

COUNCIL POLICY

Tree Management Policy

Policy Number:	PO162		
Strategic Plan Objective:	5. Responsible Governance and Leadership		
Policy Owner:	Director Assets and Infrastructure	Record Number:	17/42340[v2]
Responsible Officer:	Operations Manager	Minute Reference:	187/2022 (21/09/2022)
Date Adopted:	21/09/2022	Next Review Date:	September 2026

1. POLICY OBJECTIVES

The Yorke Peninsula Council (Council) recognises its responsibility to effectively and reasonably manage trees located on Council land, to minimise risks and maximise benefits on behalf of our community.

The purpose of this policy is to provide a guiding framework for the planting, maintenance, conservation and removal of trees on Council land, including parks, reserves, urban streets and rural roads.

2. SCOPE

This policy applies to all trees under the care, control and management of Council to ensure that Council's approach to tree management across the Council district:

- is undertaken in a consistent and transparent manner;
- is fair and equitable to all parties involved;
- achieves the best possible outcomes for the Council and the community; and
- is consistent with Council's legislative obligations and with Council's strategic, corporate and financial directions.

This policy should be read and utilised in conjunction with:

- the Local Government Association Mutual Liability Scheme document *Tree Management Risk Management Guidelines for Local Government* (2013); and
- Council's PFC148 Tree Management Process Flowchart, which provides detailed guidance to staff about how tree-related activities and requests will be managed.

The policy also has clear links with the:

- Native Vegetation Council's *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation*, under Native Vegetation Regulation 11(23) of the Native Vegetation Act 1991; and

- Aboriginal Heritage Act 1988, in particular significant Aboriginal Scar Trees.

This policy is also formulated under the provisions of the Local Government Act 1999 and outlines Council's position in respect to the functions of Council relating to tree management as described in that Act. Government legislation impacts tree management in many circumstances and all legislative requirements will be observed at all times. Where there is a conflict between legislation and this policy, legislation will take precedence to the extent of the conflict.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

Council's management of trees on Council land, including our parks, reserves, urban streets and rural roads, will be based on the following principles. Further detailed guidance for staff on how these principles will be implemented is contained in Council's PFC148 Tree Management Process Flowchart. Relevant information will be published on Council's website.

4.1. The Value of Trees

Council recognises the cultural, economic, social and environmental value of trees and is committed to maintaining, and where appropriate increasing, the number of trees across our district so as to "green" our townships, contribute to community wellbeing, and enhance biodiversity.

4.2. Enhancing Biodiversity

Where consistent with the function, character and amenity of the land in question, Council's tree management activities will place emphasis on enhancing biodiversity by giving consideration to species selection, landscape connectivity, habitat availability, and the use of local provenance plantings.

4.3 Risk Management and Resource Availability

Appropriate resources will be allocated to tree management so that Council can meet its strategic and legislative obligations. Risk management principles and practices will underpin our approach to tree management, to ensure that available resources are used effectively and efficiently to reasonably manage trees across the Council landscape, in a manner that minimises risk to Council and the community.

4.4 Tree Planting

- 4.4.1 Increased plantings on Council land will occur in line with the availability of resources and Council's capacity to maintain all trees planted to acceptable standards.
- 4.4.2 In urban streets and parks, species and site selection will be guided by the existing or desired character and use of the area, climatic conditions, potential impacts on infrastructure and public safety, and the minimisation of ongoing maintenance requirements.
- 4.4.3 In urban biodiversity reserves and rural areas, Council will plant trees in accordance with relevant site-specific management plans, work plans and/or species lists.
- 4.4.4 Trees or other vegetation must not be planted on Council land without prior written approval from Council (for specific reference to roads, refer Section 221(2)(e) of the Local Government Act 1999). Individuals or organisations

wishing to plant trees or other vegetation on Council land (including parks and reserves) must seek Council permission in writing, detailing the proposed species and location of trees. Individuals or organisations wishing to plant trees or other vegetation on a public road (includes carriageway, footpaths and verges) must submit a written application using SF404 Authorisation to Alter a Public Road. Additionally, individuals or organisations wishing to plant trees or other vegetation on rural roadsides/road corridors must submit a written application using SF303 Application for Rural Planting on Road Reserves. The proposal will be assessed and, if accepted, approval given in writing.

