

<b>Policy Reference Number:</b>	1.26
<b>Classification:</b>	General
<b>First Issued/Approved:</b>	December 2007 (Res. 273/2008)
<b>Review Frequency:</b>	After the general election – every 4 years
<b>Last Reviewed:</b>	August 2011 (Res. 25/2012) 9 December 2014 (235/2015) 18 December 2018 (Res 247/2019)
<b>Next Review Date:</b>	December 2019
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Applicable Legislation:</b>	<i>Local Government Act 1999</i>
<b>Relevant Policies:</b>	
<b>Related Procedures:</b>	
<b>Compliance Standard:</b>	

### **Policy 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 District Council of Robe. This policy aims to establish the direction to staff to manage trees and vegetation, ensuring the safety of persons and property so that they can be enjoyed by future generations. This policy will provide a base for decisions making to ensure consistency for the future strategic direction of tree planting, protection, management and maintenance for the District Council of Robe area.

### **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.

#### 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 it public consultation policy.”
- ⌘ Sections 244 and 245 of the Act provide some protection for Council against liability providing that Council has acted reasonably. Having a policy in this area is seen as being reasonable, 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
- ⌘ resource 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 5.0 m height clearance across the full width of every Council road. Council will ensure that, at the very least, a 5.0 m 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 2.0 m 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 circumstance. 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 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 the Works Supervisor. It is Council's view that a tree will be removed if the tree is dead, dying, diseased or structurally comprised in a location that has the potential to cause significant harm or damage to persons or property.

### Tree Planting – Tree Register Species

Council will ensure the controlled development of street and park tree planting, resulting in a streetscape that is both attractive and coordinated through Council's Tree Planting Species Guidelines. Tree species were selected for planting giving consideration to suitability for the site, aesthetics, functionality and performance. Assessments will ensure that proposed tree selection is compatible with desired landscape character for particular areas.

When selecting trees for street planting, Council will also 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 and pedestrian lines of sight

Minimum distances to be considered prior to planting of trees:

- ̄ 2.5 metres from driveways
- ̄ 3 metres from power poles
- ̄ 10 metres from corner of property boundary (15 metres on Transport SA roads)
- ̄ 2 metres from fire hydrants
- ̄ 3 metres from edge of junction boxes (trees should not be planted directly over utility services if at all possible)
- ̄ 5 metres lowest point of tree canopy (pruning)

No planting of trees by residents or community groups on Council's property will be permitted without prior consent from Council.

During tree planting, watering point systems will be placed to enable watering practices to encourage deep root growth.

#### Tree Maintenance

Council recognises that trees are a major asset of Council and the community and will ensure that high management standards are maintained, with newly planted trees integrated with established trees.

Council will proactively manage tree risk management issues, as part of a continuous improvement program.

Council has implemented work practices to limit tree root damage, by placing root barriers that can be a useful strategy in the minimisation of pavement, kerb and channel and other property damage. The purpose of the root barrier is to guide the growing tip spreading in a direction that will cause the least damage. Suitable and aesthetic tree guards will be utilised to maximise tree growth and longevity.

#### **FURTHER INFORMATION**

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: [www.robe.sa.gov.au](http://www.robe.sa.gov.au)

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

#### **POLICY REVIEW**

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).