

Township and Rural Tree Policy

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Applicable Legislation:	Local Government Act 1999 S232 & S245
Relevant Policies:	Crossings (Driveways) Policy; Footpath Construction
Related Procedures:	Relevant to above Policies (Supersedes: Tree Planting Policy)
Delegations:	Berri Barmera Delegations Register

1. Purpose

The Berri Barmera Council recognizes the significance of street trees for creating functional and aesthetic streetscapes and the responsibility for the planning, establishment, and maintenance of all street trees within the municipality area.

2. Definitions

Council	means Berri Barmera Council
Applicant	the owner of the property where the crossover/driveway is intended
Crossover or Driveway	the area of road reserve that acts as the point of vehicular access for a property between the road carriageway and the property boundary
Property owner	the owner of the property that utilises the crossover to access the road carriageway.
Public Road	shall have the same definition as the Local Government Act 1999.
Vehicle	shall have the same definition as the Road Traffic Act 1961.

3. Principles

3.1. Retention Of Street Trees

The Berri Barmera Council will support retention of suitable trees within Council area and road reserves and plan for enhancement by the planting of selected street trees at desired locations.

- Council shall consider the use or retention of street trees or any streetscape in its planning process.
- Naturally occurring trees, where appropriate, shall be retained within the streetscape.
- A list of significant trees shall be prepared and maintained.

3.2. Future Planting

Council shall undertake tree planting on an ongoing-programmed basis for creating aesthetic and appropriately shaded streetscapes.

Tree selection will be site specific with the selection of new varieties encouraged to suit the character of particular localities. Appropriate tree species will be utilised in areas lacking in aesthetic appeal to improve the overall aesthetics of the Council District. In residential streets, consideration will be given to creating a uniform look with umbrageous tree species preferred.

Where practicable and within budget, Water-Sensitive Urban Design (WSUD) is to be incorporated in the planning of future plantings.

Given below is a guideline for street tree plantings. Variations under exceptional circumstances shall be at the discretion of Council.

3.3. Planting Guidelines

3.3.1. Township Areas

Street Trees shall be planted in accordance with the following references:

- Tree plantings are in alignment with the Local Government Act 1999 section 232 “Trees”.
- Tree locations are guided by: Department for Infrastructure and Transport & Infrastructure Operational Instruction 19.8 “Trees in Medians and Roadsides in the Urban Environment”; Water Industry Regulations 2012 (Regulations 13 & 14); Electricity (general) Regulations 2012; Electricity (Principles of Vegetation Clearances) Regulations 2010 – Schedule 2; and that Council has a duty of care to act in a manner that reduces the risk of any likely damage to infrastructure.
- Trees must not be planted within 0.8m of any underground services.
- If the footpath width is less than 2.4m then no tree shall be planted.
- Council will not remove a tree or tree's if the main reason for doing so is because they shade either 'Solar Panels' or Solar Hot Water Panels" unless exceptional circumstances exist.

Species selection will be at the discretion of Council taking into consideration the safety requirements of the community and the long term maintenance requirements of the tree.

3.3.2. Rural Areas

Trees to be planted no less than 3 metres from the edge of a roadway and no closer than 50m from the inside of corners and intersections.

4. Planting Priority

Priority should be given to:

- Historic avenues and historic gardens.
- Arterial roads and main commuter transport routes.
- Those streets in respect to applications or petitions having been received from residents for trees.
- Those streets/roads identified by Council's tree survey.
- Those streets/roads which have no trees and where Council road reserves are wide enough to accept trees.
- Progressive planting of trees in streets that have missing specimens.
- Those parks which have maximum impact on the local amenity (to be identified and listed).
- Progressive replacement of dying or severely distorted trees.

5. Tree Protection

Protection of trees through the utility of tree guards, stakes or bollards will be carried out only with Council approval. Any unauthorised protection including steel bollards, concrete rings or other devices installed to protect the tree and not formally approved by Council will be prohibited. Written authority from Council will be required for such practices.

6. Roadside Planting and Maintenance By Ratepayers

Council encourages the landscaping, planting, enhancement and maintenance of road verges by the owners of adjoining properties, in urban or township areas and to this end the Manager of Infrastructure and Operations or his representative is authorised to approve the planting of trees and shrubs on road verges or general landscaping subject to the following criteria.