- 4.4.5 Where a tree or other vegetation has been planted on Council land without prior written approval, and Council staff are of the view that the species or location of the planting is inappropriate, Council will direct the individual or organisation responsible to remove the planting(s). If the direction is not complied with in a timely manner, Council may remove the planting(s) and recover the costs of such work from the individual or organisation responsible (refer Yorke Peninsula Council By-Law No. 2 of 2020 and Section 262 of the Local Government Act 1999).
- 4.4.6 Where the planting of trees or other vegetation on a road may have a significant impact on local residents, nearby businesses or other stakeholders, Council will ensure that consultation occurs as per the requirements of its PO057 Community Engagement Policy (refer Section 232 of the Local Government Act 1999).

4.5 Tree Maintenance

- 4.5.1 Council is responsible for the management and maintenance of all trees on Council land, including those that have been planted by individuals or organisations on Council verges. Individuals or organisations are not authorised to prune or interfere with trees on Council land without prior approval from Council, and must seek permission in writing, detailing the location of the tree(s) and the proposed maintenance. Individuals or organisations seeking to trim or prune a tree from a public road (includes carriageway, footpaths and verges) must submit a written application using SF404 Authorisation to Alter a Public Road.
- 4.5.2 Council will develop and implement proactive tree maintenance standards and programs including inspections for our urban and rural trees. Requests from individuals or organisations for Council trimming or pruning of trees can be made in writing via letter or email, or by lodging a Customer Service Request over the telephone or via Council's website. All such requests will be systematically recorded, considered and assessed prior to appropriate action being undertaken, in accordance with established priorities and subject to available budget and resources.
- 4.5.3 In urban areas, all pruning of Council trees will be undertaken in accordance with Australian Standard *AS4373 Pruning of amenity trees*. Pruning and maintenance will be undertaken to manage risk, enhance amenity (i.e. to establish a structure amenable to the species, site location and planting purpose) and to maintain tree health and longevity.
- 4.5.4 Tree trimming on rural roadsides is undertaken to ensure a safe and efficient road system whilst minimising the impact on native vegetation. Any trimming, removal or other maintenance of native vegetation on rural roads will be undertaken in accordance with the requirements of the Native Vegetation Council's *Guidelines for the Management of Roadside Native*

Vegetation and Regrowth Vegetation, under Native Vegetation Regulation 11(23).

4.6 Tree Removal

- 4.6.1 Council views the removal of healthy, established trees as undesirable, but recognises it may be required on occasion. The removal of a living tree will be viewed by Council as the option of last resort.
- 4.6.2 The removal of any tree on Council land without prior approval from Council is strictly prohibited and may result in prosecution (refer Yorke Peninsula Council By-Law No. 2 of 2020 and Sections 221 and 262 of the Local Government Act 1999).
- 4.6.3 Individuals or organisations seeking the removal of a tree from Council land must submit a written application via letter or email, or by lodging a Customer Service Request over the telephone or via Council's website. Individuals or organisations seeking removal of a tree from a public road (includes carriageway, footpaths and verges) must submit a written application using SF404 Authorisation to Alter a Public Road. All such requests will be systematically recorded, considered and assessed prior to appropriate action being undertaken in accordance with established priorities and legislative requirements. Council must complete a Visual Tree Risk Assessment Form (SF301 Visual Tree Risk Assessment – Rural or SF302 Visual Tree Risk Assessment – Urban) prior to removal, including for staff-initiated requests.
- 4.6.4 The only circumstances in which Council may approve a tree removal request are:
- the tree poses an unacceptable risk to public safety;
 - the tree is causing substantial damage to public or private property or infrastructure and alternative methods for minimising the impact will not be effective;
 - the tree is dead, diseased or damaged and cannot be revived to a sustainable condition (subject to 4.6.10);
 - the tree is detrimentally affecting the health of a nearby resident, the request is supported by evidence from a medical specialist, the species of tree is uncommon in the vicinity of the applicant's residence and alternative options for managing the issue are not feasible;
 - the tree restricts vision for safe vehicle movement or unreasonably restricts access to property and other alternatives such as relocation of access points or effective pruning cannot be achieved;
 - the tree is a pest tree and removal is consistent with Council's established budgetary priorities for the management of pest plants on Council land;
 - the tree is not of Aboriginal Heritage significance (such as a Scar Tree); or
 - tree removal is required to facilitate improvements to Council infrastructure and the infrastructure cannot practicably be redesigned so as to avoid the need for removal.
- 4.6.5 Council may require a person requesting the removal of a tree from Council land to provide written evidence from an independent and qualified expert about the cause and extent of the risk, damage or health problem given as

