



# **MOSSEL BAY MUNICIPALITY**

# **TREE MANAGEMENT POLICY**

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To provide for the planting, pruning, removal and treatment of **street trees** on municipal property within the Mossel Bay municipal area and to protect and maintain the trees located on municipal property through accepted sound tree management practices and to provide for matters incidental hereto.

### **1. PURPOSE**

- (1) The purpose of this policy is to ensure a standardised tree / vegetation management strategy which informs the manner in which all vegetation / trees on municipal owned land is managed;
- (2) Protecting and maintaining all historical trees in compliance with applicable legislation and guidelines;
- (3) Promoting the preservation of trees on private property where possible;
- (4) The Municipality has a duty to ensure that all municipal land is managed in a manner which is consistent with the guiding principles of the Constitution and all other applicable environmental legislation. This Tree Management Policy is informed by the following:
  - The Constitution of the Republic of South Africa, 1996 Chapter 2: Bill of Rights.
  - The National Water Services Act, 1997 (Act No 103 of 1997).
  - Environmental Conservation Act, 1989 (Act 73 of 1989).
  - National Environmental Management: Biodiversity Act (Act 10 of 2004).
  - National Environmental Management Act, 1998 (Act No 107 of 1998).
  - The Forest Act, 1998 (Act-84 of 1998).
  - Land Use Planning Ordinance, 15 of 1985.

- This policy should also be consistent with, and be applied within the context of National, Provincial and local Spatial Development Frameworks;
- (5) To regulate the planting, removal maintenance and protection off all existing trees on municipal land, including sidewalks and pedestrian walkways;
  - (6) To ensure that the Municipality adopts an integrated approach to the planting, removal of and maintenance of trees and that any work in this regard complies with arboriculture best-practice guidelines;
  - (7) To promote investment and tourism by improving the aesthetics of all areas in Mossel Bay by planting and maintaining trees;
  - (8) To ensure that private landowners are informed of their obligation, as per lease agreements or planning approvals, to ensure that private property is cleared of alien vegetation;
  - (9) To ensure that all proposed future housing developments adopt a tree management strategy.

## 2. DEFINITIONS

- 2.1 In this Policy, unless the context otherwise indicates –
- “directorate”** means the Directorate: Community Services;
- “director”** means the Director: Community Services;
- “department”** means the Department: Horticulture and Recreation;
- “municipality”** means the Mossel Bay Municipality or any other Committee or official of the Mossel Bay Municipality acting in terms of delegated authority;
- “removal of street trees”** means removal of the above ground level portion of a tree including the grinding away of the roots up to 30 cm below ground level. The complete root system will not be removed but may be poisoned if necessary, to prevent further re-growth of the tree. If it is not possible to remove the tree stump to below ground level, the tree stump will be cut to the lowest level possible.
- “street trees”** means any tree or shrub, which has been planted on Municipal property;
- “tree blanketing”** means the replacement planting of trees in gaps where trees have been lost or died.

### **3. ADMINISTRATION AND ENFORCEMENT**

- 3.1 The Director: Community Services is responsible for the administration and enforcement of this Policy.
- 3.2 The Director may delegate in writing any power of duty granted to him / her in terms of this Policy to a competent Official in his / her Directorate, or authorised person.

### **4. TREE PLANTING**

- 4.1 The department will plant up sidewalks with street trees in accordance with its tree planting programme determined by the management of the Department, in liaison with other service Directorates of the Municipality;
- 4.2 Trees planted on sidewalks are to allow unobstructed pedestrian movement on the sidewalks and should not interfere and/or obstruct the sight to road signs, traffic signals, streetlights, etcetera, for motorists, pedestrians, etcetera. In considering these trees to be planted, the ultimate fully grown potential of the tree needs to be considered. This would apply for the tree planting program of the Municipality as well as to trees to be planted by residents in terms of clause 5;
- 4.3 New trees will not be planted if they interfere with existing services, namely electricity, streetlights, water, sewerage, Telkom lines, etcetera;
- 4.4 No tree planting will be undertaken within ten (10) metres of an intersection or five (5) metres of an existing driveway or electricity lamp pole or under power lines. Trees will not normally be planted on sidewalks less than three (3) metres wide. Notwithstanding the mentioned distances, no planting of trees should be considered:
  - 4.4.1 close to a driveway or road intersection where it is likely to impair sight lines of motorists, cyclist or pedestrians;
  - 4.4.2 where it will obstruct sight lines to traffic signs, signals or direction signs;
  - 4.4.3 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;
- 4.5 Planting distances between trees will depend on the species selected and existing services.