- A plan outlining the proposed work is submitted and approved prior to the commencement of the work.
- The costs associated with the planting and maintenance is met by the applicant.
- Where natural vegetation or exotic species (excluding plants listed on various Schedules of the Animal and Pest Plant Act and seedling pines), exist on the road verge, the integrity of these specimens is maintained unless otherwise agreed to by Council.
- Sufficient clear space shall be left between the edge of road and the property boundary for pedestrian and gopher access in alignment with Council's Disability Access and Inclusion Plan.
- Landscaping does not alter the natural drainage paths and/ or course of diversion of water.

NOTE:

- In giving approval, Council retains the right to:
 - Plant additional trees and shrubs at any time.
 - Remove or lop any tree or shrub for reasons of public safety, e.g. sight vision, vehicle clearance.

- Construct a footpath or undertake any other necessary works on the road verge at any time.
- Where Council provides trees and shrubs, or other assistance is rendered by Council, the applicant is expected to undertake the on-going maintenance of the road verge.
- Any damage to public utilities resulting from the activities of any applicant shall be the responsibility of the applicant.
- It is not the policy of Council to supply topsoil to residents for the purpose of developing Council road verges, except in the situation where reinstatement of an already developed area is necessary following road works. The Manager of Infrastructure and Operations is authorised to supply filling material upon request, if suitable material is available.
- Where the Manager of Infrastructure and Operations, in consultation with the Team Leader – Parks and Gardens considers it expeditious to maintain any road verge adjacent to private property as part of an overall scheme for beautification of any scenic focal point; any arterial road leading to a major business centre; or where maintenance is necessary for public safety, such work may be authorised, provided the extent of any work falls within the limit of Council's resources determined within its Budget.
- The Manager of Infrastructure and Operations is authorised to undertake the basic maintenance of any road verges adjacent to private property where the owner of such property has demonstrated a significant and ongoing commitment of landscaping and maintenance of the verge over the years, and it can be shown by the owner of the property that future maintenance of the area is both physically and financially beyond his or her resources, provided that any work so authorised does not exceed Council's resources as provided in its annual budget.

7. Plantings in New Subdivisions and Development

- Council should ensure that the developer plants all streets within new developments within 1 year of completion of roads and service infrastructure instalment.
- Residents should be advised in advance as to the species to be planted and the proposed planting programme.
- Where development is proposed on private property containing significant flora, discussion shall take place between the developer, Manager Environmental and Regulatory Services / Major Projects and Team Leader – Parks and Gardens before plans are lodged, with the aim of retention and protection of significant species.
- Retention of significant vegetation/trees must be considered a priority regardless of whether they are native or exotic.
- Should significant trees be of native vegetation type then consultation with the Native Vegetation Council must be undertaken if required.

8. Watering

Council accepts the responsibility for the post planting care and maintenance of all street trees; however, owners/occupiers will be encouraged to assist with street tree watering.

- The Berri Barmera Council shall undertake the watering of all new street trees, as and when required, until the trees are established (approximately 2-year period).
- Street tree watering shall include all of the Berri Barmera Council's programmed plantings as well as those planted on request from owners/occupiers.
- Property owners and occupiers shall be encouraged to water their street tree during the establishment period. Communication will be made with the resident soon after the tree is planted.
- The Berri Barmera Council shall adopt appropriate practices of pre and post planting care to ensure the survival of all trees planted.

9. Pruning Under Powerlines

SA Power Networks (SAPN) is responsible for the pruning of all street trees under power lines on a three-year cycle basis. An agreement to this effect has been signed between Council and SAPN.

Council will meet with SAPN or their nominated contractors once in the Council area to discuss any perceived problems with nominated trees or line of trees. Where deemed prudent by Council, a line of trees may be subject to complete removal and SA Power Networks may have their contractors carry out all or a substantial amount of this work at their cost.

Tree planted under power lines must be of an allowable species nominated by the regulations.

Programmed street tree pruning shall normally be to fulfil any of the following requirements.

