

## 1. Introduction

- 1.1 This policy is intended to provide a whole of life approach to the management, protection and conservation of Street, Parks, Roadside trees and trees on property under the care and control of Council within the Council area. This will ensure that effective maintenance, inspections and monitoring of trees is undertaken and any new plantings are undertaken if required for the preservation of existing tree stocks.
- 1.2 District Council of Mount Remarkable recognises that trees are a valuable asset, that provide important contributions to its communities.
- 1.3 That trees provide refuge and habitat for native birds and animals, assist the development of native flora, and maintain a healthy ecosystem.
- 1.4 That trees are a valuable resource in mitigating climate change impacts.
- 1.5 That trees contribute to the wellbeing of the community and make our district and communities more attractive.
- 1.6 Council has adopted the approach that where there is a conflict between essential services and trees the following priorities will apply:
  - 1.6.1 Streets - Management of the road surface, pavement and underground services will take priority on roads and footpaths ahead of a street trees maintenance need where it is not possible to accommodate both needs.
  - 1.6.2 Parks and Roadside - Trees in parks and open spaces will have priority over service requirements such as overhead powerlines and underground services where it is not possible to accommodate both needs.

## 2. Definition

- 2.1 **Act** refers to the Local Government Act, 1999.
- 2.2 **Tree** means any tree or shrub and excludes vines, groundcover, annual plants grown to produce flowers and indoor plants.
- 2.3 **Street** means any highway, street, road, grove, place, avenue, drive, terrace, parade, crescent, court, lane, walk or walkway which has been declared or is a public road pursuant to the Act.
- 2.4 **Other Property** includes all land which is under the care, control or management of the Council except streets and parks.
- 2.5 **Replanting** means the planting of a tree in place of a tree which has been removed or where a tree has previously been growing.
- 2.6 **A tree in poor health** means a tree deleteriously affected by insects, parasites, stress or disease.

2.7 **Parks** includes parks, gardens, reserves, playgrounds, ovals, sporting grounds and the like.

2.8 Significant includes: horticultural, social, historic, aesthetic, town, regional or heritage, outstanding for its height, circumference or canopy spread, age of tree, regulated tree, is remnant native vegetation, an outstanding example of species, makes a significant aesthetic contribution to the immediate landscape or is culturally significant or associated with aboriginal activities.

### 3. Pruning

3.1 The corrective pruning of trees shall be undertaken to address community concerns, improve the long term health and amenity that the tree provides and to manage trees in constrained locations where services are being impacted upon.

3.2 Corrective pruning during establishment, correct choice of tree species and attentive care of young trees will reduce the long-term maintenance and pruning requirements.

3.3 Council schedules tree pruning maintenance where street or park trees are inspected and pruned as necessary.

### 4. Heritage Trees

4.1 Trees of historic significance will be maintained accordingly.

### 5. Street Trees

5.1 Streets in urban areas shall be planted in accordance with this policy. Streetscaping and beautification shall be directed towards the street as a whole rather than individual or discrete properties.

#### 5.2 Tree Locations and Planting

5.2.1 Generally the planting distance between street trees will be a minimum of 10 metres apart.

5.2.2 Distance from intersections – trees will be planted at a minimum distance of 10 metres from kerblines intersection point.

5.2.3 Trees will be planted at a point of minimum 1 metre from the back of the kerb on nature strips of 3 metres width.

5.2.4 Trees will be planted at a point of minimum 0.8 metre from the back of the kerb on nature strips of 2.5 metres width.

5.2.5 Trees will be planted at a point of minimum 0.8 metre from the back of the kerb on nature strips of 2.0 metres width.

5.2.6 Trees will be planted at a minimum distance of 5 metres from either side of a crossover.

- 5.2.7 As a general rule Council will no longer actively plant trees under overhead powerlines, unless a more suitable small tree or shrub can be planted, consideration may be given.

## 5.3 Requests for Tree Planting

- 5.3.1 Council will undertake all street tree planting unless approved otherwise in writing by Council following the submission of a 'Tree Planting Request Form' (see Appendix 1).
- 5.3.2 Preference will be given to those applications which:
- Form part of a streetscape plan.
  - Are to plant a tree in an empty existing tree pit.
  - Will have the least impact long term on underground services.
  - That are not located under powerlines.
  - Provide a commitment to care for the tree during establishment through summer watering and monitoring general health.

## 6. Park Trees

6.1 Parks provide opportunities for larger growing species of trees to be established.

6.2 "Parks are vibrant, colourful and enhanced with trees. Trees provide partial shade and cooling to the park users while creating ecological islands and linkages throughout the area. Trees will be planted that provide scale and perspective" and "Parks provide an opportunity for Council to establish large growing trees of mixed species in the urban environment."

