



Tree Management Policy

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Responsible Officer:	Director Infrastructure and Operations
Applicable Legislation:	Local Government Act Sec 221, 232
Related Policies/Procedures:	

1. PURPOSE:

1.1 This Policy is directed at establishing firm guidelines for the future development and retention of trees and shrubs planted within the Kingston District Council. It recognises that essential services such as sewerage, public mains and private drains/septic tanks, can be blocked by tree roots. Both overhead and underground electricity and water supplies can be interrupted, road safety compromised and street infrastructure such as kerbing and footpaths can be damaged if appropriate consideration is not given to the type and location of trees planted.

1.2 This Policy aims to:

- Encourage a common and consistent approach to tree management within the area;
- Assist members in determining what is 'reasonable' action where a tree hazard is known or reported;
- Introduce general risk management principles for tree management; and
- Minimise risks leading to civil liability claims regarding trees.

2. LEGISLATIVE CONTEXT:

2.1 Section 221 of the Local Government Act 1999 stipulates any person who wishes to plant trees or other vegetation on roads (constituting an alteration to a road) must apply to Council for permission by completing the appropriate "Permit to Alter a Public Road" Application Form.

2.2 Section 232 of the Local Government Act 1999 stipulates:

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.*

3. SCOPE:

3.1 This policy applies to the entire stock of trees situated on land owned or controlled by Council including all Council reserves, road reserves and Crown Leases and Licenses.

4. TREE PLANTING:

4.1 On issuing a Section 221 Permit approving the planting of trees or shrubs, the Permit will stipulate:

- a) That the tree or shrub shall become the property of Council, and
- b) That the ratepayer will care for the tree or shrub, and may undertake minor pruning, and
- c) That the ratepayer will install or pay for the instalment of root diverters.

4.2 Only those trees of approved species for planting included within the SA Power Networks' "Powerline Friendly Trees" guide for the Kingston and Cape Jaffa township areas will be permitted.

4.3 All streets or roads where tree planting is proposed should have a nature strip width of not less than 3 metres. (The nature strip is the area between the kerbing or proposed kerb line and the proposed or constructed footpath).

4.4 In streets where kerbing has been constructed but a footpath does not exist, the reserved width for the footpath shall be 3 metres. This is measured from the property boundary to the outer edge of the footpath. The remaining area shall be available for tree planting but must not be less than 3 metres.

- 4.5 Trees or shrubs shall not be planted nor permission given to plant trees and shrubs less than 4 metres from any constructed or unconstructed driveway.
- 4.6 If any stobie pole, street sign or similar construction is located on the nature strip, the position of the tree shall not be less than 2 metres away from any such object.
- 4.7 Permission for tree planting may be refused when any overhead wire or similar construction is likely to interfere with the upward growth of the tree.
- 4.8 In the case of a corner block, to provide visibility it shall be required that the tree shall be planted a minimum distance of not less than 10 metres from the corner. In the case of a main road or highway, the minimum distance may need to be increased.
- 4.9 On East Terrace, Princes Highway and Southern Ports Highway, it may be necessary to obtain approval from Transport SA.
- 4.10 If the planting of trees/vegetation may have a significant impact on residents, the proprietors of nearby business or advertisers in the area, Council will follow the relevant steps set out in its public consultation policy.
- 4.11 It is the responsibility of the Permit Holder or if Council is planting trees to undertake sufficient research to ensure any underground infrastructure is not damaged. Any damage to underground infrastructure shall be the responsibility of the Permit Holder to fix and repair or pay for damages.
- 4.12 Any trees or shrubs planted without permission of the Council and declared unsuitable for a particular street or location, shall be removed at the ratepayers expense within 3 months from the date of notification. After expiry of the said time, the Council may remove the said tree or shrub without further notification. The Council reserves the right to recover all costs involved in such a removal.
- 4.13 The Director Infrastructure & Operations or Council's Team Leader Community Facilities can determine what tree species shall be planted in any street or locality. The tree must be included on SA Power Networks' "Powerline Friendly Trees" guide for the Kingston area.

5. TREE REMOVAL:

- 5.1 Council will retain all trees which are growing on road reserves and other reserves, except in the following circumstances:
 - 5.1.1 Where roads are widened or reconstructed and it is not possible to avoid the trees;
 - 5.1.2 Where the trees are on a surveyed fenceline;
 - 5.1.3 Where trees affect public utilities in any way, such as power lines, water mains, telephone cables or overhead cables, roads and footpaths;
 - 5.1.4 Where trees obstruct the site distance of oncoming traffic to Department of Transport SA maintenance requirements;
 - 5.1.5 Where trees are considered to be a danger to public.
- 5.2 Council's Director Infrastructure & Operations is authorised to deal with tree removal requests in line with 5.1 above, however if the tree is considered

large or significant the matter will be referred to Council, except if the tree is deemed dangerous.

- 5.3 Requests for tree removal should be lodged in writing to Council. The request will be recorded and referred to the Director Infrastructure & Operations for assessment.
- 5.4 Where a resident or property owner requests the removal of a tree which is considered to be a good healthy specimen, or a tree considered to be of some significance by the Team Leader Community Facilities and/or Director Infrastructure & Operations, the matter shall be placed before Council for decision. It will be the responsibility of the resident or property owner to place the request in writing to Council, setting out the full details of the reasons why the tree needs to be removed.
- 5.5 Ratepayers shall not remove any trees from any road reserve or any other places other than their property, until they have first obtained written approval from Council, subject to Section 221(e) of the Local Government Act.
- 5.6 The Director Infrastructure & Operations shall have the authority to remove trees from roadways where it is necessary to do so to facilitate roadworks, including footpaths, kerbing and drainage.
- 5.7 Council retains sole authority over tree removal. Residents, Contractors or Service Authorities who remove trees without Council authorisation will be liable for prosecution, a fine or expiation pursuant to the Local Government Act, and costs associated with stump removal.

6. TREE TRIMMING:

- 6.1 Trimming of trees within the townships of Kingston and Cape Jaffa will be carried out by Council employees to:
 - 6.1.1 Improve site distance and vision at intersections;
 - 6.1.2 Improve site distance for appropriate road signage and furniture;
 - 6.1.3 Clear canopy from interference with overhead power lines;
 - 6.1.4 To ensure trees remain in a healthy and aesthetic state; and
 - 6.1.5 To ensure pedestrian safety
- 6.2 Council will undertake periodic rural roadside tree trimming as determined by its Annual Business Plan and Budget.
- 6.3 Requests for township or rural tree trimming or pruning of trees should be lodged in writing to Council. The request will be recorded and referred to the Director Infrastructure & Operations for assessment and action.

7. AVAILABILITY OF THE POLICY:

This policy will be available for inspection at the Council's principal office, 29 Holland Street Kingston SE, during ordinary business hours and on Council's website: www.kingstondc.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon such payment of the fee set by Council.