Tree Removal Guidelines

CITY OF PROSPECT

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Responsibility:	Director City Works & Presentation
Responsible Officer (s):	Manager Assets & Maintenance
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Legislation:	Development Act 1993 (SA) Local Government Act 1999 (SA) Planning, Development and Infrastructure Act 2016 (SA) Native Vegetation Act 1991 (SA) Environment Protection Act 1993 (SA) Road Traffic Act 1961 (SA)
Related Documents:	Tree Strategy 2021-2026 Strategic Community Plan 2023-2027

1 Purpose

1.1 The Tree Removal Guidelines (the "Guidelines") is intended to deal with the removal of trees across all areas of City of Prospects Council's operations including:

- Council's commitments in relation to trees under its Tree Strategy
- Planning and Development Assessment issues.
- The 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 (SA), the Council is required to deal with Significant or Regulated Trees.)
- Civil and personal liability issues.

2 Definitions

2.1 Definitions for the purpose of the Guidelines are:

2.1.1 "Council" means the City of Prospect.

2.1.2 "Council land' means 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. Such as parks and gardens, urban biodiversity reserves, rural reserves, urban streets and rural roads.

2.1.3 "Private Land" means Land owned by individuals or organisations that is not under Council's care or control.

2.1.4 "Individual" means any person and includes contractors, Elected Members, employees, ratepayers, residents and volunteers of Prospect Council.

2.1.5 "Tree" means a perennial woody plant with a defined canopy greater than two and a half metres (2.5 m) in height at optimum maturity.

2.1.6 "Tree Removal" means the complete removal of a tree, including its trunk, branches, and root system, from its growing location.

2.1.7 "Pruning" means the selective removal of branches or stems to improve tree health, structure, or safety without removing the entire tree.

2.1.8 "Senescing Tree" means a tree that is in the natural process of aging and decline but is not yet dead.

2.1.9 **"**Nuisance" means effects caused by the presence of a tree that a party considers unreasonable but is not considered unacceptable by Council Staff.

2.1.10 "Pest tree" means any plant declared for control under the Natural Resources Management Act 2004, or any tree identified as an environmental pest.

2.1.11 "Habitat Value" means the ecological importance of a tree in providing shelter, nesting sites, or food for wildlife.

2.1.12 "Amenity Value" means the aesthetic, environmental, and social benefits provided by a tree, often calculated using a recognised valuation method.

2.1.13 "Risk Assessment" means a formal process undertaken by Council staff to evaluate the likelihood and consequences of a tree causing harm to people or property.

2.1.14 "Regulated Tree" and "Significant Tree" means a tree that meets the criteria under the *Planning, Development and Infrastructure Act 2016 (SA)* for size, species, or heritage value.

2.1.15 "Tree Vandalism" means any unauthorised act that damages or destroys a tree, including poisoning, cutting, ringbarking, or removal.

2.1.16 "Customer Request (CRM)" means Councils official system for lodging service requests, including tree removal applications.

2.1.17 "Development Application" means A formal application for development approval under the *Planning, Development and Infrastructure Act 2016 (SA)*.

3 Scope

3.1 The Guidelines provides a framework for a strategic approach to tree removal in accordance with the objectives of Council's Strategic Plan, Tree Strategy and environmental sustainability commitments.

3.2 The fundamental aim of the Guidelines is to illustrate the link between the safe, sustainable, and cost-effective management of trees and vegetation and the service delivery needs of our community.

3.3 Council is committed to implementing a systematic tree management methodology to ensure appropriate best practices are applied across all areas of Council. This includes ensuring that trees are assessed, maintained, removed, and replaced in accordance with Council's service delivery priorities and environmental objectives.

3.4 Tree management practices directly impact the core business of Council, and appropriate tree removal processes are required to achieve our strategic service delivery and environmental objectives.

3.5 A strategic approach to tree removal will ensure that Council delivers the highest appropriate level of safety and amenity through its urban forest. This will positively impact:

3.5.1 Members of the public and staff safety and wellbeing;

3.5.2 Council's financial position and resource allocation;

3.5.3 The ability of Council to maintain expected levels of amenity and environmental quality;

3.5.4 he political and community environment in which Council operates; and

3.5.5 the legal and regulatory compliance obligations of Council.

3.6 Council will ensure that adequate provision is made for the long-term management and replacement of trees by:

3.6.1 Ensuring that tree removal and replacement are undertaken in a sustainable manner, balancing safety, amenity, and environmental outcomes for residents, visitors, and biodiversity.

3.6.2 Safeguarding Council assets, including trees and public spaces, by implementing appropriate tree management strategies and allocating financial resources for these activities.

3.6.3 Meeting legislative and regulatory requirements for tree removal and environmental protection.

3.6.4 Demonstrating transparent and responsible tree removal processes that align with best practice and community expectations.

4 Legislative and Corporate Requirements

4.1 Local Government Act, Section 245 – Liability for injury, damage or loss caused by certain trees

(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.

Tree removal is an essential tool to manage urban trees. The removal and replacement of aging, poorly structured or poor health, inappropriate species, dead or diseased trees are essential to ensure public safety is maintained and this important community asset continues for future generations.

The difficulty for Councils comes as urban trees age and decline and decisions need to be made on their future. In some cases, it may be necessary to retain a tree beyond its peak aesthetics because of its age, dimensions, rarity or association with a particular historical event or person. However, this is subject to the level of risk, historical and social significance, aesthetics and cost.

Council will, through the application of sound procedures and processes, manage the strategic replacement of inappropriate, dead or missing trees and trees in poor health or structurally unsound.

