

# TREE MANAGEMENT POLICY



## COUNCIL POLICY – Tree Management Policy

Reference Number	830820
Responsible Business Unit	City Assets Business Unit
Responsible Officer	General Manager Assets & Infrastructure
Legislation	Local Government Act (1999) Native Vegetation Act (1991) Planning Development and Infrastructure Act (2016) Sewage Act (1929) Electricity Act (1996)
Relevant Delegations	Chief Executive Officer General Manager Assets & Infrastructure Manager, City Assets
Related Policies, Management Guidelines Frameworks	Tree Management Strategy (2021 – 2026) Environment Management Plan (2020-2024) Climate Emergency Action Plan (2020-2024) Roadside Vegetation Management Plan (2020-2025) Construction Environment Management Plan (2020-2025) Murray Mallee Bushfire Management Plan RCMB Species Planting List 2019
Link to Strategic Plan	Objective 1.4 - Natural Assets
Council resolution	126.2
Date Adopted	9 August 2021
Review Date	2026
Previous Revisions	14 November 2016, 214.2

## POLICY STATEMENT

This Policy provides Council with guidelines for the correct management, planting and retaining of street trees under the Council's care and control as per the Local Government Act 1999.

Council is responsible for managing trees located on Council land effectively and reasonably to minimise risks and maximise benefits on behalf of the community.

## OBJECTIVES

This Policy provides a guide for the planting, retention, maintenance, conservation and removal of trees on Council land including parks and gardens, reserves, urban streets and rural roads.

This Policy applies to all trees under the care, control and management of Council to ensure that Council's approach to tree management within the Rural City of Murray Bridge is:

- undertaken in a consistent and transparent manner;
- fair and equitable to all parties involved;
- achieves the best possible outcomes for Council and the community;
- consistent with Council's legislative obligations and with Council's strategic, corporate and financial directions; and
- replacement and new tree plantings will be suited to the local environment and have regard for maintenance requirements

## SCOPE

This Policy provides guidelines to manage, develop, protect and conserve trees within the Rural City of Murray Bridge. The Policy will apply to all trees on Council land in the care, control of Council and within the scope of legislation. Refer to the Tree Management Framework and Roadside Vegetation Management Plan for supporting information.

## PRINCIPLES

The Rural City of Murray Bridge management of trees on Council land including parks and gardens, reserves, urban streets and rural roads is based on the following principles:

### 1. Risk management and resource availability

Appropriate resources are allocated to tree management so that Council can meet its strategic and legislative obligations. All plantings will be risk assessed for appropriateness taking into consideration mitigation requirements in relation to fuel loads and assessments in relation to the Murray Mallee Bushfire Map zoning criteria.

### 2. Property Damage

The Local Government Act 1999 states Council is not liable for any damage to property which results from the planting of a tree in a road or the existence of a tree growing in a road whether planted by Council or not.

If the Council is requested in writing to take reasonable action to avert the risk of potential property damage caused by a tree growing in a road, and does not do so, the Council may be liable for future damage to property caused by the tree.

Council is committed to act reasonably in addressing written advice of this kind.

### 3. Tree planting

All street tree plantings will be in accordance with the Sewage Act 1929, Regulations and the Electricity Act 1996. Species known to be successful in the Rural City of Murray Bridge environment are planted.

Council intends to increase tree cover in line with the targets and actions of the Environment Management Plan and Climate Emergency Action Plan 2020-2024, taking into consideration the Murray Mallee Bushfire Map zoning criteria.

### 4. Private planting on roads

Council requires that any resident(s) that wishes to plant trees on Council land inform Council of their intentions and what species of tree they intend to plant and the location. Council has the right to suggest a more appropriate species or refuse the request under the Local Government Act 1999.

### 5. Trees on private land

The management of trees located on private land, including the impacts of such trees on neighbouring property, remain the responsibility of the landowner.

Land Owners seeking to trim and remove trees are required to seek appropriate development planning/approval from Council via provisions in the *Planning Development & Infrastructure Act 2016* and Regulations relevant to trees.

### 6. Tree pruning and maintenance

Council will prune and maintain trees to ensure they remain healthy, structurally sound and develop minimal failures.

Trees that are deemed as dangerous will be removed as soon as practically possible.

Council will assess and determine any pruning, trimming and removal according to Australian Standards – 4373-2007.

### 7. Overhanging trees from private property

The Local Government Act 1999 allows the Council to make orders to require an owner or occupier of land to remove overgrown vegetation, cut back overhanging branches, or to remove a tree if the vegetation, branches or tree create, or are likely to create a danger or difficulty to persons using a public place.

## 8. Tree removal

All trees on Council footpaths are Council property and should not be removed. Requests for removal of trees growing on property under Council's care and control must be made in writing addressed to Council.

Street trees are removed if severely storm damaged or exhibiting obvious dangerous/ diseased characteristics and pose a high risk to public safety.

The establishment of trees within urban streets can sometimes require Council to plant trees on Council land against the wishes of adjoining residents. Whilst the reason not to have a tree can vary substantially, Council must make a judgment regarding the benefits to the wider community over the individual resident. Where trees are being established within urban streets, the option for residents not to have a tree planted will only be considered where establishing the tree will cause a significant nuisance

## 9. Roadside timber

Public collection of roadside timber is not permitted. Council will not provide approval or issue permits for the collection of roadside timber.

## 10. Disputes involving trees between neighbours

The Local Government Act 1999 does not provide Council with the power to intervene in disputes between property owners over the encroachment of vegetation onto the land of an adjoining property.

Property owners are encouraged to resolve disputes between themselves.

## 11. Power line clearance

The Council acknowledges the statutory obligation of power transmission entities to carry out power line clearance in accordance with the Electricity Act 1996 and associated Regulations.

Council will work within the guidelines of the SA Power Networks Protocol for Vegetation Management near Power lines (2016-2018).

## 12. Climate change

Council will adopt a proactive approach to climate change by regularly reviewing its tree management practices and species planting lists to ensure the effects of climate change and extreme weather are considered and mitigated where possible.

## IMPLEMENTATION

The Chief Executive Officer is the delegated authority to implement this Policy and may sub-delegate matters related to this Policy to Council staff or other persons employed or engaged by Council.

## DEFINITIONS

**Council** is the Rural City of Murray Bridge.

**Council land** is any land owned by Council or which is under Council's care, control and management including crown land, community land, road reserves, and land that is excluded from community land classification.

**Declared plants** are as defined in the Landscape SA Act 2019 and associated Regulations.

**Planting** is the placement of a tree in the ground at an identified site

**Road** is a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles, cyclists or pedestrians but not including an alley, laneway, walkway or other similar thoroughfare vested in a council.

**Street trees** specifically refer to trees planted in a road reserve. It does not include naturally occurring or self-sown trees growing in a road reserve.

**Tree** is a woody perennial plant, including palms that can have one or more trunks and a distinctive elevated crown of lateral branches.

**Tree owner** is the person (or an entity) that owns land on which the subject tree grows.