

7.11 TREES ON SHIRE CONTROLLED LAND

OBJECTIVE

The objectives of this Policy are to:

- Provide guidance on the care, control, management, protection and preservation of trees on Shire controlled land (Trees).
- To define the circumstances under which the Trees may be removed or pruned.

POLICY

Scope

The Policy applies to all Trees where 50% or more of the trunk is located on land owned or managed by the Shire of Gingin.

Council officers, residents/owners, builders, developers, contractors, representatives and event organisers are all required to comply with this Policy.

POLICY STATEMENT

The Shire of Gingin recognises the significance of Trees within the urban setting in terms of creating functional and aesthetic streetscapes and has the responsibility for the planning, establishment, care, control and maintenance.

Tree Pruning under Power lines

The Shire (or its contractor) shall undertake the pruning of Trees affected by power lines on a programmed basis. Programmed pruning shall include Trees on the side of the street affected by overhead power lines as well as Trees affected by electrical feeder lines to individual properties on the opposite side of the street. Programmed pruning shall not normally include Trees on the opposite side of the street to power lines.

Programmed pruning is to be planned each year on an as needs basis. Pruning may also be undertaken earlier dependent on Western Power notification. Programmed pruning shall address at least one of the following requirements:

- Clear the canopy from interference with overhead power lines and other essential services;
- Remove overhanging branches considered hazardous to traffic, buildings or structures;
- Under-prune low growing branches considered hazardous to traffic or pedestrians;
- Form the shape of developing Trees;
- Re-define the frame work of mature Trees;
- Rejuvenate vigour from undesired growth;
- Reduce crown density or redistribute growth to lateral branches; or
- Remove dead, dying, diseased or pest infested limbs and branches.

Tree Pruning where Unaffected by Power lines

The Shire shall thin the crown, under prune, property line prune (upon request) and remedial prune selected Trees unaffected by power lines, this pruning will be undertaken in the interests of:

- Public safety;
- Reducing structural risk to the Tree; or
- Removing growth abnormality or disease from the Tree.

Requests from the public for the pruning of Trees not located under power lines to reduce their height (therefore reducing leaf/fruit drop or improving light penetration), shall be made in writing to the Shire. Requests will be assessed in consideration of the following criteria:

- Species of Tree;
- Location;
- Reasons highlighted by Resident;
- Health and condition of Tree;
- Value of Tree in overall streetscape; and
- Potential for significant nuisance or damage to property.

Where residents/occupants contact the Shire with a request to prune a Tree unaffected by power lines, the following procedures will be implemented:

- The Tree will be physically inspected by the Shire. An inspection report will be completed, containing relevant statistical details;
- The resident/occupier will be advised of the Shire's decision concerning their request; and
- In the event of a specific issue relating to pruning of Trees unaffected by power lines not being adequately covered by this policy/procedure, the matter will be referred to Council for consideration and determination.

Trees will not be pruned to improve visibility for advertising signs or in order to provide or restore views from private property.

Chipping and recycling of Tree prunings is the preferred method of disposal.

Tree Removal

The Shire will normally undertake the removal of Trees under the following circumstances:

- The Tree is diseased and beyond remedial treatment, or dead;
- The Tree has been assessed by the Shire as being structurally weak and/or dangerous, placing the public at risk or jeopardising safety;
- The Tree has been irreparably damaged (e.g. by a storm, vehicle accident);
- The Tree is hazardous to motorists/pedestrians owing to interference with suitable sightlines presented by the Tree's alignment or spacing;
- To rejuvenate vigorous growth;
- The Tree is affected by road widening, service modification/relocation or other infrastructure works and all other options to retain the Tree have been deemed by the Shire to be inappropriate;
- The Tree is dangerously in contact with overhead power lines or distributor wires to properties and where, for reasons of growth habit pertaining to the variety, selective pruning is not practical with the only option being severe lopping; or

- The Tree precludes reasonable development of an adjoining property and there is no reasonable alternative to removal.

Circumstances where Trees will NOT be removed

The following are not considered sufficient reasons for the removal of Trees:

- The Tree obscures or potentially obscures views (other than traffic/pedestrian sight lines);
- The Tree variety is disliked;
- The Tree attracts birdlife or other fauna;
- The Tree shape or structure is not liked;
- The Tree variety causes nuisance by way of leaf, fruit and/or bark shedding or the like;
- The Tree causes allergies;
- The Tree is in the way of a non-essential crossover or verge paving option;
- The Tree shades private gardens, lawns, solar panels, solar hot water system etc;
- The Tree litter (leaf, twigs) is blowing into gutters; or
- Unsubstantiated 'potential' damage if the Tree fails or from growth.

Unauthorised or Inappropriate Tree Planting

An unauthorised Tree planting shall constitute any one of the following taking place on land under the control of the Shire of Gingin.

- A Tree planted without written approval of the Shire; or
- A Tree planted under power lines.

Where an unauthorised Tree planting is identified, the Shire shall determine whether the planting can be retained.

Where the planting is recent, and the Tree is considered appropriate but is on the wrong alignment or spacing, the Shire shall liaise with the resident/landowner in regards to relocating the Tree, if deemed suitable, at the cost of the resident, occupant and/or developer as long as the species lends itself to transplanting.

Where the planting is recent, and the Tree is not considered appropriate, the relevant resident/occupant shall be given the option of relocating the Tree to private property prior to the Shire considering its removal and/or replacement.

Where the planting is established and the variety is not considered to be appropriate for transplanting, Tree removal shall apply at a cost to the resident, occupant and/or developer.

Existing Trees Adjacent to a Development

Where a new or altered crossover or driveway is proposed such that it will require the removal of a Tree or be located within 1.0 metre of an existing Tree, the Shire or nominee shall also assess the Tree to determine whether it is likely to be adversely affected as a result of the proposed development or whether it can be removed.

If removal is not approved, the Shire shall advise the applicant, in writing, that retention of the Tree is required and that the development access must be redesigned. If removal of the Tree is approved, the Shire shall advise the applicant that the Tree will be removed by the Shire at the applicant's expense.

Crossovers shall be located a minimum of 1.0 metre from a Tree. Reduction to 0.5 metre may be considered, depending on availability of alternatives, Tree species and location, sight lines and traffic safety.

Should an existing Tree be damaged as a result of development works, the applicant/builder shall reimburse the Shire for any arboriculture works required to ensure its survival. The extent/cost of this work shall be determined by the Shire.

Where an existing Tree is pruned/removed without authorisation, legal action may be taken at the discretion of the Shire.

DISPUTE RESOLUTION

All disputes in regard to this policy will be referred to the Shire’s Operations & Assets Department in the first instance. In the event that an agreement cannot be reached, the matter will be referred to the Chief Executive Officer for adjudication.

GOVERNANCE REFERENCES

Statutory Compliance	Nil
Industry Compliance	Nil
Organisational Compliance	Nil

POLICY ADMINISTRATION

Review Cycle	2 years	Next Review	2024
Department	Operations & Assets		

Version	Decision Reference	Synopsis
1.	OM16/08/2022 – Item 14.2	Policy adopted.