

Special Council Meeting Agenda & Reports

11 December 2023

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
Norwood
Payneham
& St Peters

8 December 2023

To all Members of the Council

NOTICE OF SPECIAL MEETING OF COUNCIL

I wish to advise that pursuant to Section 83 of the *Local Government Act 1999*, the next Special Meeting of the Norwood Payneham & St Peters Council, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 11 December 2023, commencing at 7.30pm.

Please advise Tina Zullo on 8366 4545 or email tzullo@npsp.sa.gov.au, if you are unable to attend this meeting or will be late.

Yours faithfully



Mario Barone
CHIEF EXECUTIVE OFFICER

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
**Norwood
Payneham
& St Peters**

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VENUE Council Chambers, Norwood Town Hall

HOUR

PRESENT

Council Members

Staff

APOLOGIES

ABSENT

1. **CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 4 DECEMBER 2023**

2. ADOPTION OF COMMITTEE MINUTES

REPORT AUTHOR: General Manager, Governance & Community Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: Not Applicable
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present to the Council the Minutes of the Special Meeting of the Audit & Risk Committee held on 6 December 2023 for the Council's consideration and adoption of the recommendations contained within the Minutes.

A copy of the Minutes of the Special Meeting of the Audit & Risk Committee held on 6 December 2023 is contained within **Attachment A**.

ADOPTION OF COMMITTEE MINUTES

- **Special Meeting of the Audit & Risk Committee – 6 December 2023**

That the minutes of the Special Meeting of the Audit & Risk Committee held on 6 December 2023, be received and that the resolutions set out therein as recommendations to the Council are adopted as decisions of the Council.

Attachment A

Adoption of Committee Minutes

Special Meeting of the Audit & Risk Committee 6 December 2023

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
Norwood
Payneham
& St Peters

Special Meeting of the Audit & Risk Committee **Minutes**

6 December 2023

Our Vision

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- 1. CONFIRMATION OF MINUTES OF THE SPECIAL MEETING OF THE AUDIT & RISK COMMITTEE HELD ON 20 NOVEMBER 2023 1

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7.00pm

PRESENT

Committee Members Mayor Robert Bria (Presiding Member)
Cr Grant Piggott
Cr Claire Clutterham
Ms Stefanie Eldridge (Independent Member)
Ms Sandra Di Blasio (Independent Member)

Staff Mario Barone (Chief Executive Officer)
Lisa Mara (General Manager, Governance & Civic Affairs)
Natalia Axenova (Chief Financial Officer)
Marina Fischetti (Executive Assistant, Governance & Civic Affairs)

Visitor Ms Corrine Garrett (UHY Haines Norton)

APOLOGIES Nil

ABSENT Nil

TERMS OF REFERENCE:

The functions of the Audit & Risk Committee include:

- (a) reviewing Annual Financial Statements to ensure that the Statements present fairly the state of affairs of the Council; and
- (b) proposing, and providing information relevant to, a review of the Council's strategic management plans or annual business plan; and
- (c) monitoring the responsiveness of the Council to recommendations for improvement based on previous audits and risk assessments, including those raised by the Council's External Auditor; and
- (d) proposing, and reviewing, the exercise of powers under Section 130A of the Local Government Act 1999; and
- (e) liaising with the Council's External Auditor in accordance with any requirements prescribed by the regulations; and
- (f) reviewing the adequacy of the accounting, internal controls, reporting and other financial management systems and practices of the Council on a regular basis; and
- (g) providing oversight of planning and scoping of the Internal Audit work plan; and
- (h) reviewing and commenting on reports provided by the person primarily responsible for the Internal Audit function at least on a quarterly basis; and
- (i) reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis; and
- (j) reviewing any report obtained by the Council pursuant to Section 48(1) of the Local Government Act 1999; and
- (k) performing any other function determined by the Council or prescribed by the regulations.

1. CONFIRMATION OF MINUTES OF THE SPECIAL MEETING OF THE AUDIT & RISK COMMITTEE HELD ON 20 NOVEMBER 2023

Cr Clutterham moved that the Minutes of the Special meeting of the Audit & Risk Committee held on 20 November 2023 be taken as read and confirmed. Seconded by Ms Stefanie Eldridge and carried unanimously.

2. CONFIDENTIAL REPORTS

2.1 COUNCIL RELATED MATTER

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (b) information the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest;

by the disclosure of sensitive commercial and financial information and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until the successful tenderer has been appointed and the contract has been entered into by all parties to the contact.