## 6.3 Replanting Trees

- 6.3.1 Council will focus its efforts on infill planting in parks where tree assets have diminished with approved species.
- 6.3.2 Priority for replanting will be where there are spaces in mulched beds or where trees have been removed.
- 6.3.3 Council will strive to focus on establishing more trees through good drought management and after planting care with the assistance of the community.
- 6.3.4 Residents will be encouraged to water park trees where possible to compliment Council after planting care.

## 7. Memorial Trees

7.1 Memorial tree(s) requested to be planted in any street, park or reserve within the District Council of Mount Remarkable will be considered by Council on a case by case basis depending on location, tree species, environmental, aesthetic, use and construction of the location/surrounding area, safety and other relevant factors.

## 8. Selection of Species

- 8.1 Replacement trees are required to be selected from the current Botanic Gardens of South Australia - Plant Selector List located at <http://plantselector.botanicgardens.sa.gov.au> with consideration to the 'SA Power Network Tree List', when near powerlines, with a focus being on the provision of colour, amenity, summer shade and overall long term tree form.
- 8.2 Council is conscious of both avoiding long term services issues both in relation to overhead powerlines and underground services and also of selecting a tree species that is suitable for the location in terms of mature size and form.
- 8.3 Council will strive to avoid having a mono culture selection of trees in any suburb of the district to reduce the risk of sudden disease loss of all of one species of tree.

## 9. Care and Maintenance Program

- 9.1 Council strives to be successful in its street tree planting by ensuring that trees planted are well maintained during establishing years.
- 9.2 The general approach will be to plant street trees that can be maintained through summer watering by property owners or community groups with their approval. Council has no ability to undertake this task unless the areas are irrigated.
- 9.3 In some years this may mean planting less trees than in the past but focusing more resources on establishment.
- 9.4 Council will provide trees, mulching of tree pits and stakes as required.
- 9.4.1 Community assistance for summer watering.

## 10. Overhanging Foliage

- 10.1 There may be a circumstance where a neighbour to a Council tree requests that overhanging tree limbs be pruned. Requests are entered into the 'Request for Service' system and carried out based on need following inspection.
- 10.2 Council will engage a suitably qualified arborist to undertake tree pruning where the task is beyond the expertise of council staff.

## 11. Tree Removal

- 11.1 Trees of an appropriate species for the location which are in good health and likely to provide a long-term amenity for the street/park will be retained.
- 11.2 Trees may be inspected and considered for removal and replacement where:
- 11.2.1 The tree is in poor health and unlikely to recover or is dead.
- 11.2.2 The tree has such poor form that if retained will not reach its full potential and become a maintenance concern or likely become dangerous.

- 11.2.3 The tree is going to outgrow its location and require ongoing maintenance where significant pruning will impact negatively on the amenity that the tree provides.
- 11.2.4 Essential services work is required which will result in significant root loss of the tree impacting on the tree's stability.
- 11.2.5 A new vehicle crossing is approved having taken into consideration all opportunities to locate the crossing away from the existing tree as a first option.
- 11.3 In the event that a resident wishes consideration for a healthy tree to be removed a formal request may be made in writing outlining the reasons for the request.
- 11.4 The request will be considered against the criteria in this Policy.
- 11.5 In some circumstances where a significant impact on the community through a possible tree loss is anticipated, the issue may be referred to community consultation and Council for feedback, consideration and a decision.

## 12. Consultation

- 12.1 Council is aware that tree removal is an issue where community opinion can be varied.
- 12.2 Consultation will be undertaken in accordance with the Council's Public Consultation Policy of any significant tree being considered for removal ahead of a final decision having been made.
- 12.3 Where a tree has been the subject of sudden damage and has been assessed as imminently dangerous, the tree may be removed/made safe with immediate removal/pruning without consultation.
- 12.4 In accordance with Section 232 of the Act, should new tree plantings of a substantial nature be proposed, consultation with residents and nearby businesses or advertisers on the road will be undertaken ahead of confirmation of the tree planting being implemented.

## 13. Rural Areas

- 13.1 Rural Properties
  - 13.1.1 Should a resident or landowner wish to plant trees on a roadside, then the appropriate 'Tree Planting Request Form' is required to be completed and approved prior to works being carried out.
- 13.2 Species Selection
  - 13.2.1 Tree species will be indigenous to the District Council of Mount Remarkable area as per guidelines set down in the Roadside Vegetation Management Plan.
  - 13.2.2 All tree species selected must conform to service authority

requirements including SA Power Networks and SA Water.

### 13.3 Roadside Planting Restrictions

13.3.1 Planting of trees or shrubs with a mature height exceeding 1 metre is not permissible within 100 metres of the centre of the intersection at all rural road intersections.

13.3.2 All plantings will be at a point no closer than 2 metres from the edge of 10 metre carriageway or 6 metres from the road centreline and no closer than 1 metre to adjoining property fencelines.

13.3.3 All plantings must conform to prescribed distances and requirements of service authorities including SA Power Networks, SA Water and Telstra.

