree for the following reasons:

- The tree is dead (as determined by the Principal Arborist or delegated officer);
- The tree is diseased or declining and beyond remedial treatment and unable to be managed through recognised arboricultural methods;
- The tree is causing extensive damage and/or poses an increasing risk to property/infrastructure. This is determined by ongoing cost to acceptably mitigate the identified risk exceeds and comparing this cost to the value of the tree;
- The tree is affected by road widening, service modification/relocation or other essential infrastructure works; however, it must be demonstrated that **all** reasonable design alternatives and/or protection measures have been exhausted;
- The tree unfairly restricts the development potential of property; however, it must be

demonstrated that **all** reasonable design alternatives or protective measures have been exhausted;

- The tree is a declared pest or environmental weed species (prohibited or restricted biosecurity matter under the *Biosecurity Act 2014*); or
- For any other reason, as approved by a delegated officer, leading to a public tree becoming unviable to retain in its existing form or state.

Removal of public trees on Council controlled land is not considered by Council in the following circumstances:

- the tree is considered healthy and structurally sound;
- the tree is affected by termites but is structurally sound;
- to benefit private views;
- the tree causes minor allergenic or irritant responses;
- there are unjustified claims of damage to infrastructure from tree root activity;
- the tree can be retained through reasonable design solutions;
- the tree is obstructing advertising signage;
- the tree is shading solar installations or other areas of private property;
- the tree is a source of leaf, fruit and/or debris drop;
- the tree is an animal roost, increasing the prevalence of animal droppings or noise; or,
- the tree is disliked or does not meet personal aesthetic preferences.

#### 6.2.2 Tree Planting Program (Offset Tree Planting)

All approved public tree removals should be balanced by the offset tree plantings. The offset tree plantings aims to:

- maintain total crown mass through new planting; and
- reduce net canopy loss within three to five years of the approved public tree removal. The canopy area of the original public tree shall be used to determine the quantity of replacement trees required.

### 6.3. Tree Valuation and Tree Plantings

Council acknowledges that in some cases the removal of an existing public tree can be appropriate or necessary. Where a public tree must be removed, Council will recognise the value of the public tree and should offset its loss with Offset Tree Plantings Programs across the Local Government Area.

#### 6.3.1 Removal of Public Trees

The removal of an invasive species or weed on Council land (defined as species prohibited or restricted biosecurity matter under the *Biosecurity Act 2014*) shall be at Council expense.

Requests for removal of public trees will be assessed against 6.2.1 *Criteria for Tree Removal*. The removal of public trees which have been deemed to conform with the aforementioned criteria will be at Council's cost.

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In the event a developer requests the removal of public trees to support development opportunities, any costs associated with the approved removal will be at the developer's expense.

Public tree removal requests which do not conform with 6.2.1 *Criteria for Tree Removal* may be considered by Council on a case-by-case basis for removal in exceptional circumstances. In such circumstances, trees will not be removed unless:

- 1. a request in writing for removal of the tree has been received from the affected property owner, clearly stating the reasons for requesting removal;
- 2. a report from the Principal Arborist detailing the request and associated issues has been presented to the Director of Infrastructure and Operations and the General Manager CMO for their consideration, including any consultation undertaken; and,
- 3. the Director of Infrastructure and Operations or the General Manager CMO has assessed the request and authorised the removal of the tree.

Where the Director of Infrastructure and Operations or the General Manager CMO have authorised the removal of a tree which does not conform with 6.2.1 Criteria for Tree Removal:

- 1. Requests from property owners: removal and offset will be at full cost to Council (including stump grinding, debris disposal and any related community engagement);
- 2. Requests from developers: removal and offset will be at the developer's expense.

# 6.3.1.1 Particular Considerations in Respect of Palm Trees Located within the Road Reserve and High Profile Public Locations

Palm trees have specific maintenance requirements which are not consistent with that of other genera. In terms of the balanced approach required for managing trees in urban areas, Council may assess the risk of retaining palm trees within the road reserve and in high profile locations.

Best practice palm maintenance includes dead frond removal, seed pod and fruit removal and potential strapping (i.e. of palms located in popular pedestrian areas). In the absence of the required regular maintenance, palms may become a safety hazard. Some palm species also produce seeds and fruit which attract bats.

