

<b>Policy Section:</b>	<b>4. Infrastructure &amp; Engineering Services</b>
<b>Policy Name:</b>	<b>Tree Management</b>
<b>Classification:</b>	<b>Public - Council Policy</b>
<b>Adopted:</b>	<b>13 March 2018</b>
<b>Frequency of Review:</b>	<b>Every Four Years</b>
<b>Last Review:</b>	<b>February 2018</b>
<b>Next Review Due:</b>	<b>February 2022</b>
<b>Responsible Officer(s):</b>	<b>Manager of Infrastructure &amp; Engineering Services</b>
<b>Policy Manual File Ref:</b>	<b>CC10/2601</b>
<b>Council File Reference:</b>	<b>CR16/37311</b>
<b>Legislation Authority:</b>	<b>Regulated Tree Legislation</b>
<b>Related Policies and Codes:</b>	<b>Landscaping Verge Areas (Footways) by Residents Street Tree Planting for New Land Divisions Street Trees – Removal</b>
<b>Related Procedures:</b>	<b>Tree Planting Standard</b>

## 1. BACKGROUND

- 1.1 The purpose of this policy is to formalise Council's position in regard to the management of the tree and shrub vegetation that is under Council's care and control throughout the Town of Gawler.
- 1.2 This policy aims to establish the direction to be provided to staff to manage its trees and shrubs recognising that the vegetation of the town is one of the key amenities of the area and recognised in Council's Strategic Plan. This Plan recognises the need to maintain and enhance this amenity whilst assessing customer requests and various needs for maintenance requirements in a consistent and transparent manner.

## 2. POLICY STATEMENT

- 2.1 The Policy is intended to provide guidance in relation to general planting, maintenance and, if necessary, the removal of trees (and vegetation) on Council managed land and roads and within the scope of relevant legislation.

### **3. SCOPE**

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

### **4. DEFINITIONS**

#### **4.1 “Regulated Tree”**

4.1.1 A tree, or a tree within a class of trees, declared to be regulated by the regulations (whether or not the tree also constitutes a significant tree under the regulations); or

4.1.2 A tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, by a Development Plan (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations);

4.2 “Planting” the installation of a tree at an identified site.

4.3 “Road” means a public or private street, road or thoroughfare to which public access is:

4.3.1 Available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

4.3.2 a bridge, viaduct or subway; or

4.3.3 an alley, laneway or walkway;

4.4 “Community Land” means Local Government land classified as community land pursuant to the Local Government Act. Does not include roads or land excluded from Community Land classification.

4.5 Landscape: Used to describe a particular piece of geography located in the Council.

4.6 Strategic Plan: identifies a Council's objectives for the area over a period of at least 4 years (the relevant period).

4.7 “Reserve” includes parks, gardens, reserves, playgrounds, ovals, and other areas such as water retention locations.

4.8 “Risk Management” Coordinated activities to direct and control an organisation with regard to risk (AS/NZ ISO 31 000).

### **5. KEY PRINCIPLES**

5.1 The key principles of the Policy are:

5.1.1 To ensure that Council effectively and reasonably manages trees on roads, community land and across the landscape;

5.1.2 To provide for effective maintenance, replacement and functional programmes for planting and preservation of trees;

5.1.3 To coordinate and ensure that resources are allocated so that Council meets its strategic and operational obligations;

5.1.4 To ensure the effective and efficient use of resources, reasonably allocated to maintain and manage trees across the Council landscape;

5.1.5 To manage the requirements related to the legislative framework;

- 5.1.6 To focus on the provision of amenity, biodiversity and environmental sustainability;
  - 5.1.7 To consider the ongoing impacts of external stakeholders, including ETSA Utilities and other authorities;
  - 5.1.8 To consult with the community and promote the positive influence trees will provide to the general landscape;
  - 5.1.9 To minimise and consider issues of conflict between trees and Council infrastructure using the principles of risk management;
- 5.2 An assessment by Council may identify that it is appropriate to develop or amend specific policies for the planting of trees in the following areas:
- a. Bus stops
  - b. Other entrance/exit ways for vehicles and pedestrians
  - c. Pedestrian crossings
  - d. Intersections
  - e. Tree Replacement Plans (for either a single tree and/or a corridor)

In addition, SA Water publishes a Guide to Tree Planting to Avoid Blockages, available through their internet site at [www.sawater.com.au](http://www.sawater.com.au). This guide may also assist in selecting appropriate trees to minimise common tree problems, especially root damage to underground pipes.