the reason for requesting removal. Council may also choose to seek its own expert advice when considering such a request.

4.6.6 Subject to 4.6.7 below, trees that do not meet any of the removal criteria specified in 4.6.4 above will not be removed or substantially pruned for any of the following reasons:

- the tree shades a private garden or solar panel installation;
- the tree causes nuisance by way of leaf, fruit or bark shedding;
- the tree provides habitat to wildlife that causes nuisance by way of noise, droppings or litter;
- the tree obscures or potentially obscures advertising signage; or
- the tree obscures or potentially obscures views.

4.6.7 A resolution of Council may authorise the removal of a tree on Council land in circumstances where the tree does not meet any of the removal criteria specified in 4.6.4 above but is causing an extreme nuisance to community infrastructure.

4.6.8 Where proposed private development (including driveway crossovers) gives rise to a request for removal of a tree on Council land:

4.6.8.1 All other practicable options (including the relocation of services and access points or pruning rather than removal) shall be explored prior to Council granting approval for removal of the tree.

4.6.8.2 Subject to 4.6.8.3 below, if approval to remove the tree is granted, the cost of removal will be borne by the developer.

4.6.8.3 A developer will not be required to cover the costs described in 4.6.8.2 above if the tree to be removed is a pest tree, or if the tree is dead or in severe decline and contains no hollows.

4.6.8.4 All requirements under the Planning, Development and Infrastructure Act 2016 are to be met.

4.6.9 Individuals or organisations wishing to remove pest trees from Council land at their own expense must apply in writing and obtain written approval from Council prior to undertaking the works.

4.6.10 Dead, diseased or damaged trees that are structurally sound and located within urban biodiversity reserves, rural reserves or rural roadsides may be retained for fauna habitat at Council's discretion.

4.7 Tree Replacement

Council will plant replacement trees as part of Council's annual planting program during the following planting season, to off-set tree removal undertaken in the previous year.

4.8 Tree Vandalism

4.8.1 It is an offence to poison, prune, remove, deface or otherwise interfere with or cause unauthorised damage to trees on Council land (refer Yorke Peninsula Council By-Law No. 2 of 2020 and Section 221(2)(e) of the Local Government Act 1999).

4.8.2 Council will adopt a consistent approach to the deterrence and investigation of, and response to, tree vandalism incidents. This approach will include one or more of the following:

- public notification of the vandalism incident via letter drops, signage and media engagement;
- remediation works including replacement plantings; and/or
- the prosecution of offenders.

4.9 Trees on Private Land

- 4.9.1 The management of trees located on private land, including the impacts of such trees on neighbouring property, are the responsibility of the land owner.
- 4.9.2 Council may require the owner or occupier of land to cut back vegetation that is encroaching onto Council land (such as a footpath, road or urban biodiversity reserve). If the order is not complied with in a timely manner, Council staff are authorised to undertake the work themselves and to recover the costs of such work from the owner or occupier of that land (refer Chapter 12, Part 2 of the Local Government Act 1999).
- 4.9.3 If the trunk of a tree is located on the boundary between private land and Council land, Council will negotiate with the private landholder the responsibilities for the management of that tree. All decisions made by Council in relation to the tree must be made in accordance with the provisions of this policy and Council's PFC148 Tree Management Process Flowchart.

