

Legal Responsibilities

Within the Alexandrina Council area, native vegetation is protected under the *Native Vegetation Act 1991*, *Environment Protection & Biodiversity Conservation Act 1999* and *Natural Resources Management Act 2004*.

If you want to clear native vegetation for any reason you need to check whether approval is needed under the *Native Vegetation Act 1991*.

Regardless of who planted any given tree, Alexandrina Council is responsible for the protection, care and maintenance of all trees on Council land, including controlled roads, verges and reserve areas.

It is an offence to poison, prune, remove, deface or otherwise interfere with or cause unauthorised damage to trees on Council land under Council by-law No.2 and the *Local Government Act 1999*.

Under Sections 244 and 245 of the *Local Government Act 1999*, Alexandrina Council is not liable for any damage to property which results from the planting of a tree on our land, or the existence of a tree growing on Council land, whether the tree was planted by Council or not.

If trees are on private property, please seek advice from the Legal Services Commission of South Australia on 1300 366 424 or ask for a copy of their publication *Trees and the Law*.

The overall health and wellbeing of the residents of Alexandrina Council is undoubtedly improved by the presence of trees creating a more balanced and healthy environment.

Natural processes including bark, leaves, gumnuts or small limb shedding are not adequate reasons for removal. Trees will only be pruned where there are sufficient reasons to do so. Requests for pruning to reduce the amount of leaf litter are unlikely to be considered.

Trees are a vital part of our environment and are considered a community asset within the area which provide habitat, shelter and food for local fauna. They influence and improve microclimates by reflecting and intercepting sunlight, and reduce pollution by purifying the air.

Contact Details

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Council Owned Trees



Assessment and Removal Criteria

This brochure outlines the approach taken by Alexandrina Council when trees on Council land are considered for assessment and/or removal.

Trees will only be assessed for removal if they meet one or more of the criteria listed within this brochure.

Trees and our community

Council will assess the risk, and as a result may approve the removal of a tree for the following reasons:

- » If a tree within a township is completely dead (dead trees that are proven structurally sound may be retained for fauna habitat especially within a reserve).
- » The tree restricts vision for safe vehicle movement (as per Australian Standards and Councils Roadside Vegetation Management Plan) and other alternatives such as effective pruning, cannot be found.
- » The tree is causing damage to private dwellings or other substantial private structures. Council will require written evidence from a suitably qualified engineer if it is deemed that alternative methods such as root pruning or root barriers will be ineffective. Council may also seek independent expert advice relating to such damage.
- » If substantial damage is being caused to the built environment i.e. public/private utilities (including a history of damage to water pipes, retaining walls, footpaths, kerbs or

roads) and alternative methods such as repairs, relocation of services, root pruning or root barriers will be ineffective.

- » Access to a property is unreasonably restricted and effective pruning cannot be carried out.
- » A tree is substantially affected by a disease or insect infestation to a stage which causes the tree to become unsafe.
- » A specialist medical certificate is presented as evidence that the physical health of a nearby resident is being detrimentally affected by the tree(s). Approval for the removal of certain species of trees will only be granted for authentic medical reasons. Council may also seek independent expert advice relating to any alleged health impacts.
- » Where statutory vegetation power line clearance (i.e. SA Power Networks pruning) has resulted in unsatisfactory tree structure.
- » The tree has been declared a weed by the Natural Resources SA Murray Darling Basin and Natural Resources Adelaide and Mount Lofty Ranges

Making a tree removal request

All Council tree removal /assessment requests are to be received in writing as recommended by the Local Government Mutual Liability Schemes Tree Management Guidelines and noted in Section 245 of the *Local Government Act 1999*.

Completion of an *Application to Alter a Verge* form will be deemed a written request. These can be downloaded from our website or you can call Council on **08 8555 7000** for a copy to be sent to you.

A suitably qualified Council Officer or an independent arborist will then inspect the tree and make an assessment based on the removal criteria and any risks evident.

Trees will also be assessed to see if they are protected under the *Native Vegetation Act 1991*. Trees obscuring views, shading private gardens and/or solar panels, or trees obscuring advertising signage are not adequate reasons for removal.

Previously declined applications will only be re-assessed if new evidence is presented.

