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Policies Related	Nil
Applicable Legislation	<i>Development Act 1993</i> <i>Local Government Act 1999</i> <i>Native Vegetation Act 1991</i>

## 1. Purpose

This Policy is intended to deal with trees across all areas of Walkerville Council's operations including:

- Council's commitments in relation to trees under its Urban Forest Strategy
- Planning and Development Assessment issues.
- The selection, planting, management and removal of trees situated on land owned by Council or under Council's control and management comprising:
  - roads;
  - Community Land, including parks, gardens, reserves, playgrounds, ovals, sporting grounds, water courses and the like;
  - areas of land specifically excluded from Community Land classification;
    - Trees on private property (where, as required under the provisions of the *Development Act 1993*, the Council is required to deal with Significant or Regulated Trees.)
- Civil and personal liability issues.

## 2. Introduction

The Policy will guide the Council in accordance with its Strategic Plan and Urban Forest Strategy, in the future development and enhancement of community and open space and streetscapes in the Town, and the protection and enhancement of trees on private land.

The Policy will provide information for the community on the Council's goals and objectives in the management of trees and the urban forest.

The Policy will guide Council's planners and private developers in the development of land adjoining roads and open spaces to minimise the impact on trees.

The Policy is supported by a procedure which will assist Council staff in implementing the provisions of this Policy.

### 3. Power to make the policy

This Policy incorporates the strategies required to fulfil the Council's obligations in all areas of tree management with regard to:

- Sections 221, 232 and 245 of the *Local Government Act 1999*.
- *Development Act 1993* regarding 'Significant or Regulated Trees'.
- The *Native Vegetation Act 1991* for trees along the River Torrens

### 4. Strategic plan link

This Policy has the following link to Council's Strategic Plan Living in the Town of Walkerville:

A lively local culture

#### Objective 2

Promote and support diverse cultural values, heritage and identity.

#### Sensitive environments & development

##### Objective 1

Create a safe, well-planned and biodiverse Linear Park that allows for recreation along the river.

##### Objective 2

Promote development in balance with the natural environment.

##### Objective 3

Create accessible, useable and connected open spaces and streets.

#### 4.1. Urban Forest Strategy Link

This Policy outlines how trees will be maintained and established on public land and in so doing, contributes to the following goals in Council's Urban Forest Strategy.

- |                |   |
|----------------|---|
| <b>Grow</b>    | Grow the urban forest on public and private land through new plantings to maximise the social, economic and environmental benefits of trees and urban greening.     |
| <b>Protect</b> | Protect the urban forest from threats and loss by preserving the city's existing street trees and maintaining established trees on public and private land.         |
| <b>Engage</b>  | Work with resident, the community, business and government to care for the urban forest and broaden the understanding of the benefits it provides.                  |
| <b>Manage</b>  | Manage the urban forest through coordinated planning, design and maintenance to ensure its long-term health and sustainability and management of resident concerns. |
| <b>Fund</b>    | Continue to develop funding mechanisms that enable further investment into on ground actions that manage and grow the urban forest.                                 |

### 5. Principles

#### Greening of the Town

This Tree Policy is based on the fundamental belief that trees are an important community asset for the following reasons:

- Trees provide a softening influence on often harsh urban landscapes, providing an amenity to residents and visitors through the introduction of colour, form and texture to either highlight or mask architectural and natural features.
- Trees have practical as well as aesthetic benefits for the community as a whole. These include a capacity for reduction in noise and air pollution, reduction of erosion, positive effects on the micro-climate of the surrounding area in modifying extremes of temperature and wind, as well as influencing in a positive way, the human psyche.
- Trees have an important role in the retention of natural habitats for indigenous plants and animals. This is particularly applicable to those parts of the Town that are to be preserved in their natural state for future generations and to retain their biodiversity.
- Trees provide economic benefits in a range of ways, including, but not limited to; increasing property values, increasing retail revenue for shopping precincts and reduction in energy consumption.
- Trees have health benefits including reducing the heat island effect, improving general health and wellbeing and reducing stress and anxiety.
- Trees provide a means to reduce the townships carbon footprint caused by a range of its activities through carbon sequestration and storage.

