

CITY OF CAPE TOWN

TREE POLICY

1 NOVEMBER 2002

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.

6.2.2 PRUNING AND REMOVAL OF TREES

In order to prevent unnecessary damage to trees during construction work, other functionaries and utility companies should obtain a way leave from City Parks Management prior to construction work when such work is to be carried out in the close vicinity of trees.

- a Pruning or removal of all trees on municipal property will be done by City Parks Management or its agents. Requests for pruning should be directed to City Parks Management.
- b 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 City Parks Management.
- c Tree pruning refers to the cutting of tree roots and branches.
- d The following factors must be taken into account when pruning is being considered:
 - 1) Safety (*public and property*).
 - ii) Legal - Upon written request for the removal of any offending branches or roots encroaching upon the complainant's property.
 - iii) S A Road Safety Manual.
- e No tree located on public or Council land is to be removed unless it presents a threat to human life or property, or if the tree has died. Exceptions being:
 - i) trees classified as "declared weeds" in terms of the Conservation of Agriculture Resources Act, 1983 (Act 43 of 1983).
 - ii) trees that are diseased beyond recovery.
 - iii) Trees causing a traffic, electrical or health hazard.

- iv) trees that interfere with essential services where no other suitable alternatives can be found.
 - v) in accordance with Council resolution.
 - vi) on request of adjacent property owners for vehicle access, subject to the presentation of approved building plans, where no other alternative could be found. The applicant will be held liable for the cost of removal as well as for the aesthetic loss to the environment. This cost to be based upon the formula process for valuing a tree as set out in paragraph 6.2.2.2.
- f Generally trees are only to be pruned for sound arboricultural reasons. Pruning will however be considered where trees cause damage to structures, or obstruct pedestrian or vehicular access, or impede traffic sight lines.
- g While it is not denied that in certain instances trees may form a nuisance to a property owner, the pruning or removal of trees will not be considered for the following reasons:
- i) interference with radio/TV reception.
 - ii) shedding of leaves, fruits, seeds or any other plant material.
 - iii) allergic reactions.
 - iv) causing excessive shade.
 - v) view obstruction (other than reducing visibility of traffic sight lines).
 - vi) obscuring private advertising boards and signs (other than public signage).
 - vii) causing a nuisance in respect of swimming pools.
 - viii) hampering the growth of other plants.
 - ix) attraction of insects or birds (including bats) because of its flowers and/or fruit.

6.2.2.1 REMOVAL OF TREES IN ROAD RESERVES

- a) No trees will be cut down or removed without the approval of Council.

- b) All felling of trees will be carried out by City Parks Management or its agents. The level to which a tree will be cut is however occasionally a subject for dispute. Traditionally trees are cut leaving a stump proud of the ground where this could be done without hazard to the public or where the stump did not interfere with proposed road works. Should the entire bole be removed, this must be disposed of by dumping at a registered dump site or if burying and/or burning is considered, the necessary permits must be obtained from the Department of Water Affairs & Forestry.
- c) As City Parks Management is responsible for all Council trees, it is incumbent upon the department to remove a tree which constitutes a hazard to the public or an obstruction to normal development, to a level where such hazard or obstruction is eliminated. Should any department want abnormal measures taken such as the removal of the entire bole, and where such department is suitably equipped, it is the responsibility of such department to do the required work itself.
- d) Trees removed on request of home owners or businesses for vehicle access are subject to the presentation of approved building plans. When an applicant requests removal of a tree or trees for access purposes he/she will be liable for the cost of removal as well as for the aesthetic costs as determined according to the formula in 6.2.2.2. (b) below.

6.2.2.2 DAMAGE TO COUNCIL - OWNED TREES

- a) When damage to Council-owned trees is observed, the local horticultural personnel must decide whether to take action against the responsible party. Usually this will be to claim damages which might result in a criminal charge being laid.

