

Council Policy

Tree Management and Retention

Introduction

Trees are recognised as an important asset at the Shire of Capel, due to their significant role of natural aesthetics and functionality across all facets of Shire property assets / amenities.

As such, the Shire is committed to building processes which create reduced actions of tree removal and encourages the preservation of existing trees through industry-approved and standard maintenance deliveries.

Purpose

The purpose of this policy is to provide guidance for the decision making, management and retention of trees on Shire of Capel owned/or managed land which aims to enhance streetscapes. A concerted effort towards promotion of tree canopy coverage and control within the Shire will assist with the provision of amenity to the pedestrian environment, and safety to road traffic and properties.

The Shire takes ownership and responsibility for the control and care of tree management on properties owned and/or managed by the Shire. This responsibility is inclusive of, but not limited to, the inspection, maintenance, removal or replacement programs and relevant fees.

The Shire does not accept ownership of trees situated on private property and/or non-Shire owned or managed land. These trees fall under the responsibility of the private property owner or manager of the land on which the tree is situated.

Definitions

Under this policy a **tree** is defined as a woody perennial plant generally having a single stem of trunk which will grow to a height of approximately 2 metres.

Shire Tree is generically a tree which trunk is situated on Shire owned and/or managed land.

Urban Street Scape or Road Reserve Tree is a tree that is located within the road reserve within the urban settings of Shire developments.

Verge Tree is a tree which is situated on a rural verge or road reserve.

Reserve Tree is a tree that is situated within a park, reserve or natural area.

Remnant Tree is any tree that has naturally grown in an area, usually prior to development.

Diameter at breast height (DBH) is the recognised method for measuring the diameter of the trunk of a tree. The measurement is taken at 1.4 metres from the ground level. Refer to 'Australian Standard 4970-2009 Protection of Trees on Development Sites' for more detailed information.

Tree Protection Zone (TPZ) is an area above and below ground that is set aside for protection of trees roots, trunk and crown in order to provide for the viability and stability of a tree that is to be retained at a development site.

Vandalism means the unlawful destruction, damage or injury to Shire owned tree assets which can include, but not limited to, poisoning, pruning, causing malicious damage to, removal and/or ringbarking

Policy Statement

Street Tree Removal and Pruning

Residents and rate payers are not permitted to remove or prune any tree on land owned/or managed by the Shire. However, the Shire may consider the removal or pruning of trees for reasons including:

- The tree is dead or diseased, cannot be successfully treated, and is not providing essential habitat.
- The tree is structurally weak or dangerous, and places the public at unacceptable risk.
- The tree interferes with essential services, i.e.: Western Power, ATCO Gas, Water Corporation.
- The tree is causing or likely to cause significant damage to property or infrastructure i.e., road surfaces, walls, fences, buildings, footpaths, kerbing, crossovers and drainage.
- The tree has been planted in a manner that is inconsistent with the Shire's Local Laws.
- Removal of hazardous branches.
- To manage the health and well-being of the tree.
- To remove dead/dying wood.
- The uplift of low hanging branches.
- To maintain Shire-managed firebreaks; and
- To maintain traffic and pedestrian access / sightlines as per Australian guidelines.
- To remove branches overhanging property boundary (the Shire may also consider proposed application by resident to arrange pruning by a suitably qualified arboriculture contractor to works meeting AS 4373-2007 Pruning of Trees).

The Shire will not action requests for the removal or pruning of trees under the following circumstances:

- Aesthetics/to create views of significance.
- To minimise the creation of natural litter, including leaves, twigs, flowers, sap and fruit.
- To reduce or remove unwanted shading of lawn, gardens or infrastructure (including solar panels).
- Due to unsubstantiated property damage claims.
- To reduce allergenic or irritant responses.
- Where a tree has been identified as having some significant value, including historical, conservation, rarity in species or form.
- Where proposed development can be altered to avoid conflict with existing trees.
- Perception of fire risk, danger, poor form, too tall, nuisance.
- The tree attracts birds and other fauna.
- The tree is too large.
- The tree is an inconvenience during development or works; and
- The tree is in the way of a non-essential crossover or verge paving/treatment option.

The removal of a tree will only be considered after alternatives have been identified and evaluated, including, but not limited to:

- Root barriers.
- Redesign of structure.
- Crown pruning.
- Root pruning; and
- Tree relocation.

Where a tree is removed by the Shire or removed without authorisation by a resident or community member, the Shire will replace the tree on the same verge or reserve in the next available planting season, at the Shire's discretion. The Shire may seek to recover all related costs associated with unauthorised removal from the person/party who removed the tree.

Street Tree Planting

The Shire is responsible for planting street trees and reserve trees under its annual tree planting program. The Shire will determine the species, using the Shire's verge management guidelines, and select the location of the tree within the verge.

Unauthorised Street Tree Planting

Street trees planted without the Shire's approval are considered unauthorised plantings – an unauthorised street tree planting shall constitute any one of the following:

- A tree planted of an inappropriate species for verge planting.
 - A tree planted out of alignment in relation to the Shires verge management guidelines;
- or
- A tree of an undesirable species that has self-germinated.

Where an unauthorised street tree planting is identified, the Shire shall determine whether the planting can be retained or removed, with the resident to be provided a fair and reasonable period of time to remove. Should this fail to occur, Shire will address the issue, with fees and charges passed onto that resident.

Tree Pruning

The responsibility of tree pruning, and maintenance falls solely on the Shire of Capel. Unauthorised pruning of any Shire tree is not permitted. Pruning and maintenance to Shire trees will occur when practicable in alignment to the operational programs and budgets working in conjunction with the Australian Standard for Pruning Amenity Trees. In the case of infrastructure, such as the likes of Electrical Service Providers', clearance will be undertaken to set requirements from the State regulator.

Development Site Street and Reserve Tree Protection

The Shire aims to retain and protect remnant street and reserve trees during any development site's planning and construction phase. All developments, where remnant trees contain a likelihood of being affected, will include professional advice within a condition of approval.

Where there is demolition and construction work to be undertaken, the developer / private property owner, is responsible for the protection of the Shire trees. The requirement is that trees of remnant or significance to the amenity area are to be retained on Shire managed land adjacent to the property by adhering to the following guidelines:

- A fence must be installed to create a TPZ at the cost of the applicant

- The type of fencing must be in line with the Australian Standard for Protection of Trees on Development Sites
- The size of the TPZ will be determined by the Shire, dependent on the size of the tree and verge space available
- At minimum, the TPZ will cover two metres by two metres around the tree trunk – any lesser exceptions must first be approved by the Shire
- The TPZ should not obstruct roads or footpaths unless approved alternatives are in place.

Vandalism to Shire Trees

Where vandalism has been committed, the Shire will take steps to gather information relating to the incident which may include:

- Sending letters seeking information to residents in the vicinity of the vandalism
- Talking to residents in the local area
- Posting notices in local newspapers, notice boards and on the Shire website seeking information
- Erecting signage asking for any information pertaining to the vandalism.

Once information is acquired an appropriate resolution will be carried out, which may involve:

- The installation of signage at the site advising on the damage/seeking further information.
- Retaining any dead tree in sound condition indefinitely.
- Planting of other trees at the location of the vandalism to compensate for the damage.
- Reclaiming costs associated with any works required to rectify the damage.
- Issuing of fines or recouping the full cost of the asset and replacement; or
- Further legal action.

Application

This policy applies to all residents, community groups, developers and Shire employees undertaking any tree management practice of which impact Shire trees.

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