Mature palm species located within road reserves (such as centre medians) are particularly hazardous and costly to maintain, given the implications of traffic management, specialised equipment requirements and the necessity for after-hours work.

Palm tree removal may be considered under the following circumstances:

- Retention poses an ongoing risk to people and property; or,
- Retention is not viable due to excessive maintenance implications and cost.

Notwithstanding the requirements of 6.1.1 Tree Preservation Requirements, the General Manager CMO may authorise the removal or relocation of palm trees, assessed by Council's Principal Arborist and Team Manager Open Space as constituting a safety hazard. With regards to removal or relocation of palm trees due to excessive maintenance implications or cost, the General Manager CMO may authorise the removal or relocation of palm trees. This relocation or removal will require consultation with the relevant divisional Councillor prior to action being taken.

## 6.4. Tree Maintenance

Council is committed to preserving, protecting, and improving the health of Townsville's public

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tree network by delivering Public Tree Works Programs within funded service levels. As a living asset, the City's public tree network aims to maintain public trees across all stages of the public tree life cycle.

#### 6.4.1 Tree Pruning

Council shall deliver prioritised Public Tree Works Pruning Programs that are:

- informed by proactive pruning inspections;
- informed by resident requests that meet the criteria for pruning and have been approved by a Delegated Officer;
- delivered in accordance with Australian Standard (AS) 4373-2007 Pruning of Amenity Trees. (i.e. Trees are pruned to support tree health, not pruned for aesthetic presentation);
- supervised by a suitably qualified person and undertaken by properly trained staff; and
- coordinated by Council and delivered subject to funding and resource availability.

Any public tree pruning on Council controlled land that has not been approved, can be investigated as a breach of Council's *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* that prohibits any interference with a public tree without Council's permission.

#### 6.4.1.1 Criteria for Tree Pruning

Council shall undertake prioritised pruning of public trees on Council controlled land to:

- mitigate risk to public safety, property or infrastructure as identified by Council;
- provide clearance around public trees, including pruning for vehicle sight lines, public signage and the requirements of the Department of Transport and Main Roads (DTMR);
- develop, improve, or restore juvenile public tree structure;
- manage or regenerate public tree health;
- resolve instances of genuine nuisance as identified by Council;
- conserve or enhance wildlife habitat; or
- for any other reason, as approved by a delegated officer, leading to a public tree becoming unviable to retain in its existing form or state.

Council shall not undertake pruning of public trees on Council controlled land to:

- benefit private views;
- lop or top a tree;
- fence-line prune a tree along a property boundary that aligns with acceptable arboricultural methods (Australian Standard (AS) 4373-2007 Pruning of Amenity Trees);
- maintain clearances around powerlines these works are the responsibility of Ergon in accordance with the *Electrical Safety Act 2002*;
- maintain clearances of a private tree on private property around the electricity service wire;
- improve solar access;

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- reduce sap or debris drop (leaf, bark, fruit, twigs, etc);
- reduce animal droppings or noise;
- remove obstructions to advertising signage;
- reduce minor allergenic or irritant responses;
- satisfy personal aesthetic preferences; or,
- any other vegetative works that will cause a tree to decline or die.

#### 6.4.2 Tree Root Management

Tree root growth is not constrained by property boundaries. Opportunistic tree root growth means tree roots will seek out the most favourable soil conditions - this growth can result in direct or indirect damage to existing infrastructure.

#### 6.4.2.1 Criteria for Root Management

Council shall seek to resolve conflicts between existing infrastructure and public tree roots by:

- investigating claims of direct root damage;
- remedying public risk with appropriate root management activities as directed and supervised by a Delegated Officer;
- where practicable and cost-effective, taking preventative measures to minimise future conflicts between existing public trees and built infrastructure;
- providing adequate growing space around future public trees to promote healthy root growth; and,
- where growing space is constrained, exploring all feasible solutions to maximise public tree health and minimise future conflicts with adjacent built infrastructure.

Council shall not undertake root management of public trees to remedy unjustified claims of public tree root related damage to property or infrastructure.

#### 6.5. Pest and Disease Management

Prioritised pest and disease management shall be delivered as part of Council's annual Public Tree Works Programs.

