

**TREE MANAGEMENT POLICY ~ DRAFT FOR FINAL ADOPTION (9/2/1/9) : (MANAGER PARKS AND AMENITIES)**

**PURPOSE**

To obtain final approval from Council for the adoption of the Tree Management Policy for the Langeberg municipal area.

**BACKGROUND**

The draft Tree Management Policy (A2883) served before *Council on 29 August 2013* and it was unanimously resolved

1. That the Tree Management Policy be adopted in principle and be advertised.
2. That the comments, if any be integrated into the document for submission to Council for consideration of the final adoption of the policy framework.

The following process plan for advertisement was followed:

An advertisement was placed on our municipal website, local newspaper Gazette as well as notice boards throughout the municipality. It was placed on 17 September 2013. Copy of the policy was also available in all our municipal offices, libraries and website for perusal.

Public was advised to lodge written comments with the Municipal Manager on or before the 15 October 2013. Comments were to be placed in an envelope and clearly marked: Comments Draft Tree Management Policy.

The draft policy is attached on Pg 367 to Pg 401 of the Annexures of the Mayco of 13 August 2014.

**COMMENTS**

No written comments were received.

**FINANCIAL IMPLICATIONS**

No financial implication

**RECOMMENDATION**

That the Tree Management Policy be adopted

**The report served at the meeting of Service Integration Portfolio Committee held on 04 August 2014.**  
**Die verslag het gedien voor die vergadering van die Geïntegreerde Dienste Portefeulje Komitee op 04 Aug 2014**  
**Aanbeveling / Recommendation**

That the Tree Management Policy be referred to the Council meeting for consideration

*Dat die Boombestuursbeleid na die Raadsvergadering verwys word vir oorweging.*

**This item served before the Executive Mayoral Committee on 13 August 2014**  
**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 13 Augustus 2014**  
**Aanbeveling / Recommendation**

That the Tree Management Policy be approved and adopted.

*Dat die Boombestuursbeleid goedgekeur en aanvaar word.*

**Hierdie verslag het voor die Raad gedien op 25 Augustus 2014**  
**This item served before Council on 25 August 2014**  
**Eenparig Besluit / Unanimously Resolved**

That the Tree Management Policy be approved and adopted.

*Dat die Boombestuursbeleid goedgekeur en aanvaar word.*



**LANGEBERG  
MUNICIPALITY  
TREE POLICY  
FINAL DRAFT**

# CONTENTS

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1. PURPOSE
  2. POLICY STATEMENT
  3. OBJECTIVE AND BENEFITS
  4. LEGISLATION
  5. PLANTING OF NEW TREES
  6. MAINTENANCE, PRUNING AND REMOVAL OF TREES
  7. TREES ON PRIVATE PROPERTY
  8. APPENDIX 1: LIST OF RECOMMENDED TREES
  9. APPENDIX 2: CALCULATION OF THE VALUE OF A TREE
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# 1. 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 aims to address two sets of issues:-

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

Different 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 have a problem where, in the past, many trees of the wrong species, both indigenous and exotic, have been planted on 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 requests to have these trees removed. Each request must be fully investigated and treated on its own merit and removal should be considered only as the very last option.

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

# 2. 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 must be followed in order to ensure multiple environmental and social benefits for our communities.

### 3. POLICY OBJECTIVES AND BENEFITS

The objectives of this policy are as follows:

- 3.1. 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;
- 3.2. To regulate the protection, planting and removal of street trees in the Langeberg area;
- 3.3. To encourage the proper protection and maintenance of all existing trees;
- 3.4. To promote the prevention of tree removal on private land;
- 3.5. To establish a Tree Evaluation Formula for the loss of existing trees;
- 3.6. To maintain a set standard for the managing of street trees in the Langeberg municipal area;
- 3.7. To promote the planting of indigenous and other drought resistant plants;
- 3.8. To promote tourism by beautifying scenic routes and thoroughfares to and in the city by the planting of trees;
- 3.9. To promote investment by upgrading / improving the aesthetics of the city's industrial areas by tree planting;
- 3.10. To ensure an integrated approach regarding planting, maintenance and removal of trees, according to sound arboricultural practices;
- 3.11. To contribute to crime prevention by introducing tree maintenance programs in order to control vegetative overgrowth on public land and parks;
- 3.12. To ensure an integrated approach regarding planning of new suburbs and housing projects;

