



Tree Management Policy

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Department:	Engineering Services
Responsible Officer:	Director Engineering Services
Community Plan Reference:	Strategic Direction Six – Environmental Sustainability
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Council File Reference:	GF/14.63.1
Applicable Legislation:	Local Government Act 1999 – Section 221, 232, 244 & 245 Electricity Act 1996
Relevant Council Policies / Procedures / Guidelines:	There are no known relevant documents related to this Policy
Consultation:	ELT, Risk Management Officer, Council

1. STATEMENT

The purpose of this policy is to formalise Council's position in regard to the management of the trees and vegetation that is under the Council's care and control throughout the Wattle Range Council Area.

This policy aims to establish the direction to be provided to staff to manage its trees and vegetation, ensuring the safety of persons and property so that they can be enjoyed by future generations.

2. DEFINITIONS

For the purposes of this policy the following definitions apply:

- **“MGB”** is a Mobile Garbage Bin
- **“Bin”** is either a 140L or 240L Mobile Garbage Bin

3. PRINCIPLES

LEGISLATIVE FRAMEWORK

There is no legal requirement for Council to have a policy for tree management but given the potential and likelihood of future liability claims being made against Council, it is desirable for Council to formally establish its position regarding the management of its tree and vegetation amenity. This policy is based on principals and guidelines as set out in the “Trees: Legislation and Risk Management Guidelines for Local Government” as published by the Local Government Association Mutual Liability Scheme.

Local Government Act 1999

Section 221 of the Local Government Act (‘the Act’) states:

“(1) A person (other than the council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by the council.”

This includes the planting, interference or removal of a tree or vegetation on the road.

Section 232 of the Act states:

“Before a council plants vegetation, or authorises or permits the planting of vegetation, on a road, the council must (in addition to complying with any other statutory requirement)—

- (a) give consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account—
 - (i) environmental and aesthetic issues; and
 - (ii) the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and
 - (iii) road safety matters; and
 - (iv) other matters (if any) considered relevant by the council; and
- (b) if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, follow the relevant steps set out in its public consultation policy.”

Sections 244 and 245 of the Act provides some protection for Council against liability providing that Council has acted reasonably. Having a policy in this area is seen as being reasonable, very appropriate and provides Council with a mechanism for some protection from liability.

Electricity Act 1996

Section 55 of the Electricity Act 1996 states:

- “(1) An electricity entity has a duty to take reasonable steps—
- (a) to keep vegetation of all kinds clear of public powerlines under the entity's control other than powerlines in relation to which the duty to keep vegetation clear is conferred on a council under a vegetation clearance scheme; and
 - (b) to keep naturally occurring vegetation clear of private powerlines under the entity's control,

in accordance with the principles of vegetation clearance.”

POLICY

It is Council's objective to maintain the tree and vegetation under Council's care and control in a manner that enhances the amenity of the vegetation throughout the Council area whilst at the same time considering the public safety interests of the community.

Council recognises that the task of maintaining trees is a considerable service to the community and the optimum desirable outcomes stated in this policy may be restricted due to a number of factors, such as:

- Conflicting needs between amenity and public safety
- Scarce resources
- Resources needs of other services provided by Council
- The assessment of issues relating to trees will be based on a whole of lifecycle aspect. That is – issues relating to encroaching limbs of a newly planted tree will be considered in conjunction with the value to be provided over many years of a mature tree. Issues relating to leaf fall will be assessed against the amenity and other qualities provided by a tree over its entire remaining life

- Long term sustainability of tree and vegetation generally.

Street Trees

A regular inspection/maintenance programme has been established and implemented to ensure that all street trees are inspected and maintained on a regular cycle.

Systems have been established and maintained to facilitate inspections with necessary intervention to occur whenever a street tree concern is brought to Council's attention.

The level of height clearance provided along public roads will be carried out after due consideration to the traffic speed, traffic environment and nature of the road without guaranteeing full 5.0m height clearance across the full width of every Council road. Council will ensure that, at the very least, a 5.0m height clearance can be achieved for all standard vehicle widths at some location across the road width on every road to a standard that may vary subject to the specific nature and characteristics of each road.

Council's objective is for all pedestrian paths to be maintained with a 2.0m vegetation height clearance.

Debris from Council Trees

Council will respond to any tree (public or private) that, due to a natural cause or event, requires removal from a public area creating a safety hazard to pedestrians or traffic. The extent of work will be to make the area safe and clear away debris for this purpose only. It will remain the responsibility of the owner of the tree for all other circumstances.

Council will accept removal responsibility for any tree that has fallen from any Council controlled land onto private land subject to the owner/occupier providing the required access authorisation.

Tree Trimming – Street Trees

Tree trimming is to be done to provide safety for pedestrians and vehicles within road reserves and parks and gardens as well as to maintain the health of the tree.

Only Parks and Gardens Supervisor and qualified staff can determine if a tree is to be trimmed.

Where private trees encroach into the required clearance zones for established footpaths and roads or other public safety issues have been identified, the matter will be brought to the adjoining property owners' attention for remedial action.

If the resident fails to comply with a reasonable request under the Local Government Act 1999 Council may issue an order for the required work to be undertaken.

Tree Removal

The right to approve the removal of trees is delegated to Council's Manager - Assets and Engineering Services. It is Council's view that a tree will be removed if the tree is dead, dying, diseased or structurally compromised and is in a location that has the potential to cause significant harm or damage to persons or property.

Tree Planting

Council will, in accordance with Section 232 of the Local Government Act 1999, take into consideration all aspects when planting trees within the Council area.

Residents who wish to plant trees on Council land must receive approval from Council before any works are undertaken.

When selecting trees for street planting the Council will consider the following elements:

- Its likely size at maturity
- Its potential to effect neighbouring landowners
- Its suitability and spacing within the given environment
- Its tolerance to pests, disease, drought and climate change

- Any underground and overhead services and structures
- Existing crossovers
- Traffic & pedestrian lines of sight

4. REVIEW

This Policy will be reviewed every four years after each general election.

5. AVAILABILITY

This policy is publicly available on Council's website: www.wattlerange.sa.gov.au.

A printed copy may be purchased from Council offices upon payment of the relevant fee in Council's Fees and Charges Schedule.

6. ADOPTION AND AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.

Date	Authorised by	Minutes Reference
12 th April 2011 (Adopted)	Council	Folio 4543; Item 11.1.4
26 th July 2016 (Amended – policy number)	ELT	