#### 6.5.1 Criteria for Pest and Disease Management

Council may undertake prioritised pest and disease management of public trees on Council controlled land to:

- mitigate risk to the City's urban forest posed by pests and pathogens that affect a tree's structural integrity and health. Examples include Longhorn Beetles, borers, wood moths, Ganoderma, Myrtle Rust, and Phytophthora; and
- prioritise pest and disease management based on the level of risk to the City's urban forest and in accordance with any management strategies set out by Townsville Local Government Area Biosecurity Plan amended from time to time.

**Termites:** Council <u>shall not</u> undertake pest and disease management of public trees on Council controlled land to mitigate a perceived risk posed by a termite population in a public tree.

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Property owners are responsible for ensuring their property is suitably protected against termites.

Green Ants are an integral part of the natural eco system sharing a symbiotic relationship with the tree and other beneficial insects. Council shall not undertake pest and disease management of public trees on Council controlled land to mitigate a perceived risk posed by a green ant population in a public tree.

# 7. Legal Parameters

Federal Government **Biosecurity Act 2015** Environment Protection and Biodiversity Conservation Act 1999 State Government **Biosecurity Act 2014** Electrical Safety Act 2002 Environmental Protection Act 1994 Local Government Act 2009 Local Government Regulation 2012 Nature Conservation Act 1992 Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 Planning Act 2016 Vegetation Management Act 1999 Local Law Local Law No. 3 (Community and Environmental Management) 2011 Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

# 8. Associated Documents

Australian Standard (AS) 4373-2007 Pruning of Amenity Trees Australian Standard (AS) 4970-2009 Protection of Trees on Development Sites (2009) Public Tree Management Policy Townsville Local Government Area Biosecurity Plan

## Annexure 1: Public Tree Hierarchy Classification Table

The tree is to meet a minimum of three (3) criteria to be classified as significant.

Public Tree Hierarchy Classification	Botanical	Ecological/Scientific	Historic, Commemorative, Cultural or Social Significance	Outstanding Visual/Aesthetic Significance
Significant (listed on Significant Tree Register)	<ul> <li>Healthy and structurally sound tree.</li> <li>Significant physical characteristic/s, including: <ul> <li>exceeds 80 years old;</li> <li>exceeds 30m high;</li> <li>exceeds 30m canopy width/spread;</li> <li>exceeds 800mm diameter trunk circumference at breast height (DBH); or</li> <li>exhibiting an unusual growth form or physical feature, including unusually pruned forms.</li> </ul> </li> </ul>	<ul> <li>Rare, endangered or threatened species.</li> <li>Part of an endangered or 'of- concern' regional ecosystem.</li> <li>Of an important genetic value that could provide important and valuable propagating stock (e.g. disease resistance or seed source).</li> <li>Remnant tree that provides significant ecosystem services including soil stability, shade and water table management.</li> </ul>	<ul> <li>Listed or located within a Local Heritage Listed location; planted by early settlers or is connected to documented local history.</li> <li>Linked to indigenous cultural traditions, ceremonies and/or stories.</li> <li>Part of a widely- recognised commemorative or memorial tree planting.</li> <li>Planted by international, national or state dignitaries.</li> </ul>	<ul> <li>A widely recognised local landmark or feature tree.</li> <li>Contributes to the scenic character and amenity of the broader public open space network.</li> <li>Part of a widely recognised avenue planting.</li> </ul>

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Public Tree Hierarchy Classification	Botanical	Ecological/Scientific	Historic, Commemorative, Cultural or Social Significance	Outstanding Visual/Aesthetic Significance
Desirable	<ul> <li>Healthy and structurally sound tree.</li> </ul>	<ul><li>A local native species.</li><li>Part of a least concern regional ecosystem.</li></ul>	• Contributes to the overall cultural heritage of the city.	<ul> <li>Contributes to the overall scenic character and amenity of public open space location.</li> </ul>
Undesirable	<ul> <li>Diseased or declining tree.</li> <li>Poses safety risk that cannot be efficiently managed through recognised or economically viable arboricultural methods.</li> </ul>	• A declared pest or environmental weed species.	• Does not contribute to the overall cultural heritage of the city.	<ul> <li>Does not contribute to any scenic character and amenity.</li> <li>Identified conflicts with built infrastructure.</li> </ul>