- To clear the tree canopy from interference with overhead powerlines and other essential services in accordance with safe electrical requirements.
- To remove overhanging branches considered hazardous to pedestrian or vehicular traffic, buildings or structures.
- To under prune low growing branches considered hazardous to traffic or pedestrians.
- To form the shape of developing trees.
- To re-define the framework of mature trees.
- To rejuvenate vigor into unthrifty growth.
- To reduce crown density or to redistribute growth to lateral branches.
- To remove dead, dying, diseased or pest infected limbs and branches.

9.1. Pruning – General

Pruning may be undertaken in the following circumstances:

- Public Safety
- Traffic and pedestrian hazard
- Human health hazard
- Reducing structural risk to the tree
- Removing growth abnormality or disease

Property Owners may apply in writing to the Manager of Infrastructure and Operations requesting pruning of street trees. Applications will be assessed and approved by the Works Coordinator and Team Leader - Parks and Gardens.

9.2. Tree Trimming/Removal – Procedure

- That all work complies with Australian Standard AS 4373- 2007, “Pruning of Amenity trees”.
- Contractors must supply Contractor Management Documentation to the Manager of Infrastructure and Operations or his representative prior to works being undertaken in the District.
- If not a sole operator the Contractor and employees be adequately covered under “Work cover”.
- That all equipment and machinery meet Occupational Health & Safety Standards as required under the Act, and in accordance with Council’s Contracting Occupational Health Safety and Welfare policies.

9.3. Procedural Requirements

9.3.1. The work area is to be made safe to the general public by:

- Barricading off the work site to restrict movement through the site via cones or bunting.
- Provision of a responsible ground person.
- Ensure correct Road Signs are erected in accordance with the Road Traffic Act requirements.
- Provide a safe corridor for vehicular traffic to reduce the possibility of damage to vehicles from falling limbs.

9.3.2. Tree pruning and removal is to be undertaken in accordance with accepted Arboriculture Principles of the” Australian Standard” AS4373-2007 “Pruning of Amenity Trees”.

This policy has been developed to provide guidelines and a standard operating procedure for all Tree Contractors utilised by Council in Tree Trimming and Removal procedures and that all statutory requirements are met, and Councils Legal position and integrity are protected and maintained.

To provide and maintain a safe working environment for both Contractors and the community it is essential to have written works requirements which outline Councils agreed procedures.

It is important to ensure that not only the Horticultural practices are undertaken but also the community are protected during the proposed works.

10. Unauthorised Street Trees

Street trees planted without Council’s approval will be considered unauthorized as per details furnished below.

10.1. An unauthorised street tree planting shall constitute any one of the following:

- A tree planted without the authority of the Manager of Infrastructure and Operations or his representative.
- A tree planted of an inappropriate species for verge planting or under powerlines.
- A tree planted out of alignment.

- 10.2. Where an unauthorised street tree planting is identified, Manager of Infrastructure and Operations or Team Leader – Parks and Gardens shall determine whether the planting can be retained if it conforms to the Council's planting specifications and to species choice.
- 10.3. Where the planting is of a recent origin and the tree is of a conforming species but on the incorrect alignment or spacing, the Berri Barmera Council shall appropriately relocate the tree after the owner /occupier has been notified and providing the species lends itself to transplanting.
- 10.4. Where the planting is of a recent origin and the tree is non-conforming in species and planting specifications, the owner /occupier shall be given the option of relocating the tree on private property. Such removal shall be accordance with Manager of Infrastructure and Operations or Team Leader – Parks and Gardens direction and at full cost to the owner /occupier of the adjacent property.
- 10.5. Where the planting is more established, and the species considered inappropriate for transplanting, associated policy relating to Street Tree Pruning and /or Street Tree Removal shall apply.

11. Street Tree Removal

The Berri Barmera Council will not remove street trees unless warranted under exceptional circumstances relating to public risk and safety. Owing to the hazardous nature of the task owner /occupier will not be granted permission to remove trees.