### **Why manage the Urban Forest?**

The value of trees to the urban environment cannot be overstated. However, there are many factors that need to be taken into account in maintaining or introducing trees to the landscape which, at least potentially, can have an adverse effect.

The overarching principles of why the urban forest must be managed include;

- Maintaining the urban forest as a sustainable asset in the Town of Walkerville.
- Work toward an increase in urban forest cover to meet targets set in the Urban Forest Strategy.
- Maintaining the character and aesthetics of the tree population that form part of the identity of the Town of Walkerville.
- Managing the risk of personal injury to residents and visitors to the Town.
- Managing the risk to property through the failure of trees and tree limbs.
- Managing tree health to ensure the trees provide the intended benefits for longer periods of time.
- Managing conflicts between trees and the delivery of infrastructure and services (i.e. buildings, roads, power, sewer and water) through the use of suitable species.
- Managing pest plants in situations where they have the potential to proliferate.

## **6. Definitions**

Definitions for the purpose of this Policy are:

<b>Community Land:</b>	Includes all land owned by Council or under Council's care, control or management, except roads or land that Council has resolved to exclude from Community Land classification.
<b>Native Vegetation:</b>	Means a plant or plants of a species indigenous to South Australia
<b>Planting:</b>	The installation of a tree at a site where no tree previously existed or the replacement of a tree that was removed
<b>Reserves:</b>	Includes parks, gardens, reserves, playgrounds, ovals, sporting grounds, water courses and the like.
<b>Road:</b>	Means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes: (a) a bridge, viaduct or subway; or (b) an alley, laneway or walkway.
<b>Road (Main)</b>	Means any road owned and maintained by DTEI or is a bus route.
<b>Road (Minor)</b>	Means all other roads.
<b>Significant Tree:</b>	Means a tree within a class of trees declared to be Significant Trees by the Development Regulations 1993; or a tree declared to be a Significant Tree, or a tree within a group of trees declared to be Significant Trees, by a Development Plan.
<b>Regulated Tree</b>	Means a tree within a class of trees declared to be Significant Trees by the Development Regulations 1993; or a tree declared to be a Significant Tree, or a tree within a group of trees declared to be Significant Trees, by a Development Plan.
<b>Streetscape:</b>	The vegetation, including trees, along a street or road, which provides local tree benefits and amenity.
<b>Tree:</b>	Means any 'woody' plant, including shrubs or vines if they are pruned into a tree like shape and excludes groundcovers, annual or perennial plants, or indoor plants. Most larger Palms are also included as trees even though they are not 'woody'.
<b>Tree Health:</b>	A reflection of the tree's vigour as exhibited by a range of characteristics, including crown density, crown cover, level of dieback, leaf colour, leaf size, the degree of epicormic sprouting and the ability of the tree to cope with insect predation. A tree may be deleteriously affected by insects, parasites, disease, environmental damage, or other problems. Its ability to resist these problems characterises its degree of health. A tree in poor health infers the tree as a whole is malfunctioning and survival may be threatened. A tree in excellent health has good vigour and few if any pest problems.
<b>Urban Forest</b>	The entire population of trees and woody shrubs in an urban environment that are a critical element of urban infrastructure that provide a wide range of social, economic, aesthetic, environmental and ecological benefits. The urban forest is made up of individual trees, but is managed as an entire urban forest.

## 7. Policy

### 7.1. General

The Walkerville Council has the following strategic objectives in relation to the trees under its influence and control:

- To formally recognise the value of trees as fundamental and intrinsic landscape elements in the urban environment.
- To increase tree cover in line with the Urban Forest Strategy.
- To improve local streetscapes by introducing trees appropriate to the local environment and urban services present.
- To pursue a planned, consistent and coordinated approach to the planting and replacement of trees throughout the Town in accordance with agreed tree selection criteria, and to provide direction to residents and Council staff on the care and management of trees.
- To formally recognise that indigenous and exotic tree species each have a practical and aesthetic role in the improvement of the Town's amenities.
- To protect and enhance the integrity of the natural landscape features of the Town.
- To create bio-diverse corridors along creeks and vegetated areas through tree planting and re-vegetation initiatives.
- To plant where appropriate, species that are tolerant of low water or are drought-resistant.
- Develop and implement water sensitive urban design (WSUD) strategies and green infrastructure strategies that improve the health and sustainability of the urban forest.
- To support tree assessment procedures and management practices which deal with risks and complaints in a timely and efficient manner.
- To conduct all tree planning, selection, planting, assessment, maintenance, removal and arbitration practices in accordance with the provisions of Council's Risk Management Framework.
- To observe and comply with all relevant legislation.
- To maintain a record of trees under its control.
- To follow industry best practice in tree planting and maintenance.
- To improve the sustainability of the urban forest by ensuring adequate diversity in tree species and tree age.
- To ensure trees on both public and private land are adequately protected during development activities by following industry best practice.

## **7.2. Planning and Development Issues**

Trees are living organisms that are sensitive to changes in their environment. Any encroachment, disturbance or compaction of the soil around a tree is likely to damage or destroy a tree's fine absorbing roots that are responsible for the collection of water and nutrients. Injury caused by cutting or crushing, suffocation through raising of the grade, poisoning or site contamination, and moisture stress by inundation or dehydration, can result in the decline or death of the tree. Injuries caused during development adjacent to trees may not be apparent for many years, but can significantly affect the health and viability of the tree many years later. Damage to a tree's root system also has the potential to adversely affect tree stability, creating a risk issue.

The Walkerville Development Plan provides guidance for tree management of regulated and significant trees on public and private land.

Development applications should include sufficient information, including detailed plans and an arboricultural report detailing tree impact and protection measures to ensure those regulated and significant trees on both private and public land are not adversely affected by such activities. These plans and reports should be reviewed by qualified arborists with reference to Australian Standard AS 4970-2009 Protection of trees on development sites and with the Development Act 1993 and Development Regulations 2008.

Civil and infrastructure works on Council land should also follow these same guidelines.

Where relevant, these must include plans for the retention or placement of trees on roads adjacent to the development where appropriate.

The preservation of trees already growing on the road or in other Council properties adjacent to development, or the planting of new trees in these circumstances must comply with the provisions of this Policy and conform with operational procedures.

### **7.2.1 Protection of trees on development sites**

Trees on or adjacent to a development site shall be adequately protected from the potentially adverse impacts of such development. This will apply to development that is occurring on public or private land. Tree protection measures should follow the guidelines outlined in Australian Standard AS 4970 *Protection of trees on development sites*.

Where a development is occurring in the vicinity of a Council owned tree, or a regulated or significant tree on public or private land, the following is required:

- A report from a qualified arborist assessing the impacts of the development and the implementation of appropriate tree protection measures. All relevant information should be provided by the applicant to assist the assessing officer.
- Gaining relevant Development Approvals.
- The lodgment of a bond from the developer or its agent, at Council's discretion.

Where a tree is damaged during development, the person responsible may be liable for tree damaging activity (as defined under the Development Act) and may lose all or part of the bond.

### **7.3. Other Authorities/Agencies**

Other Authorities/Agencies have responsibility for managing their own infrastructure on Council land including the management of trees and services. Tree management agreements with these other authorities will be sought to avoid any last minute or unforeseen conflicts which may result in poor tree health, aesthetic, or safety outcomes. Where these agencies are working in the vicinity of such trees, they should seek arboricultural advice from an appropriately qualified arborist. If working in the vicinity of regulated and/or significant trees, they are required to seek relevant development approvals.

### **7.4. Planting Objectives**

To improve the sustainability, diversity, age distribution, quality and suitability of the urban forest across the entire Town and to increase the number of appropriate plantings on Council land in a variety of planting situations. This will occur in line with the availability of resources and the Council's capacity to maintain all trees planted to acceptable standards.

Records will be kept of the site and species assessment process used in determining the suitability of tree species used, and all tree planting programs will be carried out in accordance with operational procedures.

