

POLICY

Policy Name	Tree Management Policy
Policy Category	Service Provision
Department / Officer	Environment and Infrastructure/Manager Environment and Recreation
Date Adopted	11 July 2005
Date/s Reviewed	11 December 2006, 18 March 2013, 10 March 2015, 28 May 2018
Review Frequency	Every Three Years
Strategic Plan Reference	1.1 Protect and rehabilitate the natural environment 1.2 Protect and enhance landscape and scenic amenity 1.3 Adapt to the impacts of climate change 5.6.1 Assess opportunities within an effective risk management framework
Attachments	Nil

1. Purpose

This policy provides the direction for Council to manage, develop, protect and conserve trees in the Council area.

Council aims to:

- Meet Council's overall obligations in relation to trees pursuant to the Community Plan;
- Ensure that trees on roads, community land and other public landscapes within the care and control of council are planted and maintained consistent with current legislative requirement, risk management principles, ecologically sustainable development principles and community amenity values.

2. Scope

The policy shall apply to all trees under the care, control and management of the Council and within the scope of legislation.

3. Policy Statement (Summary)

The City of Victor Harbor is committed to a tree management program within public spaces that focuses on plantings that are well planned, improve community amenity, are suitable for purpose and are maintained in a manner to mitigate risk to the Council.

Replacement and new tree plantings shall be suited to the local environment and have regard for maintenance requirements.

4. Legislation and Compliance

- Local Government Act 1999 (Sections 213; 221; 232; 233; 244; 245; 254; 299) (SA)
- Native Vegetation Act 1991(SA)
- Development Act 1993 (SA)
- Highways Act 1926 (SA)
- Road Traffic Act 1961(SA)
- Heritage Act 1993(SA)
- Aboriginal Heritage Act 1988 (SA)
- Electricity Act 1996 (SA)
- Water Resources Act 1997(SA)
- Waterworks Regulations 2011(SA)
- Sewerage Regulations 2011(SA)
- Environment Protection Act 1993 (SA)
- Environment Protection & Biodiversity Conservation Act 1999 (Cwth)
- Natural Resource Management Act 2004 (SA)
- National Parks & Wildlife Act 1991 (SA)
- Water Industries Act 2012 & Regulations (SA)
- Civil Liability Act 1936 (SA)

5. Definitions

Community Plan: means the current plan identifying Council's strategic objectives as required pursuant to section 122 of the Local Government Act 1999.

Council Owned and Managed Land: means land owned by Council and includes land in the care, control or management of Councils pursuant to any Act of Parliament, and includes Public Roads as defined in the Local Government Act 1999.

Planting: means the placement of a tree in the ground at an identified site.

Public Spaces: means any land to which the public has access to and that is under the care and control of Council.

Regulated Tree: means a class of tree declared to be regulated by the Development Regulations or a tree declared to be a Regulated Tree, or a tree within a group of trees declared to be Regulated Trees by the Development Plan. (It should be noted there is no provision for Regulated trees in the Victor Harbor Development Plan).

Road: means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles, cyclists or pedestrians but not including an alley, laneway, walkway or other similar thoroughfare vested in a council.

Significant Tree: means a class of tree declared to be significant by the Development Regulations or a tree declared to be a Significant Tree, or a tree within a group of trees declared to be Significant Trees by the Development Plan (It should be noted there is no provision for significant trees in the Victor Harbor Development Plan).

Tree: means a woody perennial plant, including palms that can have one or more trunks and a distinct elevated crown of lateral branches.

6. Policy Content

The City of Victor Harbor's Tree Management Policy is developed in association with other Council strategies and objectives including:

- Community Plan 2036
- Southern Fleurieu Roadside Vegetation Management Plan 2005 (revised 2011)
- Victor Harbor Environmental Management Plan, 2010 – 2014
- Recreation & Open Space Strategy 2017
- Footpath and Pedestrian Strategy 2011
- Tree Management Strategy 2014
- Risk Management Plan 2018-2019

The Tree Management Policy is intended to provide objectives for the long term management of Council's trees in public spaces. The policy gives guidance for risk management, planning, planting, maintenance and, if necessary, the removal of trees (and vegetation) on Council owned and managed land and roads, within the scope of relevant legislation. The policy should be utilised in conjunction with Council's Tree Management Strategy.

6.1 The key principles of the policy are:

1. To ensure that Council effectively and reasonably manages trees on Council owned and managed land;
2. To provide for effective maintenance, replacement and functional programmes for planting and care of trees;
3. To coordinate and ensure that resources are allocated so that Council meets strategic and operational obligations;
4. To ensure the effective and efficient use of resources, reasonably allocated to maintain and manage trees on Council owned and managed land;
5. To manage the requirements related to risk management including minimising potential exposure to public liability claims;
6. To manage the requirements associated with legislation and compliance;
7. To consult with the community and promote the positive influence trees provide to the general landscape, biodiversity and sustainability;
8. To minimise and consider issues of conflict between trees and infrastructure using the legislative framework and the principles of risk management.