### 5.2.1 Trees and Power Lines

Any unauthorised plantings on Council land that have breached SA Power Networks planting guidelines becomes the responsibility of the Council to manage and Council may elect to either remove any unauthorised planting or alternatively the Council may agree to maintain the plantings to SA Power Networks clearances standards where the trees are deemed to be of considerable community amenity.

## 6. LEGISLATIVE FRAMEWORK

- 6.1 There is no legal requirement for Council to have a policy for tree management however 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.
- 6.2 This policy is based on principles 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.
  - 6.2.1 Local Government Act 1999 - Section 221 of the *Local Government Act 1999* ('the Act') stipulates that a person (other than 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 Council. This includes the planting, interference or removal of a tree or vegetation on the road.

- 6.2.2 Local Government Act 1999 - Section 232 of the Act outlines the factors that Council must consider prior to the establishment of a street tree, such as whether the vegetation is appropriate to the proposed site, taking into account:
- a. Environmental and aesthetic issues, the use and construction of the road
  - b. Potential for interference with structures such as pipes, wires, cables, fixtures, fittings and other objects
  - c. Road safety matters
  - d. Other matters (if any) considered relevant by Council
- 6.2.3 If the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, Council must follow the relevant steps set out in its Public Consultation Policy.
- 6.2.4 Local Government Act 1999 - 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, very appropriate and provides Council with a mechanism for some protection from liability.
- 6.2.5 Local Government Act 1999 - Section 299 of the Act states that Council may, upon application of an owner or occupier of land, require the owner or occupier of adjoining land to remove or cut back vegetation encroaching onto the relevant land. Council has received external advice that intervention must be carefully considered and should only be undertaken after all other reasonable options have been exhausted.
- 6.2.2 Local Government Act 1999 - Section 299 of the Act grants Council the power to order an owner or occupier of land to take specific action relating to vegetation after the owner or occupier of the adjoining land has made application to Council.
- 6.2.2.1 Council recognises that based on advice it has received, as previously referred to in this document, Council will only use its powers under this section in extreme circumstances.
- 6.2.2.2 These circumstances will require the following criteria to be met before Council will consider its intervention in the matter:
- 6.2.2.3 The relevant owners/occupiers have seriously attempted to resolve the matter amongst themselves and documented evidence has been provided to Council; and
- 6.2.3 The relevant owners/occupiers have attempted to use a third party and that process has failed to resolve the matter; and the vegetation involved poses a substantial threat to private property and the personal safety of people;
- 6.2.4 And is feasible for specific remedial action to be taken; and any application to Council must be on the appropriate application form outlining how the situation meets the above criteria along with all relevant details of the matter including the name and address of the owner or occupier against whom they wish the Council to serve notice upon and evidence that mediation has been unsuccessful
- And any other condition the manager believes appropriate.

### 6.3 Development Act 1993

6.3.1 Regulated Tree legislation falls within the Development Act 1993, which protects large trunked trees. The existence of this legislation may impact on the manner and degree that this policy can be implemented when trees that are captured by this legislation are involved. Any work relating to a regulated tree on Council land (including roads, community land and operational land) will require approval from Councils delegated authority.

6.3.2 These approvals may be granted directly by Council, a Committee of Council or officers acting under delegation. The two approvals required are as follows:

- a. Planning Approval by the relevant planning authority, which may be the Development Assessment Commission, Council's Development Assessment Panel or a Council Officer under delegation.
- b. Local Government Act - approval as the authority responsible for the land and legal owner of the tree. This approval may be made by Council or a Committee of Council or an officer under delegation.

### 6.4 Electricity Act 1996

Section 5 of the Electricity Act 1996 states:

6.4.1 Council must take reasonable steps to keep vegetation of all kinds clear of public power lines in accordance with the principles of vegetation clearance as outlined in the Act.

6.4.2 If vegetation is planted or nurtured near a public power line contrary to the principles of vegetation clearance, the vegetation may be removed and the cost will be borne by whom the vegetation was planted or nurtured.