5 Application of Guidelines

5.1 Tree Removal on Council Land

5.1.1 Trees, whether alive, senescing or dead, have an intrinsic value as habitat and their removal is viewed by Council as undesirable but recognises it may be required on occasions. The removal of a tree (other than a pest or dangerous tree) will be treated by Council as the option of last resort and pruning being preferable to removal.

5.1.2 The removal of any tree whether it is dead, alive, fallen or standing, on Council land without prior approval from Council is strictly prohibited and proven non-compliance may result in prosecution and penalties based on the recognised valuation method.

5.1.3 Individuals or organisations seeking removal of a tree from Council land must state clearly the location, the exact tree and reasons for the request. Applications must be submitted to Council using one of the following methods: In writing via email, Customer Request (CRM) or post box;

(1) In writing via email, Customer Request (CRM) or post box;

(2) Application for a 221 permit (section 221 Alteration of Road Application Type 1);

(3) Through the Development Application process, if applicable

5.1.4 Dead trees with habitat value (i.e. that contain nesting or habitat hollows) or that are of historical merit that pose minimal risks to public safety may be retained. These trees, if required, will be reduced in height to an acceptable level, to reduce hazard potential, while maintaining the maximum number of hollows for habitat value. All other dead trees will be removed following assessment

5.1.5 Council staff may approve a tree removal request (at no cost to the applicant) in the following circumstances:

(1) The tree is dead, dying and or diseased;

(2) Through council staff undertaking a risk assessment process that determines that the tree presents an unacceptable level of risk to a person or property;

(3) The tree is unsuitable as it does not meet the strategic objectives of this Council or legislative requirements or has been identified for removal in a project approved by Council;

(4) To replace poorly performing trees or trees of low amenity value;

(5) The tree is planted in an unsuitable position in the opinion of council;

(6) Any other reasonable consideration if approved by a decision of Council.

5.1.6 Trees that do not meet any of the removal criteria specified in clause 1.4 will not be removed or substantially pruned for other reasons, including but not necessarily limited to:

(1) Obscures or will potentially obscures private views;

(2) Species type unless inappropriate as determined by CEO or delegated officer of Council;

(3) Nuisance by way of leaf, fruit, bark shedding or other natural processes;

(4) Attracting wildlife that causes nuisance;

(5) Creating shade including shading over solar panels;

(6) Development where reasonable alternatives to conserve tree(s) have been considered.

5.2 Tree Removal for Development Benefit

5.2.1 In additional to the provisions for removal of a tree in clause 1.4, Council may approve a tree removal request to accommodate development under the following conditions:

(1) If Council staff consider that possible alternative responses (such as the relocation of services and access points, redesign of the proposal, use of an established cross-over if available and pruning rather than removal or relocation of the tree) are not reasonably practicable;

(2) All costs associated with tree removal will be at the applicant's expense and all payment must be made prior to the commencement of any development works. The applicant may be expected to pay the following:

(a) Amenity Value;

(b) Arborist report costs;

(c) Removal costs; and

(d) Re-establishment costs of replacement trees

5.3 Tree Removal on Private Land

5.3.1 The management of trees located on private land, including the impacts of such trees on neighbouring property, are the responsibility of the land owner.

5.3.2 Council may require the owner or occupier of land to maintain vegetation encroaching onto Council land (such as a footpath, road or urban biodiversity reserve). If this is not undertaken in a timely manner, Council staff are authorised under the Local Government Act 1999 (SA) to undertake the work and recover the costs of such work from the owner or occupier of that property.

5.3.3 If the trunk of a tree is located on the boundary between private land and Council land, Council shall be responsible for the management of that tree.

5.4 Regulated and Significant Tree Removal

5.4.1 Council acknowledges that Regulated and Significant public tree assets provide considerable environmental and aesthetic benefits for the community. Any tree removal or tree damaging activities will be in accordance with the Planning, Development and Infrastructure Act 2016 (SA) – Regulated and Significant Trees Amendment 2024.

5.4.2 Development approval is required for works that would result in the removal, destruction, branch or limb lopping, ringbarking or topping, or any other substantial damage to a regulated or significant tree, including to its root system, other than maintenance pruning. This can include development that involves undertaking building or demolition works that would occur in close proximity to a regulated or significant tree.

5.4.3 Final decision of the removal of a significant or regulated tree is to be approved by a decision of Council, except in emergency circumstances where the tree presents an unacceptable level of risk to a person or property; or irreparable damage has occurred, and the tree is determined to not regain its amenity value.

5.4.4 Where tree(s) are approved for removal by Council staff to accommodate development, all costs associated with tree removal will be at the applicant's expense and all works will be completed by council. Payment must be made prior to the commencement of any development work. The applicant will be expected to pay the following:

(1) Amenity Value;

(2) Arborist report costs;

(3) Removal costs; and

(4) Re-establishment costs of replacement trees

5.5 Tree Vandalism

5.5.1 It is an offence to poison, prune, remove, deface, or otherwise interfere with or cause unauthorised damage to trees on Council land under the Planning, Development and Infrastructure Act 2016 (SA).

5.5.2 Proven non-compliance should be expected to result in penalties including prosecution. 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, referral to the Native Vegetation Compliance Unit for investigation and the prosecution of offenders.

6 Review

6.1 The Guidelines will be reviewed once per Council term or as required by legislation.

7 Access to the Guidelines

7.1 The Guidelines is available for public inspection on Council's website www.prospect.sa.gov.au and from Customer Service at the Civic Centre, 128 Prospect Road, Prospect SA 5082.

8 Further Information

8.1 For further information about the Guidelines please contact:

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