

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).

A number of tree species are exempt from regulated tree controls, either through their location or their species. These are detailed at the end of this information sheet.

What is a Significant Tree?

A 'significant tree' is a regulated tree that has 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 trunks 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).

What activities affecting regulated or 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 'Maintenance Pruning'?

Maintenance pruning is pruning that:

- Does not remove more than 30% of the crown of the tree
- Is required to remove dead or diseased wood
- Removes branches that pose a material risk to a building
- 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?

Having a pre-application discussion with a Council Planning Officer will ensure you have considered all the relevant issues. You can arrange this by phoning 8256 0333 or by visiting the Civic Centre where a Duty Planner is available from Monday to Friday 9am- 5pm.

At a minimum, all Development Applications for regulated or significant tree works must contain each of the following:

- Development Application Form
- Site plan which demonstrates the location of subject tree at a scale of 1:200
- Photos of tree to be removed
- Payment of relevant fees

Providing Council with all of the plans required for the type of development you propose is the quickest way to have your application assessed. Development Applications submitted without the correct information will face significant processing delays.

What if my neighbour's Regulated or Significant Tree is encroaching on my land?

Pruning back a tree branch or branches that are encroaching on your property can occur without seeking approval, provided that it meets the pruning requirements stated above. Pruning a neighbouring tree's roots does not require development consent provided it is maintenance pruning that is not likely to affect the health and appearance of the tree. Where cutting back the tree would exceed the maintenance pruning requirements or would result in root damage likely to affect the health and appearance of the tree, you will be required to seek a Development Approval from Council for any works on your side of the common property boundary. However, Council does not charge an application fee in this situation.

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 urgent work is needed to make the tree safe?

In an emergency situation, work involving a regulated or significant tree can be undertaken without first having received a development approval (in most cases this work will be done by the State Emergency Service or Council). As soon as practicable after the emergency work is undertaken, the owner of the regulated or significant tree must lodge a development application with Council for the work undertaken.

Do I need a report from an arborist to support my application to remove a Regulated or Significant Tree?

City of Playford cannot request an applicant to provide an expert or technical report for a regulated tree, unless the Council considers that special circumstances apply. A report may be requested by the Council in relation to a significant tree.

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

Yes, the following conditions will apply:

- Two trees must be planted to replace a regulated tree
- Three trees must be planted to replace a significant tree

NB, 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.

In lieu of planting replacement trees, a fee of \$87.50 per tree must be paid into the Planning and Development Fund within one month of the tree(s) being removed. This fund is administered by the [Development Assessment Commission](#), visit their website for more information.

What are the penalties and remedies for non-compliance?

Breaches of the provisions relating to regulated trees will be enforced using existing provisions under the Development Act 1993 that apply to all other types of development. Under the existing provisions, the person who undertakes the work to the regulated tree will be the person responsible for the breach. Fines of up to \$120,000 operate if breaches are proven.

What if a land owner objects to a Council decision?

An applicant has the right to appeal to the Environment Resources and Development Court against a decision made, or a condition attached to an approval, by the planning authority. Such an appeal must be lodged with the Court within two months of the application decision being made.

Are there 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* subspecies *Glabrata* (Evergreen Alder)
- *Celtis australis* (European Nettle Tree)
- *Celtis Sinensis* (Chinese Nettle Tree)
- *Cinnamomum camphora* (Camphor Laurel)
- *Cupressus macrocarpa* (Monterey Cypress)
- *Ficus* (Figs) other than *Ficus Macrophylla* (Morton Bay Fig) located more than 15 metres from a dwelling
- *Fraxinus angustifolia* (Narrow-leaved Ash)
- *Fraxinus angustifolia* specifically *Oxycarpa* (Desert Ash)
- *Lagunaria Patersonia* (Norfolk Island Hibiscus)
- *Melaleuca styphelioides* (Prickly-leaved Paperbark)
- *Pinus Radiata* (Radiata Pine or 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 or Pencil Willow)
- *Salix Fragilis* (Crack Willow)
- *Salix X Rubens* (White Crack Willow, Basket Willow)
- *Salix X sepulcralis* variety *chrysocoma* (Golden Weeping Willow)
- *Schinus areira* (Peppercorn Tree)

This FAQ is a guide only and will not necessarily provide adequate information relevant to every situation. Whilst it seeks to explain your possible obligations in a helpful and accessible way, it is likely that some detail may not be captured. It is important, therefore, that where necessary you make your own determination as to whether you should seek legal advice.

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Visit Playford Civic Centre to speak to a Duty Planner

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