

UMZIMVUBU LOCAL MUNICIPALITY



LANDSCAPING AND GREENING POLICY

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1. PURPOSE

The purpose of this policy is to ensure uniformity regarding greening management within the Umzimvubu Local Municipality. This policy must be linked to our I.D.P. This policy aimed to address two sets of issues:-

- + General urban greening deterioration
- + Global environmental crisis-global warming ;erosion and etc

Various tree species have different growth characteristic i.e. shape, growth rate, size when full grown, wind and drought resistance, vigorous and aggressive root system deciduous or evergreen, flower and fruit bearing. These characteristics must be kept in mind when trees species are selected for planting in residential areas and other public areas.

We are having a problem where many trees of the wrong species both indigenous and exotic have been planted in the past in our sidewalks, as a result numerous complaints from residents about tree debris littering streets, root damage to property,obstruction of power line.

Many of these complaints are accompanied by request to have these trees removal and each request must be fully investigated and treated according to its own merit, removal should be considered as the very last option.

In some developing areas there is a lack of awareness regarding the benefits of trees to green and these areas". Programmes to promote greening such Arbor week, Municipal greenest Competition and our Proposed adopt a Spot competition.

2. LEGISLATION

Municipality has no powers to pass legislation to protect tress on the private properties. The Council may nevertheless stipulate as a condition of approval when applications for the rezoning or subdivision are received that a landscape plan including tree planting and the care of existing trees be included with any development plan or building plan. These will exclude properties for the single residential use.

Legislation governs Greening policy:

2.1. The Constitution of the Republic of South Africa, 1996 Chapter 2: Bill of Rights

Everyone has the right:

- 2.1.1. To an environment that is not harmful to their health or well-being and
- 2.1.2. To have the environment protected for the benefit of present and future generation through reasonable legislative and other measures that-
 - a. Prevent pollution and ecological degradation;
 - b. Promote conservation;
 - c. Secure ecological sustainable development and use of natural resources while promoting justifiable economic and social development.

2.2. Water Services Act, 1997 [Act No 108 of 1997]

One of the main objectives of this Act is the promotion of effective water resource management and conservation. It is therefore important to promote the planting of indigenous and other drought tolerant plants to ensure the optimum use of our limited water resources.

2.3. Environmental Conservation Act, 1989 [Act No 73 of 1989]

Section 21 in Part V of this act, provision is made whereby the minister may identify activities which may have a detrimental effect on the environment. Tree planting may be identified as such an activity that may not be undertaken in a particular area.

2.4. Forest Act [Act No 84 of 1998]

This Act makes provision under section 5 of the Forest Act 72 of 1968 in force by section 89 [4] of Act 122 of 1984 for the declaration of a particular species or group of trees or trees belonging to a particular species on any land to be protected. Maintenance of protected trees on the public land is also subject to the necessary approval from the Minister of Water Affairs and Forestry prior to implantation.

2.5. Conservation of Agricultural Resources Act, 1983 [CARA] [Act No 84 of 1998]

Under section 29 regulations were made in which certain plants were categorized as Category 1

- Plants declared as weeds -may not be planted on any land

Category 2

- Plants declared as invaders- may be cultivated and planted under controlled circumstances.

Category 3

- Plants declared as invaders –Plants already in existence at the time of the commencement of these regulations may be retained but may not be propagated or planted.

2.6. National Environmental Management Act, 1998 [Act No 107 of 1998]

Section 2 of this sets out principles that need to be considered prior to tree planting projects. This includes the avoidance of the disturbance of ecosystems and loss of biological diversity, and that people and their needs must be placed at the forefront of Environmental Management concern. Section 24. The potential impact of any activities on the environment, the socio economic conditions and the cultural heritage, must be considered investigated and assessed prior to implementation.

3. GREENING BENEFITS

To promote greening and maximize tree planting in the towns of Umzimvubu Local Municipality and an integrated town wide approach to the planting care and management of all vegetation in town to secure multiple environment and social benefits for urban dwellers.”

