

Tree Management Guidelines

Local Councils and Reserves under the National Parks & Wildlife Act

Native Vegetation Council Guidelines under Regulations 8(6) and 11(25) of the
Native Vegetation Regulations 2017 | July 2020

BACKGROUND

Trees in urban and peri-urban settings provide essential habitat for wildlife, and critical services for people and communities by helping cool our cities and towns, providing shade, reducing energy demands, and providing important amenity values.

However, trees can also present a risk to people and property by branches falling and potentially entire trees falling due to old age, poor structure, and longstanding defects. Trees need to be managed, not only to protect people and property, but also to maintain their health and longevity.

Similarly, trees are an essential component within our State Reserve System, such as National Parks and Conservation Parks, and are often part of the reason that the many of the reserves were established. However, these Parks are frequented by members of the Public and contain a range of buildings and structures, and as the land manager, the Department of Environment and Water (DEW) has a responsibility to ensure the safety of people and property on this land. This includes the management of trees that may present a risk.

PURPOSE OF THESE GUIDELINES

These guidelines have been developed by the Native Vegetation Council to assist local government and DEW, to manage trees in accordance with the requirements of the *Native Vegetation Regulations 2017*. These guidelines apply to land that is under the ownership or direct management of a Local Council, land within a reserve as declared under the *National Parks and Wildlife Act 1972* (the Act), and unalienated Crown lands under the *Crown Land Management Act 2010*.

The guidelines provide for the management of trees that may pose a potential risk due to a combination of poor health, poor structure and close proximity to potential targets (people, property, or infrastructure), or the management of trees that is required to improve their health, structure stability and longevity. These guidelines also apply to burnt trees that are covered under the Act. The management of the tree will predominately be limited to prescribed pruning, which will promote improved tree structure, longevity and risk mitigation, however on particular occasions may require the complete removal of a tree.

*Note: These guidelines do not apply to clearance association with road safety where the tree represents a potential collision risk or sight line issues. For clearance in these circumstances, please refer to the Guidelines for the Management of Roadside Native Vegetation. These guidelines **only** apply where there is a risk of the tree or part of the tree falling and subsequently causing harm to people or property, or clearance is to improve the condition of the tree.*

Definitions

The clearance of vegetation, as defined by the *Native Vegetation Act 1991*, includes the following;

clearance, in relation to native vegetation, means -

- the killing or destruction of native vegetation
- the removal of native vegetation
- the severing of branches, limbs, stems or trunks of native vegetation
- the draining or flooding of land
- the burning of native vegetation
- any other substantial damage to native vegetation
- any other act or activity that causes the killing or destruction of native vegetation.

Veteran Trees - refers to trees of great age, size, declining structural condition and exceptional cultural and biodiversity value. Clearance of these trees can occur by or on behalf of local government or DEW in accordance with Regulation 11(25) of the *Native Vegetation Regulations 2017*, without gaining the endorsement of the Native Vegetation Council provided that it complies with these guidelines. (Note the requirements of the *Development Act 1993* in relation to Regulated / Significant trees needs to be satisfied).

Trees identified to represent an unacceptable level of risk - refers to trees that pose a risk to the safety of people or property as a result of identified hazard potential of a tree, or part of a tree. Clearance of these trees can occur by or on behalf of the local government or DEW in accordance with Regulation 8(6) of the *Native Vegetation Regulations 2017*. Further endorsement from the Native Vegetation Council is not required provided works are compliant with these guidelines. These guidelines also apply to clearance within roadside and railway corridors.

Pruning to preserve structure and longevity - refers to trees that may not be posing immediate failure potential, but which pruning would facilitate improved form and structure, therefore achieving improved safety and longevity.

REGULATION 8(6) - Safety of persons and property

Trees that may pose a hazard

Any clearance of native vegetation for hazard tree management for the safety of persons and property must comply with the requirements of Regulation 8(6) of the *Native Vegetation Regulations 2017*, as detailed below;

Regulation 8(6) - Safety of persons and property

(1) *Clearance of vegetation comprising a plant exceeding 2 metres in height if—*

- a) *there is a danger that the plant will fall over or a limb or some other part of the plant will fall from it because of disease, wind damage or any other cause; and*
- b) *there is a real risk of personal injury or damage to property if that occurs; and*
- c) *it is not reasonably practicable to avoid the risk by avoiding the vicinity in which the plant is growing or is situated; and*
- d) *the state of the plant has been assessed by a plant health expert or by any other person acting in an emergency situation or in any other situation that gives rise to an immediate risk of personal injury or damage to property; and*
- e) *if the state of the plant is assessed under paragraph (d) by a plant health expert other than in an emergency situation or a situation that giving rise to an immediate risk of personal injury or damage to property—a report on the state of the plant prepared by the plant health expert who made the assessment has been provided to, and approved by, the Council; and*
- f) *the clearance is confined to removing the limb or other part of the plant causing the danger and only extends to destroying the plant if that is necessary to remove the existing danger.*

(2) *Subclause (1) applies to vegetation that is growing or is situated on land that is subject to a heritage agreement or a management agreement.*

(3) *Subclause (1) does not apply to clearance of vegetation on a road reserve, rail corridor or rail reserve unless— (a) guidelines that apply to the clearance have been adopted by the Council under section 25 of the Act; and (b) the clearance is undertaken in accordance with those guidelines.*

(4) *In this clause— plant health expert means a person holding a Certificate 5 in Horticulture (Arboriculture) or a comparable or higher qualification.*

Local Councils or DEW are permitted to undertake clearance of part or whole of a tree, including on road reserves and rail corridors or rail reserves, without providing a report to the Native Vegetation Council for approval, for the safety of persons and property, if undertaken in accordance with the following sections.