Cr Piggott moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer; General Manager, Governance & Civic Affairs; Chief Financial Officer and Executive Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (b) information the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the Council; and*
 - (ii) would, on balance, be contrary to the public interest;**

by the disclosure of sensitive commercial and financial information and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Clutterham and carried unanimously.

Cr Clutterham moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential until the successful tenderer has been appointed and the contract has been entered into by all parties to the contact.

Seconded by Ms Sandra Di Blasio and carried unanimously.

2.2 COUNCIL RELATED MATTER

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (b) information the disclosure of which –
- (i) could reasonably be expected to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest;

by the disclosure of sensitive commercial and financial information and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until this matter is finalised.

Cr Clutterham moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer; General Manager, Governance & Civic Affairs; Chief Financial Officer and Executive Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (b) information the disclosure of which –*
- (i) could reasonably be expected to prejudice the commercial position of the Council; and*
 - (ii) would, on balance, be contrary to the public interest;*

by the disclosure of sensitive commercial and financial information and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Ms Stefanie Eldridge and carried unanimously.

Cr Piggott moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, discussion and minutes be kept confidential until this matter is finalised.

Seconded by Cr Clutterham and carried unanimously.

3. NEXT MEETING

Monday 26 February 2024

4. CLOSURE

There being no further business the Presiding Member declared the meeting closed at 8.05pm.

Mayor Robert Bria
PRESIDING MEMBER

Minutes Confirmed on _____
(date)

3. STAFF REPORTS

3.1 COUNCIL TREE REMOVAL PROCESS

REPORT AUTHOR: City Arborist
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4588
FILE REFERENCE: Not Applicable
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present for the Council's consideration and approval, a new process for assessing and determining the removal of Council owned trees.

The matter is associated with the removal of any non-regulated Council tree that is not associated with a Development Application.

BACKGROUND

Pursuant to the *Local Government Act 1999*, a person must not remove a Council street tree, unless authorised to do so by the Council.

In particular, Section 221(1) states:

"A person (other than the council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by the council.

A person makes an alteration to a public road if the person (amongst other circumstances) —

(e) plants a tree or other vegetation on the road, interferes with vegetation on the road, or removes vegetation from the road."

The removal of a street tree is classed as an alteration to a road.

The Council receives requests from citizens to approve the removal of Council street trees. For example, a citizen may be concerned with the structural integrity of a tree, or where a tree is obstructing or causing damage to a footpath.

In order to ensure that the assessment and decision making regarding such requests or removing Council owned trees generally is carefully considered, at its meeting held on 2 April 2001, the Council considered a report that presented a robust process for the management of the removal of trees.

Following consideration of the matter, the Council resolved the following:

That in exercise of its powers contained in Section 44 of the Local Government Act 1999, the Council delegates on this 2nd day of April 2001 to the person occupying the office of the General Manager, Urban Services the power to approve or reject applications pursuant to Section 221 of the local government act 1999 by a person to remove a tree growing on a public road. The exercise by the General Manager, Urban Services of this power is subject to the following conditions –

- *before making any decision to approve or reject an application, to take advice from the Council's Senior Horticulturist about the health and amenity value of the tree;*
- *to approve removal of a tree only where the Ward Councillors of the Ward in which the tree is situated, concur with the proposal; and,*
- *where either or both of the Ward Councillors do not concur with the proposal to remove the tree, is not to exercise this delegated power but, instead to, refer the matter to the Council for a decision.*

While this process has worked effectively, a review has found that it is resource intensive and often proves time-consuming while awaiting the required responses from some Elected Members. Such delays have led to long turnaround times, causing dissatisfaction to the citizen who has made the request and significantly contributing to inefficiencies. Additionally, the resolution and establishment of the tree removal process specifically addresses the removal of established trees on public roads, but omits considerations for situations where removal of vandalized (damaged) trees, dead trees, trees deemed as 'weed' species, or in the event that the extraction of a tree from a reserve might be necessary.

Given that the current process has been in place since 2001 and staff have identified a range of gaps and inefficiencies with the policy and process, it is considered timely and prudent for the Council to consider a review of the established process for removing street trees situated on public roads, broadening the scope of the process and optimising its efficiency for the community's advantage.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the Council's **City Plan2030 - Shaping Our Future** are provided below:

Outcome 4: Environmental Sustainability
A leader in environmental sustainability.

