

property occupiers/owners.

Neighbouring property occupiers/owners are determined to be those properties with boundaries within a 100m radius of the tree.

- If the tree is an Amenity Tree, and is considered a danger to the public and/or affecting an existing building, then the trimming of the tree will always be considered as the first option.
- If the tree is an Amenity Tree, and is not considered a danger to the public, then the application will be declined.

The trimming or removal of trees by Council is undertaken as funding priorities allow and depending on risk to the public. Trimming of the trees is undertaken by Council contractors.

Applicants may arrange the quick removal of a tree if they are prepared to facilitate and pay for the removal themselves and they have appropriate safety provisions in place.

However, an applicant may not complete any trimming or removal of a tree in road reserve without demonstrating that the person(s) undertaking the activity has an approved OSH Safety Plan, Traffic Management Plan and Public Liability Insurance and have notified possible affected utility authorities e.g. Electricity Network Operator, Telecom, Council Water Services.

The tree shall be removed and the site made good within two weeks of commencement unless agreed otherwise.

If you wish to apply to have a tree removed, please visit your nearest Council office or Service Centre to fill in an application form. Alternatively, application forms are available on our website at www.cluthadc.govt.nz

Three-Stage Enforcement Process

Council has adopted the following three-stage enforcement process for dealing with a wide range of roading issues.

Please note that for significant road safety hazards, stage three will be immediately implemented and works will be passed on to a contractor with resulting costs passed on to the owner/operator.

Stage One, Verbal: When an issue is identified and inspected onsite by our roading staff and warrants further action, the first approach to the owner or operator will be verbal. This will include discussion of the issue and

a brochure such as this one will be left explaining the provisions of the roading bylaw and what the next steps will be if the problem isn't resolved.

It should be noted that for any maintenance work on the road reserve a traffic management plan must be obtained.

Stage Two, Written: If the issue isn't resolved in a timely manner, a follow-up written warning letter will be sent. This will reiterate the provisions of the Roothing Bylaw or relevant legislation and will specify a timeframe for rectifying the issue. If the issue is still not rectified within the specified timeframe, Council will undertake remedial work and pass the cost on to the owner or operator.

The timeframe will depend on the degree of the safety hazard.

Stage Three, Council Remedial Works: As a last resort, we will arrange to have the work undertaken to fix any damage and/or remove any hazards from the road reserve. The cost of this will be recovered from the owner/operator plus a margin of 10% to cover Council administration and inspection costs.



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Clutha District Council

Trees Shading or Overhanging Road Reserve



Trees on private property overhanging and/or shading footpaths and roads is a dangerous, yet is an alarmingly common issue in the Clutha District.

Not only do trees with low and/or overhanging branches present a direct physical threat to passing pedestrians and motorists, but those trees which shade the road surface for extended periods in winter can reduce the structural strength of the road and create an icy surface, making driving treacherous.



Introduction

This brochure provides an explanation of Clutha District Council's policy in respect to trees on private property or road reserve which become a nuisance and/or danger to the general public.

It has been designed to help make sure roads are not shaded during winter months, to ensure vegetation does not impede visibility at corners or intersections, and to prevent vegetation from becoming a nuisance to pedestrians.

Council has provisions including our policies on Roadside Planting and Trees on Road Reserve, Rule Tran.7 in our District Plan, and under the Local Government Act 1974, to ensure trees do not become a danger to the general public.

One of the major concerns is that during winter months, roads that have been shaded by trees or vegetation can remain frozen for extended periods of time. Such roads are difficult and dangerous to drive on, and over time this reduces the strength of the road surface causing expensive repair costs.

Low, overhanging trees and vegetation can also cause difficulties for people using footpaths and, in some cases, for passing motorists.

The areas of frozen roads throughout our district, and other problems arising from overhanging trees and vegetation, can be greatly reduced by correct maintenance/trimming.

Council wishes to work with landowners to sort out any potential problems before they eventuate.

It is therefore most practical to address the issue of trees shading roads and overhanging trees at the time of planting, rather than having to remove offending trees at a later date.

Roadside Planting Policy

Council's Roadside Planting Policy is in place to ensure that roads throughout the district are maintained free of damage caused by shading.

Under the policy, no tree or hedge may be planted to allow it to overhang the legal roadside boundary, without the written consent of Council.

The height of any tree or hedge etc is also limited to ensure the road surface is not shaded between 10am and 2pm on the shortest day of the year.

No tree, hedge, fence etc is permitted if it will obstruct the visibility of traffic at intersections or corners.

Under this policy, the control of noxious plants adjacent to the area of trees, hedges etc. is also the responsibility of the landowner.

A further provision, (Rule Tran.7), under Council's District Plan means that production forestry, amenity planting, or shelter belt planting more than two rows deep cannot be planted within 10m of the legal road reserve on the eastern or northern side of any road which has a speed limit of 70km/h or more.

Single trees and shelterbelts have been excluded from this District Plan rule to provide flexibility. However, under the Local Government Act 1974, Council still has the ability to have any problem trees removed.

Trees on Private Property

If trees on private property are considered a danger to the public, then Council will request that the owner trims or remove the trees. If they do not, then Council may complete any necessary work and pass the costs onto the landowner.

Under Council policy, a tree is considered a danger to the public when:

- The tree shades the road surface between 10am and 2pm on the shortest day;
- It obstructs the visibility of traffic at intersections or road corners;
- It has branches at a height less than 2m over footpaths;
- It is of an age or condition that significant branches or the tree may fall into a public space while in use by the public;
- The roots are damaging footpaths, road surfaces or utility services and removing the tree is the best long term option.

Trees on Road Reserve

Council policy prevents the planting of trees, flax or other plants on the rural road reserve. This is due to the large costs incurred by ratepayers where the land owner does not trim or maintain the trees. It helps to ensure roads are not shaded during winter months and to ensure vegetation does not impede driver visibility.

If a tree on Road Reserve is creating a problem, then you can apply to Council to have the tree trimmed or removed.

Council has criteria it uses when determining whether a tree in road reserve may be trimmed or removed and who pays for it. When making a decision, we give consideration to the general principles outlined below:

- If the tree is not an Amenity Tree and is considered a danger to the public, then Council will remove the tree.
- If the tree is not an Amenity Tree but is not considered a danger to the public, then the applicant may be able to remove/trim the tree at their own cost. However, the applicant must first seek approval from neighbouring