#### **7.4.1 Planting Trees on Road Related Area**

The selection and management of trees for planting in roads will be planned with great care and will have regard to local conditions, safety, and compatibility with existing plantings, and be designed to enhance the character and amenity of the streetscape. Species used must come from the approved list of street trees and adhere to the right tree right space mantra.

New tree plantings will take into account:

- the surrounding vegetation composition
- aesthetic enhancement of the local setting
- the purpose of the road as well as the type of construction of the road and any impact the trees might have on it, or surrounding structures

- the impacts the proposed trees may have on any services present, above or below the ground, taking into account Legislative requirements e.g. Sewerage Act 1929, Electricity Act 1996
- the type of traffic using the road and potential impacts on road safety
- the possible impacts on the safety of the public
- impact on aged residents or those using mobility equipment
- opportunities to upgrade the streetscape to improve traffic flow and tree planting requirements
- any other matters which might be pertinent to the site.

Where tree planting is likely to have a significant impact on local residents, business proprietors, or other stakeholders, Council will ensure that public consultation occurs according to the provisions of its Public Consultation Policy.

An ongoing program will ensure all Council roads suitable for planting will be planted with trees and is consistent with the Urban Forest Strategy and this policy.

#### **7.4.2 Planting Trees on Community Land**

Preference will be given to the planting of local indigenous species, or trees on the approved tree species list.

While recognising the need to maintain adequate open space, Council may consider reserving land for development or treed corridors, linking and extending areas of native vegetation for wildlife, or for other passive recreational pursuits, following appropriate examination of the circumstances in each case. This process will include a risk management assessment of the project.

#### **7.4.3 Unauthorised Planting**

Tree planting by persons other than Council officers in roads and Community Land requires authorisation by Council.

Where a tree has been planted by a resident in any road or Community Land, the Council officer may report the matter to Council for consideration.

#### **7.4.4 Tree List**

The list of tree species suitable for planting in the Town will be reviewed in accordance with the Council's Urban Forest Strategy and operational Procedures. Independent Arborists will have input into this list periodically to ensure it remains up to date via the introduction of new tree species, while non performing species or species where undesirable attributes have become apparent should be withdrawn from use. The approved tree list forms part of operational procedures developed by Council officers.

#### **7.5. Tree Maintenance Objectives**

Council will ensure that all trees growing under its care and control in the Town, be they on roads or Community Land, are adequately maintained in accordance with the Urban Forest Strategy suitable for the circumstances.

The allocation of resources by Council for managing trees will determine the extent of implementation of any maintenance programs developed for the purpose. Therefore the implementation of maintenance programs will be prioritised based on the level of funding and resources available.

Maintenance programs will be developed which aim to:

- promote long term tree and or habitat health;
- comply with relevant best practices including but not limited to Australian Standards and legislative requirements
- promote biodiversity and conservation values where appropriate;
- manage the level of risk to provide adequate public safety;

- improve the amenity values provided for the community of all vegetation;
- ensure the compatibility of proposed and existing trees with local infrastructure and site uses; and
- record all aspects of planning and management.
- Maintenance programs will be reviewed on an 'as needs' basis, and where stakeholders affected by a plan have an interest in its outcomes, Council will ensure that public consultation occurs according to the provisions of its Public Consultation Policy.

## **7.6. Trees on Council Land**

### **7.6.1. Criteria for Removal at Council Cost**

Removal and replacement of trees will be at Council's expense when:

- To Council's satisfaction, the tree requested to be removed is a health hazard as certified by a recognised medical authority and cannot be effectively managed through commonly available over the counter medications.
- The tree requested to be removed is causing significant damage to property with appropriate supporting evidence (either private or Council).
- The tree requested to be removed is in the opinion of the Council causing significant nuisance to a resident.
- The tree is diseased with a short life expectancy or is dead.
- The tree is identified as presenting an unacceptable risk using a suitable tree risk assessment method as detailed in Councils operating procedures.
- The tree is not providing minimum levels of amenity expected of such a planting.
- The tree is causing unsustainable damage or conflict with surrounding infrastructure.

