

Development Information Sheet 06

Regulated and Significant Trees

What is a 'Regulated Tree'?

A 'regulated tree' is a tree with a trunk circumference of 2.0m or more, measured at a point 1.0m above natural ground level (in the case of trees with multiple trunks, it is those with trunks with a total circumference of 2.0m or more and an average circumference of 625mm or more, measured at a point 1.0m above natural ground level).

Please note that a number of tree species are exempt from regulated tree controls regardless of their size; these are detailed at the end of this information sheet.

What is a 'Significant Tree'?

A 'significant tree' is a regulated tree with a trunk circumference of 3.0m or more measured at a point 1.0m above natural ground level (in the case of trees with multiple trunks, it is those with a total circumference of 3.0m or more and an average circumference of 625mm or more measured at a point 1.0m above natural ground level).

Please note that a number of tree species are exempt from significant tree controls regardless of their size; these are detailed at the end of this information sheet.

What activities affecting regulated/significant trees require Development Approval?

The following activities will require development approval (other than maintenance pruning):

- Removing, killing or destruction of a living tree
- Branch or limb lopping (including major pruning)
- Ringbarking or topping or any other substantial damage— including to its root system
- Changes to the earth surface below the tree, eg paving a previously open area
- The placement of structures in close proximity to the tree.

What is a 'Maintenance Pruning'?

'Maintenance pruning' of a regulated or significant tree is not controlled and does not require Development Approval. Maintenance pruning constitutes pruning that:

- does not remove more than 30% of the crown of the tree; and
- is required to remove dead or diseased wood; or
- removes branches that pose a material risk to a building; or
- removes branches that pose a material risk to people

How do I submit a Development Application to remove or prune a regulated or significant tree?

You are required to supply the following documentation to Council in order to lodge a Development Application to remove or prune a regulated or significant tree:

- Completed Development Application Form
- A site plan which demonstrates the location of subject tree at a scale of 1:200
- An arborist report (significant trees only; an arborist report is not required for regulated trees)
- Any additional information/pictures pertinent to the removal or pruning of the subject tree

Can I apply to remove a tree that is not on my land?

Yes, however you must provide Council with written permission from the tree owner that they agree to the removal of the tree. Negotiation on who will pay for the removal is a civil matter and Council cannot enter into this negotiation.

What if my neighbour's regulated or significant tree is encroaching on my land?

Pruning branches that encroach on your property can occur without seeking approval, provided it meets the maintenance pruning requirements above.

In all other circumstances you will be required to seek Development Approval for any works on your side of the common property boundary.

What can I do in an emergency?

In an emergency situation, work involving a regulated or significant tree can be undertaken without first having received a Development Approval.

As soon as possible after the emergency work is complete, the owner of the tree must lodge a retrospective development application with the Council for the work undertaken.

Do I need approval to remove a regulated or significant tree that is dead?

No.

What are the penalties and remedies for illegal removal/pruning?

The person who undertakes unauthorised work to a regulated tree will be responsible for the breach. Fines of up to \$120,000 and a criminal conviction may apply.

Am I required to plant a replacement tree when a regulated or significant tree is approved for removal?

Yes, the following conditions will apply:

- 2 trees must be planted to replace a regulated tree
- 3 trees must be planted to replace a significant tree

NOTE: The replacement trees cannot be one of the tree species listed as exempt trees (notated on the last page of this document) or be planted within 10 metres of a dwelling or in-ground swimming pool.

Alternatively you can pay into Council's Urban Tree Fund in lieu of planting trees. This will involve payment of a prescribed amount per tree to Council.

What is the Urban Trees Fund?

The Urban Trees Fund has been established to seek funds from an applicant that receive Development Approval to remove a 'significant' or 'regulated tree'. Where it is not practical or beneficial for a tree or trees to be planted on the subject site a monetary contribution may be paid into an Urban Trees Fund.

Where a regulated or significant tree is removed, Council is required by the *Development Regulations 2008* to impose conditions that trees be planted (two for a regulated tree or three for a significant tree).

The alternative is to require the applicant to make a financial contribution in lieu of planting replacement trees into an 'Urban Tree Fund'. The financial contribution to the Fund is fixed by the *Development Regulations 2008* at a set price for each replacement tree not planted. Pensioner's that are applicants that received Development Approval for the removal of a significant tree or a regulated tree need only pay 33.3% of the set fee per tree.

Council will then utilise the money from the Urban Trees Fund to purchase new trees for planting on public land within the Town of Walkerville, and for the maintenance of significant trees.

Exemptions from the legislation

Exemptions include all trees located within 10 metres of an existing dwelling or in-ground-swimming pool – unless it is one of the following species of trees (which still requires Development Approval for removal):

- Agonis Flexuosa (Willow Myrtle)
- Eucalyptus (any tree of the species)

Furthermore, the following species can be removed or pruned without approval:

- Acer negundo (Box Elder)
- Acer saccharinum (Silver Maple)
- Ailanthus altissima (Tree of Heaven)
- Alnus acuminata subsp. Glabrata (Evergreen Alder)
- Celtis australis (European Nettle Tree)
- Celtis Sinensis (Chinese Nettle Tree)
- Cinnamomum camphora (Camphor Laurel)
- Cupressus macrocarpa (Monterey Cypress)
- Ficus spp. (Figs) other than Ficus Macrophylla (Morton Bay Fig) located more than 15 metres from a dwelling
- Fraxinus angustifolia (Narrow-leaved Ash)
- Fraxinus angustifolia ssp Oxycarpa (Desert Ash)
- Lagunaria Patersonia (Norfolk Island Hibiscus)
- Melaleuca stypelioides (Prickly-leaved Paperback)
- Pinus Radiata (Radiata Pine/Monterey Pine)
- Platanus x acerifolia (London Plane)
- Populus alba (Alba poplar)
- Populus nigra var. italica (Lombardy Poplar)
- Robinia pseudoacacia (Black Locust)
- Salix Babylonica (Weeping Willow)
- Salix chilensis 'Fastigiata' (Chilean Willow, Evergreen Willow, Pencil Willow)
- Salix Fragilis (Crack Willow)
- Salix X Rubens (White Crack Willow, Basket Willow)
- Salix X sepulcralis var. chrysocoma (Golden Weeping Willow)
- Schinus areira (Peppercorn Tree)

Further Information

For further information in relation to Regulated and Significant trees, refer to the SA Gov website:

<https://www.sa.gov.au/topics/planning-and-property/land-and-property-development/building-and-property-development-applications/regulated-and-significant-trees>

For further information in relation to trees on adjoining land and civil tree matters between neighbours, refer to the Legal Services Commission website:

<https://www.lawhandbook.sa.gov.au/ch31s06.php>

Development Information Guides are intended to help applicants to submit applications which are complete, well prepared, and can be processed efficiently. The information provided is intended as a general guide only and applicants are encouraged to refer to the Town of Walkerville Development Plan and to seek professional advice if necessary. This information is subject to frequent updates. This version last updated in January 2018.

Access the Development Plan and current versions of information guides at <http://www.walkerville.sa.gov.au/>

Should you have any further enquiries or wish to discuss this process, please do not hesitate to contact the Planning and Environment team via:

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