

ECM DSID Number:	4243520
First Issued / Approved:	July 2010
Last Reviewed:	14 December 2021 C141221/2497
Next Review:	14 December 2024
Responsible Officer:	General Manager –Assets and Delivery
Date Placed on Web:	20 December 2021

1. PREAMBLE

The Tree Management Policy provides a framework for tree management on Council land in the City of Holdfast Bay (the Council).

1.1 Background

The trees in the Council area provide and support neighbourhood character, human health and wellbeing, waterway health, biodiversity, shading, cooling, beautiful streetscapes, amenity, tourism and business vitality.

This policy is designed to protect and grow a flourishing urban forest and aligns with Council’s Environment Strategy 2020 - 2025, which has an objective to significantly increase tree canopy coverage across the Council area. This will beautify streetscapes and open spaces, while also cooling the environment.

1.2 Purpose

The purpose of this policy is to manage and protect Council’s trees as part of an urban forest, which includes street trees and trees on land owned by Council or land under Council’s care and control.

This policy ensures consistency in future public tree planting, tree care and management, and provides guidance regarding best practice, ensuring reasonable decisions are applied when managing risks related to trees.

1.3 Scope

This policy applies to residents, property owners, businesses, visitors, developers, Elected Members, employees, service providers, contractors and volunteers of the Council.

A separate policy exists for the management of street verges (Verge Management Policy).

1.4 Definitions

For the purpose of this policy the following definitions apply:

Amenity tree means a public tree by virtue of its size, species, location or aesthetic qualities that provides amenity and / or significant environmental benefit.

Development as defined in the *Planning, Development and Infrastructure Act 2016*.

Tree Management Policy

Open space	means land that is publicly accessible and provided for community benefit (e.g. park, nature reserve, linear trail, sportsground).
Regulated Tree	means a tree with size and characteristics as specified in the <i>Planning, Development and Infrastructure Act 2016</i> .
Significant Tree	means a tree with size and characteristics as specified in the <i>Planning, Development and Infrastructure Act 2016</i> .
Section 221 Application	means under Section 221 of the <i>Local Government Act 1999</i> , property owners must receive authorisation from Council to make alteration to a public road, including the verge.
Verge	means the portion of land that lies between a road and adjacent property line.

1.5 Strategic References

- a. Our Place 2030
- b. Environment Strategy 2020-2025
- c. Open Space and Public Realm Strategy 2018 - 2030

2. POLICY STATEMENT

2.1. Street Tree Species

- 2.1.1 When selecting and planting street tree species, Council must give consideration to s.232 of the *Local Government Act 1999* (the Act), must consider relevant information from utility providers and must comply with the *Landscape SA Act 2019*.
- 2.1.2 Tree species are selected by the relevant Council officer to meet specific criteria and tolerances, and for their ability to perform in our changing environment, as well as complying with s.232 of the Act. Considerations are made of the following criteria when selecting street tree species:
 - i) Complement existing avenues of established and heritage trees
 - ii) Compatibility with the local environment
 - iii) Ability to provide habitat and food for native fauna
 - iv) Availability of commercial quantity and quality of stock
 - v) Allergies, berry/nut drop, and infrastructure impacts
 - vi) Diversity of species
 - vii) Suitability around existing services and infrastructure
 - viii) Environmental impact
 - ix) Amenity of the area
- 2.1.3 Tree species that have been selected for a location on public land will not be changed due to:
 - i) Potential scenic view obstruction
 - ii) Tree species is disliked
 - iii) Potential nuisance by way of berry/ nut drop
 - iv) Shading of private property
 - v) Potential upheaval of private infrastructure
 - vi) Potential to attract wildlife

