



**LANGEBERG  
MUNICIPALITY  
TREE POLICY  
FIRST DRAFT  
OCTOBER 2011**

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# PURPOSE

The purpose of this policy is to ensure uniformity regarding tree management within the Langeberg Municipality. This policy must be linked to our I.D.P. This policy aimed to address two sets of issues:-

- ❖ General urban greening deterioration
- ❖ Global environmental crisis e.g. global warming, erosion etc

Various tree species have different growth characteristics i.e. shape, growth rate, size when full grown, wind and drought resistance, vigorous and aggressive root systems, deciduous or evergreen, flower and fruit bearing. These characteristics must be kept in mind when trees species are selected for planting in residential areas and other public areas.

We are having a problem where, in the past, many trees of the wrong species, both indigenous and exotic, have been planted in our sidewalks resulting in numerous complaints from residents about tree debris littering streets, root damage to property and obstruction of power lines. Most of these complaints are accompanied by request to have these trees should be removed and each request must be fully investigated and treated according to its own merit, removal should be considered only as the very last option.

In some developing areas there is a lack of awareness regarding the benefits of trees. Programmes to promote greening such Arbor week (month), garden competitions (community and domestic) should be taken very seriously, as we urgently need to promote the planting of indigenous and other drought resistant plants.

# POLICY STATEMENT

To promote greening and tree planting in the towns of Langeberg Municipality, an integrated approach to the planting, care and management of all vegetation in town must be followed to secure multiple environment and social benefits for our communities.

## POLICY OBJECTIVES AND BENEFITS

The objectives of this policy are as follows:

1. To manage the street trees in the Langeberg Municipal area on a simple, but efficient way in order to secure our street trees for the generations to come.
2. To regulate the protection, planting and removal of street trees in the Langeberg area.
3. Encourage the proper protection and maintenance of all existing trees.
4. Promote the prevention of removal of trees on private land.
5. Establish a Tree Evaluation Formula for the loss of existing trees.
6. To maintain a set standard for the managing of street trees in the Langeberg.
7. To promote the planting of indigenous and other drought resistant plants.
8. To promote tourism by beautifying scenic routes and thoroughfares to and in the city by the planting of trees.
9. To promote investment by upgrading / improving the aesthetics of the city's industrial areas by tree planting.
10. To ensure an integrated approach regarding planting, maintenance and removal of trees, according to sound arboricultural practices.
11. To contribute to crime prevention by introducing tree maintenance programs in order to control vegetative overgrowth on public land and parks.
12. To ensure an integrated approach regarding planning of new suburbs and housing projects.
13. To promote the planting of trees through the active involvement of Parks Section in the annual Arbor Week programs.
14. To promote greening and maximize tree planting in the Langeberg.
15. To ensure integrated planning with other departments and functionaries i.e. Civil and Electrical departments and Telkom, etc to prevent unnecessary damage to trees during construction.
16. To assist in poverty relief, fruit trees can be introduced in the Community gardens and homes.
17. To compile and continuously update, a tree inventory of all trees growing on Municipal property in the Langeberg Municipal area.
18. To educate the communities of the Langeberg to appreciate the benefits of conserving the environment. These benefits include following:

### ❖ **Environmental benefits**

- i. Climate amelioration
- ii. Flood control
- iii. Erosion control
- iv. Air pollution control

- v. Energy conservation
- vi. Noise pollution control
- vii. Land reclamation

❖ **Amenity benefits**

- i. Recreation
- ii. Aesthetics
- iii. Education
- iv. Health and well being
- v. Cultural and religious rituals

❖ **Material benefits**

- i. Food and fruit
- ii. Medicine

# LEGISLATION

Legislation governing the Tree policy includes:

## **The Constitution of the Republic of South Africa, 1996 Chapter 2: Bill of Rights**

Everyone has the right:

- To an environment that is not harmful to their health or well being and
- To have the environment protected for the benefit of present and future generation through reasonable legislative and other measures that:
  - a. Prevent pollution and ecological degradation;
  - b. Promote conservation;
  - c. Secure ecological sustainable development and use of natural resources while promoting justifiable economic and social development.

## **Water Services Act, 1997 [Act No 108 of 1997]**

One of the main objectives of this Act is the promotion of effective water resource management and conservation. It is therefore important to promote the planting of indigenous and other drought tolerant plants to ensure the optimum use of our limited water resources.