- 4.6 Choices and preferences of tree species as listed in the Annexure A attached hereto is at the discretion of the Director and will be restricted to varieties known to be suited to the local conditions and that will enhance the aesthetics of the municipal area. Trees with large root systems will not be planted close to the roadway where they may later cause damage to the road construction, or adjacent buildings;
- 4.7 It shall be prohibited to plant any tree that is a noxious weed or by the nature of its root system, form, fruit, etcetera, is deemed to be undesirable. The Department will remove such undesirable trees;
- 4.8 To prevent root damage to underground services, or hardened surfaces, root control systems may be introduced to redirect roots from the protected areas;
- 4.9 Existing trees identified to be unsuitable due to various problems, may after consultation with the Director, be removed and replanted with a suitable species;
- 4.10 On pavements not wide enough to accommodate trees, consideration of a tree donation for adjacent private gardens will be given;
- 4.11 On request from schools, Community Greening Projects and conservancies, trees may be donated according to the Policy on donations;
- 4.12 The National Environmental Management: Biodiversity Act (10/2004): Alien and Invasive Species Regulations, 2014 will be adhered to regarding the Invasive Species Monitoring, Control and Eradication Plans and the categories listed as invasive species and weeds;
- 4.13 The planting of any invasive species, as well as *Ficus thonningii* or *Ficus burkei* (Common Wild Fig, Strangler Fig) and palm trees (Arecaeae) are discouraged and will not be allowed on any municipal property.

## **5. TREE MAINTENANCE ON PUBLIC PROPERTY**

- 5.1 A watering and fertilisation programme may be applied to all newly planted trees at the discretion of the Director;
- 5.2 Open Space Management relies on the vigilance of the general public and officials throughout the Municipality to report on the condition of any potentially hazardous trees within residential areas and along major routes;

- 5.3 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 authorised official of the Department of Environment, Forestry and Fisheries or any delegated person;
- 5.4 Pest control shall be implemented at the discretion of the Director.

## **6. TREE(S) REQUESTED BY RESIDENTS**

- 6.1 Depending on funds and the availability of suitable material, the Municipality annually undertakes the planting of trees, requested by residents, along sidewalks in residential areas;
- 6.2 Individual and replacement tree planting may be carried out upon written application by residents to the Director and in accordance with the preference list attached hereto marked as annexure A;
- 6.3 Residents requesting individual tree planting must undertake to water the tree until it becomes established (normally two seasons);
- 6.4 To ensure adequate aftercare, only applications received from individual property owners will be considered on the prescribed form, which includes instructions about aftercare and a maintenance agreement. The contents of this form must be communicated verbally in the event of the applicant not being able to read;
- 6.5 Members of the public from time to time want to plant flowers or trees on municipal property and should a written application be made to obtain permission to do as such. The Municipality will provide guidelines to assist members of the public when planting flowers or trees or do beautification on municipal property;
- 6.6 Members of the public occasionally plant trees on public land without authority. Should local horticulture personnel notice such an unauthorised planting they should arrange to have the tree removed, and relocated if possible, if in their opinion it will cause danger to persons, services, property or danger in the future, on condition that owners or occupiers of adjacent properties accept responsibility for their maintenance (pruning excluded). (Failure to do so will in effect cause the Municipality to accept the consequences of that tree's growth by default.). This includes the planting of flowers and beautification;

6.7 Subject to the provisions of paragraph 6.3, 6.5 and 6.6, trees planted on a sidewalk by a member of the public shall become the property of the Municipality and will therefore be maintained by the Municipality.

## **7. REMOVAL AND PRUNING OF ESTABLISHED TREES**

- 7.1 Trees shall only be removed as determined in this Policy;
- 7.2 No tree(s) that is estimated to be older than approximately ten (10) years in the Municipal area of Mossel Bay may be removed without the necessary authority;
- 7.3 The necessary authorisation mentioned in 7.2 above is subject to the following exceptions in respect of a tree(s) older than approximately ten (10) years:
- 7.3.1 No cutting, pruning, trimming or removal of any tree may be undertaken without the written approval of the Director;
- 7.3.2 No cutting, pruning or removal of roots may be undertaken without the written approval of the Director;
- 7.4 No authorisation is required in respect of trees that is estimated to be younger than approximately ten (10) years for the following:
- 7.4.1 Cutting, pruning, trimming or removal of any tree where it is estimated that less than approximately 30% of such tree will be cut, pruned or trimmed;
- 7.4.2 Where it is estimated that less than approximately 35% of the root system will be cut, pruned or removed.
- 7.4.3 No pruning, trimming or cutting of roots of tree(s) in the Mossel Bay municipal area may be done in such a manner that it will result in the death of the tree.
- 7.5 Dead trees, tree roots, tree stumps or trees of the Municipality that in the opinion of the Director, present a danger or public nuisance to property, the public or services, shall be pruned or removed at the discretion of the Director;
- 7.6 If the trees mentioned in 7.5 are situated on the sidewalks or outside the boundary of a private property, the cost shall be borne by the Municipality;
- 7.7 At the discretion of the Director, trees on sidewalks damaged by a member of the public, shall be removed or pruned and the transgressor may be prosecuted;