Objectives:

3. Sustainable and attractive streetscapes and open spaces.
 - 3.1 Improve the amenity and safety of streetscapes for pedestrians and cyclists, including provision for shade in summer.
 - 3.4 Protect, diversify and increase the existing tree stock.

2022 – 2027 Tree Strategy Action Plan

Protect and Value. A City where the existing tree population is valued and retained

Strategy 2.1 – Council owned trees are retained wherever possible and requests to remove Council trees are only considered where they satisfy the Council's criteria and processes

- 2.1.1 Continue to prioritise tree retention
- 2.1.2 Continue to apply tree removal criteria
- 2.1.3 Develop Council owned tree removal guidelines
- 2.1.5 Update Council's forms, processes and approval pathways

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

The Council's Strategic Management Plan, *CityPlan2030*, acknowledges that the Council's street trees and streetscapes are highly valued and treasured assets within the City. The removal of healthy, functional street trees will have negative environmental and aesthetic impacts. The impacts may be mitigated by replacing trees which are removed with semi-advanced specimens of an appropriate species.

RESOURCE ISSUES

Streamlining the current process will enable the City Arborist more time to focus on other workload priorities.

RISK MANAGEMENT

The Council applies a robust risk management approach when considering the proposed removal of street trees. Whilst the current process is well articulated and clear, its implementation is not always effective causing dissatisfaction to the citizens who have made the request.

Delays in processing requests for tree removals can lead to negative community feedback and can cause a reputational risk for the Council. In addition, the resource intensive nature of the current process detracts from the efficient use of limited resources.

These risks can be effectively managed by reviewing and streamlining the current process.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Not Applicable.
- **Staff**
General Manager, Urban Planning & Environment.
- **Other Agencies**
Nil.

DISCUSSION

The Council places a high value on the City's trees but also recognises that from time to time, a need can arise to remove a Council owned tree. For example, where a tree has died, shows irreversible decline, is structurally compromised or where the tree is preventing a reasonable development, that accords with the relevant provisions of the *Planning & Design Code*, removal of the tree may be necessary.

Requests to remove trees that are associated with a Development Application, are considered and determined by the Council's Manager, Development Assessment, under a separate delegation from the Council. In assessing these requests, the Manager, Development Assessment must, as part of their assessment, consider whether any alternative design options are available and where practicable, aim to retain existing, healthy trees.

The current process for the removal of a non-regulated street tree that is not related to a Development Application, is set out below:

1. *A request for the removal of a non-regulated street tree to be removed is received by the Council. If it does not relate to a development application, it is received directly by the City Arborist.*
2. *The evaluation of the tree is conducted by the City Arborist based on specific tree removal criteria detailed in the Council's Tree Strategy 2022-2027. These criteria necessitate an assessment of the tree's health, condition, and overall value. If the tree fails to meet the removal criteria, the individual requesting removal is notified that authorization has not been granted, and consequently, the tree will be preserved.*

3. *If the tree removal request meets the criteria, a brief report is written to the General Manager, Urban Planning & Environment, recommending that authorisation be given for its removal.*
4. *If the General Manager, Urban Planning & Environment authorises the removal of the tree, then information on the street tree removal is distributed to the Elected Members for the Ward in which the subject tree is located, to appraise them of the circumstances and to seek their concurrence.*
5. *If the Elected Members for the Ward concur with the decision to remove the tree, the person seeking the street tree removal is informed of the decision and arrangements are put in place for the tree to be removed.*
6. *If the Elected Members for the relevant Ward do not concur with the decision of the General Manager, Urban Planning & Environment, the matter is referred to the Council for determination.*

Since the aforementioned process was first adopted by the Council on 2 April 2001, there has only been one (1) occasion when the Ward Councillors have not concurred with the final decision of the General Manager, Urban Planning & Environment (formerly delegated to the General Manager, Urban Services), to remove a street tree, such that the decision was not able to be made under delegation and a decision of the Council was necessary.

In that instance, a street tree located on the corner of Bridge and Avenue Roads, Glynde, was proposed to be removed in association with a proposed development by Lutheran Homes Retirement Village. At the time, the Council's former General Manager, Urban Services determined to authorise the removal of the tree, however the two Ward Councillors did not concur with the decision. A report was subsequently presented to the Council at its meeting held on 7 November 2005, where the Council resolved not to authorise removal of the tree.