## **7. REQUESTS - RISK ASSESSMENT**

When Council receives a request or complaint regarding a tree, in order to conduct an accurate assessment, it is important to establish the facts and history of the tree including anything that could have been done to avert the risk that has developed. This section outlines the issues that should be captured by Council's risk assessment of any complaint concerning a tree or vegetation.

## **8. REQUEST RECEIVED**

### 8.1 Emergency request

If a request or complaint establishes an emergency situation, Council should act in accordance with internal procedures to take reasonable action and provide a timely response in accordance with the nature of the issue. All details of how the incident occurred and action taken, photographs, including timing should be recorded appropriately.

### 8.2 Written request received

Council should ensure that all tree requests or complaints (unless in an emergency) are received in writing. This may include communications received via established email, after hours communication processes and managed Social Media Services provided by the Council.

### 8.3 Nature of the request

The nature or source of the request or complaint should be clearly established. The source of the issue may be for example tree roots, falling limbs or encroaching vegetation.

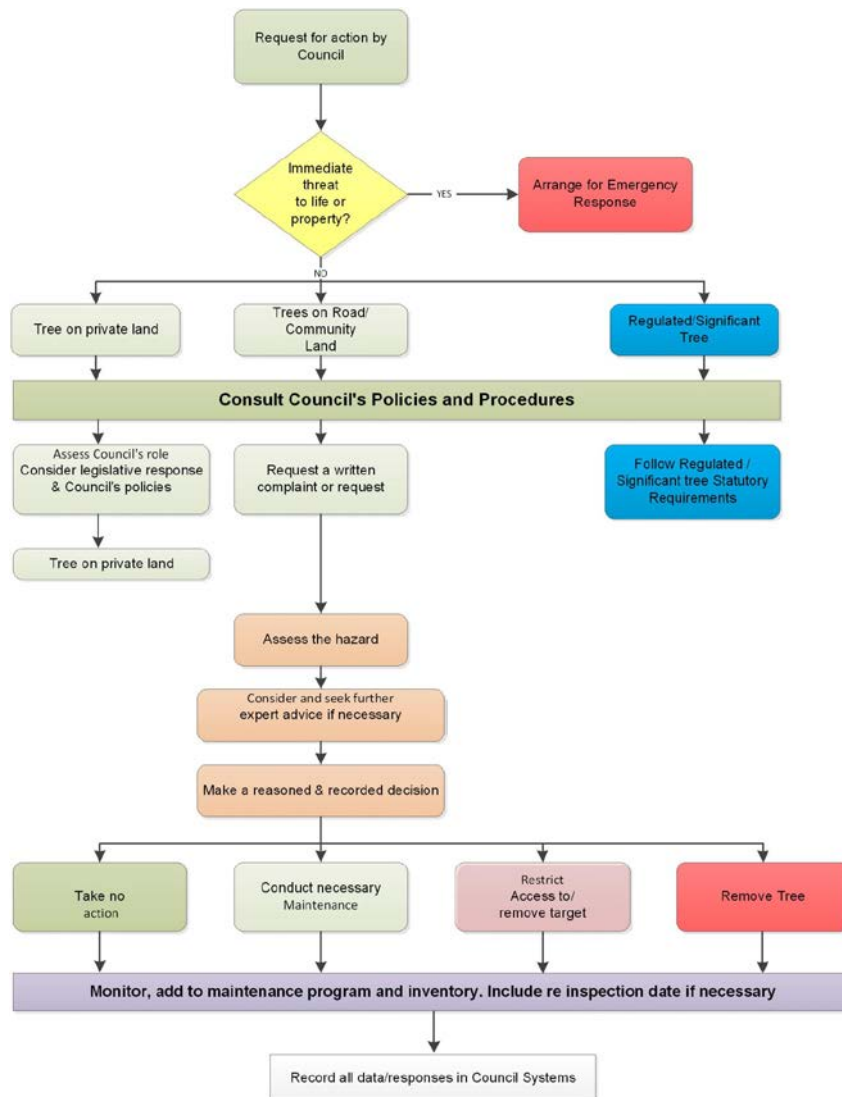
### 8.4 Location and Description of the Tree

The exact location of the tree should be identified whether the tree is on private property, a road, community land or Local Government land.

