

**Policy Objectives:** The objectives of this policy are to:

- Recognise the importance of having well maintained, appropriately selected trees in council controlled urban areas and public reserves to our residents and local environment;
- Identify the criteria for selection and location of trees on public land;
- Identify the level of responsibility and role the shire will undertake in relation to upgrade/ renewal projects and management of trees in urban areas and public reserves;
- Identify that a register of significant trees and appropriate guidelines will be developed;
- Identify the delegated authority of the CEO and Council staff in relation to implementation of this policy; and
- Identify the role and responsibilities of other stakeholders in relation to management of trees on private land and the public areas covered by this policy.

**POLICY:**

1. Selection and Location of Tree Varieties on Public Land

In all instances the selection of tree varieties to be planted on public land under the control of Council will:

- Not be listed as noxious weeds or invasive species by the Department of Agriculture and Food or Department of Environment and Conservation;
- Require minimal pruning;
- Not be known to cause very common severe allergic reactions to people (excludes varieties triggering rare conditions);
- Be non-toxic;
- Will not produce thorns, a prickle or spur seed or drop excessive nuts, leaves or fruit that will cause a hazard or nuisance; and
- Will typically grow no taller than six meters in urban areas or three meters if under power lines.

Consideration will be given to planting trees native to the area however this is only mandatory for areas designated by council under section 3.1 of this policy.

In all instances trees to be planted on public land:

- Shall be planted on an appropriate location so as to avoid electrical power lines and all other services;
- Shall not be planted within 20 meters form a street corner or within 7 meters from a crossover where they may impede sight distance or pedestrian traffic; and
- Will not to be planted on verges that are less than four meters wide.

## 2. Selection, Maintenance and Removal of Street Trees (Public Reserves and Urban Environments)

Council is responsible for the selection, maintenance and removal of trees on council managed streetscapes in accordance with the following policy requirements.

### **2.1 Selection, Installation and Removal of Trees During Upgrade of Major Streetscapes, Significant Road Verges and Parklands**

Council will select and designate key areas which serve as a focal point or have major amenity for residents and visitors to the town (i.e. the main st, major roads, town entries and parks). Where council selects upgrade of trees to be included in as part of a designated project to upgrade defined key areas, council will:

- Conduct an audit of existing location and species of trees within the project area
- Select the varieties of trees to be included as part of design; and
- Undertake a systematic process of removing unwanted trees and planting desired varieties as part of redevelopment of these areas

The selection of criteria for trees in these areas will be the same as that for other urban areas (see below) with the additional criteria that these trees must:

- Be species native to the area
- Have significant visual amenity reflecting the character of the area

The implementation of any redevelopment project will take into account the time for new trees to grow and may involve phased removal of older trees as appropriate.

This policy will not obligate council to address trees as part of any particular upgrade project and selection of projects and project components will be undertaken as part of review of the Shires Strategic Community Plan, Corporate Business Plan and Long term Financial Plan. Implementation of projects is usually subject to achievement of external funding.

## **2.2 Selection of Trees in Urban Residential/ Non Major Streetscapes/ Roadways and Verges**

### **(A) Selection and Location**

Decisions relating to selection of trees to be installed in streetscapes and verges not designated by Council under section 1.1 above will be at the discretion of the CEO or nominated officer in accordance with the following policy statements.

The CEO or nominated officer may implement planting of approved trees on a case by case basis in accordance with merit and location, generally as part of other works to an area or in accordance with a set works plan.

Adjoining property owners can make application and on approval plant a maximum of two street trees (meeting the criteria listed in section 1) per 20 meters frontage at their own cost. The number and type of street trees approved will be dependent on available verge area and characteristics of the tree/s. trees are to be supplied by the land owner and maintained by the land owner for a minimum period of three years.

### **(B) Maintenance**

Street tree maintenance will be undertaken as required within the allocated street tree maintenance budget. Maintenance of trees impeding sight distances, vehicle and pedestrian movements shall be given a higher priority.

Only those trees which are under Western/ Horizon Power's Power lines or which constitute a traffic hazard will be pruned each year (contractor permitted to use discretion).

Trees showing a high risk of imminent danger will be removed or pruned as required at the discretion of the CEO or nominated officer.