6.2 Benefits and impact of trees

Council believes that trees are an important community asset and are an important aspect of biodiversity as defined in the 'National Local Government Biodiversity Strategy'. As such trees are an essential component to achieving Ecological Sustainable Development.

6.2.1 Trees provide:

- A softening of the urban landscape
- Noise and pollution reduction
- Temperature and wind modification (creating microclimates)

- Shade and shelter
- Ecological habitat that enhances biodiversity
- Historical value
- Improved economic value and tourist potential
- Definition of landscape characters and localities
- Road definition, influence on vehicle speed, pedestrian safety and comfort
- Social and recreational opportunities.

6.2.2 Trees may also have negative impacts including:

- Risk of personal injury and property damage
- Hazards to surrounding area and adjoining properties with overhanging limbs and tree roots
- Interference with infrastructure and services
- Over-shading (including impacts on solar panels)
- Restricting views and impacting site distances on roads, walkways and bikeways
- Cost of maintenance
- Leaf litter fouling waterways, drains, creeks and the coastal waters.
- Fruit (nuts/berries) falling on footpaths and driveways.

6.3 Land use and Development Planning

Council will ensure, that in new developments, there is sufficient space allowed for trees to be established and to grow to full size, without damage to infrastructure and unreasonable risk to the public.

Treescapes are an important aspect of the assessment of new developments. The developments must meet Council's aesthetic, maintenance, community, ecological and risk management requirements.

6.4 Tree Planting

The City of Victor Harbor encourages the planting and maintenance of trees in all roads and streets and within reserves unless circumstances make it unsuitable to do so. This includes making it a requirement in the Development Plan that new development applications include provision for sufficient and appropriate trees to be planted.

Replacement and new tree plantings shall be suited to the local environment and have regard for maintenance requirements.

All urban streets (residential, commercial and industrial) will be planted according to a Streetscaping Plan and the planting will be aimed at beautifying the street as a whole, rather than an individual property.

Council's objective is to develop a program to plant trees in Council reserves.

Council will be proactive in planting trees to meet the broad objectives of this policy. The City of Victor Harbor may, from time to time, plant trees on the nature strips adjacent to allotments, as part the overall Street Tree Development Program, providing they comply with the general guidelines of this policy, other Council policies (eg Footpath Policy, Disability Access Policy) and any statutory requirement (e.g. SA Water and SA Power Networks (ETSA) regulations). Council will maintain an annual Tree Planting Program to develop and maintain the number and quality of trees in streets. A Species List for planting in various locations should be maintained and adapted based on industry standards, local experience and the impacts of climate change and extreme weather.

On occasion residents will plant trees on Council land. Approval should be sought from Council for any plantings on Council land. Trees planted without authorisation on Council land may be removed at the discretion of the Manager Environment & Recreation and Manager Operations or their delegate when the tree and/or tree location is not compliant with this policy.

Council may plant trees on nature strips in urban areas at the request of residents provided it meets this policy and is within the budget available.

6.5 Tree Pruning and Maintenance

Council will prune and maintain trees to ensure they remain healthy, structurally sound and develop minimal failures. Trees will also be monitored and pruned to make sure that they do not represent a hazard to the safety of motorists, cyclists and pedestrians by restricting access or unreasonably limiting sight distances. This program will have a long term perspective aimed at maximizing the trees functional life.

Seeds, fruit and cuttings must not be collected from trees or other vegetation on Council land (including parks, reserves, urban streets and rural roads) without prior written approval from Council. Individuals or organisations wishing to collect seed and/or fruit on Council land (including parks & gardens, urban biodiversity reserve, rural reserves, urban streets and rural roads) must submit a written application.

6.6 Tree Removal

All trees on footpaths are Council property and should not be removed without Council's permission. Any person proven to be responsible for removal of a tree, without Council consent, shall be liable to compensate Council for the value of the tree. In all cases, alternatives to removal should be considered. Requests for removal of trees growing on property under Council's care and control must be made in writing addressed to Council.

Three levels of consideration will then apply.

1) **Trees of heritage value or other recognized significance:**

Should only be removed following consideration and approval by the elected Council. In these cases a detailed report on the significance and issues surrounding the removal request will be prepared for Council meeting consideration.

2) **The Manager Environment & Recreation and Manager Operations have delegation to remove trees that are:**

- Less than 5 metres in height
- A threat to public safety
- Unhealthy, of an inappropriate species or unsuitable for the location
- Significantly detracting from the streetscape due to poor form/shape or declining health
- A recognised environmental weed species
- A pine tree of the genus Pinus.

3) **All other trees are to be considered by a Tree Assessment Panel comprising:**

- Manager Environment and Recreation (or his/her delegate)
- Group Leader, Open Space (or his/her delegate)
- An elected member (as determined by Council).

Where the determination cannot be agreed by the panel, the matter shall be referred to Council. Council will not remove a tree solely to provide access to sun for light or solar panels/collectors. Some pruning may be approved provided it does not impact on the shape and integrity of the tree. All costs of this work are to be borne by the applicant.