- 11.1. The Berri Barmera Council shall undertake the removal of street trees under the following circumstances:
 - Trees that are dead or diseased and beyond remedial treatment.
 - Trees that have been assessed as structurally weak and dangerous and place the public at risk.
 - Trees that have been irreparably weather damaged from a storm.
 - Trees that are a hazard to motorists /pedestrians owing to restrict vision of traffic presented by the tree from being on a non-conforming alignment or spacing.
 - In the event of road widening or re-alignment where adjustment to property setbacks and underground services has to occur and every option of preventing the tree being removed had been investigated without success.
 - Where the tree is dangerously in contact with overhead powerlines or distributor wires to properties and where for reasons of growth habit pertaining to the species, selective pruning is not practical with the only option being severe lopping.
 - Trees, which are, approved for removal under a redevelopment or relocation program or because of high maintenance costs due to i.e. unsuitable species growing under powerlines, excessive side growth on main trunks etc.
- 11.2. The following shall not constitute sufficient reason for the removal of street trees:
 - Growth of the tree obscuring scenic views.
 - Dislike of the species planted or in growth habit.

- Leaf, fruit or bark shedding being a nuisance.
 - Allergies or health problems being experienced (Without medical report.
 - The tree being in the way of a second, non-essential driveway crossover.
 - Shading of private garden, solar hot water installation and solar power panels.
- 11.3. Under special circumstances owner /occupier requests may be considered by council.
- 11.4. Under special circumstances public consultation should be undertaken for cases where trees have any known historic importance or may be considered to have additional significance to the streetscape amenity using the following possible options:
- Verbal /written liaison with the adjoining or affected owner /occupier.
 - Locality information signage displays.
 - Advertisement in the public newspapers, and if deemed necessary by the Manager of Infrastructure and Operations, referred for consideration by Council.
- 11.5. Arboriculture assistance may be sought when circumstances warrant such specific consultative input.
- 11.6. Where trees are removed Team Leader – Parks and Gardens in consultation with adjoining property owners shall select and arrange tree replanting as part of the Works Departments annual tree planting program, except where a replacement tree may create a potential public road safety hazard.

12. Roadside Vegetation Clearance

Where native roadside vegetation and other vegetation encroaches on to carriageways and requires trimming back, then consultation is required with the Team Leader – Parks and Gardens to determine the extent and pruning techniques required. Where the vegetation is deemed remnant, then consultation between Team Leader – Parks and Gardens and the Manager of Infrastructure and Operations or their representative will be undertaken to ensure that the vegetation is preserved and that road safety is not comprised.

13. Trees Overhanging into Private Property

- Where a request from a property owner seeking removal or lopping of roadside trees (which overhang the property) is received, the request shall be investigated by the Manager of Infrastructure and Operations or his representative.
- If the situation is one where an obvious hazard, either in the form of limbs falling from the tree or trees, including dead or decaying trees, is presented to life and/or improvements on the property by the overhanging tree or trees, then Council shall accept responsibility to remove the tree or trees or to lop limbs, whichever action is considered by the Manager of Infrastructure and Operations to be appropriate. The work shall be arranged as soon as practical after inspection dependant on the level of risk.
- Before commencing work, the owner of the property shall be advised generally of the terms of Section 245 of the Local Government Act 1999 and of what damage is likely to be caused to the property during the course of the work.
- No work shall be undertaken, and no workmen or equipment shall enter the property unless the property owner first signs an agreement indemnifying Council from unavoidable damage as outlined above and giving approval for Council workmen and equipment to enter the property to perform the work.

- The above procedure may be overlooked in an emergency situation where a direct threat to life or property is presented.
- If the Manager of Infrastructure and Operations or his representative is unsure that a hazardous situation exists, a suitably qualified arborist be consulted.
- If no hazard is deemed to exist, the owner of the property shall be advised of the contents of Section 245 of the Local Government Act 1999 as amended and of his or her rights to undertake lopping of vegetation, which overhangs the property boundary. Council will undertake to remove any limbs so lopped, provided that they are stacked neatly at an accessible location and prior arrangement is made with the Manager of Infrastructure and Operations or his representative.
- This procedure provides the guidelines for the pruning of limbs (or branches) overhanging private property and outlining the procedures required prior to any work being undertaken and the rights of residents in relation to pruning trees on Council land.

14. Trees Overhanging from Private Property

Owners of trees overhanging from within their property and causing a nuisance to pedestrians or vehicles will be requested to trim their trees back to the common boundary. In the event of no action being taken by the owner within a fortnight a second reminder will be served, after which if no action is taken then Council will carry out necessary works and cost of such works will be recovered from the concerned ratepayer.