- 7.8 Any request for the pruning/removal of a tree on a sidewalk shall only be considered if the request is submitted in writing and addressed to the Director, and specific Ward Councillor. The cost of removing such tree(s) shall be determined and this shall be recovered from the property owner and only if it is determined that it is in the best interest of the Municipality to prune/remove the tree concerned;
- 7.9 If it is determined that it is not in the interest of the Municipality to prune the tree(s) mentioned in 7.8 above, permission may be granted to the property owner to prune the tree on application to the Director and specific Ward Councillor. The cost of the pruning of the tree will be for the applicant's own expense. The Municipality will provide guidelines on how the pruning should be done;
- 7.10 On application by the public, a consultation process with the Director and specific Ward Councillor must take place prior to the removal of a tree;
- 7.11 Branches from trees on private properties overhanging the sidewalk or into overhead power lines may be pruned back to the boundary by the Municipality;
- 7.12 Branches from trees on Municipal property overhanging into private property may be pruned by the owner of the private property with the consent of the Municipality and in cases where a permit or licence is required for the pruning of certain tree(s), in accordance with such permit or licence and only by a permit holder. The expense for pruning such trees overhanging will be for owner of the private property. The Municipality remains responsible for the management of tree situated on Municipal property;
- 7.13 Where tree(s) interfere with overhead or underground services, the property owner must prune or remove such tree(s) on such private property or municipal property only after consultation with the Director and specific Ward Councillor, the cost of which will be for the property owner or occupier of the property.
- 7.14 At the discretion of the Director, trees growing on sidewalks may be pruned or treated at any time. Tree pruning includes the cutting of tree roots and branches;
- 7.15 The cost of the removal of invader trees or declared noxious weeds on Municipal property shall be borne by the Municipality in terms of the National Environmental Management: Biodiversity Act (Act 10 of 2004);



- 7.16 Trees on Municipal property that cause damage to private property, or to Municipal property such as kerbs and sewers shall be treated/pruned and removed as a last resort at the discretion of the Director;
- 7.17 The Department may not remove or prune any tree growing on private property except for reasons outlined in clause 7.11;
- 7.18 Trees on Municipal property will only be removed by the Department under the following conditions:
- 7.18.1 Trees that are dead or dying;
  - 7.18.2 Diseased beyond recovery;
  - 7.18.3 Causing a traffic hazard that pruning would not alleviate;
  - 7.18.4 Causing an electrical hazard, or causes non-compliance with the relevant sections of the Occupational Health and Safety Act;
  - 7.18.5 Trees that interfere or cause damage to essential services and telecommunication;
  - 7.18.6 In the event that the property is required to accommodate Municipal Services provided no alternative route is available;
  - 7.18.7 A proclaimed noxious weed or invader plant. (Regulation 15 of Conservation of the Agricultural Resources Act 43 of 1983);
  - 7.18.8 Trees may only be removed from a sidewalk to provide vehicle access to a property if the application is supported by the Director: Technical Services in consultation with the Director: Development and Planning as well as the Director: Community Services. The appointment of a contractor to remove the tree, the cost of removing the tree as well as for any damages that might be caused in the process will be for the applicant removing the tree;
  - 7.18.9 Existing trees, whose roots have developed extensively such that they cause structural damage to the road layers and adjoining vicinity;
  - 7.18.10 A dangerous tree where the danger cannot be alleviated by pruning or other horticultural work;

- 7.18.11 The existing trees obstruct or interfere with sight distance to road signs, traffic signals, streetlights for motorists, pedestrians, cyclists, etcetera, that pruning would not alleviate;
  - 7.18.12 The existing trees obstruct or interfere with the safe movement of pedestrians and cyclist within the road reserve, sidewalk, etcetera;
  - 7.18.13 Trees will be removed by the Department exercising its own discretion or as requested (based upon proper motivation) by other service Directorates.
- 7.19 If in the opinion of the Director a tree on private property is considered to be dangerous because the type of tree is unsuitable in the urban environment or it is very old or diseased, or the nature of the soil in which it is rooted is unsatisfactory for the height and weight, or the tree is causing damage to municipal services, the Director may direct that the owner or occupants of the property on which the tree is located be issued a notice to have the tree removed.