2.2 Tree Planting

- 2.2.1 Trees may be planted in accordance with s.232 of the Act and as per the guidelines in Appendix 1.
- 2.2.2 Council has a strong preference for block planting in areas to allow more efficient watering and maintenance and create improved amenity through consistent tree species and growth rates.
- 2.2.3 Council formulates an annual tree planting program in selected streets, to work towards Council's target of increasing canopy coverage. Streets are selected annually based on the condition of existing tree stock, surrounding development or infrastructure, or areas identified as an urban heat island.
- 2.2.4 The number and location of trees is at the discretion of the relevant Council officer, and takes into consideration all points listed in section 2.1.2.
- 2.2.5 Council plants trees in the cooler months, usually from May to September but may fall slightly outside of these times.
- 2.2.6 Where an unauthorised tree planting is identified the relevant Council officer will determine whether the planting be retained or removed considering compliance with this policy. Where removal of an unauthorised tree is determined, the resident will be given reasonable opportunity to relocate the tree onto their private property prior to removal.
- 2.2.7 To maintain a consistent tree portfolio and ownership responsibility, private property owners and occupants cannot plant their own trees on public land, including the verge, without prior Council approval, given via a Section 221 Application under the Act. See section 2.8 and the Verge Management Policy.
- 2.2.8 At the discretion of Council Administration, street trees may be individually planted by Council to replace damaged or dead trees. Sites will be reviewed on a case by case basis. There is a strong preference for individual trees to be 'adopted' as per section 2.3
- 2.2.9 Any property owner can place a request for a street tree to be planted in front of their property, providing they have applied to do so via Council's 'Adopt-a-Tree Program' (see Section 2.3).

2.3 Adopt-a-Tree Program

- 2.3.1 Property owners who wish to have a street tree planted in front their property, can apply to Council via the 'Adopt-a-Tree' program.
- 2.3.2 All requests must be in writing via the Adopt-a-Tree form on the Council website.
- 2.3.3 The Senior Urban Forest Officer will determine if the location is suitable and will determine the tree species. This will be done in consultation with the property owner.
- 2.3.4 The number of trees included in this program is capped to 100 trees for every calendar year. If the list is full upon receipt of the application, the registration then moves to the next available year.
- 2.3.5 Planting will occur during Council's planting season.
- 2.3.6 Applicants must agree to water the street tree weekly during the warmer months (nominally from November to April) for the first three to four years of its life.

Tree Management Policy

- 2.3.7 Council is responsible for the pruning and maintenance of the tree, including pruning, staking, mulch, etc.
- 2.3.8 If the tree dies, is stolen or vandalised, Council will not replace it unless there is a resubmission of the 'Adopt-a-Tree' form. These are assessed on a case by case basis at the discretion of the Senior Urban Forest Officer.
- 2.3.9 Existing trees can also be adopted.

2.4 Tree Watering

- 2.4.1 Council will ensure summer watering for the first three to four years for all trees it has planted via planned planting. Property owners and occupants are also encouraged to water street trees.
- 2.4.2 Trees planted via Council's 'Adopt-a-Tree Program' are the responsibility of the resident to water.

2.5 Public Tree Pruning

- 2.5.1 Council is responsible for all maintenance pruning of public trees.
- 2.5.2 Service providers (i.e. utilities) may undertake clearance pruning, under specified legislative powers, to accommodate their infrastructure. However, Council must be notified prior to works to negotiate the best possible outcome.
- 2.5.3 Council will generally only prune street trees to the clearances outlined in Appendix 1.
- 2.5.4 Open space trees are only pruned to minimise risk.
- 2.5.5 Pruning will be only be performed to maintain tree health, provide clearances or mitigate risk.
- 2.5.6 The following reasons will not warrant consideration for pruning:
 - i) too tall
 - ii) aesthetic reasons
 - iii) perceived risk
 - iv) nuisance by way of berry or nut drop, leaf litter, bark, twigs, sap, etc.
 - v) tree shading lawns, gardens, houses, pools, solar panels, etc.
 - vi) unsubstantiated damage to infrastructure
 - vii) to enhance clear views, including advertising signage
 - viii) attracting wildlife
 - ix) to prevent animal defecation
 - x) due to allergies or health problems
 - xi) to accommodate clearance for larger vehicles beyond clearance guidelines
 - xii) for the installation of non-essential services.
- 2.5.7 Property owners or occupants are not authorised to prune trees on Council property. Where Council street trees are overhanging private property, residents should contact Council for Council to prune, to ensure that trees can exist without adverse effects on property owners and occupants.
- 2.5.8 Pruning of Council trees will typically be carried out in accordance with Australian Standard 4373, Pruning of Amenity Trees. This Standard aims to provide a guide, defining uniform tree pruning procedures and practices in order to minimise adverse or negative impact of pruning on trees.

