

TREES AND THE LAW

The State Government *Development Act 1993* amended, has been enacted to protect Adelaide's regulated and significant trees with a view to conserving biodiversity. The changes mean that all trees previously classed as significant (2m circumference or greater) are now regulated and that trees 3m circumference or greater are now both regulated and significant. Regulated trees only require development approval (no tree report needed). 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 City of Onkaparinga 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 City of Onkaparinga 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.

CONTACT

Customer Relations team on 8384 0666
email mail@onkaparinga.sa.gov.au
or alternatively visit one of our offices located at:

Noarlunga office
Ramsay Place

Aberfoyle Park office
The Hub (library)

Willunga office,
St Peters Terrace (library)

Woodcroft office
175 Bains Road,
Morphett Vale
(Morphett Vale/Woodcroft
Neighbourhood Centre)



Tree assessment criteria



TREES AND 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 shedding of bark, leaves, gumnuts or small limbs, as well as fauna activities (eg birds, bees and possums) are natural events and are not sufficient reasons for assessment. Requests based on this will not be considered.

Trees are a vital part of our city's environment and are considered a community asset within the area providing habitat, shelter and food for local fauna.

They influence and improve the microclimate by reflecting and intercepting sunlight. They also reduce pollution by purifying the air through processes of filtration and converting carbon dioxide to oxygen.

The overall health and wellbeing of residents of the City of Onkaparinga is undoubtedly improved through their presence by creating a balanced, attractive and healthy environment.



All council tree 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 a Tree Assessment Request form will be deemed a written request.

A qualified officer or independent arborist will inspect the tree and make an assessment based on the removal criteria.

As part of the assessment, tree(s) will be checked if they are:

on the Historic/National Trust register;

on our Significant Tree register;

deemed regulated/significant under the relevant provisions of the *Development Act 1993*;

protected by the *Native Vegetation Act 1991*.

Previously declined applications will only be reassessed if new evidence or changes in circumstances arise.

REMOVAL CRITERIA

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

- the structure of a tree is proven to be a hazard to people or property (ie major cracking or uprooting);
- the tree(s) restricts access or sightlines for safe vehicle movement and other alternatives, such as effective pruning cannot be found;
- the tree(s) has proven to be causing substantial damage to private dwellings or other structures. (We require a written engineers report as supporting evidence of that damage);
- if substantial damage is being caused to infrastructure (ie public/private utilities) and alternative methods such as repairs, relocation of services, root pruning or root barriers will be ineffective. (We require written evidence supporting that damage);
- the tree(s) is substantially contributing to ongoing damage or nuisance to public or private property and no other viable means are available to rectify the situation;
- the tree(s) is substantially affected by a disease or insect infestation to a stage which cannot be appropriately managed;
- where statutory vegetation power line clearance (eg SA Power Network pruning) has resulted in unsatisfactory visual amenity or compromised the structural integrity.