The very high level of concurrence by Elected Members with the decisions which are made by Council staff, demonstrates a consistency in approach by both Elected Members and staff. In this respect, the overarching principle that is applied in the consideration of any such request, is that Council owned trees are highly valued assets and should be retained unless there is very good reason for them to be removed.

Whilst effective from a governance perspective, the current system has been somewhat problematic, insofar as in some instances it has been difficult to coordinate timely responses from Elected Members. In addition and most importantly, given that there has only been one (1) non-concurrence between staff and Elected Members over a 22 year period, the involvement of Elected Members in the process is now considered unnecessary.

If concurrence of Elected Members is removed from the tree removal process, it is estimated that the average timeline for processing the requests will be reduced by two (2) to three (3) weeks. In addition, substantial resource savings will arise, as the City Arborist will no longer be required to prepare documentation for the Ward Councillors for each request nor have to follow up Elected Members who have not responded to the request for concurrence in a timely manner.

Historically, the tree removal process has been applied and followed with respect to all requests to remove a Council owned tree located in the public realm. However, the current delegation only refers to trees that are 'growing on a public road. In order to remove any ambiguity and to ensure consistency between the wording of the process, it is recommended that the scope and wording of the current tree removal process be broadened to refer to the proposed removal of a Council-owned tree within the public realm and deleting the specific and limited reference to trees located on a public street. This change will provide better clarity that the process includes consideration of, among other things, the removal of a Council owned tree anywhere in the public realm, where removal may be required due to vandalism damaged), or because the tree is dead or deemed as a 'weed' species, or the extraction of a tree from a reserve might be necessary due to poor form, health or structure or where it poses an unacceptable risk.

To further streamline the tree removal assessment process, it is recommended that the City Arborist be delegated to assess and determine proposals to remove any small tree not exceeding three (3) metres in height or dead trees. It is also recommended that the City Arborist, Manager, City Services, Coordinator, Tree Services and Coordinator, Parks and Gardens be delegated to remove and replace failed street tree plantings and declared weed species (including, but not limited to *Olea Europa* 'wild olive' and *Casuarina glauca* 'Swamp oak' as identified within the *Landscape South Australia Act 2019* and *Natural Resource Management Act 2004*) from Council Reserves and the River Torrens Linear Park.

The revised Tree Removal process is contained in **Attachment A**.

OPTIONS

The Council has the following options regarding this issue:

Option 1:

The Council can retain the status quo and reaffirm its endorsement of the existing tree removal policy and process.

This approach is not recommended due to the reasons set out in this report. Administration of the current process has prompted queries and concerns from some Elected Members and citizens regarding the necessity of this approach. It is also considered to unnecessarily maintain ten (10) working days in the process that arguably do not add value to the assessment process, given that there is almost a 100% concurrence rate between the decision which is made by staff and the concurrence of the Elected Members.

Option 2:

The Council could retain the current tree removal process requirements, including the need for referral to the Ward Councillors, but reduce the time provided to Elected Members to respond from ten (10) days to five (5) days. This approach is good in theory but still relies on Elected Members meeting the referral response timeline on each occasion, which would be difficult to achieve given other commitments that Elected Members may have.

Option 3:

The Council could retain the current tree removal process requirements, with the exception of the need to refer tree removal requests to the Ward Councillors for concurrence. This approach, combined with broadening the scope of the process, as outlined in this report, would save up to ten (10) days from the tree removal process, without having any detrimental impact on the decision making process or the final outcome, noting the high concurrence rate between staff and Elected Members. This approach would also clear up any ambiguity in the existing process.

This Option is recommended for the reasons set out in this report.

CONCLUSION

It is the Council's position that trees should be retained where possible and practical.

The decision to approve the removal of trees can be difficult. However, the establishment of formal criteria combined with the high level of concurrence since 2001, clearly indicates that the Council and staff are in alignment.

COMMENTS

Given that this process currently involves Elected Members, it is necessary to obtain Council's endorsement of the revised process. If endorsed, the process will be an internal document, and future reviews of the process will be undertaken by Council staff.