- 2.5.9 Where practicable, Council will attempt to maintain a 1 metre clearance minimum between canopy and privately owned infrastructure, e.g. homes, carports, swimming pools, etc.
- 2.5.10 Where new developments are constructed under existing canopies, the tree canopy will not be pruned to the detriment of the tree.
- 2.5.11 Where trees on private property encroach into required clearance zones, as specified in Appendix 1, or other public safety issues have been identified, the matter will be brought to the attention of the relevant property owner or occupant for remedial action. If the property owner or occupant fails to comply with a reasonable request Council may commission a contractor to carry out necessary works. The property owner will then be invoiced for the cost of the required works to reimburse Council.

2.6 Damage to Private Property from Public Trees

- 2.6.1 Council is generally not liable for damage to private property from a tree planted on public land unless the property owner or occupant of the damaged property has made a written request to the Council to take reasonable action to avert the risk of damage to property from the tree and the Council fails to take reasonable action in response to the request (s.245 of the *Local Government Act 1999*). Council acts as a 'caretaker' of trees but does not have an absolute responsibility for them due to the volume of trees and community expectation to continue to plant and grow trees.
- 2.6.2 Claims are to be addressed to Council's insurance officer with details of the claim and why Council is considered negligent and should be accompanied with sufficient information, which should include photos, and that may include an arborist's report and/or an engineer's report to support the claim.
- 2.6.3 Removal of trees that are considered to be healthy, in the opinion of the relevant and qualified Council officer, will not be considered where alternative measures are reasonable and practicable. These may include:
 - i) Root barrier, which can be used in circumstances where installation is considered effective and not detrimental to tree health and stability. Council can offer root barrier material, where appropriate, and installation on private property is at the property owner's expense.
 - ii) Root pruning, which can be considered to accommodate root barrier installs or to suppress root development in areas of concern. Details of root pruning parameters will be set by the relevant and qualified Council officer to outline proximities and root size limitations. Roots of concern within private properties are to be carefully exposed prior to an appointment with the Senior Urban Forest Officer, at the cost of the property owner or occupant, to enable a clear determination of actions to be taken.
 - iii) Minor maintenance.
- 2.6.4 Council may, for public amenity trees, regulated or significant trees, implement works in the public realm to reduce tree impact on private properties. This may include foliage pruning and/or installation of permeable pavers and tree inlet pits.

- 2.6.5 Property owners or occupants are encouraged to seek the advice of a qualified arborist at their own cost prior to undertaking works on private property that may affect the health of a tree on public land. For regulated or significant trees on public land that may be affected by works on private property, development approval may also be required.

2.7 Public Tree Removal

- 2.7.1 Generally the community has an expectation that all public trees be retained and only removed if there are compelling reasons to do so. Public trees will only be removed by Council if they meet one or more of our assessment criteria, with priority given to trees assessed as having the highest risk of failure. Trees that are healthy and structurally sound will not be removed for the following reasons:
- i) The tree obscures or potentially obscures views (other than traffic and pedestrian sight lines).
 - ii) The tree variety is disliked.
 - iii) The tree variety causes nuisance by way of leaf, fruit or bark shedding, etc.
 - iv) The tree provides habitat to wildlife that causes nuisance by way of droppings, tree litter, etc.
 - v) The tree is in the way of a non-essential crossover or crossover widening.
 - vi) The tree shades private gardens, solar installations, etc.
- 2.7.2 Removal will not be considered for any tree because it is lifting up public infrastructure around it. Council continually aims to eliminate trip hazards and to construct more favourable environments for trees to support the urban forest.
- 2.7.3 Trees may be considered for removal when they are:
- i) Dead, dying, diseased, and/or structurally unsound.
 - ii) Are an unauthorised planting.
 - iii) Determined to be a declared species as listed under the *Landscape SA Act 2019*.
 - iv) Considered to create an unacceptable risk.
 - v) Restricting sight distances or safe access to existing dwellings, as determined by Council's traffic engineer or similar.
- 2.7.4 Property owners or occupants are not authorised to remove or relocate public trees from Council land. Council will use relevant provisions of the Act, specifically section 221, to protect the value of its urban forest where trees have been damaged or removed without Council authority. Refer to section 2.9.
- 2.7.5 Any trees defined as Significant or Regulated under the *Planning, Development and Infrastructure Act 2016* will be subject to a development application. Prior to submitting a development application, owner's consent will be sought via a report to Council.
- 2.7.6 All requests for removal or significant pruning of a public tree must be in writing to Council, including details of the reason for the request. All such requests will be assessed by the General Manager Assets and Delivery, or a person nominated by the General Manager Assets and Delivery. Retention of the tree is the first priority when undertaking the assessment.
- 2.7.7 Replacement trees will be planted by Council for any public tree removed. Replacement trees will be in addition to Council's normal tree

