



Tree and Streetscape Policy

Adopted	19 February 2014
Recommendation Number	26 / 0214
Review Date	February 2016

1 Introduction

This policy aims to establish guidelines for the management and administration of street trees on roads in towns & settlements in the Southern Mallee District Council. It provides a process which enables Council Officers to deal with matters pertaining to trees on road reserves in towns and settlements to satisfy the expectations of Council and the community.

The policy covers the following matters specifically;

- 1.1 Planting of street trees
- 1.2 Cutting or trimming of Street trees
- 1.3 Treating trees for disease or infestation
- 1.4 Removal of street trees

While the policy provides guidelines that can be applied to all situations, Council may make alternative resolutions to ensure outcomes accord with Council's strategic and operational objectives.

2 Legislative Background - Local Government Act 1999.

“Sec 208.

(1) All public roads in the area of a council are vested in the council in fee simple under the Real Property Act 1886 (and any land so vested that has not been previously brought under that Act is automatically brought under that Act without further application).”

“Sec. 221

(1) A person (other than the council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by the council.

Maximum penalty \$5,000.

(2) A person makes an alteration to a public road if the person-

- (e) plants a tree or other vegetation on the road, interferes with vegetation on the road, or removes vegetation from the road.

2 Legislative Background - Local Government Act 1999.

“Section 245

(1) A council is not liable for any damage to property which results from-

- (a) the planting of a tree in a road; or
- (b) the existence of a tree growing in a road (whether planted by the council or not).

(2) However, if-

- (a) the owner or occupier of property adjacent to the road has made a written request to the council to take reasonable action to avert a risk of damage to property of the owner or occupier from the tree; and
- (b) the council has failed to take reasonable action in response to the request, the council may be liable for any damage to property that would have been averted if the council had taken reasonable action in response to the request.”

“Section 232

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 Definition

In this policy any reference to E.T.S.A. will include all persons or authorities with the role of delivering or distributing electricity to the district.

4 Policy Statement

4.1 Planting of Street Trees

Prior to the planting of a tree in any street Council will take the following matters into consideration

- 4.1.1 The application of Section 232 of the Act as detailed above, including but not limited to the potential for tree roots to disrupt kerbing and road and footway surfaces
- 4.1.2 The general amenity of the area
- 4.1.3 E.T.S.A. lists of approved species for planting underneath power lines where applicable
- 4.1.4 S.A Water lists of approved species
- 4.1.5 Council's list of approved species for planting as street trees

Where a planting program involves a whole street or a major part of a street, i.e. is not a replacement program involving individual trees, Council will consult with property owners in the street in accordance with the Public Consultation Policy.

4.2 Cutting or trimming of Street trees

Trees may be cut, pruned or trimmed including pollarding where Council considers it appropriate to do so. This action may be taken by or approved by Council taking into account the following matters

- 4.2.1 The safety of traffic including pedestrians
- 4.2.2 The general amenity of the area
- 4.2.3 Clearance from power lines in accordance with E.T.S.A. requirements
- 4.2.4 Requests in writing from owner or occupier of adjoining property regarding safety of property or persons

4 Policy Statement

4.3 Treating trees for disease or infestation

Trees may require treatment for disease or infestation. If the appropriate treatment includes the use of toxic chemicals the treatment will only be carried out by persons qualified to use those chemicals and after adjoining residents have been notified.

In circumstances where white ants are affecting a street tree and an adjoining property, Council may provide the property owner with approval in writing to treat a street tree or trees in conjunction with the adjoining property at the expense of the owner of the adjoining property.

When deciding whether to treat a street tree the following matters will be taken into account

- 4.3.1 The safety of traffic including pedestrians
- 4.3.2 The general amenity of the area
- 4.3.3 Requests in writing from adjoining residents
- 4.3.4 The safety of adjoining residents

4.4 Removal of street trees

The removal of street trees may on occasions be necessary. When considering proposals to remove street trees the following matters will be taken into account

- 4.4.1 The condition and general location of the tree
- 4.4.2 The tree species
- 4.4.3 The safety of traffic including pedestrians
- 4.4.4 The general amenity of the area
- 4.4.5 Clearance from power lines in accordance with E.T.S.A. requirements
- 4.4.6 Requests in writing from owner or occupier of adjoining property regarding safety of property or persons

4 Policy Statement

Prior to making a decision to remove a live street tree that has a diameter of 150mm or greater at a point 300mm from ground level at the base of the tree, Council will consult with the occupier of the property adjoining, and if the tree is located within two metres of the boundary between two properties, with the occupier of that other nearby property also.

Prior to making a decision to remove the trees in a whole street or a major part of a street, i.e. not a removal program involving individual trees, Council will consult with property owners in the street in accordance with the Public Consultation Policy.

In the situation where the tree under consideration is a feral pine of the species Aleppo Pine and Pinus Radiata or a wattle of the species Acacia Saligna and Acacia Longifolia and is of a size to warrant advice to the owner of neighbouring properties in accordance with this paragraph, such advice will be given, however in all except the most exceptional of circumstances such trees will be removed as they are not considered to be suitable as street trees in this district and the spread of the species is not encouraged.

All dead street trees will be removed without any need for consultation.

5 Further Information

Members of the public may inspect this Policy on Council's website www.southernmallee.sa.gov.au and at the principal office of the Southern Mallee District Council at Day Street, Pinnaroo SA 5304.

On payment of a fee, a copy of this Policy may be obtained from the Council, or otherwise may be downloaded for free from the Council's website.

Any queries in relation to this Policy should be directed to the Chief Executive Officer contactable at the principal office on 8577 8002.

6 Policy Review

This policy will be within two years or as required by Council.

The Council may at any time alter this policy, or substitute a new policy.