- **When will clearance (removal or pruning) be considered?**
 - When a potential hazard has been identified by an appropriately qualified Arborist (as specified in subclause (4) of Regulation 8(6)), using an industry recognised tree risk assessment process.
 - Whole tree removal will only occur when all other remedial pruning options have been considered non-viable to mitigate risk.
- **What is the process to follow?**
 - A visual tree assessment to identify:
 - tree condition (health)
 - defects (structure)
 - failure potential (likelihood of failure occurring)
 - targets (people, property, infrastructure)
 - target occupation (frequency of exposure)
 - likelihood of identified part impacting target
 - consequence of failure impact
 - overall risk profile.
- **How will the clearance (removal or pruning) be undertaken?**
 - Pruning works to be undertaken in line with Australian Standard 4373.2007 '*Pruning of Amenity Trees*' by a suitably qualified Arborist (Certificate 3 in Horticulture (*Arboriculture*) and above).
 - The extent of pruning will be to maintain an acceptable level of risk to public and/or property.
 - Complete tree removal will be undertaken when all other reasonable remedial pruning options have been considered and determined ineffective.
- **Reporting to the Native Vegetation Council**
 - Provide an annual clearance summary to the Native Vegetation Branch, DEW at the end of each calendar year, **where complete removal of trees has occurred**, including:
 - month in which works were completed
 - tree location
 - tree species
 - reason for clearance
 - number of trees removed
 - the report relating to the health of the tree.

REGULATION 11(25) - Ecological restoration and management of vegetation

Pruning for improved tree health, structure and longevity.

Any clearance of native vegetation to facilitate improved health, structure and longevity must comply with the requirements of Regulation 11(25) as detailed below:

Regulation 11 (25) - Ecological restoration and management of vegetation -

(1) Clearance undertaken for the purpose of conserving, managing or restoring native species, native vegetation or ecological processes, provided that -

- a) guidelines relating to clearance of that kind have been adopted by the Council in accordance with section 25 of the Act; and*
- b) the person undertaking the clearance complies with those guidelines.*

Local Councils or DEW are permitted to undertake clearance of part of a tree without endorsement of the Native Vegetation Council, for maintaining the health, structure and longevity of a tree for its retention, if undertaken in accordance with the following sections.

1. When will clearance (removal or pruning) be considered?

- When pruning is required to preserve the long term structure of the tree (reducing potential for significant structural collapse)
- To promote formation of lower secondary canopy
- To enable the long term retention of trees with very high biodiversity value within urban and peri-urban landscapes
- To promote the elite individual *Eucalyptus camaldulensis* trees within areas of dense germination, for the purpose of maintaining the existing use of previously developed parkland and other urban areas (applies to trees that are less than 10 years of age, irrespective of size).

2. What is the process to follow?

- A visual tree assessment to identify:
 - veteran tree status
 - regulated / significant tree status
 - culturally significant status
 - potential canopy reduction points
 - existing habitat for hollow dependent fauna
 - opportunity for installing further hollow habitat
 - long term retention value
 - ability of the tree to respond positively to veteran pruning works
 - areas of dense *Eucalyptus camaldulensis* germination in previously developed parkland and other urban areas
 - clearance of inferior *Eucalyptus camaldulensis* progeny that is less than 10 years of age, irrespective of size
 - clearance of inferior *Eucalyptus camaldulensis* progeny will not exceed a maximum of 50% of the target area.

3. How will the clearance (removal or pruning) pruning be undertaken?

- Selective clearance of upper and mid canopy
- Vascular restricting action for the purpose of managing epicormic response growth
- Removal of heartwood for the purpose of crafting nesting hollows
- Veteran pruning works may occur outside of Australian Standard 4373.2007 'Pruning of amenity trees'
- Selective clearance of inferior *Eucalyptus camaldulensis* progeny for the purpose of promoting the elite individual.

4. Reporting to the Native Vegetation Council

- Provide an annual clearance summary to the Native Vegetation Management Unit, Department for Environment and Water at the end of each calendar year, **where complete removal of trees has occurred**, including:
 - month in which works were completed
 - tree location
 - tree species
 - reason for clearance occurring
 - number of trees removed.

NATIVE VEGETATION COUNCIL APPROVAL

If clearance does not comply with the requirements of these guidelines, adherence to the existing regulations is necessary as identified in the 'Guide to the Native Vegetation Regulations 2017'.

OTHER LEGISLATION

Prior to undertaking clearance of trees, local councils need to ensure that any other relevant legislation is complied with. This includes, but is not limited to:

- *Significant and Regulated Tree legislation - Development Act 1993*
- *River Murray Act 2003*
- *Environment Protection Biodiversity Conservation Protection Act 1999*
- *Aboriginal Heritage Act 1988*

For further information visit www.environment.sa.gov.au/nativevegetation