planting program and will achieve no net loss of tree numbers in the locality. Significant and regulated trees will be replaced at the rate as per the *Planning, Development and Infrastructure Act 2016* with a minimum of three trees.

2.8 Section 221 Applications and Development Applications

- 2.8.1 Council will strongly enforce legislation to protect its street tree population.
- 2.8.2 Under s.221 of the Act a person must not make an alteration to a public road without the permission of Council (permission via a section 221 application). Section 221(2)(e) provides that an alteration to a public road includes the planting of a tree or other vegetation on the road, interfering with vegetation on the road, or removing vegetation from the road.
- 2.8.3 New developments and section 221 applications are to consider any existing street trees and space they require to coexist without conflict. No street tree is automatically removed as part of a development or section 221 application.
- 2.8.4 Trees can only be removed for a development or an approved section 221 application, if the tree has a low useful life expectancy or a very low amenity value (as assessed by the relevant qualified Council officer), and all other possible designs have been considered and are not feasible. Removal will only be considered where there is no net loss of tree numbers in the immediate locality. Additional cost is not an acceptable justification to remove a tree.
- 2.8.5 For all crossovers associated with a new development in accordance with the *Planning, Development and Infrastructure Act 2016*, the prescribed minimum distance to a tree must be maintained.
- 2.8.6 For section 221 applications, the minimum distance from the base of existing trees, will be at the discretion of Council's Senior Urban Forest Officer with guidance provided in Appendix 1.
- 2.8.7 If removal of a tree is approved for the purposes of a development or Section 221 application, the applicant will be invoiced for the following charges and must be paid before commencement:
 - i) Removal fees as outlined in Council's approved Schedule of Fees and Charges for the applicable year. This includes removal costs, replacement trees and tree assessment fee.
 - ii) The lost amenity value of the tree based on the Revised Burnley Method of Tree Valuation calculated by the Senior Urban Forest Officer.
- 2.8.8 Replacement trees will be planted as determined by the relevant Council officer. Replacement trees will be in addition to Council's normal tree planting program and will achieve no net loss of tree numbers in the locality.
- 2.8.9 At the Senior Urban Forest Officer's discretion, the Tree Assessment Fee outlined in Council's Schedule of Fees and Charges, may be applied if the tree is being assessed without an agreement for removal.
- 2.8.10 All money received as a result of street tree removals for development or section 221 applications, will be spent on managing and renewing Council's urban forest.

- 2.8.11 Some developments, or section 221 applications, may require tree protection around the tree. Tree protection will be established prior to any works commencing on site and maintained until all works are complete. All tree protection is to comply with the Australian Standard 4970-2009, Protection of Trees on Development Sites.
- 2.8.12 Works by private owners to protect trees when undertaking works in the vicinity of trees as part of section 221 applications or approved building works, including permeable pavers and tree inlet pits, will be considered favourably.