An applicant requesting the removal of a tree on Council land may be required to contribute to the cost of that removal and replacement of a suitable advanced species. If the tree is unhealthy or causing damage to property or infrastructure and was due for removal, the cost of removal should be fully borne by Council. If the tree is a relatively healthy specimen and in the opinion of the Manager Environment & Recreation (or his/her delegate) would not foreseeably have otherwise been removed in the next 5 years, the cost of removal and replacement, if approved, should be borne by the applicant. The applicant will then be responsible for the cost of removal as well as a tree replacement & establishment fee which is to be determined by Council.

Trees should not be removed or substantially pruned for any of the following reasons:

- the tree shades a private garden or solar panel installation;
- the tree causes nuisance by way of leaf, fruit or bark shedding;
- the tree provides habitat to wildlife that causes nuisance by way of noise, droppings or litter;
- the tree obscures or potentially obscures advertising signage; or
- the tree obscures or potentially obscures views.

6.7 Heritage Trees

Council is to, where reasonable, retain, maintain and conserve trees of heritage significance on Council owned and managed land.

This includes trees listed on the Victor Harbor Local Heritage Register and State Heritage Register. The Local Heritage Register will be continually reviewed to ensure all trees of local heritage value, on public land, are included. This will include trees of European and Aboriginal Significance.

Norfolk Island Pines are a recognized symbol of the Victor Harbor Coastline. While not indigenous to the area they encapsulate the city's European heritage and character. To this end it is intended that the number of Norfolk Island Pines, in coastal areas, are maintained over time to preserve this character.

6.8 Native Vegetation

Native Vegetation refers to any vegetation protected under the Native Vegetation Act 1991. This includes not only trees but shrubs, woody & herbaceous perennials, grasses and reeds. Council is responsible for conserving and enhancing our native vegetation on Council land including roadsides and within Council reserves.

Where a tree is also native vegetation reference should be made to the Southern Fleurieu Roadside Vegetation Management Plan and the Native Vegetation Act and Regulations. Any authority under this policy does not absolve the need to comply with the Native Vegetation Act and other relevant legislation.

6.9 Tree Complaints

Council maintains a register of written tree removal requests and has a process of dealing with these requests, particularly in regard to safety concerns.

6.10 Tree Replacement

A Tree Replacement Program is established for all trees removed, generally on the basis of two replacements for every tree removed. The trees will be planted as near as practical to the removal site unless circumstances prevent this from being reasonable. The program should be proactive and plan for tree replacement toward the end of their functional life, to ensure continuity and the integrity of the streetscape/landscape is maintained.

6.11 Works in the vicinity of trees

All work in the vicinity of trees will ensure minimal damage is caused to the tree and its root system. Care will be taken to install barrier mesh to define a root protection zone if machinery or digging equipment is to be used around trees.

6.12 Climate Change

Council will regularly review its practices and planting lists to ensure the effects of climate change and extreme weather are considered.

6.13 Tree Management Team

Council will develop a cross departmental Tree Management Team to ensure Council plans for future plantings, as well as effectively manages the maintenance and replacement of existing trees, including development and review of Tree Management Guidelines and Species Planting Lists, and making recommendations to Council on future resourcing requirements. The team may include engineering, environment, open space, planning and risk management staff and may co-opt the assistance of outside bodies such as TreeNet, SA Power Networks, NBN Co, Telstra etc, as required.

7. Risk Management

7.1 Tree Risk Assessment and Management

Council recognises that the benefits provided by trees require continued public provision and that appropriate measures are necessary to effectively manage associated risk. Tree risk management needs to be adequately resourced to ensure administrative processes, inspection schedules and maintenance programs are effective in managing risks associated with trees.

8. Exemptions/Implementation/Delegations

The restrictions in this policy do not apply to a Council employee acting in the course and within the scope of that person's normal duties, or to a Council contractor or volunteer while performing work for Council and acting under the supervision of a Council employee.

The Chief Executive Officer is delegated authority to implement this Policy and to sub-delegate to other officers under Section 101 of the Local Government Act.

9. Related Documents

Supporting Documents include:

- Tree Management Strategy
- Tree Management Guidelines (Under Development)
- Roadside Vegetation Management Plan and other relevant documents.
- Environmental Management Plan

Other Related Documents include:

- Trees: Legislation and Risk Management Guidelines for Local Government (developed by the LGA Mutual Liability Scheme)
- Independent Inquiry into Management of Trees on Public Land, 2010, LGA and LGAMLS
- Southern Fleurieu Roadside Vegetation Management Plan 2005 (revised 2011)
- Victor Harbor Environmental Management Plan, 2010-2014
- Victor Harbor Local Heritage Register
- Planning for Trees in the Urban Environment, Ely, 2009
- Culturally Significant Trees Assessment and Management Guidelines LGA, District Council of Mt Barker and TreeNet 2012.

10. Availability of Policy

This policy is available on Council's website at www.victor.sa.gov.au. It may also be inspected or purchased at the Principal Office of the Council at 1 Bay Road, Victor Harbor.