



POLICY NO:-
CP121 –TREE MANAGEMENT POLICY

GOVERNANCE INFORMATION			
Procedure Link:	PR050 – to be drafted	Administrative Policy Link:	NA

ADMINISTRATION INFORMATION					
History:					
Version:	1	New	OCM 27/05/20 Res 123/20	Synopsis:	Policy Created

1. RESPONSIBLE DIRECTORATE

Infrastructure

2. PURPOSE OR OBJECTIVE

To inform of the responsibility of tree management within the Shire.

3. DEFINITIONS

A tree under this policy is defined as:

A tree located on the road reserve, Crown land or other land that is under the care, control and management of the Shire.

A locally significant tree may be identified as:

A tree or a group of trees that hold particular cultural, heritage, environmental or scientific value (as per the National Heritage Trust Advisory document*). These trees may be significant due to their age, species, location, cultural significance, Biodiversity value (See National Heritage Trust document), habitat value (Habitat Trees)

4. REFERENCE DOCUMENTS

Council Policy CP057 – Residential Road Verge
Council Policy CP058 – Roadside Vegetation

5. POLICY

The Shire of Dardanup values all Shire trees as an integral part of the landscape, as providing vital benefits for the community with sound social, environmental and economic values.

The Shire accepts ownership and is responsible for the care, control and management of all trees on property owned and/or managed by the Shire. This includes, but is not limited to, the inspection, maintenance, removal and or replacement of trees.

The Shire does not accept ownership of trees situated on private property and/or non-Shire owned or managed land, and are considered to be the responsibility of the private property owner or manager of the land on which the tree is located.

5.1 Removal of Trees

Residents and ratepayers are not permitted to remove any tree on reserves or land owned or under the care, control and management of the Shire.

The Shire may remove trees on reserves or land under the care, control and management of the Shire, including those on street verges, if it is:

- An endemic tree, alive or dead, that is covered by an exemption to clearing permits, *under part V of the Environmental Protection Act of 1986*, or is subject to a clearing permit obtained from the Department of Environmental Regulation;
- A tree that is either:
 - Dead;
 - In a state of decline to the point that survival is unlikely;
 - Structurally unsound, to the point of constituting;
 - Damaging or likely to damage property, where alternatives to prevent damage are not possible;
 - Part of a tree replacement program;
 - Obstructing a Council approved works program, such as road and drainage work;
 - Places the public at unacceptable risk; or
 - A landscape or planted verge tree that is not on the Shire's approved species list.

In the case of a landscaped or planted verge tree that is not on the approved species list and does not meet any other criteria for removal, those trees shall continue to be maintained by the Shire until such time it is removed and replaced under the Shire's tree replacement program.

The Shire may grant a person or a company written permission to remove a tree or trees on reserves or land under the care, control and management of the Shire, including those on street verges.

Trees will not be removed or modified for the following reasons, unless in extenuating circumstances as approved by the Chief Executive Officer:

- Leaf debris and any arboreal windborne material;
- Leaves, nuts, fruiting bodies, bark, roots;
- Shading of solar panels;
- Aesthetics and views;
- Fauna, including insects, birds and mammals.

The CEO may apply conditions to any such approval including but not limited to, the reimbursement of the costs for removing the tree.

The Shire will consider any advice provided prior to making a decision on any specific issue, but is not bound by the opinion of any individual.

Where a tree is removed on a street verge, the Shire will plant a replacement tree selected from the Shire's approved species list. In the case where the replacement tree cannot be planted in the same location as the removed tree, the Shire shall plant the replacement tree in a nearby position.

All requests are to be made in writing to the Shire by using the appropriate Application Form.

The Shire has adopted Local Laws that allow for the issue of penalties to any person that damages or removes trees from Local Government property. Further to this, any costs associated with replacing a tree 'like-for-like' may also be at the person's expense.

5.2 Pruning of Trees

Residents and ratepayers are not permitted to prune any tree on reserves or land under the care, control and management of the Shire.

Generally, trees will be allowed to develop their natural canopy and will not be pruned except under the following circumstances:

- Vehicle clearances;
- Pedestrian height clearance;
- Public Utility requirements;
- Maintaining property clearances;
- Protecting assets; or
- Other circumstances as approved by the Shire.

At times when pruning is required this will be undertaken in accordance with AS4373-2007, Council Policy, and any State legislation for protection of habitat for endangered species.

All requests for tree pruning are to be made in writing to the Shire by using the appropriate Application Form.

5.3 Maintaining Tree Health

Trees are living organisms and as such, may be subject to change over time due to natural processes including storms, infestations by particular organisms, fire, flood etc. Under such circumstances the Shire will consider the appropriate treatment.

All requests for maintenance of tree health are to be made in writing to the Shire by using the appropriate Application Form.

5.4 Requests for New/ Replacement Street Trees

- Tree Planting

The Shire is responsible for planting street and reserve trees under its annual tree planting program which includes requests from residents. The Shire will determine the species and select the location of the tree within the verge. Generally, one tree will be planted per property, while larger or corner properties may be subject to more.

- Street Tree Requests

Residents can request for a tree to be planted on the verge abutting their property through the Shire's tree request program. The Shire will assess the suitability of the verge, determine the tree species and the location to align with services and infrastructure. The Shire is responsible for planting, staking, mulching, watering and pruning the tree.

5.5 Preservation of Locally Significant Trees

The Shire is committed to the preservation of locally significant trees and will keep a register of these trees and manage them appropriately.

5.6 Responsibility for Fallen Trees

Existing trees in reserves and other property may fall resulting in a safety risk to the public, damage to property and/or inconvenience thus requiring removal of the fallen tree(s). The responsibility for the removal and costs associated with the removal of fallen trees is as follows:

5.6.1 Trees that Fall onto a Shire Road

- Trees originating from Shire owned or managed land shall be removed from the road by the Shire for safety reasons. If the tree has fallen due to the actions of a person or company, the Shire will seek the reimbursement of costs from them. Otherwise, the Shire will remove the remainder of the tree from the verge.
- Non-native or planted (non-remnant) trees growing on private property and/or non-Shire owned or managed land shall be removed from the road by the Shire for safety reasons. The property owner or organisation responsible for the land on which the tree came from will be requested to remove the remainder of the tree. Reimbursement of costs is to be sought from them.
- Native and remnant trees growing on private property and/or non-Shire owned or managed land shall be removed from the road by the Shire for safety reasons. The property owner or organisation responsible for the land on which the tree came from will be responsible for the portion of the tree on their land and for any damage to their property.

5.6.2 Trees that Fall Affecting Private Property and/or Non-Shire Owned Property

- Trees originating from Shire owned or managed land shall be, removed by the Shire and the Shire will refer any claims for the repair of damaged property to its insurer.
- Trees originating from private property and/or non-Shire owned or managed land shall be arranged between the property owners with no apportionment of responsibility or cost to the Shire.

5.7 Claims for Compensation

Where a compensation claim is made against the Shire as a result of alleged damage to property resulting from a tree or part of a tree, the matter will be referred to the Shire's insurer for a full assessment. Council accepts no liability in the first instance.