RECOMMENDATION

1. That in exercise of its powers contained in Section 44 of the *Local Government Act 1999*, the Council delegates on this day, 11 December 2023 to the person occupying the office of the General Manager, Urban Planning and Environment, the power to determine applications pursuant to Section 221 of the *Local Government Act 1999*, to remove a tree growing in the public realm, including but not limited, to trees growing on a public road.
2. The exercise by the General Manager, Urban Planning and Environment of this power is subject to the following conditions:
 - Prior to making any decision to approve or reject an application;
 - to take advice from the Council's City Arborist about the health and amenity value of the tree; and
 - ensure that the tree removal request is assessed against the relevant criteria set out in the Council's *2022-2027 Tree Strategy*.
3. That in exercise of its powers contained in Section 44 of the *Local Government Act 1999*, the Council delegates on this day, 11 December 2023 to the person occupying the office of the City Arborist, the power to determine applications and proposals to remove any tree not exceeding three (3) metres in height and any dead trees, pursuant to Section 221 of the *Local Government Act 1999*.
4. That in exercise of its powers contained in Section 44 of the *Local Government Act 1999*, the Council delegates on this day, 11 December 2023 to the persons occupying the offices of the City Arborist; Manager, City Services; Coordinator, Tree Services; and Coordinator, Parks and Gardens, the power to remove and replace failed street tree plantings and declared weed species (including, but not limited to *Olea Europa* 'wild olive' and *Casuarina glauca* 'Swamp oak' as identified within the *Landscape South Australia Act 2019 and Natural Resource Management Act 2004*) from Council Reserves and the River Torrens Linear Park, pursuant to Section 221 of the *Local Government Act 1999*.
5. That the Council-owned Tree Removal Process contained in **Attachment A** to this report, be endorsed.

Attachment A

Council Tree Removal Process

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
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& St Peters**



NAME OF PROCEDURE: TREE REMOVAL PROCESS

PURPOSE

This document sets out the process that is required to be used for the removal of a Council owned tree that is not associated with a Development Application.

KEY PRINCIPLES

The overarching principle that is applied in the consideration of any request to remove a tree, is that Council owned trees are highly valued assets and should be retained where possible and practical unless there is very good reason for the tree to be removed.

SCOPE

This document sets out the process for the removal of a Council owned tree, that is not associated with a Development Application.

PROCEDURE

1. A request to remove a Council owned tree will be assessed by the City Arborist or other suitably qualified person against the tree removal criteria contained in the Council's *2022 – 2027 Tree Strategy*. If the request to remove the tree does not meet the criteria, the person who submitted the request will receive written notification regarding the outcome of the assessment, confirming the removal of the tree will not be approved.
2. Should the tree under consideration meet the tree removal criteria contained in the *2022 – 2027 Tree Strategy*, and is a tree that is either dead, stands at a height of less than three (3) metres, or is identified as a formally declared weed species under the *Landscape South Australia Act 2019 and Natural Resource Management Act 2004*, the City Arborist is delegated the power to approve the request, arrange for the tree's removal and inform the person who submitted the request of the decision.

The criteria contained in the *2022 – 2027 Tree Strategy* is set out in **Attachment A**.

3. In cases where a tree is identified as a formally declared weed, under the *Landscape South Australia Act 2019 and Natural Resource Management Act 2004* and is located within the public realm, including but not limited to, Council owned parks and reserves and parts of the River Torrens Linear Park that are under the care and control of the Council, the City Arborist or Manager, City Services, or Coordinator of Tree Services or Coordinator of Parks and Gardens, may approve the request and arrange for the tree to be removed.
4. In cases where a tree that is the subject of a request for removal exceeds a height of three (3) metres and does not fall under the categories of being deceased or identified as a declared weed species, the City Arborist will compile a Visual Tree Assessment (VTA) describing the tree's health, condition and whether the request to remove the tree satisfies the criteria set out in the *2022 – 2027 Tree Strategy*, and will seek approval for its removal from the General Manager, Urban Planning & Environment.

5. In making a decision, the General Manager, Urban Planning & Environment must have regard to any reports and advice prepared by the City Arborist or a suitably qualified person when assessing a request to remove a Council owned tree. If the General Manager, Urban Planning & Environment grants approval for the tree's removal, the person who submitted the request will receive written notification regarding the assessment outcome.
6. If the General Manager, Urban Planning & Environment does not approve the removal of the tree, the person who submitted the request will receive written notification regarding the assessment outcome.