2.9 Tree Damaging Activity

- 2.9.1 Tree damaging activity applies to all public trees and includes:
- i) the killing or destruction of a tree; or
 - ii) the removal of a tree; or
 - iii) the severing of branches, limbs, stems or trunk of a tree; or
 - iv) the ringbarking, topping or lopping of a tree; or
 - v) damage to tree roots; or
 - vi) any other substantial damage to a tree
- and any other act or activity that causes any of the foregoing to occur but does not include maintenance pruning carried out by Council that is not likely to affect adversely the general health and appearance of a tree.
- 2.9.2 Under s.221(2) (e) of the *Local Government Act 1999*, there is a significant penalty for damages to trees. Section 233 of the Act also states that Council can recover costs for any damages. Council will enforce its rights under the Act to recover any costs associated with vandalism to a Council owned tree.
- 2.9.3 Members of the public are encouraged to report tree damaging activities.
- 2.9.4 Council will investigate any reported tree damage and prosecute where possible and necessary.
- 2.9.5 Measures to protect trees under threat of damage will be applied at the discretion of Council's Administration.

2.10 Consultation

- 2.10.1 In accordance with Council's Community Consultation and Engagement Policy, Council will inform relevant property owners or occupants and adjoining landowners in regard to tree removals of healthy and structurally sound amenity trees.
- 2.10.2 Council will also consult with applicants for the Adopt-a-Tree program and communicate with relevant residents, the proprietors of nearby businesses or advertisers in the area and adjoining landowners about block (whole street) tree planting as per the requirements of s.232 of the Act and Council's Community Consultation and Engagement Policy.

3. REFERENCES

3.1 Legislation

- *Disability Discrimination Act 1992*
- *Electricity Act 1996*
- *Environment Protection Act 1993*
- *Gas Act 1997*
- *Landscape South Australia Act 2019*
- *Local Government Act 1999*
- *Native Vegetation Act 1991*
- *Planning, Development and Infrastructure Act 2016*
- *Road Traffic Act 1961*
- *Telecommunications Act 1997*
- *Water Industry Act 2012*

3.2 Other References

- 30 Year Plan for Greater Adelaide
- Australian Standard 4373 -2007 - Pruning of Amenity Trees
- Australian Standard 2303 - 2018 - Tree Stock for Landscape Use
- Australian Standard 4970 – 2009 - Protection of trees on development sites
- Community Consultation and Engagement Policy
- Operational Instruction – Trees in Medians and Roadsides in the Urban Environment (Department for Infrastructure and Transport)
- SA Power Networks - Power Friendly Trees
- SA Water Tree Planting Guide
- Vegetation Removal Policy – Standard Operating Procedure under the Native Vegetation Act 1991 (Department for Infrastructure and Transport)
- Verge Management Policy

Tree Management Policy

Appendix 1: Clearances for tree planting and pruning.

Planting

The following tables are a guideline and may be altered at the discretion of the relevant qualified Council officer. These clearances are not applied retrospectively:

Infrastructure	Recommended clearances
Bus Stop	10m (subject to site conditions)
Corners and Intersections	5m, maintained to provide sight lines
Driveway (non-traffic approach side)	2m
Driveway (traffic approach side)	3m
Stobie Poles	3m
Above ground and underground services	As per service utility guidelines
Stormwater inlet	2m from edge, not over stormwater infrastructure
Stop, Give Way & Speed Signs	5m (front) or 2m (behind), maintained to provide sight lines
Other Signs	2m, maintained to provide sight lines

Verge width	Tree size
Up to 600 mm	Trees cannot be planted. Refer to Verge Management Policy for landscaping alternatives.
600 mm - 2m	Small tree
2 - 3m	Medium tree
3m +	Large tree

Pruning

Council will look to achieve the following vertical clearance envelopes. If clearances cannot be achieved by pruning without damaging the trees health and/or compromising the structural integrity, alternative measures will be investigated. In cases of juvenile tree stock, young growth may occasionally enter clearance envelopes. Tolerance is to be applied in such cases with any such biomass to be considered as a temporary encroachment.

Footpath	Non-Arterial Road	Arterial Road
Footpath – 2.5m	Edge of carriage way - minimum 3 metres or to suit waste collection vehicles.	Refer to DIT Standard Operating Procedure, “Vegetation Removal Policy” under the <i>Native Vegetation Act 1991</i> .
	Centre of road – 5m	