### 13.4 Roadside Tree Removals

13.4.1 Any removal or interference with roadside vegetation is to comply with the District Council of Mount Remarkable Roadside Vegetation Management Plan.

## 14. Property Damage

14.1 Council will not be establishing trees that are likely to create damage to adjoining resident's property.

14.2 However in the event that damage is experienced Section 245 of the Local Government Act 1999 provides:

### ***245—Liability for injury, damage or loss caused by certain trees***

- (1) *A council is not liable for any damage to property which results from—*
  - (a) *the planting of a tree in a road; or*
  - (b) *the existence of a tree growing in a road (whether planted by the council or not).*
- (2) *However, if—*
  - (a) *the owner or occupier of property adjacent to the road has made a written request to the council to take reasonable action to avert a risk of damage to property of the owner or occupier from the tree; and*
  - (b) *the council has failed to take reasonable action in response to the request,*

*the council may be liable for any damage to property that would have been averted if the council had taken reasonable action in response to the request.*

14.3 As outlined in this Policy, Council has in place a tree maintenance program and will respond to Requests for Service relating to trees, taking reasonable action to avert risk of damage to property from trees.

## 15. Illegal Tree Removal

- 15.1 Council retains sole authority over tree removal.
- 15.2 Residents, Contractors or Service Authorities who remove trees without Council authorisation may be undertaking a criminal act of vandalism. Penalties may be applied.
- 15.3 Penalties may also be applied for any pruning/lopping or destruction of a tree to a state deemed by Council to necessitate removal to cover costs associated with inspection and removal of the remainder of the tree and the stump.
- 15.4 Incidents of vandalism of trees maybe referred to SAPOL and will incur costs associated to replace the tree/s by Council.

## 16. Document administration and control

Policy title:	04.64
Policy number:	Trees Policy
Policy type:	Council / Governance
Responsible officer:	Director Infrastructure & Regulatory
First issued / adopted:	19 September 2017, reference 245-2017
Review period:	Reviewed within 12 months following the conclusion of a period election, inline with legislative changes or by resolution of Council.
Last reviewed:	17 August 2021, reference [211-2021] 18 July 2023 [158-2023]
Next review date:	By November 2027
Version:	Version 4
Date revoked:	n/a
Applicable legislation:	Local Government Act 1999
Related documents:	Tree Planting Request Form District Council of Mount Remarkable's Roadside Vegetation Management Plan
Public consultation required / undertaken:	No
Availability	<p>This Policy is available for inspection at the Council office and any person may obtain a copy of this Policy upon payment of the fee fixed by Council in accordance with Council's Fees and Charges adopted each financial year. It is also available on Council's website <a href="http://mtr.sa.gov.au">mtr.sa.gov.au</a>.</p> <p>Any grievance in relation to this policy or its application should be forwarded in writing to the Chief Executive Officer of the Council.</p>
File reference:	W:\4. Policy Manuals\Current Policy Manual



# Trees Policy – Appendix 1

## Tree Planting Request Form

### TREE PLANTING REQUEST FORM

<b>Applicant Name:</b>	
<b>Postal Address:</b>	
<b>Phone No:</b>	<b>Email:</b>
<b>Location of Land/Road &amp; Diagram</b> (attach map and/or photos if necessary):	
<b>Type of Proposed Planting:</b> <input type="checkbox"/> Urban New (street tree) <input type="checkbox"/> Urban Replacement (street tree) <input type="checkbox"/> Rural New <input type="checkbox"/> Rural Replacement <i>Refer to Tree Policy for conditions</i>	<b>Adjacent Sections/Allotments:</b> _____ <b>Street/Road Name:</b> _____ <b>Hundred/Town:</b> _____
<b>Please provide the following information:</b> <b>Are you requesting to plant the trees? Yes / No</b> If 'Yes' please provide the following; <b>Distance from road/street verge to first row:</b> _____ <small>(please ensure it is in accordance to the District Council of Mount Remarkable Tree Policy)</small> <b>Length of rows:</b> _____ <b>Number of rows:</b> _____ <b>Species of bush/tree to be planted:</b> _____ <small>(if proposing a large area, please provide a detailed plan and list of proposed plants)</small> <b>Is temporary fencing to be erected: Yes / No</b> <b>If yes, specify the length of time the fence is to remain on the road/street:</b> _____	
<b>I acknowledge and agree to maintain summer watering of the street tree inline with Clause 9.2 of the Tree Policy 04.64.</b>	
<b>Applicant Signature:</b> .....	

# Trees Policy – Appendix 1

## Tree Planting Request Form

**Signed for and on behalf of the permit holder**

*I acknowledge that I have read and understand the permit conditions and agree to abide by and be bound by the said conditions*

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Extract from Local Government Act 1999 Sections 232 & 233****232—Trees**

*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.*

**233—Damage**

- (1) A person who, without the council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the council associated with a road is liable to the council in damages.*
- (2) The council may recover damages under this section in the same way as damages for a tort.*