### **7.6.2. Removal for Development**

The removal of a regulated or significant tree in relation to a development application must be assessed within the legislative framework of the Development Act 1993. The opinion of a qualified arborist or other relevant expert may be required to determine when tree removal is acceptable.

The removal of a street tree under the control of Council in relation to a development application shall be determined with consideration to legislative requirements under the Development Act 1993 and Local Government Act 1999.

When authorisation is granted to remove a tree due to development of adjoining land, Council may place a monetary value on the said tree by a recognised valuation method. Removal and replacement will be at the applicant's expense with payment to be made prior to work being commenced.

The applicant will pay the following:

- Tree valuation.
- Valuation report cost.
- Removal cost.
- Cost of replacement tree.

All building applicants are to be advised of their liability for damage/loss of any street tree on the site frontage and that Council may seek to recover costs in respect of any damage/loss of public trees.

### **7.6.3. Removal for Resident Benefit**



Where approval is granted for the removal of a tree for the benefit of a resident Council may place a monetary value on the tree using a recognised valuation method. Removal and replacement will be at the resident's expense with payment made prior to work being commenced.

When a Council tree is:

- located in an extension to or in a supplementary driveway to a property,
- located on a street boundary and is therefore subject to cost share with Council,
- an unauthorised planting on Council property by any person,

The resident may pay or share the following:

- Tree valuation.
- Valuation report cost.
- Removal cost.
- Cost of replacement tree.

#### **7.6.4. Removal After Vehicle Impact**

Where a Council officer attends reported damage/removal of a tree by vehicle impact the officer will, where possible, obtain the driver's name and address and accident details which will then be the subject of a report to the Executive Planning & Infrastructure or Team Leader Works. In such cases Council may seek to recover costs or part thereof of:

- Tree valuation.
- Valuation report cost.
- Removal cost.
- Cost of replacement tree.

#### **7.6.5. Unauthorised Tree Damage or Removal**

Responsibility for the care, control and management of trees and shrubs on land under the care, control and management of the Council is vested in the Council.

It is an offence for a person to cut, saw or remove any tree or shrub on any land under the care, control and management of the Council even if the tree is overhanging private property.

It is an offence for a person to cut, saw or remove any regulated or significant tree on private land without the approval of Council.

Should Council wish to prosecute in relation to an unauthorised removal, consideration should be given using a recognised valuation method.

#### **7.6.6. Removal of Trees on Council Land**

The removal of trees on Council land may be necessary for a range of reasons. This may include trees that are in poor health, trees that pose a risk to people or property, or trees that are causing damage to structures or infrastructure.

The removal of trees on public land must fulfil the following requirements:

- The tree/s should be assessed by a qualified arborist (AQF level 3 Arborist or higher) to determine the reasons for tree removal.
- Consider reasonable alternatives before removing the tree/s.
- Tree removal applications for regulated and significant trees must meet one of the relevant criteria for removal before being granted. These criteria are based on the criteria set out in the *Development Act 1993* and are outlined in the *Town of Walkerville Development Plan*.

- Gain the required development approval by lodging a development application with the Town of Walkerville.
  - In the case of a regulated tree, the applicant is not required to provide an arborist report.
  - In the case of a significant tree, the applicant is required to provide a report from a relevant professional, such as a qualified arborist (AQF level 5 Arborist or higher), plant health professional, building engineer or similar.

## **7.7. Trees on Private Land**

### **7.7.1. Fallen Trees onto Public Land**

Where a tree on private property is felled and obstructs a public road and the Council causes the fallen tree to be removed from the public road, the Council may seek to recover the cost of such removal from the owner of the property from which the tree originated.

Such cost will include:

- Labour charge.
- Cartage.
- Chipping.
- Damage to public property (i.e. street tree).
- Cost of any contracts.

### **7.7.2. Pruning of Trees on Private Land**

The pruning of trees on private land may be necessary for a range of reasons. This may include pruning to mitigate risk, pruning to provide suitable clearances to dwellings, private structures, footpaths, roadways and associated infrastructure and other possible reasons.

