



# SHIRE OF YORK

## MEMORANDUM

**TO :** SHIRE OF YORK

**FROM :** RAY HOOPER, CHIEF EXECUTIVE OFFICER

**SUBJECT :** STREET TREES AND TREES ON PRIVATE PROPERTY

**FILE NO :** LI3.

**DATE :** 25/02/2014

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Further to the attached memo from Graham Lantzke there is immediate need of direction from Council on a procedure or policy to deal with this and just as importantly to advise the community.

### Legislation Clearing of Native Vegetation Regulations

Under this legislation native vegetation can be pruned however a clearing permit is required if a tree is to be removed.

An exemption can be applied if a tree is declared to be dangerous because of sight distance, proximity to infrastructure or it is a danger to the public.

### Property Rights

Vegetation growing over a property boundary can be pruned back to the property lane.

### York Town site

Mostly the street trees in place on road reserves are native varieties and permits will be required if they are to be removed. The Shire of York has orders placed on it for the pruning of street trees under or adjacent to power lines with annual expenditure on this work in the \$12,000 - \$18,000 per year range.

In addition Western Power also serves orders on private property owner for tree pruning.

There are numerous trees in the town site which straddle or are on close proximity to boundaries e.g. Little Street.

## The Way Forward

Regardless of the outcome of Streetscape planning direction is needed now to deal with current issues and the following options are presented for consideration:

### Trees On or Over Private Property

Property owners are requested to make their own arrangements in pruning back to the property boundary. The preference is for the work to be done by the property owner or a tree pruning company with the Shire of York only undertaking that type of work as an absolute last resort.

Dropping of leaves, nuts and minor branches is considered to be a nuisance and not a danger and it is not justification for removing a street tree.

The Shire of York receives many requests for tree removal but Council is committed to protecting and enhancing the environment and the street aesthetics and must adhere to strict guidelines and regulations on what can or cannot be removed.

### Trees On or Adjacent To Private Property Boundaries

- Identify all potential issues by visual inspection and aerial mapping
- If the landowner is in agreement with the tree removal obtain written agreement
- Apply for and obtain the necessary clearing permit for the identified number of trees in this category
- Where possible the removal of trees on or adjacent to private property boundaries is to be by lopping and stump grinding to minimise damage to fences, footpaths, gardens and roads
- Where possible the removal of trees of this type should be on a shared cost basis

### Street Trees Under Power Lines

As these trees can impact on power supplies and can incur reasonably high annual costs there needs to be a procedure to deal with them. Two actions are needed to deal with native and non native varieties.

- Native vegetation requires a clearing permit for removal
- Non native species can be removed at any time

If Council wants street trees under or adjacent to power lines the species planted should only be those approved/recommended by Western Power and the preference may be for non-native trees to prevent future problems if removal is needed for any reason.

### Footpaths

The location/placement of trees on footpaths can be a risky matter with a previous footpath audit requiring painted lines where footpaths have been deviated around street trees, power poles etc.

Where dual use footpaths (2.4m wide) are planned there is unlikely to be room for street trees in some streets.

### Trees on Verges

The Shire of York does not currently have a street design for tree planting and Council may want to consider the Belmont Street Tree Strategy (Copy of Information Note attached) under which specific varieties are designated to individual streets for uniformity.

Belmont restricts street trees to one tree per property on the verge.

### Working under Powerlines

Consideration must be given to what Shire staff are allowed to do in relation to trees under power lines as often any pruning can only be done by accredited contractors. In some instances it may be simpler and more cost effective to remove some trees under these lines and replace them with more suitable species or to move tree plantings to the other side of the street away from services.

Direction is required from Council on the following:

### Works

- Shire staff will only be involved in the removal of trees on property boundaries if it is on a shared cost basis (50:50) with the landowner
- Shire staff will not prune vegetation in or over private property except on a full cost recovery basis and the use of accredited contractors for this work is the preferred option
- Where trees are to be removed from a street verge in the town site will be lopping and stump grinding for all trees more than 150mm in diameter
- A tree replacement plan to be prepared and implemented for the removal of trees under powerlines requiring annual pruning
- Native vegetation under powerlines which will likely grow to a height to require pruning to be removed and replaced with a more suitable variety or to be replaced in an alternative position e.g. opposite side of the street

### Strategic

- Determine a preferred street tree spacing e.g. one tree per property frontage
- Determine if there is to be a street theme for trees e.g. one species per street
- Determine a preferred placement for street trees e.g. within 1.5 metres of property boundary to allow for footpath construction and verge parking
- Determine if native or non – native species are to be used for street trees

The above matters will form part of any streetscape plan and need to be addressed.

Regards



RAY HOOPER  
CHIEF EXECUTIVE OFFICER

Cc: All Councillors  
Graham  
Jacky  
Tyhscha  
Jen Vincent

## Ray Hooper

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**From:** Graham Lantzke  
**Sent:** Monday, 24 February 2014 8:23 AM  
**To:** Ray Hooper  
**Cc:** Tyhscha Cochrane  
**Subject:** RE: Tree in Little Street

Ray

The fallen tree in Little Street is going to be removed. This is not the tree outside Mrs Murgatroyds property.