- 3.13. To promote the planting of trees through the active involvement of the Parks Section in the annual Arbor Week programs;
- 3.14. To promote greening and maximize tree planting in the Langeberg municipal area;
- 3.15. To ensure integrated planning with other departments and functionaries i.e. Infrastructure department and Telkom, etc. to prevent unnecessary damage to trees during construction;
- 3.16. To introduce the planting of fruit trees in community – and household gardens in an effort to assist with poverty relief;
- 3.17. To compile and continuously update, a tree inventory of all trees growing on Municipal property in the Langeberg municipal area;
- 3.18. To educate the communities of the Langeberg Municipality to appreciate the benefits of conserving the environment. These benefits include the following:
  - 3.18.1. **Environmental benefits**
    - Climate amelioration
    - Flood control
    - Erosion control
    - Air pollution control
    - Energy conservation
    - Noise pollution control
    - Land reclamation
  - 3.18.2. **Amenity benefits**
    - Recreation
    - Aesthetics
    - Education
    - Health and well being
    - Cultural and religious rituals
  - 3.18.3. **Material benefits**
    - Food and fruit
    - Medicine

## 4. LEGISLATION

Legislation governing the Tree policy includes:

4.1. **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.

4.2. **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.

4.3. **Environmental Conservation Act, 1989 [Act No 73 of 1989]** - Section 21 in Part V of this act, states that the Minister may identify activities which may have a detrimental effect on the environment. Tree planting may be identified as one such activity which may not be undertaken in a particular area.

4.4. **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.



**4.5. 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 – which may not be planted on any land;

Category 2: Plants declared as invaders – which 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/)

**4.6. National Environmental Management Act, 1998[Act No 107 of 1998]** - Section 2 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 provides for the potential impact of any activities on the environment. The socio economic conditions and cultural heritage, must be considered, investigated and assessed prior to implementation.

## **5. PLANTING OF NEW TREES**

- 5.1. The Parks and Amenities department is responsible for planting trees on public land, either at the initiative of its own staff, or at the request of residents.
- 5.2. The planting of trees in the towns must be promoted by the implementation of sustained planting programmes, coupled with community participation.

- 5.3. Preference is given to the planting of indigenous trees. Species selection is of utmost importance 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 .
- 5.4. Categories of planting include:
  - 5.4.1. New plantings - watered and cared for by the Parks Department, in partnership with community; and
  - 5.4.2. The replacement of existing trees.
- 5.5. General guidelines for planting or greening -
  - 5.5.1. Trees must be planted, allowing unobstructed pedestrian flow;
  - 5.5.2. A tree basin of 1meter x 1 meter must be built around each tree;
  - 5.5.3. No trees must be planted where it is prohibited by service delivery measures, e.g. water, electricity, Telkom lines, etc.;
  - 5.5.4. No planting must be undertaken if it could result in impaired visibility or create a traffic hazard;
  - 5.5.5. No planting of trees should be considered:
    - a. on a pavement less than 3 meters wide;
    - b. close to driveways or road intersections where it is likely to impair sight lines of motorists, cyclists or pedestrians;
    - c. where it will obstruct sight lines to traffic signs, signals or direction signs; or
    - d. where pedestrian paths will be obstructed in such a manner, causing people to walk in the street, or making passage by wheelchairs or push carts difficult.