### **(C) Removal By Council Staff**

Subject to section 2.2 (D) the CEO shall have delegated authority to approve the removal of trees on council property by staff should this be required for the following reasons:

- Roadworks (including footpaths, etc);
- Trees that are dead, dying, deformed, damaged or in poor health;
- Trees considered unsuitable for the streetscape;
- Trees considered to be located in a hazardous or dangerous; position or contributing to a hazardous or dangerous situation;
- Other operational reasons

### **(D) Upon Application for Removal/ Replacement by Adjacent Landowners to Facilitate Approved Development**

Should a tree require removal as a consequence of approved development or redevelopment of a property including facilitation of a driveway/ crossover installation the CEO will only consider a request

following receipt of an application in writing. Subject to section 2.2 (D) the CEO shall have the delegated authority to approve the removal of trees on council property by adjacent landowners as a consequence of development should the application meet with officer approval.

The applicant will be advised of any condition(s) including but not limited to:

- Replacing any removed tree with the same or similar tree;
- All vegetation removed from the road reserve shall be disposed of properly; and
- The applicant is responsible for all associated costs, including verge/footpath reinstatement if required.

### **(E) Requirement for Council Decision Relating to Removal**

The above delegations notwithstanding, where a tree is considered;

- Contentious or large costs will be incurred;
- A heritage or significant specimen; or
- Council response is necessary

A report regarding the proposed tree removal will be submitted to Council prior to any action being undertaken.

### **(F) Application to Remove Trees for Other reasons**

It is recognised that Council receives requests from property owners to remove trees for reasons other than those listed in sections 2.1 and 2.2 (C) and (D) above.

On receipt of a written request staff will conduct an assessment and:

- In the event it is determined that the subject tree meets the requirements listed in sections 2.1 and 2.2 (C) and (D) undertake the appropriate action or issue approvals in accordance with the timing and conditions detailed in those sections; or
- If sufficient merit is not determined and the request is contrary to the conditions in this policy – reject the application with no further action to be undertaken
- If circumstances warrant this in the opinion of the CEO, or if the applicant wishes to appeal a decision then a report and recommendations will be presented to council for determination of action

## **3.0 Register of Significant Trees**

The Shire will develop guidelines, criteria and an application and assessment process for registering of Significant Trees on Public Land.

Street trees listed by the National Trust, Heritage Council, Tree Society and/or that are listed on the Shires Municipal Inventory and/or that are assessed in the future as meeting all of the requirements to be

nominated as a significant tree shall be listed on the Shires Register of Significant Trees on Public Land.

For each tree or group of trees on the Register of Significant Trees a statement of significance and a management plan shall be prepared by the Shire in consultation with an expert arborist.

#### 4.0 Trees on Private Property

##### **4.1 Selection, Location and Preventative Maintenance**

Landowners are entitled to select and locate trees on their own private property as long as:

- The tree is not prohibited in Western Australia;
- They comply with their duty of care for the safety of residents and visitors to their property through appropriate maintenance and other measures;
- They comply with all requirements relating to firebreaks; and
- They maintain the tree in such a state as to not endanger any person or thing or cause a hazard (such as to any power line) or interference with delivery of Council or other services on adjoining land.
- They ensure the tree does not impinge across their boundary into that of adjoining residences without express written permission.

##### **4.2 Councils Responsibility Relating to Trees on Private Property**

###### **(A) Requirements not the Responsibility of Council**

Enforcing of requirements for species selection and duty of care for residents and visitors relating to trees on private property are the responsibility of other Government agencies and will not be entered into by Council.

It is recognised that neighbours have the right to trim any part of a tree encroaching on their land as long as they do not encroach on their neighbours land to do so and do not create a hazardous situation or state through or as a result of their actions.

Neighbours are responsible for and encouraged to ensure appropriate communication with each other relating to pruning of overhanging trees.

Council will not enter into Civil Disputes relating to trees encroaching on private land unless in accordance with the provisions detailed in section 4.2 (C).

## **(B) Issues relating to firebreaks**

Where an issue is identified, Council will enforce removal of trees and vegetation in accordance with annual fire break regulations.

## **(C) Trees Constituting a Risk of Imminent Danger**

Where a complaint is received (in accordance with the conditions detailed below) and it is determined a tree represents a definite threat of imminent harm to persons or potential catastrophic damage to property, council will issue a notice to the tree owner to make the tree safe. The notice will be issued under section 3.25, schedule 3.1.9 and enforced under section 3.26 of the Local Government Act

The following conditions apply:

- Requests from residents for issuing of a notice regarding trees on neighbouring property are to be received in writing
- The complainant will be required to:
  - i) Demonstrate what actions they have taken previously to resolve the issue privately with the tree owner; and
  - ii) Commission and submit at their own cost a tree inspection report from an independent professional arborculturalist recognised by the Tree Guild of Western Australia, prior to Council proceeding with any consideration of the request.
- This policy will not prevent Council or its officers from intervening in emergency situations as provided for by Section 3.34 of the Local Government Act 1995.