## **Environmental Conservation Act, 1989 [Act No 73 of 1989]**

Section 21 in Part V of this act, provision is made whereby the minister may identify activities which may have a detrimental effect on the environment. Tree planting may be identified as such an activity that may not be undertaken in a particular area.

## **Forest Act [Act No 84 of 1998]**

This Act makes provision under section 5 of the Forest Act 72 of 1968 in force by section 89 [4] of Act 122 of 1984 for the declaration of a particular species or group of trees or trees belonging to a particular species on any land to be protected. Maintenance of protected trees on the public land is also subject to the necessary approval from the Minister of Water Affairs and Forestry prior to implantation.

## **Conservation of Agricultural Resources Act, 1983 [CARA] [Act No 84 of 1998]**

Under section 29 regulations were made in which certain plants were categorized as

Category 1: Plants declared as weeds - may not occur on any land

Category 2: Plants declared as invaders- may be cultivated and planted under controlled circumstances.

Category 3: Plants declared as invaders – Plants already in existence at the time of the commencement of these regulations may be retained but may not be propagated or planted.

The list of Declared Alien Plant Invader Species of South Africa may be viewed at [www.agis.agric.za/wip/](http://www.agis.agric.za/wip/)

**National Environmental Management Act, 1998[Act No 107 of 1998]**

Section 2 of this sets out principles that need to be considered prior to tree planting projects. This includes the avoidance of the disturbance of ecosystems and loss of biological diversity, and that people and their needs must be placed at the forefront of Environmental Management concern.

Section 24. The potential impact of any activities on the environment, the socio economic conditions and the cultural heritage, must be considered investigated and assessed prior to implementation.

# PLANTING OF NEW TREES

Open Space Management plants trees on public land either at the initiative of its own staff or at the request of residents. The planting of trees in the towns must be promoted by the implementation of sustained planting programmes with community participation.

Preference is given to the planting of indigenous trees. Species selection is of outmost importance in order to eliminate future problems associated with the growth characteristics of certain trees species, for example damage resulting from aggressive root systems and excessive height that might obstruct and disturb street lights and power lines.

## **Categories of planting are:**

- i. New plantings, watered and cared for by Parks Department in partnership with community.
- ii. Replacement of existing trees

## **General Guidelines of Planting or Greening**

1. Trees are to be planted allowing unobstructed pedestrian flow.
2. A tree basin of 1meter by 1 meter will be built around each tree.
3. No trees to be planted where prohibited by services, e.g water, electricity, Telkom lines, etc.
4. No planting to be undertaken which would impair visibility or create a traffic hazard.
5. No planting of trees should be considered:
  - 5.1. on a pavement less than 3 meters wide
  - 5.2. close to driveway or road intersection where it is likely to impair sight lines of motorists, cyclists or pedestrians;
  - 5.3. where it will obstruct sight lines to traffic signs, signals or direction signs;
  - 5.4. where pedestrian paths will be obstructed in such a way to cause people to walk in the street, or which makes passage by wheelchairs or push carts difficult.
6. To prevent root damage to underground services, or hardened surfaces, walls control systems may be introduced to redirect roots from the protected areas.
7. No planting to be undertaken that will interfere with any electrical stay supports. Existing street lights / lighting to be taken into consideration whilst planting is undertaken to ensure public safety.
8. No private planting on Council owned land permitted without prior consultation with the relevant Parks Department Manager.
9. Planting distance between trees will depend on the species selected and services encountered.



10. Existing trees identified to be unsuitable due to various problems, may be removed and replanted with suitable species. The replacement trees must be the same size as the one removed.
11. On pavements not wide enough to accommodate trees, consideration of a tree donation for adjacent private gardens will be given.
12. On requests from schools and Community Greening Projects, trees may be donated availability
13. The regulations under section 29 of the Conservation of Agricultural Resources Act 1983 (Act No 43 of 1983) will be adhered to, i.e. Plants declared as weeds may not at all be planted, while others that have been declared as invaders, must be controlled.
14. Trees with poisonous fruits and leaves or fruit that stains should not be planted.
15. The Parks Section will plant sidewalks with street trees in accordance with its tree planting program during the months of August, September and October.
16. The Parks Section will strive to the target of planting a total of 1000 trees per annum in the Langeberg Municipal area, depending on resources available.
17. Individual and replacement trees planting will be carried out upon written application by residents to the Directorate: Community Services.
18. Residents requesting individual tree planting must undertake to water the trees until they becomes established (normally three years).
19. Planting distance between trees will depend on the species selected and existing services.
20. Choice of tree species is at the discretion of the Manager of Environmental services. (See appendix 1 for recommended species for Langeberg Municipality) and will be restricted to varieties known to be suited to the local conditions and that will enhance the beauty and diversity of the landscape of the Langeberg.
21. New trees will not be planted under the following conditions:
  - 21.1. If they interfere with existing services i.e. electricity, street lights, waterlines, sewage.
  - 21.2. Within 10 meters of an intersection.
  - 21.3. Within 3 meters of an existing driveway.
  - 21.4. If the sidewalk is less than 2.5 meters wide
  - 21.5. If the tree is a noxious weed or by the nature of its root system, form, fruit, etc. is deemed to be undesirable.
  - 21.6. If the pavement is not stabilized.
  - 21.7. If there is any overhead wires. (If the lines are high enough, a suitable tree may be planted.
  - 21.8. If there is already a tree on the property that will interfere at a later stage.