## **8. REPLACEMENT VALUE OF TREES AND TREE BLANKING**

- 8.1 No trees planted on property owned by the Municipality may be pruned or removed other than by the Department or without written consent of the Director;
- 8.2 Wherever trees and other plants on property under the jurisdiction of the Municipality have to be replaced as a result of damage caused by any means whatsoever, the replacement value of the tree will be determined using a fair, market related value.
- 8.3 When an individual tree is removed and replaced with a new suitably appropriate tree as per the preference list attached hereto marked as Annexure A, so as to ensure the planned tree planting programme remains in place and may only be done under the following circumstances:
  - 8.3.1 Planned by the Municipality;
  - 8.3.2 Trees that have died or has been determined not to survive;
  - 8.3.3 Trees damaged beyond recovery due to the impact of human activity both accidentally and deliberately.

## **9. TREES ON PRIVATE PROPERTY**

- 9.1 The Council may stipulate as a condition of approval when applications for rezoning or subdivision are received, or where departures are requested in connection with Planning conditions, that a landscape plan (including a tree planting and care of existing trees Management Policy) be included with any development plan or building plan. This will exclude properties for single residential use.
- 9.2 Officials of the Department assist with the conservation of trees protected in terms of the Forest Act (Act 122 of 1984) or the National Heritage Resources Act, Act 25 of 1999 by alerting the relevant authorities to the impending destruction or destruction of trees protected by the Acts.

## **10. GENERAL**

- 10.1 All requests and/or complaints shall be considered only if addressed in writing to the Director, who will copy such to the Municipal Manager for information;
- 10.2 Trees shall not be removed simply because they allegedly obstruct a view, drop leaves, drop flowers, fruit, seedpods, seeds, ooze gum or because of any other similar complaint, but the Department may prune such trees to alleviate the problem.
- 10.3 In cases where a tree from a private property falls onto Municipal property and creates an obstruction or an emergency situation, the obstruction will be cleared by the Department.
- 10.4 Trees on private property damaged or blown over during storms or for other reasons, will only be cut to clear roads and pavements and the removal of the debris will remain the responsibility of the resident.
- 10.5 The Municipality shall pay a reward as determined by the Council from time to time, for information leading to the conviction of persons who damaged or destroyed trees.
- 10.6 Anyone removing a tree without permission or in contrast with stipulated instructions in this Policy as well as wilfully damages a tree shall be charged for the replacement cost and value of the tree and may be prosecuted.

**11. PREFERRED TYPES OF TREES TO BE PLANTED**

The general public must be informed of the preferred types of trees as listed in Annexure A attached hereto and the planting of same must be promoted.

**12. COMPLIANCE AND ADHERENCE**

Any person who fails to adhere to the provisions as outlined in the Policy and/or damages and/or removes any tree in a manner other than provided for in this Policy, will be prosecuted and the Municipality may claim damages from the person in a civil matter for the replacement of the tree(s) so damaged and/or removed without the necessary authority or permission from the Municipality.

**13. REPEAL OF PROVISIONS OF PREVIOUS POLICIES**

The provisions of any Policy previously approved by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality are hereby repealed as far as they relate to matters provided for in this Policy.

**14. SHORT TITLE AND COMMENCEMENT**

This Policy will be called the Mossel Bay Municipality Tree Management Policy and it will come into effect on the date approved by Council.

## ANNEXURE A

Where	SA	Afrikaans Naam	English Name	Name	Notes
Beaches	333.2	Kuskamferbos	Camphor Bush	Tarchonanthus Littoralis	Must be Littoralis. Most suitable. Evergreen, hardy. Wind and drought resistant.
Beaches	579	Melkhout	Milkwood	Sideroxylon Inerme	Grows in difficult circumstances close to the sea.
Parks	617	Olienhout	Wild Olive	Olea europaea subsp Africana	Aggressive root system.
Parks	16	Outeniekwa-geelhout	Outeniqua Yellowwood	Podocarpus falcatus	Requires other trees to let it grow upward.
Parks	298	Essenhout	Cape Ash	Ekebergia Capensis	Grow easily. Attract birds.
Parks	141	Wit Els	White Alder	Platylophus trifoliatus	Slow grower.
Parks	618.2	Swartysterhout	Black Ironwood	Olea Capensis subsp. Macrocarpa	Needs other trees to grow straight as it reaches for the sun.
Parks	118	Swartstinkhout	Black Stinkwood	Ocotea Bullata	Needs other trees to grow straight as it reaches for the sun.
Sidewalks	494	Wilde Perske	Wild Peach	Kiggelaria africana	Hardy.
Sidewalks	471	Drolpeer	Wild Pear	Dombeya rotundifolia	Fast grower. Drought resistant.
Sidewalks	298	Essenhout	Cape Ash	Ekebergia Capensis	Grow easily. Attract birds.
Sidewalks	578	Kaapboekenhout	Cape Beech	Rapanaea Melanophloes	Non-invasive root system.