

## POL 0078: Street Tree

### Purpose

This policy is designed to protect and preserve trees in streets and public open space. It provides rules to determine what species can be planted, circumstances under which they can be removed or pruned, and their ongoing management.

### Scope

This policy applies to all street trees within the Shire of Esperance.

### Definitions

**Tree:** is defined in the Shire's Thoroughfares and Public Places Local Law as a woody perennial plant generally having a single stem or trunk which will grow to a height of approximately 4 metres or more.

**Naturally Occurring Tree:** has developed through the Shire's Parks and Reserves' practices to mean a remnant of a natural area (e.g. Bushland, wetland, and coastal dune) that was originally intact but subsequently cleared for development as recreational parkland, residential lot, road reserve etc.

### Practice

The Shire recognises the significance of street trees within the urban setting in terms of creating functional and aesthetic streetscapes and has the responsibility of planning, establishment and maintenance of all street trees in the town site. The Shire recognises street trees as a Shire asset and the retention of street trees will be considered as a priority.

In general, the Shire will plan for the retention and protection of suitable trees within public open space, verges and proposed road reservations, and for urban enhancement by the planting of selected trees. Specifically -

1. The Shire shall give consideration to the use or retention of street trees as a priority as part of any streetscape in its planning process.
2. Naturally occurring trees, where appropriate, shall be retained within the streetscape.
3. Selection of new varieties shall be in accordance with landscape requirements, taking into account local conditions and circumstances.
4. Public utility providers and land owners shall consult with the Shire prior to undertaking any work on public open space, verges and road reservations containing street trees and any works within tree protection zone.

### Street Tree Planting

The Shire is responsible for the planting of all street trees, specifically -

1. The Shire shall undertake tree planting on streets, as identified under its long term programme.

2. Subject to Shire approval Residents/occupants may be permitted to plant their own street tree in accordance with the Shire specifications.
3. The following serve only as guidelines for all street tree plantings. Variations under exceptional circumstances shall be at the discretion of the Director Asset Management.
  - a. Plant at least three metres away from any public utility junction box, manhole, pole or aerial feeder line.
  - b. Plant in accordance with utility providers *Code of Practice* relating to the street tree alignment.
  - c. Generally plant trees on a spacing interval of one tree per property frontage with similar spacing being maintained on large frontage lots.
  - d. Plantings near road intersections and driveway crossover will be subject to pedestrian and motorist safety assessment.

### Street Tree Watering

The Shire is responsible for the post planting care and maintenance of all street trees. However, residents/occupants are encouraged to assist with street tree watering. Specifically -

1. Council shall undertake the watering of all new street trees, as and when required, until the trees are established.
2. Street tree watering shall include all Council's programmed plantings.
3. Residents/occupants shall be encouraged to water their street tree during the establishment period.
4. Council shall adopt appropriate practices of post planting care to ensure the survival of all trees planted.

### Pruning of Street Trees under Power Lines

The Shire is responsible for the pruning of all street trees under power lines.

1. The Shire shall undertake the pruning of all street trees under powerlines on a programmed basis.
2. Programmed street tree pruning shall include trees on the side of the street affected by overhead powerlines as well as trees affected by electrical feeder lines to individual properties on the opposite side of the street.
3. Programmed pruning shall not normally include trees on the opposite side of the street to powerlines.
4. Programmed pruning is to be planned each year, on a needs basis.
5. Pruning will be undertaken in accordance with *Australian Standard 4373 – Pruning Amenity Trees*
6. Programmed street tree pruning shall be to normally fulfil any of the following requirements -
  - a. To clear the canopy from interference with overhead powerlines and other essential services
  - b. To remove overhanging branches considered hazardous to traffic, buildings or structures

- c. To under-prune low growing branches considered hazardous to traffic or pedestrians
- d. To form the shape of developing trees
- e. To re-define the framework of mature trees
- f. To rejuvenate vigour into unthrifty growth
- g. To reduce crown density or to redistribute growth to lateral branches
- h. To remove dead, dying, diseased or pest infested limbs and branches
- i. Other as required based on tree inspections by shire staff

### Pruning of Street Trees not Affected by Powerlines

The Shire is responsible for the pruning of all street trees not affected by powerlines. Landowners are not permitted to directly prune street trees.

The Shire will investigate requests for pruning street tree not under power lines and respond in accordance with adopted procedures. Specifically -

1. Under its programmed pruning schedule, the Shire shall crown thin, under prune, property line prune and remedial prune selected street trees unaffected by power lines, this pruning will be undertaken in the interests of -
  - a. Public safety
  - b. Reducing structural risk to the tree
  - c. Removing growth abnormality or disease, from the tree
  - d. Other as required based on tree inspections by shire staff
2. Where residents/occupants contact the Shire with a request to prune a tree unaffected by power lines, the following procedure is to be followed -
  - a. The tree is physically inspected. An inspection report is to be completed, containing relevant statistical details.
  - b. All results and recommendations from these inspections and reports are to be considered prior to any discussion and a final decision on action to be taken with the tree.
  - c. In the event of a specific issue relating to pruning of significant trees, unaffected by power lines not being adequately covered by this policy/procedure, the matter is to be referred to Council for consideration and determination.
3. The following are not considered sufficient reasons for pruning trees -
  - a. The tree obscures or may potentially obscure views (other than traffic / pedestrian sight lines).
  - b. The tree variety is a nuisance by way of leaf, fruit and bark shedding or the like.
  - c. The tree shades private gardens, solar hot water systems or the like.
4. Ownership and maintenance of all street trees is the responsibility of the Shire; Residents are not permitted to prune any street tree without prior approval.