On request from schools and community greening project, trees may be donated according to available funds.

The regulations under section 29 of the Conservation of Agricultural Resources Act 1983[Act No 43 of 1983]will be adhered to i.e. Plants declared as weeds may not at all be planted, while others that have been declared as invaders must be controlled.

### **Financial Resources**

Public demand for tree planting in residential areas differs from area to area and whilst tree planting should be encouraged and promoted, Council will only be able to provide and plant trees within its financial capacity.

### **Tree Requests by Residents**

Depending on funds and the availability of suitable material, the Langeberg Municipality annually undertakes the planting of trees along sidewalks in residential areas on condition that owners or occupiers of adjacent properties accept responsibility for the maintenance, excluding pruning and pest control. To ensure adequate aftercare, only applications received from individual property owners will be considered on the prescribed manner which includes aftercare instructions and maintenance to be agreed upon.

Residents may indicate their preference for species to be planted, but Council official in charge will determine the final choice.

If space on a sidewalk is insufficient; trees may be planted inside of the private property and provided that the property owner takes full responsibility for the maintenance.

### **Trees Planted By Member of the Public**

Members of the public occasionally plant trees on public land without authority. Should the Council official notice such an unauthorized planting they should arrange to have the tree removed, if in their opinion it will cause danger to persons or property and problems to the area maintenance in the future. Failure to do so will, in effect, cause the Municipality to accept the consequences of that tree's growth by default.

Owners of the property will be permitted to plant trees on sidewalks, after the necessary approval in writing has been obtained from the relevant department. The property owner must be informed that such tree, once planted on municipal land, becomes the property of Council, but the maintenance is the responsibility of the property owner.

# MAINTENANCE, PRUNING AND REMOVAL OF TREES

The Parks department relies on the vigilance of the general public and officials throughout the Municipality, to report on the condition of any potential hazardous trees within residential areas, open space areas and along major routes .Trees declared as a protected species in terms of the Forest Act 1984[Act No 122 of 1984] may not be pruned or removed without the permission from the Minister of Water Affairs and Forestry.

## **Inspection of Trees**

In order to prevent unnecessary damage to trees during construction work, other functionalities and utility companies must obtain a right of way from the Environmental Services department prior to construction work when such work is to be carried out in the close vicinity of trees.

1. Pruning or removal of all trees on municipal property will be done by Environmental Services department or appointed contractor. Requests for pruning should be directed to the Environmental Services department
2. Pruning or removal of trees on private property or state owned land where these trees interfere with overhead or underground services is not the responsibility of the Municipality.
3. The following factors must be taken into account when pruning or removing trees:
  - Public and Property safety
  - Legal –Upon written request for the removal of any offending branches or roots encroaching upon the complainant’s property.
  - No tree located on public or Council land is to be removed unless its presence is a threat to human life or property or if the tree has died.
  - Trees classified as “declared weeds “in terms of the Conservation of Agriculture Resources Act,1983[Act 43of 1983]
  - Trees that are diseased beyond remedy
  - Trees that cause a traffic, electrical or health hazard
  - Trees that interfere with essential services where no other suitable alternative can be found
  - In accordance to a Council resolution

- On request of adjacent property owners for vehicle access, subject to the presentation of approved building plan and where no other alternative can be found.

Generally trees are only to be pruned for sound horticultural reasons. Pruning will however be considered where trees cause damage to structure or obstruct pedestrian or vehicular access or impede traffic sight sign.