- b) 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 a factor of six to provide the 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.

| Factors | | Evaluation factor score | | | |
|----------|--|-------------------------|----------------------|----------------------|--------------------------|
| | | 1 | 2 | 3 | 4 |
| <i>a</i> | Size of tree - girth, height, width and trunk size | small 0-4 metres | medium 4-8 metres | large 8-16 metres | very large 16 metres+ |
| <i>b</i> | Useful life expectancy | 10-20 yrs | 20-40 yrs | 40-100 yrs | 100 yrs + |
| <i>c</i> | Importance of position in landscape (location and function, cultural & historical value) | little | some | considerable | great |
| <i>d</i> | Presence of other trees, surrounds and aesthetics | many 10 or more | some 4-10 | few 1-4 | none |
| <i>e</i> | Relation to the setting, location, foliage, cover and aesthetics | barely suitable | fairly suitable | very suitable | especially suitable |
| <i>f</i> | Form, shape, size, height, weight and look of tree | poor | fair | good | very good |
| <i>g</i> | Special factors - botanical value of species, growth rate, flowers, indigenous or exotic, evergreen or deciduous | none | one | two | three+ |

- c) the objective of this tree evaluation system is:

- i) to provide a disciplined and objective way of examining a tree by means of fixed criteria to assess its visual merit in its environmental context. Such a method has wide application and affects management considerations, e.g. removal and planting.

- ii) to provide arboriculturists and others with a system for assessing a value when trees are accidentally mutilated, destroyed or requested to be removed.
- iii) to provide planners with a means of including trees in their estimates with the same precision, objectivity and consistency that they apply to other aspects of landscape and engineering works.
- iv) to provide towards the additional protection of the environment.

6.3 TREES ON PRIVATE PROPERTY

6.3.1 PROTECTION OF TREES ON PRIVATE PROPERTY

Apart from "Protected Trees" as declared under the Forest Act (Act No 122 of 1984), the only other instance where Council is able to protect trees on private property is when applications are made to rezone private land, or where departures are requested in connection with planning conditions. (See Landscape Policy for detail).

City Parks Management decides on the retention of conservation-worthy trees. The most important criteria revolve around the impact which the tree makes on landscape, species, size, health and vitality of the tree(s) and proposed site levels and prevailing wind conditions.

Officials of City Parks Management assist with the conservation of trees protected in terms of the Forest Act (Act 122 of 1984) by alerting the Western Cape Nature Conservation Board to the impending destruction of trees specified by the Act.

6.3.2 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(s) interfere with essential services a notice can be served in terms of the Municipal Ordinance 20 of 1974 compelling the owner to attend to the offending tree.

Reference no:.....

Date:

| |
|---|
| APPLICATION FOR REMOVAL OF TREES OR TRIMMING ON COUNCIL OWNED LAND |
|---|

| | |
|------------------------------------|--|
| ENVIRONMENT AREA / DISTRICT | |
|------------------------------------|--|

| | | | | |
|--------------------------------|-------------|--|------------|--|
| URBAN CONSERVATION AREA | Yes: | | No: | |
|--------------------------------|-------------|--|------------|--|

| |
|-------------------------------|
| REASON(S) FOR REQUEST. |
| |

| | | |
|----------------|--------------|--------------|
| REMOVE: | COCT: | SELF: |
|----------------|--------------|--------------|

| | |
|------------------------------------|-----------------|
| APPLICANT: NAME AND ADDRESS | Erf no.: |
| | |

| |
|-----------------------|
| FOR OFFICE USE |
|-----------------------|

| | | |
|-------------------------|-------------------------|-------------------------|
| Species of tree: | Number of trees: | Inspection date: |
|-------------------------|-------------------------|-------------------------|

| |
|---------------------------|
| Inspection Report: |
| |
| |
| |

| |
|--------------------------------------|
| Recommendation (Area Manager) |
| |
| |

| | |
|-------------------|--------------|
| SIGNATURE: | DATE: |
|-------------------|--------------|

| |
|-------------------------------------|
| Approval (District Manager): |
| |
| |

| | |
|-------------------|--------------|
| SIGNATURE: | DATE: |
|-------------------|--------------|

| | |
|----------------------|--------------|
| Action taken: | Date: |
|----------------------|--------------|