- 5.5.6. To prevent root damage to underground services, or hardened surfaces, walls and other control systems may be introduced to redirect roots from the protected areas.
- 5.5.7. No planting must be undertaken that will interfere with any electrical stay supports. To ensure public safety, existing street lights / lighting must be taken into consideration when planting is undertaken.
- 5.5.8. No private planting on Council owned land is permitted without prior consultation with the relevant Parks Department Manager.
- 5.5.9. Planting distance between trees will depend on the species selected and services encountered.
- 5.5.10. Existing trees identified to be unsuitable due to various problems, may be removed and replaced with a suitable species. The replaced trees must be the same size as the ones removed.
- 5.5.11. On pavements not wide enough to accommodate trees, a tree donation to adjacent private gardens will be considered.
- 5.5.12. Upon receipt of requests from schools and Community Greening Projects, trees may be donated, depending on the availability of resources.
- 5.5.13. 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.
- 5.5.14. Trees with poisonous fruit and leaves or fruit that stains, should not be planted.

- 5.5.15. The Parks Section will plant sidewalks with street trees in accordance with its tree planting program during the months of August, September and October.
- 5.5.16. 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.
- 5.5.17. Individual and replacement trees will be planted upon receipt of a written application by residents to the Directorate: Social and Strategic Services.
- 5.5.18. Residents requesting individual tree planting must undertake to water such trees until they become established (normally three years).
- 5.6. The choice of tree species is at the discretion of the Manager: Parks and Amenities (See appendix 1 for recommended species for Langeberg Municipality) and will be restricted to varieties known to be suited to the local conditions and those that will enhance the beauty and diversity of the landscape of the Langeberg.
- 5.7. New trees will not be planted under the following conditions:
  - 5.7.1. If they interfere with existing services, i.e. electricity, street lights, waterlines, sewage, etc;
  - 5.7.2. If it is within 10 meters of an intersection;
  - 5.7.3. If it is within 3 meters of an existing driveway;
  - 5.7.4. If the sidewalk is less than 2.5 meters wide;
  - 5.7.5. If it is a noxious weed, or by the nature of its root system;
  - 5.7.6. If the pavement is not stabilized;
  - 5.7.7. If there are overhead wires (if the lines are high enough, a suitable tree may be planted);
  - 5.7.8. If there is an existing tree on the property that might pose problems at a later stage.

## 5.8. 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 provide and plant trees within its financial capacity.

## 5.9. Requests for trees by residents -

- 5.9.1. Depending on funds and the availability of suitable resources, the Langeberg Municipality undertakes to annually plant of trees along sidewalks in residential areas, on condition that owners or occupiers of adjacent properties accept responsibility for its maintenance, excluding pruning and pest control.
- 5.9.2. To ensure adequate aftercare, consideration will only be given to the applications from individual property owners if it is received in the prescribed manner, which includes aftercare instructions and maintenance to be agreed upon.
- 5.9.3. Residents may indicate their preference of species to be planted, but the final choice lies with Council.
- 5.9.4. If space on a sidewalk is insufficient, trees may be planted on the inside of the adjacent private property, provided that the property owner takes full responsibility for its maintenance.

## 5.10. Trees planted by members of the public -

- 5.10.1. Members of the public occasionally plant trees on public land without authorisation. Should Council officials notice such an unauthorized planting, they must arrange to have the tree removed, if in their opinion, it poses a danger to people or a property and/or problems to future maintenance of the area.
- 5.10.2. Failure to do so will, in effect, cause the Municipality to accept the consequences of such tree's growth by default.

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

## 6. MAINTENANCE, PRUNING AND REMOVAL OF TREES

- 6.1. 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.
- 6.2. 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.
- 6.3. In order to prevent unnecessary damage to trees during construction work, other functionaries 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.
- 6.4. Pruning or removal of all trees on municipal property will be done by the Environmental Services department or appointed contractor. Requests for pruning should be directed to the Environmental Services department
- 6.5. 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.