The pruning of regulated or significant trees on private land must fulfil the following requirements:

- Must not constitute a tree damaging activity as defined under the *Development Act 1993*.
- Must comply with Australian Standard AS 4373 *Pruning of amenity trees*.
- Must be carried out by qualified arborists (AQF level 3 Arborist).
- Where pruning works are likely to constitute a tree damaging activity, the following is required.
  - The tree/s should be assessed by a qualified arborist (AQF level 3 Arborist or higher) to determine the reasons for pruning and appropriate pruning requirements.
  - Where tree risk is alleged in the application, tree risk should be assessed by a qualified arborist (AQF level 5 arborist or higher) using a tree specific and industry accepted tree risk assessment method.
  - Gain the required development approval by lodging a development application with the Town of Walkerville.

### **7.7.3. Removal of Trees on Private Land**

The removal of trees on private land may be necessary for a range of reasons. This may include trees that are in poor health, trees that pose a risk to people or property, or trees that are causing damage to structures.

The removal of regulated or significant trees on private land must fulfil the following requirements:

- The tree/s should be assessed by a qualified arborist (AQF level 3 Arborist or higher) to determine the reasons for tree removal.
- Tree removal applications must meet one of the relevant criteria for removal before being granted. These criteria are based on the criteria set out in the *Development Act 1993* and are outlined in the Town of Walkerville *Development Plan*.
- Gain the required development approval by lodging a development application with the Town of Walkerville.

- In the case of a regulated tree, the applicant is not required to provide an arborist report.
- In the case of a significant tree, the applicant is required to provide a report from a relevant professional, such as a qualified arborist (AQF level 5 Arborist or higher), plant health professional, building engineer or similar.
- Where tree risk is alleged in the application, tree risk should be assessed by a qualified arborist (AQF level 5 arborist or higher) using a tree specific and industry accepted tree risk assessment method.

#### **7.7.4. Management of Trees on Private Land**

Council should aim to provide guidance to rate payers about the management of trees on private land. This has the overall benefit of contributing to the Urban Forest. This should include, but is not limited to the following:

- What is a regulated and significant tree.
- Pruning of a regulated or significant tree.
- Removal of regulated or significant trees.
- Protection of regulated or significant trees on development sites.
- General care and maintenance of trees.
- Tree planting guidelines and species suggestions.
- Control of pest trees in certain situations.

#### **7.8. Pest Trees**

Tree species which occur outside of their intended environments and reproduce freely, have the potential to impact on the viability of native species and habitats, or cause a nuisance through prolific regeneration. Not all tree species that have weed potential create a pest problem in all settings.

Where it has been identified that a tree is adversely impacting on native species and habitats, or are causing a nuisance through uncontrolled regeneration, every reasonable effort should be made to control the spread of the pest tree.

Weed species are those identified by reputable environmental organisations that outline the species of tree and how it can pose a weed problem.

There will be regular monitoring by Council staff of potential pest trees occurring in waterways, reserves and other natural areas under Council's control.

Periodic checks of all Community Land will be conducted for the purpose of monitoring pest trees and identifying newly emerging species that may gain pest tree status from time to time.

Pest trees growing in private gardens as ornamentals, or planted in roads as street trees, need not be automatically considered for removal, unless they form part of a removal and replacement strategy, or where it can be clearly shown that they are a seed source contaminating areas affected by the said species' pest tree status.

#### **7.9. Independent Arborists**

Advice will be sought externally from Independent Arborists to assist in planning, assessments, monitoring, species selection and other tree management decision making processes where circumstances dictate. This will include those trees on council land and regulated and significant trees on council or private land.

The level of advice sought will be consistent with the person's experience and qualifications (but the minimum level of qualification is to be Level 5 Consulting Arborist).

## **8. Review & Evaluation**

This Policy will be reviewed two yearly. The Chief Executive Officer will report to Council on the outcome of the review and make recommendations for amendment, alteration or a substitution of a new Policy if considered necessary.

## **9. Availability of the Policy**

This Policy will be available for inspection at Council's principal office during ordinary business hours and at Council's website [www.walkerville.sa.gov.au](http://www.walkerville.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.