These benefits include following:

3.1. Environmental benefits

- a. Climate amelioration
- b. Flood control
- c. Erosion control
- d. Air pollution control
- e. Energy conservation
- f. Noise pollution control
- g. Land reclamation

3.2. Amenity benefits

- a. Recreation
- b. Aesthetics
- c. Education
- d. Health and well being
- e. Cultural and religious rituals

3.3. Material benefits

- a. Food and fruit
- b. Medicine

We need to promote the planting of indigenous and other drought resistant plants. To promote tourism by beautifying scenic routes and thoroughfares to and in the town by the planting of trees. To promote invest by upgrading the aesthetics of the towns areas by tree planting. To ensure an integrated town wide approach regarding planting, maintenance and removal of tree, according to sound arboricultural practices.

To ensure integrated planning with other departments and functionaries, to prevents unnecessary damage to trees during construction. To promote the planting of trees through the active involvement of Open Space Management.

4. Trees Planting

Open Space Management plants trees on public land either at the initiative of its own staff or at the request of resident"s .The planting of trees in the town must be promoted by the implementation of sustained planting programmes with community participation.

Preference is given to the planting of indigenous trees. Species selected is of outmost importance in order to eliminate problems associated with the growth characteristics of certain trees species, for example damage resulting from aggressive root systems and excessive height that might obstruct and disturb street lights and power lines .

a. Categories of planting are:

1. New planting watered and cared for by Open space Management, Cemeteries and Parks section in partnership with community.
2. Replacement of existing trees [blanking]

b. Way leaves

Once the site has been inspected, way leaves from other relevant functionaries have been obtained and it has been established that tree planting is possible, the selection species will be influenced the following factors:

1. Existing species present and are they growing very well?
2. The presence and absence of overhead and underground services.
3. Width of pavement
4. Growth characteristics of tree species that could cause danger or damage to people or property.

4.1. General Guidelines of Planting or Greening

- a. Trees are planted on sidewalks and open spaces in liaison with other service provider department.

- b. Applications for individual tree planting on sidewalks must be in writing and addressed to the relevant department. In event of the applicant not being able to read and write, provision must be made for such applications to be presented verbally at the relevant official in charge.
- c. Residents requesting individual tree planting must undertake to water the tree until it becomes established.
- d. Individual and replacement planting will be carried out when required, and a principle of take out one tree plant one trees shall apply.
- e. Trees are to be planted allowing unobstructed pedestrian flow.
- f. No trees to be planted where prohibited by services such as electricity, water pipes and sewer and etc.
- g. No planting to be undertaken which would impair visibility or create a traffic hazard.
- h. To prevent root damage to underground services or hardened surfaces, root control system may be introduced to redirect root from the protected areas.
- i. No private planting on Council owned land permitted without prior consultation with the relevant department.
- j. Planting distance between trees will depend on the species selected and services encountered
- k. On pavements not wide enough to accommodate trees, consideration of a tree donation for adjacent private garden will be given.
- l. On request from schools and community greening project, trees may be donated according to the policy on donations
- m. The regulations under section 29 of the Conservation of Agricultural Resources Act 1983[Act No 43 of 1983]will be adhered to i.e. Plants declared as weeds may not at all be planted ,while others that have been declared as invaders must be controlled .

4.2. Financial Resources

Public demand for tree planting in residential areas differs from area to area and whilst tree planting should be encouraged and promoted .Council will only be able to provide and plant trees within its financial ability.

4.3. Trees Required by Residents

- a. Depending on funds and the availability of suitable material the Umzimvubu Local Municipality annually undertakes the planting of trees along sidewalks in residential area on condition that owners or occupiers of adjacent properties accept responsibility for the maintenance [pruning and pest control excluded] To ensure adequate aftercare ,only applications received from individual property owners will be considered on the prescribed manner which includes instructed about aftercare and a maintenance to be agreed upon.

- b. Residents may indicate their preference for species to be planted but Council official in charge will determine the final choice.
- c. If space on a sidewalk is insufficient; trees may be planted inside of the private property and provided that the property owner takes full responsibility for the maintenance.

4.4. Trees Planted By Member of the Public

Members of the public occasionally plant trees on public land without authority. Should the Council official notice such an unauthorized planting they should arrange to have the tree removed if in their opinion it will cause danger to person or property and problem to the area maintenance in the future. Failure to do so will in effect cause the municipality to accept the consequences of that tree growth by default.