Trees Associated with a Development Application

This process does not apply to requests to remove trees that are associated with Development Applications. Such requests will be considered and determined by the Council's Manager, Development Assessment, under a separate delegation from the Council.

Regulated Council trees

When a request for the removal of a Regulated Council Tree is received or when staff identify that a Regulated Tree that meets the Council's criteria for tree removal, the City Arborist or a suitably qualified person, will compile a Visual Tree Assessment (VTA) describing the tree's health, condition, alignment with the tree removal criteria and will submit a Development Application through the PlanSA portal for assessment by the Council's Planning staff.

If the Development Application is approved, no further approval will be required to enact the decision.

Emergency Works

In an emergency, tree damaging activity involving a Regulated Tree can be undertaken without first having received a Development Approval. As soon as practicable after the emergency work is undertaken, the owner of the Regulated Tree must lodge a Development Application seeking retrospective approval for the work undertaken.

Storm Events and Structurally Compromised Trees

In situations where a Council owned tree sustains damage as a result of a storm or vehicular impact or similar occurrence, which results in an imminent risk to people or property, necessitating urgent intervention, the City Arborist, Manager of City Services, Coordinator of Tree Services and the Leading Worker in Arboriculture (or his delegate) may schedule or execute any actions necessary to prune or remove the tree to eliminate any imminent risk to people or property. In such instances, a corporate record of the decision will be maintained, and should where practicable, include documenting the reasons for action taken and inclusive of photographs.

Version:	1.0
Responsible Officer:	City Arborist
Issue Date:	24 November 2023
Review Date:	24 November 2026
Approved By:	General Manager, Urban Planning & Environment
Signature:	
Notes:	This process was endorsed by the Council on 11 December 2023. Future reviews of the process will be undertaken by the General Manager, Urban Planning & Environment.

ATTACHMENT A

Tables 1 and 2 below, outline tree removal criteria contained in the *2022 – 2027 Tree Strategy*. The criteria is used to assist in the assessment of requests to remove Council owned trees, that are not associated with Development Applications.

Table 1.

Invalid reasons for removal of Council owned trees

The Council considers the following to be invalid justifications for the removal of a Council owned tree:
a. property owner preference for no street tree or for a different species;
b. complaints about appearance and/or smell;
c. complaints about allergens (unless under exceptional circumstances and written advice is provided from a medical specialist);
d. interruption of views;
e. complaints about leaf litter, seed pods and other debris;
f. complaints about tree roots proven not to be causing damage to private property;
g. complaints about animals and associated nuisance and mess; or
h. complaints about the overshadowing of solar panels.

Table 2.

Council owned tree removal criteria

The Council will consider the removal of a Council owned tree, only if the tree is:
a. dead;
b. diseased, damaged, disfigured and/or failing to thrive and beyond reasonable rehabilitation;
c. structurally unsafe or poses a level of risk that is considered to be unacceptable or intolerant;
d. assessed as having a short life expectancy;
e. causing damage to Council infrastructure or private property;
f. preventing safe and convenient use of footpaths, which cannot be alleviated by a mitigation strategy;
g. presenting a significant road safety risk eg traffic visibility, which cannot be alleviated by pruning or other mitigation strategy;
h. preventing the development of land (eg by impeding access) and reasonable alternative development design options that would obviate the need to remove the tree have been considered;
i. subject to a specific Council policy, eg: Queensland Box that is unhealthy or poorly shaped.
j. subject to a strategic streetscape upgrade or major project where: <ul style="list-style-type: none"> - Retaining the tree is incompatible with the objectives of the project; - The tree is a species that, at maturity, will provide a low level of canopy cover in the context of the available space; or - will deliver a net gain in the: <ul style="list-style-type: none"> - number of trees; and/or - long term canopy cover.
Other considerations may include:
k. the amenity value of the tree.

4. CONFIDENTIAL REPORTS

4.1 2024 AUSTRALIA DAY AWARD NOMINATIONS

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (o) information relating to a proposed award recipient before the presentation of the award;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion, and minutes be kept confidential until 26 January 2024.

4.2 DRAFT LONG-TERM FINANCIAL PLAN

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (b) information the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest;

by the disclosure of sensitive commercial and financial information and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, discussion and minutes be kept confidential until the successful tenderer has been appointed and the contract has been entered into by all parties to the contact.

4.3 TENDER SELECTION REPORT

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

by the disclosure of sensitive commercial and financial information and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

5. CLOSURE