15. Removal for Driveway Construction

Should a street tree require removal as a consequence of the development or redevelopment of a property or to facilitate a driveway installation, the Manager of Infrastructure and Operations will consider approval following receipt of a request in writing.

The applicant be advised of any specific condition(s), which may compensate Council for removal costs, or agreement to replant or maintain the road reserve, in writing.

16. Pruning of Screening Plants

Pruning of screening plant/s should be to a level to maintain clear pedestrian or vehicular access along walkways or carriageways, and only light trimming will be required in most instances.

Should heavier pruning be required then the Team Leader – Parks and Gardens will investigate the extent of pruning required and arrange for carrying out of works under his supervision.

It is recommended that only parks and garden staff should undertake pruning in sensitive areas, as specific pruning techniques may be required for various species.

17. Road Verge Clearance

Road shoulders are to be kept free of regrowth for a minimum distance of 1.5m from the edge of the road seal, on bitumen roads to allow for safe passing and driver error. On unsealed roads it is more difficult and less critical to define and maintain clearances due to protection of Native Vegetation, however the following criteria should be taken into account:

- Sufficient trimming of roadside vegetation should be undertaken to avoid accidents and damage to vehicles especially at road junctions and intersections.
- Reduction of fire risk and fire hazards.
- Controlled elimination of pest plants.
- Elimination of invasive non-indigenous vegetation.
- To facilitate maintenance, road shoulders should be free of excessive growth in order to allow adequate drainage of water from the road pavement, and for the provision and the maintenance of roadside drains.
- Seeking approval/advice from Native Vegetation Board.

17.1. Work Practices

Sealed Roadways:

- Road shoulders should be generally slashed or mown for a distance of 1.5m from the edge of the road seal, and in such a manner that guideposts are clearly visible.
- Selected areas (for example, bends and intersections) may be cleared at the discretion of the Manager of Infrastructure and Operations (in consultation with the Construction Team Leader) with such clearing being performed having regard to safety of road users, sight distance requirements and the nature of the vegetation.
- Vegetation encroaching on to roadways, which causes a hazard to road users, shall be removed at the discretion of the Manager Infrastructure Services (in consultation with the Team Leader Parks and Gardens) including emergency situations.

Unsealed roadways:

Unsealed roads shall be graded and maintained to the original constructed width, and other clearing shall be at the discretion of the Manager of Infrastructure and Operations (in consultation with the Team Leader Construction and Works Coordinator).

Roadsides generally:

- Attention shall be given to areas of pest plant infestation and fire hazard situations (consult with Manager of Infrastructure and Operations) to conform to Council's control programme where practicable.
- Attention will be given to areas of invasive non-indigenous vegetation, and proposals to reduce these areas to be reported to Council.

18. Street Tree Relocation

Where practicable, necessary and suitable, the Berri Barmera Council will encourage the relocation of trees on private property or within road and public reserves, rather than removal subject to the species and tree size being able to be successfully relocated without causing possible damage to existing features and infrastructure, subject to budget funding availability.

- Application for relocation of a tree may be made in writing to the Manager of Infrastructure and Operations, who will in turn arrange a site evaluation inspection, by the Council's Team Leader – Parks and Gardens. The Council will consider only suitable, healthy trees with known high transplanting success rate.

- Every endeavour will be made to relocate suitable trees in accordance with the following conditions:
 - Where the tree species and size are considered appropriate for relocation by the Team Leader Parks and Gardens.
 - If located on the road reserve, where no major damage to existing services or features is envisaged.
 - If located on private property where open access to the tree is available and no damage to existing features is envisaged.
 - Where funds exist within the Council's budget to enable the tree to be relocated.
 - Where a suitable site exists for the tree to be relocated.
- Where trees on private property are considered unsuitable for relocation in accordance with the guidelines of this policy, the Council's Team Leader – Parks and Gardens will in the first instance provide horticulture advice to the owner of the private property on features of the tree.

19. Approved Species

The Berri Barmera Council approves planting of specified tree species on road verges in accordance with Council guidelines. Council's Parks and Gardens Team Leader may recommend other species through applications to the Manager of Infrastructure and Operations for consideration and approval.

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