### **Pruning and Removal of Trees**

While it is not denied that in certain instances trees may form a nuisance to a property owner, request for pruning or removal of trees shall not be readily approved, the complainant needs to fully motivate and the municipality will consider each request on its merits.

The applicant will be held liable for the cost of removal as well as for the aesthetic loss to the environment. This cost will be based upon the formula process for valuating a tree as set out on back pages. (Appendix 2)

Trees will **not** be pruned if:

The tree drops leaves, seeds, flowers or pods into a garden.

Sunlight is limited by a tree.

is too tall according to a complainant.

If the tree is obstructing views.

If it is claimed that the tree is interfering with TV or Internet reception.

It

### **Removal of trees in Side walks**

No trees will be cut down or removed without the approval of Langeberg Municipality.

All felling of trees will be carried out by Environmental Services department or its agents/contractor. The level to which a tree will be cut is however occasionally a subject for dispute. Traditionally trees are cut leaving a stump of the ground where this could be done without hazard to the public. Should the entire tree be removed this must be disposed of by dumping at the composting site or a registered dump site or if burying and or burning is considered the necessary permits must be obtain from the relevant departments.

### **Damage to Council owned Trees**

When damage to a Council owned tree is observed, the Council official in charge of Environmental Services department must decide whether to take action against the responsible party. Usually, this will result in a criminal charge being laid.

# TREES ON PRIVATE PROPERTY

## **Protection of Trees on Private Property.**

The Langeberg Municipality has no powers to pass legislation to protect trees on the private properties.

The Council may nevertheless stipulate as a condition of approval when applications for the rezoning or subdivision are received, that a landscape plan including tree planting and the care of existing trees be included with any development plan or building plan.

These will exclude properties for the single residential use.

The Environmental Services department will decide on the retention of conservation worthy trees. The most important criteria revolve around the impact which the tree makes on landscape, species, sizes, health and vitality of the trees and proposed site level and prevailing wind conditions.

Council official may assist with the conservation of trees protected in terms of the Forest Act [Act No 122 of 1984] by alerting the Cape Nature Conservation to the impending destruction of trees specified by the Act.

## **Protection of Public from privately owned Trees.**

Generally Council does not have jurisdiction over trees planted on private property unless they threaten the safety of road users and or the community at large.

Should a tree interfere with essential services a notice can be served in terms of the Municipal regulations compelling the owner to attend to the offending tree.

# Appendix 1

## RECOMMENDED STREET TREE LIST FOR ROBERTSON AND MCGREGOR

Acacia karoo

Acacia sieberana var woodii

Acacia xanthophloea

Rhus lancea

Rhus viminalis

Rhus chirendensis

Dias cotonifolia

Harpephyllum caffrum

Ekebergia capensis

Kiggelaria africana

Celtis africana

Grewia occidentalis

Curtisia dentata

Nuxia floribunda

Syzygium guinense

## Appendix 2

The following formula can be used as a guideline to ascertain the value of a tree.

Seven factors are taken into account when calculating the aesthetic value of a tree, with each evaluation factor having four possible values.

The appointed value of each factor is multiplied by the other and the accumulative product is multiplied by the inflation rate to provide overall established monetary value of the tree, i.e. factor a x b x c x d x e x f x g = total x 6 = R total. This formula is based on the British Tree Council formula that is accepted globally by authorities.

| Factors |  | Evaluation Factor Score |                   |                   |                      |
|---------|--|-------------------------|-------------------|-------------------|----------------------|
|         |  | 1                       | 2                 | 3                 | 4                    |
| a       | Size of the tree – girth, height, width and trunk size   | Small<br>0 – 4 m        | Medium<br>4 – 8 m | Large<br>8 – 16m  | Very large<br>16 m + |
| b       | Useful life expectancy   | 10 – 20<br>years        | 20 – 40<br>years  | 40 – 100<br>years | 100 yrs +            |
| c       | Importance of position in landscape (location and function, cultural & historical value)                             | Little                  | Some              | Considerable      | Great                |
| d       | Presence of other trees, Surrounds and aesthetics  | Many<br>10 or more      | Some<br>4 - 10    | Few<br>1 - 4      | None                 |
| e       | Relation to the setting, location, foliage, cover and aesthetics   | Barely suitable         | Fairly suitable   | Very suitable     | Especially suitable  |
| f       | Form, shape, size, height, weight and look of the tree   | poor                    | fair              | good              | very good            |
| g       | Special factors – botanical value of the species, growth rate, flowers, indigenous or exotic, evergreen or deciduous | none                    | one               | two               | three+               |