



## D01

# Regulated and Significant Trees

The City of Charles Sturt is a well-developed urban area and trees play an important role in defining our City's character. Council and the community value trees and landscaping for their social, economic, environmental and aesthetic importance. To help preserve trees in our Council area we offer a grant to maintain 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).

### 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 regulated 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.

'Maintenance pruning' is 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 submit an application for verification and include:

- Site plan which demonstrates the location of subject tree at a scale of 1:200 detailing distance to the closest dwelling and/or pool.
- Tree species and circumference of the tree.

Once verification is complete, an invoice will be generated for the payment of relevant fees. Council does not require an arborist report when assessing removal of a regulated or significant tree unless the Council considers that special circumstances apply.

### **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 can I do in an emergency?**

In an emergency situation, work involving a regulated 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 development application with the Council for the work undertaken.

### **How can I apply for a grant to maintain my regulated or significant tree?**

To apply please complete a Heritage Conservation Grants application form which can be found on Council's website.

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

No.

### **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 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 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 or be planted within 10 metres of a dwelling or in-ground swimming pool.*

Alternatively, attached is information relating to Council's Urban Trees Fund which you can pay into in lieu of planting trees. This will involve payment of a prescribed amount per tree to Council. Funds collected are then used to maintain regulated trees or establish new trees that will reach a large size.

### 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 styphelioides* (Prickly-leaved Paperbark)
- *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)

# Urban Trees Fund

The City of Charles Sturt has established an Urban Trees Fund to the area affected by the whole of the Charles Sturt area. The Urban Trees Fund was established under Section 50B (1) of the Development Act 1993.

## Background

South Australia's Significant Tree legislation originally came into effect on 20 April 2000, through an amendment to the Development Act 1993 and associated Regulations. The controls were introduced by the Government to enable council to control the removal of, or damage to, any significant tree in the Adelaide metropolitan area and townships. New Regulations to further support the original legislation came into effect on 17 November 2011. One feature of the new Regulations involved the opportunity for Council's to establish an Urban Trees Fund.

The Development Act and Regulations have now been repealed and replaced by the Planning, Development and Infrastructure Act 2016 (PDI Act) and the Planning, Development and Infrastructure (General) Regulations 2017 (PDI Regulations).

## 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 Planning, Development and Infrastructure (General) Regulations 2017 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 Planning, Development and Infrastructure (General) Regulations 2017 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 City of Charles Sturt, and for the maintenance of significant trees.

## Other Information

Please note: The information contained herein is intended as a guide. Further information or clarification of the Planning or Building requirements can be obtained from Council's Planning and Development Department. The set amount payable per tree can be obtained from Council's Planning and Development portfolio on 8408 1111.

*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 Planning and Design Code at <https://code.plan.sa.gov.au/> and to seek professional advice if necessary. This information is subject to frequent updates. This version last updated October 2022. Access current versions of information guides at [www.charlessturt.sa.gov.au](http://www.charlessturt.sa.gov.au).*