

Tree Policy

Policy Type: Council Policy	Policy No. CP- 029
Policy Owner: Manager Natural Areas and Parks	Last Review Date: 15⁷ March 2022⁰

Policy Objectives

To provide guidance and direction in the management of all the City's trees.

Policy Scope

This policy sets out the process and conditions by which trees are managed within the City. This policy applies to all trees located on land vested in the City of Melville and all trees managed by the City of Melville in line with the Urban Forest and Green Spaces Policy.

Policy Statement

1. General:

All trees are assets of the City that contribute to the well-being of the community and to the natural environment. The City recognises and values the significance of trees within the urban setting for the many social, economic and environmental benefits they provide. The City is committed to protecting, maintaining and increasing its tree population.

The City is responsible for managing and removing all trees within the streetscape or park/reserve on City-managed land. The City will actively protect existing trees, promote the planting of trees and has the right to plant street trees on City managed land, inclusive of verges adjacent to properties.

2. Tree Planting:

The City is responsible for planting all trees ~~on City managed land within the streetscape or park/reserve. In keeping with good horticultural practices the City and~~ undertakes a seasonal tree planting program ~~ordering up to 12 months in advance to ensure good stock availability.~~

When planting a tree the City will:

- Assign the species in consideration of
 - Mature size and form;
 - Suitability to the site;
 - Range of tolerances; and
 - Contribution to species diversity.



- Determine the location through consideration of
 - Any existing street tree alignment;
 - Potential impact on road and pedestrian safety;
 - The presence of below ground and/or adjacent services and infrastructure.
- Provide post-planting care, watering and maintenance until the tree is established, as determined by the City.
- Seek to achieve agreed outcomes between the property owner and the City through consultation as required

~~2.1~~ Unauthorised Tree Planting

If appropriate, residents may be able to plant a tree on their adjacent verge if written approval is received from the City prior to any works or ordering being undertaken.

If approval is given to a resident to plant on City land it is on the understanding that:

- The City shall approve the species and location;
- The tree shall be planted in alignment with the requirements provided by the City;
- Any tree planted shall become a City asset and managed accordingly.

~~2.12~~ Unauthorised Tree Planting

Unauthorised tree planting shall be defined as a tree planted within City managed land without the City's approval.

The decision to retain or remove an unauthorised tree will be entirely at the discretion of the City

3. Tree Pruning, Maintenance and/or Removal:

The City is responsible for the management of all trees on land managed by the City. All work shall be undertaken by City staff or the City's Contractor, in accordance with Australian Standard 4373 Pruning of Amenity Trees or as specified by the City.

3.1 Requests for Tree Maintenance

The City will respond to all requests for tree maintenance and removal however the following do not provide justification for tree removal or pruning:

- The tree is disliked.
- The tree partially or wholly obstructs views.
- The tree is perceived to present a risk of harm.
- The tree is perceived to aggravate health concerns.
- The tree produces leaf litter, flowers, fruit and bark.
- The tree attracts unwelcome fauna and associated issues.
- The tree is perceived to be inappropriate for the site by residents.
- The tree overshadows private gardens or infrastructure.
- The tree occupies the site of a proposed crossover where an alternative location exists (refer Trees and Development below).

3.2 Tree Pruning

The City will consider pruning to:

- Ensure unrestricted access to pedestrian and vehicular traffic on footpaths, roads and crossovers.
- Ensure that 'lines of sight' are kept clear of vegetation, as determined by the City and in consultation with AusRoads Design Guidelines.
- Manage the amenity, form or health of the tree.
- Mitigate contact between trees and built infrastructure.
- Reduce the potential of harm to persons or property, as determined by the City.

3.3 Tree Removal – Officer Approval

Each tree removed by the City will be replaced by a minimum of one tree the subsequent planting season. A tree will only be considered for removal, at the City's discretion, when it is:

- Agreed by the Mayor, relevant Ward Councillors and Director of Technical Services in writing.
- Inappropriate for the site.
- An unauthorised planting.
- Dead or in irreversible decline.
- Significantly damaged and beyond remediation.
- Will be significantly or unavoidably damaged by development with retention not a viable option.
- Demonstrably structurally unsound and presents an unacceptable potential of harm to person or property, as determined by the City.
- Not in keeping with the overall streetscape aesthetics as determined by the City.
- Any tree removal, approved by the Council, is to be paid for by the person seeking the removal (applicant) as if the tree was authorised for removal under Clause 56.4 of the policy

3.4 Tree Removal – Challenge

If the applicant wants to challenge the officer's decision to retain a tree the request can be referred to the Mayor, Ward Councillors and Director Technical Services for consideration of removal.

Taking into account broader criteria such as environmental, social and economic reasons a tree can be removed when agreed to by the Mayor, relevant Ward Councillors and Director of Technical Services.

If agreement cannot be reached by the Mayor, the relevant ward Councillors and the Director of Technical services, a report which outlines the advantages and disadvantages of removing the tree is to be presented to the Council in order for the Council to determine whether or not the tree will be removed.

Any tree approved for removal following a challenge by the applicant is to be in accordance with Clause 56.4 of this policy



4. Tree Structures/ Ornaments:

In the interest of tree health and public liability, no signage, structural or hanging apparatus shall be secured to any tree managed by the City. The City reserves the right to remove such structures and apparatus, or request their removal by the adjoining property owner.