For the record I have a large number of similar and related requests around town. Mrs Murgatroyd is more interested in the tree at the front of her property which I have a request from her to remove.

We don't appear to have a policy on street trees in the Town site or rural areas.

The community appears to be divided with some wanting all trees removed and others wanting trees planted everywhere.

If someone is injured or killed by a falling branch or tree we are exposed. Trees naturally shed limbs and nuts so this is a real risk.

If we clear trees on request we are going to deny future residents the benefits of the trees, potentially be in violation of the EP Act, be resoundingly criticised by other members of the community and run up a very large unbudgeted expense.

At the moment I'm deferring decisions responding ad hoc on my best judgement, however my works crew and I are inundated with requests, many outstanding for months, to remove trees on property boundaries, prune trees, etc We don't have any kind of systematic tree management program. There are inconsistencies in our responses.

I would suggest the Shire needs a policy at Council level giving me clear direction and consistent approach to street trees. I don't have time to write that policy, budget or plan tree pruning works in the foreseeable future.

Trying to develop a policy could also create a major community division and put the Councillors in a difficult position. I suspect the policy would

We can address this case individually. Mrs Murgatroyd has been harassing the Shire about the tree at the front of her property for years and will clearly continue to do so until the Shire removes it. A simple solution is therefore to remove the tree. However the tree appears to me to be in good health and there is the precedent. I can obtain an arborist opinion (and will do that for risk mitigation purposes if we decide to keep it). The tree like all trees will continue to shed nuts and branches.

Options would appear to me to be

- a) Remove the tree at the front of her property
- b) Refuse to remove the tree
- c) Start a public consultation/DER approval process about this one tree
- d) Adopt a Council policy and then act in accordance with that policy.

There are obvious pros and cons to each option.

I do not regard this as a priority issue in the context of various project works that are running way behind.

Seeking your direction.

Graham Lantzke  
Works Manager Engineer  
Shire of York  
08 9641 1219

-----Original Message-----

From: Ray Hooper  
Sent: Tuesday, 18 February 2014 5:15 PM  
To: Graham Lantzke  
Subject: FW: Tree in Little Street

-----Original Message-----

From: Denese smythe [mailto:desmythe@bigpond.net.au]  
Sent: Monday, 17 February 2014 6:47 PM  
To: Ray Hooper; Records; Pat Hooper; Matthew Reid; Mark Duperouzel; Tony & Sally Boyle; Dave Wallace  
Subject: Tree in Little Street

I received another call from Mrs Murkatroyd today in regards to her tree problem and the tree that has recently fallen over at the end of her street, this photo shows what could possibly happen to the tree encroaching on her property Cheers Denese

# Street Trees

Date of Publication 2/11/2009

The City of Belmont is responsible for the planting and maintenance of street trees throughout the City.

The City of Belmont Street Tree Strategy was adopted in February 1998 and revised in May 2006. This Strategy assigns specific species of trees to individual streets and situations. All new planting of trees along the Council verges will only be of the species as determined in the Street Tree Strategy, to encourage a co-ordinated approach and form an avenue effect.

## Planting

The planting of trees in streets is carried out by the City's Parks Staff. Individuals or groups are not permitted to plant trees in the street. However, for special projects, permission may be obtained from Council. Street trees are chosen carefully for aesthetics and the value they provide to the eco-system of the City.

Trees are chosen which:

- are fast growing
- do least damage to kerbs, footpaths, sewerage pipes and gardens
- create an attractive streetscape
- provide a suitable habitat for bird life
- comply with public utility requirements
- tolerate climatic conditions

## Replacement

Residents are encouraged to request a street tree for their verge. Street tree replacements are carried out during the winter planting season (May - August). Occasionally replacements are undertaken out of season, if the species are available and residents are prepared to provide water (a written undertaking to this effect is required).

## Watering

For successful planting in this State's arid climate, young street trees are planted in winter so they can establish themselves before the extremes of heat occur. The City will water new street trees over two summers. Additional watering of your street tree would be appreciated and will promote more vigorous growth.

## Pruning

Pruning of street trees becomes necessary to ensure:

- pedestrians can walk safely and comfortably under trees
- trees are kept away from power lines
- road signs are clear and vehicles have easy access underneath trees
- street lights can penetrate to the road

Correct pruning ensures a safe, vigorous and attractive tree. Trees are not pruned just to shape them.

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## **Removal**

Street trees which are dead, diseased, dying or in a dangerous condition are removed by the City's contractors.

The City receives many requests for trees to be removed but is committed to protecting the streetscape for aesthetic and environmental reasons and must adhere to strict guidelines as to what can and cannot be removed.

Dropping of leaves is considered a nuisance and not a danger. This is not a sufficient reason for removing a tree.

Each case will be assessed carefully by the Parks Supervisors and in some cases will need to be referred to Council. Requests for removal of street trees need to be made in writing to the Parks Section at the City of Belmont.

## **Stump Grinding**

Contractors are employed to grind stumps. This can sometimes lead to delays between tree removal and stump grinding, although the delays will not be greater than 5 working days.

## **Enquiries and Information**

If you require any extra information regarding the above areas, please contact the Parks Technical Officer on 9477 7287.