

28 Trees in Road Reserve

Part 1 - Request for Trees to be Removed or Trimmed

Part 2 – Request to Plant Trees or Shrubs in Road Margin

Part 1 - Request for Trees to be Removed or Trimmed

28.1 Overview

Council has obligations to manage the assets of the Tasman District Council. Naturally occurring trees growing in the road margin of Type 2 and 3 Roads or road reserve in the case of Type 1 Roads (unformed roads) shall remain the property of Tasman District Council.

Development of road formation on road reserves is a primary function of road reserves.

Clearing trees to construct roads or clearing trees to reap the wood resources are practices that Council must manage to ensure the interests of the ratepayers and ensure the environmental consequences are balanced.

Note:

- Council holds a database of all protected trees, and this should be checked before approval is given to remove any tree/s in road margin or road reserve;
- All Wilding Pines growing in the road margin of any Type 3 Road in Council's maintained road network may be removed without permission by Council's maintenance contractor.
- Removal of trees particularly on urban roads will generally first be discussed with Council's Parks & Reserves Department, who shall be requested to investigate the removal of the tree. The removed tree may be replaced with a more suitable species where considered appropriate and in consultation with the land owner.
- Unsound trees on private property causing risk to the public may be removed at landowners cost.

28.1 Purpose

This policy is intended to:

- ensure the asset value of trees on road reserves is retained by the Council;
- allow tree clearing to make way for appropriate construction of roads, where approved;
- prevent unjustified environmental damage.

28.2 Legislation References

- Sections 316 and 317 Local Government Act 1974

28.3 Policy

Consent to remove trees shall only be granted where the purpose of the removal meets one of the following criteria:

- Benefits the general community eg. safety;
- Removes a genuine nuisance eg. Footpath uplifted, Affecting underground or overhead utilities;
- Where there is a proven need for the clearance to allow for road construction.

28.3.1 Process - Request to Have Trees Removed

Any person or utility operator wishing to remove any trees irrespective of whether the tree/s have occurred naturally, planted by others or planted for street beautification purposes, shall require written permission, unless Council agrees to remove the tree/s at its own cost for safety or genuine nuisance reasons.

The cost of removal, should permission be granted, shall generally be at the applicants expense.

Applications under this section shall include the following information:

- Location of site;
- Extent of operation proposed;
- Purpose for removing trees;
- Written consent of adjoining landowners;
- Where appropriate support of the local community board;
- Details of income and expenditure of operation to remove trees, to whatever level of detail Council deem appropriate given the scale of operation and assessed level of risk. This applies to trees being removed for one of the reasons listed above and at the cost of private individuals and the trees after harvesting will reap financial gain.

Comment

- *The application must contain sufficient detailed information to allow an informed decision to be made. The weighting of the consent (or opposition) of any adjoining landowner will be considered in relation to the purpose of removing the tree/s.*
- *A Traffic Management Plan is likely to be required on all Type 2 or 3 Roads therefore the work will generally only be permitted to be carried-out by a suitably qualified Arborist organised by Tasman District Council. However the size and extent of the job will determine this.*
- *The stump may require removing and the surrounding area reinstated.*
- *Both underground and overhead services may need locating prior to work proceeding.*
- *Where substantial harvesting is required from the road margin then details or revenue may be requested however, this needs to be balanced against the cost*

of harvesting and the benefits of removing the shading influence giving rise to frost problems;

- *In some instances it may be worth removing a tree if ongoing interference to the pavement, culverts, footpath and overhead or underground services will continue.*

28.3.2 Process – Removal to Make Way for Development

Where the need to remove the trees is associated with some form of development which will require consent then approval to remove the trees will be subject to all such consents being issued first.

Comment

This process is intended to ensure that trees are only removed for genuine reasons and only when all other activities have consent.

Part 2 - Request to Plant Tree/s or Shrubs in Road Margin

28.4 Overview

Council allows the planting of trees and shrubs within the road margin in urban areas where the planting will enhance the environment for the general public and will not create a hazard.

Council generally does not allow road margin planting within rural areas except on or close to the boundary.

28.5 Purpose

This policy is intended to

- Reduce the risk of damage and injury to road users that may be caused by the plantings shading the road;
- Ensure no plantings impede visibility;
- Minimise damage caused by plantings destroying the integrity of the road surface, water channels and utilities within the road margin;
- Preserve the road for the purposes for which they are designed;

28.6 Legislation References

- Section 355 Local Government Act 1974

28.7 Policy

Road margin planting is allowable, in urban areas, subject to the requirements of this policy.

No new plantings shall be allowed in rural areas. Exemptions to this may be considered on a case by case basis, but will only be granted in exceptional circumstances and only for the beautification of rural areas.

Existing plantings in rural areas shall be allowed to remain provided they comply with the conditions of this policy.

28.7.1 Process – Request to Plant Trees or Shrubs

All new plantings shall require written permission. Applications shall include the following information:

- Names of plants
- Estimated heights at maturity
- Distance from the road boundary
- Distance from edge of road
- Approximate spacing

Consideration should also be given to overhead utility lines as these may be affected as the plantings grow.

Comment

This allows safety factors and protection of utilities to be considered before permits are issued.

28.7.2 Process – Roads with Speed Limits above 50kph

No new plantings in road margins on roads with speed limits above 50kph shall be allowed, or allowed to grow, so that excessive frosting or shading of the roadway occurs or sightlines at intersections or through curves are restricted.

Comment

Shading during winter weather conditions could result in safety problems to road users, particularly on corners or intersections.

28.7.3 Process – Planting for Shelter

Planting on the road margin solely for the purpose of providing shelter shall not be allowed.

Comment

Planting on the road margin should be for aesthetic value. Shelter species should be planted inside the boundary on private property.

28.7.4 Process – Responsibility for Roadside Planting

All responsibility for roadside planting shall lie with the adjoining landowner and shall transfer with the ownership of the land. This includes:

- Reinstatement of any services damaged
- Clearance of roadside drains
- Annual control of pest plants

- Removal of overhanging branches
- Immediate removal of trimmings whether generated from roadside, plantings or shelterbelts inside the property.

Comment

All costs involved in the remedy of the above should be met by the individual landowner rather than ratepayers in general.

Any trimmings etc left on the road or road margin shall be removed in accordance with Council's Roding Policy - 'Debris on the Road'.

28.7.5 Process – Safety Issues

No planting shall be allowed which obstructs, impedes or restricts visibility at intersections, property accessways or through road curves.

Comment

Plants that restrict visibility create a safety hazard for motorists and pedestrians.

28.7.6 Process – Liability for Damage

Council shall not be held responsible for damage to any planting no matter how it occurs, nor shall Council be held responsible in anyway for claims for damages. It is a condition of the issuing of all permits that the applicant arranges and keeps in force, Public liability insurance to protect their liability for damage to third parties.

Consideration of overhead utility lines need to be considered as the cost of trimming the tree if it interferes with an overhead power line will be at the owners expense.

Comment

Plants are the property of the applicant and they shall be responsible for them.

28.7.7 Process – Removal of Trees or Shrubs

Council reserves the right to have any tree, other than a protected tree, removed at any time. The cost of such removal would generally be at Council's expense.

Comment

Unforeseen circumstances may mean that planting on the road margin is no longer appropriate in a particular situation.