Damage to any tree managed by the City shall be considered vandalism by the City and may result in prosecution. The City reserves the right to seek compensation for all works associated with the removal of such items and remediation of any damage to the tree, up to and including removal and replanting.

5. **Vandalism**

~~The City encourages the reporting of vandalism towards the City's trees, all reports will be investigated and responded to appropriately.~~

~~If an individual is proven to have vandalised a City tree in any way the City of Melville Activities in Thoroughfares, Public Places and Trading Local Law 2014 Part 9 — enforcement will be applied.~~

56. Trees and Developments:

56.1 Tree Protection for Building and Development

~~All trees on the verge adjoining a development site shall be protected in accordance with Australian Standard 4970 - *Protection of trees on development sites* is to be used by the applicant as a guide when there is a requirement to protect adjoining verge - trees. —It is the responsibility of the applicant to ensure that all contractors/site managers are aware of AS 4970. A Tree Protection Zone (TPZ) must be installed in all cases where a tree is to be protected. this requirement.~~

~~If a City managed tree is not protected in accordance with the Australian Standard 4970 — *Protection of trees on development sites*, development advice notes and/or approval conditions the applicant and/or the owner may be liable for associated costs to repair or replace any City managed tree damaged as a result of the development process/works.~~

~~Where the tree is able to be retained the City will seek to recover costs including all pruning and remedial works required.~~

~~Where the tree is unable to be retained the City will seek to recover the costs of::~~

- ~~• Removal of the tree including stump grinding.~~
- ~~• Two replacement trees with establishment for three years.~~
- ~~• Fair value assessment as determined by the City of Melville Tree Evaluation Method.~~

~~Enforcement action will also be pursued through the City of Melville Activities in Thoroughfares, Public Places and Trading Local Law 2014 Part 9 where an offence has occurred.~~

56.2 Tree Assessment for Building and Development Applications

All City managed trees adjoining proposed development sites will be formally assessed and documented prior to planning approval or demolition/building works.

This assessment will inform:

- The fair value for each tree, using the City of Melville Tree Evaluation Method
- The existing condition of the tree, including amenity, form and health, for comparison during and after the development process.
- Any advice notes and/or conditions included as part on any approval.

56.3 Tree Removal for Development

The City will not consider removal of a healthy City managed tree for development, except when:

- There is insufficient space to accommodate a compliant crossover.
- The proximity of works will significantly compromise the tree's amenity, health, form or longevity, as determined by the City.
- If the applicant does not agree and chooses to challenge the officer's decision, the provision of Clause 3.3 of this policy can apply.

56.4 Approved Tree Removal for Development

In the event a tree is authorised for removal as part of a development application, (including planning, building, demolition and crossover application), the following will occur:

- The applicant will approach the City to formally request the approved trees removal process to commence.
- The applicant will pay the invoice provided by the City for
 - Tree removal
 - Stump grinding to min 300mm below ground level
 - Traffic management cost as required
 - Two replacement trees
 - Establishment of replacement trees for 3 years
- Upon receipt of this payment the City will arrange:
 - Tree removal and stump grinding within approximately 10 weeks
 - Tree replacement during the next planting season after development works have been completed.
- A minimum of one street tree shall be replaced on the verge adjacent to the development, where sufficient space.
- Where sufficient space additional trees may be placed on the verge at the City's discretion.

56.5 Tree maintenance/management required during development process

If any pruning (branch or root) is required of City managed trees during the development process, the applicant shall contact the City to assess and arrange the required works.



~~Any works undertaken that have not had prior approval from the City shall be considered vandalism by the City and may result in prosecution, under the City of Melville Activities in Thoroughfares, Public Places and Trading Local Law 2014 Part 9.~~

67.0 Damage to trees - Infringement/Prosecution

If a tree is damaged as a result of negligent action of an individual, including but not limited to property owners, residents or with works associated with Planning and Building Applications the City will consider the following options in terms of infringement or prosecution.

- 1 Infringement of \$500 as per the City of Melville Activities in Thoroughfares, Public Places and Trading Local Law 2014.
- 2 Prosecute as an offence under the City of Melville Activities in Thoroughfares, Public Places and Trading Local Law 2014 in the Magistrates court. The Magistrate, if the person is found guilty, will impose a penalty up to the maximum of \$5,000 as per the Local Law.
- 3 Initiate court proceedings as a civil matter seeking fair value of the tree as determined by the City for the damage caused

References that may be applicable to this Policy

Legislative Requirements:	The Local Government Act 1995 Thoroughfare and Public Places Local Law
Procedures, Process Maps, Work Instructions:	N/A
Other Plans, Frameworks, Documents Applicable to Policy:	Open Space Strategy Urban Forest and Green Spaces Policy Verge Treatment Policy
Delegated Authority No:	N/A

ORIGIN/AUTHORITY

Item No.

Reviews

Ordinary Meeting of Council	15/03/2010	T10/3115
Ordinary Meeting of Council	21/05/2013	T13/3385
Ordinary Meeting of Council	10/12/2013	T13/3441
Ordinary Meeting of Council	17/11/2015	T15/3673
Ordinary Meeting of Council	19/04/2016	Motion 16.3
Ordinary Meeting of Council	21/11/2017	T17/3769
Ordinary Meeting of Council	19/11/2019	T19/3827
Ordinary Meeting of Council	17/03/2020	T20/3842
<u>Ordinary Meeting of Council</u>	<u>15 March 2022</u>	<u>T22/3956</u>