### 8.5 The details of the request (species, height and age of the tree) should be provided and any other known details, such as:

- a. Who has overall management of the tree;
- b. The first signs of any problem;
- c. Has the person made a previous request (when, who, how, etc.);
- d. Council's recorded response to the previous issue;
- e. Any maintenance or other actions taken to mitigate the hazard;

**Request for Action on Tree Issue**





### **9. POLICY**

- 9.1 It is Council's objective to maintain the tree and shrub vegetation under Council's care and control in a manner that enhances the amenity of the vegetation throughout the Town of Gawler whilst at the same time considering the public safety interests of the community.
- 9.2 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:
- a. Conflicting needs between amenity and public safety
  - b. Scarce resources
  - c. Resource needs of other services provided by Council
  - d. The assessment of issues relating to trees will be based on a whole of lifecycle aspect, that is to say - issues relating to encroaching limbs of newly planted trees will be considered in conjunction with the value to be provided over many years of a mature tree.
  - e. Issues relating to leaf fall will be assessed against the amenity and other qualities provided by a tree over its entire remaining life.
  - f. Long term sustainability of tree and vegetation generally.

### **10. STREET TREE GENERALLY**

- 10.1 A regular inspection/maintenance program will be established and implemented to ensure that all street trees are inspected and maintained on a regular cycle. The frequency of this program shall not be less than one inspection per every five years.
- 10.2 Systems will be established and maintained to facilitate inspections with necessary intervening action to occur whenever a street tree concern is brought to Council's attention.
- 10.3 The level of height clearance provided along public carriageways 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 locations across the road width on every road to a standard that may vary subject to the specific nature and characteristics of each road.
- 10.4 Council's objective is for all pedestrian paths to be maintained with minimum 3.0m vegetation height clearance.
- 10.5 Roads in the Council area are classified into four main categories, while there are many different classifications for the road system by Austroads, many of them do not apply to the Council, the four categories are divided into two sub categories of Urban and Rural roads, this is then broken up into two more areas, these are basically roads with centre lines and roads without centre lines.
- 10.6 This can be used as a quick reference for the arboriculture crew as they are maintaining the road, for example, driving down a road without kerbing with a white line, indicates that this road is a class three road, if the road had kerbing it would be a class two road (refer to drawing specifications).



### 10.6.1 Class 1:

This road is an urban road with kerbing and centre markings, this uses a box type pruning scheme with five metre high clearance from water table level up, this allows for all vehicle use and allows for full use of road.

This road includes Main North Road, Barossa Valley Highway, Murray Street (Main) etc.

### 10.6.2 Class 2:

Also an urban road with kerbing, however no central markings are present, this type of roadway uses the dome style clearance with three metre clearance on the water table projecting back to the central roadway less three metres from the middle of the road.

This road includes most of the back streets of the town.

### 10.6.3 Class 3:

This type of road is without kerbing but has central markings; the configuration is in a box shape with five metre clearance from pavement edge.

This type of road will be sealed but in an area where housing is more generally of a rural setting, included roads are Tiver Road, Gawler—One Tree Hill Road etc.

### 10.6.4 Class 4:

This road way has no kerbing and no central markings and can be either sealed or unsealed, on unsealed roads the defining area will usually be to the area of shoulder crown where the measure is taken

Roads of this type are found in rural areas and are used for access to rural dwellings.

The specification measure is for a guide purpose only, measurement markings need to be placed on the Arborist's truck to show the height where pruning needs to come to, this will give a quick reference without having to get the tape measure and manually measuring by hand.

If the pruning is carried out on a street by street basis, a surveyor's staff will need to be used to allow for easy manual measuring of clearance pruning.

## **11. REVIEW AND EVALUATION**

The policy will be reviewed every four (4) years.

The Chief Executive Officer will report to Council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Policy.

The Policy will not be altered or substituted so as to affect a process already commenced.

### **12. FURTHER INFORMATION**

Further information about this Policy can be obtained by:-

Telephone: 8522 9211  
Fax: 8522 9212  
Email: [council@gawler.sa.gov.au](mailto:council@gawler.sa.gov.au)  
Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.  
Letter: PO Box 130, Gawler SA 5118

### **13. AVAILABILITY OF POLICY**

The Policy is available for inspection during ordinary business hours at the Council principal office, Town of Gawler Administration Centre 43 High Street, Gawler East or is available on the Council website at [www.gawler.sa.gov.au](http://www.gawler.sa.gov.au).

A copy of this Policy will be provided to interested parties upon request, for a fee as contained in the Register of Fees and Charges.