4.10 Seed and Fruit Collection

Seeds and fruit (including olives) must not be collected from trees and other vegetation on Council land (including parks, reserves, urban streets and rural roads) without prior written approval from Council (refer Yorke Peninsula Council By-Law No. 2 of 2020). Individuals or organisations wishing to collect seed and/or fruit on Council land (including parks, reserves, urban streets and rural roads) must submit a written application using SF041 Seed Collecting Permit.

4.11 Fallen Timber

Public collection of roadside fallen timber is not encouraged; however, individuals wishing to collect dead timber from roadsides must submit a written application using SF017 Authorisation to Collect Fallen Timber. The removal of fallen timber from Level 1 roadsides is prohibited for conservation purposes.

4.12 Climate Change

Council will adopt a proactive approach to climate change adaptation by reviewing its species planting lists to ensure the effects of climate change and extreme weather are considered.

5. COMPLAINTS

Complaints relating to tree management can be made in writing to Council's Director Assets and Infrastructure Services. All complaints will be managed in accordance with Council's PO147 Complaints Policy.

6. REVIEW

This policy will be reviewed every four years, in consultation with workers and/or their nominated representative(s). The policy will also be reviewed as deemed necessary in consideration of any changes to legislation, relevant standards, codes and guidelines, audit findings, any corrective actions/controls arising from risk assessment and/or hazard/incident reports, and stakeholder feedback.

7. TRAINING

Council is committed to supporting employees in complying with this policy. Training will be developed by the Responsible Officer in consultation with the Training Administration Officer.

Training needs will be reviewed, as necessary, in consideration of any changes to legislation, relevant standards, codes and guidelines, audit findings, and any corrective actions/controls arising from risk assessment and/or hazard/incident reports.

8. RECORDS

Records shall be maintained as required by Council's Records Management Policy (PO063) and relevant legislation.

9. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS

Transport Asset Management Plan
PO057 Community Engagement Policy
PO074 Native Plant Collection Permits Policy
PO083 Authorisation to Collect Fallen Timber Policy
PO147 Complaints Policy
PFC148 Tree Management Process Flowchart
SF017 Authorisation to Collect Fallen Timber
SF041 Seed Collecting Permit
SF301 Visual Tree Risk Assessment – Rural
SF302 Visual Tree Risk Assessment – Urban
SF303 Application for Rural Planting on Road Reserves
SF404 Authorisation to Alter a Public Road

10. REFERENCES AND LEGISLATION

Aboriginal Heritage Act 1988
Electricity Act 1996
Heritage Places Act 1993
Highways Act 1926
Landscape South Australia Act 2019
Local Government Act 1999
Native Vegetation Act 1991
Planning, Development and Infrastructure Act 2016
Road Traffic Act 1961
Water Industry Act 2012
Yorke Peninsula Council By-Law No.2 of 2020
Australian Standard 4373 – 2007 Pruning of amenity trees
Local Government Association Mutual Liability Scheme - Tree Management Risk Management Guidelines for Local Government

11. COUNCIL DELEGATION

Details of Delegation:	Local Government Act 1999; Water Industry Act 2012
Delegate:	Director Assets and Infrastructure Services

12. VERSION HISTORY

Version No	Issue Date	Description of Change
1.0	12/09/2018	New Policy
2.0	21/09/2022	Full Revision

ATTACHMENT 1: DEFINITIONS

Term/Reference	Definition
Council	Yorke Peninsula Council, including any of its authorised representatives or staff under the delegated authority of Council.
Council land	Any land owned by Council, or which is under Council's care, control and management, including community land, road reserves and land that is excluded from community land classification.
Individual	Any person, including contractors, Elected Members, employees, ratepayers, residents and volunteers of the Yorke Peninsula Council.
Pest tree	Any plant declared for control under the Landscape South Australia Act 2019.