- 6.6. The following must be taken into account when the pruning or removal of trees is considered:
  - 6.6.1. Whether any public and/or property safety is compromised;
  - 6.6.2. Whether any legal responsibility exists – Upon written
  - 6.6.3. request for the removal of any offending branches or roots encroaching on the complainant’s property;
  - 6.6.4. Since no tree located on public or Council land may in general be removed, whether its presence is a threat to human life or to a property or whether the tree has died;
  - 6.6.5. Whether such trees are “declared weeds “in terms of the Conservation of Agriculture Resources Act,1983[Act 43of 1983];
  - 6.6.6. Whether such trees are diseased beyond remedy;
  - 6.6.7. Whether such trees cause a traffic, electrical or health hazard;
  - 6.6.8. In case of Interference with essential services, whether any other suitable alternative exists;
  - 6.6.9. Whether Council’s resolutions are adhered to;
  - 6.6.10. In case of requests of adjacent property owners for vehicle access (subject to the presentation of an approved building plan), whether any alternative solution exists.
- 6.7. Generally, trees are only to be pruned for sound horticultural reasons. Pruning will however be considered where trees cause damage to a structure or obstruct pedestrian/vehicle access or impede on the visibility of a traffic sign.
- 6.8. 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 complaint needs to be fully motivated and the municipality will consider each request on its merits.

- 6.9. 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 on the process as well as the formula for valuating a tree, as set out in Appendix 2.
- 6.10. No tree will be pruned for any of the following petty reasons:
  1. If it drops leaves, seeds, flowers or pods into a garden;
  2. If it limits sunlight;
  3. If it has grown too tall;
  4. If it obstructs views;
  5. If it interferes with TV or internet reception.
- 6.11. Removal of trees on side-walks -
  - 6.11.1. No trees will be cut down or removed without the approval of Langeberg Municipality.
  - 6.11.2. All felling of trees will be carried out by the Parks and Amenities Department or its agents/contractor.
  - 6.11.3. The height to which a tree will be cut down, is occasionally a subject for dispute. Where this can be done without being a hazard to the public, trees are traditionally cut leaving a stump off the ground.
  - 6.11.4. Should the entire tree be removed, it must be disposed of by dumping it at the composting site or a registered dump site.
  - 6.11.5. If burying and or burning of such tree is considered, the necessary permits must be obtained from the relevant departments.
- 6.12. When damaging of a Council owned tree is observed, the Council official in charge of the Environmental Services Department must



decide whether to take action against the responsible party. Usually, this will result in a criminal charge being laid.

## 7. TREES ON PRIVATE PROPERTIES

### 7.1. Protection of trees on private properties –

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

7.1.2. The Council may, however, stipulate (as a condition of approval) when applications for the rezoning and/or subdivision are received, that a landscape plan, inclusive of details on tree planting and the care of existing trees, be attached to any development plan or building plan, except for properties zoned for single residential use.

7.1.3. The Parks and Amenities department will decide on the retention of conservation worthy trees. The most important criteria revolve around:

7.1.3.1. The impact of such trees on the landscape;

7.1.3.2. Species of such trees;

7.1.3.3. Size of such trees;

7.1.3.4. Health and vitality of such trees;

7.1.3.5. Proposed site level, as well as

7.1.3.6. Prevailing wind conditions.

7.1.4. Council officials must 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.

### 7.2. Protection of public from privately owned trees -

- 7.2.1. Generally Council does not have jurisdiction over trees planted on private property, unless they threaten the safety of road users and or the public at large.
- 7.2.2. Should a tree interfere with essential services, a notice may be served in terms of the Municipal Regulations, compelling the owner to attend to the offending tree.

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## 8. APPENDIX 1

### Recommended street tree list

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

## 9. 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 0 – 4 m	Medium 4 – 8 m	Large 8 – 16m	Very large 16 m +
b	Useful life expectancy	10 – 20 years	20 – 40 years	40 – 100 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 10 or more	Some 4 - 10	Few 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+