### Unauthorised Street Tree Planting

Street trees planted without the Shire's approval are considered unauthorised plantings, but may be retained subject to certain conditions being met. Specifically -

1. An unauthorised street tree planting shall constitute any one of the following -

- a. A tree planted without the authority of the Shire
  - b. A tree planted of an inappropriate variety for verge planting or under powerlines
2. Where an unauthorised street tree planting is identified, the Shire shall determine whether the planting can be retained if it conforms to the Shire's Specifications.
3. Where the planting is of a recent origin and the tree is of a conforming variety but on the wrong alignment or spacing, the Shire shall appropriately relocate the tree after the resident/occupant has been notified and providing the variety lends itself to transplanting.
4. All unauthorised street tree plantings that are retained will become the ownership of the Shire.

### Street Tree Removal

The Shire recognises the significant contribution made by street trees to both the aesthetic and environment aspects of existing streetscapes within the Shire. The Shire recognises street trees as a Shire asset and the retention of street trees will be considered as a priority. Landowners are not permitted to directly remove street trees.

It also recognises that in some cases, tree retention may not be desirable, feasible or reasonable, owing to condition, location or species of the tree, its implications for development on an abutting site and/or the achievement of other Council objectives. The Shire will not remove street trees except where retention is considered undesirable, such as where: exceptional circumstances exist relating to public risk and safety; the tree species is not an approved variety and is not acceptable to the Shire; or the tree precludes redevelopment of an adjoining site, with no other reasonable design alternative to removal.

The Shire is responsible for the removal of street trees. Unauthorised removal of any street tree is not permitted. Owing to the hazardous nature of the task, residents/occupants will not be permitted to remove any street trees themselves. All approved removals shall be undertaken by the Shire or its nominated contractor.

Specifically -

The Council shall normally undertake the removal of trees (based on quotation from its preferred contractor) under the following circumstances -

1. The tree is diseased and beyond remedial treatment, or dead; The tree has been assessed by the Shire as structurally weak and dangerous, placing the public at risk;
2. The tree has been irreparably damaged by a storm;
3. The tree is hazardous to motorists/pedestrians owing to interference in suitable sightlines presented by the trees alignment or spacing;
4. 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;

5. The tree is dangerously in contact with overhead powerlines 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;
6. The tree impinges on the development potential of the abutting property(s) with no reasonable design alternatives existing. A 'reasonable design alternative' may involve -
  - a. Deletion of second/additional crossovers to development sites and the requirement for shared access;
  - b. The altering of development design to relocate crossovers out of the way of street trees;
  - c. The tapering of driveways to a maximum of 1 in 5 to avoid the street tree.
7. Driveways/crossovers should be located a minimum of 1.0m away from a street tree depending on tree type and location, sight lines and traffic safety, and the capacity to avoid future damage to the crossover through the installation of root barriers.
8. Redesign to retain street trees involving the following will not normally be required of applicants -
  - a. Access design not meeting the Shire's traffic safety requirements;
  - b. Changes affecting the number of dwellings the lot is capable of sustaining under the zoning;
  - c. For developments involving 3 or fewer dwellings, the relocation of infrastructure/services costing more than \$5,000, or, in other circumstances, an unreasonable cost impost. Redesign costs will not be taken into account as the R-Codes clearly require avoidance of street trees as a routine requirement;
9. Where street tree removal is approved as part of a development approval, this will be noted as advice on the approval. The approval will also be conditioned to require the applicant to meet the cost of removal by the Shire or authorised contractor and the replacement of the tree(s) with a 45L (or as otherwise approved) tree of a species acceptable to the Shire. The applicant will also be required to maintain (water) the new trees for the first two summers.
10. Relevant planning approvals may include the following advice note: *"The vehicular access shown in this application has been assessed and determined based upon the location of street trees as shown on the submitted plans. It is the responsibility of the applicant to ensure this information is correct as any inaccuracy of the plans will not be considered justification for removal of the trees in the event that their positions incorrectly shown. Removal of street trees without written approval of the Council is an offence."*
11. Significant conflict with another planning objective of the Shire.
12. The following are not considered sufficient reason for the removal of trees -
  - a. The tree obscures or potentially obscures views (other than traffic/pedestrian sight lines);
  - b. The tree variety is disliked;
  - c. The tree variety is a nuisance by way of leaf, fruit and/or bark shedding or the like;
  - d. The tree causes allergy and/or health problems;

- e. The tree is in the way of a non-essential crossover or verge paving option;
- f. The tree shades private gardens, solar hot water installations or the like.

.....End.....

### Document Information

Responsible Position	Manager Parks and Environment
Risk Rating	Low

### Referencing Documents

- *Local Government Act 1995*
- *Street Tree Strategy 2023*
- *Shire Road Verge Development Policy*

### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2013	1		New policy	O0913-005	Sept 2015
Feb 2016	2	D16/28976	Update to current names and titles. Remove prescriptive description regarding street tree planting and change to reflect utility providers Code of Practice. Additional section regarding non-sufficient reasons for tree pruning.	O0216-042	Feb 2018
Aug 2018	3	D16/28976[v2]	Rewording to determine Shire's responsibility, minor formatting.	O0818-091	Aug 2020
Dec 2019	4	D16/28976[v3]	Change responsible officer, minor wording amendments, inclusion of trees being shire assets and retention being priority, to be read in conjunction with Verge Development Policy.	O1219-268	Dec 2021
Mar 2022			Laid on table for further review	O0322-062	Mar 2024
Aug 2023	5	D16/28976[v4]	minor updates to better reflect the policies application and the inclusion of the policy apply to public open spaces.	O0823-148	Aug 2025
Mar 2024	6	D16/28976[v5]	Biennial review, no change	O0324-023	Mar 2026
Mar 2026	7	D16/28976[v6]	Include references to specify that landowners are not permitted to prune or remove street trees.	O0326-053	Mar 2028