



# Tree Policy

**Policy Type: Council Policy**  
**Policy Owner: Manager Natural Areas and Parks**

**Policy No. CP- 029**  
**Last Review Date: 16 July 2024**

## Policy Objectives

To provide guidance 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 and undertakes a seasonal tree planting program.

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.

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

### **2.1 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 Maintenance, Pruning 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 5.0 Trees and Development).

### **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 – 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:

- 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.

### **3.4 Tree Removal – Challenge**

If the applicant wants to challenge the decision to retain a tree the request can be referred to the Mayor, Ward Councilors and Director Environment & Infrastructure 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 Councilors and Director Environment & Infrastructure.

If agreement cannot be reached by the Mayor, the relevant Ward Councilors and the Director Environment & Infrastructure, the Elected Members may request that a report outlining the advantages and disadvantages of removing the tree be presented to the Council in order for the Council to determine whether or not the tree will be removed.

## **4. Tree Structures/Attachments**

Swings and Ladders are considered permissible street tree attachments with the following conditions.

- Swings and Ladders cannot be permanently fixed to street trees and must not incorporate sharp objects, protrusions, or other elements which, in the City's opinion would present a hazard to people or property.
- Swings and Ladders must not, in the City's opinion, adversely affect the health or structural integrity of the street tree to which they are attached.
- Swings and Ladders shall not swing or protrude into and must not be able to swing or protrude into the space immediately above any road carriageway or path for pedestrians or cyclists.



Loose string lighting (Solar) such as Christmas lighting is allowed around the trunk of the tree. No other 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.

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. Trees and Developments**

### **5.1 Tree Protection for Building and Development**

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.

### **5.2 Tree Assessment for Building and Development Applications**

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

This assessment will inform:

- The fair value for each tree, using a Tree Evaluation Method approved by the City.
- 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 to be included as part of any approval.

### **5.3 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 3.4 of this policy can apply.



#### **5.4 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.
- When there is not sufficient space for a second tree, at the City's discretion the tree will be planted elsewhere in the City.

#### **5.5 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.

### **6. 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 CP-102 Verge Treatment Policy CP-086 Climate Action Policy CP-120 Play Equipment on Verge Guidelines
Delegated Authority No:	N/A

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**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
Ordinary Meeting of Council	19/04/2022	T22/3956
Ordinary Meeting of Council	16/07/2024	E24/40