Owners of the property will be permitted to plant trees on sidewalks, after the necessary approval in writing has been obtained from the relevant department. The property owner must be informed that such tree, once planted on municipal land becomes the property of Council but the maintenance is the responsibility of the property owner.

4.5. Tree Maintenance on Public Open Space Land

Department relies the vigilance of the general public and official throughout the municipality to report on the condition of any potential hazardous trees within residential areas, open space areas and along major routes .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.

4.5.1. Inspection of Trees

4.5.1.1. In order to prevent unnecessary damage to trees during construction work other functionaries and utility companies must obtain a way leave from the department in charge 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 municipality property will be done by responsible department or appointed contractor. Requests for pruning should be directed to the relevant department
- 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 the Municipality.
- c. Trees pruning refers to the cutting of tree roots and branches.
- d. The following factors must be taken into account when pruning s being considered:
 - o Safety [Public and Property]
 - o Legal –Upon written request for the removal of any offending branches or roots encroaching upon the complainant’s property.
- e. No tree located on public or Council land is to be removed unless its present is a threat human life or property or if the tree has died .Exceptions being:
 - Trees classified as “declared weeds “in terms of the Conservation of Agriculture Resources Act,1983[Act 43of 1983]
 - Trees that are diseased beyond recovery

- Trees causing a traffic ,electrical or health hazard
- Allergic reactions
- Trees that interfere with essential services where no other suitable alternatives can be found.
- In accordance with a Council resolution
- 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 be based upon the formula process for valuating a tree as set out on back pages.

- f. Generally trees are only to be pruned for sound arboricultural reasons. Pruning will however be considered where trees cause damage to structure or obstruct pedestrian or vehicular access or impede traffic sight sign.

4.6. Pruning and Removal of Trees

While it is not denied that in certain instances trees may form a nuisance to a property owner, **[request for] pruning or removal of trees [shall not be readily assented to, the requestor needs to fully motivate and the municipality will consider each such request on its merits]**

4.7. Removal of treed in road reserves

- a. No trees will be cut down or removed without the approval of **the municipality**
- b. All felling of trees will be carried out by relevant department or its agents/contractor. The level to which a tree will be cut is however occasionally a subject for dispute. Traditionally trees are cut leaving a stump prod 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 obtain from the relevant department s .
- c. Department of Citizen and Community Services is responsible for all Council trees, it is incumbent upon the department to remove a tree which constitutes.
- d. A hazard to the public or an obstruction to normal development to 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 themselves.

4.8. Damage to Council owned Trees

- a. When damage to Council owned trees is observed the Council official in charge or department must decide whether to take action against the responsible party. i.e. Usually this will be 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 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 ad the accumulative product is multiplied by a factor of six to provide the overall established monetary value of the tree,

a. The objective of this tree evaluation system is :

- 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 a wide application and affects management considerations, e.g removal and planting.
- To provide arboriculturists and others with a system for assessing a value when trees are accidentally mutilated, destroyed or requested to be removed.
- 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.
- To provide towards the additional protection of the environment.

4.9. Trees on Private Property

4.9.1. 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.

The relevant department will decide on the retention of conservation worthy trees. The most important criteria revolve around the impact which the tree makes on landscape, species, sizes, health and vitality of the trees and proposed site level and prevailing wind conditions.

Council official may assist with the conservation of trees protected in terms of the Forest Act [Act No 122 of 1984

4.9.2. 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 interfere with essential services a notice can be served in terms of the Municipal regulation laws compelling the owner to attend to the offending tree?

5. Commencement of this Policy

This policy will come into effect on the date of adoption by Council.

6. Interpretation of this Policy

6.1 All words contained in this policy shall have an ordinary meaning attached thereto unless the definition or context indicates otherwise.

6.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.

6.3 The Municipal Manager shall give a final interpretation of this policy in case of a written

dispute.

7. Permanent/temporary waiver or Suspension of this Policy

7.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation the Management .

7.2 Notwithstanding clause No. 14.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council

8. Amendment and/or abolition of this Policy

8.1 This policy may be amended or repealed by the Council after consultation with Management

9. Compliance and enforcement

9.1 It will be the responsibility of all Management, and Council to enforce compliance with this policy.