

COUNCIL'S LEGAL RESPONSIBILITY

The State Government Development Act 1993, (amended) has been enacted to protect South Australia's regulated & significant trees with a view to conserving biodiversity. The changes make all trees previously classed as Significant (2m circumference or greater) are now Regulated, and trees 3m circumference or greater are now both Regulated and Significant. Regulated trees only require Development approval (no tree report needed) and significant trees still require an arborist report supporting a case for removal addressing the development plan.

Where a tree has multiple trunks, the combined circumference of all trunks needs to be added together.

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

Under Section 245 of the Local Government Act 1999, the 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 our land, whether the tree was planted by us or not.

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

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

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

Trees and the Law



11 Cadell Street (PO Box 21) Goolwa SA 5214
www.alexandrina.sa.gov.au

T 08 8555 7000 F 08 8555 3603 E alex@alexandrina.sa.gov.au



Council Owned Trees Assessment & Removal Criteria



Alexandrina Council

We will assess, and may subsequently approve the removal of trees for the following reasons:

- ◆ The tree is completely dead (dead trees are proven structurally sound may be retained for fauna habitat)
- ◆ The tree restricts vision for safe vehicle movement (as per Australian Standards and Council's Road-side 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. We will require written evidence from a suitably qualified engineer and alternative methods such as root pruning or root barriers will be ineffective. We may also seek our own expert advice relating to such damage
- ◆ If substantial damage is being caused to the built environment ie 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
- ◆ The tree/s substantially affected by a disease or insect infestation to a stage which is beyond a cure
- ◆ 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 on authentic medical reasons. We may also seek our own expert advice relating to any alleged health impacts
- ◆ Where statutory vegetation power line clearance (ie ETSA pruning) has resulted in unsatisfactory visual or structural conditions
- ◆ The tree has been declared a weed by the South Australia Murray Darling Basin Natural Resources Management Board (SAMDBNRMB)

TREES & OUR COMMUNITY

Governments and communities in general have expectations that trees should be retained wherever possible and only removed if there are compelling reasons to do so.



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

Natural events including bark, leaves, gumnuts or small limb shedding are not adequate reasons for removal. Trees will only be pruned when there is sufficient reason 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 community's environment and are considered a community asset within the area and provide habitat, shelter and food for local fauna. They influence and improve microclimate by reflecting and intercepting sunlight, and reduce pollution by purifying the air through processes of filtration and dilution.



All Council tree removal / assessment requests are to be received in writing as recommended by the Local Government Mutual Liability Scheme's 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 phone us for a copy to be sent to you.

A suitable qualified Council officer or an independent Arborist will then inspect the tree and make an assessment based on the removal criteria. As part of the assessment, trees will be checked if they are deemed regulated / significant under the relevant provisions of the Development Act 1993 or protected by the Native Vegetation Act 1991.

Trees obscuring views or shading private gardens and/or solar panels are not adequate reasons for removal.

Previously declined applications will only be re-assessed if new evidence or circumstances arise.

